Portland Zoning Code

January 1, 1999

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City of Portland Zoning Code

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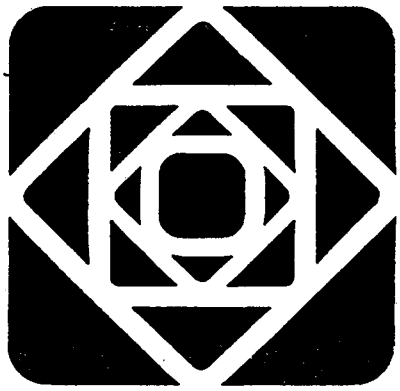
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Effective Date	Project	Ordinance #
February 2, 1998	Accessory Dwelling Units	171879
March 13, 1998	Parking in Central City PD (Chinese Garden)	172040
March 18, 1998	Gateway Plan District Follow-up	172010
April 1, 1998	Sellwood Moreland Neighborhood Plan	171849
April 2, 1998	Mapping and Zoning Corrections (mostly OSECP)	172010
May 13, 1998	Johnson Creek Floodplain Mgmt. Regulations	172208
November 18, 1998	Painted Wall Signs & Nonconforming Signs	172882

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For changes made prior to January 1, 1998 see 1/1/91, 1/1/93, 1/1/94, 1/1/95, 1/1/96, 1/1/97 and 1/1/98 codes

PORTLAND ZONING CODE



Adopted by Ordinance #163608
Effective January 1, 1991



Bureau of Planning
City of Portland, Oregon
January 1991

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PREFACE

To the Citizens of Portland:

I am proud to present this new zoning code for the city of Portland. In all of Portland's history, the city has had only two zoning codes, one adopted in 1924 and the other in 1959. The 1959 code has served us well, but over time it has become outdated and burdened by amendments. The new code is the product of a major four-year effort. This product is the result of substantial work from the citizens of Portland, business groups, the Planning Commisssion, the staff of the Bureau of Planning, and other agencies. During the process, the City Council, Planning Commission, and the Bureau of Planning held over 150 public meetings and hearings to hear public comments and review the new zoning code. Over 300 people testified before the Planning Commission and City Council and many, many letters have been received and considered. The creation of this document has truly been a public effort.

The new zoning code will result in a substantial improvement in the city's land use regulations to serve us into the twenty-first century. The code will also improve the implementation of the goals and policies of the city's Comprehensive Plan. The document is shorter and easier to read and understand than the present code. The regulations address the land use issues of today and prepare us for the growth of the future. The goal of providing certainty in regulations is balanced with the benefits of flexibility.

The improvements contained in the new zoning code represent a positive step forward in land use regulation and growth management in Portland. The code will be a major factor in shaping the future vision and direction for our city. On behalf of the entire City Council, I wish to thank all the citizens in Portland who have worked so hard and given so much to develop this document.

Sincerely,

Earl Blumenauer

Earl Blumenauer
Commissioner of Public Works

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INTRODUCTION

How to Use This Document
33.10 Legal Framework and Relationships

HOW TO USE THIS DOCUMENT

Organization of Title 33

General layout. The zoning code is organized as a reference document. It is not intended to be read from cover to cover. Instead, it is organized so you may look up only the parts you need. The list of chapters in the table of contents is, therefore, very important, as are the section listings at the beginning of each chapter. Later portions of this introduction explain two different methods to use the code for commonly asked questions. There are many other ways to use this code, depending on your objectives.

Chapters that cover related information have been grouped together. There are eight groups, or series of chapters. The first series, called the Introduction, contains some basic information on the legal framework of the code and a guide on how to use the code. The seven remaining series are summarized below.

The Base Zones (100 series). The 100 series contains the base zone chapters. These chapters state which uses are allowed in each zone. They also state which uses are allowed in limited situations, which are conditional uses, and which are prohibited. The general development standards for each base zone are also included. The development standards include requirements such as maximum heights and required setbacks.

Additional Use and Development Regulations (200 series). The 200 series contains regulations for specific uses and development types that apply in many base zones. The chapters in this series also state the development standards that apply across many zones such as the parking and landscaping regulations. This grouping provides consolidated information and less repetition in code language. There are references in the base zones to the requirements in the 200 series, when applicable. The regulations in the 200s generally supplement the regulations in the base zones.

Overlay Zones (400 series) and Plan Districts (500 series). Overlay zones consist of regulations that address specific subjects that may be applicable in a variety of areas in the City. Plan districts consist of regulations that have been tailored to a specific area of the City. Both overlay zones and plan districts are applied in conjunction with a base zone and modify the regulations of the base zone. The Official Zoning Maps identify overlay zones and plan districts as well as the base zones and other information.

Administration and Procedures (700 series). The 700 series provides information on the City's administrative framework and procedures that relate to land use. Information on application requirements, staff-level processing, review bodies, public hearings, and appeals is included along with other provisions on administering the zoning code.

Land Use Reviews (800 series). The 800 series describes most of the various land use reviews. Some reviews may be applied for at the discretion of the applicant, such as a conditional use or adjustment request. Other reviews are mandatory in certain situations such as design review or hazardous substance review. The 800 series contains the thresholds that state when a review is required, and the approval criteria for the land use review.

General Terms (900 series). The 900 series contains the description of the use categories, which include all the uses regulated by the zoning code. The series also contains the definitions chapter and a chapter on methods of measurement.

Reserved Series (300s and 600s). The 300 and 600 series of chapters have been reserved for future amendments or additions to Title 33.

Determining the Zoning Regulations for a Specific Site

To determine the zoning regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. It will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or recreational trail. You then look up all the corresponding regulations. Start with the base zones (the 100 series of chapters). The base zones state whether a use is allowed by right, allowed with limitations, a conditional use, or prohibited. The base zones also contain most of the development standards that apply to the uses that are allowed or limited. The base zones will indicate if certain reviews are necessary, such as hazardous substances review. In these cases look up the appropriate chapter.

Some uses and types of development have specific regulations stated in the 200 series of chapters. Although such instances are referenced in the base zones, it is a good idea to check over the 200 series to confirm if any of the chapters apply to your situation. Next, look up any overlay zones or plan districts that may apply to your site. These are listed in the 400 and 500 series of chapters. Finally, if the Official Zoning Maps indicate that the site has a historic landmark or recreational trail designation, look up those chapters for the corresponding regulations.

Chapters 33.910, Definitions and 33.930, Measurements may be helpful in understanding how to apply the regulations to a specific site.

Determining Where a Specific Use May Locate

To determine in what zones a specific use may be located, you must first determine what land use category it is in. Use Chapter 33.920, Descriptions of the Use Categories, to classify the specific use. Then look at the primary use tables in the base zone chapters to see the status of that category. Categories are either allowed, allowed with special limitations, may be allowed through a conditional use review, or are prohibited. You should also check the list of the 200s chapters, because some uses are subject to additional regulations. Finally, although a base zone might allow a use, a specific site may be subject to additional regulations from an overlay zone or plan district. The regulations of the overlay zone or plan district supercede the regulations of the base zone and may affect the status of the use, so those regulations should be considered.

Format of Title 33

Outline. The format of Title 33 follows the layout of all revised Titles in the City Code. The chapter and section numbers use an expandable decimal numbering system adopted by the City in 1969. Major divisions within the Title are called chapters. Major divisions within chapters are called sections. The format of the divisions in the Title are shown below.

33.XXX
NAME OF CHAPTER

33.XXX.XXX Section

A. Subsection

1. Paragraph

a. Subparagraph

(1) Subsubparagraph

Referencing. Within Title 33, references are made as follows:

Outside of the same section. When a reference is to text outside of the same section, the reference number starts with the Title number (i.e. 33), and continues to the appropriate level for the reference. For example, 33.110.050.B. refers to Subsection B. of Section 050, of Chapter 110, of Title 33. The names "Title" and "Chapter" are used if the reference is to an entire Title or Chapter.

Within the same section. When a reference is to text within the same section, the name of the division level is used (i.e. Subsection, Paragraph, Subparagraph, etc.), and the reference "number" starts with the appropriate subsection letter. For example, "See Paragraph D.2., below" refers to Paragraph 2., of Subsection D., of the same section.

Terms

The code has been written in a "plain English" style and the meaning is intended to be clear as read. However, because it is also a legal document and because of the need for terms with specific meanings, the code also provides guidance on how specific terms are used. Chapter 33.910, Definitions, defines words that have a specific meaning in this code. 33.700.070, General Rules for Application of the Code Language, contains other information on how terms are used in this code.

CHAPTER 33.10
LEGAL FRAMEWORK AND RELATIONSHIPS

Sections:
33.10.010 Purpose
33.10.020 Official Names
33.10.030 When the Zoning Code Applies
33.10.040 Other City, Regional, State, and Federal Regulations
33.10.050 Official Zoning Maps
33.10.060 Comprehensive Plan Designations
33.10.070 Severability

33.10.010 Purpose

The zoning code is intended to implement Portland's Comprehensive Plan and related land use plans in a manner which protects the health, safety, and general welfare of the citizens of Portland.

33.10.020 Official Names

The official name of this Title is "Title 33, Planning and Zoning" and it may be referred to as "Title 33" or the "zoning code".

33.10.030 When the Zoning Code Applies

A. **All land and water.** The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All uses and development must comply with all of the requirements specified in the zoning code for that location.

B. **Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:

1. Rights-of-way in the greenway and environmental zones including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;

2. Development within design districts when specified in Chapter 33.825, Design Review; and

3. Structures that project from private property over rights-of way, such as projecting signs.

C. **Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies.

D. **Private rights-of-way.** The creation of private rights-of-way is regulated by Title 34, Subdivision and Partitioning Regulations. However, street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

A. Compliance required. In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.

B. References to other regulations. All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.

C. Current versions and citations. All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

A. Content of Official Zoning Maps. The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, special street setbacks, and existing and planned public recreational trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The City Auditor maintains the Official Zoning Maps.

B. Changes to Official Zoning Maps. A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.

C. Boundary lines.

1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.

2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

33.10.060 Comprehensive Plan Designations

A. Mapping format. The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.

B. Map symbols. Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
Neighborhood Commercial	NC
Office Commercial	OC
Urban Commercial	UC
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

If any portion of the zoning code is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the zoning code, and in no way affects the validity of the remainder of the zoning code.

100s - BASE ZONES

33.100 Open Space Zone
33.110 Single-Dwelling Residential Zones
33.120 Multi-Dwelling Residential Zones
33.130 Commercial Zones
33.140 Employment and Industrial Zones

CHAPTER 33.100
OPEN SPACE ZONE

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97.)

Sections:

General
- 33.100.010 Purpose
- 33.100.020 Short Name
- 33.100.030 Where the Zone Is Applied
- 33.100.040 Other Zoning Regulations

Use Regulations
- 33.100.100 Primary Uses
- 33.100.110 Accessory Uses
- 33.100.120 Nuisance-Related Impacts

Development Standards
- 33.100.200 Development Standards
- 33.100.205 Fences
- 33.100.210 Demolitions
- 33.100.215 Excavations and Fills
- 33.100.220 Nonconforming Development
- 33.100.225 Signs
- 33.100.230 Street Trees

General

33.100.010 Purpose

The Open Space zone is intended to preserve public and private open and natural areas identified in the Comprehensive Plan. These areas serve many functions including:

- Providing opportunities for outdoor recreation;
- Providing contrasts to the built environment;
- Preserving scenic qualities;
- Protecting sensitive or fragile environmental areas; and
- Preserving the capacity and water quality of the stormwater drainage system.

33.100.020 Short Name

The short name and map symbol of the Open Space zone is OS.

33.100.030 Where the Zone Is Applied

The Open Space zone is applied to all land designated as "Open Space" on the Comprehensive Plan map. In addition, property owners may request an open space designation for open or natural areas that meet the purpose of the zone, and for view, conservation, or similar easements that can be shown as open space. See Chapter 33.810, Comprehensive Plan Amendments.

33.100.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zone. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.100.100 Primary Uses

A. Allowed uses. Uses allowed in the open space zone are listed in Table 100-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 100-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 100-1.

1. Retail Sales And Service. This regulation applies to all parts of Table 100-1 that have note [1]. Retail Sales And Services uses are conditional uses only when they are associated with a Park And Open Areas use. In other situations they are prohibited.

2. Parks And Open Areas. This regulation applies to all parts of Table 100-1 that have note [2]. Uses in the Park And Open Areas category are allowed by right. However, certain facilities which are part of a Park And Open Areas use require a conditional use review. These facilities are listed below.

   a. Parks. Swimming pools; concession areas; parking areas; baseball, football, soccer, and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use.

   b. Cemeteries. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, and parking areas are conditional uses within a cemetery use.

   c. Golf courses. Club houses, restaurants, driving ranges, and parking areas are conditional uses within a golf course use.

   d. Boat ramps. All boat ramps and associated parking areas are conditional uses.

3. Schools. This regulation applies to all parts of Table 100-1 that have note [3]. School uses are subject to the regulations for schools in the R5 zone as well as Chapter 33.281, Schools and School Sites.

Table 100-1
Open Space Zone Primary Uses

Use Categories	OS Zone
Residential Categories	
Household Living	N
Group Living	N
Commercial Categories	
Retail Sales And Service	CU [1]
Office	N
Quick Vehicle Servicing	N
Vehicle Repair	N
Commercial Parking	N
Self-Service Storage	N
Commercial Outdoor Recreation	CU
Major Event Entertainment	N
Industrial Categories	
Manufacturing And Production	N
Warehouse And Freight Movement	N
Wholesale Sales	N
Industrial Service	N
Railroad Yards	N
Waste-Related	N
Institutional Categories	
Basic Utilities	CU
Community Service	CU [5]
Parks And Open Areas	L/CU [2]
Schools	CU [3]
Colleges	N
Medical Centers	N
Religious Institutions	N
Daycare	CU
Other Categories	
Agriculture	Y
Aviation And Surface Passenger Terminals	N
Detention Facilities	N
Mining	CU
Radio Frequency Transmission Facilities	L/CU [4]
Rail Lines And Utility Corridors	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:
- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.100.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

4. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 100-1 that have note [4]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

5. Community Services. This regulation applies to all parts of Table 100-1 that have note [5]. Most Community Service uses are a conditional use. However, short term housing and mass shelters are prohibited.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 100-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 100-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.100.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all applicable development standards.

33.100.120 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control.

Development Standards

33.100.200 Development Standards

A. Allowed or limited uses. Allowed or limited uses are subject to the development standards stated below.

1. Building setbacks. Buildings must be set back from all property lines 1 foot for each foot of building height.

2. Outdoor activity facility setbacks. Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

B. Conditional uses. Conditional uses are subject to the development standards stated below.

1. Building setbacks. Buildings must be set back from all the property lines 1 foot for each foot of building height. Where the site is adjacent to a transit street or a street within a pedestrian district, the maximum setback, measured from the curb, is 25 feet. Where there is no curb, the setback is measured from the lot line, and both the maximum setback is reduced by 6 feet.

2. Parking. Conditional uses must meet the parking standards for that use in the CG zone, as stated in Chapter 33.266, Parking and Loading.

3. Other standards. Conditional uses are also subject to the other development standards stated in Table 110-5 in Chapter 33.110, Single-Dwelling Zones.

33.100.205 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location. Fences may be 8 feet tall at the property line. Fences taller than 8 feet must be set back from the property line 1 foot for each foot of fence height. Within 30 feet of a street lot line, however, the fence may not be more than 10% sight obscuring.

D. Reference to other regulations.

1. Vision clearance. The Office of Transportation regulations for vision clearance areas on corners are stated in Section 26.240, of Title 16, Vehicles and Traffic.

2. Building permits. Building permits are required by the Bureau of Buildings, for fences over 6 feet in height.

3. Fence materials regulated by other bureaus. Electrified fences and use of barbed wire are regulated by the Police Bureau.

33.100.210 Demolitions

The demolition of all buildings is regulated by Chapter 33.445, Historic Resource Protection Zone. In addition, the demolition of residential buildings must comply with Section 24.55.700 of Title 24, Building Regulations, concerning waiting periods for demolition.

33.100.215 Excavations and Fills
Excavations and fills may require a review. See Chapter 33.830, Excavations and Fills.

33.100.220 Nonconforming Development
Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.100.225 Signs
The sign regulations are stated in Chapter 33.286, Signs.

33.100.230 Street Trees
Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

CHAPTER 33.110
SINGLE-DWELLING ZONES

(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98.)

Sections:

General
- 33.110.010 Purpose
- 33.110.020 List of the Single-Dwelling Zones
- 33.110.030 Other Zoning Regulations

Use Regulations
- 33.110.100 Primary Uses
- 33.110.110 Accessory Uses
- 33.110.120 Nuisance-Related Impacts

Development Standards
- 33.110.200 Housing Types Allowed
- 33.110.205 Density
- 33.110.210 Lot Size
- 33.110.215 Height
- 33.110.220 Setbacks
- 33.110.225 Building Coverage
- 33.110.235 Required Outdoor Areas in R5 and R2.5 Zones
- 33.110.240 Alternative Development Options
- 33.110.245 Institutional Development Standards
- 33.110.250 Detached Accessory Structures
- 33.110.255 Fences
- 33.110.260 Demolitions
- 33.110.265 Excavations and Fills
- 33.110.270 Nonconforming Development
- 33.110.275 Parking and Loading
- 33.110.280 Signs
- 33.110.285 Street Trees

General

33.110.010 Purpose

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing. The regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some nonhousehold living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood. The regulations preserve the character of neighborhoods by providing six different zones with different densities and development standards. The regulations promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers,

and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

33.110.020 List of the Single-Dwelling Zones

The full names, short names, and map symbols of the single-dwelling residential zones are listed below. When this Title refers to the single-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones, or R zones, it is referring to both the single-dwelling zones in this chapter and the multi-dwelling zones in Chapter 33.120. The Residential Farm/Forest zone is intended to generally be an agricultural zone, but has been named Residential Farm/Forest to allow for ease of reference.

Full Name	Short Name/Map Symbol
Residential Farm/Forest	RF
Residential 20,000	R20
Residential 10,000	R10
Residential 7,000	R7
Residential 5,000	R5
Residential 2,500	R2.5

33.110.030 Other Zoning Regulations

The regulations in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to these additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.110.100 Primary Uses

A. Allowed uses. Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1. Community Service Uses. This regulation applies to all parts of Table 110-1 that have note [1]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

Table 110-1
Single-Dwelling Zone Primary Uses

Use Categories	RF	R20	R10	R7	R5	R2.5
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
Commercial Categories						
Retail Sales And Service	N	N	N	N	N	N
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	CU	CU	CU	CU	CU	CU
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
Other Categories						
Agriculture	Y	Y	CU	CU	N	N
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.110.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

2. Parks And Open Areas. This regulation applies to all parts of Table 110-1 that have note [2]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

   a. Parks. Swimming pools; concession areas; parking areas; baseball, football, soccer and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use.

   b. Cemeteries. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, and parking areas are conditional uses within a cemetery use.

   c. Golf courses. Club houses, driving ranges, and parking areas are conditional uses within a golf course use.

   d. Boat ramps. All boat ramps,whether they are a primary or accessory use, are conditional uses.

3. Daycare. This regulation applies to all parts of Table 110-1 that have note [3]. Daycare uses are allowed by right if locating within a building which contains or contained a College, Medical Center, School, Religious Institution, or a Community Service use.

4. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 110-1 that have note [4]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

C. Conditional uses.

1. Table 110-1. Uses which are allowed if approved through the conditional use review process are listed in Table 110-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

2. Bed and breakfast facilities. Bed and breakfast facilities are accessory uses which are regulated as conditional uses. See Chapter 33.212.

D. Prohibited uses. Uses listed in Table 110-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

33.110.110 Accessory Uses

Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and bed and breakfast facilities have specific regulations in Chapters 33.203, 33.205, and 33.212 respectively.

33.110.120 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Vehicles. The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control.

C. Animals. Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.

D. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control.

Development Standards

33.110.200 Housing Types Allowed

A. Purpose. Housing types are limited in the single-dwelling zones to maintain the overall image and character of the City's single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing.

B. Housing types. The kinds of housing types allowed in the single-dwelling zones are stated in Table 110-2.

33.110.205 Density

A. Purpose. Density standards serve several purposes. They match housing density with the availability of public services and with the carrying capacity of the land. For example, more housing can be allowed on flat areas than on steep, slide-prone lands. At the same time, the density standards promote development opportunities for housing and promote urban densities in less developed areas. The density regulations are a tool to judge equivalent density when comparing standard and nonstandard land divisions (such as PUDs).

B. Maximum density. The maximum density allowed in each zone is stated in Table 110-3. The maximum density may be increased if allowed in 33.110.240, Alternative Development Options.

Table 110-2
Housing Types Allowed In The Single-Dwelling Zones

Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.240.C&F)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes:						
On corners (See 33.110.240.F)	No	Yes	Yes	Yes	Yes	Yes
On transitional lots (See 33.110.240.I)	No	Yes	Yes	Yes	Yes	Yes
Other situations (See 33.110.240.D)	No	No	No	No	No	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Mobile home park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	No	No	No	No
Group structure	Only when in conjunction with an approved conditional use.					
Multi-dwelling structure	Only in Planned Unit Developments, See Chapter 33.269					

Yes = allowed; No = prohibited.

33.110.210 Lot Size

A. Purpose. In standard land divisions, lot size limits help to preserve the overall character of developed neighborhoods by assuring that new houses will generally have the same size lots as the surrounding built-up area. They also assure that development on a lot will, in most cases, be able to comply with all applicable development standards.

B. Land divisions.

1. Generally. All new lots created must comply with the lot size standards of Table 110-3 except as stated in paragraph 2 below. For sites which are proposed to be developed with detached houses, an ownership made up of several lots may not be separated into different ownerships if any of the resulting ownerships do not comply with the Type A substandard lot standards stated in Chapter 33.291, Substandard Residential Lots. See Title 34 for additional regulations that apply to land divisions.

2. Exceptions.

   a. Lots in the R5 and R2.5 zones. New lots in the R5 and R2.5 zones that are between 4,000 and 5,000 square feet in area can be created. These new lots have no minimum lot depth requirement; however, they must be at least 40 feet wide and meet all of the following:

      (1) The lots will be developed with detached houses;

      (2) The average lot size is 5,000 square feet; and

(3) The development standards of Subsection D, below, are met.

b. Flag lots. The requirements for flag lots are stated in Chapter 33.277, Residential Flag Lots.

c. Institutional uses. The minimum lot size for institutional uses is stated in 33.110.245, Institutional Development Standards.

Table 110-3
Development Standards In Single-Dwelling Zones [1]

Standard	RF	R20	R10	R7	R5	R2.5 detached	R2.5 attached
Maximum Density (See 33.110.205)	0.5 units per acre [2]	2.2 units per acre [2]	4.4 units per acre [2]	6.2 units per acre [2]	8.7 units per acre [2]	8.7 units per acre [2]	17.4 units per acre [2]
Minimum Lot Size							
- Min. lot area	2 acres	20,000 sq. ft.	10,000 sq. ft.	7,000 sq. ft.	5,000 sq. ft. [3]	5,000 sq. ft. [3]	1,600 sq. ft. [4]
- Min. lot width	100 ft.	80 ft.	70 ft.	60 ft.	50 ft.	50 ft.	16 ft.
- Min. lot depth (See 33.110.210)	150 ft.	120 ft.	100 ft.	90 ft.	80 ft.	80 ft.	40 ft
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.	35 ft.
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback [5]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.[6]
- Rear building setback	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback [7] (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Maximum Building Coverage (See 33.110.225)	10% of site area	25% of site area	30% of site area	35% of site area	45% of site area	45% of site area	50% of site area [8]
Required Outdoor Area							
- Minimum area	none	none	none	none	250 sq.ft.	250 sq.ft.	200 sq. ft.
- Minimum dimension [9] (See 33.110.235)	none	none	none	none	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Notes:
[1] These standards may be superceded by the regulations of an overlay zone or plan district.
[2] Does not include area devoted to streets.
[3] Lots smaller than 5,000 sq. ft. may be allowed. See 33.110.210.
[4] Average lot size for attached unit development must be at least 2,500 sq.ft. per lot.
[5] The side setback for lots in front of flag lots may be reduced to 3 feet. See 33.110.220.D.2.
[6] Applies only to the perimeter of the attached unit development. See 33.110.240 C. for more information.
[7] The walls of the garage structure are subject to the applicable front, side, or rear building setbacks.
[8] Applies to the entire attached housing project. The maximum building coverage for an individual lot is 60%.
[9] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.

C. New development on standard lots. New development on lots that comply with the lot size standards in Table 110-3 is allowed by right subject to the development standards.

D. New development on substandard lots. New development on lots which do not conform to the lot size standards in Table 110-3 are subject to the regulations of Chapter 33.291, Substandard Residential Lots.

33.110.215 Height

A. Purpose. The height standards serve several purposes:
- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's neighborhoods.

B. Maximum height. The maximum height allowed for all structures is stated in Table 110-3. The maximum height standard for institutional uses is stated in 33.110.245, Institutional Development Standards.

C. Exceptions to the maximum height.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes and other similar items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.

2. Farm buildings. Farm buildings such as silos and barns are exempt from the height limit as long as they are set back from all lot lines, at least one foot for every foot in height.

3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

D. Alternative height limits for steeply sloping lots.

1. Downhill slope from street. On lots that slope downhill from the street with an average slope of 20 percent or greater, the height limit is the higher of either 23 feet above the average grade of the street, or the normal height limit calculated as stated in Chapter 33.930, Measurements. In addition, the alternative height and setback standards of Subsection 33.110.220.D apply.

2. Uphill slope from the street. On lots that slope uphill from the street with an average slope of 20 percent or greater the alternative height and setback standards of Subsection 33.110.220.D apply.

33.110.220 Setbacks

A. Purpose. The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of houses in the city's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Required setbacks. The required setbacks for buildings and garage entrances are stated in Table 110-3. The minimum setbacks for institutional uses are stated in 33.110.245. Other setbacks may apply to specific types of development or situations. For example setbacks for parking areas are stated in Chapter 33.266, Parking and Loading, special setbacks in the Laurelhurst and Eastmoreland subdivisions are stated in Chapter 33.540, and special street setbacks are stated in Chapter 33.288.

C. Extensions into required building setbacks.

1. Minor projections of features **attached** to buildings.

   a. Minor projection allowed. Minor features of a building such as eaves, chimneys, fire escapes, bay windows up to 12 feet in length, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than three feet from a lot line.

   b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project into required building setbacks to the property line:

      (1) Uncovered stairways and wheelchair ramps that lead to the front door of a building;

      (2) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground; and

      (3) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

   c. No projection allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps may not project into any building setback.

2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.110.250, below. Fences are addressed in 33.110.255, below. Detached accessory dwelling units are addressed in Chapter 33.205. Signs are addressed in Chapter 33.286.

D. Exceptions to the required setbacks.

1. Setback averaging. The front building setback and the garage entrance setback may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.

2. Flag lots. The lot in front of a flag lot may reduce its side setback along the flag pole lot line to 3 feet. All other setback requirements remain the same.

3. Environmental zone. The front building setback may be reduced to zero on sites containing environmental overlay zones if the reduction will reduce the amount of development in the environmental zone or avoid development in the environmental zone entirely.

4. Steeply sloping lots. This provision applies to lots which slope **up** or **down** from the street with an average slope of 20 percent or greater. See Chapter 33.930, Measurements, for more information on how to measure average slope.

   a. In the RF, R20, R10, and R7 zones, the front building setback for the dwelling may be reduced to 10 feet. However, the height limitations of subparagraph c. below apply. See Figures 110-1 and 110-2.

   b. In all single-dwelling residential zones, the front building setback for the garage wall and/or the garage entrance setback may be reduced to five feet. However, the height limitations of c. below apply. See Figures 110-1 and 110-2.

   c. Height limitation. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback. See Figures 110-1 and 110-2.

5. Established building lines. The front, side, or rear building setback may be reduced for sites with existing nonconforming development in a required setback. The reduction is allowed if the width of the portion of the wall within the required setback is at least 60 percent of the width of the respective facade of the structure. The building line created by the nonconforming wall serves as the reduced setback line. However, side or rear setbacks may not be reduced to less than 3 feet in depth. See Figure 110-3. This reduced setback applies to new development that is no higher than the existing nonconforming wall. For example, a second story could not be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

Figure 110-1
Exceptions To Front Building Setback
And Garage Entrance Setback-Downhill

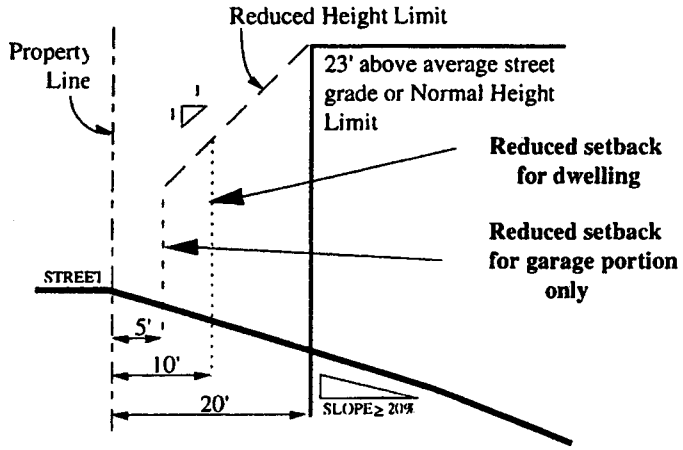


Figure 110-2
Exceptions To Front Building
And Garage Entrance Setback Downhill

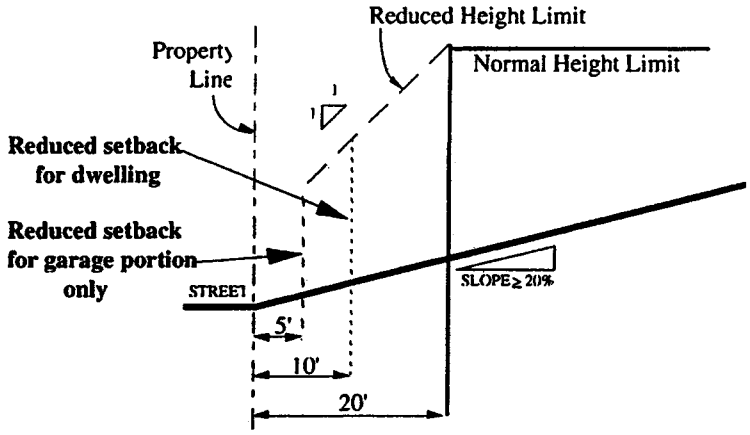
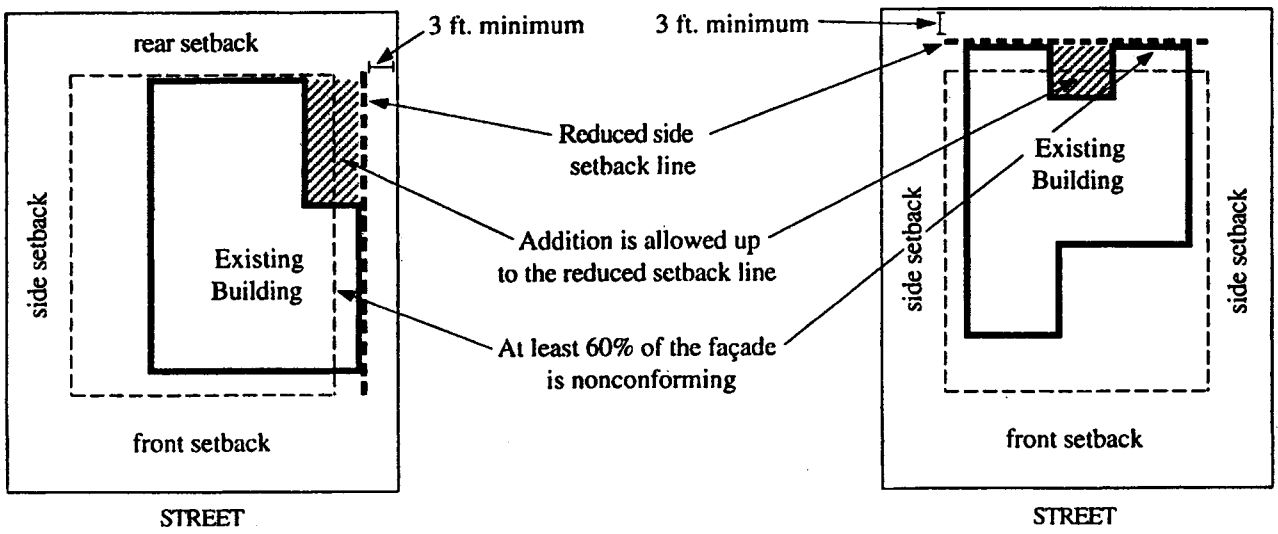


Figure 110-3
Established Building Lines



33.110.225 Building Coverage

A. Purpose. The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site. They work in conjunction with the lot size standards to determine how built-up a neighborhood appears.

B. Building coverage standards. The maximum combined building coverage on a site for all covered structures is stated in Table 110-3.

33.110.235 Required Outdoor Areas in R5 and R2.5 Zones

A. Purpose. The required outdoor areas standards assure opportunities in the denser single-dwelling zones for outdoor relaxation or recreation. The standards work with the maximum building coverage standards to assure that some of the land not covered by buildings is of an adequate size and shape to be usable for outdoor recreation or relaxation. The location requirements provide options for private or semiprivate areas. The requirement of a required outdoor area serves in lieu of a large rear setback requirement and is an important aspect in addressing the livability of a residential structure.

B. Required outdoor area sizes. The minimum sizes of required outdoor areas per dwelling unit are stated in Table 110-3.

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.

2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

3. General landscaped areas which are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

33.110.240 Alternative Development Options

A. Purpose. The alternative development options allow for variety in development standards while maintaining the overall character of a single-dwelling neighborhood. These options have several public benefits:
- They allow for development which is more sensitive to the environment, especially in hilly areas and areas with water features and natural drainageways;
- They allow for the preservation of open and natural areas;
- They promote better site layout and opportunities for private recreational areas;
- They promote opportunities for affordable housing; and
- They promote energy-efficient development.

B. General requirements for all alternative development options. The alternative development options listed in this section are allowed by right unless specifically stated otherwise. The project must comply with all of the applicable development standards of this section. The project must also conform with all other development standards of the base zone unless those standards are superceded by the standards in this section.

C. Attached housing. Attached housing allows for more efficient use of land and for energy-conserving housing.

1. R20 through R5 zones.

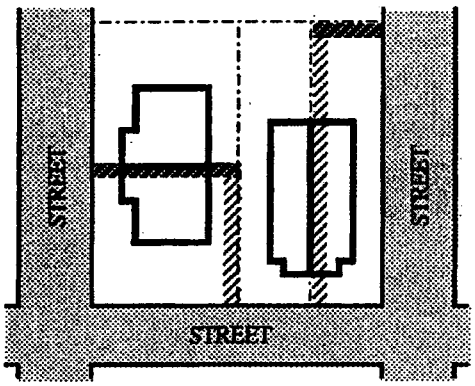
   a. Lot size. Each attached house must be on a lot that complies with the lot size standard for new lots of the base zone.

   b. Building setbacks.

      (1) Interior (noncorner) lots. On interior lots the side building setback on the side containing the common wall is reduced to zero. The side building setback on the side opposite the common wall must be double the side setback standard of the base zone.

      (2) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 110-5.

Figure 110-5
Side and Rear Setbacks on Cornor Lots-Attached Housing



On corner lots, either the rear setback or the nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

Rear lot line
Nonstreet side lot line

c. Number of units. Two attached houses may have a common wall. Structures made up of three or more attached houses are prohibited unless approved as a PUD.

d. Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.

2. R2.5 zone.

a. Density and lot size. The density and lot size requirements of the base zone apply. Commonly owned areas, including commonly owned open space, driveway, or parking areas apply toward the overall density standard and the average lot size standard.

b. Number of units. Up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.

c. Building setbacks.

(1) Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone.

(2) Interior building setbacks. The side building setback on the side containing the common wall is reduced to zero.

(3) Corner lots. On corner lots either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 110-5.

d. Appearance. The intent of these standards is to make each housing unit distinctive and to prevent garages and blank walls from being the dominant front visual feature.

(1) The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 930, Measurements.

(2) The roof of each attached house must be distinct from the other through either separation of roof pitches or direction, or other variation in roof design.

(3) At least 8 percent of the area of each facade that faces a street property line must be windows.

e. Commonly owned areas. Up to 20 percent of the project may be in commonly owned open space, access drives, and parking area and is included in the overall density and setback calculations.

f. Common access. A common access to the rear of the lots for common or individual parking is allowed and may take the form of an easement. Common access drives must be at least 12 feet wide. When the access drive is abutting property that is not part of the project, it must be buffered by a 3 feet deep, L3 landscaped area.

D. Conversion to duplex in R2.5 zone. Conversion of existing houses allows the density of the R2.5 zone to be obtained without the demolition of existing structures and with minimal impact on the physical character of the surrounding neighborhood.

1. Qualifying situations. The lot must be in an R2.5 zone, and must have an existing house which will be converted into a duplex. The house must be at least 5 years old. Construction of a new duplex structure is prohibited.

2. Lot size. The lot must be at least 5,000 square feet in size.

3. Unit size. Each dwelling unit in the duplex must be at least 500 square feet in area, not including common spaces such as halls or entries.

4. Additions. Additions to the house may be made, but the building must comply with the height, building setback, building coverage, and required outdoor area requirements of the base zone, overlay zone, or plan district.

5. Front facade. Fire escapes, or exterior stairs that provide access to an upper level are not allowed on the front facade of the building.

6. Parking. Any on-site area currently used for motor vehicle parking must be maintained for that use, including garages, carports, and driveways. However, no additional parking areas are required.

7. Landscaping. All of the area between the duplex and the street lot line must be landscaped to at least the L1 level. This requirement does not include existing driveways or walkways.

E. Cluster housing. See Chapter 33.216, Cluster Housing.

F. Duplexes and attached houses on corners. This provision allows new duplexes and attached houses in locations where their appearance and impact will be compatible with the surrounding houses. Duplexes and attached houses on corner lots can be designed so each unit is oriented towards a different street. This gives the structure the overall appearance of a house when viewed from either street.

1. Qualifying situations. This provision applies to corner lots in the R20 through R2.5 zones.

2. Density and lot size. One extra dwelling unit is allowed, except in the R2.5 zone where the maximum density of the base zone may not be increased. For duplexes, the lot must comply with the minimum lot size standard for new lots in the base zone. For attached houses, the original lot, before division for the attached house project, must comply with the minimum lot size standard for new lots in the base zone.

3. Entrances. Each unit of the duplex or attached house must have its address and main entrance oriented towards a separate street frontage. Conversion of an existing house may provide one main entrance with internal access to both units.

G. Flag lot development. See Chapter 33.277, Residential Flag Lots.

H. Planned unit development. See Chapter 33.269, Planned Unit Developments.

I. Transitional sites. The transitional site standards allow for a transition of development intensities between nonresidential and single-dwelling zones. A stepped increase in density is allowed on single-dwelling zoned lots that are adjacent to most commercial, employment or industrial zones. The transition site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-dwelling neighborhoods.

1. Qualifying situations. The transitional site regulations apply only to lots in the R20 through R2.5 zones which have a side lot line that abuts a lot in the C, E, or I zones, except for the CN and CO zones. The side lot line of the residential lot must abut the lot in a nonresidential zone for more than 50 percent of the residential lot's length. If the lot is part of an attached housing project, the extra unit allowed by this subsection applies to the attached housing project, rather than just to the lot adjacent to the nonresidential zone.

2. Density. The lot or attached housing project may have one dwelling unit more than is allowed by the base zone.

3. Lot size. Lots must comply with the lot size standard for new lots in the base zone except for lots in attached housing projects which may be reduced to accommodate the extra dwelling unit.

4. Housing types allowed. The lot may contain a duplex or be divided for attached houses. If the development is in the form of an attached house, the site development regulations for attached houses apply.

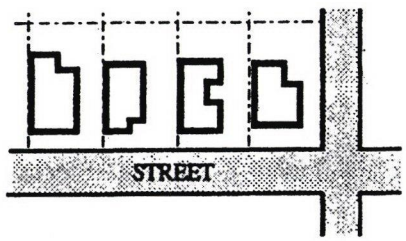
5. Lot coverage. For attached housing projects, the general lot coverage standard of the base zone applies to the the entire project, rather than to each individual lot.

J. Zero lot line. A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot. See Figure 110-6. This provides for greater usable yard space on each lot. These developments require that the planning for all of the house locations be done at the same time. Because the exact location of each house is predetermined, greater flexibility in site development standards are possible while assuring that the single-dwelling character is maintained.

1. Qualifying situations. Zero lot line developments are allowed for houses in the R20 through R2.5 zones.

2. Procedure. Zero lot line developments are allowed by right. Restrictions which assure the minimum distance between houses, and any required easements, must be recorded on the deeds of the applicable lots. Proof of such recording must be submitted as part of the building permit application.

Figure 110-6
Zero Lot Line Development



3. Building setbacks. The side building setback on one side of the house may be reduced to zero. This reduction does not apply to the side building setback adjacent to a street, or to the side building setback adjacent to lots that are not part of the zero lot line project.

4. Additional site development standards.

   a. Distance between houses. The minimum distance between all buildings in the development must be equal to twice the required side building setback standard of the base zone. A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.

   b. Eaves. The eaves on the side of a house with a reduced setback may project a maximum of 18 inches over the adjacent property line. In this case, an easement for the eave projection must be recorded on the deed for the lot where the projection occurs.

c. Maintenance. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are closer than four feet to the adjacent property line. The easement on the adjacent property must be wide enough to allow four feet between the eaves or side wall and the edge of the easement.

d. Privacy. If the side wall of the house is on the the property line, or within three feet of the property line, windows or other openings which allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

33.110.245 Institutional Development Standards

A. Purpose. The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses.

C. The standards.

1. The development standards are stated in Table 110-5. If not addressed in this section, the regular base zone development standards apply.

2. Setbacks on a transit street or in a pedestrian district.

   a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.

   b. Measurement. Building setbacks from a transit street, or from any street in a pedestrian district, are measured from the curb, not the lot line. Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.

   c. Conflicts. If the minimum setback conflicts with the maximum setback, the maximum setback supersedes the minimum.

   d. Maximum setback standard. At least 50 percent of the length of the ground level wall of buildings must be within the maximum setback.

   e. Frontage on one transit street. Where the site is adjacent to one transit street, the standard of Subparagraph C.2.d, above, must be met on the transit street frontage.

   f. Frontage on more than one transit street. Where the site is adjacent to more than one transit street:

(1) If two or more of the transit streets intersect, the standard of Subparagraph C.2.d, above, must be met along two of the intersecting transit streets, but does not have to be met along others;

(2) If none of the transit streets intersect, the standard of Subparagraph C.2.d, above, must be met along one of the transit streets; the applicant may choose which street.

g. In a pedestrian district. Where the site is in a pedestrian district:

(1) If the site is adjacent to one or more transit streets, the regulations of Subparagraph C.2.f, above, apply.

(2) If the site is not adjacent to any transit street, it will be regulated as if all streets adjacent to the site are transit streets, and the regulations of Subparagraph C.2.f, above, apply.

3. Exterior storage. Exterior storage of materials or equipment is prohibited.

4. Outdoor activity facilities. Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

5. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting R-zoned lands.

6. Electrical substations. In addition to the standards in Table 110-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence.

7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph 3. above.

Table 110-5
Institutional Development Standards [1]

Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2] Street Lot Line	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Street Lot Line Transit Street or Pedestrian District [6]	 None 25 ft
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Chapter 33.286, Signs

Notes:
[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.
[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supercede the setbacks required in Table 110-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.
[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.
[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.
[6] Setbacks from street lot lines are measured from the lot line. Setbacks from Transit Streets or streets in Pedestrian Districts are measured from the curb. See 33.110.245.C.2.

33.110.250 Detached Accessory Structures

A. Purpose. This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front setbacks.

B. General standards.

1. The regulations of this section apply to all detached accessory structures except detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.

2. Accessory structures must be constructed in conjunction with or after the primary building. They may not be built prior to the construction of the primary structure.

3. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Mechanical structures.

   a. Description. Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

   b. Setback standard. Mechanical structures are not allowed in required building setbacks.

2. Vertical structures.

   a. Description. Vertical structures are items such as flag poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes, and lamp posts. Fences are addressed in 33.110.255 below. Signs are addressed in Chapter 33.286.

   b. Setback standard. Vertical structures are allowed in required building setbacks if they are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet. If they are larger or taller, they are not allowed in required building setbacks, except that flag poles are allowed in any building setback.

3. Uncovered horizontal structures.

   a. Description. Uncovered horizontal structures are items such as decks, stairways, entry bridges, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

   b. Setback standard. Uncovered horizontal structures are allowed in required setbacks if they are no more than 2-1/2 feet above the ground. If they are higher, they are not allowed in required building setbacks. However, on lots that slope down from the street, vehicular or pedestrian entry bridges are allowed in required setbacks if they are no more than 2-1/2 feet above the average sidewalk elevation.

4. Covered accessory structures.

   a. Description. Covered accessory structures are items such as garages, greenhouses, storage buildings, wood sheds, covered decks, covered porches, and covered recreational structures.

   b. Setback standard. Covered accessory structures if 6 feet or less in height are allowed in side and rear setbacks, but are not allowed in a front setback. Covered structures over 6 feet in height are not allowed in required building setbacks. See the exceptions for garages in Subsection E. below.

D. Building coverage for covered accessory structures.

1. The combined footprint of all covered accessory structures may not exceed 15 percent of the total area of the site.

2. A covered accessory structure may not have a larger footprint than the footprint of the primary structure.

E. Special standards for garages.

1. Existing garages. A garage that is nonconforming due to its location in a setback, may be rebuilt on its existing foundation if it was originally constructed legally. An addition may be made to these types of garages if the addition complies with the standards of this section, or if the combined size of the existing foundation and any additions is no larger than 12 feet wide by 18 feet deep.

2. Garages in R7, R5 and R2.5 zones. In the R7, R5 and R2.5 zones, garages are allowed in the side and/or the rear building setback if all of the following are met.

   a. The garage entrance is 40 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;

   b. The garage has dimensions which do not exceed 24 feet by 24 feet; and

   c. The garage walls are no more than 10 feet high.

33.110.255 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Fences up to 3-1/2 feet high are allowed in required front building setbacks.

2. Fences up to 8 feet high are allowed in required side or rear building setbacks.

3. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference To Other Regulations.

1. Building permits. Building permits are required by the Bureau of Buildings, for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences and use of barbed wire are also regulated by the Police Bureau.

33.110.260 Demolitions

The demolition of all buildings is regulated by Chapter 33.445, Historic Resource Protection Zone. In addition, the demolition of residential buildings must comply with Section 24.55.700 of Title 24, Building Regulations, concerning waiting periods for demolition.

33.110.265 Excavations and Fills

Excavations and fills require a review and are subject to the regulations of Chapter 33.830, Excavations and Fills.

33.110.270 Nonconforming Development

Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.110.275 Parking and Loading

See Chapter 33.266, Parking and Loading.

33.110.280 Signs

The sign regulations are stated in Chapter 33.286.

33.110.285 Street Trees

Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

CHAPTER 33.120
MULTI-DWELLING ZONES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98.)

Sections:

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- 33.120.030 Characteristics of the Zones
- 33.120.040 Other Zoning Regulations

Use Regulations
- 33.120.100 Primary Uses
- 33.120.110 Accessory Uses
- 33.120.120 Nuisance-Related Impacts

Development Standards
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- 33.120.215 Height
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- 33.120.235 Landscaped Areas
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- 33.120.275 Development Standards for Institutions
- 33.120.277 Development Standards for Institutional Campuses in the IR Zone
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- 33.120.310 Signs
- 33.120.315 Street Trees

Supplemental Information
- Map 120-1, Park Block Frontage
- Maps 120-2 through 120-28, Floor Area Ratios in the RH Zone

General

33.120.010 Purpose

The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing. The regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for large scale institutional campuses and other nonresidential uses but not to such an extent as to sacrifice the overall residential neighborhood image and character.

The six multi-dwelling zones are distinguished primarily by density and development standards. The regulations are intended to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

33.120.020 List of the Multi-Dwelling Zones

The full and short names of the multi-dwelling residential zones and their map symbols are listed below. When this Title refers to the multi-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones or R zones, it is referring to both the single-dwelling zones in Chapter 33.110 and the multi-dwelling zones in this chapter.

Full Name	Short Name/Map Symbol
Residential 3,000	R3
Residential 2,000	R2
Residential 1,000	R1
High Density Residential	RH
Central Residential	RX
Institutional Residential	IR

33.120.030 Characteristics Of The Zones

A. R3 zone. The R3 zone is a low density multi-dwelling zone. It allows approximately 14.5 dwelling units per acre. Density may be as high as 21 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one and two story buildings and a relatively low building coverage. The major type of new development will be townhouses and small multi-dwelling residences. This development is compatible with low and medium density single-dwelling development. Generally, R3 zoning will be applied on large sites or groups of sites.

B. R2 zone. The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near neighborhood

collector and district collector streets, and local streets adjacent to commercial areas or major streets.

C. R1 zone. The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near neighborhood collector and district collector streets, and local streets adjacent to commercial areas, or major streets.

D. RH zone. The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.

E. RX zone. The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high rise apartments and condominiums, often with allowed retail, institutional, or other service oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

F. IR zone. The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as collector streets, transit streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's Institutional Campus designation. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

33.120.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to these additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.120.100 Primary Uses

A. Allowed uses. Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed in these zones subject to limitations are listed in Table 120-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1. Group Living. This regulation applies to all parts of Table 120-1 that have note [1].

   a. General regulations. All Group Living uses in R3, R2, R1, RH, and RX zones, except for alternative or post incarceration facilities, are regulated as follows:

      (1) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.

      (2) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

      (3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the 15 resident cutoff, above which a conditional use is required.

Table 120-1
Multi-Dwelling Zone Primary Uses

Use Categories	R3	R2	R1	RH	RX	IR
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
Commercial Categories						
Retail Sales And Service	N	N	N	CU[2]	L/CU [3]	L [10]
Office	N	N	N	CU[2]	L/CU [3]	L [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	CU	CU	CU	CU	L/CU[13]	CU
Community Service	CU [6]	CU [6]	CU [6]	L/CU [6]	L/CU [5, 6]	CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L [12]
Other Categories						
Agriculture	N	N	N	N	N	N
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.120.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

b. In IR zones. Group Living facilities in the IR zone are regulated as follows:

(1) Group Living facilities must be included in the mission statement of the campus's impact mitigation plan;

(2) The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living facility will create; and

(3) A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.

c. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.

2. Retail Sales And Service and Office uses in the RH zone. This regulation applies to all parts of Table 120-1 that have note [2].

a. Purpose. Certain commercial uses are allowed as conditional uses in the RH zone to allow mixed-use development on larger sites that are close to light rail transit facilities.

b. Regulations. Retail Sales And Service and Office uses are allowed as a conditional use if they meet the following regulations.

(1) The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited;

(2) The uses are limited to 20 percent of the floor area of the development, exclusive of parking area. More than 20 percent is prohibited; and

(3) The site must be located within 1,000 feet of a light rail station or stop.

3. Retail Sales And Service and Office uses in the RX zone. This regulation applies to all parts of Table 120-1 that have note [3].

a. Purpose. Certain commercial uses are allowed in the RX zone to improve the economic viability of residential development by allowing mixed-use development. At the same time, commercial uses are limited to assure that residential uses remain the dominant use in the zone.

b. Commercial uses allowed by right - new construction. Retail Sales And Service and Office uses are allowed by right in new multi-dwelling development if they comply with either (1) or (2) below.

(1) They are not on the Park Block frontages shown on Map 120-1, and they are no more than 20 percent of the floor area of a new multi-dwelling development exclusive of parking area; or

(2) They are not on the Park Block frontages shown on Map 120-1, they are on the ground floor level of a new multi-dwelling development, and they do not exceed 40 percent of the floor area of the development exclusive of parking area.

c. Commercial uses allowed by right - conversion. Retail Sales And Service and Office uses are allowed by right in conversions of existing multi-dwelling development if they comply with (1) and (2) below.

(1) They are not on the Park Block frontages shown on Map 120-1, they are on the ground floor level of a existing multi-dwelling development, and they do not exceed 40 percent of the floor area of the development exclusive of parking area; and

(2) They do not result in a net loss of the square footage or number of dwelling units. Conversions which would result in a net loss of square footage or number of dwelling units are prohibited.

d. Commercial uses that require a conditional use review. Retail Sales And Service and Office uses proposed as part of a new multi-dwelling development require a conditional use review in either (1), (2), or (3) below. The conversion of existing multi-dwelling development is prohibited.

(1) They are proposed for up to 20 percent of the floor area of a new multi-dwelling development on a site on the Park Block frontages shown on Map 120-1. The floor area limit is exclusive of parking area. Those frontages are Lots 1 through 4 of Blocks 221 through 232, Lot 8 of Block 196, and Lots 5 through 8 of Blocks 197 through 208, all in Portland Subdivision; or

(2) They are not on the Park Block frontages shown on Map 120-1, they are proposed for more than the ground floor, and they are proposed to be between 21 and 40 percent of the floor area of a new multi-dwelling development exclusive of parking area; or

(3) They are not on the Park Block frontages shown on Map 120-1, the multi-dwelling development is entirely within 500 feet of a light rail station or stop, and they are proposed to be between 21 and 50 percent of the floor area of the new multi-dwelling development exclusive of parking area.

(4) Approval of more than the 20 percent limit in (1) above, more than the 40 percent limit in (2) above, or more than the 50 percent limit in (3) above, is prohibited.

e. Outdoor activities. All commercial uses must be conducted entirely within fully enclosed buildings. However, incidental activities such as outdoor eating areas or outdoor sale of plants are allowed. Exterior display or storage of goods is prohibited.

f. Transfer of commercial development rights. The commercial development rights of this Paragraph may be transferred between buildings within a single new project. Transfers are subject to the following requirements:

(1) The transfer of commercial use potential to sites on the Park Block frontages is prohibited. The Park Block frontages are shown on Map 120-1;

(2) The total amount of commercial floor area of the project does not exceed 20 percent of the total floor area of the project exclusive of parking area, unless approved under the provisions of Subparagraph d. above;

(3) All residential floor area to be developed in the project must be completed and must receive a certificate of occupancy at the same time or prior to issuance of any temporary or permanent certificate of occupancy for the commercial uses; and

(4) A deed restriction is created and filed for the lot containing the residential building(s) reflecting the decrease in commercial use potential. The deed restriction must comply with the requirements of 33.700.060, Covenants with the City.

4. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have note [4]. Outside the Central City plan district, Commercial Parking facilities in parking structures are a conditional use. Commercial Parking facilities in surface lots are prohibited. Within the Central City plan district, there are special regulations; see Chapter 33.510. Any ground floor retail requirements that result from other regulations continue to apply and are reviewed as part of the land use review process.

5. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have note [5]. Community Service and School uses are allowed by right up to 20 percent of the floor area exclusive of parking area or the ground floor of a multi-dwelling development, whichever is greater. If they are over 20 percent or the ground floor, a conditional use review is required. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

6. Community Service in R3 through RH and IR. This regulation applies to all parts of Table 120-1 that have note [6]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters have additional regulations in Chapter 33.285, Short Term Housing and Mass Shelters.

7. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have note [7]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.

   a. Parks. Swimming pools; concession areas; parking areas; baseball, football, soccer and other fields used for organized sports; and other facilities that draw spectators to events in a park, are conditional uses within a park use.

   b. Cemeteries. Mausoleums, chapels, and similar accessory structures associated with funerals or burial, and parking areas are conditional uses within a cemetery use.

c. Golf courses. Club houses, driving ranges, and parking areas are conditional uses within a golf course use.

d. Boat ramps. All boat ramps, whether they are a primary or accessory use, are conditional uses.

8. Daycare. This regulation applies to all parts of Table 120-1 that have note [8]. Daycare uses are allowed by right if locating within a building which currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.

9. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have note [9]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [10].

a. Purpose. Commercial uses in the Retail Sales And Service categories are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.

b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan; and

c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:

(1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;

(2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and

(3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each required parking space. Size exceptions are prohibited.

d. Institutional Office uses allowed. Office uses related to the mission of the institution are allowed by right when all of the following are met:

(1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;

(2) The office uses allowed are limited to the following:

- Institutional administrative, faculty, staff, student, and educational offices;
- Blood collection facilities;
- Medical office space and medical office buildings; and
- Medical, scientific, educational research and development facilities and laboratories.

(3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; noninstitution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].

a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.

b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.

(1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.

(2) The institution has an impact mitigation plan that has been approved through the procedures specified in Chapter 33.848, Impact Mitigation Plans.

(3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.

c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.

12. Daycare in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [12]. Daycare facilities are allowed if included in the institution's impact mitigation plan when the impact mitigation plan has been developed and approved in conformance with the provisions of Chapter 33.848.

13. Basic Utilities in RX. This regulation applies to all parts of Table 120-1 that have note [13]. Public safety facilities are allowed by right up to 20 percent of the floor area exclusive of parking area or the ground floor of a multi-dwelling development, whichever is greater. If they are over 20 percent of the ground floor, a conditional use review is required; the approval criteria for public safety facilities are in Section 33.815.223. All other Basic Utilities are a conditional use.

C. Conditional uses.

1. Table 120-1. Uses which are allowed if approved through the conditional use review process are listed in Table 120-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

2. Bed and breakfast facilities. Bed and breakfast facilities are accessory uses which are regulated as conditional uses. Some exceptions may apply in the RX zone. See Chapter 33.212.

D. Prohibited uses. Uses listed in Table 120-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

33.120.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with all regulations for that use and all applicable development standards. In addition, some specific accessory uses have additional requirements as indicated below.

A. Accessory home occupations, accessory dwelling units, and bed and breakfast facilities. Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and bed and breakfast facilities have specific regulations in Chapters 33.203, 33.205, and 33.212 respectively.

B. Accessory commercial uses in the RH zone. Accessory commercial uses in multi-dwelling buildings in the RH zone are allowed in order to provide convenient support services to the residents of the building and to encourage a reduction in auto trips. They are an incidental use to the main residential use of the site.

1. Uses allowed. Accessory commercial uses are limited to those in the Retail Sales And Service and Office use categories.

2. Structure types. Accessory commercial uses are allowed only in multi-dwelling buildings. Uses must be located entirely within the building and have no external doors. They may be located in basements.

3. Size. The total amount of uses are limited to 5 percent of the floor area of the building exclusive of parking area.

4. Reduction in dwelling units. Development of accessory commercial uses may not result in the reduction of the number of existing dwelling units.

5. Signs. Accessory commercial uses may not have signs that are visible from the exterior of the structure.

C. Accessory auto servicing in the RH and RX zones. Parking structures which are accessory to a multi-dwelling building may contain auto support facilities which provide services for the autos of the building's residential tenants. They are an incidental use to the main residential use of the site.

1. Activities allowed. Accessory auto servicing is limited to fuel sales, minor repair, and washing of autos.

2. Structure types. The uses are allowed only in enclosed or underground parking structures.

3. Signs. The uses may not have signs that are visible from the exterior of the structure.

33.120.120 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Vehicles. The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control.

C. Animals. Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.

D. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control.

Development Standards

33.120.200 Housing Types Allowed

A. Purpose. A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing.

B. Housing types. The types of housing allowed in the multi-dwelling zones are stated in Table 120-2.

Table 120-2
Housing Types Allowed In The Multi-Dwelling Zones

Housing Type	R3	R2	R1	RH	RX	IR
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	Yes	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Structure	Yes [1]	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Mobile Home Park (See Chapter 33.251)	Yes	Yes	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	Yes	Yes	Yes	Yes
Group Structures	Only when in conjunction with an approved conditional use. See also Chapter 33.239.					

Yes = allowed; No = prohibited.
Notes:
[1] Multi-dwelling development is limited to no more than eight units per building.

33.120.205 Density

A. Purpose. The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.

B. Maximum density. The maximum densities for the multi-dwelling zones are stated in Table 120-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.

C. Minimum density. The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be subtracted from the calculation of minimum density.

D. Floor area ratio. The floor area ratio (FAR) states the amount of floor area allowed. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. The FAR also includes any nonresidential uses that are allowed. Minimum density requirements may also apply.

E. Transfer of density. Density may be transferred from one site to another subject to the following:

1. Transfer of density is permitted as follows:

   a. Density may be transferred from one site to another within the RX zone, or from an RX-zoned site to a site in an EX or CX zone. Regulations for transfer of density from RX to CX zones are stated in Subsection 33.130.205.C. Regulations for transfer of density from RX to EX zones are stated in Subsection 33.140.205.C.

   b. In the RX zone, the transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f. The transfer of residential density potential to sites on the Park Block frontage is prohibited. The Park Block frontages are shown on Map 120-1.

   c. Density may be transferred among R3, R2, and R1-zoned sites, or between RH and RX-zoned sites. Transfers between a site that is zoned R3, R2, or R1 and a site that is zoned IR, RH, or RX are prohibited.

   d. The transfer may be between lots within a block or between lots that would be abutting but for a right-of-way, except for transfers from the sites of Historic Landmarks.

2. Transfer of density from Landmarks. Transfer of density from the site of a Landmark is permitted when:

   a. Density from Landmarks may be transferred from RX-zoned sites to sites zoned RX, C, or EX.

   b. Density from the site of a landmark may be transferred to any site within the recognized neighborhood where the landmark is located, or to any site within two miles of the landmark.

3. Calculating the amount of density transferred. In the R3, R2, and R1 zones, transferable density is calculated in terms of dwelling units. In the IR, RH, and RX zones, transferable density is calculated by FAR.

4. Maximum increase in density. In the IR, RH, and RX zones, an increase in FAR on the receiving site of more than 3 to 1 is prohibited. In all other R zones, an increase in the number of units of more than 100 percent is prohibited.

5. Development standards. Buildings on sites receiving transferred density must meet the height, setback, building coverage, and other development standards of the base zone, overlay zone, or plan district, except for density. However, adjustments may be requested to accommodate the transferred density.

6. Covenants. The property owner(s) must execute a covenant with the City which is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060.

Table 120-3
Development Standards in Multi-Dwelling Zones [1]

Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area [2,3]	1 unit per 2,000 sq. ft. of site area [2,3]	1 unit per 1,000 sq. ft. of site area [2,3]	FAR of 2 to 1 [3,4]	FAR of 4 to 1	FAR of 2 to 1 [3,4,12]
Minimum Density (See 33.120.205)	none	none	1 unit per 2,000 sq. ft. of site area [5]	1 unit per 1,000 sq. ft. of site area [5]	1 unit per 500 sq. ft. of site area [5]	none
Minimum Lot Size						
- Min. lot area	4,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	none	10,000 sq. ft.
- Min. lot width	40 ft.	40 ft.	70 ft.	70 ft.	none	
- Min. lot depth (See 33.120.210)	80 ft.	80 ft.	100 ft.	100 ft.	none	
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft.[6]	25/65 ft.[4,13]	100 ft.	75 ft. [4]
Minimum Setbacks						
- Front building setback	10 ft.	10 ft.	3 ft.	0 ft.	0 ft.	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
- Street building setback	- - - [14]	- - - [14]	- - - [14]	0 ft.[14]	0 ft.[14]	
- Side and rear building setback.	5-14 ft. [7]	5-14 ft. [7]	5-14 ft. [7]	5-14 ft. [7]	0 ft.	
- Garage entrance setback [8] (See 33.120.220)	18 ft.	18 ft.	5/18 ft.[9]	5/18 ft.[9]	5/18 ft.[9]	
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	25 ft. [15]	25 ft. [15]	25 ft. [15]	25 ft. [15]	25 ft. [15]	25 ft. [15]
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area
Max. Building Length (See 33.120 230)	none	100 ft.[10]	100 ft [10]	none	none	none
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Area Individual areas:						
- Minimum area	48 sq. ft.	48 sq. ft.	48 sq. ft.	none	none	none
- Minimum dimension [11]	6 ft. x 6 ft.	6 ft. x 6 ft.	6 ft. x 6 ft.	none	none	none
Combined areas:						
- Minimum area	500 sq. ft.	500 sq. ft.	500 sq. ft.	none	none	none
- Minimum dimension [11] (See 33.120.240)	15 ft. x 15 ft.	15 ft. x 15 ft.	15 ft. x 15 ft.	none	none	none

Notes:

[1] These standards may be superseded by the regulations of an overlay zone or plan district.

[2] The density may be increased if allowed by the amenity bonus regulations in 33.120.265.

[3] The density may be increased if allowed by the regulations in Chapter 33.229, Elderly and Disabled High Density Housing.

[4] The maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-28. In the areas where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 ft. of a light rail station or stop, where the maximum height is 100 ft.

[5] The minimum density standards do not apply to conversions of existing residential structures.

[6] The 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
[7] See Table 120-4.
[8] This setback also applies to structured parking that does not allow exiting in a forward motion.
[9] The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may not be closer to the property line than the front facade of the residential portion of the building.
[10] The 100 ft. limit applies only to buildings located within 30 feet of a street property line.
[11] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.
[12] In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.
[13] The 25 foot height limit applies only to sites where the FAR is 2:1. On those sites, the 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
[14] Where no street building setback is indicated, the front, side, and rear setbacks apply. Where a street setback is indicated, it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line.
[15] Setbacks from Transit Streets and streets in Pedestrian Districts are measured from the curb. See 33.120.220.

Table 120-4
Minimum Side and Rear Setbacks for R3, R2, R1, RH, and IR Zones

If the area of the plane of the building wall is: [1]	The required side and rear setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 sq. ft. or greater	14 ft.

Notes:
[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

33.120.210 Lot Size

A. Purpose. The minimum lot size requirements for **new lots** ensure that development on a lot will in most cases be able to comply with all site development standards. The standards also prevent the creation of very small lots which are difficult to develop at their full density potential. Where more than one lot is in the same ownership, these standards prevent breaking up large vacant ownerships into small lots. However, where more than one lot is in the same ownership, and there is existing development, allowing the ownership to be separated may increase opportunities for residential infill while preserving existing housing.

B. Land divisions. All **new lots** created must comply with the lot size standards of Table 120-3. The existence of lots larger than the minimum is not a hardship, and does not justify their division into lots which are smaller than the minimum size allowed. See Title 34 for additional regulations that apply to land divisions. The minimum lot size for attached housing is stated in 33.120.270.C., below. The minimum lot size for institutional uses is stated in 33.120.275, Development Standards for Institutions, below.

C. Ownership of multiple lots. Where more than one abutting lot or lot of record is in the same ownership, the ownership may be separated as follows:

1. If all requirements of this Title will be met after the separation, including lot size, density, and parking, the ownership may be separated;

2. If one or more of the lots is substandard, the ownership may be separated if all requirements of this paragraph are met. This separation is allowed even if the lots or lots of record do not meet the minimum lot size standards of Table 120-3. Such lots and lots of record are legal, substandard lots.

   a. There is a primary use on any of the lots, and the use has existed since December 31, 1980. Abutting lots or lots of record with no primary use may not be separated; and

   b. Lots or lots of record with primary uses on them may be separated as follows:

      (1) The separation must occur along the original lot lines;

      (2) Lots or lots of record with primary uses on them may be separated from lots or lots of record with other primary uses; and

      (3) Lots or lots of record with primary uses on them may be separated from lots or lots of record without primary uses.

D. New development on standard lots. New development on lots that comply with the lot size standards in Table 120-3 is allowed by right subject to the development standards.

E. New development on substandard lots. New development is allowed on lots and lots of record which do not conform to the lot size standards in Table 120-3, if both of the following are met:

1. The development is proposed for a lot or lot of record. Development on tracts that are not lots or lots of record is prohibited; and

2. The lot or lot of record did not abut any property owned by the same family or business on July 26, 1979, or any time since that date, unless the ownership was separated as allowed in Subsection C, above.

33.120.215 Height

A. Purpose. The height standards serve several purposes:
- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

B. Maximum height. The maximum heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions, below.

C. Exceptions to the maximum height.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long as they do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.

2. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

33.120.220 Setbacks

A. Purpose. The building setback regulations serve several purposes:
- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
- They promote a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards; and
- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity.
- Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users.

B. Building setback standard. The required minimum or maximum building setbacks, if any, are stated in Tables 120-3 and 120-4, and apply to all buildings and structures on the site except as provided in Subsection C, below. Setbacks for parking areas are in Chapter 33.266.

1. Exceptions to the required minimum building setbacks.

   a. Setback averaging. The front building setback may be reduced to the average of the respective building setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Environmental zone. The front building setback may be reduced to zero on sites containing environmental overlay zones if the reduction will reduce the amount of development in the environmental zone or avoid development in the environmental zone entirely.

2. Maximum building setbacks from a transit street or a street in a pedestrian district are regulated as follows.

   a. Measurement. To ensure that the environment near automobile travel lanes is inviting to pedestrians, building setbacks from a transit street, or from any street in a pedestrian district, are measured from the curb, not the lot line. Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.

   b. Standard. At least 50 percent of the length of the ground level street facing facade of buildings must be within the maximum setback.

   c. Frontage on one transit street. Where the site is adjacent to one transit street, the standard of Subparagraph B.2.b, above, must be met on the transit street frontage.

   d. Frontage on more than one transit street. Where the site is adjacent to more than one transit street:

      (1) If two or more of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along two of the intersecting transit streets, but does not have to be met along others;

      (2) If none of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along one of the transit streets; the applicant may choose which street.

   e. In a pedestrian district. Where the site is in a pedestrian district:

      (1) If the site is adjacent to one or more transit streets, the regulations of Subparagraph B.2.d, above, apply.

      (2) If the site is not adjacent to any transit street, it will be regulated as if all streets adjacent to the site are transit streets, and the regulations of Subparagraph B.2.d, above, apply.

C. Extensions into required building setbacks.

1. Minor projections of features **attached** to buildings.

a. Minor projection allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows up to 12 feet in length, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line.

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project into required building setbacks to the property line:

(1) Uncovered stairways and wheelchair ramps that lead to the front door of a building;

(2) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground; and

(3) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

c. No projection allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, may not project into any building setback.

2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.120.280 below. Fences are addressed in 33.120.285, below. Detached accessory dwelling units are addressed in Chapter 33.205. Signs are addressed in Chapter 33.286.

D. Garage entrance and structured parking setback.

1. Purpose. The garage entrance setback is intended to prevent cars from overhanging the street or sidewalk. It is also intended to provide for adequate visibility for a driver backing out of a garage. These purposes also apply to structured parking that is designed with similar characteristics.

2. The required setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The setback also applies to structured parking that does not allow exiting in a forward motion. Structured parking that does allow exiting in a forward motion is subject to the setback requirements for buildings.

3. Exception. The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

33.120.225 Building Coverage

A. Purpose. The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.

B. Maximum building coverage. The maximum building coverages for all covered structures on the site are stated in Table 120-3.

33.120.230 Building Length

A. Purpose. The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.

B. Maximum building length. The maximum building length for all buildings located within 30 feet of a street lot line is stated in Table 120-3.

33.120.235 Landscaped Areas

A. Purpose. The standards for landscaped areas are intended to enhance the overall appearance of multi-dwelling developments and institutional campuses. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the multi-dwelling residents and to the abutting residents, and provides separation from streets. It also helps in reducing stormwater run-off by providing a permeable surface.

B. Minimum landscaped areas. The required amount of landscaped area is stated in Table 120-3. Required landscaped areas must be at ground level and must comply with at least the L1 standard in Chapter 33.248. Up to 1/3 of the required landscaped area may be for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and open recreational facilities. Remaining landscaped areas must comply with the standards in Subsection C. below. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area. The outdoor areas required in 33.120.240 below, also apply towards meeting the minimum landscaped area requirements of this section, if they are uncovered.

C. Landscaping standards.

1. Building setbacks. The required building setbacks must be landscaped to at least the L1 standard of Chapter 33.248, Landscaping and Screening. Parking, access, and maneuvering areas, detached accessory structures, and other allowed development are exempt from this standard.

2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking And Loading.

33.120.240 Required Outdoor Areas

A. Purpose. The required outdoor areas standards assure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to assure that some of the land not covered by buildings is

of adequate size, shape, and location to be usable for outdoor recreation or relaxation. Required outdoor areas are an important aspect in addressing the livability of a residential property by providing outdoor living opportunities, some options for outdoor privacy, and a healthy environment.

B. Required outdoor area sizes. The minimum sizes of required outdoor areas per dwelling unit are stated in Table 120-3.

C. Requirements.

1. Ground level units. The required outdoor area for ground level units must be individual areas and must be directly accessible from the unit. The area may be on the ground or above. Individual outdoor areas for ground level units must be visually screened from each other. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

2. Upper level units. For upper level units, the required outdoor area may be provided individually, such as by balconies, or combined into a larger area. If combined into a larger area, it must comply with the following requirements.

   a. The total amount of required outdoor area for upper level units is the cumulative amount of the required area per dwelling unit stated in Table 120-3 for individual areas, minus any upper level units that provide individual outdoor areas. However, a combined required outdoor area must comply with the minimum area and dimension requirements in Table 120-3 for combined outdoor areas.

   b. The combined outdoor area may be developed for active or passive recreational use. Examples include play areas, plazas, roof-top patios, picnic areas, and open recreational facilities. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxers, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed.

3. Placement. Uncovered ground-level required outdoor areas may extend into the required side and rear setback, but not into the required front building setback.

33.120.245 Window Requirements

A. Purpose. The window standards prevent large expanses of blank facades along streets and provide a more pleasant and safe pedestrian environment.

B. Residential windows. At least 8 percent of the area of each facade that faces a street property line must be windows.

C. Ground Floor Windows in the RX and IR Zones. The portions of buildings in the RX and IR zones that have nonresidential development are subject to the ground floor window requirements of the CX zone in 33.130.230.B.2.

33.120.250 Screening

A. Purpose. The screening standards address specific unsightly features which detract from the appearance of multi-dwelling residential areas.

B. Garbage collection areas. All exterior garbage cans and garbage collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting R-zoned lands.

D. Other screening requirements. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.120.255 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

B. The standards. The standards of this section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections.

   a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

   b. Internal connections. The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

   a. The circulation system must be hard-surfaced, and be at least 5 feet wide.

   b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement.

   c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with curb ramps.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.120.260 Recycling Areas

Multi-dwelling developments that have 3 or more units must provide for recycling collection areas as stated below:

A. Materials accepted. The recycling area must be set up to accept at least the following materials: newspapers, glass containers, corrugated cardboard, tin cans, and aluminum. A method of storing or containing the recyclable materials must be provided in the recycling area.

B. Size. The recycling area must be at least 100 cubic feet for every 10 dwelling units.

C. Location. The recycling area must be at least as close to the dwelling units as the closest garbage collection area including trash chutes. It may be located indoors or outside. The recycling area can be part of a garbage, storage, or laundry area, but the space must be clearly designated with signs for recyclable materials. If located outside, the recycling area must be covered by a roof or the containers must be of weatherproof material and have lids. Location of the recycling area and method of storage must be approved by the Fire Marshall. The recycling area must be accessible to the recycling collection service personnel between 6 a.m. and 6 p.m., without intervening stairs, doors, or gates. Where the recycling area is not accessible in these ways, the building management must move the stored recyclable materials to an accessible outdoor location for pickup by the collection service personnel.

D. Screening. If the recycling area is located outdoors, it must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

E. Signs. The recycling area and containers must be clearly labeled to indicate the type of materials accepted.

33.120.265 Amenity Bonuses

A. Purpose and description. Special amenity bonuses for increased density are intended to improve the livability of multi-dwelling developments for their residents and to promote family oriented multi-dwelling developments. The amenity bonuses are designed to allow additional dwelling units in a manner that is still consistent with the purposes of the multi-dwelling zones.

The bonuses are applicable to a range of development sizes. However, they are more practical or workable for larger projects. Not all bonus options will be applicable for all situations. The amenity options are designed to provide incentives, while leaving the specific choices to the developer. Some options involve providing additional features, such as children's play areas. Others require improved materials, such as additional sound insulation.

The amount of the bonus for each option is a result of balancing several factors. These include:

- The likelihood that the amenity will be provided without the use of incentives;
- The potential cost to the developer; and
- The importance of the amenity.

B. Regulations.

1. Qualifying types of development. The amenity bonus provisions are applicable to all housing types in the R3, R2, and R1 zones.

2. Computation of the bonus. The percentages of all of the bonus options included in the project are added together. The total is then applied to the allowed number of units to determine the additional units allowed. Fractions of additional units earned are not counted.

3. Maximum bonus. The maximum density increase allowed for a development is 50 percent. Increases over 50 percent are prohibited.

4. Compliance with the standards. The bonus amenity standards must be met in full to receive the bonus; exceptions are prohibited. In addition, adjustments to the development standards of the base zone, overlay zone, or plan district are prohibited if the project is to receive any density bonuses. It is the responsibility of the applicant to document that all of the amenity bonus requirements are met. Documentation is required prior to issuance of building permits for the bonus units.

5. Base zone site development standards. The additional units must comply with all applicable site development standards. Any development feature provided to comply with the requirements of the base zone, such as the required outdoor area requirement, may not be counted towards the calculation of bonus density.

6. Covenants. The applicant must sign a covenant that ensures that the amenities provided to receive any bonus density will continue to be provided for the life of the project. The covenant must comply with the standards in 33.700.060, Covenants with the City.

C. The amenity bonus options.

1. Outdoor recreation facilities. Outdoor recreational facilities may include a tennis or basketball court, ball field, swimming pool, horseshoe pit, gazebo, permanent picnic tables, and similar items. The density bonus is 2 percent for each 1/2 of 1 percent of the overall project development cost spent on outdoor recreation facilities. There is a maximum of 10 percent density increase allowed for this bonus.

2. Children's play areas. The density bonus for this amenity is 5 percent. A qualifying children's play area must comply with all of the following standards:

   a. Size and layout. Each children's play area must be at least 1,000 square feet and clearly delineated. Each must be of such shape to allow a square 25 feet on a side to fit in the area. At least 400 square feet of the area must be in grass. Children's play areas must be separated from any other outdoor recreational facilities.

   b. Play equipment. Each children's play area must include a play structure at least 100 square feet in area, a swing structure with at least 4 swings, and at least one of the following: a slide, permanent sand box, permanent wading pool, or other children's play equipment commonly found in a public park. Equipment must be of adequate materials to match the expected use. Proposed equipment must be approved by the Parks Bureau.

   c. Fencing. Each children's play area must be fenced along any perimeter which is within 10 feet of a street, alley, property line, or parking area.

3. Three bedroom units. A bonus of 5 percent is allowed if 10 percent of the development's units have at least 3 bedrooms. A bonus of 10 percent is allowed if 20 percent or more of the development's unit have at least 3 bedrooms. If between 10 percent and 20 percent of the units have at least 3 bedrooms, then the bonus is prorated.

4. Storage areas. The density bonus for this amenity is 5 percent. The bonus is allowed if all units are provided with interior storage and additional storage for large items, as indicated below.

   a. Interior storage. Interior storage areas must comply with all of the following minimum dimensions:

      (1) Kitchens - 20 square feet of drawers and 50 square feet of shelf space. Shelves must have at least 12 inches of vertical clearance.

      (2) Bedroom closets - 16 square feet in floor area, and one in each bedroom.

      (3) Linen closet - 10 square feet of shelving, and may be located in a hallway or bathroom.

      (4) Entry closet - 10 square feet of floor area.

b. Storage for large items. Storage areas must be fully enclosed, be dry, and have locks if they are not located in the dwelling. They must be at least 50 square feet in floor area, and at least 7 feet high. They must be located so as to be easily accessible for large items, such as barbecues, bicycles, and sports equipment.

5. Sound insulation. The density bonus for this amenity is 10 percent. To qualify for this bonus, the interior noise levels of multi-dwelling structures must be reduced in 3 ways. The reductions address noise from adjacent dwellings and from outdoors, especially from busy streets.

   a. The sound insulation of all party walls, walls between corridors and units, and in floor-ceiling assemblies must comply with a Sound Transmission Class (STC) of 55 (50 if field-tested). STC standards are stated in Chapter 35 of the Uniform Building Code.

   b. The STC rating on all entrance doors assemblies from interior corridors must be at least 30, as documented by acoustic laboratory tests of the doors.

   c. The STC rating on all windows, skylights, and exterior doors, must be at least 35, as documented by acoustic laboratory tests.

6. Crime prevention. The density bonus for this amenity is 10 percent. The bonus is allowed if all units have security features which comply with items 1 through 6 of the Residential Security Recommendations of the Portland Police Bureau. In addition, exterior lights which comply with the lighting standards of the Crime Prevention Division of the Portland Police Bureau must be provided. Development plans must be certified by the Crime Prevention Division of the Portland Police Bureau as complying with these provisions.

7. Energy-efficient buildings. The density bonus for this amenity is 5 percent. The bonus is allowed if all of the dwelling units comply with the Model Conservation Standards of the Northwest Power Planning Council. The development plans must be certified by a licensed engineer or local electrical utility as complying with the standards.

8. Solar water heating. The density bonus for this amenity is 5 percent. The bonus is allowed if solar-heated water is provided to all units. Systems may be active or passive. Systems must qualify for the Oregon State solar energy tax credit or be rated by the Solar Rating and Certification Corporation (SRRC). Applicants must provide documentation that the provisions are met.

9. Larger required outdoor areas. The density bonus for this amenity is 5 percent. To qualify for this amenity, ground level required outdoor areas must be twice the area required by 33.120.240, above. Upper level outdoor required areas must be 1-1/2 times the area required by 33.120.240. In both cases, the areas must be clearly delineated and allow for privacy from other outdoor areas.

33.120.270 Alternative Development Options

A. Purpose. The alternative development options provide increased variety in development while maintaining the residential neighborhood character. The options are intended to:

- Encourage development which is more sensitive to the environment, especially in hilly areas;
- Encourage the preservation of open and natural areas;
- Promote better site layout and opportunities for private recreational areas;
- Promote more opportunities for affordable housing; and
- Allow more energy-efficient development.

B. General requirements for all alternative development options. The alternative development options listed in this section are allowed by right unless it is specifically stated otherwise. They must conform with all other development standards of the base zone unless those standards are superseded by the ones in this section.

C. Attached houses. The development standards for attached housing are:

1. Density, height, and other development standards. The minimum and maximum density, height, building length, landscaped areas, required outdoor area, and window requirements of the base zone apply.

2. Lot size. The minimum lot area in the R3 and R2 zones is 1,600 square feet. The minimum lot area in the R1 and RH zones is 800 square feet. There are no minimum lot width or depth requirements.

3. Number of units. In the R3 zone, up to 8 attached houses may have common walls.

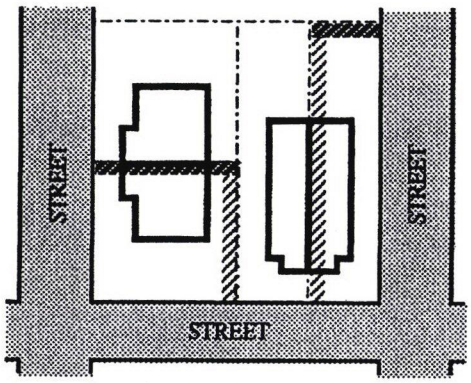
4. Building setbacks.

   a. Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone.

   b. Interior building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero.

   c. Corner lots. On corner lots, either the rear setback or nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 120-1.

Figure 120-1
Attached Houses on Corners



On corner lots, either the rear setback or the nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

Rear lot line
Nonstreet side lot line

5. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project. The maximum building coverage for an individual lot is 5 percent more than the base zone allowance.

6. Appearance. The intent of these standards is to make each housing unit distinctive and to prevent garages and blank walls from being the dominant front visual feature.

   a. The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.

   b. The roofs of each attached house must be distinct from the other through either separation of roof pitches or direction, or some other variation in roof design.

7. Commonly owned areas. Up to 20 percent of the project may be in commonly owned open space, access drives, and parking area and is included in the overall density and setback calculations.

8. Common access. A common access to the rear of the lots for common or individual parking is allowed and may take the form of an easement. Common access drives must be at least 12 feet wide. When the access drive is abutting property that is not part of the project, it must be buffered by a 3-foot deep, L3 landscaped area.

D. Attached duplexes. The attached duplex regulations allow for an alternative housing type that promotes owner-occupied structures, the efficient use of land, and for energy-conserving housing.

1. Lot size. Each attached duplex must be on a lot that complies with the lot size standard for new lots of the base zone.

2. Building setbacks.

   a. Interior (noncorner) lots. On interior lots, the side building setback on the side containing the common wall is reduced to zero. The side building setback on the side opposite the common wall must be double the side setback standard of the base zone.

   b. Corner lots. On corner lots, either the rear setback or nonstreet side setback may be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 120-1.

3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.

4. Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached duplex may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.

E. Duplexes on corners. Duplexes on corners are allowed in the R3 zone on lots where only one dwelling unit would otherwise be allowed. This provision allows the construction of new duplexes in locations where their appearance and impact will be compatible with the surrounding development. Duplexes on corner lots can be designed so each unit is oriented towards a different street. This gives the duplex the overall appearance of a house when viewed from either street.

1. Qualifying situations. This provision applies to corner lots in the R3 zone. This provision applies only to new development. Conversion of existing housing is prohibited under the regulations of this subsection.

2. Density and lot size. One extra dwelling unit is allowed. The lot must comply with the minimum lot size standard for new lots in the base zone.

3. Additional site development standards. Each unit of the duplex must have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.

F. Planned unit development. See Chapter 33.269, Planned Unit Developments.

33.120.275 Development Standards for Institutions

A. Purpose. The general base zone development standards in the R3 through RX zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

B. Use categories to which these standards apply. The standards of this section apply to uses in the institutional group of use categories in the R3 through IR zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277.

C. The standards.

1. The development standards are stated in Table 120-5. If not addressed in this section, the regular base zone development standards apply.

2. Setbacks on a transit street or in a pedestrian district.

   a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.

   b. Measurement. Building setbacks from a transit street, or from any street in a pedestrian district, are measured from the curb, not the lot line. Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.

   c. Conflicts. If the minimum setback conflicts with the maximum setback, the maximum setback supersedes the minimum.

   d. Maximum setback standard. At least 50 percent of the length of the ground level wall of buildings must be within the maximum setback.

   e. Frontage on one transit street. Where the site is adjacent to one transit street, the standard of Subparagraph C.2.d, above, must be met on the transit street frontage.

   f. Frontage on more than one transit street. Where the site is adjacent to more than one transit street:

      (1) If two or more of the transit streets intersect, the standard of Subparagraph C.2.d, above, must be met along two of the intersecting transit streets, but does not have to be met along others;

      (2) If none of the transit streets intersect, the standard of Subparagraph C.2.d, above, must be met along one of the transit streets; the applicant may choose which street.

g. In a pedestrian district. Where the site is in a pedestrian district:

(1) If the site is adjacent to one or more transit streets, the regulations of Subparagraph C.2.f, above, apply.

(2) If the site is not adjacent to any transit street, it will be regulated as if all streets adjacent to the site are transit streets, and the regulations of Subparagraph C.2.f, above, apply.

3. Exterior storage. Exterior storage of materials or equipment is prohibited.

4. Outdoor activity facilities. Outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

Table 120-5
Institutional Development Standards [1]
Development standards for Institutional Campuses with Impact Mitigation Plans located in the IR zone are given on Table 120-3.

Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	2 to 1
Maximum Height [3]	75 ft.
Minimum Building Setbacks [2, 6]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Setback Street Lot Line Transit Street or Pedestrian District [6]	 None 25 ft
Maximum Building Coverage [2]	70% of site area
Minimum Landscaped Area [2,4]	20% of site area
Buffering from Abutting Residential Zone [5]	10 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	10 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Chapter 33.286, Signs

Notes:
[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.
[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 120-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.
[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.
[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.
[6] Setbacks from street lot lines are measured from the lot line. Setbacks from Transit Streets or streets in Pedestrian Districts are measured from the curb. See 33.120.275.C.2

5. Electrical substations. In addition to the standards in Table 120-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence.

6. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph 3. above.

33.120.277 Development Standards for Institutional Campuses in the IR Zone

A. Purpose. The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.

B. Where these standards apply. The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.

C. The standards.

1. The development standards are stated in Table 120-3. If not addressed in this section, the regular base zone development standards apply. The standards of this subsection, and Table 120-3, may be superseded by development standards in an approved impact mitigation plan.

2. Space occupied by an accessory retail sales or service use has no direct access to the outside of the building. Access to the activity must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.

3. Accessory retail and sales uses must not have exterior signage. Exceptions are prohibited.

33.120.280 Detached Accessory Structures

A. Purpose. This section regulates structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front yard areas.

B. General standards.

1. The regulations of this section apply to all detached accessory structures except for detached accessory dwelling units. The regulations for detached accessory dwelling units are stated in Chapter 33.205.

2. Accessory structures must be constructed in conjunction with or after the primary building. They may not be built prior to the construction of the primary structure.

3. Unless stated otherwise in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Mechanical structures.

   a. Description. Mechanical structures are items such as heat pumps, air conditioners, emergency generators, and water pumps.

   b. Setback regulations. Mechanical structures are not allowed in a required front setback. Mechanical structures must be located at least 10 feet from any side or rear lot line.

2. Vertical structures.

   a. Description. Vertical structures are items such as flag poles, trellises and other garden structures, play structures, radio antennas, satellite receiving dishes, and lamp posts. Fences are addressed in Section 33.120.285 below. Signs are addressed in Chapter 33.286.

   b. Setback standard. Vertical structures are allowed in required building setbacks if they are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet. If they are larger or taller, they are not allowed in required building setbacks, except that flag poles are allowed in any building setback.

3. Uncovered horizontal structures.

   a. Description. Uncovered horizontal structures are items such as decks, stairways, wheelchair ramps, swimming pools, hot tubs, tennis courts, and boat docks that are not covered or enclosed.

   b. Setback standard. Uncovered horizontal structures are allowed in required setbacks if they are no more than 2-1/2 feet above the ground. If they are higher, they are not allowed in required building setbacks. However, on lots that slope down from the street, vehicular or pedestrian entry bridges are allowed in required setbacks if they are no more than 2-1/2 feet above the average sidewalk elevation.

4. Covered accessory structures.

   a. Description. Covered accessory structures are items such as garages, greenhouses, storage buildings, wood sheds, covered decks, covered porches, and covered recreational structures.

   b. Setback regulations. Covered accessory structures if 6 feet or less in height are allowed in side and rear setbacks, but are not allowed in a front setback. Covered structures over 6 feet in height are not allowed in required building setbacks. See the exceptions for garages in Subsection E. below.

D. Building coverage for covered accessory structures.

1. The combined footprint of all covered accessory structures may not exceed 15 percent of the total area of the site.

2. A covered accessory structure may not have a larger footprint than the footprint of the primary structure.

E. Special standards for garages.

1. A garage that is nonconforming due to its location in a setback, may be rebuilt on its existing foundation if it was originally constructed legally. An addition may be made to these types of garages if the addition meets the standards of this section, or if the combined size of the existing foundation and any additions is no larger than 12 feet wide by 18 feet deep.

2. Garages in the R3 through RX zones. In the R3 through RX zones, garages are allowed in the side or the rear building setback if all of the following are met:

   a. The garage entrance is 40 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;

   b. The garage has dimensions which do not exceed 24 feet by 24 feet; and

   c. The garage walls are no more than 10 feet high.

33.120.285 Fences

A. Purpose. The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location.

1. Fences up to 3-1/2 feet high are allowed in required front building setbacks.

2. Fences up to 8 feet high are allowed in required side or rear building setbacks.

3. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other regulations.

1. Building permits. Building permits are required by the Bureau of Buildings for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences and use of barbed wire are also regulated by the Police Bureau.

33.120.290 Demolitions
The demolition of all buildings is regulated by Chapter 33.445, Historic Resource Protection Zone. In addition, the demolition of residential buildings must comply with Section 24.55.700 of Title 24, Building Regulations, concerning waiting periods for demolition.

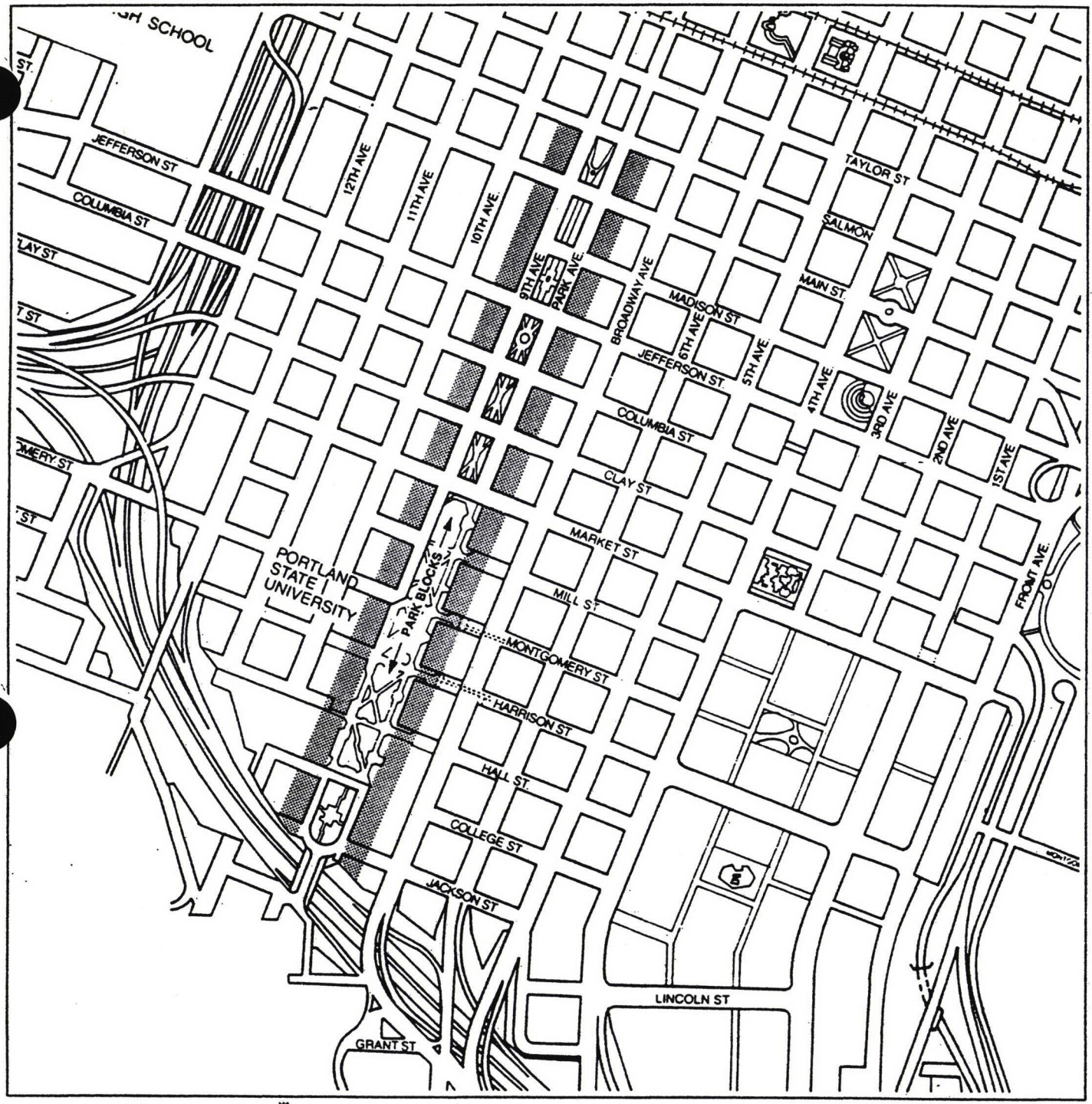
33.120.295 Excavations and Fills
Excavations and fills require a review and are subject to the regulations of Chapter 33.830, Excavations and Fills.

33.120.300 Nonconforming Development
Existing developments that do not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.120.305 Parking and Loading
The standards for the required number of auto and bike parking spaces, parking lot placement, parking lot setbacks and landscaping, loading areas and driveways are stated in Chapter 33.266, Parking And Loading.

33.120.310 Signs
The sign regulations are stated in Chapter 33.286.

33.120.315 Street Trees
Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.



NORTH

0' 320' 640'

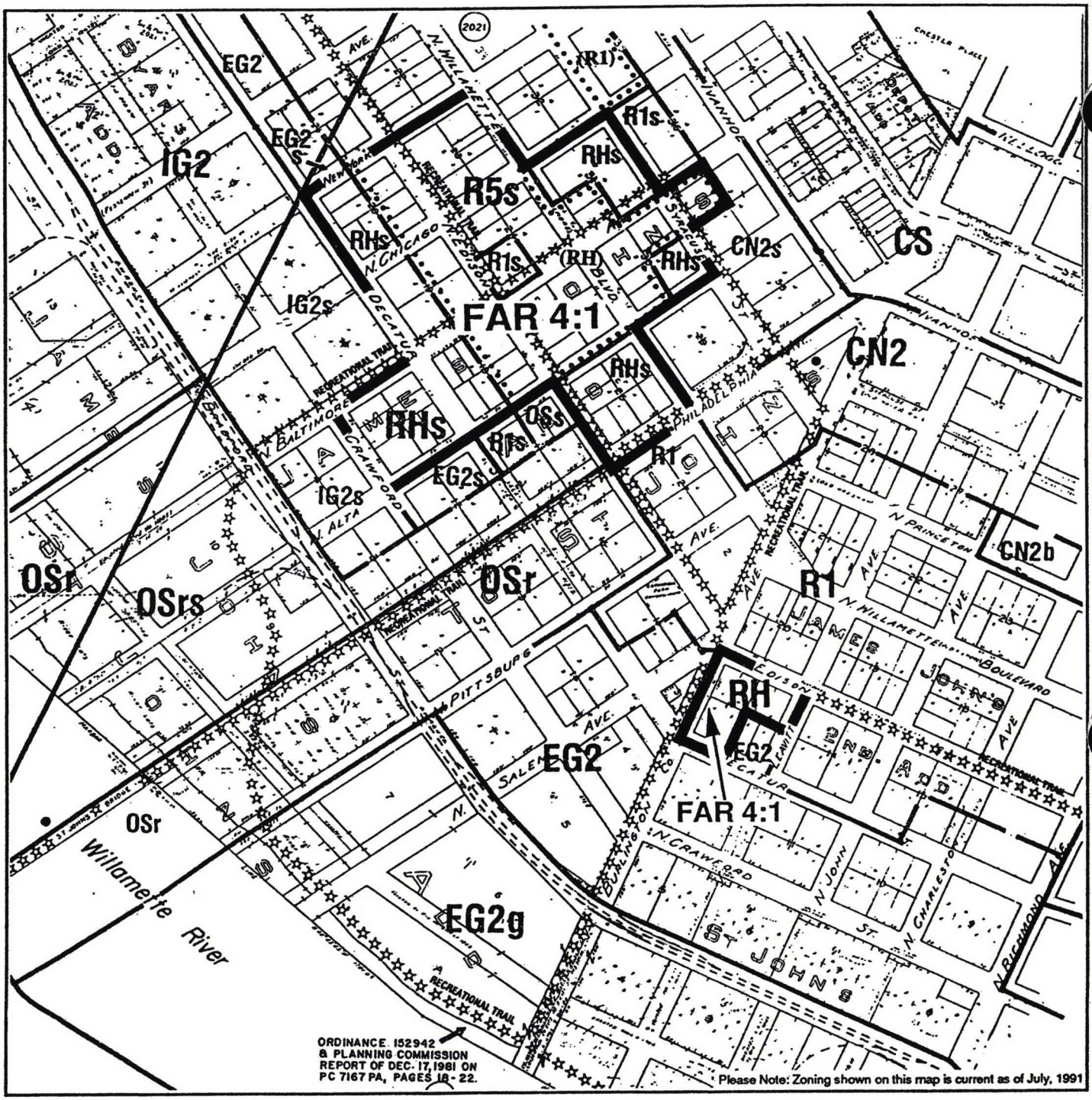
Scale in Feet

Park Block Frontage

Map 120-1

Park Block Frontages

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NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

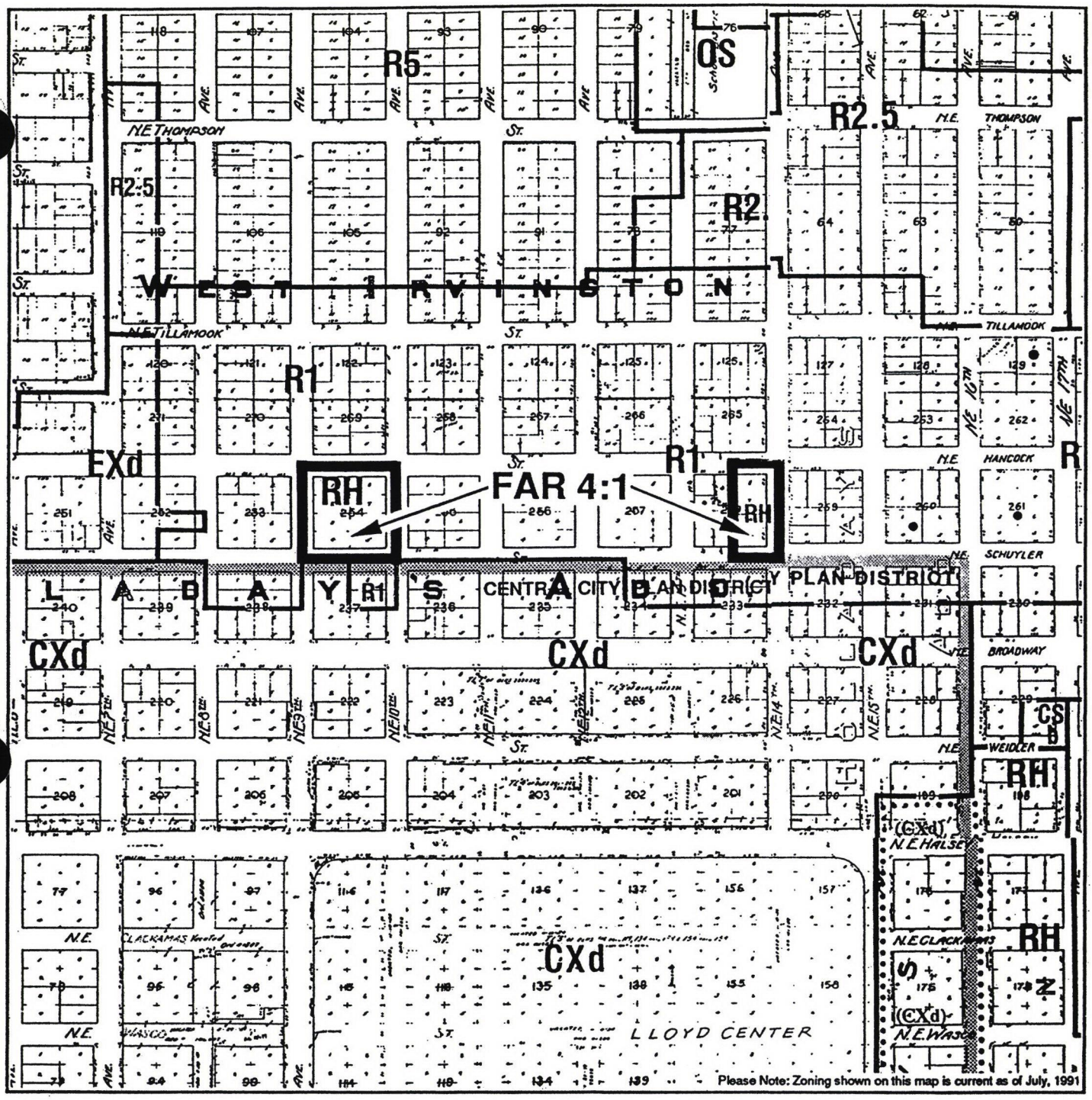
Map 120-2

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2121

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

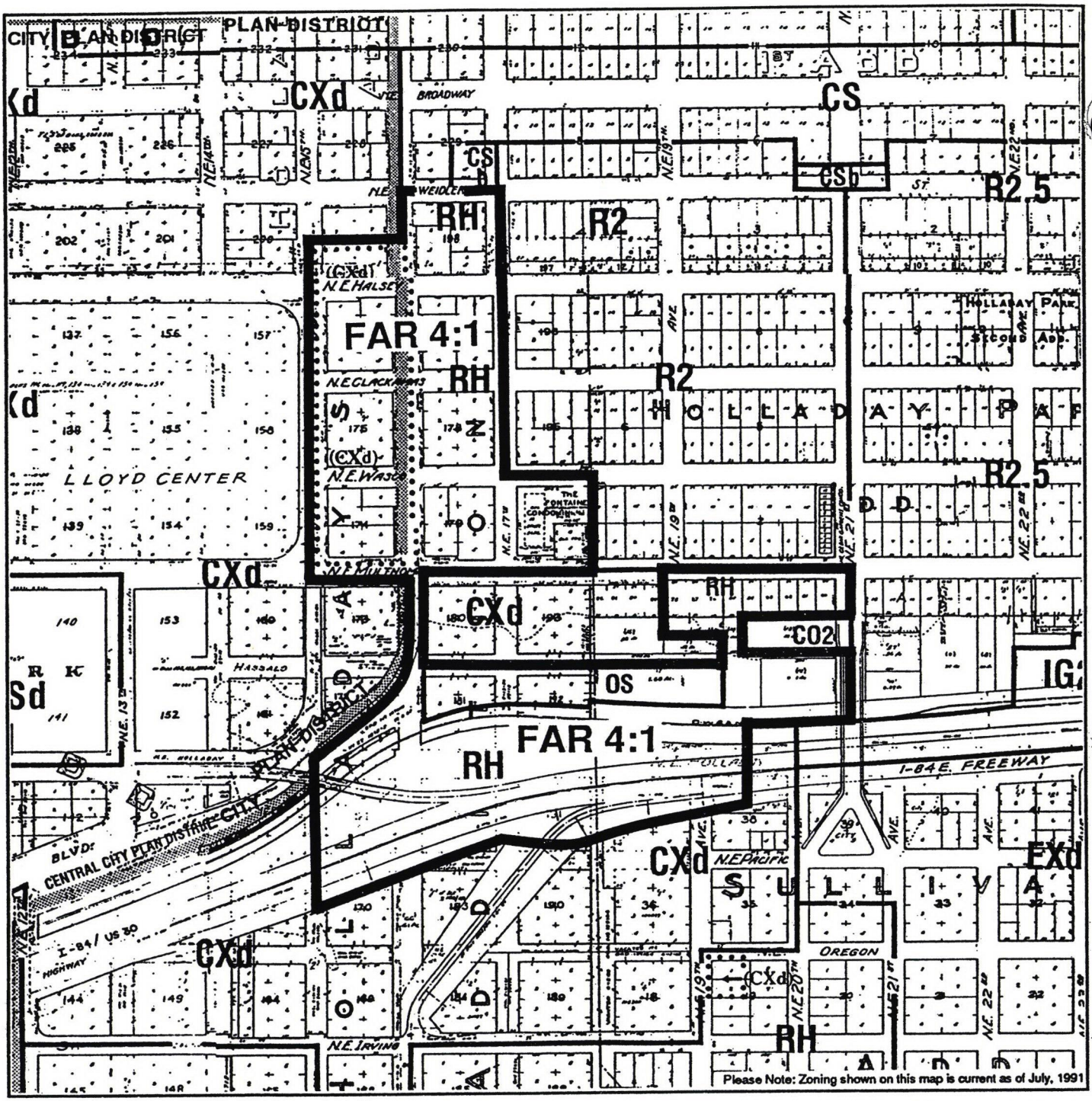
Map 120-3

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2831

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

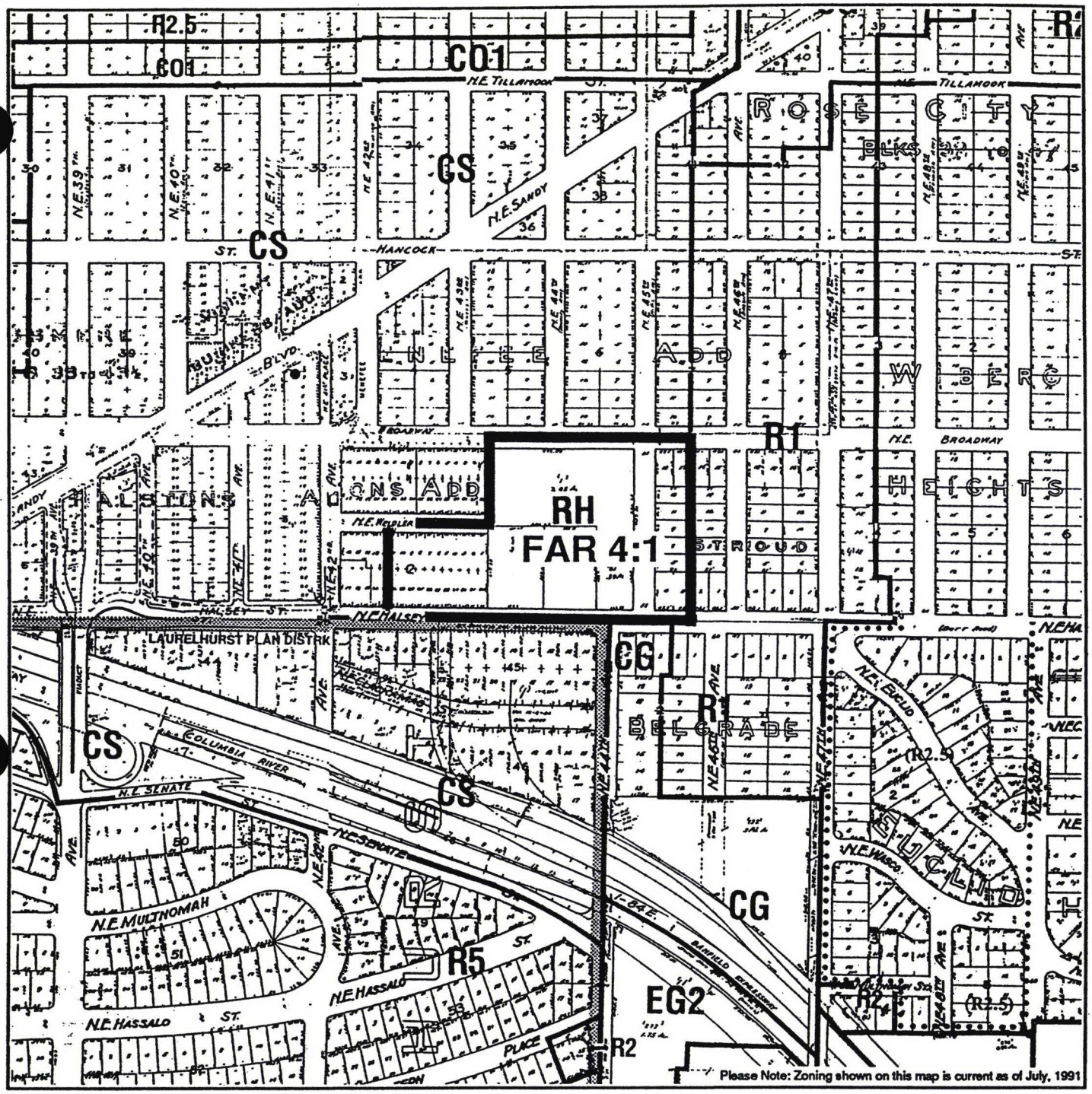
Map 120-4

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 2832, 2932

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

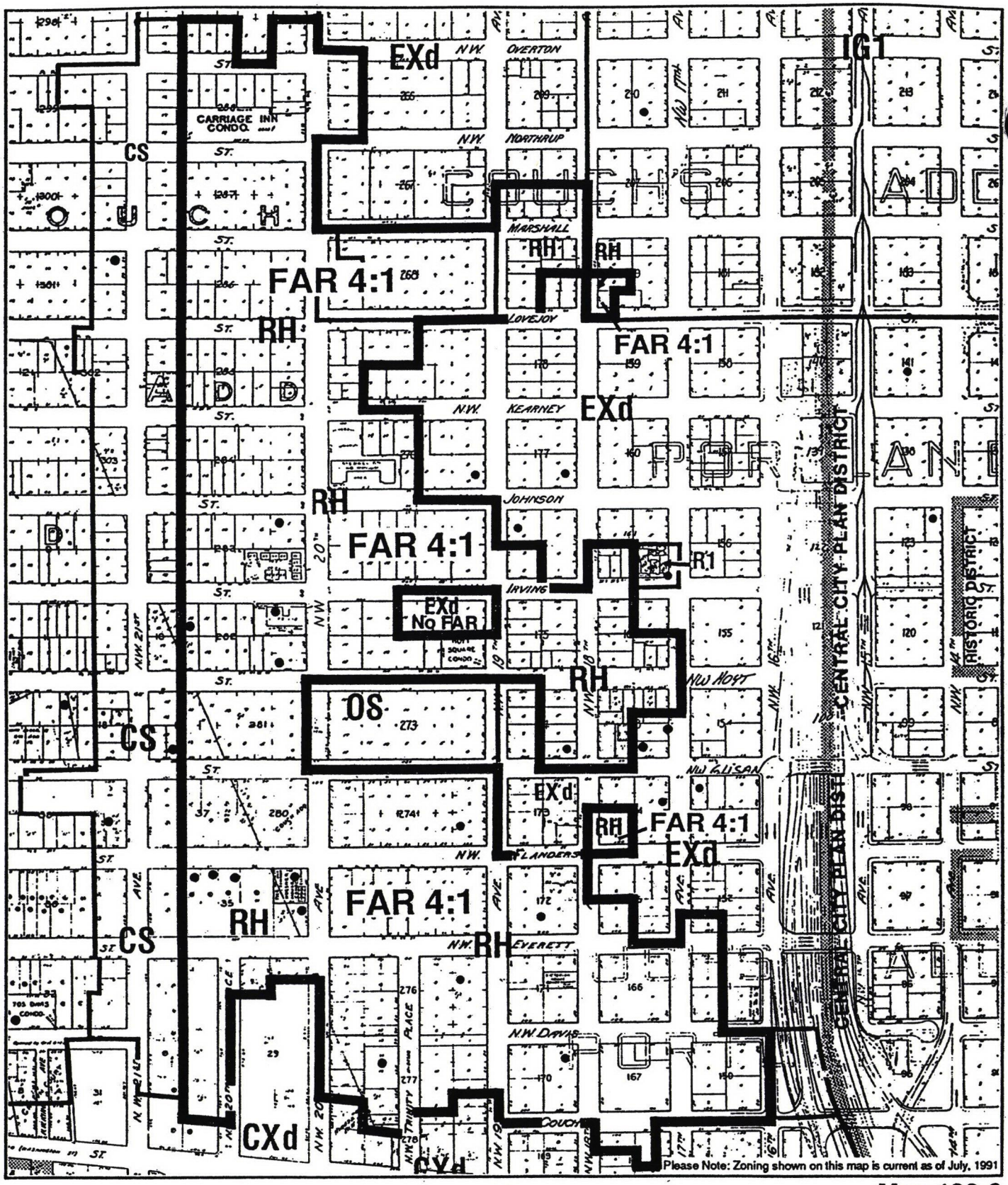
Map 120-5

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2835

[See 33.120.205 and Table 120-3]

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Please Note: Zoning shown on this map is current as of July, 1991

NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

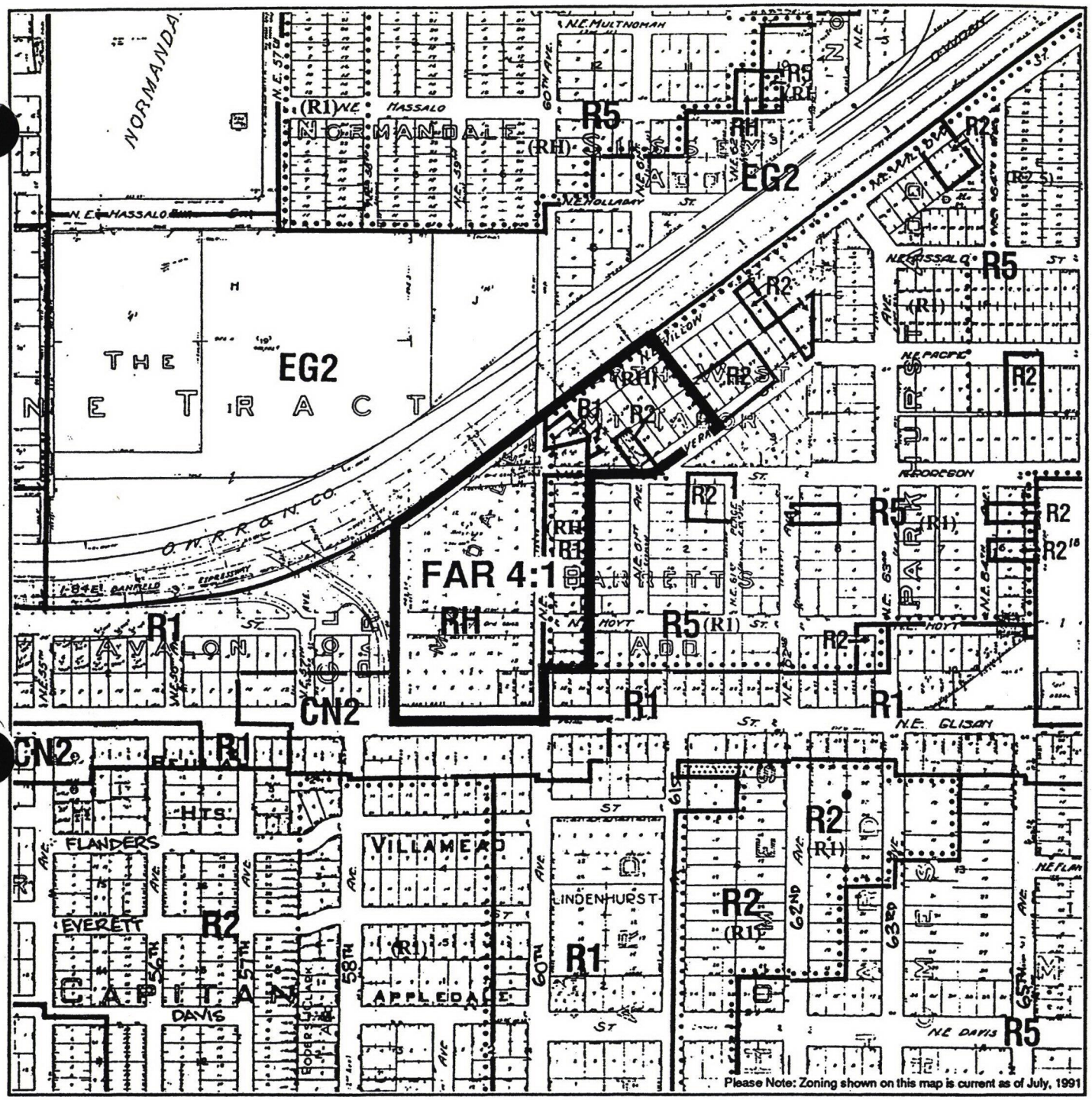
Map 120-6

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 2927, 2928, 3027, 3028

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

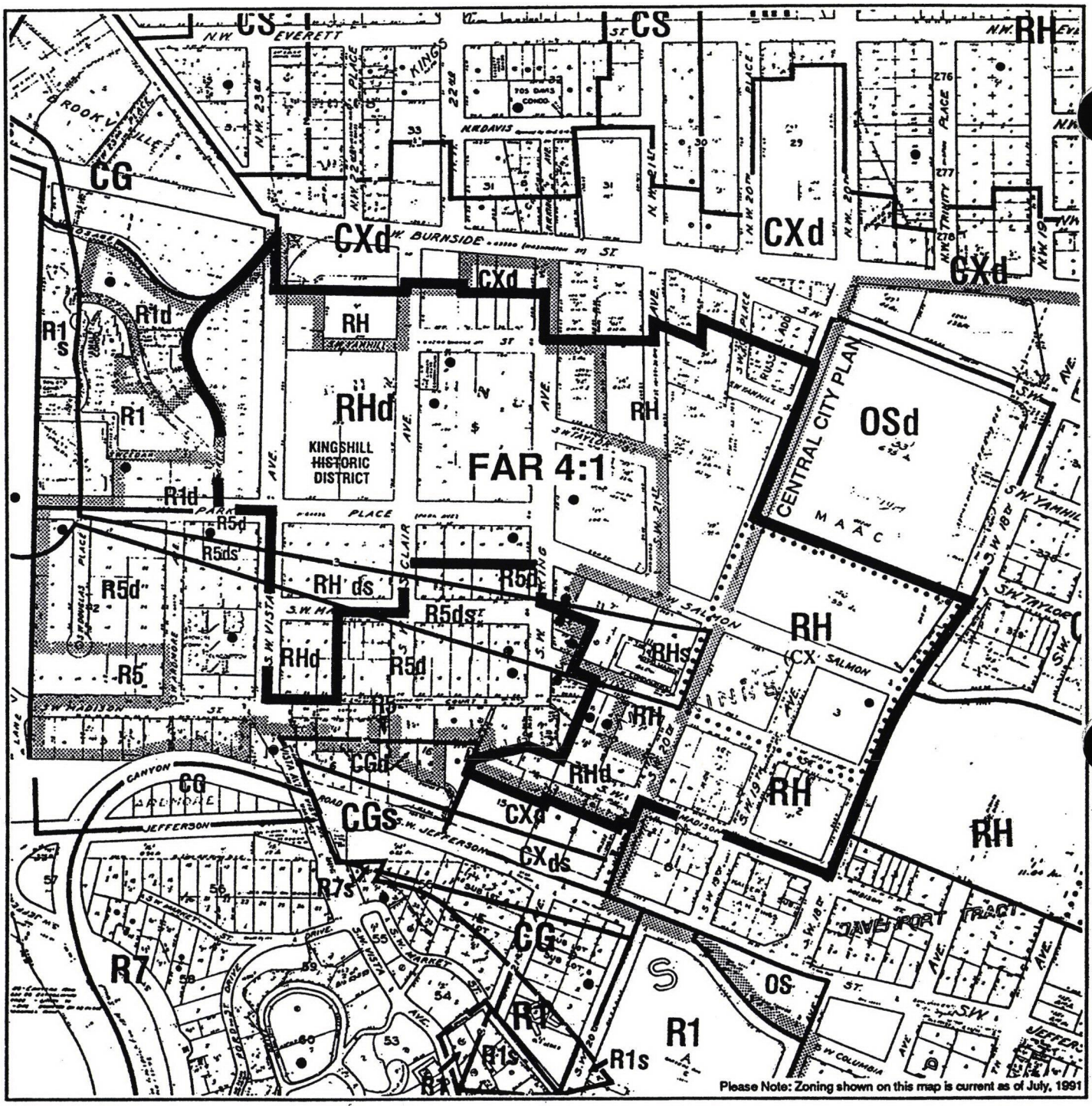
Map 120-7

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 2936, 2937

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

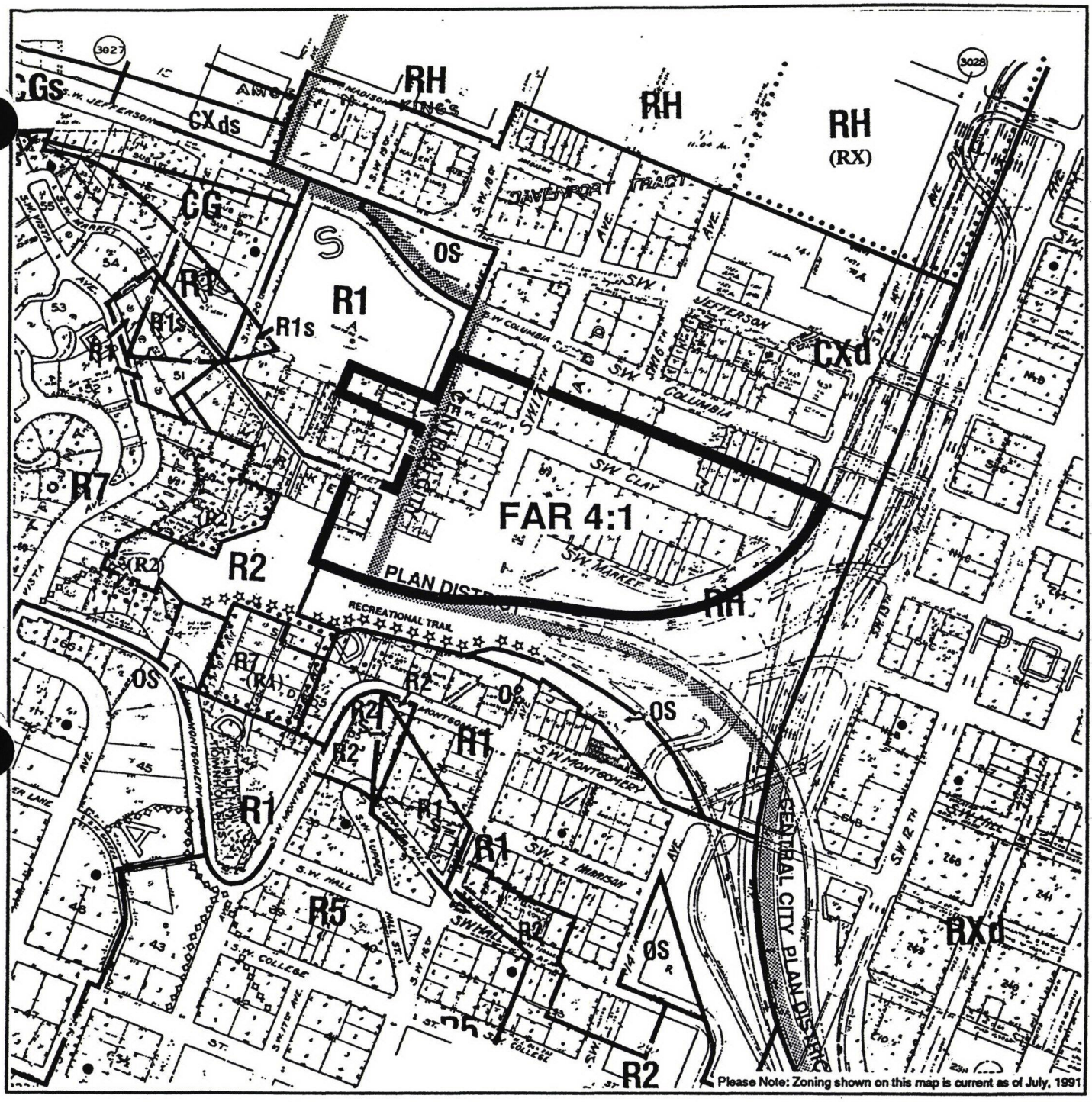
Map 120-8

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 3027, 3028, 3127, 3128

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

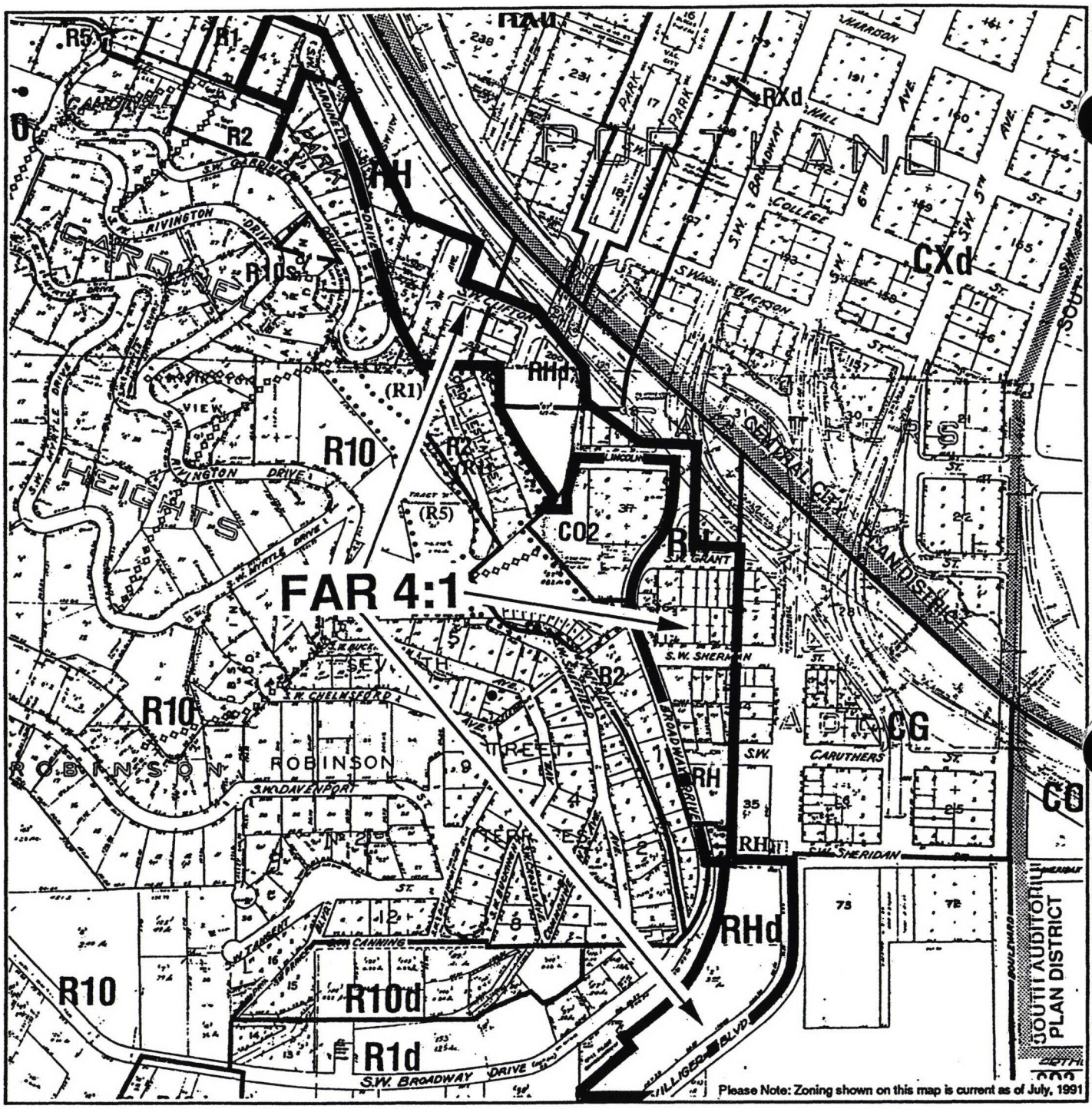
Map 120-9

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 3127, 3128

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

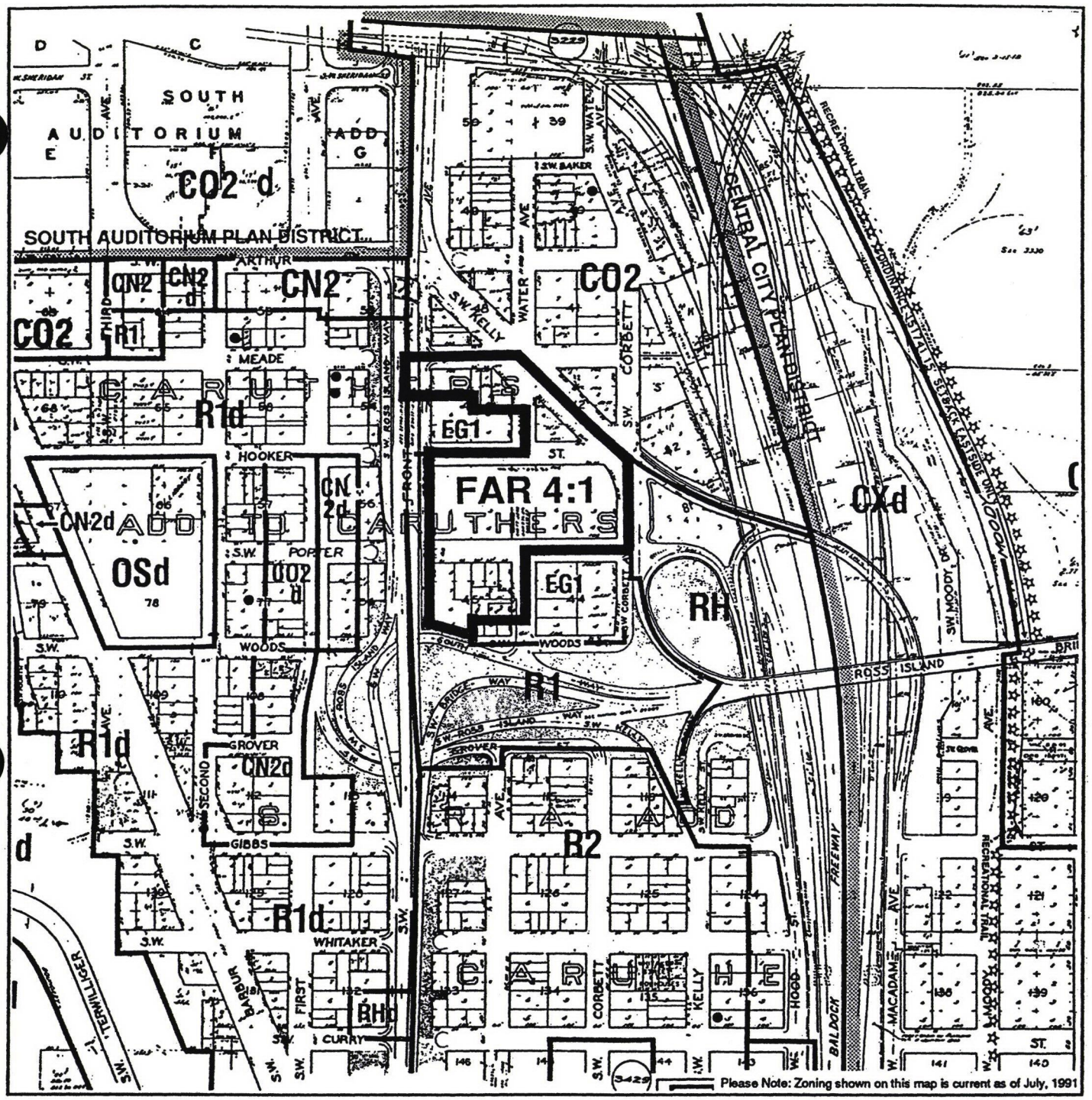
Map 120-10

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 3228, 3328

[See 33.120.205 and Table 120-3]

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

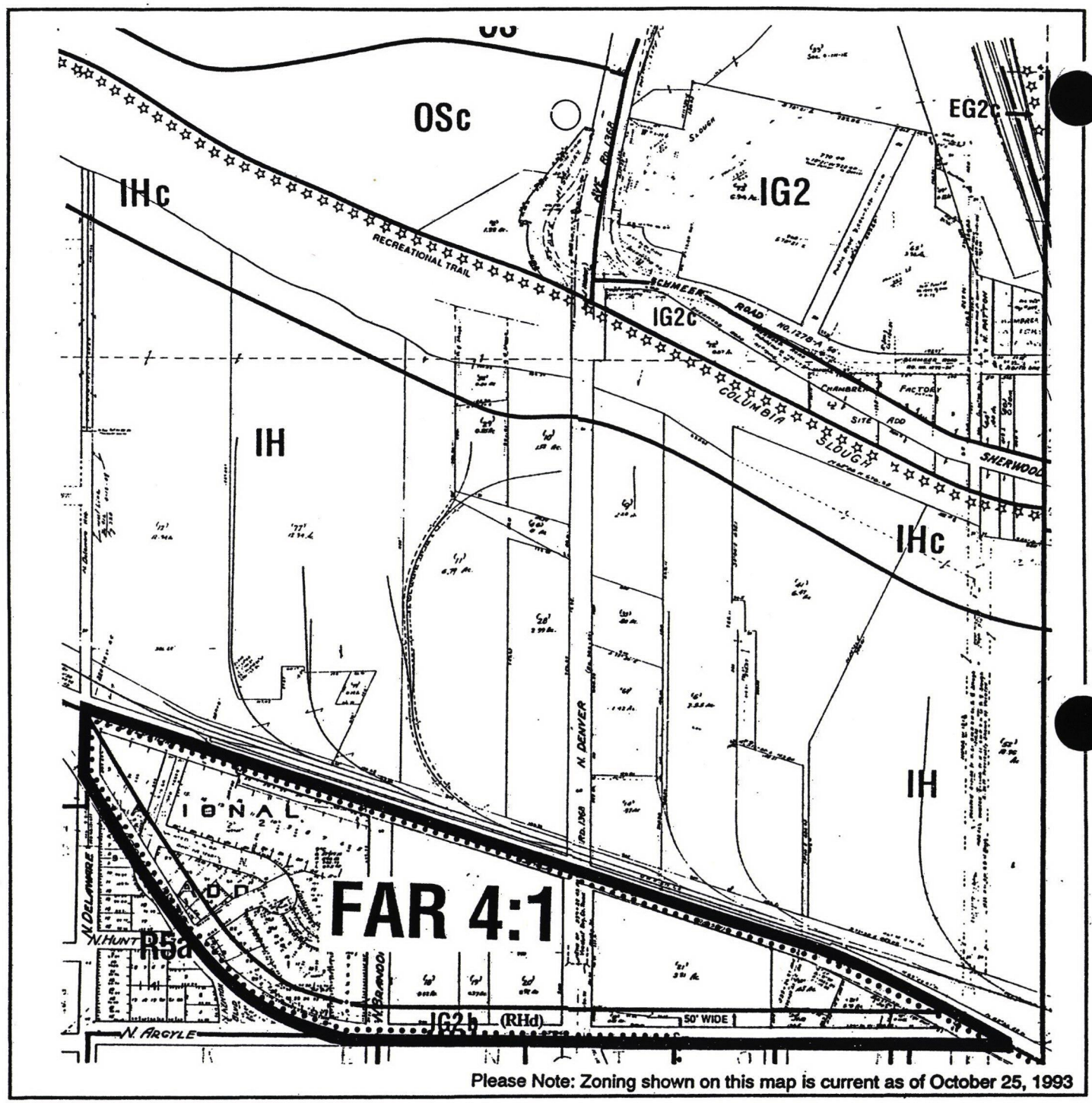
Map 120-11

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 3329

[See 33.120.205 and Table 120-3]

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Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

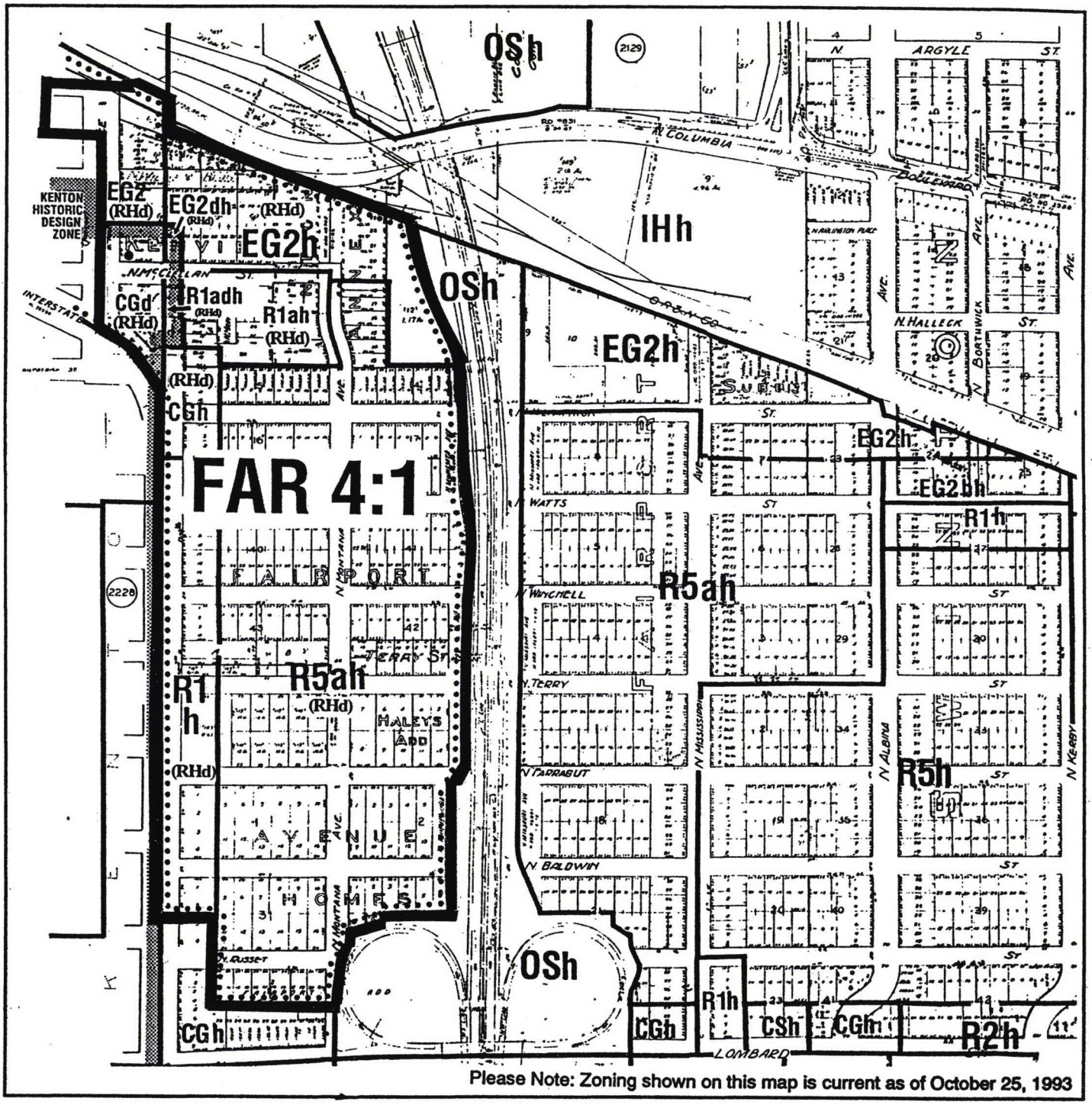
Map 120-12

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2128

Albina Community Plan

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Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

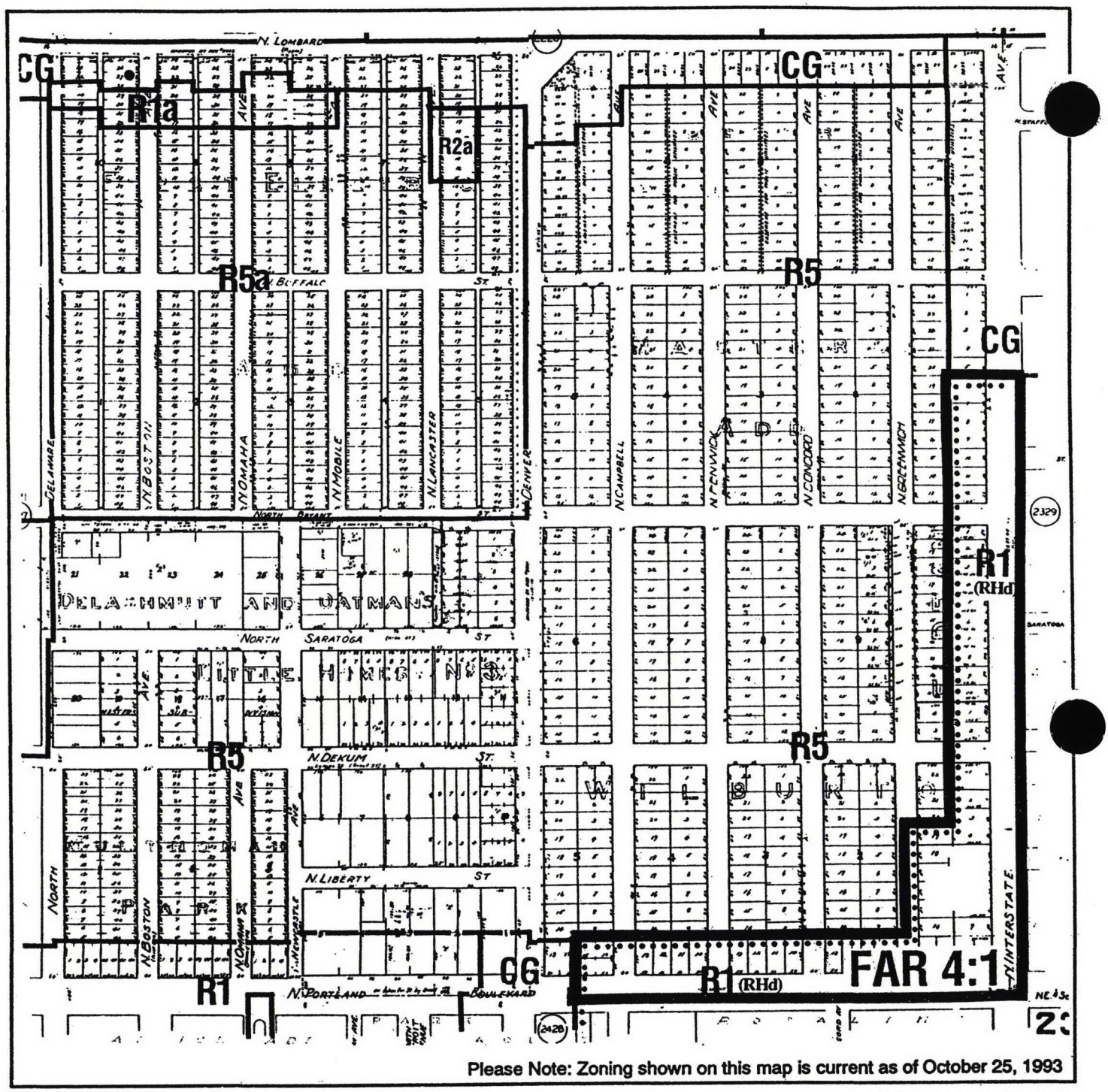
Map 120-13

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2229

Albina Community Plan

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Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

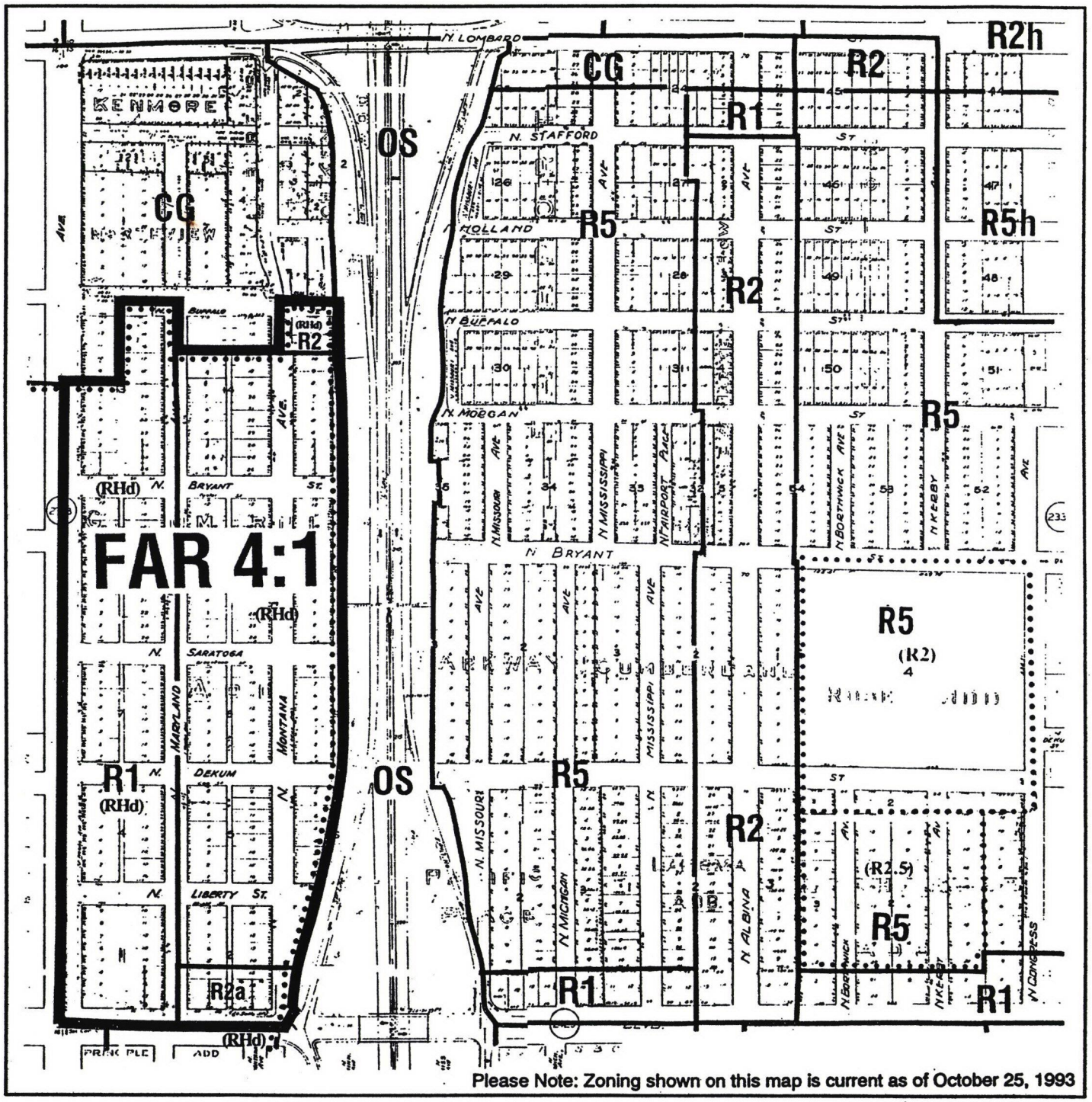
Map 120-14

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2328

Albina Community Plan

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NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

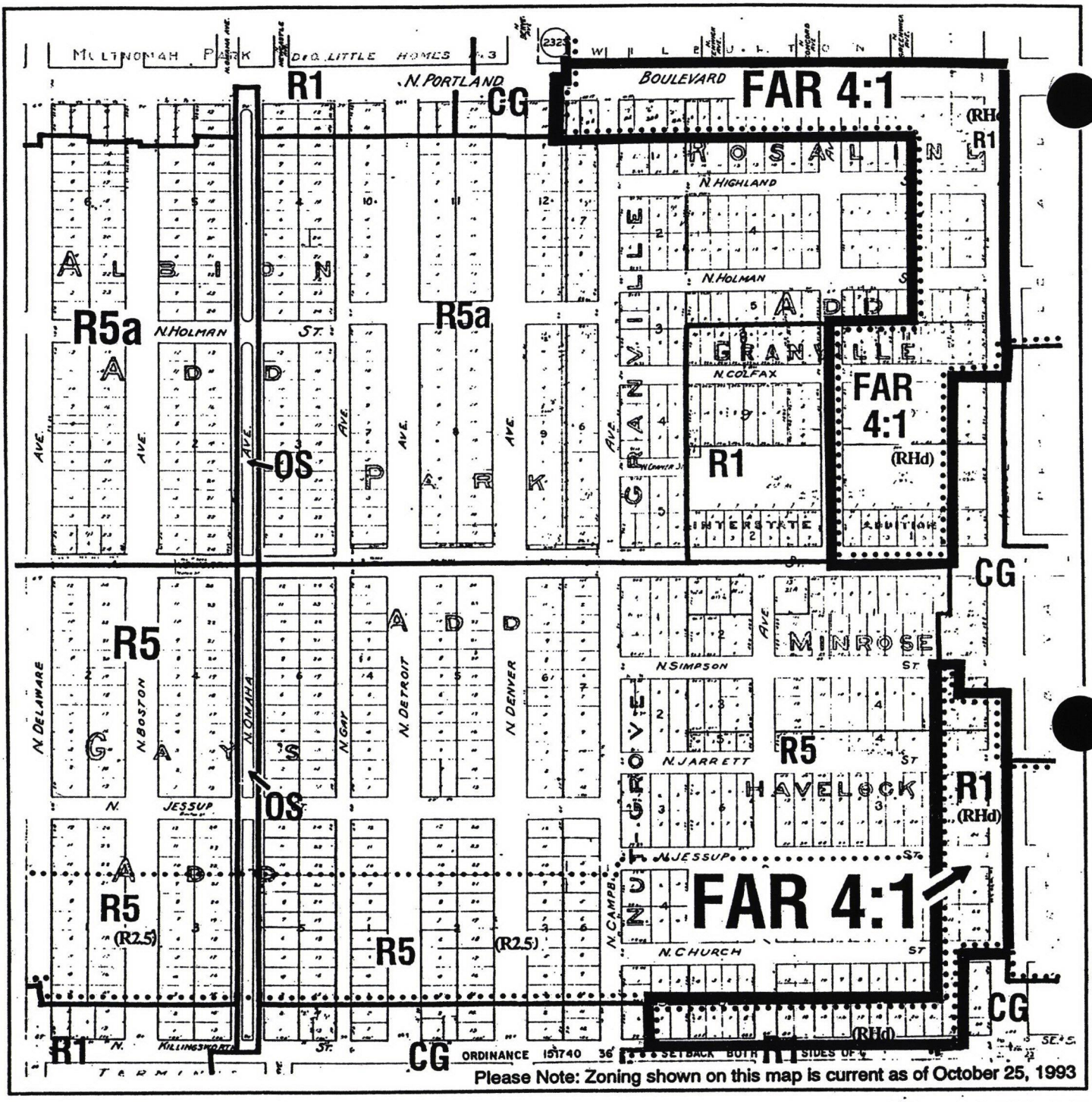
Map 120-15

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2329

Albina Community Plan

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NORTH

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Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

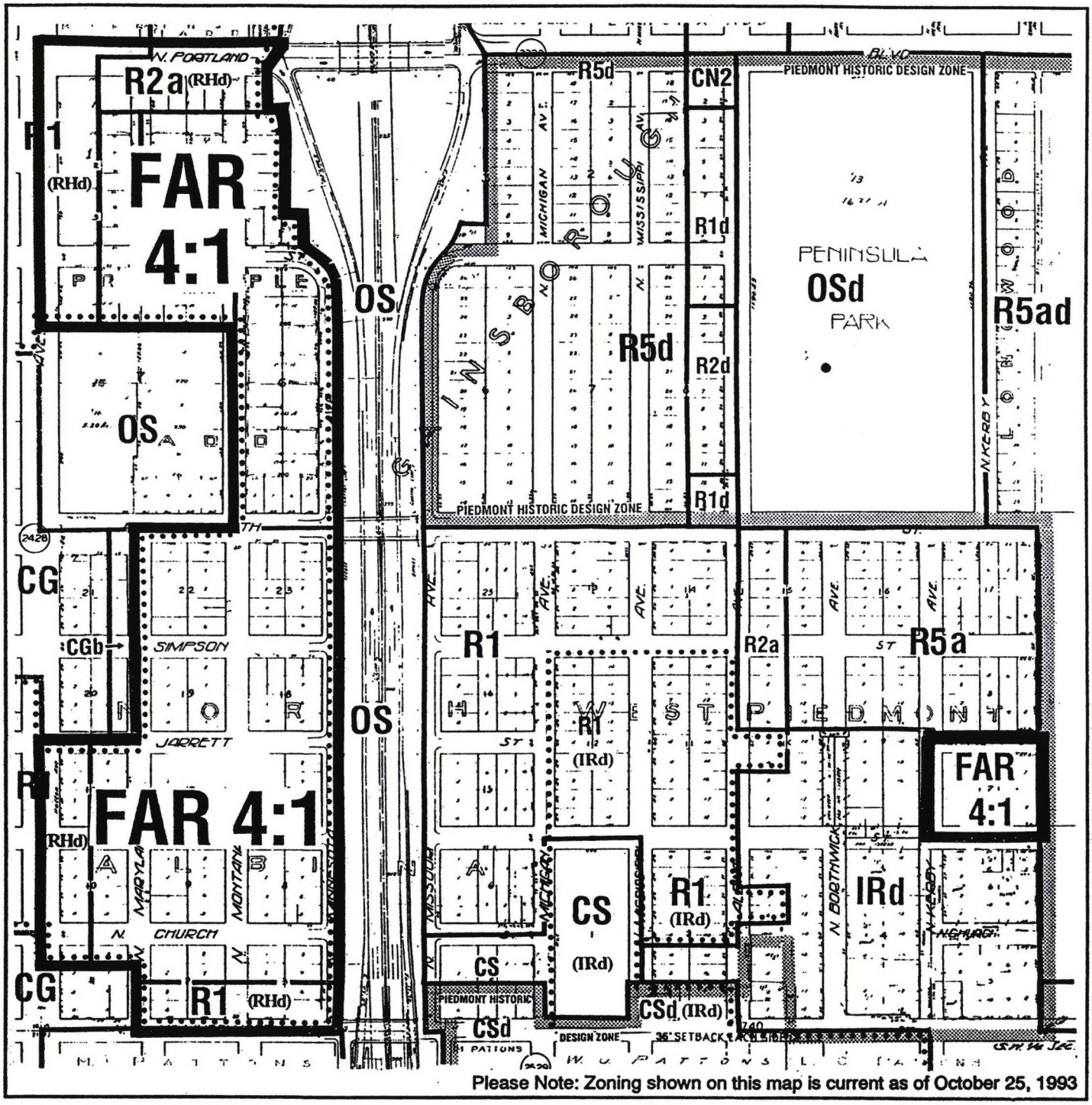
Map 120-16

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2428

Albina Community Plan

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NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

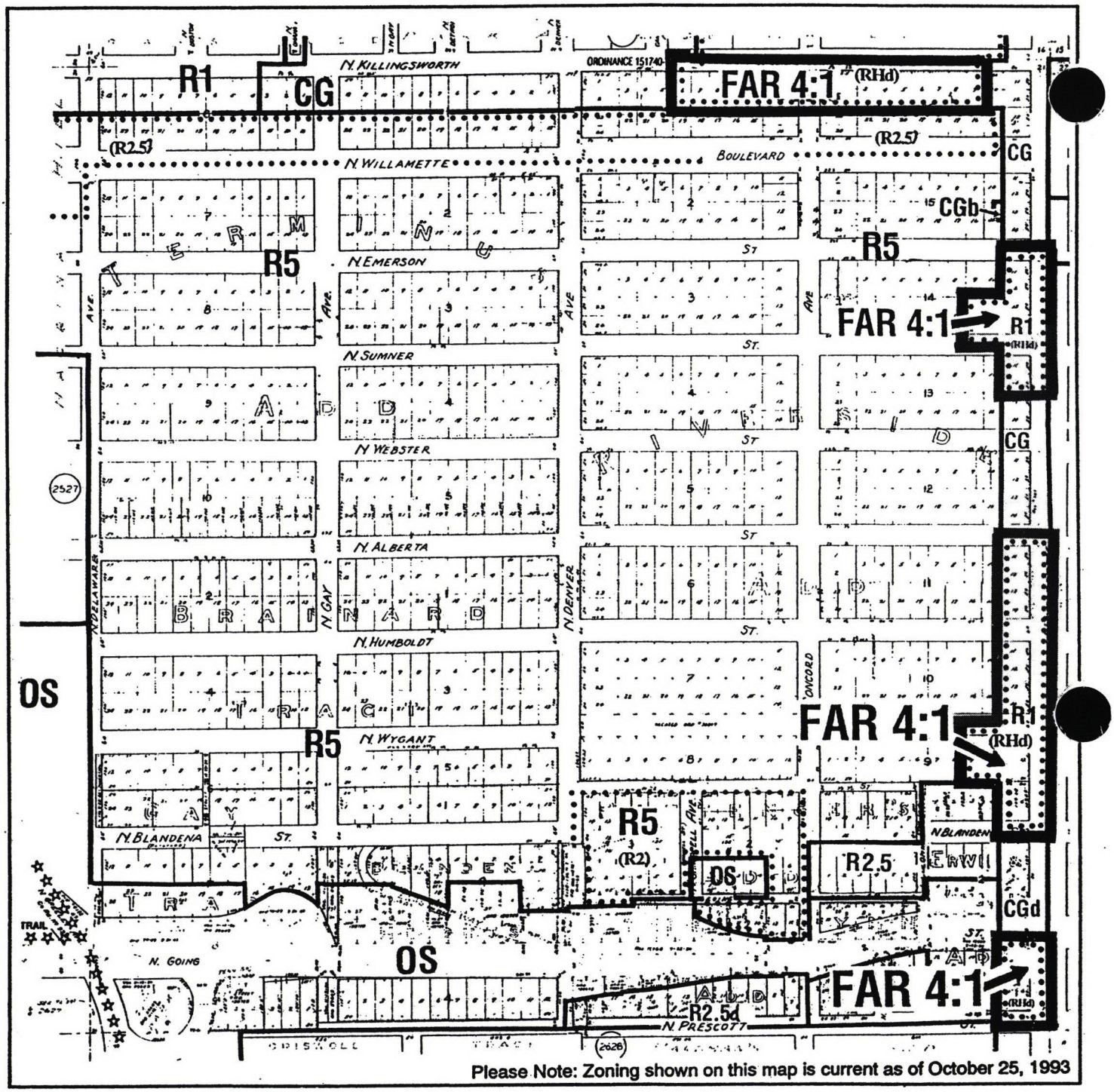
Map 120-17

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2429

Albina Community Plan

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Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

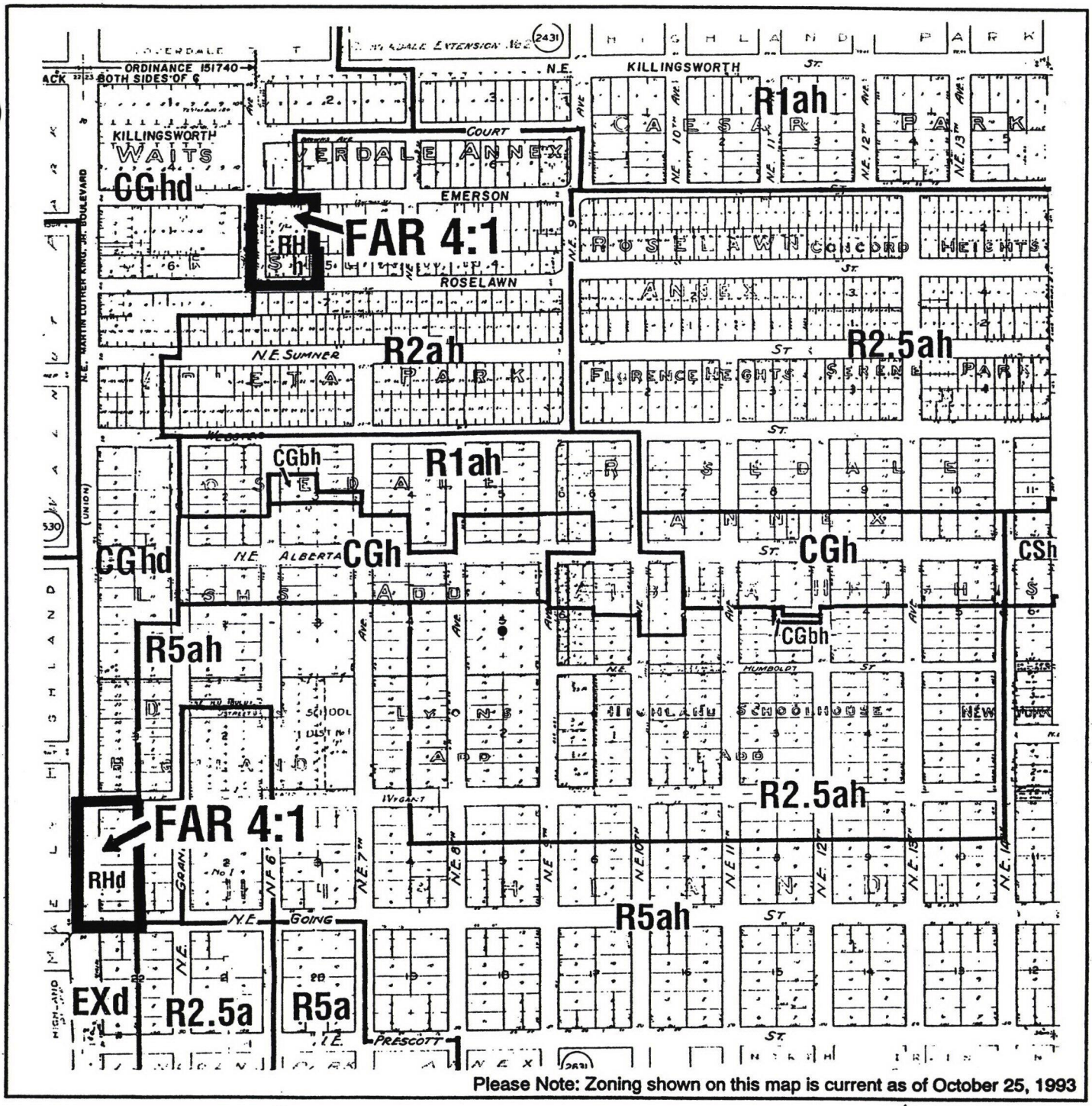
Map 120-18

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2528

Albina Community Plan

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NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

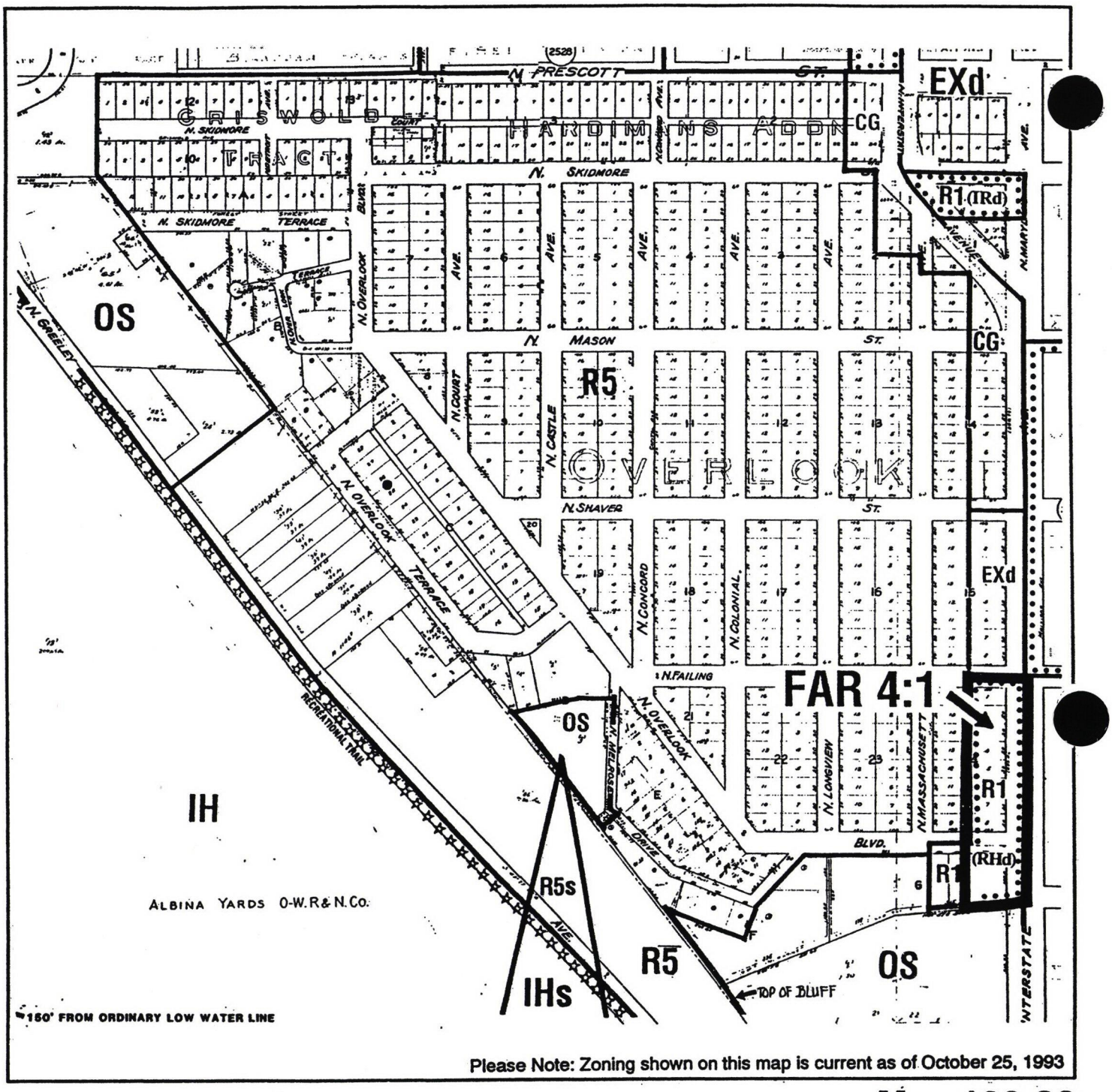
Map 120-19

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2531

Albina Community Plan

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Please Note: Zoning shown on this map is current as of October 25, 1993

Map 120-20

NORTH

0 200 400

Scale in Feet

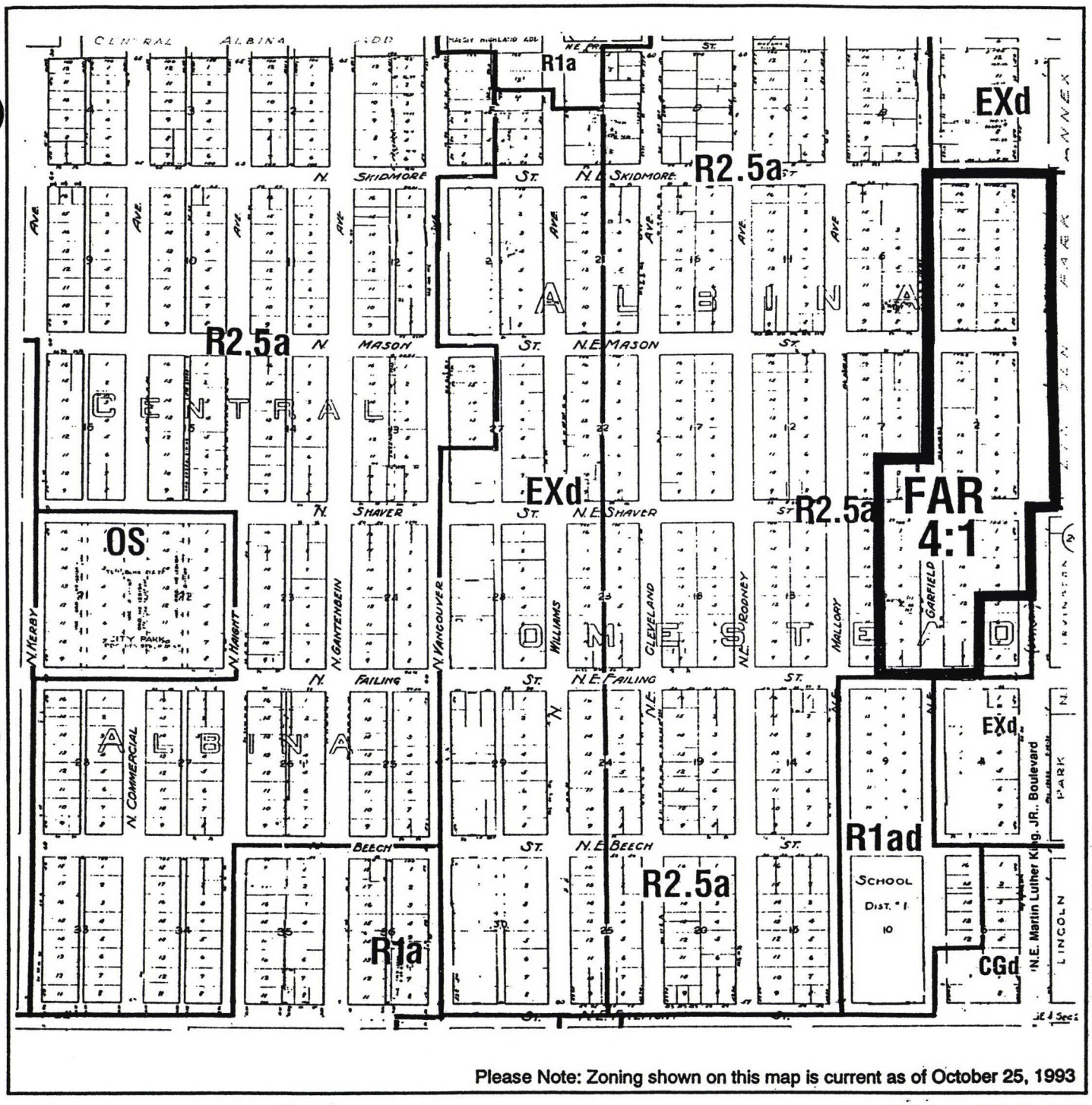
Boundary of Existing/Potential RH-Zoned Area

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2628

Albina Community Plan

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Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

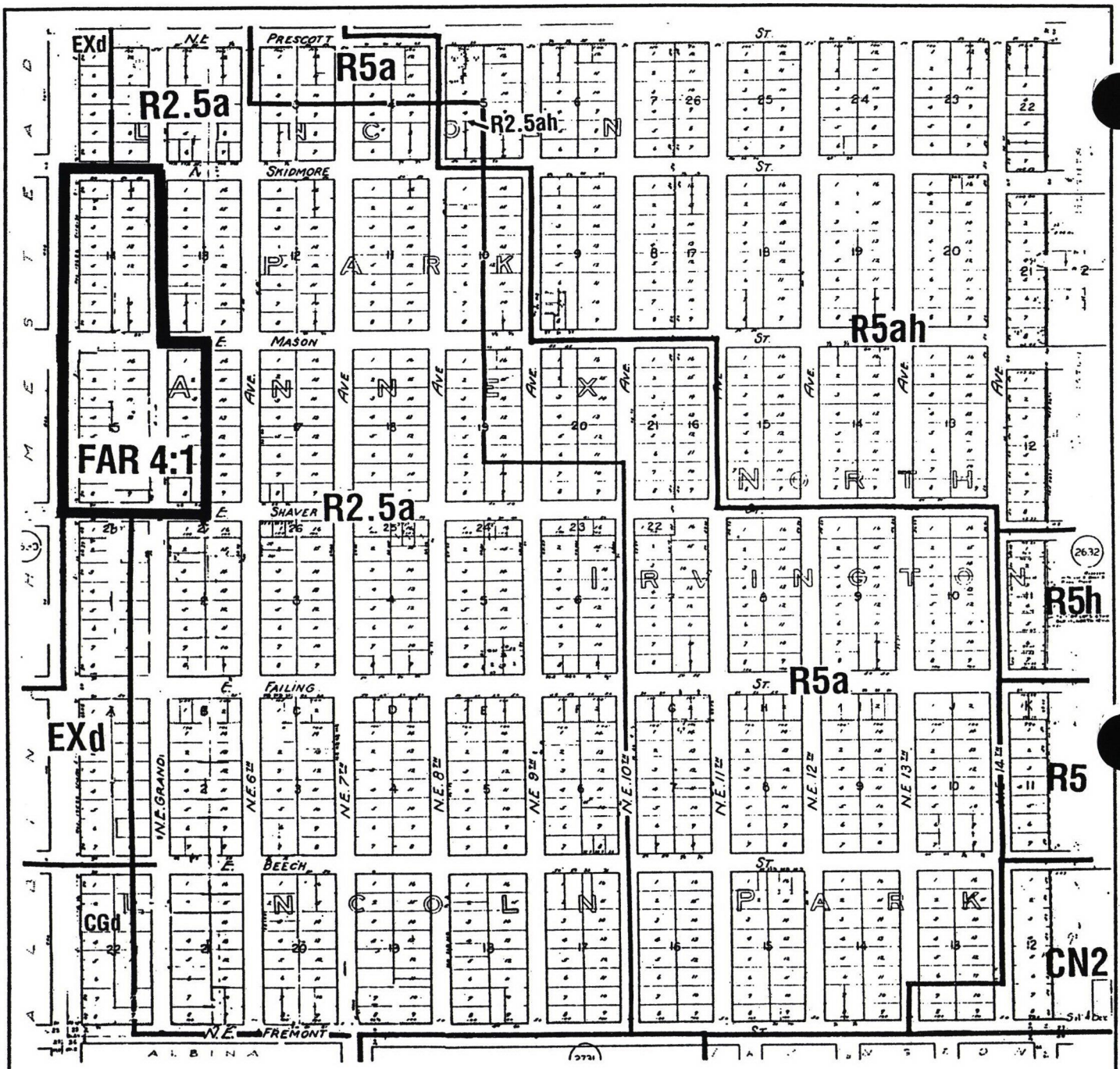
Map 120-21

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2630

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

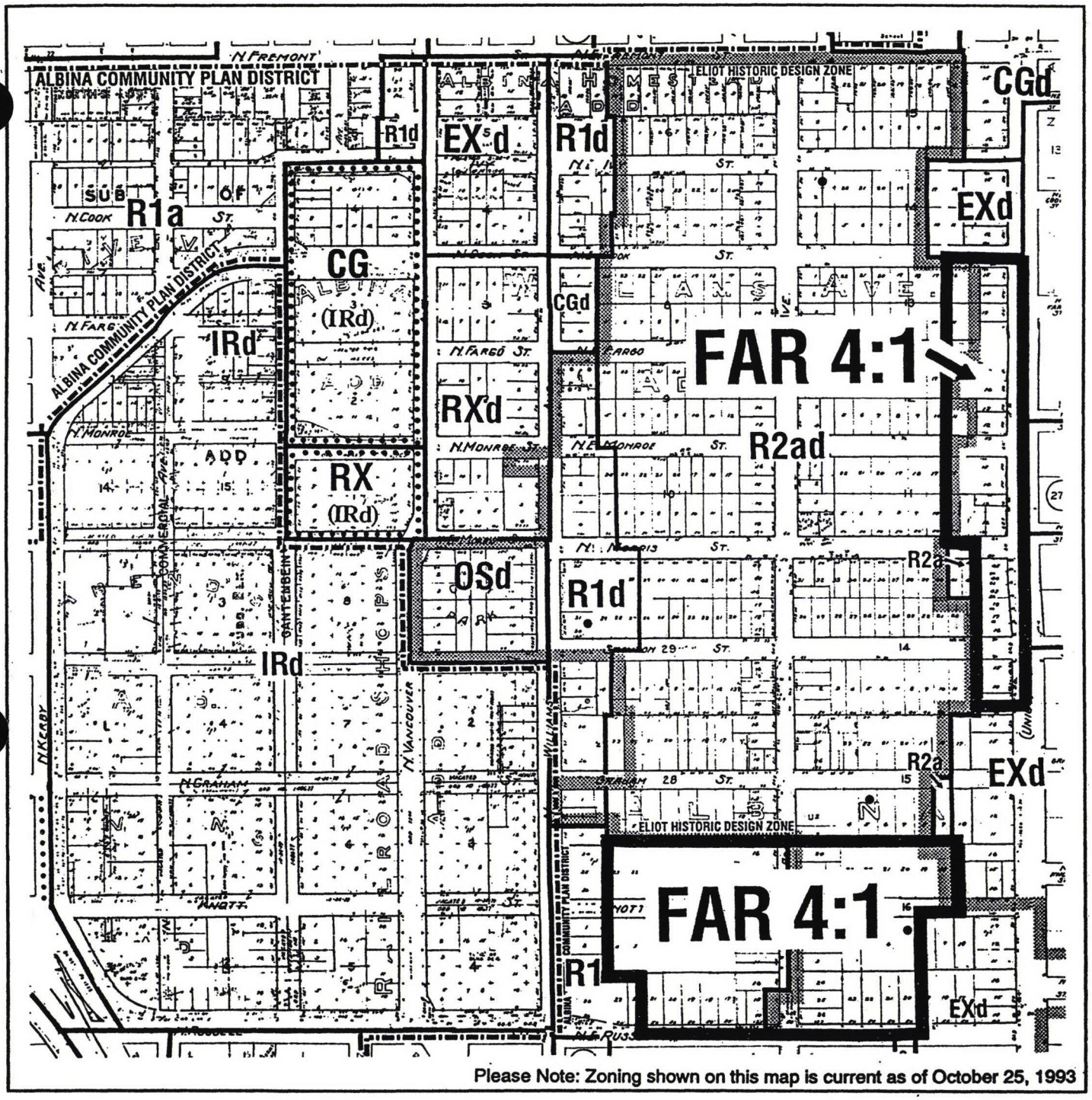
Map 120-22

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2631

Albina Community Plan

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NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

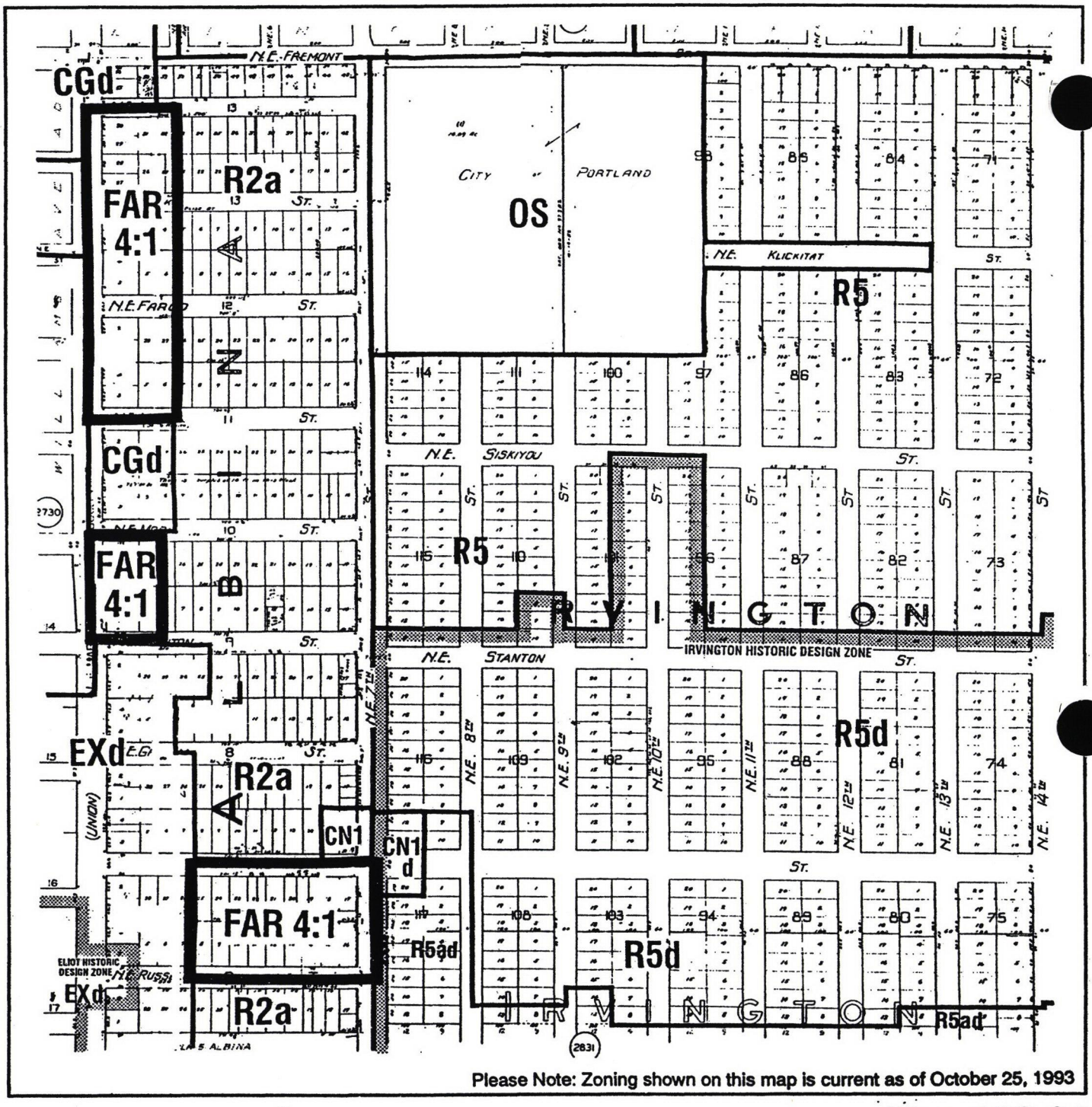
Map 120-23

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2730

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

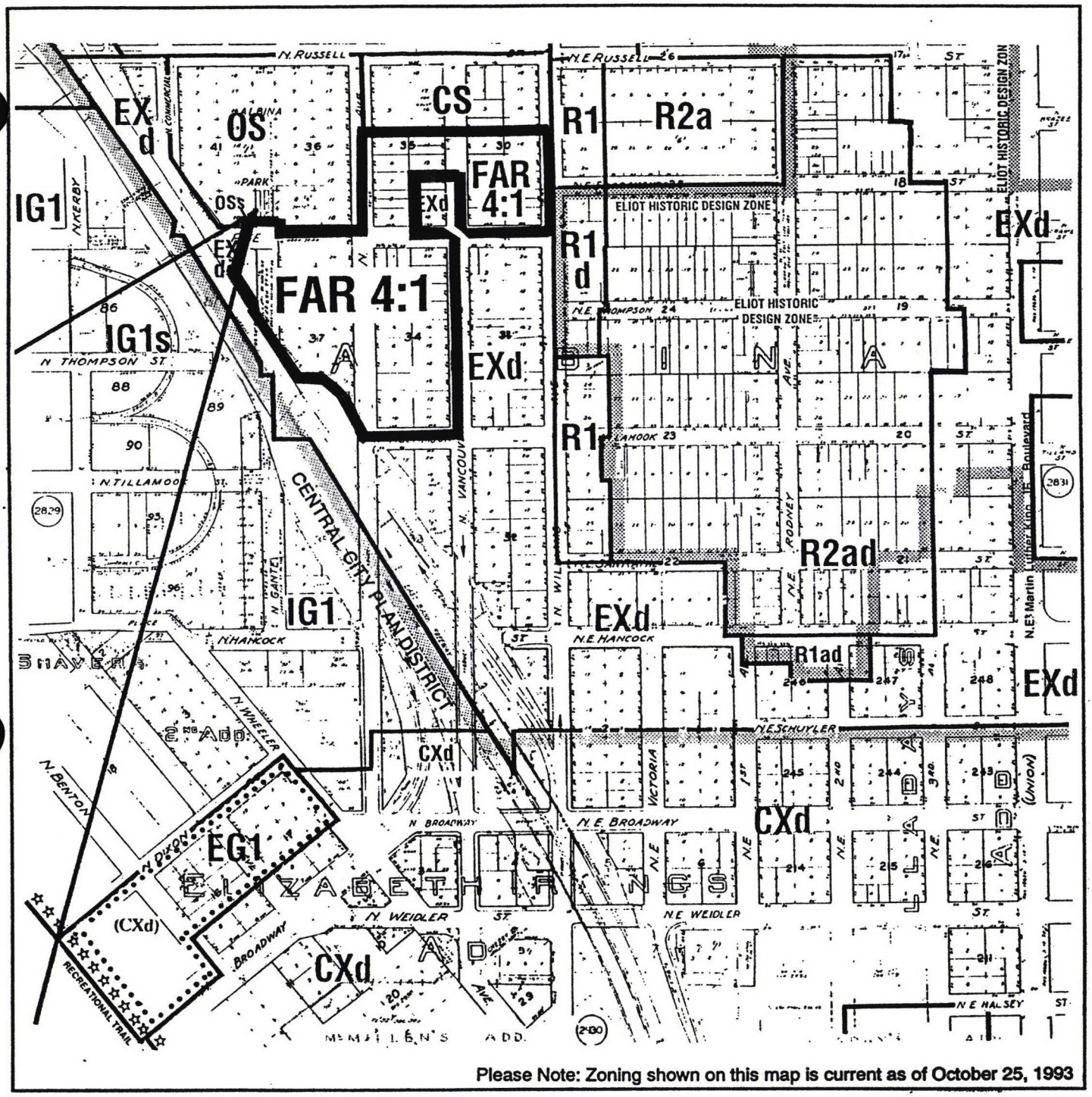
Map 120-24

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2731

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

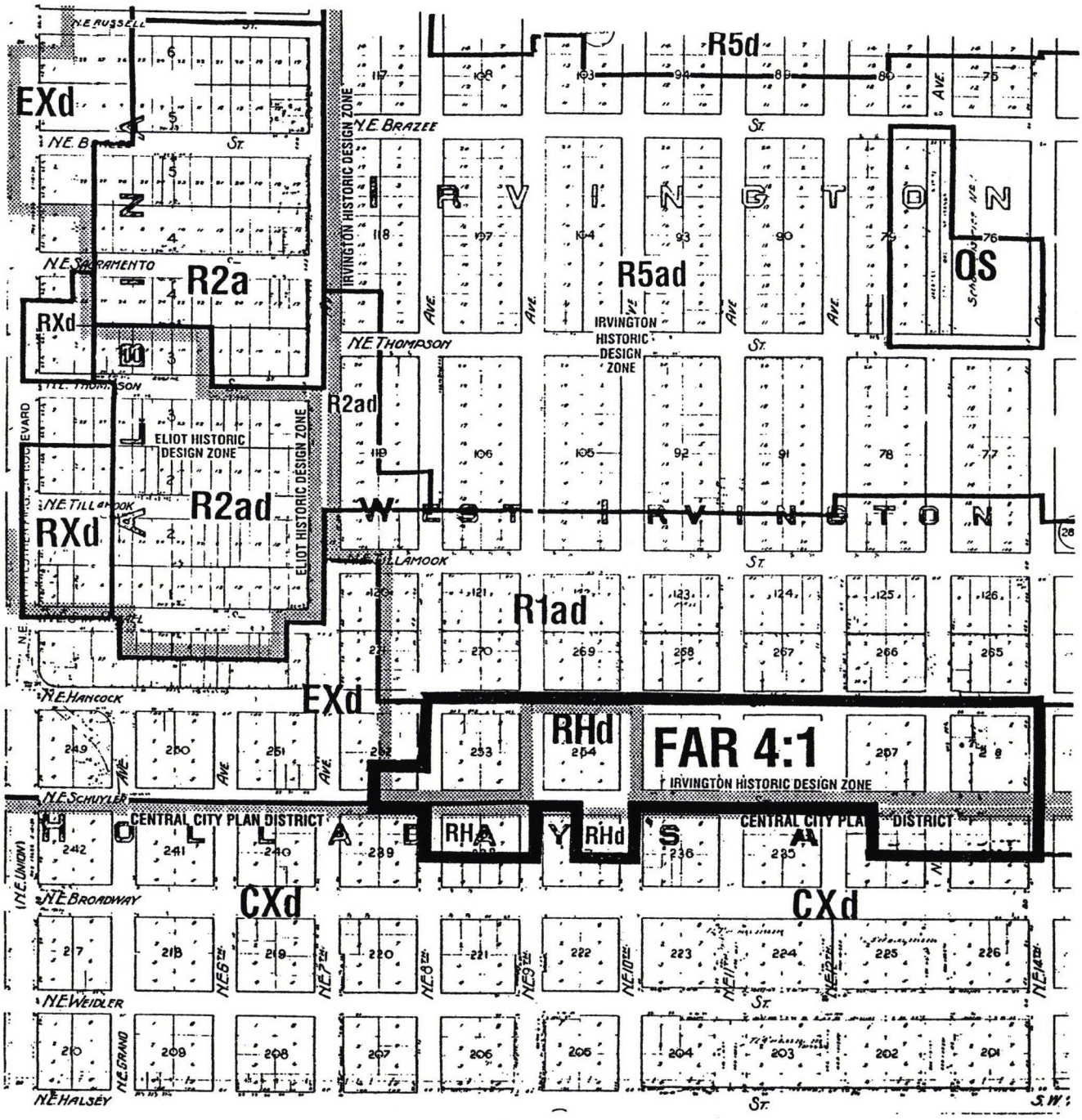
Map 120-25

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2830

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

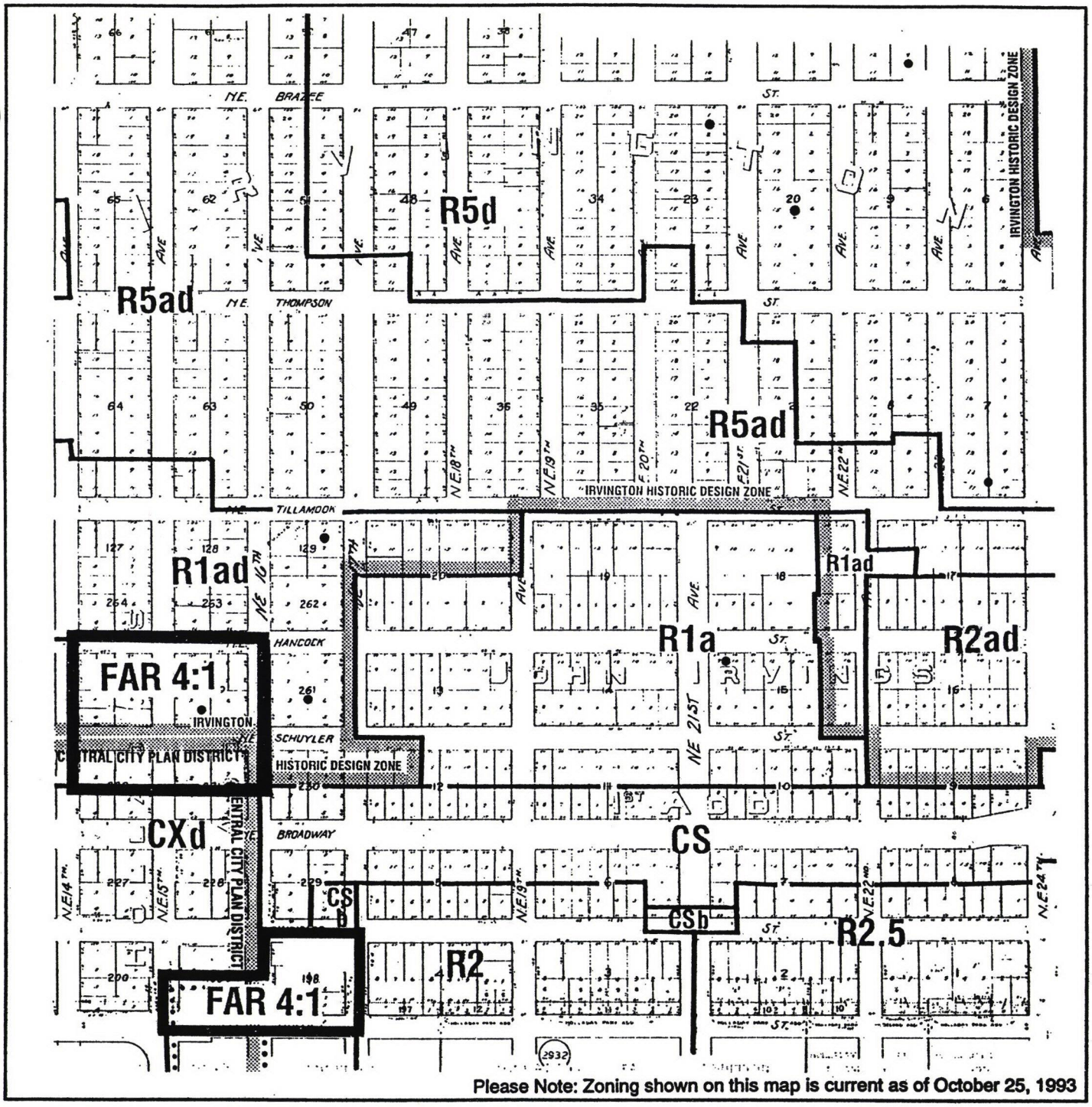
Map 120-26

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2831

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



Please Note: Zoning shown on this map is current as of October 25, 1993

NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

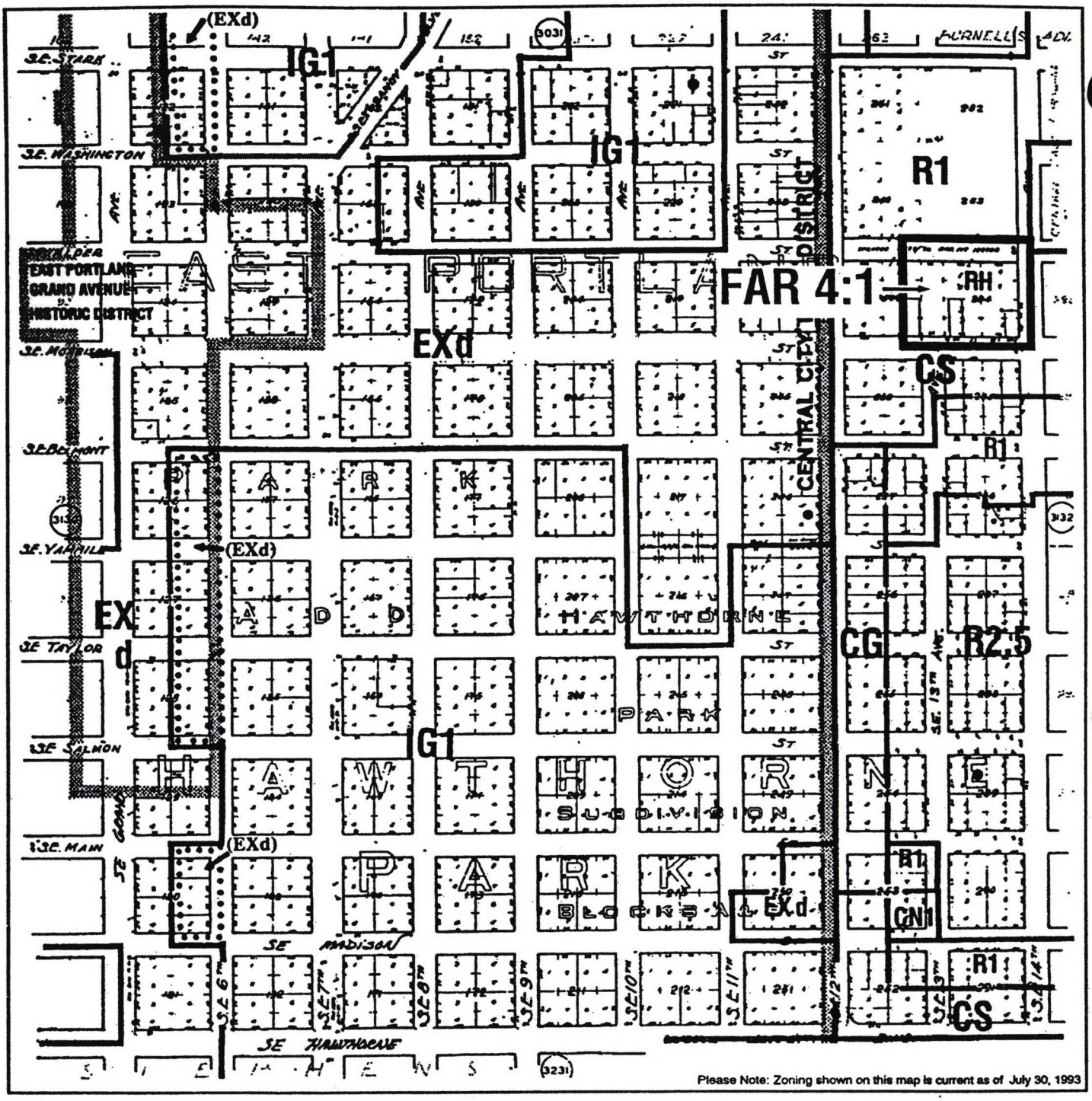
Map 120-27

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2832

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

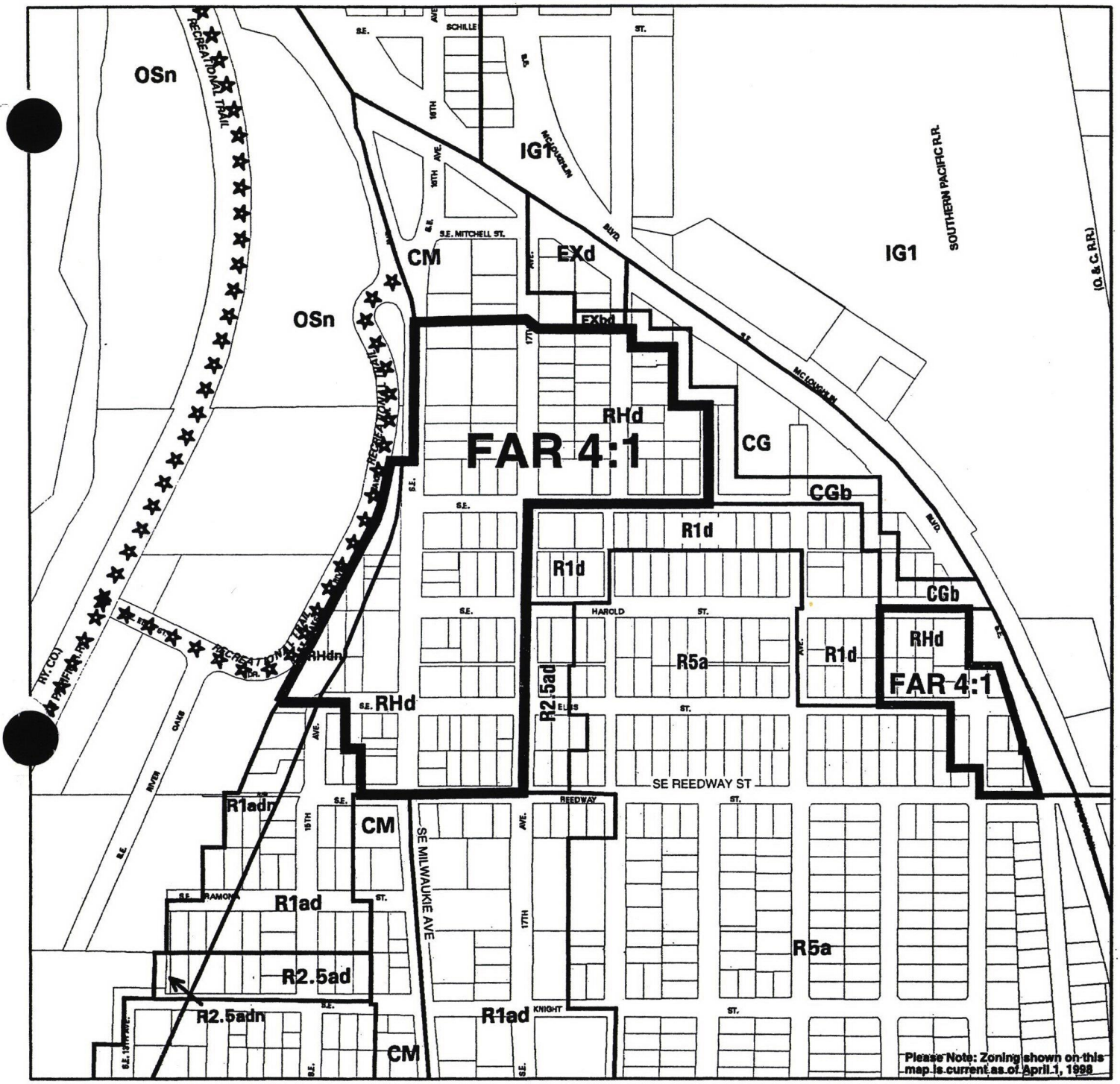
Map 120-28

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 3131

[See 33.120.205 and Table 120-3]

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NORTH

0' 200' 400'

Scale in Feet

Boundary of Existing/ Potential RH-Zoned Area

GTS/Graphics 2-9-98

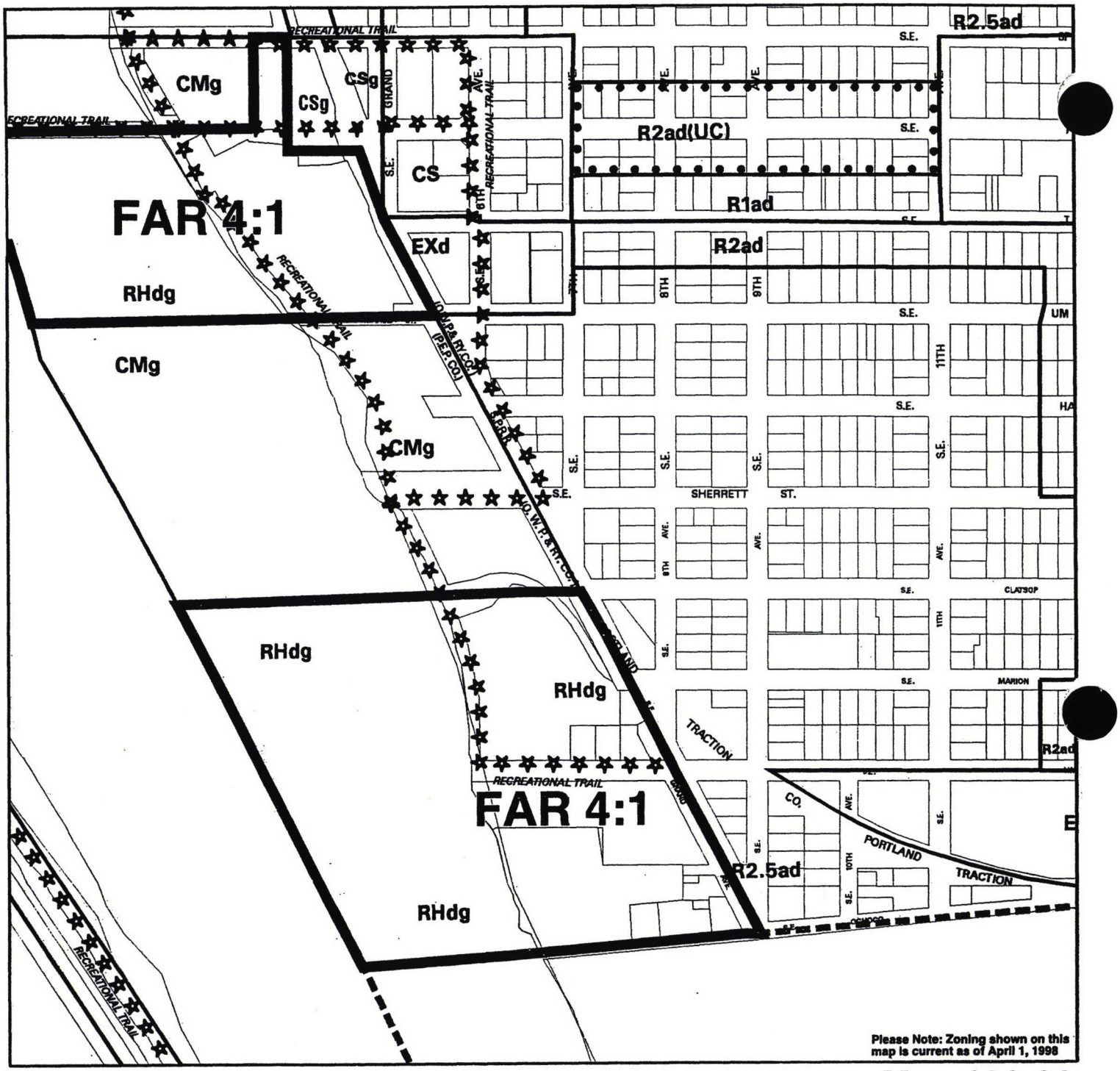
Map 120-29

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 3532, 3632

[See 33.120.205 and Table 120-3]

Bureau of Planning • City of Portland, Oregon



NORTH

0' 200' 400'

Scale in Feet

Boundary of Existing/ Potential RH-Zoned Area

GTS/Graphics 2-9-98

Map 120-30

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 3931

[See 33.120.205 and Table 120-3

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CHAPTER 33.130
COMMERCIAL ZONES

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97.)

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- 33.130.020 List of the Commercial Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations

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- 33.130.130 Nuisance-Related Impacts

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- 33.130.225 Landscaped Areas
- 33.130.230 Ground Floor Windows
- 33.130.235 Screening
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- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Residential and Mixed-Use Developments
- 33.130.253 Additional Requirements in the CM Zone
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.280 Excavations and Fills
- 33.130.285 Nonconforming Development
- 33.130.290 Parking and Loading
- 33.130.295 Signs
- 33.130.300 Street Trees
- 33.130.305 Superblock Requirements

General

33.130.010 Purpose

The commercial zones implement the commercial policies and plan map designations of the Comprehensive Plan. The zones are for areas of the City designated by the Comprehensive Plan for commercial uses. The differences in the zones reflect the diversity of commercial

areas in the City. The zones are distinguished by the uses allowed and the intensity of development allowed. Some of the zones encourage commercial areas that are supportive of surrounding residential areas, while other zones allow commercial areas which have a community or regional market. The regulations promote uses and development which will enhance the economic viability of the specific commercial district and the city as a whole. In general, a wide range of uses is allowed in each zone. Limits on the intensity of uses and the development standards promote the desired character for the commercial area. The development standards are designed to allow a large degree of development flexibility within parameters which support the intent of the specific zone. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.130.020 List of the Commercial Zones

The full and short names of the commercial zones and their map symbols are listed below. When this Title refers to the commercial zones, it is referring to the seven zones listed here. When the Title refers to the CN zones, it means the CN1 and CN2 zones. When the Title refers to the CO zones, it means the CO1 and CO2 zones.

Full Name	Short Name/Map Symbol
Neighborhood Commercial 1	CN1
Neighborhood Commercial 2	CN2
Office Commercial 1	CO1
Office Commercial 2	CO2
Mixed Commercial/Residential	CM
Storefront Commercial	CS
General Commercial	CG
Central Commercial	CX

33.130.030 Characteristics of the Zones

A. Neighborhood Commercial 1 zone. The Neighborhood Commercial 1 (CN1) zone is intended for small sites in or near dense residential neighborhoods. The zone encourages the provision of small scale retail and service uses for nearby residential areas. Some uses which are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are restricted, since their appearance is generally out of character with the surrounding residential development and the desired orientation of the uses.

B. Neighborhood Commercial 2 zone. The Neighborhood Commercial 2 (CN2) zone is intended for small commercial sites and areas in or near less dense or developing residential neighborhoods. The emphasis of the zone is on uses which will provide services for the nearby residential areas, and on other uses which are small scale and have little impact. Uses are limited in intensity to promote their local orientation and to limit adverse impacts on nearby residential areas. Development is expected to be predominantly auto-accommodating, except where the site is adjacent to a transit street. The development standards reflect that the site will generally be surrounded by more spread out residential development.

C. Office Commercial 1 zone. The Office Commercial 1 (CO1) zone is used on small sites in or near residential areas or between residential and commercial areas. The zone is intended to be a low intensity office zone that allows for small scale offices in or adjacent to residential neighborhoods. The allowed uses are intended to serve nearby neighborhoods and/or have few detrimental impacts on the neighborhood. Development is intended to be of a scale and character similar to nearby residential development to promote compatibility with the surrounding area.

D. Office Commercial 2 zone. The Office Commercial 2 (CO2) zone is a low and medium intensity office zone generally for Major City Traffic Streets as designated by the Arterial Streets Classification Policy. Uses are limited to those in the Office category and may have a local or regional emphasis. The zone is intended to prevent the appearance of strip commercial development by allowing office uses but not other commercial uses. Commercial uses are also restricted to limit detrimental impacts on nearby residential areas. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street.. The development standards allow for more intense development than in the CO1 zone, but not so intense as the CG zone.

E. Mixed Commercial/Residential zone. The Mixed Commercial/Residential (CM) zone promotes development that combines commercial and housing uses in a single building. This zone allows increased development on busier streets without fostering a strip commercial appearance. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. The emphasis of the nonresidential uses is primarily on locally-oriented retail, service, and office uses. Other uses are allowed to provide a variety of uses that may locate in existing buildings. Development will consist primarily of businesses on the ground floor with housing on upper stories. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk, especially at corners.

F. Storefront Commercial zone. The Storefront Commercial (CS) zone is intended to preserve and enhance older commercial areas that have a storefront character. The zone intends that new development in these areas will be compatible with this desired character. The zone allows a full range of retail, service and business uses with a local and regional market area. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. The desired character includes areas which are predominantly built-up, with buildings close to and oriented towards the sidewalk especially at corners. Development is intended to be pedestrian-oriented and buildings with a storefront character are encouraged.

G. General Commercial zone. The General Commercial (CG) zone is intended to allow auto-accommodating commercial development in areas already predominantly built in this manner and in most newer commercial areas. The zone allows a full range of retail and service businesses with a local or regional market. Industrial uses are allowed but are limited in size to avoid adverse effects different in kind or amount than commercial uses and to ensure that they do not dominate the character of the commercial area. Development is expected to be generally auto-accommodating, except where the site is adjacent to a transit street. The zone's development standards promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas. Development is intended to be aesthetically pleasing for motorists, transit users, pedestrians, and the businesses themselves.

H. Central Commercial zone. The Central Commercial (CX) zone is intended to provide for commercial development within Portland's most urban and intense areas. A broad range of uses is allowed to reflect Portland's role as a commercial, cultural and governmental center. Development is intended to be very intense with high building coverage, large buildings, and buildings placed close together. Development is intended to be pedestrian-oriented with a strong emphasis on a safe and attractive streetscape.

33.130.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites with overlay zones, plan districts, or designated historical landmarks are subject to additional regulations. The Official Zoning Maps indicate which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.130.100 Primary Uses

A. Allowed uses. Uses allowed in the commercial zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.

1. Group Living. This regulation applies to all parts of Table 130-1 that have note [1].

   a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

   b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

2. Small business limitation. This regulation applies to all parts of Table 130-1 that have a [2]. Each individual business is limited to 5,000 square feet of total floor area exclusive of parking area. Uses are limited in size in order to limit their potential impacts on residential uses and to promote a relatively local market area. In addition, if the Director determines that a proposed Manufacturing And

Production use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director may require documentation that the use will conform with the standards.

3. Retail in the CO2 zone limitation. This regulation applies to all parts of Table 130-1 that have a [3]. Retail Sales And Service uses must be located within the office building and are limited to 10 percent of the total floor area exclusive of parking area. Larger amounts are prohibited. Business and trade schools are exempt from this 10 percent limitation.

4. Required residential limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated in the special regulations for these uses in Section 33.130.253.

5. Industrial size limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Individual businesses are limited to 10,000 square feet of floor area exclusive of parking area. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses. In addition, if the Director determines that the proposed use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director may require documentation that the development will be modified to conform with the standards.

6. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [6]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

7. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [7]. Exterior display or storage of industrial equipment, industrial vehicles, or industrial products is prohibited.

8. Community Services. This regulation applies to all parts of Table 130-1 that have a [8]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

9. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [9]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

10. Basic Utilities in C zones. This regulation applies to all parts of Table 130-1 that have note [10]. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

11. Commercial Parking. This regulation applies to all parts of Table 130-1 that have note [11]. Outside the Central City plan district, Commercial Parking is an allowed use in the CS and CG zones, and is a conditional use in the CX zone. Within the Central City plan district, there are special regulations; See Chapter 33.510.

Table 130-1
Commercial Zone Primary Uses

Use Categories	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Residential Categories								
Household Living	Y	Y	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
Commercial Categories								
Retail Sales And Service	L [2]	Y	N	L [3]	L [4]	Y	Y	Y
Office	L [2]	Y	Y	Y	L [4]	Y	Y	Y
Quick Vehicle Servicing	N	Y	N	N	N	N	Y	Y
Vehicle Repair	N	N	N	N	N	Y	Y	L [5]
Commercial Parking	N	N	N	N	N	L [11]	L [11]	CU [11]
Self-Service Storage	N	N	N	N	N	N	L [6]	L [6]
Commercial Outdoor Recreation	N	N	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	N	N	N	CU	CU	Y
Industrial Categories								
Manufacturing And Production	L [2]	L [2]	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Warehouse And Freight Movement	N	N	N	N	N	N	CU [5,7]	N
Wholesale Sales	N	N	N	N	L [4, 5]	L [5]	L [5,7]	L [5]
Industrial Service	N	N	N	N	N	CU [5]	CU [5,7]	CU [5]
Railroad Yards	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Institutional Categories								
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [10]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Parks And Open Areas	Y	Y	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y	Y	Y
Colleges	Y	Y	Y	Y	Y	Y	Y	Y
Medical Centers	Y	Y	Y	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y	Y	Y
Other Categories								
Agriculture	N	N	N	N	N	CU	CU	CU
Aviation And Surface Passenger Terminals	N	N	N	N	N	N	CU	CU
Detention Facilities	N	N	N	N	N	N	CU	CU
Mining	N	N	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.130.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.130.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.130.120 Hazardous Substances

A. Purpose. These regulations are intended to allow small amounts of hazardous substances for uses commonly located in commercial areas. Uses that involve larger quantities of hazardous substances are required to locate in employment or industrial zones.

B. The standards. The quantities and uses of hazardous substances allowed on a site are stated in Table 130-2. Terms are explained and described in Section 33.140.120. The hazardous substance review is stated in Chapter 33.840.

Table 130-2
Commercial Zone Allowed Hazardous Substances

Hazardous Material Category	Quantity Levels Allowed
Class A & B Explosives Forbidden	All quantity levels are prohibited.
Poison A or B Pyrophoric Liquid	Consumer quantity levels may be allowed after a hazardous material review. All other quantities are prohibited.
Corrosive Flammable Gas Flammable Solid Irritating Non-Flammable Gas ORM A, B or E Organic Peroxide Oxidizer	Consumer quantity levels and package use quantities are allowed. Bulk plant and bulk use quantities are prohibited, except bulk use quantities of fuels stored underground for on-site sale or use are allowed.
Combustible Liquid	Bulk plant quantity levels are allowed if storage tanks are underground. Above ground tanks require a hazardous material review. Bulk use, package use and consumer commodities are allowed.

33.130.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control.

Development Standards

33.130.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in commercial zones. Creation of new lots is subject to the regulations of Title 34, Subdivisions and Partitions.

33.130.205 Floor Area Ratio

A. Purpose. Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.

B. FAR standard. The floor area ratios are stated in Table 130-3 and apply to all nonresidential development.

C. Transfer of FAR for Landmarks. Floor area ratios may be transferred from a commercially-zoned site which contains a Landmark to any site zoned EX or C within the recognized neighborhood the landmark is located in, or to any EX or C-zoned site within two miles, as follows:

1. The building on the receiving site meets the development standards of the base zone, overlay zone, and plan district except floor area ratio. However, adjustments may be requested to accommodate the transferred floor area;

2. Floor area from Landmarks may be transferred from C or EX-zoned site to a site zoned C or EX;

3. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers; and

4. The property owner executes a covenant with the City which is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

33.130.210 Height

A. Purpose. The height limits are intended to control the overall scale of buildings. The height limits in the CN1, CN2, and CO1 discourage buildings which visually dominate adjacent residential areas. The height limits in the CO2, CM, CS, and CG zones allow for a greater building height at a scale that generally reflects Portland's commercial areas. Light, air, and the potential for privacy are intended to be preserved in adjacent residential zones. The CX zone allows the tallest buildings, consistent with its desired character.

B. Height standard. The height standards for all structures are stated in Table 130-3. Exceptions to the maximum height standard are stated below.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Roof top mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial zones. The CN1, CM, CS, and CX setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial development that will maintain light, air, and the potential for privacy for adjacent residential zones. The setback requirements along transit streets and in pedestrian districts create an environment that is inviting to pedestrians and transit users.

Table 130-3
Development Standards [1]

Standard	CN1	CN2	CO1	CO2	CM	CS	CG	CX
Maximum FAR [2] (see 33.130.205)	.75 to 1	.75 to 1	.75 to 1	2 to 1	1 to 1 [3]	3 to 1	3 to 1	4 to 1
Maximum Height (see 33.130.210)	30 ft.	30 ft.	30 ft.	45 ft.	45 ft.	45 ft.	45 ft.	75 ft.
Min. Building Stbks (see 33.130.215) Street Lot Line[8]	0[8]	10 ft.[8]	10 ft.[8]	10 ft.[8]	0	0	5 ft.[8]	0[8]
Lot Line Abutting an OS, RX, C, E, or I Zone Lot	0	0	0.	0	0	0	0	0
Lot Line Abutting other R Zoned Lot	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]	0 to 14 ft. [4]
Max.Building Stbks (see 33.130.215) Street Lot Line[8]	None[8]	None[8]	None[8]	None[8]	10 ft. [5]	10 ft. [5]	None[8]	None[8]
Building Coverage (see 33.130.220)	Max. of 85% of site area	Max. of 65% of site area	Max. of 50% of site area	Max. of 65% of site area	Min. of 50% of site area	Min. of 50% of site area	Max. of 85% of site area	No Limit
Min. Landscaped Area (see 33.130.225)	15% of site area	15% of site area	15% of site area	15% of site area	None	None	15 % of site area	None
Landscaping Abutting an R Zoned Lot [6] (see 33.130.215.B.)	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3	5 ft. @ L3
Ground Floor Window Stds. Apply (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pedestrian Requirements (see 33.130 240)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Required parking [7]	None, Amount Limited	Yes	Yes	Yes	None Required	None Required	Yes	None Required

Notes:

[1] Plan district or overlay zone regulations may supercede these standards.

[2] The FAR limits apply to nonresidential development. Additional floor area is allowed for residential development. See 33.130.250 and 33.130.253.

[3] For alterations over 250 square feet and new development every new square foot of nonresidential development must be matched by at least one square foot of residential development. See 33.130.250 and 33.130.253.

[4] See Table 130-4.

[5] At least 50 percent of the length of the ground level wall of buildings must be within 10 feet of the street lot line. This standard applies to walls facing a street lot line. If the site has three or more block frontages, this standard only applies to two frontages.

[6] Does not apply to lot lines that abut a lot in the RX zone. Landscaping is not required where buildings abut a lot line.

[7] This part of the table is for general information purposes only; see Chapter 33.266, Parking and Loading, for the specific standards.

[8] Setbacks from Transit Streets or streets in Pedestrian Districts are stated in Table 130-5.

Table 130-4
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zone lot	Lots abutting a rear lot line of an R zone lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes:
[1] Does not apply to lot lines that abut lots in the RX zone.

Table 130-5
Street Setbacks from Transit Streets and Streets in Pedestrian Districts in the CN, CO, CG, and CX zones [1]

Minimum Setback	15 ft. [2]
Maximum Setback	25 ft. [2]

Notes:
[1] Setbacks in this table do not apply in CM and CS zones. Refer to Table 130-3
[2] Setbacks in this table are measured from the curb. See 33.130.215.

B. Building setback standard. The required minimum or and maximum building setbacks, if any, are stated in Table 130-3. However, the minimum and maximum setbacks along transit streets or in pedestrian districts are stated in Table 130-5. The setback standards apply to all buildings and structures on the site except as provided in Subsection D, below. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.

1. Setbacks from the lot line. Except for setbacks from a transit street, or from any street in a pedestrian district, setbacks are measured from the lot line.

2. Building setbacks on a transit street or in a pedestrian district. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, this standard applies to all zones except the CX zone. The building setbacks on a transit street or in a pedestrian district are as follows.

   a. Measurement. To ensure that the environment near automobile travel lanes is inviting to pedestrians, setbacks from a transit street or from any street in a pedestrian district are measured from the curb. Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.

   b. Standard. At least 50 percent of the length of the ground level street facing facade of the structure must be within the maximum setback. Except as provided in Subsection C, below, no structures are allowed within the minimum setback.

   c. Frontage on one transit street. Where the site is adjacent to one transit street, the standard of Subparagraph B.2.b, above must be met on the transit street frontage.

d. Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply.

(1) If two or more of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along two of the intersecting transit streets but does not have to be met along others; the applicant may choose which intersection; and

(2) If none of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along one of the transit streets; the applicant may choose which street.

e. In a pedestrian district. Where the site is in a pedestrian district:

(1) If the site is adjacent to one or more transit streets, the regulations of Subparagraph B.2.d, above, apply.

(2) If the site is not adjacent to any transit street, it will be regulated as if all streets adjacent to the site are transit streets, and the regulations of Subparagraph B.2.d, above, apply.

3. Exception to the building setbacks. The street setback from a street lot line for buildings may be reduced, but not increased, to the average of the existing respective distances of building setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

4. Lot lines abutting a residential zone. Building setbacks along lot lines that abut lots in residential zones, except the RX zone, must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.

C. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in pedestrian districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

2. Regulation. Buildings with at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 130-5 if all of the following are met.

a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one transit street or in a pedestrian district, the regulations of Subparagraphs B.2.d. and B.2.e., above, apply. These buildings must be constructed before or at the same time as the large retail store;

b. Internal circulation system. An internal circulation system that meets the following standards must be provided.

(1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;

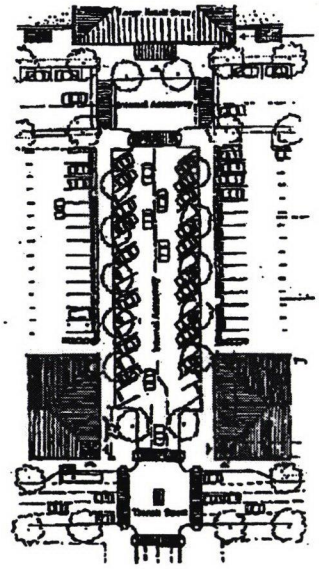
(2) These accessways must connect to the transit street, or street in a pedestrian district, at least every 250 feet;

(3) Each internal accessway must have at least one auto travel lane, curbs, and sidewalks on both sides at least 10 feet wide;

(4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

(5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-1, at the intersections of internal accessways that have parking; and

Figure 130-1
Internal Circulation System



D. Extensions into required building setbacks.

1. Minor projections of features **attached** to buildings.

a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line.

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to the front door of a building;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

c. Projections not allowed. Attached mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are allowed in a street setback but not a required setback from an abutting residential zone.

2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below. Signs are addressed in Chapter 33.286.

33.130.220 Building Coverage

A. Purpose. The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CM and CS zones, the required minimum building coverage standards promote development which will support the built-up, urban character of these zones. In the CN2 and CO1 zones, the standards promote buildings at a scale compatible with surrounding residential development.

B. Building coverage standards. The maximum or minimum building coverage standards are stated in Table 130-3 and apply to all buildings and covered structures.

33.130.225 Landscaped Areas

A. Purpose. Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. It also helps reduce stormwater runoff by providing a surface into which stormwater can percolate. Landscaping is required for all commercial-zoned lands abutting R zoned lands to provide buffering and promote the livability of the residential lands.

B. Minimum landscaped area standard. The required amounts of landscaped areas are stated in Table 130-3. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples

include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.130.230 Ground Floor Windows

A. Purpose. In the C zones, blank walls on the ground level of buildings are limited in order to:

- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Required amounts of window area.

1. In CN1 & 2, CO1 & 2, CM, CS, and CG zones, exterior walls on the ground level which are 20 feet or closer to the street lot line must meet the general window standard in Paragraph 3. below. However, on corner lots the general standard must be met on one street frontage only. The general standard must be met on the street that has the highest street classification according to the Arterial Streets Classifications and Policies. On the other street(s) the requirement is 1/2 of the general standard. If two or more streets have the same highest classification, then the applicant may choose on which street to meet the general standard. On the other street(s) the requirement is 1/2 of the general standard.

2. In CX zone, all exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the general window standard in Paragraph 3. below.

3. General standard. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units or to parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

D. Adjustments. Public art may be considered for adjustments to the ground floor window provision. In all cases, the Metropolitan Arts Commission will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Metropolitan Arts Commission and must be approved by the Metropolitan Arts Commission. Covenants will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

33.130.235 Screening

A. Purpose. The screening standards address specific unsightly features which detract from the appearance of commercial areas.

B. Garbage collection areas. All exterior garbage cans and garbage collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting R-zoned lands.

D. Other screening requirements. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.130.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. In the CN1, CO1,CM and CS zones, the pedestrian standards also ensure a direct and pleasant pedestrian connection between the street and buildings on the site.They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

B. The standards. The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.

1. Connections.

   a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

   b. Internal connections. The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

   a. The circulation system must be hard-surfaced, and be at least 6 feet wide.

   b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement.

   c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with curb ramps.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

C. CN1, CO1, CM, and CG zones. In the CN1, CO1, CM, and CG zones, the land between a building and a street must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard.

33.130.242 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a building on a transit street provides convenient pedestrian access to the building from public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the standards of Subsection C, below. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets.

C. Location. At least one main entrance must be:

1. Within 25 feet of the transit street; and

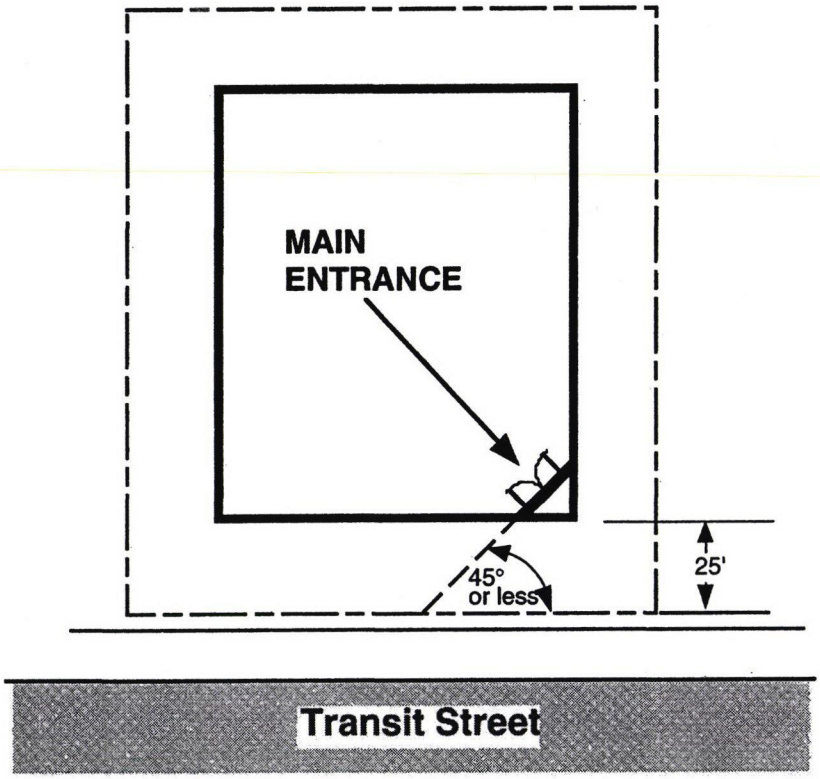
2. Either:

   a. Facing the transit street; or

   b. At an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-2, below.

D. Unlocked during regular business hours. The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

Figure 130-2
Transit Street Main Entrance



33.130.245 Exterior Display, Storage, and Work Activities

A. Purpose. The standards of this section are intended to assure that exterior display, storage, and work activities:

- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of a commercial area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display.

1. CN1, CN2, CO1, CO2, CM, CS, and CX zones. Exterior display of goods is not allowed except for the display of plants and produce.

2. CG zone. Exterior display of goods is allowed except for uses in the industrial categories. Exterior display areas must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

C. Exterior storage.

1. Exterior storage is not allowed in the CN1, CN2, CO1, CO2, CM, CS, and CX zones.

2. Exterior storage is allowed in the CG zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.

D. Exterior work activities. Exterior activities are prohibited in the commercial zones except for the following uses: restaurants, plant nurseries, entertainment and recreation uses that are commonly performed outside, sales of motor vehicle fuels, car washes, commercial surface parking lots, and outdoor markets.

E. Paving. All exterior display and storage areas, except for plant nurseries, must be paved.

33.130.250 General Requirements for Residential and Mixed-Use Developments

The floor area ratio standards in Table 130-3 are for non-residential uses only. Floor area for residential uses is not calculated as part of the FAR for the site and is allowed in addition to the FAR limits. However, all development, residential, mixed-use, and nonresidential, must meet the other development standards for the zone such as height, setbacks, and building coverage.

33.130.253 Additional Requirements in the CM Zone

A. Purpose. These regulations encourage new mixed-use and residential development. They also provide for small amounts of existing nonresidential uses to remain as allowed uses.

B. Applicability. The regulations of this section apply in the CM zone.

C. Measurements. For the purposes of this section, measurements are as follows:

1. Parking excluded. Floor area does not include area devoted to structured parking.

2. Residential common areas. Areas shared exclusively by residential uses such as hallways, stairs, and entries are included in residential floor area.

3. Other common areas. Areas shared by residential and nonresidential uses, such as hallways, stairs, and entries, are included in nonresidential floor area.

4. Balconies. Balconies are included in residential floor area if the balcony serves only residential units and is at least 48 square feet in area and at least 6 feet long and 6 feet wide.

D. New development. For new development, at least one square foot of residential development is required for each square foot of Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses. Amounts of these nonresidential uses in excess of a 1 to 1 ratio of residential to nonresidential square footage are prohibited.

E. Residential uses. Residential uses are allowed and not subject to any floor area ratio limitations.

F. Existing uses and development.

1. Allowed nonresidential uses.

   a. Does meet ratio. Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses are allowed where there is at least one square foot of residential floor area for each square foot of these nonresidential uses.

   b. Does not meet ratio. Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses are allowed if they comply with all of the following:

      (1) The use occupies a total of no more than 10,000 square feet of floor area; and

      (2) The use was an allowed, conditional, or nonconforming use immediately prior to CM zoning being applied to the site.

2. Nonconforming uses. Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses with more than 10,000 square feet of floor area are a nonconforming use if they were allowed, conditional, or nonconforming use immediately prior to CM zoning being applied to the site. Only the amount of floor area more than 10,000 square feet is nonconforming. Expansion of the nonconforming use as provided in Chapter 33.258, Nonconforming Situations, is prohibited. However, alterations are allowed as provided for in Subsection H., below.

3. Loss of allowed nonresidential status.

   a. Accidental destruction. When a structure containing a nonresidential use allowed by Paragraph F.1, above, is damaged by fire or other causes beyond the control of the owner, the reestablishment of these nonresidential use is prohibited if the repair cost of the structure is more than 75 percent of its assessed value.

   b. Intentional destruction. When a structure containing a nonresidential use allowed by Paragraph F.1, above, is intentionally damaged by fire or other causes within the control of the owner, the reestablishment of these nonresidential uses is prohibited unless each square foot of nonresidential use is matched by at least one square foot of residential floor area.

4. Vacancy. The regulations of this paragraph apply to buildings which are vacant and where the most recent legal use complied with the provisions of Paragraph F.1., above. The building may be used for Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses regardless of how long it has been vacant if the amount of floor area previously or currently in residential use is not decreased.

G. Conversion of residential floor area. Conversion of residential floor area to Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses is allowed, if after conversion, there is at least one square foot of residential floor area for each square foot of these nonresidential uses. Conversions of residential floor area to Retail Sales And Service, Office, Manufacturing and Production, or Wholesale Sales uses that exceed the 1 to 1 square foot ratio for residential to nonresidential uses are prohibited.

H. Alterations. Alterations are allowed as follows:

1. One to one ratio not required. If the alteration will increase the floor area on the site by 250 square feet or less and, after construction, the total floor area for Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses is 10,000 square feet or less, construction of at least one square foot of residential floor area for each square foot of these nonresidential uses is not required.

2. One to one ratio required. If the alteration will increase the floor area on the site by more than 250 square feet or, after construction, the total floor area in Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses is more than 10,000 square feet, construction of at least one square foot of residential floor area for each new square foot of these nonresidential uses is required. Construction of Retail Sales And Service, Office, Manufacturing And Production, or Wholesale Sales uses in greater amounts is prohibited.

33.130.255 Trucks and Equipment

A. Purpose. The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial zones and to limit adverse effects on adjacent residential lands.

B. Truck and equipment parking standards. The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.

1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all C zone areas that comply with the development standards for parking areas.

2. Medium trucks. The parking of medium trucks and similar equipment is allowed only in the CG zone. Truck parking areas must comply with the development standards for auto parking areas.

3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial zone.

33.130.260 Drive-Through Facilities

Drive-through facilities are allowed in the zones which are intended for auto-accommodating development. They are not consistent with or supportive of areas where the desired character is pedestrian-oriented development. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

A. CG zone. Drive-through facilities are allowed in the CG zone.

B. CN2 zone. In the CN2 zone, drive-through facilities are allowed on sites that are adjacent to a Major City Traffic Street or District Collector as designated by the Arterial Streets Classification Policy. On corner sites, they are allowed if at least one of the streets is a Major City Traffic Street or District Collector. On all other streets they are prohibited.

C. CX zone. Drive-through facilities are allowed in the CX zone but are prohibited in certain subdistricts of the Central City plan district.

D. CN1, CO1, CO2, CM, and CS zones. Drive-through facilities are prohibited in the CN1, CO1, CO2, CM and CS zones.

33.130.265 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.

B. General standards.

1. The regulations of this section apply only to detached accessory structures.

2. The height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, radio antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.

2. Covered structures. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings. See 33.130.220.

33.130.270 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Fences up to 3-1/2 feet high are allowed in required front building setbacks.

2. Fences up to 8 feet high are allowed in required side or rear building setbacks.

3. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other regulations

1. Building permits. Building permits are required by the Bureau of Buildings for fences over six feet in height.

2. Fence materials regulated by other bureaus. Electrified fences and use of barbed wire are also regulated by the Police Bureau.

33.130.275 Demolitions

A. Demolition delay. Demolitions of all structures must comply with Chapter 33.445, Historic Resource Protection Zone.

B. CX zone landscaping. In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.280 Excavations and Fills

Excavations and fills may require a review. See Chapter 33.830, Excavations And Fills.

33.130.285 Nonconforming Development

Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.130.290 Parking and Loading

The standards pertaining to the required number of auto and bicycle parking spaces, parking lot placement, parking lot setbacks, and landscaping are stated in Chapter 33.266, Parking and Loading.

33.130.295 Signs

The sign regulations are stated in Chapter 33.286, Signs.

33.130.300 Street Trees

Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

33.130.305 Superblock Requirements

Development in the CS, CG, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

CHAPTER 33.140
EMPLOYMENT AND INDUSTRIAL ZONES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97.)

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- 33.140.030 Characteristics of the Zones
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General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name/Map Symbol
General Employment 1	EG1
General Employment 2	EG2
Central Employment	EX
General Industrial 1	IG1
General Industrial 2	IG2
Heavy Industrial	IH

33.140.030 Characteristics of the Zones

A. General Employment. The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial and industrially-related uses. Other business and commercial uses are also allowed to support a wide range of services and employment opportunities The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/business areas.

1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.

2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.

B. Central Employment. This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial, business, and service uses which need a central location. Residential uses are allowed, but are are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

C. General Industrial. The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.

1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.

2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.

D. Heavy Industrial. This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

The regulations in this chapter state the allowed uses and the development standards for the base zones. Sites in overlay zones or plan districts and designated historical landmarks are subject to additional regulations which supercede those of this Chapter. The Official Zoning Maps indicated which sites are subject to the additional regulations. Specific uses or development types may also be subject to regulations in the 200s series of chapters.

Use Regulations

33.140.100 Primary Uses

A. Allowed uses. Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.

B. Limited uses. Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1. Group Living. This regulation applies to all parts of Table 140-1 that have note [1].

   a. General regulations. All Group Living uses except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.

   b. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.

2. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [2]. Uses in the Retail Sales And Service and Office categories are limited to a floor area ratio of 1 to 1 except for historical landmarks which are allowed a floor area ratio of 2 to 1.

3. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3]. A conditional use review is not required for one Retail Sales And Service or Office use per site, if the use is 3,000 square feet or less in floor area. A conditional use review is required for uses over 3,000 square feet or if there is more than one use on the site. Approval of these uses in an amount greater than a FAR of 1 to 1 is prohibited except for uses in historical landmarks. In historical landmarks, an FAR of 2 to 1 may be approved as part of the conditional use review. Additional FAR may be approved as an adjustment.

4. IG2 and IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4]. A conditional use review is not required for up to four Retail Sales And Service or Office uses per site as long as each is 3,000 square feet or less in floor area. A conditional use review is required for projects with more than four uses, or individual uses over 3,000 square feet. Approval of these uses in an amount greater than a FAR of 1 to 1 is prohibited except for uses in historical landmarks. In historical landmarks an FAR of 2 to 1 may be approved as part of the conditional use review. Additional FAR may be approved as an adjustment.

Table 140-1
Employment and Industrial Zone Primary Uses

Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	CU	CU	Y	CU	CU	CU
Group Living	CU	CU	L/CU [1]	N	N	N
Commercial Categories						
Retail Sales And Service	L [2]	L [2]	Y	L/CU [3]	L/CU [4]	L/CU [4]
Office	L [2]	L [2]	Y	L/CU [3]	L/CU [4]	L/CU [4]
Quick Vehicle Servicing	Y	Y	Y	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	L [13]	L [13]	CU [13]	CU [13]	CU [13]	CU [13]
Self-Service Storage	Y	Y	L [5]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [6]	L/CU [6]	L/CU [6]
Institutional Categories						
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [11]	Y/CU [11]	Y/CU [11]
Community Service	L [7]	L [7]	L [8]	L/CU [9]	L/CU [9]	L/CU [9]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [9]	L/CU [9]	L/CU [9]
Other Categories						
Agriculture	Y	Y	Y	Y	Y	Y
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [12]	L/CU [12]	CU	L/CU [12]	L/CU [12]	L/CU [12]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed
L = Allowed, But Special Limitations
CU = Conditional Use Review Required
N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [ ] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

5. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [5]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

6. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [6]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.

   a. The use must be approved by the Metropolitan Service District (METRO) under their authority as prescribed in ORS 268.317;

   b. METRO's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with METRO, adopted prior to METRO's approval of the use; and

   c. The location of the use must be in conformance with METRO's Regional Solid Waste Management Plan.

7. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [7]. Most Community Service uses are allowed by right. Short term housing may be allowed by right if it meets certain standards. See Chapter 33.285, Short Term Housing and Mass Shelters. Mass shelters are prohibited.

8. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [8]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.

9. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [9]. A conditional use review is not required for Community Service uses or Daycare uses which are 3,000 square feet or less in floor area. Short term housing and mass shelters are prohibited.

10. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have note [10]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

11. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have note [11]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

12. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [12]. Some Radio Frequency Transmission Facilities are allowed by right . See Chapter 33.274.

13. Commercial Parking. This regulation applies to all parts of Table 140-1 that have note [13]. Outside the Central City plan district, Commercial Parking is an allowed use in the EG zones, and a conditional use in the EX and I zones. Within the Central City plan district, there are special regulations; See Chapter 33.510.

C. Conditional uses. Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.140.110 Accessory Uses. Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory uses and all development standards.

33.140.120 Hazardous Substances

A. Purpose. These regulations are intended to allow hazardous substances in a manner consistent with the intent of the specific zones while maintaining the public safety andprotecting the environment.

B. Allowed quantities of hazardous substances. The allowed on-site quantities of hazardous substances are stated in Table 140-2. Materials which are considered hazardous substances are stated in Chapter 33.910, Definitions. Radioactive materials are not covered by the regulations of this chapter.

C. Hazardous substance categories. The hazardous substance categories are defined by the U.S. Department of Transportation (DOT) in the code of Federal Regulations (CFR), Title 49, Parts 100 to 177 (October, 1983). Specific hazardous substances are assigned to categories in the Hazardous Materials Table, 49 CFR, Part 172.101. Hazardous substances that are not listed in the Hazardous Material Table are assigned to categories based on the definitions of the categories. Radioactive materials are not covered by the regulations of this section.

D. Descriptions of hazardous substance quantities.

1. Bulk plant. Hazardous substances at the bulk plant level are manufactured, collected, repackaged, stored, or distributed, but are generally not used on the site. The primary emphasis of uses at the bulk plant level is on hazardous substances. Materials are stored in large, permanent tanks. Bulk plant quantities are larger than amounts transported in or out in any single shipment. Processors of hazardous substances will generally be at this level. Uses which produce hazardous substances as a by-product or accessory to another product are not in this category.

2. Bulk use. Hazardous substances at the bulk use level are used or sold on site. The hazardous substances are incidental to the primary product or service of the use. Hazardous substances are transported to the site in an unpackaged form and are then transferred to the use's storage tank by hose, pipeline, conveyor belt, etc. On-site use of a portable tank such as a rail car, tanker truck, or similar vehicle is considered to be at this quantity level. Use of containers over 60 gallons in size is classified at this level.

3. Package use. Hazardous substances at the package use level are stored in discrete containers of 60 gallons or less which are handled individually or on pallets for purposes of transportation. Package materials are used or sold on site. Packages may include cylinders, drums, boxes, glass jars, etc.

4. Consumer commodities. Consumer commodities are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care or household use.

E. Fire Bureau standards. In addition to these regulations, all storage or use of hazardous substances must be approved by the Fire Bureau and must conform with all appropriate fire and building codes.

Table 140-2
Allowed Hazardous Substances

Hazardous Substance Category [1]	EG1, EG2 & EX	IG1 & IG2	IH
Class A & B Explosives Forbidden	b-N, u-N, p-N, c-Y	b-N, u-N, p-N, c-Y	b-N, u-N, p-R, c-Y
Poison A or B Pyrophoric Liquid	b-N, u-N, p-R, c-Y	b-N, u-R, p-Y, c-Y	b-N, u-R, p-Y, c-Y
Corrosive Flammable Gas Flammable Liquid	b-N, u-Y, p-Y, c-Y	b-R, u-Y, p-Y, c-Y	b-R, u-Y, p-Y, c-Y
Flammable Solid Irritating Non-Flammable Gas ORM A, B or E Organic Peroxide Oxidizer	b-N, u-Y, p-Y, c-Y	b-R, u-Y, p-Y, c-Y	b-Y/R [2], u-Y, p-Y, c-Y
Combustible Liquid	b-R/Y [3], u-Y, p-Y, c-Y	b-R/Y [3], u-Y, p-Y, c-Y	b-Y/R [2], u-Y, p-Y, c-Y

Quantities: b = bulk plant, u = bulk use, p = package use, c = consumer commodity
See 33.140.120.D. for definitions.

Y = Yes, Allowed, R = Hazardous Substance Review Required (See Chapter 33.840),
N = No, Prohibited

Notes:

[1] Hazardous substances belonging to more than one category are subject to the regulations of the more stringent category.

[2] If the site is 1/2 mile or closer to a residential zone, school, college or medical center, a hazardous material review is required.

[3] If the substance is stored underground, then it is allowed outright.

33.140.130 Nuisance-Related Impacts

A. Off-site impacts. All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

B. Other nuisances. Other nuisances are regulated by Title 18, Nuisance Abatement and Noise Control.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop, now and in the future. The standards are intended to prevent the creation of small lots which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots which increase demand for curb cuts.

B. Existing lots that are not in conformance with the lot size standards. Existing lots that are not in conformance with the lot size standards of Subsection C. below are subject to the following regulations. Development on all existing lots of record as of January 1, 1991 is allowed. Development is prohibited on a lot of record created after January 1, 1991 which did not comply with the zoning regulations when it was recorded.

C. Minimum size and shape for new lots.

1. All zones. Creation of new lots is also subject to the regulations and standards of Title 34, Subdivisions and Partitions.

2. EG1 and IG1 zones. All new lots must meet Standard C stated in Table 140-3.

3. EG2 zone.

   a. For subdivisions of 10 or more lots, at least 80 percent of the lots must meet Standard B stated in Table 140-3 and the remainder must meet Standard C.

   b. In land divisions of less than 10 lots, all but one lot must meet Standard B stated in Table 140-3. One lot may meet Standard C. The lots that meet standard B may not be redivided unless they continue to meet Standard B.

4. EX zone. There is no required minimum lot size for new lots in the EX zone.

5. IG2 and IH zones.

   a. For subdivisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 140-3 and the remainder must meet Standard C.

b. In land divisions of less than 10 lots, all but one lot must meet Standard A stated in Table 140-3. One lot may meet Standard C. The lots that meet standard A may not be redivided unless they continue to meet Standard A.

Table 140-3
Industrial Zone New Lot Standards

	Minimum Lot Area	Minimum Dimension
Standard A	40,000 sq. ft.	150 ft. x 150 ft.
Standard B	20,000 sq. ft.	100 ft. x 100 ft.
Standard C	10,000 sq. ft.	75 ft. x 75 ft.

D. Division of developed lots. In all zones, land under existing buildings may be divided when the ownership of the existing building is also being divided. There are no minimum lot sizes in these cases. However, all development standards must be met.

E. Exempt lots. Lots or tracts created for the purposes of providing a right-of-way or dedicated open space are exempt from the lot size and shape standards of this section.

33.140.205 Floor Area Ratio

A. Purpose. Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.

B. The floor area standards. The FARs are stated in Table 140-4. The FARs apply to all nonresidential development in all of the zones and to residential uses in the EX zone. The FAR standards of plan districts supersede the FAR standards of this chapter.

C. Transfer of FAR for Landmarks. Floor area may be transferred from a site zoned EX that contains a Landmark to any site zoned EX or C within the recognized neighborhood the landmark is in, or to any site zoned EX or C within two miles, as follows:

1. The building on the receiving site meets the development standards of the base zone, overlay zone, and plan district except floor area ratio. However, adjustments may be requested to accommodate the transferred density;

2. Floor area from Landmarks may be transferred from any site zoned R, C, or EX to sites zoned EX;

3. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions or from other transfers; and

4. The property owner executes a covenant with the City which is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City.

Table 140-4
Development Standards [1]

Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks (see 33.140.215) - Street lot line[4]	5 ft. [4]	25 ft.	0 [4]	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	0 to 14 ft. [2]	15 ft.	0 to 14 ft. [2]	0 to 14 ft. [2]	15 ft.	15 ft.
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No
Min. Landscaping Abutting an R zoned lot (see 33.140.215.B.)	5 ft. @ L3 [3]	10 ft. @ L3	5 ft. @ L3 [3]	5 ft. @ L3 [3]	10 ft. @ L3	10 ft. @ L3

Notes:
[1] Plan district regulations may supersede these standards.
[2] See Table 140-5.
[3] For building setbacks of 5 feet or less, landscaping is required for the entire depth of the setback. However, no landscaping is required when buildings abut a lot line.
[4] In the EG1 and EX zones, minimum and maximum setbacks from Transit Streets or streets in Pedestrian Districts are stated in Table 140-6

Table 140-5
Minimum Building Setbacks From Residential Zone Lot Lines [1]

Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
15 ft. or less	5 ft.	0
16 to 30 ft.	8 ft.	8 ft.
31 to 45 ft.	11 ft.	11 ft.
46 ft. or more	14 ft.	14 ft.

Notes: [1] Does not apply to lot lines that abut lots in the RX zone.

Table 140-6 Street Setbacks from Transit Streets and Streets in Pedestrian Districts in the EG1 and EX zones [1]	
Minimum Setback	15 ft. [2]
Maximum Setback	25 ft. [2]

Notes:
[1] Setbacks in this table apply only EG1 and EX zones. Refer to Table 140-4 for setback requirements in other zones.
[2] Setbacks in this table are measured from the curb. See 33.140.215..

33.140.210 Height

A. Purpose. The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.

B. The height standard. The height limits for all structures are stated in Table 140-4. Exceptions to the maximum height standard are stated below.

1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

3. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.

33.140.215 Setbacks

A. Purpose. The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting

residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in pedestrian districts create an environment that is inviting to pedestrians and transit users.

B. The setback standards. The required building setbacks are stated in Table 140-4. However, the minimum and maximum setbacks for sites in the EG1 and EX zones that abut a transit street or a street in the pedestrian district are stated in Table 140-6. The setback standards apply to all buildings and structures on the site except as provided in Subsection C. below. The building setback standards of plan districts supersede the setback standards of this chapter. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

1. Setbacks from the lot line. Except for setbacks from a transit street, or from any street in a pedestrian district, setbacks are measured from the lot line.

2. Building setbacks on a transit street or in a pedestrian district. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, this standard applies to all zones except the CX zone. Except as provided in Subsection C. below, the building setbacks on a transit street or in a pedestrian district are as follows.

   a. Measurement. To ensure that the environment near automobile travel lanes is inviting to pedestrians, setbacks from a transit street or from any street in a pedestrian district are measured from the curb. Where there is no curb, the setback is measured from the lot line, and both the minimum and maximum setbacks are reduced by 6 feet.

   b. Standard. At least 50 percent of the length of the ground level street facing facade of the structure must be within the maximum setback. Except as provided in Subsection C, below, no structures are allowed within the minimum setback.

   c. Frontage on one transit street. Where the site is adjacent to one transit street, the standard of Subparagraph B.2.b, above must be met on the transit street frontage.

   d. Frontage on more than one transit street. Where the site is adjacent to more than one transit street, the following standards apply.

      (1) If two or more of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along two of the intersecting transit streets but does not have to be met along others; the applicant may choose which intersection; and

      (2) If none of the transit streets intersect, the standard of Subparagraph B.2.b, above, must be met along one of the transit streets; the applicant may choose which street.

   e. In a pedestrian district. Where the site is in a pedestrian district:

      (1) If the site is adjacent to one or more transit streets, the regulations of Subparagraph B.2.d, above, apply.

(2) If the site is not adjacent to any transit street, it will be regulated as if all streets adjacent to the site are transit streets, and the regulations of Subparagraph B.2.d, above, apply.

3. Exception to the building setbacks. The **street** setback from a street lot line for buildings may be reduced to the average of the existing respective distances of building setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

4. Lot lines abutting a residential zone. Building setbacks on lot lines that abut lots in residential zones must include a 5 foot deep landscaped area which complies with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening.

C. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in pedestrian districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks.

2. Regulation. Buildings with at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-6 if all of the following are met.

a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a pedestrian district. For sites with frontage on more than one transit street or in a pedestrian district, the regulations of Subparagraphs B.2.d. and B.2.e., above, apply. These buildings must be constructed before or at the same time as the large retail store;

b. Internal circulation system. An internal circulation system that meets the following standards must be provided.

(1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;

(2) These accessways must connect to the transit street, or street in a pedestrian district, at least every 250 feet;

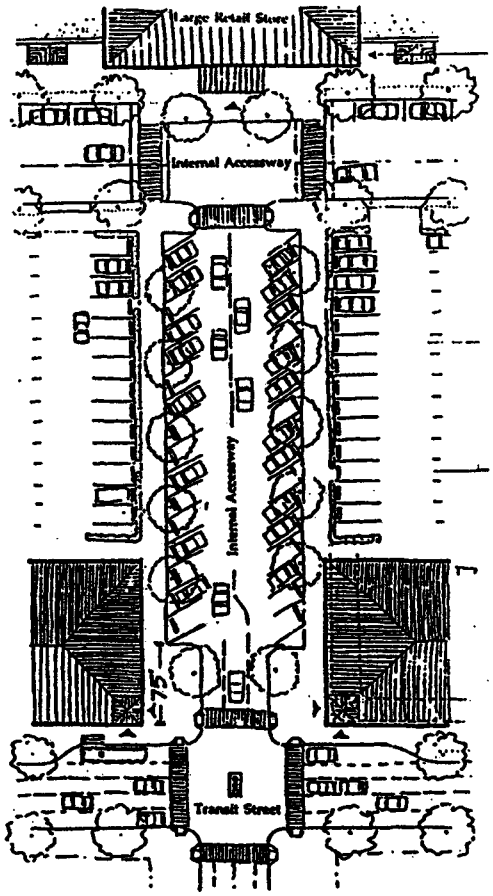
(3) Each internal accessway must have at least one auto travel lane, curbs, and sidewalks on both sides at least 10 feet wide;

(4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

(5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-1, at the intersections of internal accessways that have parking; and

c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 140-1
Internal Circulation System



D. Extensions into required building setbacks.

1. Minor projections of features **attached** to buildings.

a. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may extend into a required building setback up to 20 percent of the depth of the setback. However, in no case may they be less than 3 feet from a lot line.

b. Full projection allowed. In addition to Subparagraph a. above, the following features are allowed to project farther into required building setbacks:

(1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;

(2) Uncovered stairways and wheelchair ramps that lead to the front door of a building;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground; and

(4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.

c. Projections not allowed. Attached mechanical structures, such as heat pumps, air conditioners, emergency generators, and water pumps, are allowed in a street setback but not a required setback from an abutting residential zone.

2. Detached accessory structures. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below. Signs are addressed in Chapter 33.286.

33.140.220 Building Coverage

A. Purpose. The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.

B. The building coverage standards. The maximum building coverage for a site is stated in Table 140-4. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

A. Purpose. Landscaping is required to help soften the effects of built and paved areas. It also helps in reducing stormwater runoff by providing a surface into which stormwater can percolate. Landscaping is required for all employment and industrially-zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.

B. Minimum landscaped area standard. The required amounts of landscaped areas are stated in Table 140-4. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be

improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.230 Ground Floor Windows in the EX Zone

A. Purpose. In the EX zone, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Required amounts of window area. In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units and to parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.

D. Adjustments. Public art may be considered for adjustments to the ground floor window provision. In all cases, the Metropolitan Arts Commission will review the application to determine whether public art is appropriate at the location, taking into account the scale and character of the building and area. The budget, selection process, final artwork, and installation must follow the guidelines of the Metropolitan Arts Commission and must be approved by the Metropolitan Arts Commission. Covenants will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art.

33.140.235 Screening

A. Purpose. The screening standards address specific unsightly features which detract from the appearance of an area.

B. Garbage collection areas. In all zones except the IH zone, exterior garbage cans and garbage collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

C. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation tall enough to screen the equipment. Mechanical equipment on roofs must be screened from the ground level of any abutting R-zoned lands.

D. Other screening requirements. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.140.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between the street and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.

B. The standards. The standards of this section apply to all development in the Employment zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections.

   a. Connection to street. The system must connect all adjacent streets to the main entrance. One of the connections should be no longer than the straight line distance from the entrance to the closest sidewalk. It may not be more than 20 feet longer or 120 percent of that straight line distance, whichever is less. Buildings or sites where all of the floor area is in Household Living uses are only required to provide this connection to one main entrance.

   b. Internal connections. The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.

2. Materials.

   a. The circulation system must be hard-surfaced, and be at least 6 feet wide.

   b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement.

   c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with curb ramps.

3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.140.242 Transit Street Main Entrance

A. Purpose. Locating the main entrance to a building on a transit street provides convenient pedestrian access to the building from public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets.

C. Location. At least one main entrance must be:

1. Within 25 feet of the transit street; and

2. Either:

   a. Facing the transit street; or

   b. At an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-2, below.

D. Unlocked during regular business hours. The main entrance that meets the standards of Subsection C, above, must be unlocked during regular business hours.

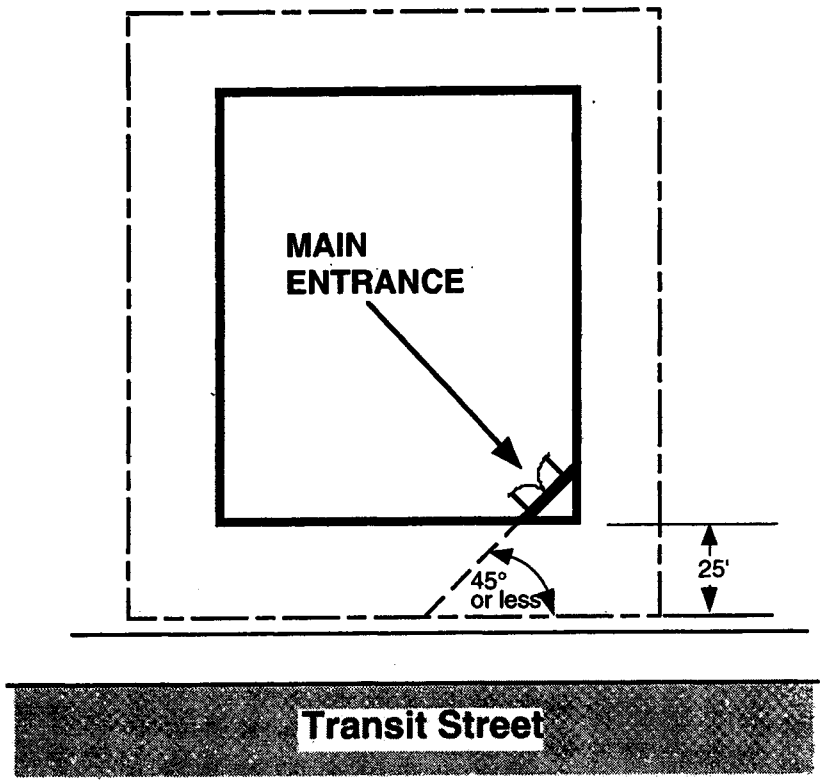
33.140.245 Exterior Display, Storage, and Work Activities

A. Purpose. The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
- Will not be a detriment to the overall appearance of an employment or industrial area;
- Will not have adverse impacts on adjacent properties, especially those zoned residential; and
- Will not have an adverse impact on the environment.

B. Exterior display. Exterior display of goods is allowed in all of the E and I zones except the EX zone. The setbacks and landscaping standards for exterior display areas are stated in Table 140-7.

C. Exterior storage. Exterior storage is allowed in all of the E and I zones except the EX zone. The setback and landscaping standards for exterior storage areas are stated in Table 140-7.

Figure 140-2
Transit Street Main Entrance



D. Exterior work activities. Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are the same as for exterior storage areas stated in Table 140-7.

E. Paving. All exterior development areas in the EG1, EX, and IG1 zones must be paved.

33.140.250 Trucks and Equipment

The regulations for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, or to the use of vehicles during construction, or other service at the site which occurs on an intermittent and short-term basis. The truck categories are defined in Chapter 33.910.

A. Light and medium trucks. The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.

B. Heavy trucks. The parking of heavy trucks and similar equipment is allowed in areas that meet the development standards for exterior storage.

Table 140-7
Exterior Development Setbacks and Landscaping [1]

	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, or I zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage Abutting a street [2]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, or I zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3

Notes:
[1] The development standards first state the required setback, then the required landscaping standard.
[2] If parking areas are placed between exterior storage areas and the street, an F2 screen is required on the edge of the storage area, but not the required landscaped area.

33.140.255 Drive-Through Facilities

Drive-through facilities are allowed in all of the E and I zones. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

33.140.260 Wastewater and Stormwater Disposal

A. Industrial wastewater disposal. Industrial wastewater includes wastewater resulting from production, or resulting from the washing of equipment and vehicles, or resulting from similar activities. Stormwater runoff and runoff from the watering of landscaping is not included. All industrial wastewater disposal must be approved by the City Engineer. Industrial wastewater must be disposed into a sanitary sewer unless an alternative disposal is approved by the Department of Environmental Quality (DEQ). The City Engineer may require pretreatment. A sampling manhole and industrial wastewater discharge permit may be required. Sanitary and industrial wastewater quality must meet City code requirements.

B. Stormwater disposal. All stormwater, groundwater, and runoff from the watering of landscaping must be discharged into an adequate watercourse, water body, storm sewer or into an approved on-site disposal system. Stormwater and groundwater disposal methods and the determination of the adequacy of the receiving systems require the approval of the Plumbing Division of the Bureau of Buildings and/or the Bureau of Environmental Services. A permit from DEQ may also be required.

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards. Residential uses in existing buildings have no density limit within the building. The base zone development standards continue to apply. Residential uses in new development are subject to the development standards of the EX zone.

33.140.270 Detached Accessory Structures

A. Purpose. These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.

B. General standards.

1. The regulations of this section apply to detached accessory structures only.

2. Unless stated in this section, the height and building coverage standards of the base zone apply to detached accessory structures.

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures, such as flag poles, lamp posts, signs, radio antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts, are allowed in a street setback, but not in a required setback from an abutting residential zone.

2. Covered structures. Covered structures, such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures, are subject to the setbacks for buildings. See 33.140.215.

33.140.275 Fences

A. Purpose. The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and heights.

1. Fences up to 3-1/2 feet high are allowed in required front building setbacks.

2. Fences up to 8 feet high are allowed in required side or rear building setbacks.

3. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

D. Reference to other Regulations.

1. Building permits. Building permits are required by the Bureau of Buildings for fences over six feet in height.

2. Fence materials regulated by other bureaus. Electrified fences and use of barbed wire are also regulated by the Police Bureau.

33.140.280 Demolitions
Demolitions of all structures must comply with Chapter 33.445, Historic Resource Protection Zone.

33.140.285 Excavations and Fills
Excavations and fills may require a review. See Chapter 33.830, Excavations and Fills.

33.140.290 Nonconforming Development
Existing development that does not conform to the development standards of this chapter may be subject to the regulations of Chapter 33.258, Nonconforming Situations.

33.140.295 Parking and Loading
The standards pertaining to the required number of auto and bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and loading areas are stated in Chapter 33.266, Parking And Loading.

33.140.300 Signs
The sign regulations are stated in Chapter 33.286, Signs.

33.140.305 Street Trees
Street trees are required for all developments by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

33.140.310 Superblock Requirements
Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

Industrial Park Developments

33.140.400 Purpose
The industrial park option allows greater flexibility in the industrial sanctuary zones by relaxing certain zoning requirements in exchange for other requirements. The option is allowed because these developments are usually large enough to create their own inner character without being incompatible or conflicting with surrounding uses. The regulations create a mechanism to achieve planning goals through such means as developer master plans and/or covenants, conditions, and restrictions (C, C, and Rs.) The master plan and C, C, and Rs assure internal compatibility, efficient service provision, and compatibility with surrounding land uses.

33.140.410 Description of an Industrial Park

An industrial park is designed as a coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest. It has an enforceable master plan and/or C, C, and Rs. The development may be on one lot or ownership, may be subdivided, may have condominium ownerships, or be a combination of these types.

The overall orientation of the park's tenants is to industrial use. Uses may include manufacturers, warehouses, research and development facilities, distribution firms, sales offices with warehouses, and various support businesses, such as retail uses. Support businesses are generally oriented towards uses in and near the industrial park.

33.140.420 When the Industrial Park Regulations Apply

The regulations of Sections 33.140.400 through 33.140.480 apply only to industrial park developments in the industrial sanctuary zones (the IG1, IG2, and IH zones).

33.140.430 Minimum Size

The minimum size for an industrial park is 20 acres in the IG2 and IH zones, and 10 acres in the IG1 zone.

33.140.440 Commercial Uses Allowed

Uses in the Retail Sales And Service and Office categories are allowed in greater amounts than allowed by 33.140.100 above, subject to the limits stated below.

A. Industrial parks 50 acres or less. For industrial parks of 50 acres or less in area, up to 35 percent of the total proposed floor area of development, exclusive of parking area, may be in uses in the Retail Sales And Service and Office categories.

B. Industrial parks over 50 acres. For industrial parks over 50 acres in area, the commercial uses are limited to 35 percent of the proposed floor area, exclusive of parking area, on 50 acres of land. The designated 50 acres must be shown at the time of the application. The 50 acres may be broken up into separate segments, but the commercial uses must be located within the designated segments. The commercial uses may be no more than 35 percent of the total proposed floor area, exclusive of parking area, of any segment. In the remainder of the industrial park, the allowed uses of the base zone control.

C. Additional commercial uses. In the IG1, IG2, and IH zones, Retail Sales And Service or Office uses in excess of the 35 percent standard are subject to the conditional uses requirements for those categories.

33.140.450 Development Standards

Unless stated below, the development standards of the base zone apply.

A. New lot sizes. There is no minimum lot size standards for new lots.

B. Setbacks. The setback and landscaping standards for buildings and exterior development of the base zone apply only along the periphery of the industrial park and along any arterial streets within the industrial park.

C. Required landscaped area. Overall, at least 15 percent of the industrial park must be landscaped. Required landscaped areas must comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be for active or passive recreational use, or for pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

D. Pedestrian circulation. The industrial park must have a circulation system for pedestrians made up of sidewalks or paved pathways which serve buildings and parking in the development and which connect to outside sidewalks, if any.

E. Utilities. All local utility wires and services must be underground.

33.140.460 Required Master Plans

Master plans and/or C, C, and Rs are required. However, industrial parks which contain more than one lot must have C, C, and Rs to ensure compliance if lots are sold off.

33.140.470 Approval Procedure and Application Requirements

A. Application requirements. The application for the industrial park review must include the information listed below as well as the general information required for all land use reviews.

1. The application must include the following information: Proposed uses, service provisions, access points, circulation and parking, building types, sizes and general locations, and landscaped and open areas.

2. The information may be general to preserve future flexibility, but must be of such detail to show conformance with these regulations.

3. The application may be submitted and approved for discrete phases of the development or for the entire industrial park. Applications may be made in conjunction with a PUD or land division request.

B. Review procedure. Review of an industrial park request is through a Type II procedure.

C. Approval criteria. The industrial park request will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

1. There is adequate public service capacity for the proposed development;

2. There is a mechanism, such as a deed restriction, master plan, or C, C, and Rs, which is enforceable by the applicant and by the City which assures that the requirements of this chapter and Title will be met.

D. Recording. The C, C, and Rs or master plan must be recorded for all lots in the industrial park.

E. Changes in the master plan or C, C, and Rs. Changes in the master plan or C, C, and Rs may be made after review as follows:

1. Procedures. Requests for changes are reviewed through a Type II procedure.

2. Approval criteria. Requests for changes will be approved if it is found that the requirements of this chapter and the intent of the conditions of approval continue to be met.

F. Checks for conformance. The applicant for site review, building permits, or certificates of occupancy must document compliance with the approved master plan or C, C, and Rs.

33.140.480 Existing Industrial Parks

Existing developed or partially developed industrial parks in the industrial sanctuary zones, which were created before the application of these zones, may request approval under these regulations. They are subject to the same regulations and approval criteria as new industrial parks.

200s - ADDITIONAL USE & DEVELOPMENT REGULATIONS

33.203 Accessory Home Occupations
33.205 Accessory Dwelling Units
33.209 Aviation
33.212 Bed and Breakfast Facilities
33.216 Cluster Housing
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33.219 Convenience Stores
33.224 Drive-Through Facilities
33.229 Elderly and Disabled High Density Housing
33.236 Floating Structures
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CHAPTER 33.203
ACCESSORY HOME OCCUPATIONS

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98.)

Sections:

33.203.010 Purpose
33.203.020 Description of Type A and Type B Accessory Home Occupations
33.203.030 Use-Related Regulations
33.203.040 Site-Related Standards
33.203.050 Impact-Related Standards
33.203.060 Type B Home Occupation Permit

33.203.010 Purpose

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

33.203.020 Description of Type A and Type B Accessory Home Occupations

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

A. Type A. A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.

B. Type B. A Type B home occupation is one where either one employee or customers come to the site. Examples are counselling, tutoring, and hair cutting and styling.

C. Bed and breakfast facility. Bed and breakfast facilities are exempt from the regulations of this chapter. The regulations for bed and breakfast facilities are stated in Chapter 33.212.

D. Family daycare. Family daycare for up to 12 children, including the children of the provider, is exempt from the regulations of this chapter as required by ORS 418.817.

33.203.030 Use-Related Regulations

A. Allowed uses. The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.

B. Prohibited uses.

1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.

2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.

3. A Type B accessory home occupation is prohibited in a residence with an accessory dwelling unit.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.

2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation provided no customers come to the site. Home occupations which have customers coming to the site are not allowed to have nonresident employees. For the purpose of this Chapter, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. Adjustments to this subsection are prohibited.

3. Customers. Only eight customers or clients may visit the site in a day.

4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).

5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

33.203.040 Site-Related Standards

A. Signs. Signs must meet the regulations of the base zone.

B. Outdoor activities.

1. All activities must be in completely enclosed structures.

2. Exterior storage or display of goods or equipment is prohibited.

C. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

33.203.050. Impact-Related Standards

A. Nuisances. Accessory home occupations are regulated by the standards contained in Chapter 33.262, Off-Site Impacts, except noise, which is regulated by Subsection C. below.

B. Hazardous substances. Hazardous substances are prohibited, except at the consumer commodity level. (See Chapter 33.140, Industrial and Employment Zones, for more information on hazardous substances levels.)

C. Noise. The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.

D. Trucks and vehicles. No more than one truck, associated with the home occupation, may be parked at the site. The maximum size of truck that is allowed on-site is a light truck. This is the same as for all residential uses in residential zones.

E. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with business activities, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up are limited to those normally servicing residential neighborhoods.

33.203.060 Type B Home Occupation Permit

A. Purpose. Permits for Type B home occupations must be obtained from the Bureau of Buildings prior to their establishment, to ensure the following:
- That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
- That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet code regulations; and
- That the distribution and location of Type B home occupations can be documented.

B. Procedure. A home occupation permit for Type B home occupations will be issued by the Bureau of Buildings for a two year period. It is the responsibility of the applicant to obtain the permit every two years. The review process requires the applicant to agree to abide with the requirements of this chapter and sign a form showing agreement to these conditions and documentation that the proposal is a Type B home occupation. The applicant must demonstrate compliance with the neighborhood notice requirement, described in Subsection C. below.

C. Neighborhood notice.

1. Purpose. The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.

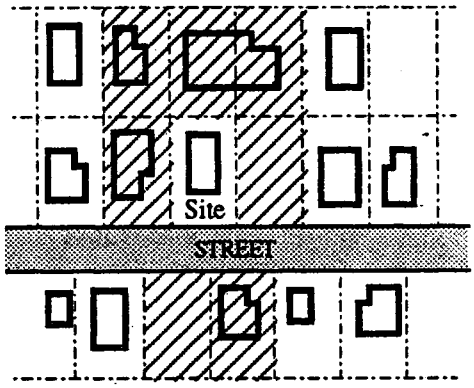
2. Process.

a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place

at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.

b. Notice recipients. All recognized organizations whose boundaries include the site must receive the notice. In addition, all owners of the property abutting or across the street from the site must receive the notice. See Figure 203-1 for a description of the notice area. The applicant must submit to the Bureau of Buildings a list of the addresses notified, a copy of the notice which was sent, and a signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

Figure 203-1
Home Occupation Notice Area



D. Revocation. A Type B home occupation permit can be revoked for failure to comply with the regulations of this Chapter, through the procedures identified in Subsection 3.30.015 (b) of Title 3, Administration. When a Type B home occupation permit has been revoked, a new Type B home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

CHAPTER 33.205
ACCESSORY DWELLING UNITS

(Amended by: Ord. No. 171879, effective 2/2/98.)

Sections:
33.205.010 Purpose
33.205.020 Where These Regulations Apply
33.205.030 Design Standards

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling neighborhoods;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a mix of housing that responds to changing family needs and smaller households;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where These Regulations Apply

An accessory dwelling unit may be added to a house, attached house, or manufactured home in an R zone, except for attached houses in the R20 through R5 zones that were built using the regulations of 33.110.240.F, Duplexes and Attached Houses on Corners.

33.205.030 Design Standards

A. Purpose. Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
- Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
- Ensure that accessory dwelling units are smaller in size than houses, attached houses, or manufactured homes; and
- Provide adequate flexibility to site buildings so that they fit the topography of sites.

B. Generally. The design standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.

C. Requirements for all accessory dwelling units. All accessory dwelling units must meet the following:

1. Creation. An accessory dwelling unit may only be created through the following methods:

   a. Converting existing living area, attic, basement or garage;

   b. Adding floor area;

   c. Constructing a detached accessory dwelling unit on a site with an existing house, attached house, or manufactured home; or

   d. Constructing a new house, attached house, or manufactured home with an internal or detached accessory dwelling unit.

2. Number of residents. The total number of individuals that reside in both units may not exceed the number that is allowed for a household.

3. Other uses. An accessory dwelling unit is prohibited on a lot with a Type B home occupation.

4. Location of entrances. Only one entrance may be located on the facade of the house, attached house, or manufactured home facing the street, unless the house, attached house, or manufactured home contained additional entrances before the accessory dwelling unit was created. An exception to this regulation is entrances that do not have access from the ground such as entrances from balconies or decks.

5. Parking.

   a. Purpose. The parking requirements balance the need to provide adequate parking while maintaining the character of single-dwelling neighborhoods and reducing the amount of impervious surface on a site. More parking is required when a vacant lot is being developed because, generally, the site can more easily be designed to accommodate two parking spaces while minimizing impervious surface. In situations where an accessory dwelling unit is being added to a site with an existing dwelling unit, it is appropriate to not require additional impervious surface if adequate on-street parking is available.

   b. The following parking requirements apply to accessory dwelling units. All parking must meet the requirements of 33.266.120, Development Standards for Houses, Attached Houses, and Duplexes:

      (1) No additional parking space required. No additional parking space is required for the accessory dwelling unit if it is created on a site with an existing house, attached house, or manufactured home and the roadway in at least one abutting street is at least 28 feet wide.

      (2) One additional parking space required. One additional parking space is required for the accessory dwelling unit as follows:

         - When none of the roadways in abutting streets are at least 28 feet wide; or

- When the accessory dwelling unit is created at the same time as the house, attached house, or manufactured home.

6. Maximum size. The size of the accessory dwelling unit may be no more than 33% of the living area of the house, attached house, or manufactured home or 800 square feet, whichever is less.

D. Additional requirements for accessory dwelling units created through the addition of floor area. Accessory dwelling units created through the addition of floor area must meet the following:

1. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.

2. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.

3. Trim. Trim on edges of elements on the addition must be the same in type, size, and location as the trim used on the rest of the house, attached house, or manufactured home.

4. Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).

5. Eaves. Eaves must project from the building walls the same distance as the eaves on the rest of the house, attached house, or manufactured home.

E. Additional requirements for detached accessory dwelling units. Detached accessory dwelling units must meet the following.

1. Setbacks. The accessory dwelling unit must be at least:

   a. 60 feet from the front lot line; or

   b. 6 feet behind the house, attached house, or manufactured home.

2. Conversion of existing detached garages.

   a. In RF through R2.5 zones, conversion of an existing detached garage that is in a front, rear, or side building setback required by Table 110-3 is not allowed. This restriction also applies to garages that are allowed to be in side or rear setbacks as provided by Subsection 33.110.250.E, Special Standards for Garages.

   b. In R3 through IR zones, conversion of an existing detached garage that is in a front, rear, or side building setback required by Table 120-3 is not allowed. This restriction also applies to garages that are allowed to be in side or rear setbacks as provided by Subsection 33.120.280.E, Special Standards for Garages.

3. Height. The maximum height allowed for a detached accessory dwelling unit is 18 feet.

4. Bulk limitation. The detached accessory dwelling unit may not have a larger footprint than the footprint of the house, attached house, or manufactured home, and, the combined footprint of all detached accessory structures may not exceed 15 percent of the total area of the site.

5. Exterior finish materials. The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the house, attached house, or manufactured home.

6. Roof pitch. The roof pitch must be the same as the predominant roof pitch of the house, attached house, or manufactured home.

7. Trim. Trim must be the same in type, size, and location as the trim used on the house, attached house, or manufactured home.

8. Windows. Windows must match those in the house, attached house, or manufactured home in proportion (relationship of width to height) and orientation (horizontal or vertical).

9. Eaves. Eaves must project from the building walls the same distance as the eaves on the house, attached house, or manufactured home.

CHAPTER 33.209
AVIATION

Sections:
33.209.010 Purpose
33.209.020 Aircraft Landing Facilities
33.209.030 Helicopter Landing Facilities
33.209.040 Commercial Seaplane Facilities

33.209.010 Purpose

This chapter:

- Provides standards for the efficient development of aviation facilities;
- Ensures that neighborhoods are protected from the off-site impacts and nuisances associated with aviation facilities; and
- Promotes compatibility between aviation facilities and other land uses.

33.209.020 Aircraft Landing Facilities

A. Portland International Airport. Interior and exterior alterations to the Portland International Airport are governed by the base zone requirements and the Portland International Airport Master Plan.

B. New landing facilities. All new aircraft landing facilities (excluding seaplane facilities) require a conditional use master plan.

33.209.030 Helicopter Landing Facilities

Helicopter landing facilities are governed by the requirements of Chapter 33.243, Helicopter Landing Facilities.

33.209.040 Commercial Seaplane Facilities

A. When the commercial seaplane regulations apply. These regulations apply only to commercial seaplane facilities. Private seaplane hangars are regulated in the same manner as docks. The regulations also apply to all facilities such as docks and offices associated with a commercial seaplane facilities. Both floating and land facilities are regulated by this section.

B. State, Federal, and Port of Portland requirements. All commercial seaplane facilities must obtain approval from the Port of Portland, the Oregon Divisions of State Lands, State Aeronautics, and the US Army Corps of Engineers prior to issuance of a building permit.

C. Locational criteria.

1. Commercial seaplane facilities are not allowed within 400 feet of any residences, including houseboats.

2. Commercial seaplane facilities are not allowed within 400 feet of properties with River Natural zoning.

CHAPTER 33.212
BED AND BREAKFAST FACILITIES

Sections:
33.212.010 Purpose
33.212.020 Description
33.212.030 Where These Regulations Apply
33.212.040 Use-Related Regulations
33.212.050 Site-Related Regulations
33.212.060 Conditional Use Review
33.212.070 Monitoring
33.212.080 Pre-Established Bed and Breakfast Facilities

33.212.010 Purpose

This chapter provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses in residential areas if the neighborhood character is preserved to maintain both the residential neighborhood experience and the bed and breakfast experience. These regulations enable owners to maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.212.020 Description

A. **Bed and breakfast facility.** A bed and breakfast facility is one where an individual or family resides in a home and rents bedrooms to guests.

B. **Retail Sales And Service use.** In zones where Retail Sales And Service uses are allowed, limited or conditional uses, a bed and breakfast facility is defined as a hotel and is included in the Retail Sales And Service category.

33.212.030 Where These Regulations Apply

(Amended by Ord. No. 164264, effective 7/5/91.) The regulations of Sections 33.212.040 through 33.212.080 apply to bed and breakfast facilities in the R zones. In the RX and RH zone, where a limited amount of commercial uses are allowed by right or by conditional use, a bed and breakfast facility may be regulated either as a Retail Sales And Service use, or as a bed and breakfast facility under the regulations of this chapter. The decision is up to the applicant.

33.212.040 Use-Related Regulations

A. **Accessory use.** A bed and breakfast facility must be accessory to a Household Living use on a site. This means that the individual or family who operate the facility must occupy the house as their primary residence. The house must be at least 5 years old before a bed and breakfast facility is allowed.

B. Maximum size. Bed and breakfast facilities are limited to a maximum of 5 bedrooms for guests and a maximum of 6 guests per night. In the single-dwelling zones, bed and breakfast facilities over these size limits are prohibited.

C. Employees. Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

D. Services to guests.

1. Food services may only be provided to overnight guests of a bed and breakfast facility.

2. Serving alcohol to overnight guests is allowed. The proprietor may need Oregon Liquor Control Commission approval to serve alcohol at a bed and breakfast facility.

E. Meetings and social gatherings.

1. Commercial meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation, are prohibited at a bed and breakfast facility.

2. Private social gatherings. The residents of bed and breakfast facilities are allowed to have only 4 private social gatherings, parties, or meetings per year, for more than 4 guests. The private social gatherings must be hosted by and for the enjoyment of the residents. The bed and breakfast operator must log the dates these social gatherings are held. Private social gatherings for 4 or fewer guests are allowed without limit as part of a normal Household Living use at the site. All participants in the social gathering are counted as guests except for residents.

3. Historical landmarks. A bed and breakfast facility which is located in a historical landmark and which receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as either a commercial meeting or a private social gathering.

33.212.050 Site-Related Standards

A. Development standards. Bed and breakfast facilities must comply with the development standards of the base zone, overlay zone, and plan district, if applicable.

B. Appearance. Residential structures may be remodeled for the development of a bed and breakfast facility. However, structural alterations may not be made which prevent the structure being used as a residence in the future. Internal or external changes which will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

C. Signs. Signs must meet the regulations for houses.

33.212.060 Conditional Use Review

(Amended by Ord. No. 169324, effective 10/12/95.) Bed and breakfast facilities require a conditional use review. The review is processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.

33.212.070 Monitoring

All bed and breakfast facilities must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room number of each guest. The log must be available for inspection by City staff upon request.

33.212.080 Pre-Established Bed and Breakfast Facilities

A. Facilities without a revocable permit. Bed and breakfast facilities that were operating before May 24, 1988 and which did not receive a revocable permit, may continue to operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.

1. The facility was operating with a City business license or was granted exemption from the business license requirement;

2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and

3. The owner or operator can document that the Portland Bureaus of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.

B. Alterations and Expansions. The approved conditional use status provided for in Subsection A. above applies only to the number of bedrooms, and size of facility that existed on January 1, 1991. Any expansions of building area or alterations,that increase the intensity of the facility, are not allowed unless approved through a conditional use review as provided in Section 33.212.060.

C. Facilities with a revocable permit. Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

CHAPTER 33.216
CLUSTER HOUSING

Sections:
33.216.010 Purpose
33.216.020 Description
33.216.030 Regulations

33.216.010 Purpose

The cluster housing regulations have several potential public benefits. They:

- Provide flexible development options where the standard rectilinear lot pattern is not practical due to physical constraints;
- Promote the preservation of open and natural areas;
- Allow for common open areas within a development project while still achieving the density of the base zone; and
- Support reductions in development costs.

33.216.020 Description

A cluster housing project is a subdivision containing houses with some or all of the lots reduced below the minimum lot sizes, but where the overall project meets the density standard for the zone. These projects require that the planning for lots and the locations of houses on the lots be done at the same time. Because the exact location of each house is predetermined, greater flexibility in development standards can be possible while assuring that the single-dwelling character of the zone is maintained.

33.216.030 Regulations

A. Qualifying situations. Cluster housing projects are allowed only in the RF, R20, R10, R7, R5, and R2.5 zones. They are allowed as part of minor or major subdivisions. However, they may not be larger than 4 acres in size. Larger proposals are subject to the Planned Unit Development regulations.

B. Procedure for approval. Cluster housing projects are allowed by right. They are subject to the subdivision review process.

C. Density. The overall project may not exceed the density allowed by the base zone. In calculating the density, the area of the whole subdivision is included, except for public or private streets.

D. Lot sizes. There is no minimum lot size (area, width, or depth). Lot sizes must be adequate to meet all required development standards of this chapter.

E. Housing types allowed. Houses are the only type of housing allowed. The proposed locations for all houses must be shown on the plat or partition map. The house locations must be shown in enough detail so that compliance with the required development standards is assured.

F. Building setbacks. Along the perimeter of the project, all development must meet the building setback standards of the base zone. Within the project, the distance between houses must be at least 10 feet.

G. Building coverage. The building coverage standards of the base zone do not apply to individual lots, but do apply to the overall project. Allowable areas for buildings must be shown on the plat map.

H. Required outdoor area. The required outdoor area standard of the R5 zone applies for all lots. See 33.110.235.

I. Preservation of water features. Water features such as drainageways and streams must be left in a natural state unless altered to improve the amenity of the water feature for the project's residents or to improve stormwater drainage. Water features must be in common ownership unless otherwise approved as part of the subdivision review.

J. Maintenance. An enforceable maintenance agreement for any commonly owned areas must be created and recorded. The agreement must be approved by the City Attorney to assure that the City's interests are protected.

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

(Added by Ord. No. 171589, effective 11/1/97.)

Sections:

General
- 33.218.010 Purpose
- 33.218.015 Procedure

Standards
- 33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones
- 33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones
- 33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, R3, R2, and R1 Zones
- 33.218.130 Standards for Exterior Alterations of Residential Structures in Residential Zones
- 33.218.140 Standards for All Structures in RH, RX, C, and E Zones
- 33.218.150 Standards for All Structures in I Zones

General

33.218.010 Purpose

Design review and historic design review ensure that development conserves and enhances the recognized special design values of a site or area, and promote the conservation, enhancement, and continued vitality of special areas of the City.

The Community Design Standards provide an alternative process to design review and historic design review for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews, or to meet the objective standards of this chapter. If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required.

The purpose of these standards is to:

A. Ensure that new development enhances the character and livability of Portland's neighborhoods;

B. Ensure that increased density in established neighborhoods makes a positive contribution to the area's character;

C. Ensure the historic integrity of conservation landmarks and the compatibility of new development in conservation districts;

D. Enhance the character and environment for pedestrians in areas designated as design zones;

E. Offer developers the opportunity to comply with specific objective standards as a more timely, cost effective, and more certain alternative to the design review and historic design review process.

33.218.015 Procedure

A. Generally. This chapter provides an alternative to the design review process or historic design review process for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through either the discretionary design review process set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews, or to meet the objective standards of this chapter. If the proposal meets the standards of this chapter, no design review or historic design review is required. The standards determining which proposals are eligible to use this chapter are in Chapter 33.405, Alternative Design Density Overlay Zone; Chapter 33.420, Design Overlay Zone; Chapter 33.445, Historic Resources Protection Overlay Zone; and Chapter 33.505, Albina Community Plan District.

The standards of this chapter do not apply to proposals reviewed through the discretionary design review processes set out in Chapter 33.825, Design Review, and Chapter 33.846, Historic Reviews. Where a proposal is for an alteration or addition to existing development, the standards of this chapter apply only to the portion being altered or added.

B. Adjustments. Adjustments to these standards are prohibited.

C. Neighborhood contact requirement. Proposals listed in Paragraph C.1, below, must complete the steps in Paragraph C.2 before a building permit is requested.

1. Proposals subject to the neighborhood contact requirement. The following proposals are subject to the neighborhood contact requirement, as specified in Paragraph C.2, below:

   a. Proposals that create more than three new dwelling units. Dwelling units are created:

      (1) As part of new development;

      (2) By adding net building area to existing development that increases the number of dwelling units;

      (3) By conversion of existing net building area from non-residential to residential uses; and

      (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a five-plex;

b. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

c. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

2. Steps. The steps are:

a. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for a building permit without further delay. The neighborhood may schedule the meeting with its board, the general membership or a committee.

The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

b. After the meeting and before applying for a building permit, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.

D. Permit application requirements. The following information must be submitted as part of an application for a building or development permit:

1. Site plan and elevations. The site plan and elevations must include enough detail to document compliance with the standards of this chapter. The site plan and elevations must be drawn at a scale of 1/8 inch = 1 foot or larger.

2. Vicinity plan. For proposals in the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, a vicinity plan, drawn at a scale of 1 inch = 30 feet or larger, must show the following:

a. The footprint of the proposed development;

b. The lot lines of the site;

c. The footprints and front yard setbacks of all buildings on lots that abut each side of the site and are on the same street.

3. Neighborhood contact letters. For proposals required to comply with the steps for neighborhood contact set out in Paragraph C.2, above, a copy of both letters required by Subparagraphs C.2.a and b must be submitted.

Standards

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

The standards of this secton apply to development of new primary and attached accessory structures in single-dwelling zones.

A. Landscaping. Landscaping must be provided between structures and the street, as follows:

1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area; and

2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.

B. Front setbacks in the Southwest Community Plan area and conservation districts. In the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, the setback for primary buildings is based on the setbacks of primary buildings on the lots that abut each side of the site and are on the same street. The primary structure may be no closer to the front lot line than the adjacent primary structure that is closest to the front lot line. The primary structure may be no further from the front lot line than the adjacent primary structure that is farthest from the front lot line. In any case, the structure may not be set back from the front lot line more than 25 feet.

C. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can by done by:

1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;

2. A bay window that extends at least 2 feet; or

3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.

D. Roofs.

1. Primary structures must have a roof that is either:

   a. Sloped, with a pitch that is no flatter than 6/12 and no steeper than 12/12; or

   b. Sloped, with a pitch that is no steeper than and no flatter than the pitch of the roofs of the primary structures on the lots that abut either side of the site and are on the same street.

2. Flat roofs are allowed when the space on top of the roof is no more than 150 square feet and accessible from an interior room.

E. Main entrance.

1. Location of main entrance. The main entrance of each primary structure must face the street. On corner lots the main entrance may face either of the streets or be oriented to the corner. For single dwelling, duplex, and triplex buildings that have more than one main entrance only one entrance must meet this requirement.

2. Front porch at main entrance. There must be a front porch at all main entrances that face a street. If the porch projects out from the building, it must have a roof. If the roof of a required porch is developed as a deck or balcony, it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 48 square feet and a minimum of 8 feet wide. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 63 square feet and a minimum of 9 feet wide.

3. Covered balcony. Attached houses have the option of providing a covered balcony at all main entrances that face a street instead of a front porch. The covered area provided by the balcony must be at least 48 square feet and a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.

4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

   b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

5. Openings between porch floor and ground. Openings of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

F. Vehicle areas.

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.

2. Parking areas in the front setback. Parking areas may not be located in the front setback.

3. Vehicle areas between the porch and the street. Vehicle areas may not be located between the building's porch or porches and an adjacent street.

4. Attached garages. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

   a. The garage must not be more than 40 percent of the length of the building frontage or 8 feet long, whichever is greater. Proposals in the Irvington Conservation District are exempt from this standard;

   b. The front of the garage can be no closer to the front lot line than the front facade of the house;

   c. Garage doors may be no more than 75 square feet in area; and

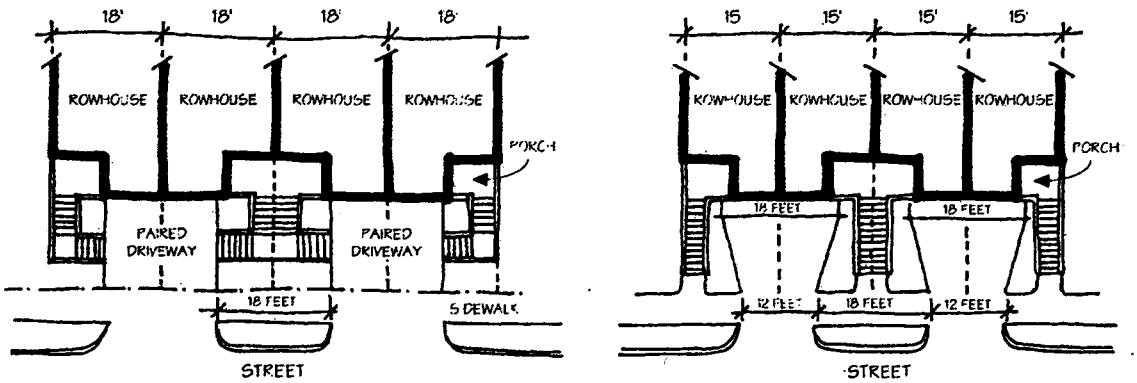
   d. There may be no more than two individual garage doors.

5. Driveways. Driveways for attached houses must meet the following. See Figures 218-1 and 218-2 for examples of driveways that meet the standard.

   a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and

   b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.

Figure 218-1
Paired Driveways for Attached Houses

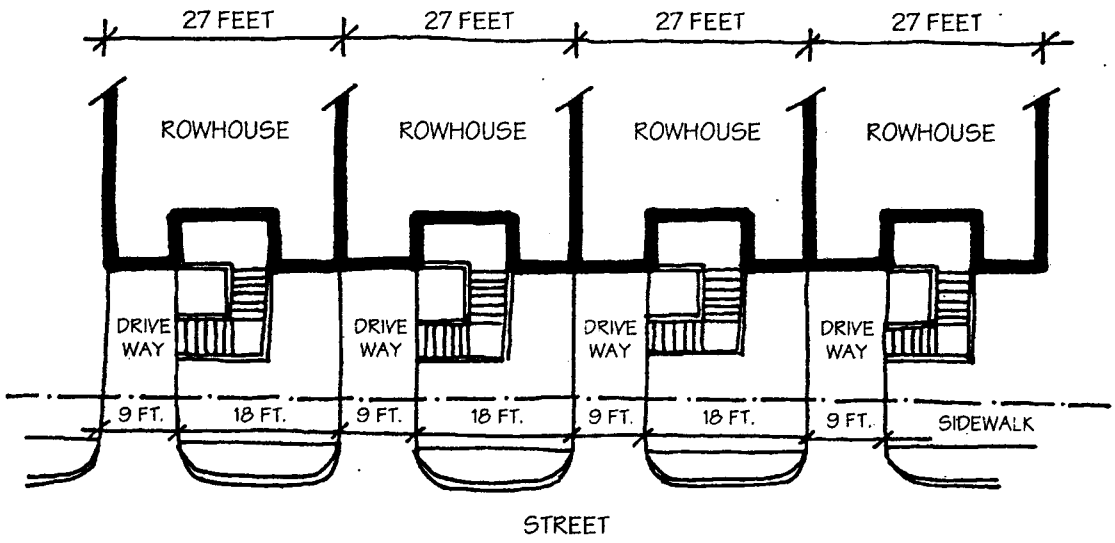


G. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

H. Exterior finish materials.

1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

Figure 218-2
Single Driveways for Attached Houses



2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

I. Architectual features. Each primary structure must have one of the following features on the front street-facing elevation:

1. Roof dormer placed a minimum of 3 feet from all the side building walls;

2. A porch roof with a gable end facing the street. The roof eaves of the porch must be the same height as the roof eaves of the building. The pitch of the porch roof must be between 6/12 and 12/12; or

3. A gable end facing the front lot line with one of the following in the gable area above the eave line:

   a. A window; or

   b. A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.

J. Windows. At least 15 percent of the area of a street-facing facade must be windows. All street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Each window must be square or vertical—at least as tall as it is wide; or

2. A horizontal window opening may be created when:

   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

   b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

K. Trim. Trim must mark all building roof lines, porches, windows, and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

L. Exterior stairs and fire escapes. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.

M. Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations.

N. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.

2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large recilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-2:

   a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.

   b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.

4. Irvington. The standards of this paragraph apply in the Irvington Conservation District:

   a. Finished grade in Irvington. A building site may be excavated to allow a story below grade, if the finished grade of the site along the street facing elevation is no more than 1 foot different from the grade that existed prior to development.

   b. Attached garages in Irvington. When parking is provided in a garage attached to the primary structure and garage doors face a street, the garage must have the entire area above it developed as at least 1 story of interior living space. Single story attached garages are not allowed.

5. Vertical building proportions in Eliot, Irvington, and Lair Hill. In the Irvington, Eliot, and Lair Hill Conservation Districts, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:

   a. It must be higher than it is wide; or

   b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.

6. Historic setback pattern in Irvington and Piedmont. In the Irvington and Piedmont Conservation Districts, the front facades of primary structures must be set back exactly 25 feet from the front property line. On corner lots, this standard can be meet on either frontage.

7. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

The standards of this section apply to development of new primary and attached accessory structures in the R3, R2, and R1 zones. The addition of an attached accessory structure to a primary structure, where all the uses on the site are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones.

A. Landscaping. Landscaping must be provided between structures and the street, as follows:

1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area; and

2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.

B. Building setback. Primary buildings must not be set back from the front lot line more than 25 feet.

C. Residential buffer. Where a site zoned RX, RH, or R1 abuts or is across a street from an RF through R2 zone, the following is required:

1. On sites that abut an RF through R2 zone the following must be met:

   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.

2. On sites across the street from an RF through R2 zone the following must be met:

   a On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

D. Building height. Except as provided in Subsection C, above, structures in the RH and RX zones may be up to 55 feet in height.

E. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can by done by:

1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;

2. A bay window that extends at least 2 feet; or

3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.

F. Roofs. Primary structures must have either:

1. A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or

2. A roof with a pitch of less than 6/12 if either:

   a. The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or

   b. A cornice that meets the following:

      (1) There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and

      (2) The height of the cornice is based on the height of the building as follows:

      - Buildings 10 feet or less in height must have a cornice at least 12 inches high.

      - Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.

      - Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

G. Main entrance.

1. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:

   a. On corner lots the main entrance may face either of the streets or be oriented to the corner.

   b. For buildings that have more than one main entrance, only one entrance must meet this requirement.

   c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

2. Front porch at main entrance. There must be a front porch at all main entrances that face the street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

3. Covered balcony. Attached houses have the option of providing a covered balcony at all main entrances that face a street instead of a front porch. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.

4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

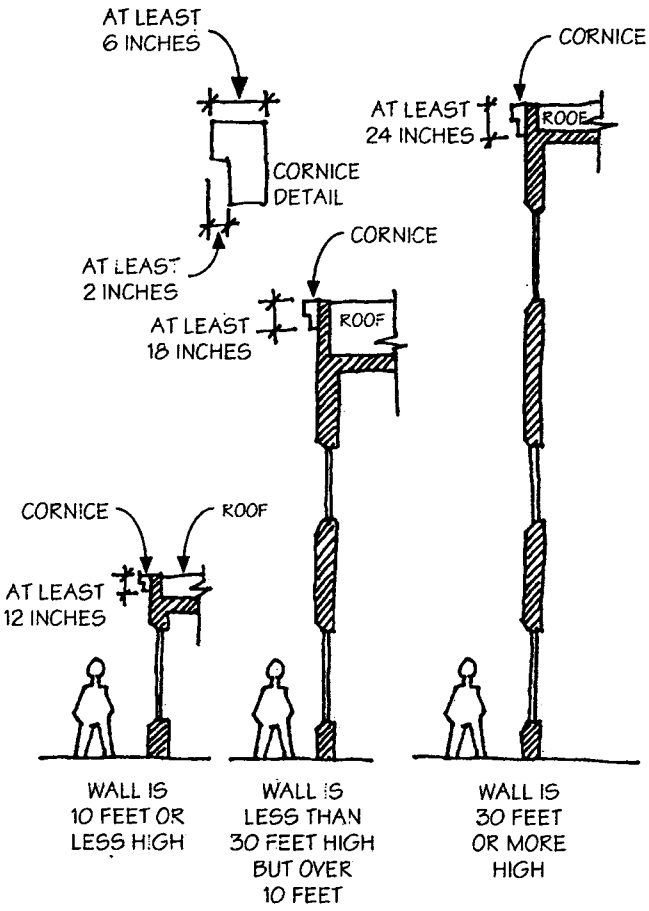
   b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

5. Openings between porch floor and ground. Opening of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

H. Vehicle areas

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.

Figure 218-3
Two-Part Cornice



2. Vehicle areas between the building and the street. There are no vehicle areas allowed between the building and the street. If a site has two street lot lines, this standard must be met on both frontages. If a site has more than two street lot lines, this standard must be met on two frontages.

   An exception is allowed for single dwelling developments. Each dwelling unit in a single dwelling development is allowed one 9 foot wide driveway.

3. Parking areas in the front setback. Parking areas may not be located in the front setback.

4. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:

   a. The garage must not be more than 40 percent of the length of the frontage or 8 feet long, whichever is greater. Proposals in the Irvington Conservation District are exempt from this standard;

b. The front of the garage can be no closer to front lot line than the front facade of the house;

c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and

d. There may be no more than one garage door per 16 feet of building frontage.

5. Driveways. Driveways for attached houses must meet the following See Figures 218-1 and 218-2 for examples of driveways that meet the standard.

a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and

b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.

I. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

J. Exterior finish materials.

1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

K. Windows. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Each window must be square or vertical;

2. A horizontal window opening may be created when:

a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

L. Trim. Trim must mark all building roof lines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

M. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; or

3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

N. Exterior stairs and fire escapes. Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.

O. Roof eaves. Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.

P. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.

2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or

   b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Roof dormers and gable areas in the Albina and Outer Southeast Community Plan areas. In the Albina and Outer Southeast Community Plan areas, shown on Maps 825-2 and 825-3, each residential structure must have one of the following for every 40 feet of length along the street-facing elevations. Buildings with flat roofs are exempt from this standard:

a. A street-facing roof dormer placed at least 3 feet from all side building walls; or

b. A gable end facing the front lot line with either of the following in the gable area above the eave line:

(1) A window; or

(2) A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.

4. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-2:

a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.

b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.

5. Irvington. The standards of this paragraph apply in the Irvington Conservation District:

a. Finished grade in Irvington. A building site may be excavated to allow a story below grade, if the finished grade of the site is no more than 1 foot different from the grade that existed prior to development.

b. Attached garages in Irvington. When parking is provided in a garage attached to the primary structure and garage doors face a street, the garage must have the entire area above it developed as at least 1 story of interior living space. Single story attached garages are not allowed.

6. Stone or cast stone foundations in Kenton and Mississippi. In the Kenton and Mississippi Avenue Conservation Districts, stone or cast stone must be used as a foundation material on street-facing elevations. The stone, cast stone, or cast in place stone must be the material used between the finished building grade and the ground floor.

7. Vertical building proportions in Eliot, Irvington, and Lair Hill. In the Eliot, Irvington, and Lair Hill Conservation Districts, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:

a. It must be higher than it is wide; or

b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.

8. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling R3, R2, and R1 Zones.
The standards of this section are applicable to development of new detached accessory structures in single dwelling, R3, R2, and R1 zones.

A. Exterior finish materials. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

Horizontal siding must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

B. Compatible exterior finish materials. Exterior material type, size and placement on detached accessory structures must be the same as or visually match that of the primary structure. However, if the exterior finishes and materials on the primary structure do not meet the standards above for exterior finish materials, any material that meets the above standards may be used. The siding material may not cover the window and door trim.

C. Roof pitch. Where the accessory structure is more than 15 feet high, the roof pitch must be the same as the predominant roof slope of the primary structure.

D. Compatible trim. Trim on the accessory structure must be the same in type, size, and location as the trim that is used in the primary structure.

E. Compatible windows. Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:

1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical);

2. Be square or vertical—at least as tall as they are wide; or

3. A horizontal window opening may be created when:

   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

   b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

F. Compatible roof eaves. Eaves must project from the building walls the same distance as the eaves on the primary structure.

G. Additional standards for large accessory structures.

1. A large accessory structure must meet at least one of the following:

   a. It is more than 10 feet in height and at least one foot wide;

   b. It has a street-facing elevation more than 6 feet wide; or

   c. It has a street-facing elevation with more than 100 square feet in total surface area.

2. Setback. Large accessory structures must be set back at least 60 feet from the front lot line; and

3. Height. Large accessory structures must be no more than 25 feet in height.

H. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Roof dormers. Where the structure is more than 20 feet in height, it must have a roof dormer. The dormer must be placed a minimum of 3 feet from the side building walls.

2. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.

   b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

3. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, R3, R2, and R1 Zones

The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

A. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.

B. Exterior finish materials. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard are not allowed as exterior finish material. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.

Horizontal siding must be shiplap or clapboard siding composed of boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

C. Compatible exterior finish materials.

1. If the existing exterior finish materials meet the standards above for exterior finish materials, they must be retained or visually matched on the portion being altered or added; or

2. If the existing exterior finish materials do not meet the standards above for exterior finish materials, they must be replaced on the portion being altered or added with horizontal boards, shingles, or brick that meet the above standards; and

3. The siding material may not cover the window and door trim.

D. Compatible trim. Trim on edges of elements in the remodeled area must be the same in type, size, and location as the trim used on the rest of the structure.

E. Compatible windows. Street-facing windows must meet one of the following standards. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from these standards:

1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical); or

2. Be square or vertical—at least as tall as they are wide.

3. A horizontal window opening may be created when:

   a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller

window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover no more than one-third of the total height of the window.

F. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Building features to be retained. The following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:

   a. Doors;

   b. Windows;

   c. Porches;

   d. Balconies;

   e. Bay windows; and

   f. Dormers.

2. Porch enclosures. No portion of the front porch may be enclosed.

3. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:

   a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.

   b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

4. Historic setback pattern in Irvington and Piedmont. In the Irvington and Piedmont Conservation Districts, the front facades of primary structures in single-dwelling zones must be set back exactly 25 feet from the front property line.

5. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

33.218.140 Standards for All Structures in the RH, RX, C and E Zones
The standards of this section apply to development of all structures in RH, RX, C, and E zones. These standards also apply to exterior alterations in these zones.

For proposals where all uses on the site are residential, the standards for the R3, R2, and R1 zones may be met instead of the standards of this section. Where new structures are proposed, the standards of Section 33.218.110, Standards for R3, R2, and R1 Zones, may be met instead of the standards of this section. Where exterior alterations are proposed, the standards of Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Residential Zones, may be met instead of the standards of this section.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this subsection.

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area.

2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:

   a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;

   b. The arcade must consist of openings that are at least 6 feet wide and that run the full length of the street facing elevation;

   c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and

   d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.

3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:

   a. The building walls may be set back no more than 10 feet from the street lot line; and

b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph:

(1) A bench or other seating;

(2) A tree;

(3) A landscape planter;

(4) A drinking fountain; or

(5) A kiosk.

B. Improvements between buildings and pedestrian oriented streets.

1. Where the ground floor of a building is in commercial or residential uses, and the building has frontage on a transit street or City Walkway, or is in a Pedestrian District, the following standards must be met. Proposals required to meet this standard are exempt from the requirements of Subsection 33.218.140.A, Building Placement and the Street:

a. A building wall that faces a transit street or City Walkway, or is in a Pedestrian District may be set back no more than 10 feet from the street lot line. Where the site has two frontages that are on a transit street or Pedestrian Path, or is in a Pedestrian District, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any two frontages;

b. The area between the building and an adjacent transit street, City Walkway, or street in a Pedestrian District must be hard-surfaced for use by pedestrians as an extension of the sidewalk. Where the ground floor is in residential use, the area adjacent to the dwelling unit may be landscaped to an L1 standard of Chapter 33.248, Landscaping and Screening; and

c. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.

(1) A bench or other seating;

(2) A tree;

(3) A landscape planter;

(4) A drinking fountain; or

(5) A kiosk.

C. Reinforce the corner. On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:

1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;

2. At least one of the street-facing walls must be at least 40 feet long;

3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;

4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and

5. There is no parking within 40 feet of the corner.

D. Residential Buffer. Where a site zoned E, C, RX, or RH abuts or is across a street from an RF through R2 zone, the following is required:

1. On sites that abut an RF through R2 zone the following must be met:

   a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.

2. On sites across the street from an RF through R2 zone the following must be met:

   a On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and

   b. A 10 foot deep area landscaped to at least the L3 standard must be provided along the property line across the street from the lower density residential zone. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

E. Building height.

1. Maximum height in RH, RX, and E zones. Except as provided in Subsection D, above, structures may be up to 55 feet in height in RH, RX and E zones.

2. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.

F. Signs. Proposals in C and E zones must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

G. Main entrance.

1. Location of main entrance. The main entrance of the primary structure must face the street lot line. Where there is more than one street lot line, the entrance may face either of them or the corner. For residential developments there are the following exceptions:

   a. For buildings that have more than one main entrance only one entrance must meet this requirement.

   b. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

2. Front porch at main entrances to residential. There must be a front porch at the main entrance to residential portions of a development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

H. Vehicle areas.

1. Access to vehicle areas and adjacent residential zones. Access to vehicle areas must be at least 20 feet from any adjacent residential zone.

2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.

3. Vehicle area screening. Where vehicle areas are across a local service street from an R1, RH, or RX zone, there must be a 6 foot wide landscaped area along the street lot line that meets the L3 standard of Chapter 33.248, Landscaping and Screening. Vehicle areas across a local service street from an RF through R2 zone are subject to the standards of Subsection D., Residential Buffer, above.

I. Exterior finish materials.

1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials except as secondary finishes if they cover no more than 10 percent of the surface area. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material is not revealed for more than 3 feet.

2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph I.1, above, any material that meets the standards of Paragraph I.1 may be used.

J. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; or

3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

K. Ground floor windows. Street-facing elevations must meet the Ground Floor Windows Standards of the CX zone. As an alternative to providing ground floor windows, proposals in E zones may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;

2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and

3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

L. Distinct ground floor. This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:

1. A cornice above the ground level;

2. An arcade;

3. Changes in material or texture; or

4. A row of clerestory windows on the building's street facing elevation.

M. Roofs. Buildings must have either:

1. A sloped roof with a pitch no flatter than 6/12; or

2. A roof with a pitch of less than 6/12 and a cornice that meets the following:

   a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and

   b. The height of the cornice is based on the height of the building as follows:

      (1) Buildings 10 feet or less in height must have a cornice at least 12 inches high.

(2) Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.

(3) Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

N. Base of buildings. Buildings must have a base on all street-facing elevations. The base must be at least 2 feet above grade and be distinguished from the rest of the building by a different color or material.

O. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Zero setbacks. For structures where none of the floor area is in residential use, no setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.

2. Exterior siding.

   a. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.

   b. Where horizontal siding is used, it must be shiplap or clapboard siding composed of wooden boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

   c. The siding material may not cover the window and door trim.

3. Building features to be retained. In RH zones the following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:

   a. Entrances;

   b. Front porches;

   c. Balconies;

   d. Bay windows; and

   e. Dormers.

4. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.

5. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.

6. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.

7. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.

8. Red brick in Russell Street and Mississippi Avenue. In the Mississippi Avenue and Russell Street Conservation Districts, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

9. Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.

10. Wood facades in Woodlawn. In the Woodlawn Conservation District, commercial buildings and commercial portions of mixed use buildings must have wood as their exterior finish material on their street facing elevations.

11. Facade height in Russell Street, Woodlawn, and Piedmont. In the Russell Street, Woodlawn and Piedmont Conservation Districts, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.

12. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

A. Building placement and the street. Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph.

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:

   a. The landscaped area must be at least 3 feet wide;

   b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

   c. Ground cover plants must fully cover the remainder of the landscaped area.

2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:

   a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;

   b. The arcade must consist of openings that are at least 6 feet wide and which run the full length of the street facing elevation;

   c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and

   d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.

3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.

   a. The building walls may be set back no more than 10 feet from the street lot line; and

   b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.

      (1) A bench or other seating;

      (2) A tree;

      (3) A landscape planter;

      (4) A drinking fountain; or

      (5) A kiosk.

B. Landscape coverage. On sites outside conservation districts, at least 15 percent of the total site area must be landscaped. Other required landscaping may count toward this requirement.

C. Signs. Proposals in I zones must meet the sign regulations of the CM zone. Signs with a sign face area of over 32 square feet may not face an abutting regional trafficway or any Environmental Protection Overlay Zone, Environmental Conservation Overlay Zone, or River Natural Greenway Overlay Zone that is within 1,000 feet of the proposed site.

D. Reinforce the corner. On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:

1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;

2. At least one of the street-facing walls must be at least 40 feet long;

3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;

4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and

5. There is no parking within 40 feet of the corner.

E. Pedestrian standards. Buildings that include any non-residential uses and are on a Transit Street, Transitway or Pedestrian Path, or within a Pedestrian District must meet the pedestrian standards of the Employment Zones.

F. Vehicle areas.

1. Parking between building and street. There may be only one double-loaded aisle of parking between the building and any street.

2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.

G. Exterior finish materials.

1. Plain concrete block, plain concrete, corrugated metal, plywood and sheet pressboard may not be used as exterior finish materials except as secondary finishes if they cover no more than 10 percent of the surface area. Sheet pressboard is pressboard that is more than 6 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation is not revealed for more than 3 feet.

2. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph G.1, above, any material that meets the standards of Paragraph G.1 may be used.

H. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar heating panels are exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;

2. A screen around the equipment that is as tall as the tallest part of the equipment; or

3. The equipment is set back from the street-facing perimeters of the building 3 feet for each foot of height of the equipment.

I. Ground floor windows. All street-facing elevations of a development must meet the Ground Floor Windows Standards of the EX zone. As an alternative to providing ground floor windows, a project may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;

2. The artist and the specific work or works of art must be approved by the Portland Regional Arts and Cultural Council; and

3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

J. Large building elevations divided into smaller areas. When the front elevation of a structure is more than 1,500 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:

1. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations; or

2. Setting part of the facade back at least three feet from the rest of the facade.

K. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

1. Zero setbacks. No setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.

2. Distinct ground floor. The ground level of the primary structure must be visually distinct from upper stories. This separation is provided by:

   a. A cornice above the ground level;

   b. An arcade;

   c. Changes in material or texture; or

   d. A row of clerestory windows on the building's street facing elevation.

3. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.

4. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.

5. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.

6. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.

7. Red brick in Russell Street and Mississippi Avenue. In the Mississippi Avenue and Russell Street Conservation Districts, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.

8. Facade height in Russell Street. In the Russell Street Conservation District, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.

CHAPTER 33.219
CONVENIENCE STORES

Sections:
33.219.010 Purpose
33.219.020 Where the Regulations Apply
33.219.030 Preliminary Steps Before Submitting an Application
33.219.040 Procedure
33.219.050 Additional Site Plan Information
33.219.060 Other Requirements
33.219.070 Approval Criteria

33.219.010 Purpose (Amended by Ord. No. 165376, effective 5/29/92.)
The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This is achieved by requiring convenience store owners or operators to meet with interested parties both before and after the development process and by requiring the formulation of a written implementation program, referred to as a "Good Neighbor Plan". This chapter provides a consistent method of addressing issues and areas of concern to the convenience store owner/operators and nearby residents and businesses.

33.219.020 Where the Regulations Apply
All convenience stores proposing to locate in a new building or in an existing building are subject to the regulations of this chapter and a convenience store review.

33.219.030 Preliminary Steps Before Submitting an Application
Prior to submitting an application for a convenience store review, the applicant must complete all of the steps listed below.

A. **Develop a Good Neighbor Plan and site plan.** The applicant must develop a draft Good Neighbor Plan and site plan, which meet all of the requirements of 33.219.050 and 33.219.060 below.

B. **Contact neighborhood association.** Upon completing the draft Good Neighbor Plan and site plan, the owner or operator of the proposed convenience store must notify the local neighborhood association in writing of the desire to set up a formal meeting. A copy of the proposed Good Neighbor Plan and the site plan must accompany the letter. The letter must mention land use reviews and licenses that will be requested, and associated timelines. The neighborhood association must set a meeting date within 45 days of the initial contact, or the applicant will be allowed to proceed to the application stage discussed in Subsection E. below.

C. **Notice of meeting.** Upon receiving notice of the time and place of the meeting, the applicant must notify in writing all property owners abutting the proposed site, the Portland Planning Bureau, and any other recognized organizations within 400 feet of the proposed site. The notice form and the location of neighborhood association boundaries are available from the Office of Neighborhood Associations.

D. Convenience store meeting. The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement between the local residents, businesses, and the applicant as to the content of the Good Neighbor Plan and the site plan. However, a consensus is not required. Staff from the Planning Bureau and other Bureaus may attend these meetings to offer suggestions or identify potential problems with the proposed Good Neighborhood Plan or site plan. Participation by the City in this meeting does not indicate formal City approval of the Good Neighbor Plan or the site plan. The meeting may be continued at a later date if all parties agree.

E. Application for a convenience store review. The next step is the application for a convenience store review, and any other land use reviews. The application must be accompanied by the site plan, the Good Neighbor Plan, the record of good faith, and the lighting report, as discussed in 33.219.050 and 33.219.060 below.

33.219.040 Procedure

An application for a convenience store review will be processed through the Type II procedure.

33.219.050 Additional Site Plan Information

In addition to the site plan requirements of 33.730.060, the site plan must contain the following information:

A. The location of all items required in Subsection 070.A. below; and

B. Building elevations showing building entrances, signs, billboards, windows, height, and roof lines.

33.219.060 Other Requirements

An application for a convenience store review must include all of the following:

A. Good Neighbor Plan. A written implementation program, referred to as a "Good Neighbor Plan", must be submitted, containing all of the items listed below.

1. Crime prevention and awareness training program. A crime prevention and crime awareness training program which is developed in conjunction with and approved in writing by the Police Bureau. The Police Bureau, as part of this approval, will review the site plan and the location of all lighting.

2. Alcohol awareness and employee training program. An alcohol awareness and employee training program which is developed in conjunction with, and approved in writing by, the Oregon Liquor Control Commission. At a minimum, the program must be directed at identifying and handling situations involving minors or intoxicated customers, and identify which displays and marketing techniques will be used to discourage drunk driving.

3. Litter control program. A litter control program must include at least two trash receptacles on site for customer use, located next to walkways. At a minimum, the program must also address daily on-site litter pickup, customer awareness activities, and off-site litter pick-ups.

4. Loitering control program. A loitering control program is required, and must , as a minimum, address such things as limiting the hours of operation of electronic video games, and locating telephone booths, benches, tables, and other activity areas where they can be viewed and controlled by the store employees.

5. Landscape maintenance awareness. The applicant must acknowledge in writing that they understand the provisions of Chapter 33.248, Landscaping and Screening, and in particular 33.248.030, Plant Materials and 33.248.040, Installation and Maintenance.

6. Communication agreement. The applicant must agree in writing to correspond on a long-term informal basis with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses should be written within 30 days of receiving the initial letter, and be from the owner, operator, manager, or a representative of the parent company. A file of all letters received and written is to be maintained by the correspondent for the convenience store and be available to the public upon request.

7. Participation in Neighborhood Mediation Program. The applicant must agree in writing to participate in the City's Neighborhood Mediation Program should that process be initiated.

B. Record of good faith. The application must be accompanied by written verification that the owner, operator, manager, or a representative of the parent company met with or attempted in good faith to meet with the local recognized organization(s), adjacent property owners, and the Portland Planning Bureau. The written verification must include all of the following:

1. A copy of the notice and the names and addresses of those notified of the applicant's desire to meet;

2. A copy of the time, date, and location of the meeting(s), and the names, addresses, and phone numbers of those who participated in the meeting(s);

3. A copy of the draft Good Neighbor Plan and site plan sent to the neighborhood association and as presented at the meeting(s), if different; and

4. Identification of those components of the Good Neighbor Plan which were agreed upon and those which were unresolved, plus any additional items discussed during the meeting(s).

C. Lighting Certification. The applicant must document in advance that the proposed lighting meets the glare standards of Chapter 33.262, Off-Site Impacts.

33.219.070 Approval Criteria

An application for a convenience store review will be approved if the review body finds that the applicant has shown that all of the following have been met:

A. Convenience stores which abut a residential use or R zoned land must meet the objectives stated below. The purpose of these objectives is to reduce the noise impacts on adjacent residential areas, minimize loitering, and improve safety.

1. Parking areas, loading areas, mechanical equipment, dumpsters, and any telephones, benches, or other customer amenities should be sited or designed to reduce their impact on adjacent residential uses, where practical. Important considerations are screening to reduce noise, and the ability of store employees to monitor these areas from inside the store.

2. Lighting must be oriented away from residential uses or R zoned land.

B. The Good Neighbor Plan, site plan, the record of good faith, and the lighting report meet all of the requirements of this chapter and other applicable requirements of the zoning code.

CHAPTER 33.222
DEMOLITIONS

(Chapter deleted by Ord. No. 169987, effective 7/1/96.)

CHAPTER 33.224
DRIVE-THROUGH FACILITIES

Sections:
33.224.010 Purpose
33.224.020 When These Regulations Apply
33.224.030 Setbacks and Landscaping
33.224.040 Vehicular Access
33.224.050 Stacking Lane Standards
33.224.060 Off-Site Impacts

33.224.010 Purpose

The regulations of this chapter are intended to allow for drive-through facilities by reducing the negative impacts they may create. Of special concern are noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this chapter are to:

- Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
- Promote safer and more efficient on-site vehicular and pedestrian circulation;
- Reduce conflicts between queued vehicles and traffic on adjacent streets.

33.224.020 When These Regulations Apply

A. Uses. The regulations of this chapter apply to all uses that have drive-through facilities.

B. Site development. The regulations of this chapter apply only to the portions of the site development that comprise the drive-through facility. The regulations apply to new developments, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. Drive-through facilities are not a right; the size of the site or the size and location of existing structures may make it impossible to meet the regulations of this chapter.

C. Parts of a drive-through facility. A drive-through facility is composed of two parts – the **stacking lanes** and the **service area.** The stacking lanes are the space occupied by vehicles queueing for the service to be provided. The service area is where the service occurs. In uses with service windows, the service area starts at the service window. In uses where the service occurs indoors, the service area is the area within the building where the service occurs. For other development, such as gas pumps, air compressors, vacuum cleaning stations, the service area is the area where the vehicles are parked during the service.

33.224.030 Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

A. Abutting an R zone. Service areas and stacking lanes must be set back 5 feet from all lot lines which abut R zones. The setback must be landscaped to at least the L3 standard.

B. Abutting a C, E, or I zone. Service areas and stacking lanes must be set back 5 feet from all lot lines which abut C, E, or I zones. The setback must be landscaped to at least the L2 standard.

C. Abutting a street. Service areas and stacking lanes must be setback 5 feet from all street lot lines. The setback must be landscaped to at least the L2 standard.

33.224.040 Vehicular Access

All driveway entrances, including stacking lane entrances, must be at least 50 feet from an intersection. The distance is measured along the property line from the junction of the two street lot lines to the nearest edge of the entrance.

33.224.050 Stacking Lane Standards

These regulations ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lands.

A. Gasoline pumps. A minimum of 30 feet of stacking lane is required between a curb cut and the nearest gasoline pump.

B. Other drive-through facilities.

1. Primary facilities. A minimum of 150 feet for a single stacking lane or 80 feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured from the curb cut to the service area. Stacking lanes do not have to be linear.

2. Accessory facilities. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.

C. Stacking lane design and layout. Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation.

D. Stacking lanes identified. All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.

33.224.060 Off-Site Impacts

Drive-through facilities must meet the off-site impact standards of Chapter 33.262, Off-Site Impacts. When abutting R zoned land, drive-through facilities with noise generating equipment must document in advance that the facility will meet the off-site impact noise standards. Noise generating equipment includes items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.

CHAPTER 33.229
ELDERLY AND DISABLED HIGH DENSITY HOUSING

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord No. 171219, effective 7/1/97.)

Sections:

33.229.010 Purpose
33.229.020 Review, Density Increase, and Development Standards
33.229.030 General Requirements
33.229.040 Design Standards
33.229.050 Review by Disability Project Coordinator

33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density in R3, R2, R1, RH, and IR zones and on sites in other zones where the R3, R2, R1, RH, and IR standards apply. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.020 Density Increase and Development Standards

A. R3, R2, R1, and IR zones. In the R3, R2, R1, and IR zones, there is no limit on density if all of the following are met:

1. The project complies with the development standards of the base zone, except for density;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

B. RH zone. In the RH zone, the project can develop to an FAR of 4 to 1 if all of the following are met:

1. The project complies with the development standards of the base zone, except for density;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

33.229.030 General Requirements

A. Residential uses and structures. Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.

B. Project eligibility. The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.

C. Occupant restrictions. At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the lower parking requirements or other provisions of this chapter.

D. Covenant. The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.

2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units and to the Disability Project Coordinator of the Metropolitan Human Relations Commission. At a minimum the list will include the following features:

   a. Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and

   b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.

3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the potential renter or buyer.

4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

33.229.040 Design Standards

A. Loading. Each project must have at least one passenger loading area that complies with the American National Standards Institute (ANSI) 117.1 1980, 4.6.5.

B. Physical Access. All common areas in the project and at least 35 percent of all the units in the project must meet the physical access requirements below. All units restricted by covenant must also meet these requirements. Units restricted by covenant may be included in the calculation of 35 percent of the units or they may be in addition. Common areas are areas such as community rooms, laundry facilities, recreation rooms including kitchen and toilet areas, or other common facilities.

1. Accessible route. The common areas and the units noted above must be on an accessible route. This means there must be an accessible route from the sidewalk and parking area to the front door of the units and an accessible route to and within the common areas.

2. Doorways and thresholds. All doorways in common areas and the units noted above must have at least 32 inches of clear width. Doorways to small areas such as pantries or linen closets need only be wide enough to allow reaching access. Exterior thresholds may be no higher than 1/2 inch. Interior thresholds must be flush.

3. Kitchens and bathrooms. All kitchens and bathrooms in common areas and the units noted above must have a clear maneuvering area of at least 5 ft. by 5 ft., or must be approved by the Disability Project Coordinator as demonstrating that a wheelchair can enter and exit while ensuring that all essential fixtures are within reach of a person using a wheelchair.

C. Parking.

1. Motor vehicle parking. The minimum parking standard for units restricted by covenant is one space for every four units. However, only one space for every eight units is required when occupancy of the units will be restricted to at least 75 percent by elderly individuals. The restrictions may be in the form of funding restrictions that apply for the life of the project, or through the covenant with the City. If parking is provided at a ratio of less than 1 space per unit, the number of parking spaces that must meet the disabled parking standards (in Chapter 33.266, Parking and Loading) is calculated based on a ratio of 1 space per unit.

2. Bicycle parking. The minimum required bicycle parking for units restricted by covenant is one space for every eight units.

D. Number and size of bedrooms. At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.

E. Adaptable features. All of the units restricted by covenant must be constructed so that the following adaptable features can be installed upon request.

1. Grab bars. The bathroom walls must be structurally reinforced to allow the future installation of grab bars.
2. Alarms. The units must be prewired for a visual and audible alarm system.

3. Visibility. Each unit must allow for visibility of the entrance to the unit from inside the unit through the provision of peepholes which can be installed at various heights.

4. Water temperature control. The plumbing system for each unit must allow the installation of thermostatically controlled water temperature gauges or anti-scald devices.

5. Work surface in kitchen. Each unit must have at least 4 square feet of work surface that can be lowered to 30 inches above the floor, with open knee area beneath. This can be accomplished through such means as pull-out surfaces, removable cabinets, or lowered "eating" bars.

6. Removable cabinet. The cabinet under the kitchen sink in each unit must be removable to provide knee space.

7. Clothes rods. All clothes rods in each unit must be adjustable to within 3 feet of the floor.

8. Door handles. All door handles must be able to be replaced with handles of a lever- or loop-type design, capable of being operated by a single, nonprecise movement not requiring gripping or twisting.

9. Hand-held showers. All shower heads must be the type that can be replaced with at least a 5 foot long hand-held shower fixture.

F. Usable features. All of the units restricted by covenant must be constructed to comply with the following usable requirements.

1. Plumbing fixtures. All plumbing fixtures in the kitchen and bathroom must be of a lever type design and be capable of being operated by a single, nonprecise movement not requiring gripping or twisting.

2. Controls. Controls and other devices such as light switches, thermostats, fire alarms, drapery pull cords, and towel racks must be located no higher than 4 feet above the floor. Electrical outlets, telephone jacks, TV antenna hookups and similar outlets must be located at least 9 inches from the floor.

3. The controls for the cooktop and oven must be must be located on the front or side of the appliance rather than the rear.

4. If a carpet pad is installed, it must be a firm type to allow easy movement of a wheelchair on the carpet.

G. Exceptions.

1. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet the adaptable features and usable features requirements of Subsections E. and F. above. In addition, only 20 percent of the parking spaces required by Subsection C. above need to comply with the disabled parking standards.

2. If a project is required by funding restrictions to meet the requirements of ANSI 117.1, then it is not subject to the physical access, adaptable features, and usable features requirements of Subsections B., E., and F. above.

33.229.050 Review By Disability Project Coordinator

A. Application. The Bureau of Planning will notify the Disability Project Coordinator of the Metropolitan Human Relations Commission of applications for a building permit or conditional use to develop housing under the provisions of this chapter. However, the applicant is encouraged to contact and work with the Disability Project Coordinator before application.

B. Process.

1. The Disability Project Coordinator will furnish prospective applicants with information outlining the design standards.

2. The Coordinator will review the development plans within 14 working days of the receipt of an application for a building permit. The plans must be approved by the Disability Project Coordinator before a building permit may be issued.

CHAPTER 33.232
ESSENTIAL SERVICE PROVIDERS

(Repealed by Ord. No. 167189, effective 1/14/94.)

CHAPTER 33.236
FLOATING STRUCTURES

(Amended by: Ord No. 171219, effective 7/1/97.)

Sections:
33.236.010 Purpose
33.236.020 Allowed Uses
33.236.030 Houseboats
33.236.040 Willamette River Restrictions
33.236.050 Additional Regulations
33.236.060 Floating Structures Code

33.236.010 Purpose

This chapter adapts the existing upland regulations for use with floating structures.

33.236.020 Allowed Uses

All uses in floating structures must be an allowed use on the upland lot they are attached to and must comply with all use regulations applying to the upland lot.

33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the general use category of Household Living. An individual houseboat outside of a houseboat moorage is considered a single-dwelling use of the upland lot. A houseboat moorage is considered a multi-dwelling use.

33.236.040 Willamette River Restrictions

The Willamette Greenway regulations prohibit floating structures that are not river-dependent or river-related to locate on the Willamette River unless a Greenway Goal Exception is obtained. For example, uses such as houseboats, restaurants, bars, grocery stores, and general office uses are not river-dependent or river-related. The exception to this is that new houseboats may locate in existing houseboat moorages. However, new houseboat moorages, the expansion of existing houseboat moorages, and the relocation of existing houseboat moorages are prohibited without a Greenway Goal Exception. See Chapter 33.440, Greenway Zones.

33.236.050 Additional Regulations

A. Ownership of the upland lot. The owner of the floating structure must own or lease enough of the upland lot to meet all of the applicable regulations for the site.

B. Density and Floor Area. Uses in floating structures are not subject to the density and floor area regulations of the upland lot.

C. Development Standards. The development standards applicable to floating structures and associated upland accessory structures are stated below.

1. Lot dimensions and size. The lot to which a floating structure is secured must comply with all lot size and dimension requirements. For zones with no minimum dimensions, the lot must be large enough to meet all of the development standards of this section.

2. Accessory structures. Accessory structures on the upland lot are subject to all of the accessory structure regulations that apply to the upland lot.

3. Parking. Uses in floating structures must comply with the parking requirements of the base zone, except that houseboat moorages must provide a minimum of two parking spaces per houseboat. The parking is to be provided on the upland lot to which the floating structure is attached.

33.236.060 Floating Structures Code
Title 28, Floating Structures, applies to all floating structures.

CHAPTER 33.239
GROUP LIVING

Sections:
33.239.010 Purpose
33.239.020 Use Regulations
33.239.030 Development Standards
33.239.040 Other Regulations

33.239.010 Purpose

The regulations ensure that uses in the Group Living category will be compatible with the character of residential and commercial areas.

33.239.020 Use Regulations. The regulations of this chapter apply to all uses in the Group Living use category. The base zone chapters state whether Group Living uses are allowed, limited, conditional uses, or prohibited. If they are conditional uses, they are subject to the regulations of Chapter 33.815 in addition to the provisions of this chapter. Group Living uses that are accessory to a College, Medical Center, or Religious Institution, such as dormitories, fraternities, or monasteries, and that are part of an approved conditional use master plan, are exempt from the regulations of this chapter.

33.239.030 Development Standards

(Amended by Ord. No. 166786, 167054, effective 10/25/93.) The development standards of the base zone, overlay zone or plan district apply unless superceded by the standards below.

A. Resident Density.

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.

2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.

3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

Zone		Number of Residents
• RF through R5 zones	–	1.5 residents per 1,000 square feet
• R3 and R2.5 zones	–	2 residents per 1,000 square feet
• R2 zone	–	2.5 residents per 1,000 square feet
• R1 zone	–	3 residents per 1,000 square feet
• RH, RX, IR, C, and EX zones	–	Not limited (must comply with the building or housing code, and the FAR of the base zone)

B. Minimum Spacing

1. Purpose. The minimum spacing standards assure that large Group Living uses do not unduly affect the character of residential and commercial areas.

2. Spacing standards. Group living facilities that are conditional uses must be at least 600 feet from a site with any other group living facility that is also a conditional use.

C. Required outdoor area. The requirement for outdoor areas applies in all residential zones except RH and RX. Larger areas may be required as part of a conditional use review. The outdoor area requirement is 48 square feet for every 3 residents, with a minimum dimension of 6 feet by 6 feet. Individual outdoor areas may be combined. The minimum size of a combined area is 500 square feet and the minimum dimension is 15 by 15 feet.

D. Parking and loading. Parking requirements are stated in Chapter 33.266, Parking and Loading.

33.239.040 Other Regulations

Uses in the Group Living use category may also be subject to County, State, or Federal licensing requirements. For more information, applicants should contact the Department of Human Services of the county in which the use will be located.

CHAPTER 33.243
HELICOPTER LANDING FACILITIES

Sections:
33.243.010 Purpose
33.243.020 Objectives
33.243.030 Zones Allowed and Use Related Regulations
33.243.040 Approval Procedures
33.243.050 Standards
33.243.060 Required Information
33.243.070 Approval Criteria
33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988
33.243.090 Monitoring

33.243.010 Purpose
Helicopter landing facilities (HLFs) have unique land use impacts, needs, benefits and characteristics. This chapter provides criteria for the evaluation of proposals for helicopter landing facilities when not located at airports. The criteria ensure that HLFs are consistent with the public interest and safety, and that impacts on surrounding land uses are reduced.

33.243.020 Objectives
The following objectives are used to guide the decision-making process in the siting of helicopter landing facilities:

A. Limit development of facilities in residential zones to situations where public benefits outweigh the negative impacts;

B. Require more protection against impacts from HLFs in residential and some mixed-use zones than in commercial and industrial zones;

C. Encourage the consolidation of HLFs and the preplanning for HLFs during the master planning process;

D. Encourage the operators of proposed and existing HLFs to coordinate activities and to operate in a manner sensitive to the land uses in flight paths and in nearby areas; and

E. Locate HLFs so that they may take advantage of existing natural flight corridors such as freeways and industrial areas.

33.243.030 Zones Allowed and Use Related Regulations

A. Zones where HLFs allowed. Helicopter landing facilities are allowed as shown in Table 243-1.

Table 243-1
Zones Where HLFs Are Allowed

	OS, R, CN, CO, CM	CS,CG,CX E, I
HLF as primary use	Prohibited	CU
HLF as accessory use	CU	CU

B. Accessory HLFs in the R, CN, CO, and CM zones. Accessory HLFs in the R, CN, CO and CM zones may only be approved when accessory to medical centers. Only one helicopter is allowed to be located on the site, either permanently or temporarily. Only trips which support the primary use are allowed.

C. Refueling. Refueling facilities are allowed in conjunction with an approved HLF, if approved by the Fire Marshal.

D. Repair facilities. Repair facilities are allowed only in the I zones. Minor or emergency repairs and routine maintenance are allowed in all zones.

33.243.040 Standards

A. Safety standards.

1. Federal Standards. Public HLFs must meet the most stringent safety standards since they are used by pilots of varying familiarity with the flight path locations, typical wind effects, and facility layout. To meet this highest level of safety, such facilities must meet all recommended standards of the FAA Heliport Design Guide, AC150/5390. The review body must include any conditions of approval recommended by the FAA as a condition of approval.

2. State Standards. Private HLFs must also meet safety standards as required by the Aeronautics Division of the State of Oregon.

3. Fire Safety Standards. All HLFs must meet fire suppression and safety standards of the Fire Marshal.

B. Development standards.

1. Minimum site area. The site area and physical facilities must be able to accommodate aircraft parking and landing pads, motor vehicle and emergency equipment access and parking, buffering and screening, and sufficient helicopter parking spaces to allow the landing of approaching aircraft without delay.

2. Setbacks and minimum distances from residential zones. The review body may impose setbacks and minimum distances from residential zones for HLFs as follows:

a. A distance of 200 feet will be used as a guideline for setbacks for all HLFs developed within residential zones. The distance in commercial and industrial zones is 50 feet, except that for sites abutting residentially zoned land the distance is the 200 feet. All setbacks will be measured from the edge of the landing pad.

b. These distances may be increased or decreased by the review body upon consideration of such factors as the number of flights, hours of operation, types of aircraft, number of aircraft, types of existing land uses in the area, topography, proximity to natural aircraft corridors, and type and nature of the proposed noise mitigation plan.

c. A 20 foot deep area landscaped to at least the L4 standard must be provided around the HLF. The landscape standards are stated in 33.248, Landscaping and Screening. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions.

3. Off-street parking. For HLFs which are primary uses, the amount of off-street parking required will be determined during the conditional use review, based on the number of employees, types and number of flights, and types of facilities proposed. There are no additional off-street parking requirements for HLFs which are accessory uses.

4. Street trees. Street trees may be required for all ground level facilities. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing path in all directions.

5. Surfacing. All take-off, landing, and parking areas of HLFs must be surfaced with a dust proof material.

33.243.050 Approval Procedures
The procedures assigned in this section supercede the conditional use procedures of Chapter 33.815, Conditional Uses.

A. Conditional use review.

1. New HLFs. Applications for new helicopter landing facilities are reviewed through a Type III procedure.

2. Modifications or changes to existing helicopter landing facilities are reviewed through the procedures stated below.

a. Type III procedure. In all zones, requests for modifications of existing HLFs which would result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, and changes in approved setbacks or minimum distances from other uses are reviewed through a Type III procedure.

b. Type II procedure. All other modifications are reviewed through a Type II procedure.

B. Noise review. The applicant must obtain approval for the proposal from the City of Portland Noise Review Board prior to submitting an application for conditional use review to the Bureau of Planning. The Noise Review Board may request the assistance of the Department of Environmental Quality (DEQ) while reviewing the application. This requirement applies to requests for new HLFs and modifications of existing HLFs that are subject to a Type III procedure review.

C. Other reviews.

1. State review. The applicant must obtain provisional approval from the State of Oregon Aeronautics Division prior to submitting the conditional use permit application to the Bureau of Planning.

2. FAA review. For facilities which require Federal Aviation Administration (FAA) approval, the applicant must file FAA Form 7480 "Notice of Landing Area Proposal" and must comply with all FAA regulations prior to the issuance of a building permit.

D. Master plans. Any use submitting a conditional use master plan must include any anticipated HLFs as part of the master plan. The review body may require a master plan when an HLF is proposed as part of a conditional use.

33.243.060 Required Information
All applications for helicopter landing facilities must include the following information in addition to the application requirements of 33.730.060.

A. Site plan. A detailed site plan of the project showing the layout of the aircraft landing and parking spaces, fire suppression equipment and access, auto parking areas, fences, landscaping, lights, walkways, adjacent streets and other details which relate to the development standards listed in 33.243.040 above.

B. Flight paths. An approach/departure flight path site plan showing proposed flight path locations, widths, lengths, slopes and other necessary details, as required by the State of Oregon.

C. Relation to flight corridors. The relationship of the site to natural flight corridors, such as freeways and industrial areas.

D. Operation of HLF. The operational information, such as the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis; and the purpose of the helicopter trips and any resulting public benefits.

E. State approval. A copy of the State of Oregon Aeronautics Division provisional heliport approval, identifying and approving the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.

F. **FAA notice.** A copy of FAA Form 7480-1, "Notice of Landing Area Proposal," and evidence that it has been filed with the FAA.

G. **Acoustical report and noise mitigation plan.** An acoustical report and a noise mitigation plan approved by the the Bureau of Buildings or the City Noise Review Board. The plan must include a discussion of preferred approach/departure flight paths, preferred approach/departure path slopes, preferred approach/departure air speeds, preferred times of use, and other relevant factors. In addition, the plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. If the proposal cannot meet the regulations of Title 18, the applicant must request and obtain a noise variance from the City Noise Review Board.

H. **Airport Noise Impact Boundary Analysis.** A copy of the applicant's Airport Noise Impact Boundary Analysis and comments as provided by the State of Oregon Department of Environmental Quality review.

I. **Consolidations.** Discussion on the feasibility of consolidating the proposed facility with other nearby facilities.

33.243.070 Approval Criteria
The conditional use approval criteria for reviewing helicopter landing facilities are stated in Chapter 33.815, Conditional Uses.

33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988
All HLFs which were legally established prior to January 1, 1988 will be allowed to continue to operate under all relevant conditions. All applications that request changes to these HLFs are subject to 33.243.040, .050, and .070 except Subsection F. The facilities are subject to the development standards which were in effect at the time of the original approval. All land use impacts of modifications to these HLFs will be considered cumulatively by the review body.

33.243.090 Monitoring
Where appropriate, the review body may require one or more of the following:

A. **A flight log of all flights.** The log should include origin and destination of trips, the time and date, and purpose. The applicant must log any deviations from any conditions of approval and the reason for the deviation(s). A copy of the log must be submitted to the Bureau of Planning every 6 months and must be available for inspection by City staff upon request;

B. **A specific date for re-evaluation.** Approvals may be made valid for a specific amount of time. A request for a continuation of the use may be required to be reviewed in a public hearing.

CHAPTER 33.248
LANDSCAPING AND SCREENING

Sections:
33.248 010 Purpose
33.248.020 Landscaping and Screening Standards
33.248.030 Plant Materials
33.248.040 Installation and Maintenance
33.248.050 Landscaped Areas on Corner Lots
33.248.060 Landscape Plans
33.248.070 Completion of Landscaping
33.248.080 Street Trees
33.248.090 Mitigation and Restoration Plantings

33.248.010 Purpose
(Amended by Ord. No. 166572, effective 6/25/93)
The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Establish and enhance a pleasant visual character which recognizes aesthetics and safety issues;
- Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting uses;
- Unify development, and enhance and define public and private spaces;
- Promote the retention and use of existing vegetation;
- Aid in energy conservation by providing shade from the sun and shelter from the wind;
- Restore natural communities through re-establishment of native plants; and
- Mitigate for loss of natural resource values.

This chapter consists of a set of landscaping and screening standards and regulations for use throughout the City. The regulations address materials, placement, layout, and timing of installation. Specific requirements for mitigation plantings are in 33.248.090.

33.248.020 Landscaping and Screening Standards
(Amended by Ord. No. 165594, effective 7/8/92.)
Subsections A. through G. state the different levels of landscaping and screening standards to be applied throughout the City. The locations where the landscaping or screening is required and the depth of the landscaping or screening are stated in various places throughout the code. All landscaping and screening required by this Title must comply with all of the provisions of this chapter, unless specifically superceded. The landscaping standards are generally in a hierarchical order. The landscaping standards are minimums; higher standards can be substituted as long as all fence or vegetation height limitations are met. Crime prevention and safety should be remembered when exceeding the landscaping standards (height and amount of vegetation may be an issue).

A. L1, general landscaping.

1. Intent. The L1 standard is a landscape treatment for open areas. It is intended to be applied in situations where distance is used as the principal means of separating uses or development, and landscaping is required to enhance the area in-between. While primarily consisting of ground cover plants, it also includes a mixture of trees, high shrubs, and low shrubs.

2. Required materials. The L1 standard has two different requirements for trees and shrubs. Where the area to be landscaped is less than 30 feet deep, the standard is one tree per 30 linear feet. Where the area is 30 feet deep or greater, the requirement is one tree per 800 square feet and either two high shrubs or three low shrubs per 400 square feet of landscaped area. The shrubs and trees may be grouped. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-1.

B. L2, low screen.

1. Intent. The L2 standard is a landscape treatment which uses a combination of distance and low level screening to separate uses or development. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is usually applied along street lot lines.

2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high and 95 percent opaque year around. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A 3 foot high masonry wall or a berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 248-2.

Figure 248-1
L1 - General Landscaping

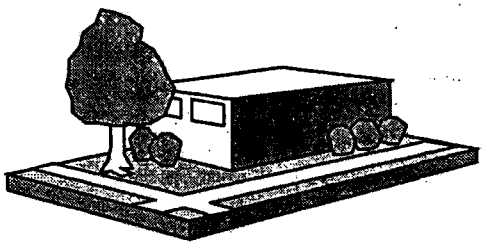
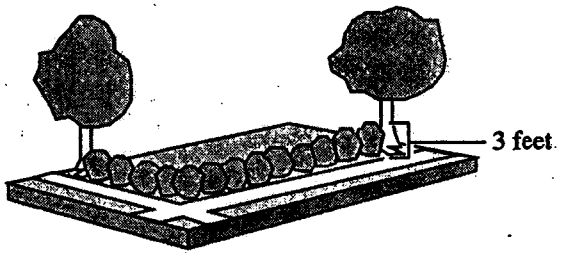


Figure 248-2
L2 - Low Screen Landscaping



C. L3, high screen.

1. Intent. The L3 standard is a landscape treatment which uses screening to provide the physical and visual separation between uses or development. It is used in those instances where visual separation is required.

2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high and 95 percent opaque year around. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. A 6 foot high masonry wall may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area. See Figure 248-3.

D. L4, high wall.

1. Intent. The L4 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses in areas and where there is little space for separation.

2. Required materials. The L4 standard requires a 6 foot high masonry wall along the interior side of the landscaped area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four high shrubs are required per 30 lineal feet of wall. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-4.

Figure 248-3
L3 - High Screen Landscaping

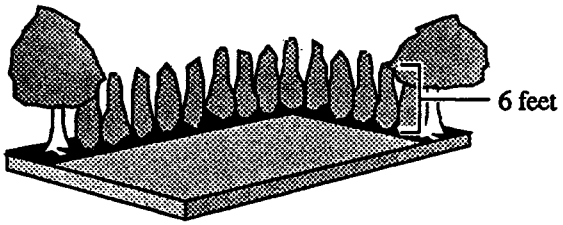
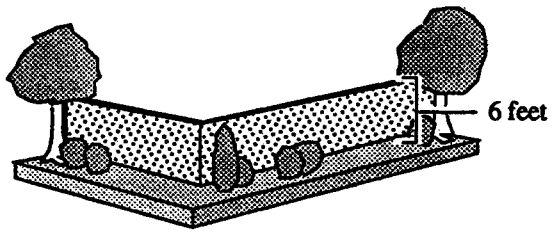


Figure 248-4
L4 - High Wall Landscaping

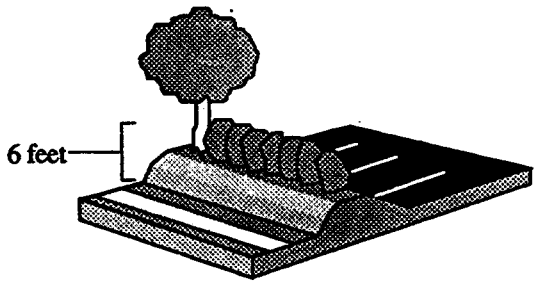


E. L5, high berm.

1. Intent. The L5 standard is intended to be used in special instances where extensive screening of both visual and noise impacts is needed to protect abutting sensitive uses, and where it is desirable and practical to separate a use by distance as well as sight-obscuring materials.

2. Required materials. The L5 standard requires a berm between 4 and 6 feet high. If the berm is less than 6 feet high, low shrubs that meet the L2 standard must be planted on top of the berm to assure that the overall screen height is 6 feet. In addition, one tree is required per 30 lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-5.

Figure 248-5
L5 - High Berm Landscaping



F. F1, partially sight-obscuring fence.

1. Intent. The F1 fence standard provides a tall, but not totally blocked visual separation. The standard is applied where a low level of screening is adequate to soften the impact of the use or development, or where visibility between areas is more important than a total visual screen. It is applied in instances where landscaping is not necessary and where nonresidential uses are involved.

2. Required materials. Fences must be 6 feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-6.

G. F2, fully sight-obscuring fence.

1. Intent. The F2 fence standard provides a tall and complete visual separation, and is intended to be used in special instances where complete screening is needed to protect abutting uses, and landscaping is not practical. It is usually applied in nonresidential situations.

2. Required materials. Fences must be 6 feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. See Figure 248-7.

Figure 248-6
F1 - Partially Sight-Obscuring Fence

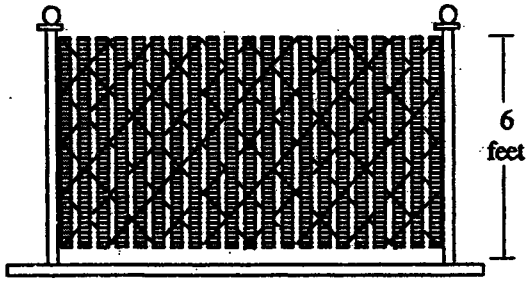
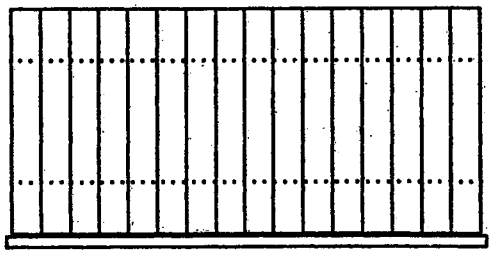


Figure 248-7
F2 - Totally Sight-Obscuring Fence



33.248.030 Plant Materials

A. Shrubs and ground cover. All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting.

Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

B. Trees. Trees may be deciduous or evergreen. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 1 3/4 inches, measured 5 feet above the ground, and have a minimum height of 8 feet. Evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height.

C. Plant material choices.

1. Existing vegetation. Existing landscaping or natural vegetation may be used to meet the standards, if protected and maintained during the construction phase of the development and if the materials are not listed as prohibited on the Portland Plant List. When the existing trees are at least **12 inches** in diameter, measured 5 feet above the ground, they may count **triple** towards meeting the tree requirements of a landscaping standard.

2. Selection of materials. Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site.

3. Prohibited materials. Plants listed as prohibited in the Portland Plant List are prohibited in required landscaped areas. Prohibited plants include plants identified by the Planning Director or the City Forester as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc.

D. Exceeding standards. Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation height limitations are met, including the vision clearance standards of Title 16, Vehicles and Traffic.

E. Complying with the standards. It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this chapter.

33.248.040 Installation and Maintenance

A. Installation. Plant materials must be installed to current nursery industry standards. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement.

B. Maintenance. Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced in kind. A fine may be levied if the landscaping has not been maintained, and new plants required to be planted.

C. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All landscaped areas must provide an irrigation system, as stated in option 1, 2, or 3.

1. Option 1. A permanent built-in irrigation system with an automatic controller.

2. Option 2. An irrigation system designed and certified by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will become established. The system does not have to be permanent if the plants chosen can survive adequately on their own once established.

3. Option 3. A temporary Certificate of Occupancy may be issued for one year, after which an inspection will be required to ensure that the landscaping has become established. An inspection fee, paid at the time of permit application, will be required.

D. Protection. All required landscaped areas, particularly trees and shrubs, must be protected from potential damage by adjacent uses and development, including parking and storage areas.

33.248.050 Landscaped Areas on Corner Lots

All landscaped areas on corner lots must meet the vision clearance standards of Subsection 24.240, Obstruction of Vision at Intersections, of Title 16, Vehicles and Traffic. If high shrubs or other sight-obscuring screening is required by this Title, low screening must be substituted within vision clearance areas.

33.248.060 Landscape Plans

Landscape plans must be submitted showing all landscaped areas. Plans must be drawn to scale and show type, size, number, and placement of materials. Materials must be identified with both their scientific and common names. Any required irrigation system must also be shown.

33.248.070 Completion of Landscaping

The installation of any required landscaping may be deferred during the summer or winter months to the next planting season, but never for more than 6 months. In this instance, a temporary certificate of occupancy may be issued prior to the installation of all required landscaping. In all instances, all required landscaping must be installed prior to the issuance of a final certificate of occupancy.

33.248.080 Street Trees

Street trees are not subject to the regulations of this chapter and are not counted toward any landscaping required by this chapter. Street trees are regulated by the City Forester. See Chapter 20.40, Street Trees and Other Public Tree Regulations.

33.248.090 Mitigation and Restoration Plantings

(Amended by Ord. No. 166572, effective 6/25/93)
Plantings intended to mitigate for the loss of natural resource values are subject to the following requirements. Where these requirements conflict with other requirements of this chapter, these requirements take precedence.

A. Plant Source. Plant materials must be native and selected from the Portland Plant List. They must be non-clonal in origin, seed source must be as local as possible, and plants must be nursery propagated unless transplanted from on-site areas approved for disturbance. These requirements must be included in the Mitigation Plan specifications.

B. Plant Materials. The Mitigation Plan must specify that plant materials are to be used for restoration purposes. Generally, this means that standard nursery practices for growing landscape plants, such as use of pesticides, fungicides or fertilizers and the staking of trees, must not be employed.

C. Installation. Plant materials must be supported only when necessary due to extreme winds at the planting site. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.

D. Irrigation. The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. New plantings must be manually watered regularly during the first growing season. During later seasons, watering must be done as needed to ensure survival of the plants.

E. Monitoring and Reporting. Monitoring of landscape areas is the ongoing responsibility of the property owner. Plants that die must be replaced in kind. Written proof that all specifications of this section have been met must be provided one year after the planting is completed. The property owner must provide this documentation to the Bureau of Buildings.

CHAPTER 33.251
MANUFACTURED HOMES AND MOBILE HOME PARKS

Sections:
33.251.010 Purpose
33.251.020 Manufactured Homes on Individual Lots
33.251.030 Mobile Home Park Regulations

33.251.010 Purpose

This chapter provides standards which will allow the placement of manufactured homes, mobile homes and mobile home parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for mobile homes.

33.251.020 Manufactured Homes on Individual Lots

(Amended by Ord. No. 165376, effective 5/29/92.)

A. **Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Speciality Code (the Uniform Building Code as amended by the State.)

B. **Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots in all zones where houses are an allowed use, except in designated historical design districts where they are prohibited. Residential trailers are prohibited on individual lots.

C. **Development standards.** Manufactured homes must meet the development standards of the base zone.

D. **Other regulations.** Manufactured homes must meet the following standards:

1. Floor area. The manufactured home must be at least 1,000 square feet in floor area.

2. Roof. The manufactured home must have a pitched roof with a pitch of at least a nominal 3/12. The roof must be covered with shingles, shakes, or tile. Eaves from the roof must extend at least 1 foot from the intersection of the roof and the exterior walls.

3. Foundation. The manufactured home must be set on an excavated, back-filled foundation and enclosed at the perimeter so that the manufactured home sits no more than 12 inches above grade.

4. Exterior siding. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings. Metal siding must be painted or anodized.

5. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.

33.251.030 Mobile Home Park Regulations

(Amended by Ord. No. 166702, effective 7/30/93. Amended by Ord. No. 167054, effective 10/25/93.)

A. Purpose. Mobile home parks are allowed in certain high-density residential zones to provide locational opportunities for mobile homes. The mobile home park requirements are intended to provide standards for orderly development, adequate emergency vehicle circulation, open areas, and landscaping.

B. Zones allowed. Mobile home parks are allowed only in the R3 and R2 zones. An exception is designated historic design districts in the R3 and R2 zones, where they are prohibited.

C. Density. The maximum density allowed in a mobile home park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve two or more mobile home spaces.

D. Types of structures allowed. All types of mobile homes are allowed in mobile home parks. Recreational vehicles, if owned by a mobile home park resident, may be parked on the required parking space but may not be used for residential purposes.

E. General park requirements.

1. Perimeter landscape area. A 10 foot deep area landscaped to at least the L3 standard must be provided around the perimeter of the mobile home park.

2. Individual landscaped areas. An individual area landscaped to at least the L1 standard is required for each mobile space. The minimum size is 50 square feet. The minimum dimension is 5 feet. The individual landscaped area must be placed on or adjacent to each mobile home space. Common outdoor areas, as required by Paragraph 3. below, may not be counted towards meeting this requirement.

3. Required outdoor areas. A required outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required open areas must be available for the use of all park residents. The open area(s) must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.

4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more mobile home spaces, within a mobile home park as provided in 20.40, Street Tree and Other Public Tree Regulations.

5. Other structures. Other structures within the mobile home park for uses accessory to the operation of the mobile home park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within required outdoor areas.

F. Parking and circulation.

1. Circulation. Access and circulation within the mobile home park may be provided by streets, public or private, or driveways. Access must be provided to each space. All private streets and driveways which serve two or more mobile home spaces in mobile home parks must be a minimum of 20 feet in width or 30 feet if parking is allowed on the street or driveway. Streets and driveways which serve two or more mobile home spaces which do not allow parking must be posted as not allowing parking. All private streets and driveways which serve two or more mobile home spaces must be paved. All private streets must be named and posted with their names. Driveways which serve two or more mobile home spaces may be named and posted with their names. Circulation plans for mobile home parks must be approved by the Fire Bureau.

2. Parking. One parking space per unit is required. This parking space must be located in the area designated as part of a mobile home space. The parking space must be paved.

G. Individual mobile home space requirements.

1. Minimum size. Spaces for mobile homes must be a minimum of 30 feet in width and a minimum of 40 feet in depth.

2. Access. Each space must have access to a street or driveway serving two or more mobile home spaces.

3. Other regulations. All mobile home parks must meet all building, sanitation, lighting, plumbing, and fire protection standards.

H. Nonconforming mobile home parks. Existing mobile home parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the mobile home park is given nonconforming status.

1. Existing mobile home parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.

2. Existing mobile home parks in RF, R20, R10, R7, R5, R2.5, R1, RH, RX, C, and IR zones are nonconforming developments, because residential uses are allowed but mobile home parks are not an allowed type of development.

3. Existing mobile home parks may have nonconforming densities and development depending on the standards of the base zone.

4. Existing mobile home parks in the R2 and R3 zones may have nonconforming densities and/or development depending on individual situations.

CHAPTER 33.254
MINING AND WASTE-RELATED USES

Sections:
33.254.010 Purpose
33.254.020 Limitations
33.254.030 Location and Vehicle Access
33.254.040 Operations
33.254.050 Traffic Impact Study
33.254.060 Nuisance Mitigation Plan
33.254.070 Reclamation Plan for Landfills
33.254.080 Setbacks, Landscaping, and Screening
33.254.090 Activities in Required Setbacks
33.254.100 Underground Utilities

33.254.010 Purpose
These regulations:
- Reduce the impacts and nuisances resulting from mining and waste-related uses on surrounding land uses;
- Reduce the transportation impacts from these uses;
- Ensure that land used for these purposes is restored so that it may be reused; and
- Provide security measures so that these land uses are not a safety hazard to other land uses or to nearby residents.

33.254.020 Limitations

A. Accessory uses. Concrete batching, asphalt mixing, rock crushing, or clay bulking in connection with a Mining use are prohibited except in IH and IG zones.

B. Hazardous wastes. The disposal of hazardous wastes, as defined by OAR 340.100 to 110, is prohibited.

33.254.030 Location and Vehicle Access
Uses must be located so that vehicle access is restricted to major city traffic streets or to streets in truck districts, as designated in the Arterial Streets Classification Policy.

33.254.040 Operations

A. On-site queueing. The site layout must include adequate areas to accommodate the peak number of vehicles expected to come to the site at any one time.

B. Processing of waste products. In the case of Waste-Related uses other than landfills and composting operations, all activities relating to the receiving, sorting, processing, storage, transfer, and shipping of wastes must take place entirely within enclosed structures. The transfer of waste products from one vehicle or container to another vehicle or container and the cleaning of such vehicles or containers must be

done within a containment area designed to ensure that waste materials will be confined so as to not enter the groundwater or any water body.

C. **Liquid waste pretreatment.** The use, if other than a sewage treatment facility, must provide pretreatment of any liquids being discharged into the City's stormwater or sanitary disposal system. The pretreatment must meet the standards of the Bureau of Environmental Services.

D. **Posted information.** A sign must be posted near the entrance to the site, stating the telephone number(s) where a representative of the use may be reached at all times.

33.254.050 Traffic Impact Study

A traffic impact study must be submitted for the proposed use. As part of the study, measures must be proposed for mitigating traffic impacts resulting from vehicles going to and from the site. The study must also include a plan and mechanisms to ensure that traffic, especially trucks, travel primarily on truck routes or major City traffic streets when near the site. The traffic study must include information of proposed access points, types of vehicles, and frequency of trips.

33.254.060 Nuisance Mitigation Plan

The applicant must submit a mitigation plan that addresses potential nuisance impacts which might be created by the proposed use. The plan must include the following components:

A. **Off-site impacts.** The plan must document that the use will comply with the off-site impact standards stated in Chapter 33.262;

B. **Litter.** For Waste-Related uses, the plan must address litter generated on the site and litter along roadways leading to the use that is generated by vehicles coming to the site. The plan must also address illegally dumped waste products near the site. The plan must provide for regular litter removal. The plan must also include means to limit litter from vehicles coming to site; and

C. **Dust, mud, and vector control.** The plan must provide mechanisms to limit impacts from dust, mud, and disease carrying organisms such as rats and mosquitos.

33.254.070 Reclamation Plan for Landfills

The applicant for a landfill use in the Waste-Related use category must submit a reclamation plan. The Bureaus of Buildings and Environmental Services will provide a technical review of the plan. Mining uses are subject to State requirements for reclamation plans.

A. **Contents of the reclamation plan.** The reclamation plan must include the following:

1. Phasing and schedule of work to be conducted;

2. Phasing and schedule of reclamation to be conducted;

3. Materials to be used in the reclamation;

4. The effect of the reclamation on surface and subsurface drainage patterns;

5. Plans for future use of the land; and

6. A discussion of how the proposed reclamation plan is consistent with the future potential uses of the land, according to the zoning and the Comprehensive Plan designation.

B. Performance guarantee. The review body as part of the conditional use review may require the applicant to post a bond or other security with the City to ensure the completion of the reclamation plan. The security must comply with the regulations for performance guarantees stated in 33.700.050.

33.254.080 Setbacks, Landscaping, and Screening

Waste-Related uses are subject to the following setback, landscaping, and screening requirements. Mining uses are subject to State requirements for setbacks, landscaping, and screening.

A. Setback distance. Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200 foot setback is required along all property and street lot lines that abut OS or R zones.

B Landscaping and screening requirements. The setback must be landscaped to at least the L1 standard. A fence at least 6 feet high must be provided on the interior side of the setback. The fence must be screened by a high hedge meeting the L3 standard. The landscaping standards are stated in Chapter 33.248, Landscaping and Screening. In addition, gates with fencing at least 6 feet high must be provided across all entrances. The property owner must maintain the fencing and gates in good repair.

33.254.090 Activities in Required Setbacks

Extraction, movement, or stockpiling of mineral and aggregate resources or the disposal or storage of waste products within a required setback is prohibited. The tops and toes of cut and fill slopes must remain outside the required setback. Structures, exterior storage, and parking areas for trucks or equipment are not allowed within the required setbacks. Required setbacks includes all setbacks approved by the State for Mining uses.

33.254.100 Underground Utilities

All underground lines and conduits on a mining or landfill site and within 50 feet of the site must be protected from damage from the use. This includes storm and sanitary sewers, and water, gas, and electric lines.

CHAPTER 33.258
NONCONFORMING SITUATIONS

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98.)

Sections:

33.258.010 Purpose
33.258.030 Types of Nonconforming Situations
33.258.035 Where These Regulations Apply
33.258.038 Documenting A Nonconforming Situation
33.258.040 Regulations that Apply to All Nonconforming Situations
33.258.050 Nonconforming Uses
33.258.060 Nonconforming Residential Densities
33.258.070 Nonconforming Development
33.258.075 Determination of Legal Nonconforming Status
33.258.080 Nonconforming Situation Reviews

33.258.010 Purpose

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial, employment or industrial zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

33.258.030 Types of Nonconforming Situations

A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. Nonconforming uses, nonconforming residential densities, and nonconforming development are defined in Chapter 33.910, Definitions.

33.258.035 Where These Regulations Apply
The nonconforming situation regulations apply only to those nonconforming situations which were allowed when established or which were approved through a land use review. Additionally, they must have been maintained over time. These situations have legal nonconforming status. Nonconforming situations which were not allowed when established or have not been maintained over time have no legal right to continue (often referred to as "grandfather rights") and must be removed.

33.258.038 Documenting A Nonconforming Situation
The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director will determine if the evidence is satisfactory. The Director will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

A. Situation allowed when established. Standard evidence that the situation was allowed when established is:

1. Building, land use, or development permits; or
2. Zoning codes or maps;

B. Situation maintained over time. Standard evidence that the use has been maintained over time is:

1. Utility bills;
2. Income tax records;
3. Business licenses;
4. Listings in telephone, business, or Polk directories;
5. Advertisements in dated publications; or
6. Building, land use, or development permits.

33.258.040 Regulations that Apply to All Nonconforming Situations

A. Ownership. The status of a nonconforming situation is not affected by changes in ownership.

B. Change to a conforming situation. A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and a nonconforming situation may not be re-established.

C. Change to conditional use. A nonconforming use may change to a conditional use if approved through a conditional use review. Some previously nonconforming uses receive automatic conditional use status, as described in 33.815.030. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.

D. Maintenance. Normal maintenance and repair of nonconforming situations is allowed.

33.258.050 Nonconforming Uses

A. Continued operation. Nonconforming uses may continue to operate. Changes in operations are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.

B. Change of use. A change to another use in the same use category is allowed by right, provided that the off-site impact standards of Chapter 33.262, Off-Site Impacts, are met. The applicant must document in advance that the nonconforming use will meet the off-site impact standards. For changes of use within the same use category which do not meet the off-site impact standards, the change may be allowed through a nonconforming situation review.

A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review. In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density may be allowed through a nonconforming situation review. An example of this is conversion of a storefront in an R7 zone (nonconforming use) to a triplex (allowed use, nonconforming residential density).

C. Expansions. Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion.

Expansion of nonconforming uses and development is generally limited to the area bounded by the 1991 property lines of the use. The 1991 property lines of the use are the lot and property lines as they existed on January 1, 1991. They are the lines nearest to the land area occupied by the nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must provide evidence to show the location of property lines on January 1, 1991.

1. OS and R zones. The standards stated below apply to all nonconforming uses in OS and R zones.

   a. Expansions of floor area or exterior improvements within the 1991 property lines may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met.

   b. Expansion of floor area or exterior improvements beyond the 1991 property lines is prohibited.

Figure 258-1
Area of Possible Expansion - OS and R Zones

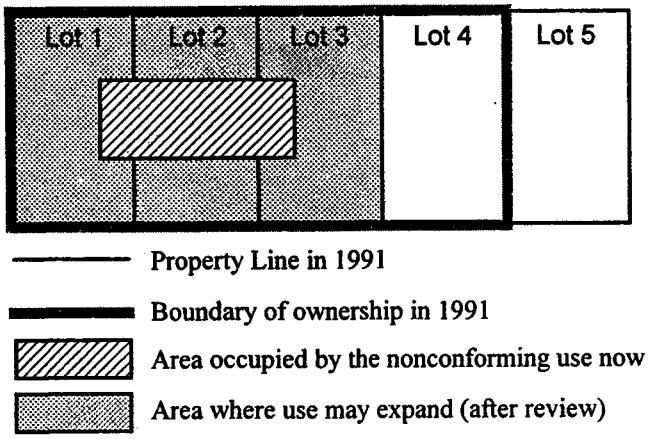
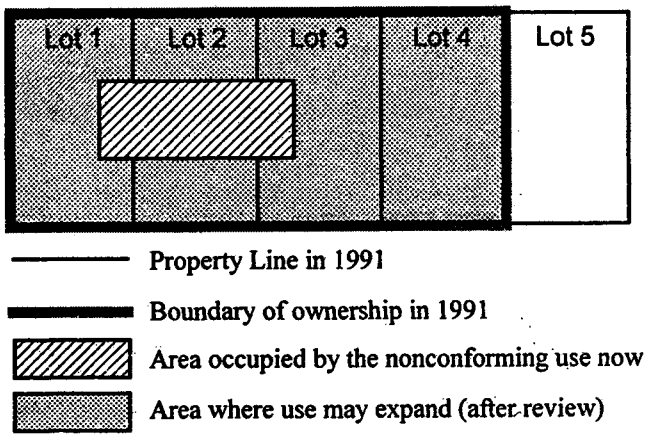


Figure 258-2
Area of Possible Expansion - C, E, and I Zones



2. C, E, and I zones. The standards stated below apply to all nonconforming uses in C, E, and I zones.

   a. Expansions of floor area or exterior improvements within the 1991 property lines may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.

   b. Expansion of floor area or exterior improvements beyond the 1991 property lines is prohibited, except in the following situation:

      (1) The property proposed for expansion is abutting at least one of the 1991 property lines of the nonconforming use; and

(2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and

(3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and

(4) The expansion is approved through a nonconforming situation review.

c. The addition of new residential units to a nonconforming residential use is prohibited.

D. Loss of nonconforming use status.

1. Discontinuance. If a nonconforming use is discontinued for 2 continuous years, the nonconforming use rights are lost and the re-establishment of a nonconforming use is prohibited. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. If a nonconforming use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the legal nonconforming use has been discontinued.

2. Accidental destruction. When a structure containing a nonconforming use is damaged by fire or other causes beyond the control of the owner, the re-establishment of the nonconforming use is prohibited if the repair cost of the structure is more than 75 percent of its assessed value.

3. Intentional destruction. When a structure containing a nonconforming use is intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use is prohibited.

33.258.060 Nonconforming Residential Densities

A. Changes to dwellings.

1. Generally. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to site. There may not be a net increase in the number of dwelling units and the building may not move further out of compliance with the base zone development standards, except as allowed in Paragraph A.2, below.

2. In multi-dwelling zones. In multi-dwelling zones, sites with residential structures may move out of compliance or further out of compliance with the maximum density standards of Table 120-3 if all of the following are met:

a. The residential structure was constructed before December 31, 1980; and

b. The site is moving out of compliance or further out of compliance with the maximum density standards due to a separation of ownership as allowed by Subsection 33.120.210.C.

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.

2. Damage or destruction.

   a. When a residential structure that contains nonconforming residential units is damaged or destroyed by fire or other causes beyond the control of the owner the nonconforming residential density rights are maintained if the structure is rebuilt within 5 years. The structure may be rebuilt with the old number of units, but if the repair cost is more than 75 percent of its assessed value, the structure must comply with the development standards (except for density) of the R2 zone or of the base zone, whichever is less restrictive. If not rebuilt within 5 years, the lot is considered vacant and is subject to the base zone density standards.

   b. If a house on a substandard lot is damaged or destroyed by fire or other causes beyond the control of the owner, and the repair cost is 75 percent or less of its assessed value, the structure may be rebuilt. If the repair cost is more than 75 percent of its assessed value, the structure may be rebuilt by right if it is rebuilt within 5 years. In these cases, the base zone standards apply and a substandard lot review is not required. If the structure is not rebuilt within 5 years, the lot is considered vacant and is subject to the substandard lot regulations of Chapter 33.291.

33.258.070 Nonconforming Development

A. Purpose. This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.

B. Continued operation. Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.

C. Changes. Changes may be made to the site which are in conformance with the base zone development standards. Changes which bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.

D. Development which must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. Nonconforming development with a new nonconforming use or new nonconforming residential density. When there is a change to a different nonconforming use, or a change from a nonconforming nonresidential use to a nonconforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use):

a. Exterior display, storage, and work activity areas, including landscaping;

b. Landscaped setbacks for surface parking and exterior development areas;

c. Pedestrian circulation systems, as set out in the base zone pedestrian standards;

d. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.220;

e. Interior parking lot landscaping;

f. Landscaping in **existing** building setbacks;

g. Minimum landscaped area (where land is not used for structures, parking, or exterior improvements);

h. Screening; and

i. Paving of surface parking and exterior storage and display areas.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made which are over the threshold of Subparagraph a. below, the site must be brought into conformance with the development standards listed in Subparagraph b. up to the limits stated in Subparagraph c. The value of the alterations is based on the entire project, not individual building permits.

   a. Thresholds triggering compliance. The standards of Subparagraph b. below must be met when the value of the proposed alterations on the site is that set out in either 1 or 2, below. Mandatory improvements for fire, life safety and accessibility do not count toward the thresholds. These thresholds are not cumulative.

      (1) 35 percent or greater than the assessed value of all improvements on the site. On sites with multiple tenants in one or more buildings, the threshold applies to any alteration that is 35 percent or greater of the assessed value of all improvements on the site; or

      (2) More than $25,000.

   b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.

      (1) Landscaped setbacks for surface parking and exterior development areas;

      (2) Pedestrian circulation systems, as set out in the base zone pedestrian standards;

(3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.220, Bicycle Parking. Sites that do not have accessory surface parking or are inside the Central City Core Area or Lloyd District, as shown on Map 510-8, are exempt from this standard;

(4) Interior parking lot landscaping;

(5) Landscaping in existing building setbacks;

(6) Minimum landscaped area (where land is not used for structures, parking, or exterior improvements);

(7) Screening; and

(8) Paving of surface parking and exterior storage and display areas.

c. Caps on the cost of required improvements. The standards listed in Subparagraph b. must be met for the entire site. However, required improvements costing over 10 percent of the value of the proposed alterations do not have to be made. It is the responsibility of the applicant to document that the value of the required improvements will be greater than 10 percent of the value of the proposed alterations. When all required improvements are not being made, the priority for which improvements to make is the same as the order of improvements listed in Subparagraph b. above.

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 2 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 2 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.

2. Destruction. When a structure which has nonconforming elements is removed or intentionally destroyed, replacement structures and other nonconforming development must comply with the development standards of the base zone. When a structure which has nonconforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, garages in residential zones are subject to the provisions for detached accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters respectively).

F. Sites that are nonconforming in parking spaces. When a site is nonconforming in the number of required parking spaces, this subsection applies. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase need to be provided.

G. Nonconforming signs. These regulations apply to nonconforming signs in all zones.

1. Nonconforming permanent signs may continue to exist.

2. Maintenance, repairs, and changing of permanent sign faces is allowed so long as structural alterations are not made and the sign is not increased in size.

3. Permanent signs and sign structures which are moved, replaced, or structurally altered must be brought into conformance with the sign regulations. However, nonconforming signs required to be moved because of public roadway improvements may be re-established.

4. Nonconforming temporary signs must be removed.

5. Signs that existed before November 18, 1998 are exempt from the regulations of this chapter and are instead subject to the regulations of subsection 33.286.070.A, Signs that Existed Before November 18, 1998.

33.258.075 Determination of Legal Nonconforming Status Review

A. Purpose. This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.

B. When this review is required. Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.

C. Procedure. Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.

D. Approval criteria.

1. The legal status of the nonconforming situation will be certified if the review body finds that:

   a. The nonconforming situation would have been allowed when established; and

   b. The nonconforming situation has been maintained over time.

2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

33.258.080 Nonconforming Situation Review

Nonconforming Situation Review is required for the following changes to nonconforming situations:

- A change to another use in the same use category where the off-site impact standards are not met.
- A change to a use in a different use category which is prohibited by the base zone.

- In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density.
- Expansions of floor area or exterior improvements of a nonconforming use within the 1991 property lines.
- In C, E, and I zones, expansions of floor area or exterior improvements of a nonconforming use beyond the 1991 property lines. See 33.258.050.C.b.
- As required by other provisions of this Title.

A. Procedure. A nonconforming situation review is processed through a Type II procedure in the C, E, and I zones, and through a Type III procedure in an OS or R zone.

B. Approval criteria. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. With mitigation measures, there will be a net decrease in overall detrimental impacts (over the impacts of the previous use or development) on the surrounding area taking into account factors such as:

   a. The hours of operation;

   b. Vehicle trips to the site and impact on surrounding on-street parking;

   c. Noise, vibration, dust, odor, fumes, glare, and smoke;

   d. Potential for increased litter; and

   e. The amount, location, and nature of any outside displays, storage, or activities; and

2. If the nonconforming use is in an OS or R zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential character of the OS or R zoned area. This is based on taking into account factors such as:

   a. Building scale, placement, and facade;

   b. Parking area placement;

   c. Buffering and the potential loss of privacy to abutting residential uses; and

   d. Lighting and signs; and

3. If the nonconforming use is in a C, E, or I zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

CHAPTER 33.262
OFF-SITE IMPACTS

Sections
33.262.010 Purpose
33.262.020 Applying These Regulations
33.262.030 Exemptions
33.262.040 Relationship to Other Regulations
33.262.050 Noise
33.262.060 Vibration
33.262.070 Odor
33.262.080 Glare
33.262.090 Measurements
33.262.100 Documentation in Advance

33.262.010 Purpose
The regulations of this chapter are designed to protect all uses in zones which allow housing by right from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.262.020 Applying These Regulations
Nonresidential uses in all zones which cause off-site impacts on uses in the R, C, and OS zones are required to meet the standards of this chapter. Exempted equipment and facilities are stated in 33.262.030 below.

33.262.030 Exemptions
The off-site impact standards do not apply to machinery, equipment, and facilities which were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

33.262.040 Relationship to Other Regulations
The off-site impact standards are in addition to all other regulations of the City Code. The standards do not replace or supercede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Fire Code.

33.262.050 Noise
The City noise standards are stated in Title 18, Nuisance Abatement and Noise Control. In addition, the Department of Environmental Quality has regulations which apply to firms adjacent to or near noise sensitive uses such as dwellings, religious institutions, schools, and hospitals.

33.262.060 Vibration

A. Vibration standard. Continuous, frequent, or repetitive vibrations which exceed 0.002g peak may not be produced. In general, this means that a person of normal sensitivities should not be able to feel any vibrations.

B. Exceptions. Vibrations from temporary construction and vehicles which leave the site (such as trucks, trains, airplanes and helicopters) are exempt. Vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

C. Measurement. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

33.262.070 Odor

A. Odor standard. Continuous, frequent, or repetitive odors may not be produced which exceed scentometer No. 0. The odor threshold is the point at which an odor may just be detected. The scentometer reading is based on the number of clean air dilutions required to reduce the odorous air to the threshold level. Scentometer No. 0 is 1 to 2 dilutions of clean air.

B. Exception. An odor detected for less than 15 minutes per day is exempt.

33.262.080 Glare

A. Glare standard. Glare is illumination caused by all types of lighting and from high temperature processes such as welding or metallurgical refining. Glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of 0.5 foot candles of light.

B. Strobe lights. Strobe lights visible from another property are not allowed.

33.262.090 Measurements
(Amended by Ord. No. 165376, effective 5/29/92.)

A. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

B. If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the controller or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code, and enforced through the provisions of Title 22.

33.262.100 Documentation in Advance

In situations where the Director is empowered to require documentation in advance that a proposed use will conform with these standards, all of the following additional information is required of the applicant prior to approving a building permit:

A. Use description. A description of the use or activity regarding processes, materials used, storage, waste disposal, types of machinery and other such items as it relates to off-site impacts. However, the applicant is not required to reveal any trade secrets which would cause any secret manufacturing procedure, compound or product to become public knowledge and available to competitors;

B. Abatement devices. An explanation of any mechanisms or techniques which are proposed to restrict any hazardous or nuisance effects, including the type and location of any abatement devices and/or recording instruments to measure conformance with the required standard; and

C. Expert evaluation. An evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site impact standard or standards in question.

CHAPTER 33.266
PARKING AND LOADING

(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97.)

Sections:

33.266.010 Introduction
Motor Vehicle Parking
33.266.100 General Regulations
33.266.110 Required Parking Spaces
33.266.120 Development Standards for Residential Uses with One or Two Units
33.266.130 Development Standards for All Other Uses
33.266.140 Stacked Parking Areas
33.266.150 Vehicles in Residential Zones
Bicycle Parking
33.266.200 Purpose
33.266.210 Required Bicycle Parking
33.266.220 Bicycle Parking Standards
Loading
33.266.300 Purpose
33.266.310 Loading Standards

33.266.010 Introduction

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. Other titles of the City Code may regulate other aspects of parking and loading.

Motor Vehicle Parking

33.266.100 General Regulations

A. Where the regulations apply. The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride use in the Infrastructure use category.

B. Occupancy. All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.

C. Use of required parking spaces. Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

D. Proximity of parking to use. Required parking spaces for residential uses must be located on the site of the use. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 300 feet of the site.

E. Stacked parking. Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.

F. Curb cuts. Curb cuts and access restrictions are regulated by the Office of Transportation.

33.266.110 Required Parking Spaces

A. Purpose. The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Number of required spaces.

1. The minimum or maximum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superceded by other portions of the City Code.

2. When computing parking spaces based on floor area, areas used for parking are not counted. The number of parking spaces is computed based on the primary use of the site except as stated in Paragraphs 3. and 4. below.

3. When there are two or more separate uses on a site, the required parking for the site is the sum of the required parking for the individual uses. For joint use parking, see Paragraph 5.

4. When a use has more than 20 percent of its floor area in a distinct function (ie. office, warehouse, or retail), the required parking is calculated separately for each function. An example would be a 40,000 square foot use with a 10,000 square foot office area and a 30,000 square foot warehouse. The required parking would be computed separately for the office and warehouse functions.

5. Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the Bureau of Planning as part of a building permit application or land use review:

   a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;

   b. The location and number of parking spaces that are being shared;

   c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and

   d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.

6. Bicycle parking may substitute for up to 25 percent of required parking. For every five nonrequired bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

7. Substitution of transit-supportive plazas for required parking. Sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street may substitute transit-supportive plazas for required parking, as follows. Existing parking areas may be converted to take advantage of these provisions. Adjustments to the regulations of this paragraph are prohibited.

   a. Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site;

   b. The plaza must be adjacent to the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;

   c. The plaza must be at least 300 square feet in area and be shaped so that a 10'x10' square will fit entirely in the plaza; and

   d. The plaza must include all of the following elements:

      (1) A plaza open to the public;

      (2) A bench or other sitting area;

      (3) A shelter or other weather protection. The shelter must cover at least 20 square feet; and

      (4) Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.

C. Carpool parking. For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:

1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.

2. The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.

3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

Table 266-1
Required Parking Spaces By Zone

Zone	Requirement
OS, RF - RH, IR, CN2, CO1&2, CG, EG, I	None required inside the Central City plan district, except for residential uses: See Chapter 33.510. Outside the Central City plan district: See Table 266-2
EX	None required inside the Central City plan district, except for residential uses: See Chapter 33.510. Outside the Central City plan district: Minimum of 1 per 1000 sq. ft. Maximum of Table 266-2, except: 1) Retail, personal service, repair-oriented have a maximum of 1 per 200 sq. ft., 2) Restaurants, etc have a maximum of 1 per 75 sq. ft., and 3) Household Living; minimum of 0 for 1 to 3 units, 1 per 2 units for four+ units, and SROs exempt.
CN1	Outside the Central City plan district: No minimum required. Maximum of 1 space per 2,500 sq. ft. of site area. Inside the Central City plan district, see Chapter 33.510.
CM, CS	None required.
RX, CX	None required inside the Central City plan district, except for residential uses: See Chapter 33.510. None required outside the Central City plan district.

Table 266-2
Minimum Required Parking Spaces in the OS, RF-RH, IR, CN2, CO1&2, CG, EG, and I Zones

Use Categories	Specific Uses	Minimum Required Parking
Residential Categories		
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units
Group Living		1 per 4 residents
Commercial Categories		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of floor area
	Restaurants, bars, health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 250 sq. ft. of floor area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Office		1 per 400 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area
Vehicle Repair		1 per 750 sq. ft. of floor area [1]
Commercial Parking		Not applicable
Self-Service Storage		[2]
Commercial Outdoor Recreation		20 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review
Industrial Categories		
Manufacturing And Production		1 per 750 sq. ft. of floor area [1]
Warehouse And Freight Movement		1 per 750 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 2,000 sq. ft. of floor area thereafter [1]
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of floor area [1]
Waste-Related		Per CU review
Institutional Categories		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of floor area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq.ft. of floor area; or per CU review or Impact Mitigation Plan approval
Colleges		1 per 600 sq. ft. of floor area exclusive of dormitories, plus 1 per 4 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of floor area
Other Categories		
Agriculture		None, or per CU review
Aviation		Per CU review
Detention Facilities		Per CU review
Aggregate Extraction		Per CU review
Radio Frequency Transmission Facilities	Unmanned facilities operating at or below 1000 watts ERP	None
	All Other Facilities	2 per site
Rail Lines & Utility Corridors		None

Notes:
[1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
[2] 1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.

33.266.120 Development Standards for Houses, Attached Houses, and Duplexes

A. Purpose. The size and placement of vehicle parking areas are regulated in order to enhance the appearance of neighborhoods.

B. Structures these regulations apply to. The regulations of this section apply to houses, attached houses, duplexes, manufactured homes, and houseboats. The regulations apply to required and excess parking areas. Parking for mobile home parks is regulated in Chapter 33.251.

C. Parking area locations.

1. Required parking. Required parking spaces are not allowed within the first 10 feet from a front lot line or in a required front setback, whichever is greater. In addition, on corner lots, required parking spaces are not allowed within the side street setback.

2. Nonrequired parking. Where nonrequired parking is provided on a site, at least one parking space (required or not required) must meet the standards for required parking stated in Paragraph 1 above.

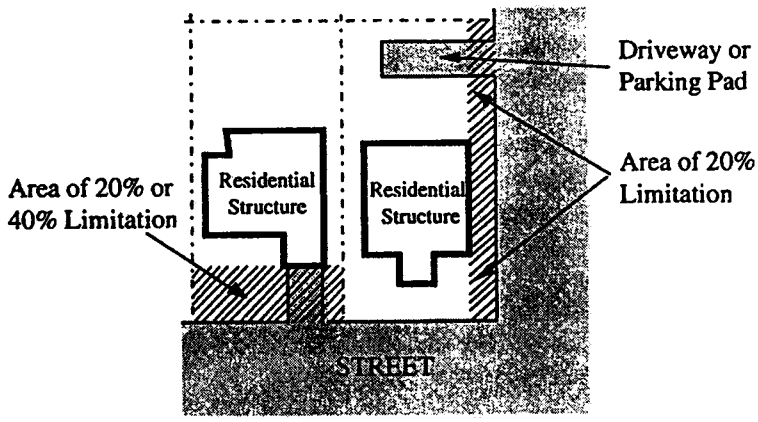
3. Front yard restrictions. In the single-dwelling zones, no more than 40 percent of the land area between the front lot line and the front building line may be paved for parking or driveway purposes. In the multi-dwelling, C, E, and I zones, no more than 20 percent of the land area between the front lot line and the front building line may be paved for parking or driveway purposes. In addition, on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved for parking or driveway purposes. See Figure 266-1. As an exception to the area limitations in this paragraph, a lot is allowed at least a 9-foot wide driveway or parking area.

4. Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.

D. Parking space sizes. The minimum size of a required parking space is 9 feet by 18 feet. Where nonrequired parking is provided on a site, at least one parking space must meet the minimum size for required spaces. The minimum driveway width on private property is 9 feet.

E. Paving. All driveways and parking areas must be paved. However, gravel surfaces may be approved by the Bureau of Buildings when the abutting street is not paved, and the applicant executes a covenant agreeing to pave the area if the street is paved in the future.

Figure 266-1
Parking Area Limitation



33.266.130 Development Standards for All Other Uses

A. Purpose. The development standards promote vehicle areas which are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones. Together with the transit street building setback standards in the base zone chapters, the vehicle area restrictions for sites on transit streets and in pedestrian districts:

- Provide a pedestrian access that is protected from auto traffic; and
- Create an environment that is inviting to pedestrians and transit users.

The parking area layout standards are intended to promote safe circulation within the parking area and to provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Direct traffic in parking areas;
- Shade and cool parking areas; and
- Decrease airborne and waterborne pollution.

B. Where these standards apply. The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.

C. On-site locations of vehicle areas.

1. Location and building setbacks. The allowed on-site location of all vehicle areas is stated in Table 266-3. Parking in structures is subject to the building setbacks of the base zone. However, parking in structures where there is no forward ingress and egress from the street is subject to the garage entrance setback of 18 feet.

Table 266-3
Locations of Vehicle Areas

Zone	Allowed Locations
OS, RF - R2, EG2, I	No restrictions.
R1, RH, IR, CN, CO, CG, EG1	Not allowed between the portion of the building that complies with the maximum transit street setback and the transit street. [1,2]
CM, CS	Prohibited between a building and any street. [1]
RX, CX, EX	Not allowed between a building and any street. [1]

Notes:
[1] Developments on through lots or sites with three street frontages may have vehicle areas between the building and one of the streets. Development on full blocks may have vehicle areas between the building and two of the streets. However, the vehicle area must be between a local street and the building, not an arterial or transit street.
[2] This restriction also applies to streets in Pedestrian Districts.

2. Frontage limitation. The standard of this paragraph applies outside the Central City plan district in the R1, RH, RX, IR, CN, CO, CG, CX, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a pedestrian district, no more than 50 percent of the frontage on the transit street or street in a pedestrian district may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

D. Improvements.

1. Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4. below.

2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.

3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Trees must have adequate protection from car doors as well as car bumpers.

E. Setbacks and perimeter landscaping for parking areas. The minimum required setbacks and landscaping for surface parking areas are stated in Table 266-4. The setback and landscaping requirements also apply to any portion of structured parking area where the parking area is within 4 feet of adjacent grade and there is no roof over it. The landscaping requirements also apply to parking area driveways. The setbacks apply when a parking area abuts a street or lot line. For stacked parking areas, see 33.266.140 below.

Table 266-4
Minimum Parking Area Setbacks And Perimeter Landscaping

Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, or I zone lot line	5 ft. / L2 or 10 ft. / L1	5 ft. / L2 or 10 ft. / L1
Lot line abutting a OS or R zone lot line	5 ft. / L3	10 ft. / L3

F. Parking area layouts.

1. Access to parking spaces.

   a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.

   b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion. However, this does not apply to parking areas with one or two spaces and whose only access is on a local service street.

2. Parking space and aisle dimensions. At least 60 percent of the required parking spaces must meet the standard dimensions contained in Table 266-5. All additional parking spaces must comply with at least the dimensions for compact spaces, stated in Table 266-5. Compact spaces must be clearly labeled on the site for compact use. For stacked parking areas, see Section 33.266.140 below.

3. Disabled parking. The Bureau of Buildings regulates the following disabled person parking standards and access standards through Chapter 31 of the Uniform Building Code.

   - Dimensions of disabled person parking spaces and access aisles;
   - The minimum number of disabled person parking spaces required;
   - Location of disabled person parking spaces and circulation routes,
   - Curb cuts and ramps including slope, width and location;
   - Signage and pavement markings.

4. A portion of a standard parking space may be landscaped instead of paved. The landscaped area may be up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Landscaping must be ground cover plants. The landscaping does not apply towards any perimeter or interior landscaping requirements, but does count towards any overall site landscaping requirement.

5. Office of Transportation review. The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Title 17.

Table 266-5
Minimum Parking Space and Aisle Dimensions [1]

Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D]	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in	12 ft.	24 ft.	7 ft. 6 in.
	Disabled [2]					
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7 ft. 6 in.	15 ft.	12 ft	24 ft.	14 ft.
	Disabled [2]					
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
	Disabled [2]					
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
	Disabled [2]					
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.
	Disabled [2]					

Notes:
[1] See Figure 266-2.
[2] See Section 33.266.130.F.3.

G. Parking area interior landscaping.

1. Amount of landscaping. All surface parking areas with more than 10 spaces must provide interior landscaping complying with one or a mix of both the standards stated below. For stacked parking areas, see Section 33.266.140 below.

   a. Option 1. Interior landscaping must be provided at the rate of 20 square feet per stall. At least one tree must be planted for every 200 square feet of landscaped area. Ground cover plants must completely cover the remainder of the landscaped area.

   b. Option 2. One tree must be provided for every four parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft.

2. Development standards for parking area interior landscaping.

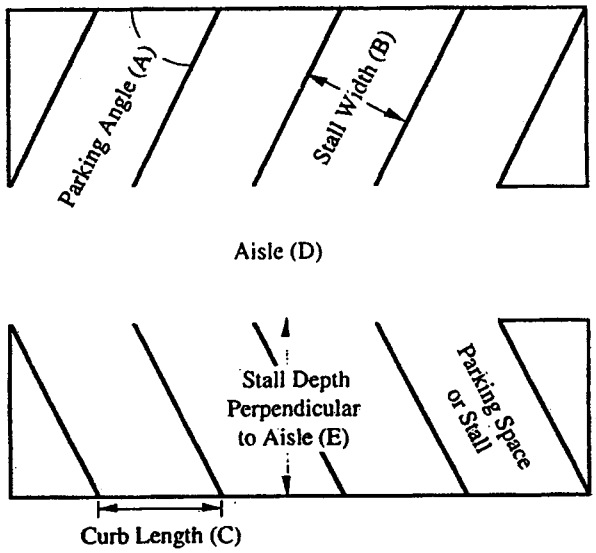
   a. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.

   b. Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.

c. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends 4 feet or more into the parking area from the perimeter landscape line.

d. Parking areas that are 30 feet or less in width may locate their interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.

Figure 266-2
Parking Dimension Factors



33.266.140 Stacked Parking Areas

Stacked parking areas must comply with all of the development standards of Section 33.266.130 above, except for those standards superceded by this section.

A. Perimeter setbacks and landscaping. Parking areas must be set back from streets at least 4 feet and landscaped to at least the L2 level.

B. Striping and layout. Parking areas used exclusively for stacked parking need not be striped or meet the layout standards of Subsection F. above. Stacked parking areas which will allow parking at some times without attendants must be striped in conformance with the layout standards of Subsection F. above.

C. Interior landscaping for surface parking areas. The minimum interior landscaping requirement for surface parking areas is one tree per 5,000 square feet of site area. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft. Trees must be protected from potential damage by vehicles through the use of bollards, curbs, wheel stops, or other physical barriers.

33.266.150 Vehicles in Residential Zones

A. Purpose. The regulations of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. The size, number, and location of parked and stored vehicles in residential zones are regulated in order to preserve the appearance of neighborhoods as predominantly residential in character. Since parking lots and outdoor storage are not intended to be primary activities in residential zones, these activities should constitute no more than a minimal intrusion on any residential area.

B. Where these regulations apply. These regulations apply to all residential uses in all R zones.

C. Parking of passenger vehicles and light trucks. Passenger vehicles and light trucks may be parked in any allowed parking area.

D. Parking of medium and heavy trucks.

1. The parking or storage of medium and heavy trucks and equipment is prohibited, except for motor homes in the medium truck category.

2. Motor homes in medium truck category may be parked in allowed parking areas except they may not be parked between the front lot line and the building line.

3. Fire trucks and emergency vehicles are allowed if they are parked within a completely enclosed building.

E. Utility trailers and accessory recreational vehicles. Utility trailers and accessory recreational vehicles may not be parked or stored in required parking spaces. Utility trailers and accessory recreational vehicles may be parked in other allowed parking areas, except they may not be parked between the front lot line and the building line.

F. Inoperable vehicles. The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Subsection 03.090 of Title 18, Nuisance Abatement and Noise Control.

G. Vehicle service and repair. Service and repair of vehicles not owned by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired if:

1. The vehicles are owned by and registered to residents of the site; and

2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

OR

3. The vehicles are owned by and registered to a resident of the site; and

4. All work occurs within a completely enclosed building; and

5. The off-site impact standards of Chapter 33.262 are met.

Bicycle Parking

33.266.200 Purpose

Bicycle parking is required for most use categories to encourage the use of bicycles by providing safe and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by the different use categories and on the level of security necessary to encourage the use of bicycles for short and long stays. These regulations will help meet the City's goal that 10 percent of all trips be made by bicycle.

33.266.210 Required Bicycle Parking

A. Number of spaces required. The required minimum number of bicycle parking spaces for each use category is shown on Table 266-6. No bicycle parking is required for uses not listed.

B. Exemptions.

1. No long-term bicycle parking is required on a site where there is less than 2,500 square feet of gross building area.

2. No bicycle parking is required for a Commercial Parking facility on a surface parking lot in the Central City plan district.

33.266.220 Bicycle Parking Standards

A. Short-term bicycle parking.

1. Purpose. Short-term bicycle parking encourages shoppers, customers, messengers, and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles.

2. Standards. Required short-term bicycle parking must meet the following standards:

   a. Short-term bicycle parking must be provided in lockers or racks that meet the standards of Subsection 33.266.220.C;

   b. Location.

      (1) Where there is one main entrance on the site, the short-term bicycle parking spaces must be:

      - Within 50 feet of the main entrance to the building; or

      - Inside a building, in a location that is easily accessible for bicycles.

Table 266-6
Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces	Short-term Spaces
Residential Categories			
Household Living	Multi-dwelling	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 residents	None
	Dormitory	1 per 8 residents	None
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area
	Temporary Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 40,000 sq. ft. of net building area
Commercial Parking		10, or 1 per 20 auto spaces	None
Commercial Outdoor Recreation		10, or 1 per 20 auto spaces	None
Major Event Entertainment		10, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of net building area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of net building area	None
Institutional Categories			
Basic Utilities	Light rail stations, transit centers	8	None
	Park and ride	10, or 5 per acre	None
Community Service		2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per10,000 sq. ft. of net building area
Parks And Open Areas		Per CU review	Per CU review
Schools	Grades 2 through 5	2 per classroom, or per CU or IMP review	None
	Grades 6 through 12	4 per classroom, or per CU or IMP review	None
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU or IMP review	2, or 1 per 10,000 sq. ft. of net building area, or per CU or IMP review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU or IMP review	2, or 1 per 40,000 sq. ft. of net building area, or per CU or IMP review
Religious Institutions		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Aviation And Surface Passenger Terminals, Detention Facilities		Per CU Review	Per CU Review

Note: Wherever this table indicates two numerical standards, such as "2, or 1 per 3,000 sq. ft. of net building area," the larger number applies.

(2) Where there is more than one building or main entrance on a site that is not part of an institutional campus, the short term bicycle parking must be:

- Within 50 feet of a main entrance and be distributed to serve all buildings or main entrances; or
- Inside a building, in a location that is easily accessible for bicycles.

(3) On an institutional campus, where there is more than one building or main entrance, the short-term bicycle parking must be:

- Within 50 feet of a main entrance; or
- Inside a building, in a location that is easily accessible for bicycles; or
- In a common bicycle parking location along a walkway if the short-term bicycle parking is more than 50 feet from a main entrance.

c. Covered Spaces. If 10 or more short-term bicycle spaces are required, then at least 50 percent of the required short-term bicycle spaces must be covered and meet the standards of Paragraph 33.266.220.C.5, Covered Bicycle Parking.

B. Long-term bicycle parking.

1. Purpose. Long-term bicycle parking provides employees, students, residents, commuters and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Although long-term parking does not have to be provided on-site, the intent of these standards is to allow bicycle parking to be within a reasonable distance in order to encourage bicycle use.

2. Standards. Required long-term bicycle parking must meet the following standards:

a. Long-term bicycle parking must be provided in racks or lockers that meet the standards of Subsection 33.266.220.C;

b. Location. Long-term bicycle parking must be located on the site or in an area where the closest point is within 750 feet of the site;

c. Covered Spaces. At least 50 percent of required long-term bicycle parking must be covered and meet the standards of Paragraph 33.266.220.C.5, Covered Bicycle Parking; and

d. Security. To provide security, long-term bicycle parking must be in at least one of the following locations:

(1) In a locked room;

(2) In an area that is enclosed by a fence with a locked gate. The fence must be either 8 feet high, or be floor-to-ceiling;

(3) Within view of an attendant or security guard;

(4) Within 100 feet of an attendant or security guard;

(5) In an area that is monitored by a security camera;

(6) In an area that is visible from employee work areas; or

(7) In a dwelling unit or dormitory unit. If long-term bicycle parking is provided in a dwelling unit or dormitory unit, neither racks nor lockers are required.

C. Standards for all bicycle parking.

1. Purpose. These standards ensure that required bicycle parking is designed so that bicycles may be securely locked without undue inconvenience and will be reasonably safeguarded from intentional or accidental damage.

2. Bicycle lockers. Where required bicycle parking is provided in lockers, the lockers must be securely anchored.

3. Bicycle racks. The Office of Transportation maintains a handbook of racks and siting guidelines that meet the standards of this paragraph. Required bicycle parking may be provided in floor, wall, or ceiling racks. Where required bicycle parking is provided in racks, the racks must meet the following standards:

   a. The bicycle frame and one wheel can be locked to the rack with a high security, U-shaped shackle lock if both wheels are left on the bicycle;

   b. A bicycle six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheels or components; and

   c. The rack must be securely anchored.

4. Maneuvering areas.

   a. Each required bicycle parking space must be accessible without moving another bicycle; and

   b. There must be an aisle at least 5 feet wide behind all required bicycle parking to allow room for bicycle maneuvering.

5. Covered bicycle parking. Covered bicycle parking, as required by this section, can be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. Where required covered bicycle parking is not within a building or locker, the cover must be:

   a. Permanent;

   b. Designed to protect the bicycle from rainfall; and

   c. At least 7 feet above the floor or ground.

6. Signs.

   a. Light rail stations and transit centers. If required bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the parking.

   b. Other uses. For uses other than light rail stations and transit centers, if required bicycle parking is not visible from the street or main building entrance, a sign must be posted at the main building entrance indicating the location of the parking.

Loading

33.266.300 Purpose

A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

33.266.310 Loading Standards

A. Number of loading spaces.

1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.

   a. No loading spaces are required where there are less than 50 dwelling units in the building and the site abuts a local service street that is not a transit street.

   b. One loading space is required for all other buildings.

2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.

   a. No loading spaces are required for buildings with less than 20,000 square feet of floor area.

   b. One loading space is required for buildings with 20,000 or more square feet, up to 50,000 square feet of floor area.

   c. Two loading spaces are required for buildings with more than 50,000 square feet of floor area.

B. Size of loading spaces. Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

C. Placement, setbacks and landscaping. Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-7 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

Table 266-7
Minimum Loading Area Setbacks And Perimeter Landscaping

Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, or I zone lot line	5 ft. / L2 or 10 ft. / L1	5 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft./ L3	10 ft./ L3
Lot line abutting an R zone lot line	5 ft./ L4	10 ft./ L4

D. Forward motion. Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

CHAPTER 33.269
PLANNED UNIT DEVELOPMENTS

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33.269.010 Purpose

The planned unit development (PUD) regulations allow greater site design flexibility than the conventional zoning and subdivision regulations provide. The intent is to:

- Provide flexibility in architectural design, placement, and clustering of buildings; use of open areas and outdoor living areas; provision of circulation facilities and parking; and related site and design considerations;
- Encourage the conservation of natural features;
- Provide for efficient use of public services and improvements;
- Encourage and preserve opportunities for energy efficient development;
- Promote attractive and functional business environments in nonresidential zones which are compatible with surrounding development; and
- Promote an attractive and safe living environment in residential zones.

33.269.020 Zones Allowed
PUDs are allowed in all zones except the OS zone.

33.269.030 Allowed Uses

A. Standard uses. PUDs may include all of the uses which are allowed in the base zone by right, with limitations, or as a conditional use.

B. Support commercial. PUDs in residential zones may contain commercial development consistent with the Neighborhood Commercial 2 zone and its regulations. Commercial development must be accessory to the PUD and primarily for the service and convenience of residents of the PUD and the nearby neighborhood. The PUD must be found to be located in an area deficient in support commercial opportunities.

Development Standards

33.269.100 Base Zone Standards
The development standards of the base zone, overlay zone or plan district apply unless they are superceded by the standards of this chapter.

33.269.105 Size Limitations
There are no minimum or maximum size limitations for PUDs.

33.269.110 Calculation of Density

A. PUD's in R zones. The number of dwelling units allowed in PUD's in R zones is calculated in the following manner.

1. Streets and land set aside for schools, religious institutions, donated for parks, or commercial uses are subtracted from the gross site area to determine net usable site area.

2. In an R zone, net usable site area is divided by the density of the base zone to give the maximum number of allowed units.

3. If the PUD is located in more than one R zone, the total allowed number of units for the PUD is calculated by adding up the number of units allowed by each zone. However, the dwelling units may be placed without regard to zone boundaries.

B. PUD's in C, E, and I zones. The allowed density for PUD's in the C, E, and I zones is calculated by totalling the FAR's allowed in each zone. However, the FAR may be allocated throughout the PUD without regard to zone boundaries, unless specifically restricted by a plan district or overlay zone.

33.269.115 Lot Sizes
There are no required minimum lot sizes. Lot sizes, if any are created, are established as part of the preliminary development plan approval. PUD's in the R20, R10, and R7 zones may reduce the minimum lot sizes to that of the R10, R7, and R5 zones, respectively, by right,

provided the PUD meets all of the approval criteria. The previous sentence does not limit the minimum lot sizes allowed; it only provides some guidance for the preparation of the preliminary development plan.

33.269.120 Housing Types Allowed
Housing types in zones which allow residential uses are not restricted.

33.269.125 Height
The height limit of the base zone applies. In the single-dwelling zones, the solar access standards of the base zone apply along the perimeter of the PUD, and the solar regulations for new subdivisions apply to all PUDs which are also subdivisions. See Title 34, Subdivisions and Partitions.

33.269.130 Building Setbacks
Building setbacks are established as part of the preliminary development plan approval.

33.269.135 Open Areas
In residential zones, at least 40 percent of the PUD not in streets must be devoted to open areas. In nonresidential zones, at least 20 percent of the PUDs not in streets must be devoted to open areas. At least half of the open area in all zones must be in common ownership.

33.269.140 Parking

A. In R zones. The following parking regulations apply in R zones:

1. The base zone parking requirements apply. In addition, where on-street parking is not allowed, at least 1 additional parking space per dwelling must be provided in on-street parking bays or common parking areas.

2. Common parking and maneuvering areas must be set back at least 20 feet from the boundary of the PUD. The setback area must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.

B. In C, E, and I zones. In C, E, and I zones, the base zone parking requirements apply. Where the PUD abuts an R zone, all parking areas must be set back at least 20 feet from the boundary of the PUD, and landscaped to at least the L1 standard.

33.269.145 Preservation of Water Features
Water features such as sloughs, naturally-occuring streams, ponds, or lakes must be left in a natural state unless altered to improve the natural values of the water feature or to improve stormwater drainage. Water features and their edges should be kept in common ownership. The stormwater requirements are found in 33.269.270.

Service Standards

33.269.200 General Requirements

A. Applicants responsibilities. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PUD, including those listed in this chapter. The services must be provided at no cost to the public, unless allowed by the appropriate City service bureau. If public off-site improvements are provided, financial adjustments to the applicant for off-site users may be made by individual Bureaus subject to their own policies and regulations.

B. Dedication of service facilities. Service facilities such as streets, water supply facilities, sanitary sewers, and regional storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PUD. However, the review body may approve private service facilities with the consent of the appropriate City service bureau.

C. Underground facilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as streets, fire hydrants, and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.

33.269.210 General Standards for Public Service Facilities

A. City standards. All service facilities dedicated to the public (public service facilities) must be constructed to City standards.

B. Extensions to boundary lines. All public service facilities needed to service properties outside the PUD must be extended to the lot lines of the PUD. This extension may be waived by the review body with the consent of the appropriate City service bureau. Where extensions are waived, rights-of-way and/or easements may be required for the future extension of the facilities.

C. Location of public service facilities. All public service facilities must be located in public streets as much as possible. When not possible, they must be easily accessible for maintenance purposes. Private streets will be given preference over nonstreet locations. The location of all public service facilities must be approved by the appropriate City service bureau.

D. Easements. Easements are required for all public service facilities located on private property, and must comply with the requirements stated below.

1. Easements must be provided at no cost to the City.

2. Easements must be at least 15 feet wide; a greater width may be required.

3. Easements must allow for the construction, operation, maintenance, and repair of the facilities.

4. Structures, exterior improvements, and additional service facilities are not allowed in an easement unless approved in writing by the appropriate City service bureau.

5. The owners of property in the PUD, jointly and individually, must file a document with the City that will hold the City harmless to the statutory limits from any and all claims for property damage arising in the course of the construction, repair, or maintenance of City services in the easement area. Damage caused by gross negligence or willful misconduct of the City or its officers, employees, or agents is exempted.

6. If the City removes private street surfaces to conduct repairs, maintenance, or replacement work on public service facilities, the City will provide an asphalt or concrete patch for the paving surface upon completion of its work. All other private street resurfacing expenses necessitated in the maintenance and repair of public service facilities must be borne by the PUD property owners. Work by the City in unpaved areas will be restored as nearly as reasonable to the condition existing prior to the work.

7. All easements must be shown on the PUD plan map recorded in the County records. The restrictions and conditions stated in Paragraphs 4. through 6. above must appear on all conveyances of PUD real property and they must bind all owners, their heirs, successors, and assigns, as restrictive covenants.

8. The document granting the easement must be approved by the City Attorney. All new public easements are dedicated through the City Engineer.

33.269.220 General Standards for Private Service Facilities

A. Development standards. All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the Bureau of Buildings.

B. Connections to public facilities. Private service facilities may not be connected to public facilities without permits from the appropriate City service bureaus.

C. Maintenance of private facilities. The Declaration of Covenants, Conditions, and Restrictions for the PUD must require periodic assessments for the maintenance and repair of all private service facilities, and must require that the governing body of the PUD adequately maintain the facilities.

33.269.230 Streets

A. Public streets.

1. Standards and widths. Public streets must be to City street and street lighting standards. Narrower rights-of-way and roadways may be approved by the review body with the approval of the City Engineer and Traffic Engineer. They may be approved where conditions, particularly topography or the size and shape of the PUD, make it impracticable to provide buildable sites or where special design features of the PUD make the standard widths unnecessary. An easement protecting undevelopable slopes may be required.

2. Future extensions. Where right-of-way dedications are required to provide future service to abutting properties, reserve strips, or street plugs may be required.

3. Arterials. Wherever a PUD abuts or contains an existing or proposed arterial street, the review body may require frontage streets, reserved frontage lots with suitable depth, a no-access landscaped area along the rear property line, or other treatment for the protection of residential properties and to separate through and local traffic.

B. Private streets.

1. Standard. The street specifications of the Fire Marshal must be met to ensure safe maneuvering areas for emergency vehicles.

2. Access. Streets must be kept open and passable at all times. However, obstructions to access, such as gates, may be allowed if approved by the Fire Marshal, Police Chief, Water Engineer, and City Engineer.

3. Separation from public streets. Private streets must be separated from the public roadway by a driveway-type entrance and posted as a private street.

4. Street names. Except for extensions of existing streets, street names may not be used which will duplicate or be confused with names of existing streets. Street names must be approved by the City Engineer.

33.269.240 Walkways

Pedestrian circulation systems must be provided to facilitate movement within the PUD and to ensure pedestrian access to public uses, including schools, parks, and transit facilities. The City Engineer may require the walkways to be within public rights-of-way.

33.269.250 Water Supply

The Water Engineer may require master metering of the PUD in cases where access to water facilities are restricted, as referenced in 33.269.210.B.2 above.

33.269.260 Sanitary Sewage Disposal

A sanitary sewage disposal system must be provided to serve all proposed building sites.

33.269.270 Control and Disposal of Stormwater and Groundwater

A. Standard. Facilities for the control and disposal of stormwater and groundwater must be provided, and be approved by the Bureau of Environmental Services and the Bureau of Buildings.

B. Capacity. The facilities must be adequate to serve the PUD site and areas draining through the site. The facilities must address undeveloped areas of the PUD as well as stormwater runoff from all impervious surfaces on private property.

C. Connections. The facilities must be connected to drainageways, storm sewers, or subsurface disposal systems that have the capacity to accommodate the expected loading.

D. Off-site improvements. Construction of facilities outside of the PUD may be required.

E. Storm drainage reserves. Storm drainage reserves must be provided for the preservation of any natural or man-made watercourses or water bodies on or abutting the site. The boundary of the reserves must extend at least 16 feet from the top of the bank unless a lesser distance is approved by the City Engineer. The boundaries of the reserves must conform substantially with the lines of the water features and must be accurately surveyed and described. They must be shown and labeled on the final development plan along with the statement: "Storm drainage reserves must remain in natural topographic condition. Structures, culverts, excavations, or fills may not be located in a storm drainage reserve unless authorized by the City Engineer."

PUD Review Process

33.269.300 The Review Process

A PUD is reviewed in a two-step process – preliminary plan review and final plan review.

A. Preliminary plan review. Preliminary plan review examines the PUD concept plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impact on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary approval will only be granted when there is a reasonable certainty that the PUD will fulfill all requirements of the City code.

B. Final plan review. Review of the final plan is an administrative and technical matter. The applicant must submit the detailed and technical information necessary to demonstrate that all City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.

33.269.310 Preliminary Plan Review

A. Procedure. Preliminary plan reviews are processed through a Type III procedure in R zones, unless it is for a PUD of up to 10 lots and does not require the creation of a street, in which case it is reviewed through a Type II procedure. Preliminary plan reviews in the C, E, and I zones are processed through a Type II procedure.

B. Application Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by 33.730.060, Application Requirements.

1. Number of copies. Eight copies of the preliminary development plan application are required.

2. General statement. A statement of how the purpose and intent of 33.269.010 above will be achieved by the proposed PUD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PUD will relate to surrounding land uses and whether other land use reviews are requested. In R zones, the statement should also include a description of key neighborhood features, if any.
3. Summary report. A summary report identifying: the different land uses, including the amount of land for housing, open areas, streets, and parking; the

number and type of housing units; the amount and type of commercial areas, if any; and a statement of how necessary services, as listed in 33.269.200 through .270 above, will be provided and whether the services will be publicly or privately owned and operated.

4. Drawing of the existing situation. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.

   a. Ground elevations shown with contour lines at five foot intervals or less. City Engineer 1 to 100 scale topographical maps may be used, if available, but more detailed topographic date may be required.

   b. Areas of moderate or severe landslide potential, as identified on City maps or as documented by an engineering geologist or geotechnical engineer.

   c. General soil types as identified on City maps or as documented by an engineering geologist or soils engineer.

   d. Existing fish and wildlife habitats, as identified on City maps.

   e. Existing stormwater detention basins, as identified on City Engineer maps.

   f. Existing water features such as ponds, wetlands, and watercourses.

   g. Areas subject to inundation or storm sewer overflow.

   h. Existing natural features, including rock outcroppings and all trees greater than 6 inches in diameter, measured 5 feet above the ground. As an option to showing all trees greater than 6 inches in wooded areas not being disturbed, the crown cover outline can be shown.

   i. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.

   j. Width, location, and purpose of all existing easements and storm drainage reserves of record on or abutting the site.

   k. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.

   l. A description of areas abutting the PUD, indicating zoning classifications, land uses, densities, circulation systems, public service facilities, natural features, and approximate locations of nearby structures.

   m. Any additional information about existing site conditions required for a concurrent subdivision application.

5. Site plan. The site plan must include the information stated below.

   a. In R zones, the setbacks for houses and the placement and bulk of other buildings.

b. The traffic circulation system, including connections to existing public rights-of-way, off-street parking, and the ownership of streets and parking areas.

c. The conceptual plans for pedestrian and bicycle circulation systems.

d. Conceptual plans for all necessary services, including their location and whether the services will be publicly or privately owned and maintained.

e. Conceptual plans for all facilities for the control and disposal of stormwater and groundwater.

f. Conceptual plans for the location and design of public and private open areas or structures.

g. The treatment proposed for the periphery of the site, including the approximate amount, location, and type of any required landscaping.

h. In R zones, conceptual guidelines for multi-dwelling structures including such things as building heights, sizes, areas, roof shapes, exterior materials, and types of parking areas.

6. Hazard lands. PUDs containing lands of moderate or severe landslide potential require a preliminary assessment by an engineering geologist or geotechnical engineer. The assessment must address soil conditions, stormwater runoff, and ground water. It must also include a preliminary assessment by a geotechnical engineer addressing the project's feasibility and identifying potential problems and how they might be resolved.

7. Phased PUDs. PUDs being developed in phases require a description of each phase, including the size, uses, and timing. For more information, see 33.269.410 below.

8. Concurrent subdivision review. If the applicant is requesting tentative subdivision approval concurrently with the preliminary plan review, a tentative subdivision plat must be submitted.

9. Drawings. Drawings showing the existing site conditions and the proposed site plan must be at a reasonable size and scale to clearly show all required information. The drawings must display the following:

a. The name of the proposed PUD;

b. Date, north arrow, and scale of the drawing;

c. Legal description of the PUD other than metes and bounds, sufficient to define its location and boundaries;

d. Names, addresses, and telephone numbers of the owners, applicant, designer of the PUD, and engineer and surveyor, if any, and the date of the survey; and

e. Appropriate identification of the drawing as a preliminary plan.

C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. The plan fulfills the purpose for PUDs stated in 33.269.010;
2. The plan meets the requirements of Section B. above;
3. There is a reasonable certainty that the development standards and service standards of 33.269.100 to .270 will be met;
4. Adequate public services exist or can be provided to serve the proposed PUD; and
5. Where a tentative subdivision plat is also requested, the requirements of Title 34, Subdivisions and Partitions, are met.

D. Time limit. Preliminary plan approval is valid for 3 years and may not be extended. The 3 year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the 3 year time period, the applicant must submit a final development plan to the Bureau of Planning for the entire site, or for the first phase if the PUD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases.

33.269.320 Final Plan Review

(Amended by Ord. No. 167386, effective 2/23/94.)

A. Pre-application conference required. A pre-application conference is required prior to submission of the final development plan. The applicant must present, or already have presented to the the appropriate bureaus, detailed plans which meet the service standards of 33.269.200 to .270 above. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.

B. Procedure. The review of a final development plan is an administrative review.

C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.

1. Drawing quality and number. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. Three copies of the plan must accompany the application. The plan must be identified as the final PUD plan.
2. Additional information on the final plan. In addition to the information required on preliminary drawings (stated in 33.269.310.B.9 above) or otherwise specified by law, the following information must be shown:
   a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the PUD;
   b. The location and width of streets and easements intercepting the boundary of the PUD;

c. Easements and stormwater drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PUD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and

d. Identification of land to be dedicated to the public.

3. Additional certificates or drawings. The items stated below may be combined where appropriate.

a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PUD.

b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.

c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.

d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.

e. Other certificates required by law.

f. A copy of any deed restrictions applicable to the PUD.

4. Detailed design plan for the PUD site. A detailed design plan for the PUD is required and must include the items stated below.

a. The location of proposed buildings and structures, parking areas and, when applicable, the location of allowable building areas of individual lots.

b. All building setback lines and height limits that are to be made part of the PUD restrictions.

c. The location and type of proposed buildings, structures, or improvements in common open areas.

d. The location and design information for all proposed streets. Design information for streets includes:

(1) Street boundaries and center lines with dimensions, bearings, or deflective angles, radii, arcs, points of curvature, tangent bearings, and centerline profiles.

(2) The street widths, and the widths of rights-of-way dedicated to the public if any and the widths of existing rights-of-way. For streets on curvature, curve data must be based on the street center line. In addition to the center line dimensions, the radius and central angle must be included.

e. A plan for water mains and fire hydrants.

f. A plan for sanitary sewage disposal.

g. A plan for stormwater drainage.

h. Plans for additional improvements such as walkways and street lighting.

i. Required solar-related information if the PUD is also subject to the solar regulations for new subdivisions.

5. Landscaping. A landscaping plan for common open areas, the perimeter of the PUD, and other required landscaped areas is required.

   a. The plan must show areas which the applicant proposes to retain in natural vegetation. The plan must show the area, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.

   b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.

   c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval. Performance guarantee requirements are stated in Chapter 33.700.050.

6. Geotechnical engineer's report. A geotechnical engineer's report must be submitted if the PUD is in a moderate or severe landslide area, or if the report was required as part of the preliminary approval. The report must be approved by the Geotechnical Engineer of the Bureau of Buildings. The report must provide adequate detail to show the design of all proposed or allowed structures and improvements. The report must include the following information.

   a. The identification of areas of landslide hazard within and adjacent to the site and a statement of the development and construction methods to be followed to accommodate existing hazards.
   b. A statement of on-site slope stability after the proposed development.
   c. A statement of the estimated effect of the development on stormwater and ground water runoff and the proposed method of control.

7. C, C, and Rs. The Declaration of Covenants, Conditions, and Restrictions (C,C, and Rs) for the PUD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected. The deeds to property in the PUD and C,C and Rs for the PUD must provide that each property owner in the PUD is the owner of an undivided interest in the common areas and that private structures of any type are prohibited in the common areas. A copy of all legal instruments must be filed with a building permit application.

8. Concurrent subdivision approval. If the applicant is also requesting simultaneous final plat approval, all items required by Title 34, Subdivisions and Partitions, must be submitted.

D. Final approval. Approval of the final development plan constitutes final approval of the PUD review.

Additional Information

33.269.400 PUDs Submitted Prior to 1983

Preliminary plans submitted prior to May 3, 1983, and final plans resulting from those preliminary plans, are subject to the regulations for PUDs in effect at the time the preliminary plan application was submitted.

33.269.410 Phased Development Procedures

A. Phasing allowed. An applicant may submit a preliminary development plan for the entire PUD which proposes phased development and phased final development plans for the PUD.

B. Regulations for phased developments.

1. A preliminary development plan for the entire PUD must be submitted which will be treated as a preliminary development plan for each phase. It must contain the information required in 33.269.100 through .270 above.

2. A description of the phases must be submitted, showing the approximate area, timing, and sequencing of each phase.

3. A phased development plan approval may not exceed 8 years between the first and last phases.

C. Approval of the phases. The preliminary development plan for the entire PUD is reviewed following the procedures and approval criteria stated in 33.269.310.A and C above. The review body may make the sequencing of the phases and the intervals of time between the scheduled phases a condition of preliminary plan approval.

D. Final plans. The final development plan for each phase must contain the required information stated in 33.269.320.C above. Final plans will be reviewed according to the requirements of 33.269.320.A and .B above.

33.269.420 Combined PUDs and Subdivisions

A subdivision plat may be approved concurrently with the approval of the PUD. To do so, the applicant must request tentative plat approval concurrently with the PUD preliminary plan approval. The combined PUD and subdivision application will be subject to the review and appeal procedures of this chapter instead of those in Title 34, Subdivisions and Partitions. Final plat approval will be granted with the final development plan approval if all appropriate Title 34 requirements for final plats are met.

33.269.430 Development of the PUD

A. Public service facilities. An improvement guarantee for public service facilities in the PUD is required and must meet the requirements of Chapter 40, Improvement Guarantee, of Title 34.

B. Private service facilities. The applicant must either install and complete all private service facilities including streets, pedestrian walkways, utilities, landscaping, and buffering prior to issuance of building permits for structures, or file a performance guarantee for these items. The regulations for performance guarantees are stated in 33.700.050.

C. Certificates of occupancy. Certificates of occupancy will not be issued unless all improvements and conditions of approval have been fulfilled to the satisfaction of the Bureau of Buildings, or the applicant has filed an improvement guarantee or guarantees.

33.269.440 Amendments to the Development Plan

(Amended by Ord. No. 166702, effective 7/30/93)
Applicants may be granted changes to approved preliminary or final PUD development plans. Requests for amendments must be submitted in writing to the Bureau of Planning.

A. Types of Amendments.

1. Major changes. A major change to the development plan is one that may have a significant impact on the surrounding area or will cause a substantial change in the PUD, as approved. Major changes may include:

   a. An increase in the density, including the number of housing units;

   b. In R zones, a change in the mix of houses and multi-dwelling structures and increases in the amount of land for nonresidential uses;

   c. A reduction in the amount of approved open area;

   d. Changes to the vehicular system which result in a significant change in the amount or location of streets, common parking areas, and access to the PUD;

   e. Changes within 50 feet of the perimeter of the PUD where it abuts an R zone;

   f. Other changes of similar scale that the Planning Director finds, based on a written statement of findings of fact, falls under the standards of this subsection.

2. Minor changes. Minor changes are all other changes to the development plan which will have little effect on the neighborhood and which conform to the intent of the preliminary plan approval.

B. Procedures.

1. Major changes are processed using the same procedure as the original review.

2. Minor changes are reviewed through the Type II procedure.

CHAPTER 33.272
PUBLIC RECREATIONAL TRAILS
(Amended by Ord. No. 166835, effective 5/23/95.)

Sections:
33.272.010 Purpose
33.272.020 Dedication of Public Right-Of-Way or Easement
33.272.030 Construction of the Trail
33.272.040 Use of Trail
33.272.050 Hours of Use
33.272.060 Trespass
33.272.070 Trail Maintenance and Liability
33.272.080 Standards for City Acceptance of Deeded Land

33.272.010 Purpose
The public recreational trail requirements are intended to:
- Increase recreational opportunities within the City of Portland and connect these recreational opportunities with a regional recreational trail system;
- Increase public access along the Willamette River and to other significant natural resource areas;
- Provide emergency vehicle access;
- Provide access to increase public safety;
- Assist in flood protection and control;
- Assist in shoreline anchoring;
- Support alternative modes of transportation;
- Provide connections to other transportation systems;
- Implement the City's Comprehensive Plan policies regarding public recreational trails;
- Help create a pleasant, aesthetically pleasing urban environment; and
- Provide consistent standards for trail development.

33.272.020 Dedication of a Public Right-Of-Way or Easement
All applicants for a land use review or for building permits on lands designated with a recreational trail symbol on the zoning map are required to grant an easement for the recreational trail. The easement must be done as part of recording a land use review and finalized prior to obtaining a final certificate of occupancy. The land may be donated to the City instead of granting an easement when the standards of Section 33.272.080 are met. Trails shown adjacent to public rights-of-way may be constructed in the public right-of-way, subject to approval from the Office of Transportation.

33.272.030 Construction of Trails

A. Single-dwelling zones. The construction of the recreational trail in single-dwelling residential zones is only required for subdivisions and PUDs that involve the creation of a street. Existing single-dwelling lots are not required to construct the trail.

B. Columbia South Shore Plan District. Sites in the Columbia South Shore Slough Trail area and Cross-Levee Trail area must also comply with the regulations of Section 33.515.260. These areas are shown on Map 515-4. Other trails in the Columbia South Shore Plan District must comply only with the regulations of this chapter.

C. **All other zones.** Construction of the recreational trail is required on lands designated with a recreational trail symbol on the zoning maps in any of the following situations listed below.

1. When there is new development;

2. When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site; or

3. When streets are constructed in a subdivision, industrial park, or PUD.

D. **Prior to certificate of occupancy.** The trail must be constructed prior to the issuance of a certificate of occupancy, unless the site is eligible for the trust fund provisions of 33.515.260.B.

E. **Trail standards.** A public recreational trail must comply with City construction standards for recreational trails.

F. **Environmental review.** If the trail is located within the Environmental zones, the trail must comply with the requirements of Chapter 33.430.

33.272.040 Use of Trail
Public use and conduct on the recreational trail are subject to the regulations in Chapter 12, Prohibited Conduct, of Title 20, Parks and Recreation; and Chapter 50, Columbia South Shore Slough Trail of Title 20 except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.050 Hours of Use
The recreational trail and access paths must be open to the public between the hours of 5 a.m. and 10 p.m., except as otherwise limited by the terms of an easement between the applicant and the City.

33.272.060 Trespass
Nothing in this chapter is intended to authorize public use of private property. Public use of private property is a trespass unless appropriate easements and access have been acquired.

33.272.070 Trail Maintenance and Liability

A. **City maintenance.** The City will accept maintenance and liability, similar to its responsibilities for City-owned park property, for a recreational trail segment if the City Engineer or Superintendent of the Bureau of Parks finds all of the following:

1. The applicant requests that the City assume the responsibilities;

2. The trail lies within an easement or right-of-way granted to the City for trail purposes;

3. The trail has been constructed to City standards;

4. The trail is physically continuous for at least 1/4-mile along the designated route. This requirement will be waived if the trail has not been made part of a physically continuous segment of at least 1/4-mile within 2 years after completion of the segment under consideration; and

5. If the applicant desires to use a private security force to patrol the trail area, the owner has signed an agreement holding the City harmless from all claims, suits, or actions of any nature, caused or arising out of the actions of the private security force, its subcontractors, agents, or employees.

B. Applicant maintenance. The applicant retains maintenance and liability responsibilities unless these responsibilities are accepted by the City. Where the applicant retains maintenance and liability responsibilities, the trail segment must be maintained at a level at least equal to those segments maintained by the City.

33.272.080 Standards for City Acceptance of Deeded Land.
The land may be donated to the City instead of granting an easement if the following standards are met:

A. The trail is constructed and meets the City's trail construction standards or the trust fund option described under Subsection 33.515.260.B. has been applied.

B. The property owner meets the hazardous substances standards in the City's standard trail easement agreement.

CHAPTER 33.274
RADIO FREQUENCY TRANSMISSION FACILITIES

(Amended by: Ord. No. 166920, effective 10/1/93; Ord. No. 165376, effective 5/29/92; Ord. No. 171718, effective 11/29/97.)

Sections:

33.274.010 Purpose
33.274.020 When the Regulations Apply
33.274.025 When a Conditional Use Review is Required
33.274.030 Facilities Exempt from This Chapter
33.274.035 Facilities Allowed Without a Conditional Use Review
33.274.040 Development Standards
33.274.050 Procedures for Conditional Use Review
33.274.060 Registration of Existing Facilities
33.274.070 Measurements
33.274.080 Review of Radio Frequency Transmission Facility Regulations

33.274.010 Purpose

Radio Frequency Transmission Facilities are regulated to:

- Protect the health and safety of citizens from the adverse impacts of radio frequency emissions;
- Reduce the number of towers that are built in or near residential and open space zones;
- Ensure that towers in or near residential or open space zones are only sited when alternative locations or building mounts are not feasible;
- Preserve the quality of living in residential areas which are in close proximity to Radio Frequency Transmission Facilities; and
- Preserve the opportunity for continued and growing service from the radio frequency transmission industries.

33.274.020 When the Regulations Apply

Except as exempted in 33.274.030 below, this chapter applies to all radio frequency emitting devices with a frequency range between 100 Kilohertz (KHz) and 300 Gigahertz (GHz), and to all associated accessory structures, including transmitters, antennas, towers, masts, and poles. Facilities within the Healy Heights Plan District are also subject to the regulations of Chapter 33.533.

33.274.025 When a Conditional Use Review is Required

Unless exempted by 33.274.030 or 33.274.035 below, all new Radio Frequency Transmission Facilities require a conditional use review. Approval criteria for these reviews are stated in Chapter 33.815, Conditional Uses.

33.274.030 Facilities Exempt from this Chapter

All of the following are allowed without a conditional use and are exempt from the regulations of this chapter:

A. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emission levels;

B. Industrial, scientific, and medical equipment operating at frequencies designated for that purpose by the Federal Communications Commission;

C. Military and civilian radars, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

D. Point-to-point microwave facilities, provided that:

1. Any new tower meets the height requirements of the base zone or is less than 50 feet in height, whichever is less; and

2. Any new tower is more than 2,000 feet from any other Radio Frequency Transmission Facility that is supported by a tower;

E. Amateur and citizen band transmitters and antennas;

F. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and emergency aid or ambulance service;

G. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, watercraft, or aircraft. This includes celular phones;

H. Towers, masts, poles, or other supporting structures accessory to a residential use, with a transmitter output power of 1,500 watts or less;

I. Transmitters operating at a frequency less than 1 GHz and at less than 7 watts transmitter power output, provided that any new tower, pole, or mast meets the height requirements of the base zone or is less than 50 feet in height, whichever is less;

J. Radio frequency machines which:

1. Have an effective radiated power (ERP) of 7 watts or less; or

2. Are designated and marketed as consumer products, such as microwave ovens and remote control toys; or

3. Are in storage, shipment, or on display for sale, provided such machines are not operated; and

K. Facilities operating at 100 watts ERP or less, locating on any existing radio transmission tower that has been approved as a conditional use or allowed under Section 33.274.035, below. Triangular "top hat" style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, or within a unicell style top cylinder.

33.274.035 Facilities Allowed Without a Conditional Use Review
All of the following are allowed without a conditional use but are subject to the development standards in this chapter:

A. Facilities in C, E, or I zones operating at 100 watts ERP or less, mounted on an existing building or other non-broadcast structure provided that the facility is more than 50 feet from an R zone.

B. Facilities in C, E, or I zones operating at 100 watts ERP or less, supported by a new tower provided that:

1. The tower is more than 50 feet from an R zone;

2. The tower meets the height requirement for buildings in the base zone; and

3. The tower is more than 2,000 feet from any other facility that is supported by a tower.

C. Facilities in C and EX zones operating at between 101 and 999 watts ERP mounted on an existing building or other non-broadcast structure provided that the facility is more than 50 feet from an R zone.

D. Facilities in EG and I zones operating at between 101 and 999 watts ERP mounted on an existing building or other non-broadcast structure.

E. Facilities in C, E, or I zones operating at between 101 and 999 watts ERP supported by a new tower provided that:

1. The tower is more than 50 feet from an R zone;

2. The tower meets the height requirement for buildings in the base zone; and

3. The tower is more than 2,000 feet from any other facility that is supported by a tower.

33.274.040 Development Standards

A. Purpose. The development standards:
- Ensure that Radio Frequency Transmission Facilities will be compatible with adjacent uses;
- Reduce the visual impact of towers in residential and open space zones whenever possible;
- Protect adjacent populated areas from excessive radio frequency emission levels; and
- Protect adjacent property from tower failure, falling ice, and other safety hazards.

B. When standards apply. Unless exempted by 33.274.030, above, the development standards of this section apply to all Radio Frequency Transmission Facilities. Applications to modify existing facilities regulated by this chapter are only required to meet the standards of Paragraphs C. 3, C.4, C.5, C.6, and C.9, below, in addition to any previous conditions of approval. Increasing the height of a tower is not considered modification of an existing facility.

C. General requirements

1. Tower sharing. Where technically feasible, new facilities must co-locate on existing towers or other structures to avoid construction of new towers. Requests for a new tower must be accompanied by evidence that application was made to locate on existing towers or other structures, with no success; or that location on an existing tower or other structure is infeasible.

2. Grouping of towers. The grouping of towers that support facilities operating at 1,000 watts ERP or more on a site is encouraged where technically feasible. However, tower grouping may not result in radio frequency emission levels exceeding the standards of this chapter.

3. Tower finish. For towers not regulated by the Oregon Aeronautics Division or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.

4. Tower illumination. Towers must not be illuminated except as required for the Oregon State Aeronautics Division or the Federal Aviation Administration.

5. Radio frequency emission levels. All existing and proposed Radio Frequency Transmission Facilities are prohibited from exceeding or causing other facilities to exceed the radio frequency emission standards specified in Table 274-1, except as superseded by Part 1, Practice and Procedure, Title 47 of the Code of Federal Regulations, Section 1.1310, Radio Frequency Radiation Exposure Limits.

Table 274-1
Radio Frequency Emission Standards [1]

Frequency Range	Mean Squared Electric (E^2) Field Strength (V^2/m^2) [2]	Mean Squared Magnetic (H^2) Field Strength (A^2/m^2) [3]	Equivalent Plane-Wave Power Density (mW/cm^2) [4]
100 KHz – 3 MHz	80,000	0.5	20
3 MHz – 30 MHz	4,000 ($180/f^2$) [5]	0.025 ($180/f^2$)	$180/f^2$
30 MHz – 300 MHz	800	0.005	0.2
300 MHz – 1500 MHz	4,000 (f/1500)	0.025 (f/1500)	f/1500
1500 MHz – 300 GHz	4,000	0.025	1.0

Notes:

[1] All standards refer to root mean square (rms) measurements gathered by an approved method.

[2] V^2/m^2 = Volts squared per meter squared.

[3] A^2/m^2 = Amperes squared per meter squared.

[4] mW/cm^2 = Milliwatts per centimeter squared.

[5] f = Frequency in megahertz (MHz).

6. Antenna requirements. The antenna on any tower or support structure must meet the minimum siting distances to habitable areas of structures shown in Table 274-2. Measurements are made from points A and B on the antenna to the nearest habitable area of a structure normally occupied on a regular basis by someone other than the immediate family or employees of the owner/operator of the antenna. Point A is measured from the highest point of the antenna (not the tower) to the structure, and Point B is measured from the closest point of the antenna to the structure.

Table 274-2
Distance Between Antenna and Habitable Portion of Structure
(Where f is frequency in megahertz.)

Effective Radiated Power	Frequency (MHz)	Point A: Minimum Distance From Highest Point of Antenna To Habitable Area of Structure (feet)	Point B: Minimum Distance From Closest Portion Of Antenna To Habitable Area of Structure (feet)
< 100 watts		10	3
100 watts to 999 watts		15	6
1,000 watts to 9.999 Kw	< 7	11	5
	7 - 30	f/0.67	f/1.5
	30 - 300	45	20
	300 - 1500	780/√f	364/√f
	> 1500	20	10
10 Kw plus	< 7	17.5	8
	7 - 30	f/0.4	f/0.91
	30 - 300	75	33
	300 - 1500	1300/√f	572/√f
	1500	34	15

7. Setbacks. All towers must be set back at least a distance equal to 20 percent of the height of the tower or 15 feet, whichever is greater, from all abutting R and OS zoned property and public streets. Accessory equipment or structures must meet the base zone setback standards.

8. Guy anchor setback. Tower guy anchors must meet the main building setback requirements of the base zone.

9. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

a. In C, E or I zones more than 50 feet from an R zone. A tower and all accessory equipment or structures located in the C, E, or I zones more than 50 feet from an R zone must meet the following landscape standard:

(1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.

(2) Exception. If the base of the tower and any accessory equipment or structures are screened by an existing building or fence, then some or all of the required landscaping may be relocated subject to all of the following standards.

- The building or fence must be on the site;
- The fence must be at least six feet in height and be totally sight-obscuring;
- The relocated landscaping must meet the L2 standard. The relocated landscaping cannot substitute for any other landscaping required by this Title; and
- If any part of the base of the tower or accessory equipment is not screened by a building or fence, 5 feet of L3 landscaping must be provided.

b. In OS and R zones and within 50 feet of an R zone. A tower and all accessory equipment or structures located in an OS or R zone or within 50 feet of an R zoned site must meet the following landscape standards:

(1) Tower landscaping. A landscaped area that is at least 15 feet deep and meets the L3 standard must be provided around the base of the tower.

(2) Accessory equipment and structures. A landscaped area that is at least 10 feet deep and meets the L3 standard must be provided around the base of all accessory equipment or structures located at grade.

10. Tower design.

a. For a tower accommodating a Radio Frequency Transmission Facility of 100,000 watts or more, the tower must be designed to support at least two additional transmitter/antenna systems of equal or greater power to that proposed by the applicant and one microwave facility, and at least three two-way antennas for every 40 feet of tower over 200 feet of height above ground.

b. For any other tower, the design must accommodate at least three two-way antennas for every 40 feet of tower, or at least one two-way antenna for every 20 feet of tower and one microwave facility.

c. The requirements of Subparagraphs a. and b. above may be modified by the City to provide the maximum number of compatible users within the radio frequency emission levels.

11. Mounting device. The device or structure used to mount facilities operating at 100 watts ERP or less to an existing building or other non-broadcast structure may not project more than 10 feet above the roof of the building or other non-broadcast structure.

12. Abandoned facilities. A tower erected to support one or more Federal Communication Commission licensed Radio Frequency Transmission Facilities must be removed from a site if no facility on the tower has been in use for more than six months.

D. Additional requirements in OS, R, C, and EX zones and EG and I zones within 50 feet of an R zone.

1. Purpose. These additional regulations are intended to ensure that facilities operating at 100 watts ERP or less have few visual impacts. The requirements encourage facilities that look clean and uncluttered.

2. Standards. In addition to the regulations in Subsection C., above, facilities operating at 100 watts ERP or less located in OS, R, C, or EX zones or EG or I zones within 50 feet of an R zone must meet all of the following standards:

   a. Antennas mounted on towers. Triangular "top hat" style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

   b. Antennas mounted on existing buildings or other non-broadcast structures. This standard only applies to facilities located in OS or R zones or within 50 feet of an R zone. The visual impact of antennas that are mounted to existing buildings or other non-broadcast structures must be minimized. For instance, on a pitched roof, an antenna may be hidden behind a false dormer, mounted flush to the facade of the building and painted to match; mounted on a structure designed with minimal bulk and painted to fade into the background; or mounted by other technique that equally minimizes the visual impact of the antenna. The specific technique will be determined by the conditional use review.

   c. Lattice. Lattice towers are not allowed.

E. Additional requirements in R zones. The minimum site area required for a tower in an R zone is 40,000 square feet. This regulation must be met in addition to the regulations in Subsections C. and D., above.

33.274.050 Procedures for Conditional Use Review

Unless exempted by 33.274.030 or 33.274.035, above, all Radio Frequency Transmission Facilities are reviewed through the procedures stated below.

A. Type I procedure. Requests for Radio Frequency Transmission Facilities operating at 100 watts ERP or less, to be located on an existing building or other non-broadcast structure in an OS or R zone or within 50 feet of an R zone are processed through a Type I procedure.

B. Type II procedure. Requests for Radio Frequency Transmission Facilities operating between 101 and 999 watts ERP to be located on an existing building or other non-broadcast structure in an OS or R zone or C or EX zone within 50 feet of an R zone are reviewed through a Type II procedure.

C. Type III procedure. All other requests for Radio Frequency Transmission Facilities are reviewed through a Type III procedure.

33.274.060 Registration of Existing Facilities

All Radio Frequency Transmission Facilities subject to this chapter and existing as of September 19, 1987 must complete and submit the Radio Frequency Transmission Facility registration form available from the City.

33.274.070 Measurements

A. Measurements by engineer. All measurements required in this chapter must be made by a qualified licensed engineer with a Federal Communications Commission First Class or General Radio-Telephone License or under the supervision of a registered professional electrical engineer.

B. Method of measurement. Measurements are to be made in accord with the latest version of American National Standards Institute's (ANSI) Standard C95.3 Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, or by similar methods considered appropriate by the engineer.

C. Instrument calibration. For all measurements made to ensure compliance with this chapter, evidence must be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. A letter must also be submitted stating that the measurements were made in accordance with good engineering practices and verifying the accuracy of the results of the measurements.

33.274.080 Review of Radio Frequency Transmission Facility Regulations

A. Review of City regulations. The standards in this chapter and the Radio Frequency Transmission Facility conditional use requirements will be reviewed by the City of Portland in 2003 to determine their adequacy relative to public health.

B. New federal or state standards. In the event that either the federal or state government adopts mandatory or advisory standards more stringent than those described in this chapter, the Planning staff will prepare a report and recommendation on any necessary revisions to the City's adopted standards. The Council will endeavor to bring the City standards into compliance with those standards within 30 days of the date the new standards become effective.

C. Significant new information. The Bureau of Planning, upon learning of significant new information regarding the relationship between non-ionizing radiation and human health, will prepare a report and recommendation to the Planning Commission, detailing any necessary revisions to the City's adopted standards.

CHAPTER 33.277
RESIDENTIAL FLAG LOTS

(Amended by: Ord. No. 171219, effective 7/1/97.)

Sections:
33.277.010 Purpose
33.277.020 Measurements
33.277.030 Land Division Regulations
33.277.040 Use Regulations
33.277.050 Development Standards

33.277.010 Purpose

This chapter provides standards for the development of lots which have adequate land area for two lots but which either do not have adequate street frontage for more than one lot or wish to have one lot behind the other. The standards require access for fire protection and also require screening in the higher density residential areas to protect the privacy of abutting residences. The intent of these regulations is to provide additional housing opportunities and to promote the efficient use of residential land. Nonresidential uses are restricted because of limited access and the greater impacts on abutting sites.

33.277.020 Measurements

A. Flag lot dimensions. Residential flag lot dimensions are measured from the mid-point between two opposite lot lines of the flag portion of the lot.

B. Flag lot area calculations. When calculating lot area, both the flag portion and the pole portion are counted. See Figure 277-1.

33.277.030 Land Division Regulations

The following regulations apply to the creation of a residential flag lot:

A. Lot area. The required minimum lot area is the same as that required in the base zone.

B. Lot dimensions. The minimum lot width and depth are the same as the minimum width required for the base zone.

C. Ownership. The access pole must be part of the flag lot and must be under the same ownership as the flag portion. An easement is not an allowed means of providing access to a flag lot.

D. Double flag lots. Any residential land division which creates two or more flag lots with or without common access is a major partition and may require a private street. See Title 34, Subdivision and Partitions Regulations.

E. Land division review. All applicable regulations of Title 34, Subdivisions and Partitioning must be met.

33.277.040 Use Regulations

Nonresidential development is not allowed on flag lots.

33.277.050 Development Standards

The following standards apply to development on residential flag lots:

A. Generally. All base zone requirements must be met, unless otherwise stated in this section.

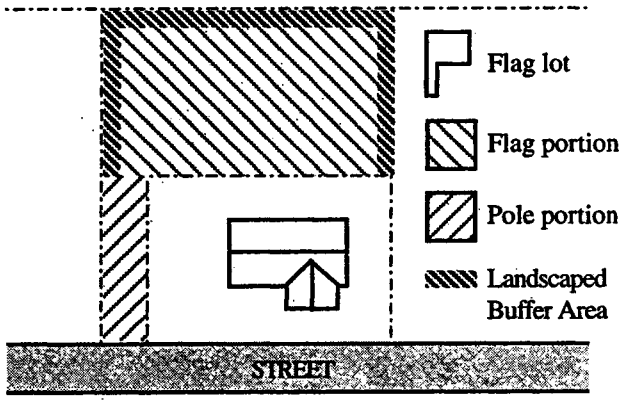
B. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RF, R20, R10	15 feet
R7, R5, R2.5, R3, R2, R1, RH	10 feet

C. Landscaped buffer area. In the R7 through RH zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided, are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 277-1.

D. Access pole. The minimum width of the access pole is 12 feet.

Figure 277-1
Flag Lot Description and Buffer



CHAPTER 33.281
SCHOOLS AND SCHOOL SITES

General:
- 33.281.010 Purpose
- 33.281.020 Relationship to Base Zone and Conditional Use Regulations

Regulations in OS and R zones
- 33.281.030 Review Thresholds for School Uses
- 33.281.040 Review Thresholds for Other Uses
- 33.281.050 Review Thresholds for Development

Regulations in C and E zones
- 33.281.060 Use Regulations

Development Standards
- 33.281.100 General Standards
- 33.281.110 Building Coverage and Floor Area Ratio
- 33.281.120 Special Event Parking
- 33.281.130 Bus Loading
- 33.281.140 Landscaping
- 33.281.150 Temporary Structures

33.281.010 Purpose

The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

33.281.020 Relationship to Base Zone and Conditional Use Regulations

The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS and R zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superceded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the conditional use regulations in 33.815.040, .050, and .105 also apply. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

Regulations in OS and R zones

33.281.030 Review Thresholds for School Uses

The following thresholds state the type of procedure used in the conditional use review for changes to school uses in the OS and R zones. Changes that are allowed by right are also stated.

A. New school use. The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.

B. Change of school level. Changes from an elementary to a middle or junior high or to a high school, or from a middle or junior high to a high school are reviewed through a Type III procedure. Changes from a high school to a middle or junior high or to an elementary school, or from a middle or junior high to an elementary school are reviewed through a Type II procedure. Changes from a middle to a junior high, or from a junior high to a middle school are allowed by right.

C. Modifying an existing school use at the same school level. Program changes within the school use are allowed by right. This includes the addition of special education programs (such as remedial or talented and gifted (TAG) programs), latch key programs, early childhood education programs, or similar programs within the level of the school use. The addition of community school programs or evening programs is also allowed by right as long as the level of the school use does not change.

33.281.040 Review Thresholds for Other Uses

The following thresholds state the type of procedure used in the conditional use review for changes to nonschool uses on school sites in the OS and R zones. Changes that are allowed by right are also stated.

A. Purpose. This section allows additional conditional uses on school sites over that normally allowed by the base zones. This is in recognition of the special nature of school sites and the necessity to allow interim uses to allow school districts to maintain sites for future school uses. The additional uses are limited to uses which provide a public service and which can be accommodated on the site with minimal disruption to the site and surrounding area. Offices which can be accommodated easily on the site if adequate off-street parking is provided are also allowed.

B. Other uses on school sites.

1. Daycare, Community Service, and nonprofit or social service Office uses are allowed by right at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.

2. Change to another conditional use or the addition of another conditional use in a different use category, except as allowed by Paragraph 1. above, are reviewed through a Type III procedure.

3. Office uses, other than nonprofit or social service offices allowed by Paragraph 1. above, are reviewed though a Type III procedure.

4. Commercial or industrial uses other than those allowed in Paragraphs 1. and 3. above, are reviewed through a Type III procedure. The operators of the uses must be nonprofit, governmental, or social service agencies. The uses can only be in portions of buildings that are already designed to accommodate the proposed use. For example, a social service agency could request approval to run a vocational training program in the auto shop portion of a building on the site.

33.281.050 Review Thresholds for Development

The following thresholds state the type of procedure used in the conditional use review for changes to development at schools and on school sites in the OS and R zones. Changes that are allowed by right are also stated.

A. Allowed by right. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas are allowed by right if they are in conformance with the development standards. However, the regulations for high school football fields are stated in Paragraphs B.2. and C.2. below.

B. Type II. The following alterations to development are reviewed through a Type II procedure.

1. Alterations to development when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet. The increase is measured from the time the use became a conditional use, the effective date of this Title, or the last Type III conditional use review on the site, whichever is most recent. This is the same general standard for Type II processing as for all conditional uses in all zones. Exceptions are recreation areas which are regulated by Subsection A. above, and high school football fields which are regulated by Paragraph 2. below.

2. Modifications to existing high school football fields that **do not** increase the potential for noise, glare, or additional numbers of spectators, or times that spectators come to the site. See also Paragraph C.2. below.

C. Type III. The following alterations to development are processed through a Type III procedure:

1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. This is the same general standard for Type III processing as for all conditional uses in all zones. Exceptions are recreation areas which are regulated by Subsection A. above, and high school football fields which are regulated by Paragraph B.2. above, and Paragraph 2. below.

2. Modifications to existing high school football fields that **do** increase the potential for noise, glare, or additional numbers of spectators, or times spectators come to the site. These types of modifications include modifications such as adding or increasing any of the following: seating capacity, lighting, voice amplification equipment, announcer's booths, ticket booths, and concessions.

Regulations in C and E zones

33.281.060 Use Regulations
In the C and E zones, new schools and changes to existing schools are allowed by right subject to the development standards of the base zone and this chapter. Other uses on school sites are subject to the regulations of the base zone.

Development Standards

33.281.100 General Standards
In the OS and R zones, the development standards for institutional uses apply except where superceded by the standards in this chapter. The institutional development standards are stated in 33.110.245 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superceded by the standards in this chapter.

33.281.110 Building Coverage and Floor Area Ratio
If the school site is contiguous with a public park, and and the school has a signed joint use agreement with the Park Bureau, then the building coverage and FAR calculations are based on the combined site area.

33.281.120 Special Event Parking
Paved play areas may be used for special event parking. The area does not have to comply with landscaping requirements for parking areas. These areas may not be used for required parking for the uses on the site.

33.281.130 Bus Loading

A. Purpose. The purpose of bus loading requirements is to provide safe and efficient bus loading areas in a manner that has minimal negative impacts on the surrounding uses and on the traffic flow and access potential of the surrounding streets. Whenever possible bus loading should be done on-site.

B. New school sites. On-site bus loading is required for new school sites. The size and design of the bus loading area is determined as part of the conditional use review.

C. Existing school sites.

1. When there is a conditional use review, alterations to on-street and on-site bus loading are reviewed by the Bureau of Planning and Office of Transportation. The provision of on-site bus loading is encouraged whenever possible.

2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Office of Transportation.

33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

A. Parking areas. In parking areas where L3 landscaping is normally required, a 20 foot deep area landscaped to the L2 standard may be substituted. Special event parking is addressed in 33.281.120.

B. Other landscaping. In situations where L3 landscaping is required by the base zone or other regulations, L1 or L2 landscaping may be substituted. However, the landscaping requirements for parking areas are stated in Subsection A. above.

33.281.150 Temporary Structures

Temporary, portable, or relocatable structures are treated as any other type of structure. Structures which are proposed to be placed temporarily on a site during construction, are reviewed as part of the conditional use review of the proposed construction.

CHAPTER 33.284
SELF-SERVICE STORAGE

Sections:
33.284.010 Purpose
33.284.020 Use Regulations
33.284.030 Development Standards
33.284.040 Design Review
33.284.050 Self-Service Storage Design Guidelines

33.284.010 Purpose
Self-Service Storage uses have some characteristics in common with both commercial use and industrial uses. This chapter provides regulations so that Self-Service Storage uses can be appropriately sited in either industrial zones or some commercial zones, while maintaining the desired character and function of the specific zones. In general, Self-Service Storage uses are similar to other commercial uses in that they provide a service to residential and business uses. The character of their development is often more similar to industrial buildings and their low activity level does not add to the vitality of a commercial area.

33.284.020 Use Regulations
Other uses on the site such as the rental of trucks or moving equipment must meet the use and development standards of the base zone, overlay zone, or plan district.

33.284.030 Development Standards
The development standards of the base zone apply unless the standard is superceded by regulations in this section.

A. Purpose. The special development standards in the C and EX zones are intended to allow self-service storage facilities to locate on certain sites in these zones where they can be close to the residential and business uses that they serve. At the same time, the development standards direct their location to sites that do not have major frontage on commercial streets. This prevents large sections of the commercial streets from being developed with uses that have extremely low activity levels which detract from the vitality and desired interaction among commercial uses in the area. This also allows them to locate on odd-shaped or infill sites that are difficult to develop for many commercial uses.

B. Maximum site frontage. In the C and EX zones, the maximum site frontage along a street is 100 feet. This limitation applies only to sites for the construction of new buildings that are 30 feet or less in height.

C. Storage areas. The maximum size of individual storage areas in C and EX zones is 500 square feet.

D. Internal circulation. The internal circulation between buildings must be wide enough so that there is a 12-foot wide travel lane for emergency vehicles to pass while tenant's vehicles are parked at their storage areas.

E. Parking. For parking requirements see Chapter 33.266, Parking and Loading.

33.284.040 Design Review

A. Purpose. Design review is required for new buildings in the C and EX zones to ensure that the development has a high design quality appropriate to the designed character of the zone and to avoid the monotonous look of many industrial-style buildings.

B. Design review required. In the C and EX zones, all Self-Service Storage uses to be located in newly constructed buildings must be approved through Design review.

C. Procedure. Design review for Self-Service Storage uses is processed through a Type II procedure. However, uses that require design review because of an overlay zone or plan district are processed as provided for in those regulations.

D. Design review approval criteria. A design review application will be approved if the review body finds that the applicant has shown that Self-Service Storage design guidelines in 33.284.050 have been met.

33.284.050 Self-Service Storage Design Guidelines

These design guidelines are used to review new Self-Service Storage uses in the C and EX zones. They apply in addition to any design guidelines that apply because of an overlay zone or plan district.

A. Building and roof design. The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Considerations include design elements that break up long, monotonous building or roof lines and elements that are compatible with the desired character of the zone.

B. Building materials. The materials used for buildings, roofs, fences and other structures are compatible with the desired character of the zone and are visually pleasing, especially near residential uses.

C. Street facades. The design and layout of the street side of the site provides a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in building walls, fencing, other structural elements, and landscaping.

D. Landscaping. The landscaping on the site provides appropriate transition from public to private spaces, separates and buffers the buildings from other uses especially abutting residential uses, and provides visual relief from stark, linear building walls.

E. Fencing. Any proposed fencing is designed to be compatible with the desired character of the area and is especially sensitive to abutting residential uses. Use of rolled razor wire is discouraged.

F. Security. The perimeter of the site is designed to provide adequate security for both the site and abutting sites. Considerations include fence and wall materials and placement, type and placement of landscaping including thorny plant material and desired visibility or privacy.

CHAPTER 33.285
SHORT TERM HOUSING AND MASS SHELTERS

(Added by Ord. No. 167189, effective 1/14/94.)

Sections:

33.285.010 Purpose
33.285.020 Description
33.285.030 Where These Regulations Apply
33.285.040 Use Regulations
33.285.050 Standards

33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term housing or mass shelter. These regulations recognize that it is in the public interest to provide short term housing and shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term housing and mass shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

33.285.020 Description

Short term housing and mass shelters are defined in Chapter 33.910, Definitions. Both are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term housing facility as a hotel, which is included in the Retail Sales and Services category.

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.258.050 apply to short term housing and mass shelters in all zones.

33.285.040 Use Regulations

A. Short term housing.

1. R zones. Short term housing in R zones is subject to the following regulations:

   a. Existing structures. Short term housing provided in an existing structure in a residential zone is a conditional use, reviewed through a Type II procedure. Approval criteria are in Section 33.815.107, Short Term Housing in R Zones. An existing structure is one that is at least 5 years old and has not had any increase in floor area in 5 years.

b. New or expanded structures. Short term housing provided in a structure that has been built or added floor area within the past 5 years is a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

c. Expansion or increase of existing facility. Expansion of floor area or increase in the number of residents in an existing short term housing facility is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

2. C and E zones. Short term housing is allowed in C and E zones if it meets the standards in Section 33.285.050. Expansion of floor area or increase in the number of residents in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.

3. OS and I zones. Short term housing is prohibited in OS and I zones.

4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

B. Mass shelters.

1. RF through R1 and IR zones. Mass shelters in RF through R1 and IR zones are a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

   Expansion of floor area or increase in the number of residents in an existing mass shelter is processed according to Section 33.815.040, Review Procedures for Conditional Uses. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones.

2. RH and RX zones. Applicants for a new mass shelter or expansion of floor area or increase in the number of residents in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.

   a. Allowed use. Mass shelters that meet the standards of Section 33. 285.050 are allowed uses.

   b. Conditional use. Mass shelters may be processed as a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.105, Institutional and Other Uses in R Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

3. C and EX zones. Applicants for a new mass shelter or expansion of floor area or increase in the number of residents in an existing mass shelter in C and EX zones may choose to be an allowed use or a conditional use, as stated below.

   a. Allowed use. Mass shelters that meet the standards of Section 33. 285.050 are allowed uses.

b. Conditional use. Mass shelters may be processed as a conditional use, reviewed through a Type III procedure. Approval criteria are in Section 33.815.140, Specified Group Living Uses in the C and EX Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

4. OS, EG, and I zones. Mass shelters in OS, EG, and I zones are prohibited.

5. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, and E zones if it meets the size limitations for Group Living uses.

33.285.050 Standards

Adjustments to the standards of this section are processed as stated in Chapter 33.805, Adjustments.

A. Short term housing.

1. Existing structures and additions to existing structures. Short term housing provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superceded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.

2. New structures. Short term housing provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superceded by standards in this subsection.

3. Signs. Signs must meet the regulations for houses.

4. Density. The density standards for Group Living in Section 33.239.030.A must be met.

5. Hours of operation. The facility must be open 24 hours a day.

6. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.

7. Parking. The parking space requirements for Group Living apply to short term housing. If one or two spaces are provided, the development standards of 33.266.120 must be met. If 3 or more spaces are provided, the development standards of 33.266.130 must be met.

B. Mass shelters.

1. Certification. The shelter must be certified by Multnomah County Housing and Community Services Division as meeting operational standards established by the City of Portland and Multnomah County for mass shelter programs. Certification must be obtained before an application is submitted. Adjustments to this standard are prohibited.

Once a shelter is certified, it must be recertified annually. If a shelter is not recertified or loses its certification, it must apply for review through the conditional use process as a new shelter.

2. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.

3. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 1300 feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1
Maximum Number of Shelter Beds for Mass Shelters

Zone of Site	Maximum Number of Shelter Beds
EX, CX, and CG	100
CS, CM, and CO2	25
CN1, CN2, and CO1	15
RX and RH	25

4. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

5. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.

6. Supervision. On-site supervision must be provided at all times.

7. Toilets. At least one toilet must be provided for every 15 shelter beds.

8. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superceded by standards in this subsection.

9. Parking. The parking space requirements for Community Service uses apply to mass shelters.

10. Signs. Signs must meet the regulations for houses.

CHAPTER 33.286
SIGNS

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 167054, effective 10/25/93; Ord No. 170248, effective 9/17/96; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98.)

Sections:

General Regulations
- 33.286.010 Purpose
- 33.286.020 Sign Definitions
- 33.286.030 What the Sign Regulations Apply to
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General Regulations

33.286.010 Purpose

This chapter regulates signs which are visible from streets or which are visible from one site to another. These regulations balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication and advertising for land uses. The regulations for signs have the following specific objectives:

- To ensure that signs are designed, constructed, installed, and maintained so that the public safety and traffic safety are not compromised;
- To allow and promote positive conditions for sign communication while at the same time avoiding nuisances to nearby properties and promoting an attractive environment;
- To reflect and support the desired character and development patterns of the various zones and plan districts;
- To allow for adequate and effective signs in commercial and industrial zones while preventing signs from dominating the appearance of the area; and
- To ensure that the constitutionally guaranteed right of free speech is protected.

The regulations allow for a variety of sign types and sizes for a site. The provisions do not ensure or provide for every property owner's desired level of visibility for the signs. The sign standards are intended to allow for signs with adequate visibility to streets that abut the site, but not necessarily to streets farther away.

33.286.020 Sign Definitions
Sign related definitions are stated in Chapter 33.910, Definitions, and are listed under signs.

33.286.030 What the Sign Regulations Apply to
This chapter states the standards for the number, size, placement, and physical characteristics of signs. The regulations do not restrict the content of signs. This chapter applies to all zones in the City. Other regulations in the City Code may also apply to signs.

33.286.040 Exempt Signs
The following signs are exempt from the regulations of this chapter, but may be subject to other portions of the City Code:

A. Signs which are not oriented to or intended to be legible from a street or other private property;

B. Signs inside a building. However, strobe lights visible beyond a property line are not exempt, and in the RF through R1 zones, illuminated signs in windows are not exempt;

C. Signs carved into a building or which are a part of materials which are an integral part of the building;

D. Flags;

E. Signs legally erected in the public right-of-way in accordance with Title 16, Traffic and Parking; and Title 17, Public Improvements;

F. Building numbers required by Chapter 75, Uniform Building Address System of Title 24, Building Regulation; and

G. Signs affected by stipulated judgments to which the City is a party, entered by courts of competent jurisdiction.

33.286.050 Prohibited Signs
The following signs are prohibited and existing ones must be removed:

A. Signs containing strobe lights which are visible beyond the property line;

B. Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose of providing signs not otherwise allowed by this code;

C. Permanent balloon signs;

D. Permanent signs on undeveloped sites, except for subdivision signs; and

E. Outdoor, portable electric signs.

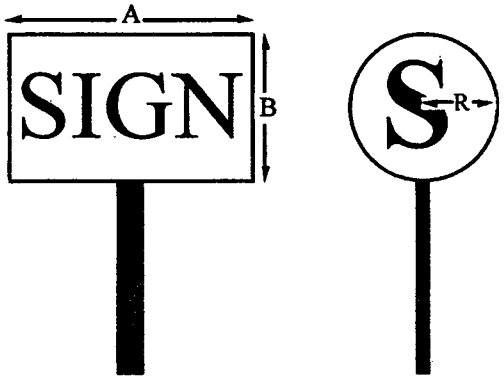
33.286.060 Sign Measurements

A. Sign face area.

1. Sign cabinets. The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face See Figure 286-1.

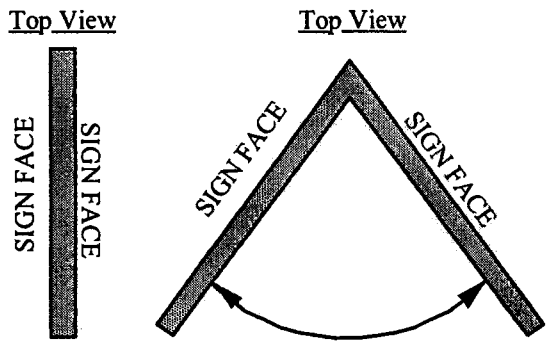
2. Backed signs. When the faces of a backed sign are parallel or within 10 degrees of parallel, only one side is counted. If the sign faces are not parallel or within 10 degrees of parallel, each is considered one sign face and both faces are counted. See Figure 286-2.

Figure 286-1
Sign Face Measurement



Sign Face Area = (A)(B) Sign Face Area = πR^2

Figure 286-2
Sign Face Measurement



Parallel or within 10 degrees - count 1 sign face (backed sign)

Greater than 10 degrees - count both sign faces

3. Multiple cabinets. For freestanding and projecting signs that contain multiple cabinets on one structure and oriented in the same direction, the modules together are counted as one sign face. See Figure 286-3.

4. Round signs. The maximum surface area visible at one time of a round, three dimensional or three or more sided sign is counted to determine sign area.

5. Signs on a base material. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used.

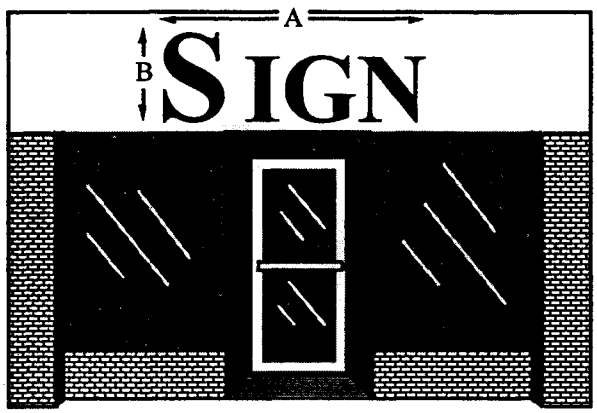
6. Individual elements. When signs are constructed of individual elements attached to a building wall, the sign area is determined by calculating the area of an imaginary rectangle drawn around the sign elements. See Figure 286-4. Sign elements will be measured as one unit when the distance between the elements is less than two times the dimension of each element. See Figure 286-5.

Figure 286-3
Sign Face Measurements



Sign Face Area = (D)(E) + (F)(G) + (H)(I)

Figure 286-4
Sign Face Measurements



Sign Face Area = (A)(B)

7. Painted wall signs. Painted wall signs are measured by drawing an imaginary rectangle around the edge of each of the sign elements. Sign elements will be measured as one unit when the distance between the elements is less than two times the length of each element. See Figure 286-5. Visible wall area includes windows and doors, but not openings such as loading entrances.

8. Awnings and marquees. When signs are incorporated into awnings, the sign area is determined by computing the area of an imaginary rectangle drawn around the sign face. When the ends of awnings or marquees are parallel and contain sign faces, only one side is counted in addition to the sign face area on the front.

B. Height of signs. The overall height of a sign or sign structure is measured from the ground directly below the sign to the highest point of the sign or sign structure. See Figure 286-7.

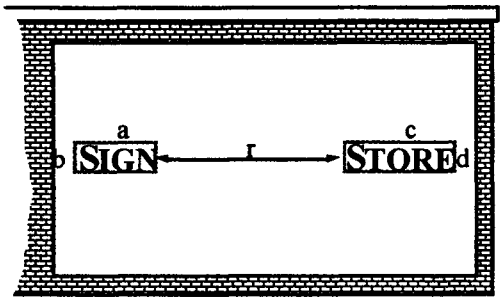
C. Clearances. Clearances are measured from the ground directly below the sign to the bottom of the sign structure enclosing the sign face. See Figure 286-7.

D. Primary building walls. The length of a primary building wall is derived for each occupant's ground floor exterior wall. See Figure 910-13 in Chapter 33.910, Definitions. When walls are not parallel to a street, they are assigned to the street frontage to which they are most oriented. See Figure 286-8.

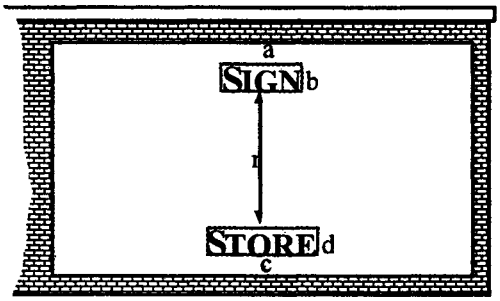
E. Diagonal corner signs. Diagonal corner signs that face more than one street must be assigned to a street and building frontage by the applicant. The sign must meet all standards for the street and building frontage it is assigned to.

Figure 286-5
Multiple Elements in a Painted Wall Sign or Fascia Sign

Sign elements counted as 2 sign faces.

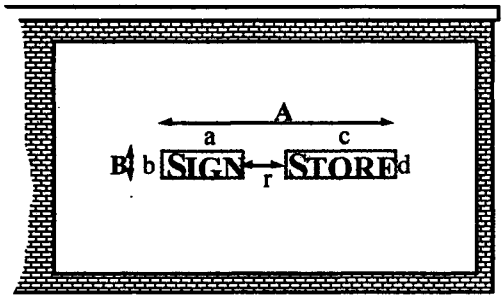


Total sign face area = (a x b)+(c x d)
r > 2(a + c)

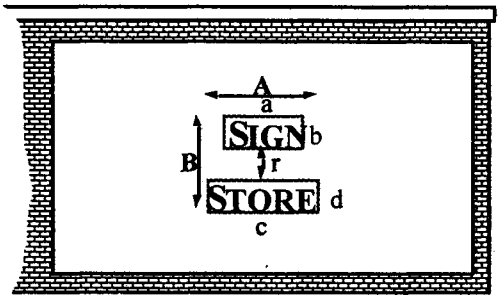


Total sign face area = (a x b)+(c x d)
r > 2(b + d)

Sign elements counted as 1 sign face

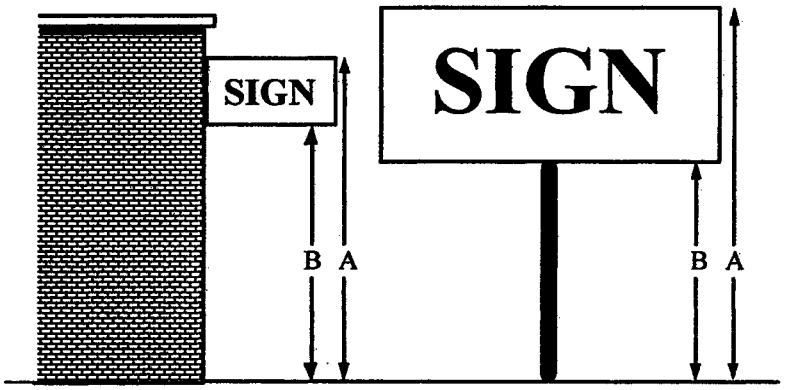


Total sign face area = (A x B)
r < 2(a + c)



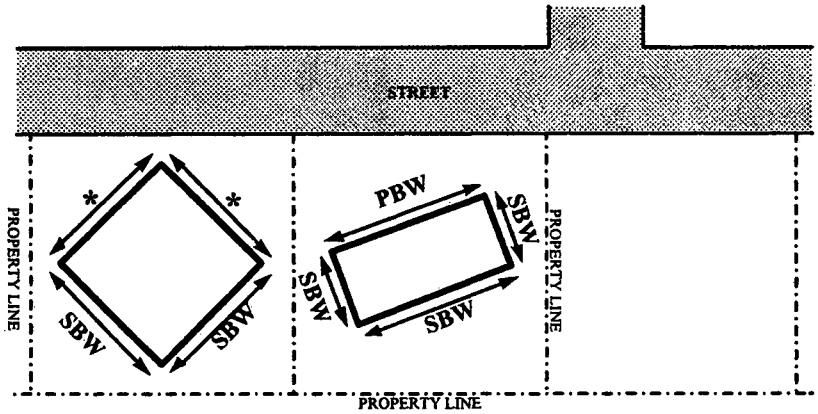
Total sign face area = (A x B)
r < 2(b + d)

Figure 286-7
Sign Heights and Clearances



A = Height B = Clearance

Figure 286-8
Building Wall Orientation



PBW = Primary Building Wall
SBW = Secondary Building Wall
* Equal orientation - applicant chooses one for primary wall and one for the secondary wall.

33.286.070 Signs That Do Not Meet The Regulations Of This Chapter.
Signs that do not meet the regulations of this chapter may continue if they meet the requirements of this section. However, signs established in violation of a moratorium must be brought into compliance with the standards of this chapter unless the sign is a Painted Wall Sign for which permits were applied before December 16, 1997.

A. Signs that existed before November 18, 1998. All signs that existed before November 18, 1998 and that do not comply with the regulations of this chapter will be allowed to continue if the applicant can prove that the sign existed before November 18, 1998. If the applicant provides standard evidence from the list below, the Director will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed below, a Determination of Pre-existing Status Review is required. (see Paragraph A.2, below).

1. Standard Evidence

   a. A building, land use, or development permit; or

   b. A date-stamped photograph of the sign at its current location.

2. Determination of Pre-existing Status Review

   a. Purpose. This review will determine if sign existed before November 18, 1998.

   b. When this review is required. Determination of Pre-existing Status Review is required where a land use review or building permit for a sign is requested, and the applicant does not provide standard evidence or the Director does not find the evidence to be satisfactory.

   c. Procedure. Determination of Pre-existing Status Reviews are processed through a Type II procedure.

d. Approval criteria. The pre-existing status of the sign will be certified if the review body finds that the applicant has shown that the following approval criteria have been met:

(1) The sign existed before November 18, 1998; and

(2) The sign has not been moved, structurally altered, or increased in size after November 17, 1998.

B. Changes to signs that existed before November 18, 1998. Signs that have met the requirements of 33.286.070.A, above, may continue as long as they are not increased in size, moved, or structurally altered. If a pre-existing sign is increased in size, moved, or structurally altered, it must be brought into compliance with the standards of this chapter. However:

1. Maintenance, repairs, and changing of permanent sign faces is allowed so long as the sign is not increased in size, moved, or structurally altered;

2. Signs required to be moved because of public roadway improvements may be re-established; and

3. Signs that are partially or totally damaged by fire or other causes beyond the control of the owner may be re-established; however, an adjustment is required to allow the replacement sign to be more out of compliance with the development standards than the previous sign.

C. Signs established after November 17, 1998. All signs that were established after November 17, 1998, and that do not meet the requirements of this chapter, are subject to Chapter 33.258, Nonconforming Situations.

Base Zone Sign Standards

33.286.100 Commercial, Employment, and Industrial Zones

A. General standards. The standards for permanent signs in the C, E, and I zones are stated in Tables 286-1 and 286-2. All signs must conform to the regulations of 33.286.200 to .245 below.

Table 286-1
Standards for Permanent Signs in Nonresidential Zones and RX Zone

	CO2, CG, EG1&2, EX, IG1&2, IH	CS, CX	CN1&2, CO1, CM, RX
Signs Attached to Buildings			
Size Allocation	• 1 sq. ft. per 1 ft. of primary bldg. wall if a freestanding sign is also on the same site frontage • 1-1/2 sq. ft. per 1 ft. of primary bldg. wall if there is no freestanding sign on the same site frontage	Same	Same
Maximum Number	No limit within size allocation	Same	Same
Maximum Area Per Sign	200 sq. ft.	100 sq. ft.	50 sq. ft.
Min. Guaranteed Sign Area For A Ground Floor Occupant	32 sq. ft.	32 sq. ft.	32 sq. ft.
Types Allowed			
Fascia, Awning, Marquee, Pitched Roof, Painted Wall	Yes	Yes	Yes
Projecting	Yes, but no projecting signs if a freestanding sign is also on the same site frontage	Same	Same
Rooftop	No	No	No
Freestanding Signs			
Maximum Number	1 per site or 1 per 300 ft. of arterial site frontage and 1 for each additional 300 ft. or fraction thereof [1].	1 per arterial site frontage	1 per arterial site frontage
When Not Allowed	Not allowed if there is already a projecting sign on the same site frontage, or if existing signs attached to buildings exceed the limit of 1 sq. ft. to 1 ft. of primary building wall	Same	Same
Size Allocation For All Freestanding Signs	1 sq. ft. per 1 ft. of arterial street frontage. Local street frontage can be used if there are not arterial site frontages.	Same	Same
Size Limit	200 sq. ft	100 sq. ft.	50 sq. ft.
Maximum Height	25 ft. [2]	20 ft. [2]	15 ft. [2]
Additional Signs Allowed [3]			
Directional Signs	See 33.286.215	Same	Same

Yes = Allowed No = Prohibited

Notes:

[1] On sites with frontages longer than 300 feet, sign area earned from the first 300 feet may not be used on the second sign. For example, a 350 foot site frontage may have a 200 sq. ft. and a 50 sq. ft. freestanding sign. Regional Trafficways that are not also Major City Traffic Streets are not considered arterial streets for purposes of this chapter.

[2] This height limit is for both the sign face and sign structure.

[3] These signs are allowed in addition to signs attached to buildings and freestanding signs.

Table 286-2
Sign Features for All Signs In Table 286-1

	CO2, CS, CG, EG1&2, EX, IG&2, IH	CX	CN1&2, CO1, CM, RX
Rotating	Yes	No	No
Electronic Information	Yes	20 sq. ft.	No
Flashing	15% of the sign face, except for marquees at 30%	Same	No
Moving Parts	No	No	No
Lighting	Direct, Indirect, or Internal	Same	Same
Maximum Distance Extending Into R-O-W (see 33.286.205)	6-1/2 ft. or 2/3 of distance to roadway, whichever is less	Same	Same
Maximum Area Extending into R-O-W (see 33.286.205)	30 sq. ft.	Same	Same

Yes = Allowed No = Prohibited

B. Signs adjacent to freeways or bridges. The following regulations supercede those stated in Table 286-1.

1. Freeways. For purposes of this chapter, freeways are Regional Trafficways that are not also classified as Major City Traffic Streets by the Transportation Element of the Comprehensive Plan. These are the I-5, I-84, I-205, I-405 freeways, US Highway 30 between I-405 and NW Nicolai, and US Highway 26 west of the I-405 freeway.

   a. Sign faces that are within 100 feet of a freeway right-of-way, and which are oriented to and intended to be visible to the freeway, may not exceed 200 square feet in area.

   b. Freestanding signs are prohibited facing and within 100 feet of a freeway and its on-and off-ramps. Freestanding signs that are at the level of or beneath the roadway, are allowed.

2. Bridges.

   a. Sign faces within 100 feet of the Willamette River, Columbia River or Columbia Slough bridges or bridge approach ramps, and which are oriented to and intended to be visible to the bridge or ramp, may not exceed 100 square feet in area.

   b. Freestanding signs are prohibited within 100 feet of the Willamette River, Columbia River and Columbia Slough bridges and bridge approach ramps. Freestanding signs that are at the level of or beneath the roadway, are allowed.

C. Pedestrian districts. In these districts as shown by the Arterial Streets Classification of the Transportation Element of the Comprehensive Plan, the sign standards of the Central Commercial zone apply.

33.286.110 Residential Zones and Open Space Zone

A. Sign standards. The standards for permanent signs in the RF through RH zones and for the IR and OS zones are stated in Table 286-3. The sign standards for the RX zone are stated in Table 286-1. All signs must conform to the regulations of 33.286.200 to 245.

B. Residential zone sign features. Signs in the residential zones, except for those subject to the CN zone sign standards or in the RX zone, are subject to the standards of this subsection. Illuminated signs placed in windows are subject to the sign regulations. Moving or rotating parts, electronic message centers, flashing lights, and extensions into the right-of-way are prohibited. Only indirect lighting is allowed.

Table 286-3
Standards for Permanent Signs in IR, OS and RF Through RH Zones

Use Category/Structure Type	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height
Household Living/ Houses, Duplexes, Attached Houses.	1 per site	1 sq. ft.	Fascia, Painted Wall Freestanding	Top of wall, or 10 ft. whichever is less. 6 ft.
Household Living/ Townhouse, Multi-dwelling Group Living, Nonresidential category uses not listed below.	1 per building	10 sq. ft.	Fascia, Awning, Painted Wall Freestanding	Top of wall 10 ft.
Subdivisions, PUDs, Houseboat Moorages, Mobile Home Parks, Agricultural Uses. [1]	1 per entrance	32 sq. ft.	Monument	10 ft.
Parks and Open Areas	1 per site frontage	10 sq. ft.	Monument	10 ft
Colleges, Community Service, Medical Centers, Religious Institutions, High Schools, Nonconforming uses in commercial and industrial categories.	The sign standards of the CN zones apply.			

Notes:
[1] These signs are in addition to those for individual residences.

Specific Sign Development Regulations

33.286.200 Sign Placement

A. Generally. All signs and sign structures must be erected and attached totally within the site except when allowed to extend into the right-of-way.

B. Buffer. Signs are prohibited in Buffer zones.

C. Setbacks. Freestanding signs are regulated as follows:

1. R zones. In R zones, freestanding signs are allowed in required setbacks, however, in required front setbacks they may not be more than 3-1/2 feet tall.

2. C, E, and I zones. In C, E, and I zones, freestanding signs are allowed in setbacks for required building and parking areas. An exception to this is setbacks abutting residentially-zoned sites where freestanding signs are prohibited.

D. Frontages and building walls.

1. Freestanding signs must be placed on arterial street frontages unless there are none. Freestanding signs which are allowed based on the length of one arterial site frontage may not be placed on another arterial site frontage. Site frontage on a freeway is not considered arterial street frontage.

2. Wall signs based on the sign rights of a primary building wall may be placed on a secondary building wall. They may not be placed onto another primary building wall.

E. Vision clearance areas.

1. Signs may not be located within a vision clearance area as defined in Paragraph 2 below. Support structure(s) for a sign may only be located in a vision clearance area if the combined total width is 12 inches or less and the combined total depth is 12 inches or less.

2. Location of vision clearance areas. Vision clearance areas are triangular-shaped areas located at the intersection of any combination of streets, alleys or driveways. The sides of the triangle extend 15 feet from the intersection of the vehicle travel areas. See Figure 286-9A and 9B. The height of the vision clearance area is from 42 inches above grade to 10 feet above grade. See Figure 286-9C.

F. Vehicle area clearances. When a sign extends over a private area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. Vehicle areas include driveways, alleys, parking areas, and loading and maneuvering areas. Exceptions are prohibited.

G. Pedestrian area clearances. When a sign extends over a sidewalk, walkway, or other space accessible to pedestrians, the bottom of the sign structure must be at least 8-1/2 feet above the ground. However, a free-hanging valance can extend to within 7-1/2 feet of the ground. Exceptions are prohibited.

33.286.205 Signs Extending into the Right-of-Way
The following standards regulate permanent signs that are erected on private property and that extend into the right-of-way.

A. Distance into the right-of-way.

1. Projecting signs.

   a. In situations where allowed, signs may extend into the right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, in no case may signs extend within 2 feet of the roadway.

   b. Diagonal corner signs may extend into the right-of-way to a point that is determined by extending a line from the maximum points allowed for projecting signs on each street frontage. See Figure 286-10.

2. Awnings and marquees. Awnings and marquees that contain signs may extend into the right-of-way the same distance as awnings and marquees that do not contain signs.

B. Maximum sign face area in the right-of-way.

1. Projecting signs. No more than 30 square feet of a sign may extend into a right-of-way.

2. Awnings and marquees. There is no limit on the amount of sign face area extending into the right-of-way for signs on awnings or marquees. Signs that hang from marquees or awnings may not have more than 7 square feet of each sign face in the right-of-way.

C. Blanketing. A sign that extends into the right-of-way more than 3 feet may not be within 20 feet of another sign that extends more than 3 feet into the right-of-way if the new sign is within horizontal lines drawn from the top and bottom of the prior sign.

D. Removal of signs. The City Engineer may require existing signs extending into the right-of-way to be modified or moved if streets are widened, or other improvements made in the right-of-way, which result in the creation of unsafe conditions The modification or moving will be at the owner's expense. If the sign is moved, and it is a nonconforming sign due to sign face area, it may be re-erected. All other nonconforming features must be brought into conformance when the sign is re-erected.

Figure 286-9A
Vision Clearance Areas

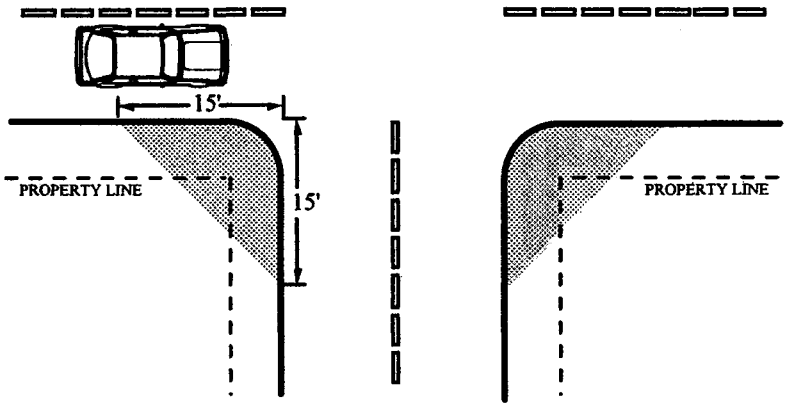


Figure 286-9B
Vision Clearance for Driveways

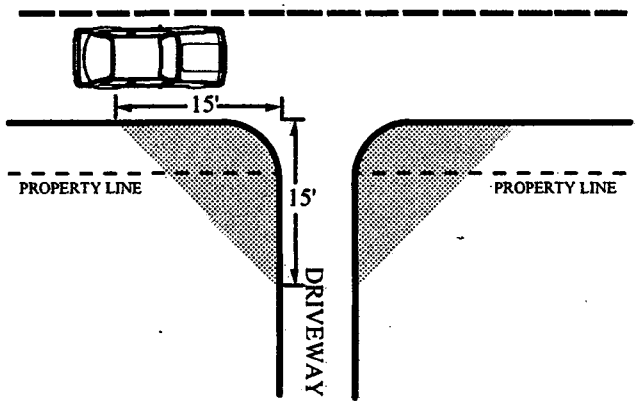


Figure 286-9C
Vision Clearance Area Height

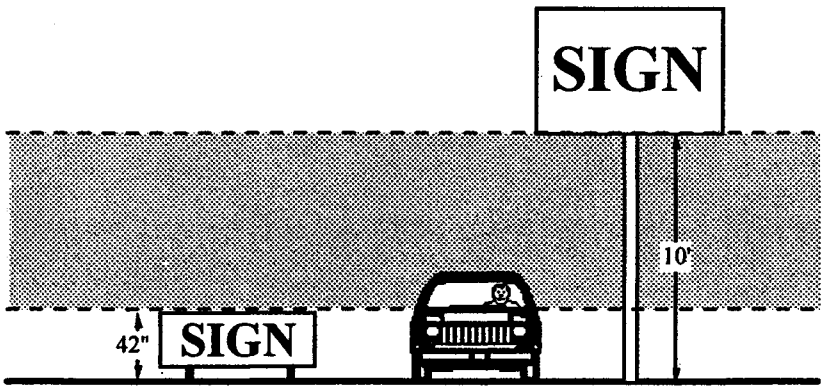
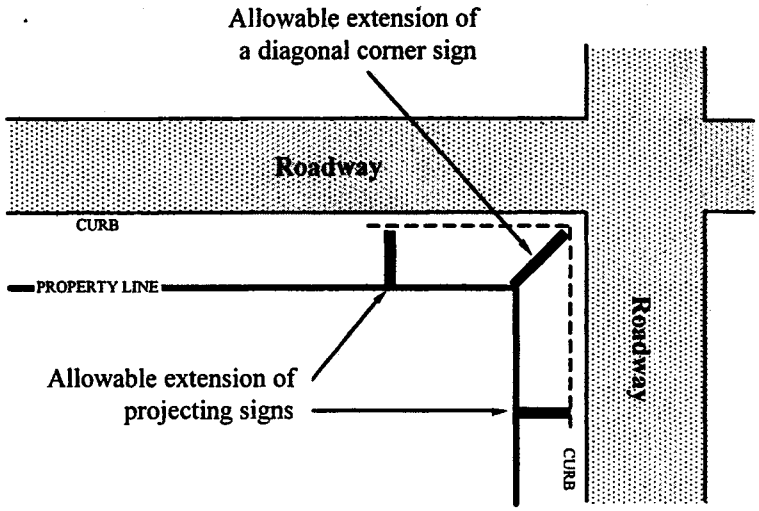


Figure 286-10
Diagonal Corner Signs



33.286.210 Awnings and Marquees

Awnings and marquees with signs are regulated by the provisions of the Building Code, the same as awnings and marquees without signs. Signs attached below an awning or marquee may extend the full length of the awning or marquee. They must comply with the pedestrian clearance standard of 33.286.200.E.

33.286.215 Directional Signs

A. General standards. Directional signs must be designed for nonchanging messages or displays. Direct or indirect lighting is allowed. Moving or rotating parts, flashing lights, and extensions into the right-of-way are prohibited. Exceptions to the standards of this section are prohibited.

B. Sizes. Freestanding signs are allowed up to 1 per driveway and must be placed within 3 feet of a driveway entrance. The freestanding sign may be up to 6 square feet in area and 42 inches in height. Fascia signs may be up to 6 square feet in area and 8 feet in height.

33.286.220 Fascia Signs

A. Height. Fascia signs may not extend more than 6 inches above the top of the building wall.

B. Extensions. A fascia sign may not extend more than 18 inches out from the wall to which it is attached, except for electronic message signs which may extend 24 inches from the wall. Fascia signs may not extend beyond the corner of buildings.

33.286.225 Pitched Roof Signs

A. Height. The face of pitched roof signs may not extend more than 6 inches above the roofline.

B. Placement and angle. Pitched roof signs must be parallel to the building face. They may not extend beyond the building wall.

C. Support structures. Support structures must be designed so that there is no visible support structure above the sign.

33.286.230 Projecting Signs

A. Height. The face of projecting signs may not extend more than 6 inches above the roof line.

B. Placement. Projecting signs are not allowed on rooftops or on pitched roofs.

C. Support structures. Support structures must be designed so that there is no visible support structure above the sign face. The edge of the sign may not be more than 1 foot from the building wall.

33.286.235 Temporary Signs

A. Attachment. Temporary signs may not be permanently attached to the ground, buildings, or other structures.

B. Banners. One banner is allowed per primary building wall. Banners are allowed only in the RX, C, E, and I zones. Banners may not be hung for a continuous period exceeding 60 days.

C. Lawn signs. Lawn signs may not be greater than 3 square feet in area and may not be over 42 inches in height. Lawn signs are allowed in all zones.

D. Real estate signs. Real estate signs are allowed in all zones.

E. Portable signs. One portable sign is allowed per site frontage per occupant in the RX, C, E, and I zones. Portable signs are limited to 12 square feet in area and 42 inches high. Electrical signs, extensions into a right-of-way, and moving or rotating parts are all prohibited.

F. Rooftop balloon signs. One rooftop balloon sign is allowed per site for a maximum of one week per calendar year. The vertical dimension of the balloon cannot exceed 25 feet.

33.286.240 Sign Adjustments

A. Purpose. Sign adjustments are intended to allow flexibility to the sign regulations while still fulfilling the purpose of the regulations. The specific approval criteria allow signs which enhance the overall character of an area or allow for mitigation of unusual site conditions.

B. Procedures. The adjustment procedures stated in Chapter 33.805, Adjustments, apply to sign adjustments. However, the approval criteria of this section supersede those of Chapter 33.805.

C. Approval criteria. Sign adjustments will be approved if the review body finds that the applicant has shown that the criteria of Paragraph 1. or 2. below are met.

1. Area enhancement. The applicant must meet criteria a. and b. and either c. or d.

   a. The adjustment for the proposed sign will not significantly increase or lead to street level sign clutter, to signs adversely dominating the visual image of the area, or to a sign which will be inconsistent with the objectives of a specific plan district or design district; and

   b. The sign will not create a traffic or safety hazard; and

   c. The adjustment will allow a unique sign of exceptional design or style which will enhance the area or which will be a visible landmark; or

   d. The adjustment will allow a sign that is more consistent with the architecture and development of the site.

2. Site difficulties. If there are unusual site factors which preclude an allowed sign from being visible to the **street immediately in front of the site,** an adjustment will be granted to achieve the visibility standards of Subparagraph d below. This adjustment is not intended to be used to make signs visible to other streets or to freeways. Site difficulties may include the sign face being blocked due to topography of the site, existing development or landscaping on the site, or from abutting development or landscaping. This set of adjustment criteria is generally intended for freestanding and projecting signs and allows greater flexibility in placement of the sign. The adjustment will be approved if all of the following criteria are found to be met:

   a. There is no reasonable place on the site for an allowed sign without an adjustment to achieve the visibility standards of Subparagraph d below;

   b. If the proposed sign extends into the right-of-way, the sign will not create a traffic or safety hazard;

   c. Of potential adjustments to meet the visibility standard of Subparagraph d., the request is the most consistent with the surrounding development and sign patterns; and

   d. The adjustment is the minimum needed for a sign to meet the following visibility standards:

Posted Road Speed	Visibility To Travel Lanes On The Street In Front Of The Site
35 mph or less	200 feet
40 - 50 mph	300 feet
55 mph or more	400 feet

CHAPTER 33.288
SPECIAL STREET SETBACKS

Sections:
33.288.010 Purpose
33.288.020 Requirements
33.288.030 Procedures

33.288.010 Purpose

Special street setbacks may be established on City streets to regulate the location of structures and for maintaining appropriate open areas, and for adequate separation from the street. These regulations:

- Increase visibility and safety for pedestrians and drivers;
- Provide a pleasant pedestrian environment and human scale;
- Improve the appearance of the corridor and reduce visual clutter;
- Maintain adequate space for the growth of large street trees; and
- Maintain adequate light and air.

33.288.020 Requirements

A. Where the regulations apply. Special street setbacks apply to all buildings, structures, signs, off-street parking areas, and exterior display, storage, and activities fronting a street with a special street setback designation on the Official Zoning Maps.

B. Projections into setback. Projections of up to 3 feet are allowed by right into the special street setbacks. Projections include items such as sign faces, eaves, overhangs, and building cornices.

C. Landscaping. Special street setbacks must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.

D. Base zone requirements. The base zone requirements apply in all areas with special street setbacks. In the event that the requirements of this chapter and the base zone differ, the more restrictive applies.

33.288.030 Procedures

A. Adding or removing special street setbacks. Adding or removing special street setbacks is processed through a Type III procedure, following the approval criteria stated in 33.855.060, Approval Criteria for Other Changes.

B. Adjustments to special street setbacks. Individual property owners may request an adjustment to a special street setback.

CHAPTER 33.291
SUBSTANDARD RESIDENTIAL LOTS

Sections:
33.291.010 Purpose
33.291.020 Substandard Lot Types
33.291.030 Allowed Housing
33.291.040 Development Standards
33.291.050 Procedure
33.291.060 Approval Criteria

33.291.010 Purpose

The substandard residential lot regulations allow infill housing on existing lots which do not meet the minimum lot size requirements of the current zone, while maintaining compatibility with the neighborhood. The regulations are intended to allow for a reasonable use of the land, but not to legitimize parcels which were divided after subdivision and partitioning regulations were established, and which did not comply with the jurisdiction's regulations. The regulations also allow development on lots which were rendered substandard by condemnation for right-of-way.

33.291.020 Substandard Lot Types

(Amended by Ord. No. 165417, effective 6/5/92. Amended by Ord. No. 166702, effective 7/30/93). Substandard lots are divided into two types.

A. Type A. Except as provided in subsection B below, a Type A substandard lot is:

1. A lot of record, or a combination of lots of record; and
2. Which is currently vacant; and
3. Which **does not** meet one or more of the dimensional requirements for new lots in the zone; and
4. Which **does** meet all of the dimensional requirements of Table 291-1. Lots in the R2.5 and R5 zones are exempt from meeting any dimensional requirements, and are considered Type A lots if they comply with paragraphs 1, 2, and 3 above.

or

5. A lot of record, or a combination of lots of record; and
6. Which is currently vacant; and
7. Which **did** meet all the dimensional requirements of Table 291-1, but was reduced below one or more of those requirements solely because of condemnation by a public agency for right-of-way.

B. Exception to Type A Lots. Within the West Portland Park subdivision, a lot of record that would otherwise meet the definition of a Type A substandard lot, is regulated as a Type B substandard lot.

Table 291-1
Minimum Size For Type A Lots

Standard	RF	R20	R10	R7	R5 & R2.5
Lot Area	1 acre	14,000 Sq. Ft.	7,000 Sq. Ft.	5,000 Sq. Ft.	No Minimum
Lot Width	80 Ft.	70 Ft.	60 Ft.	50 Ft.	No Minimum
Lot Depth	120 Ft.	100 Ft.	80 Ft.	70 Ft.	No Minimum

C. Type B. A Type B substandard lot is:

1. A lot of record, or a combination of lots of record; and
2. Which is currently vacant; and
3. Which **does not** meet all of the dimensional requirements of Table 291-1.

or

4. A tract or a combination of tracts of land which is **not** a lot of record; and
5. Was created and recorded before July 26, 1979 by a deed or other instrument recorded with the appropriate county recorder; and
6. Which is currently vacant.

D. Lots with damaged or destroyed housing. A substandard lot which at one time was developed with housing and the housing has been damaged or destroyed by fire or other causes beyond the control of the owner, is subject to the following:

1. If the repair cost is more than 75 percent of the assessed value of the structure, and the structure or site has been vacant for more than 5 years, then the requirements of this chapter apply.
2. If the repair cost is less than 75 percent of the assessed value of the structure, or if the repair cost is more than 75 percent of the assessed value of the structure and the structure or site has been vacant for less than 5 years, then the requirements of 33.258.060, Nonconforming Residential Densities apply.

33.291.030 Allowed Housing

(Amended by Ord. No. 165417, effective 6/5/92.) Houses are allowed by right on Type A substandard lots, subject to the requirements of the base zone and the standards of 33.291.040 below. Houses may be allowed through a substandard lot review on a Type B substandard lot. They are subject to the requirements of the base zone and the standards of 33.291.040 below. Housing is prohibited on a tract created after July 26, 1979, which did not comply with the zoning regulations when it was recorded.

33.291.040 Development Standards

(Amended by Ord. No. 165417, effective 6/5/92.)

A. When these standards apply. The development standards of this section apply to Type A and B substandard lot development. The development standards of the base zone apply unless specifically addressed in this section.

B. Setbacks. In cases where existing development on an abutting lot has less than the currently required side or rear building setback, the required side and rear building setbacks of the substandard lot are increased to make up the difference, and provide the minimum required separation between buildings (double side setbacks.)

C. Required outdoor areas. In the R5 and R2.5 zones, the minimum required outdoor area is 200 square feet with a minimum dimension of 10 by 10 feet.

D. Sewers. If a sanitary sewer is available, the development must hook up to the sewer. If sanitary sewer is not available, then the applicant must sign a waiver of remonstrance against the creation of a local improvement district to provide sewers. The applicant must also sign a mandatory hook-up agreement with the Bureau of Environmental Services.

E. Streets. If the abutting street is not improved to City standards, then the applicant must sign a waiver of remonstrance against the creation of a local improvement district to improve the street.

F. Orientation to the street.

1. Purpose. The intent of this subsection is to encourage compatibility with the neighborhood, promote housing which will provide opportunities for surveillance of the street, and assure that garages and driveways do not dominate the site as seen from the street.

2. The front facade of the house may not include more than 40 percent of garage wall area. On corner lots, the requirement applies to the street that will contain the address of the house.

3. The ground-level front facade of a house must contain at least 20 square feet of windows on exterior walls of living areas. On corner lots, each frontage must meet this standard.

33.291.050 Procedure

Substandard lot reviews for Type B lots are processed through a Type II procedure.

33.291.060 Approval Criteria

(Amended by Ord. No. 165417, effective 6/5/92.) Substandard lot reviews will be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

A. On July 26, 1979, or any time since that date, the lot did not abut any substandard lot owned by the same family or business. The intent of this criterion is to not allow ownerships to be split into substandard building sites;

B. The proposed development is as compatible with the surrounding housing as is practical. Compatibility is based on considerations such as placement on the lot, size, height, number of stories, angle of roof pitch, architectural style, size and placement of accessory structures such as garages, building materials, and landscaping materials; and

C. Any requested adjustments are consistent with the purpose of this chapter and the intent of the regulation being adjusted.

CHAPTER 33.293
SUPERBLOCKS

Sections:
33.293.010 Purpose
33.293.020 Where the Superblock Regulations Apply
33.293.030 Requirements
33.293.040 Phased Development
33.293.050 Redevelopment of an Existing Superblock
33.293.060 Multiple Ownerships
33.293.070 Maintenance

33.293.010 Purpose

The Superblocks chapter regulates the amount and location of open areas and walkways on large commercial sites where streets have been vacated. The intent is to promote a pleasant and convenient walkway and open area system on the superblock that links to the adjacent buildings, to the public circulation system, and to any available public transit. The requirements also promote the maintenance of light, air and access that could be lost due to development on the vacated street.

33.293.020 Where the Superblock Regulations Apply

(Amended by Ord. No. 167054, effective 10/25/93.)
Superblocks are subject to the regulations of this chapter as stated below.

A. Central City plan district. The superblock regulations apply to all new development and major remodellings which include 5,000 square feet or more of vacated street. The regulations apply in all of subdistricts of the Central City plan district except the Downtown and Northwest Triangle subdistricts.

B. IR, CS, CG, CX, and EX zones outside of the Central City plan district. The superblock regulations apply to all new development and major remodellings which include 50,000 square feet or more of vacated street in the IR, CS, CG, CX, and EX zones outside of the Central City plan district. For sites where part of the vacated street is in the Central City plan district, the whole site is subject to the 5,000 square foot threshold.

33.293.030 Requirements

(Amended by Ord. No. 163697, effective 1/1/91. Amended by Ord. No. 170704, effective 1/1/97.)
Developments on superblocks must comply with the development standards listed below.

A. Required walkways, landscaped areas, and plazas. Developments on superblocks must provide walkways, landscaped areas, and public plazas or public atriums with glazed ceilings within the superblock as follows:

1. Amounts.

   a. At least one public plaza or public atrium must be provided within the superblock equal to 5 percent of the total land area of the superblock,

including the area of vacated streets. However, 20,000 square feet is the maximum area that is required for this plaza or atrium. The ratio of the length of the plaza or atrium to the width may not exceed 3 to 1.

b. The total area of walkways, landscaped areas, public plazas, and public atriums must be at least 50 percent of the total area of the vacated streets within the superblock. This is in addition to any required open area, landscaped area, or pedestrian connections of other chapters of Title 33, and cannot be applied towards meeting the requirements of any height or FAR bonus provision of this Title.

2. Materials.

a. The walkways system must be hard-surfaced, and be at least 6 feet wide.

b. Where the walkway system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement.

c. Where the walkway system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used the ends of the raised portions must be equipped with curb ramps.

3. Lighting. The on-site pedestrian and bicycle circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

4. Walkways must be accessible to bicycles, or an alternative connection for bicycles must be provided.

B. Location of walkways, landscaped areas, and plazas.

1. Landscaped areas and plazas or atriums may be located anywhere on the site.

2. Required plazas or atriums must be accessible from an improved walkway and /or public sidewalk.

3. Walkways must link all buildings to public sidewalks, adjacent superblocks, and nearby transit facilities. Where the site lies between two parallel streets which were formerly connected by a vacated street, a walkway connecting the two parallel streets must be provided as a substitute for the vacated streets. The connecting walkway does not need to be located within the the alignment of the vacated streets, but must provide approximately the same connections for pedestrians.

33.293.040 Phased Development

In cases where a development on a superblock is constructed or redeveloped in phases, the requirements stated below apply.

A. Amount of improvements. Each phase must provide at least the amount of walkways, landscaped areas, and plazas based on that phase's percentage of the total superblock area. If all required improvements are developed in an earlier phase, subsequent phases are not required to provide additional improvements.

B. Long term plan. The applicant must submit a site plan that shows the location of the walkways, landscaped areas, and plazas for each phase of the superblock project.

33.293.050 Redevelopment of an Existing Superblock

In cases where only a portion of an existing superblock is being redeveloped, the amount of improvements required is based on the portion's percentage of the total superblock area.

33.293.060 Multiple Ownerships

(Amended by Ord. No. 163697, effective 1/1/91.) In cases where a superblock contains multiple ownerships and only one ownership is being developed, the requirements stated below apply.

A. Amount of improvements. Each ownership will provide walkways, landscaped areas, and plazas based on that ownership's percentage of the total vacated street area.

B. Location. The required walkways, landscaped areas, and plazas for each ownership must be integrated into the previously required walkways, landscaped areas, and plazas of the other ownerships in the superblock.

C. Notification. The applicant must submit a signed letter stating that the other ownerships in the superblock were notified on the application, and informed of the location of the required walkways, landscaped areas, public plazas, and public atriums.

33.293.070 Maintenance

The maintenance, replacement, and repair of the required walkways, landscaped areas, and plazas are the ongoing responsibility of the property owner.

CHAPTER 33.295
SUPPLEMENTAL COMPATIBILITY STANDARDS

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169987, effective 7/1/96. Replaced by Chapter 33.218, Community Design Standards, Ord. No. 171589, effective 11/1/97.)

CHAPTER 33.296
TEMPORARY ACTIVITIES

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97.)

Sections:

33.296.010 Purpose
33.296.020 Description
33.296.030 Zone and Duration
33.296.040 General Regulations

33.296.010 Purpose

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

33.296.020 Description

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: construction trailers, leasing offices, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

33.296.030 Zone and Duration

A. IR and RF through RH zones. The regulations for temporary uses in the IR and RF through RH zones are as follows:

1. Mobile home use during construction. Mobile homes may be used for a residence while a permanent residence is being constructed. Mobile homes may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The mobile home must be removed within 1 month of issuance of certificate of occupancy. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the mobile home.

2. Residential sales offices. Sales offices for major subdivisions or planned unit developments are allowed at the development site until all lots or houses are sold. Use of the sales office for sites outside of the project is prohibited.

3. Sales.

   a. Garage sales. Garage sales and other sales for items from the site may occur for no more than three consecutive days on two different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.

   b. Seasonal outdoor sales. Seasonal outdoor sales of plants and produce are allowed twice a year for up to five consecutive weeks each time.

4. Fairs, carnivals and other major public gatherings.

   a. Fairs, carnivals and other major public gatherings in the RF through RH zones. Fairs, carnivals and other major gatherings are allowed for up to nine consecutive days at a site with an existing institutional use. Two events are allowed per calendar year.

   b. Fairs, carnivals and other major public gatherings in IR zone. Fairs, carnivals and other major gatherings are allowed for up to nine consecutive days at a site with an existing institutional use. Two events are allowed per calendar year. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan.

5. Show of model homes. The viewing of model homes within a subdivision for a fee is allowed for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.

6. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

7. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations below.

   a. Length of project. Except as provided in subparagraph b. below, only projects that last one year or less are allowed as temporary activities. Projects that last over one year are subject to the regulations for permanent uses. Adjustments to the one year time period are prohibited.

   b. Overlay zones. Projects located within an Environmental, River Natural, or Interim Resource Protection overlay zone are subject to the regulations for permanent uses regardless of the length of the project.

   c. Dust, mud and erosion control. During the project, operational procedures must include steps to reduce dust and mud on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.

   d. Noise. The project must meet the noise regulations of Title 18 – Nuisance Abatement and Noise Control. Any variances to the noise regulations will be processed as provided in Title 18.

e. Final site condition. At the end of the project, the site must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. An exception to this requirement is sites that have paving prior to the start of the project. In these cases the portion of the site that has paving may remain in paving. All other portions of the site must be seeded as provided above. The ground cover or paving must be installed to the applicable standards in Standard Construction Specifications published by the City of Portland, Department of Public Works.

f. Building permit. Prior to the start of the project, a building permit must be obtained from the City. Applications for the building permit must contain evidence that the project will comply with the requirements above. If the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the project does not involve a contract with the City, then at a minimum, evidence of compliance must include performance guarantees to guarantee compliance with the requirements in Subsubparagraphs c. Dust, mud, and erosion control, and e. Final site condition, above. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

8. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

B. RX, C, E, and I zones. The regulations for temporary uses in the RX, C, E, and I zones are as follows:

1. Parking lot sales. Parking lot sales in zones where outdoor display is not otherwise allowed, are allowed for up to two consecutive weeks at any one time.

2. Seasonal outdoor sales. Seasonal outdoor sales are allowed for up to one month at any one time.

3. Fairs and carnivals. Fairs and carnivals are allowed for up to two consecutive weeks at any one time.

4. Warehouse sales. In industrial zones, retail warehouse sales are allowed for up to one week at any one time.

5. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

6. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations for the RF through RH zones stated in Subparagraph 33.296.030 A.7. above. An exception to the regulations is the inclusion of alternatives to the requirements for final site condition (stated in 33.296.030 A.7.e.) In the RX, C, E, and I zones, the site may be seeded for vegetative ground cover, or it may be graveled or paved. However, gravel or paving is not allowed within 5 feet of the lot lines.

7. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

C. OS zone. The regulations for temporary uses in the OS zone as follows:

1. Fairs, carnivals, and other special events. Fairs, carnivals, and other special events are allowed by right in the OS zone. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

2. Natural disasters and emergencies. Temporary activities and structures needed as a result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency.

3. Staging areas for public utility installation. Staging areas for public utility improvement projects such as the installation of sewer pipes, water pipes, and road improvements, are subject to the regulations for the RF through RH zones stated in Subparagraph 33.296.030 A.7. above.

4. Radio Frequency Transmission Facilities. Temporary facilities, operating with less than 1,000 watts ERP, for a period of time not to exceed 30 days of consecutive operation, nor more than 120 days of operating in total.

D. Time between activities. For Subsection A. and B. above, except for mobile homes, construction trailers, and residential sales offices, the time between temporary activities must be four times as long as the duration of the last event.

33.296.040 General Regulations

All temporary activities are subject to the regulations listed below.

A. Permanent changes to the site are prohibited.

B. Temporary parking areas are allowed only during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.

C. Permanent signs are prohibited. All temporary signs associated with the temporary activity must be removed when the activity ends.

D. Temporary activities may not cause the elimination of required off-street parking.

E. Temporary activities in C, E, and I zones that are maintained beyond the allowed time limits are considered permanent uses, and are subject to the use and development standards of the base zone.

F. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use.

G. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

CHAPTER 33.299
TEMPORARY PROHIBITION ON THE DISTURBANCE OF FORESTS

(Repealed by Ord. No. 168400, effective 11/6/91.
Replaced by Chapter 453 - Interim Forest Review.)

400s - OVERLAY ZONES

33.400 Aircraft Landing Zone - h
33.405 Alternative Design Density Overlay Zone - a
33.410 Buffer Zone - b
33.420 Design Overlay Zone - d
33.430 Environmental Zone - c or p
33.435 Future Urban Zone - f
33.440 Greenway Zones - n, r, g or i
33.445 Historic Resource Protection Overlay Zone
33.450 Light Rail Transit Station Zone - t
33.470 Portland International Airport Noise Impact Zone - x
33.480 Scenic Resource Zone - s

CHAPTER 33.400
AIRCRAFT LANDING ZONE

Sections:
33.400.010 Purpose
33.400.020 Map Symbol
33.400.030 Aircraft Landing Zone Height Limits
33.400.040 Exceptions to Aircraft Landing Zone Height Limits
33.400.050 Letter of Approval Required

33.400.010 Purpose
The Aircraft Landing overlay zone provides safer operating conditions for aircraft in the vicinity of Portland International Airport by limiting the height of structures and vegetation.

33.400.020 Map Symbol
The Aircraft Landing zone is shown on the Official Zoning Maps with a letter "h" map symbol (for height).

33.400.030 Aircraft Landing Zone Height Limits
All structures and vegetation within the Aircraft Landing zone are subject to the height limits shown on the Aircraft Landing Zone Map. When the base zone height limit is more restrictive than the Aircraft landing zone height limit, the base zone controls. The Aircraft Landing Zone Map is available for viewing at the Permit Center.

33.400.040 Exceptions to Aircraft Landing Zone Height Limits
A request for an exception to the Aircraft Landing zone height limits may be approved, denied, or approved with conditions by the Federal Aviation Administration in consultation with the Port of Portland.

33.400.050 Letter of Approval Required
An application for a building permit where the structure will exceed the Aircraft Landing zone height limit, or an application for an adjustment to the base zone height limit which will exceed the Aircraft Landing zone height limit, must be accompanied by a letter of approval from the Federal Aviation Administration. The application for FAA approval may be obtained from the Aviation Department of the Port of Portland.

CHAPTER 33.405
ALTERNATIVE DESIGN DENSITY OVERLAY ZONE

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169763, effective 3/25/96; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171879, effective 2/2/98.)

Sections:

General
33.405.010 Purpose
33.405.020 Short Name and Map Symbol
33.405.030 Applying the Alternative Design Density Overlay Zone
Use Regulations
33.405.040 Regulations for Accessory Dwelling Units
Development Standards
33.405.050 Bonus Density for Design Review
33.405.060 Attached Residential Infill on Vacant Lots
33.405.070 Alternative Development Options in the R2 and R2.5 Zones
33.405.080 Nonconforming Multi-Dwelling Housing
33.405.090 Design Review and Community Design Standards
33.405.100 Review for Timeliness
Map 405-1 Area Where Detached Accessory Units Are Allowed

General

33.405.010 Purpose

The purpose of the Alternative Design Density Overlay Zone is to foster owner occupancy, focus development on vacant sites, preserve existing housing and encourage new development that is compatible with and supportive of the positive qualities of residential neighborhoods. The overlay zone allows households in Portland to use their existing housing to supplement their income through addition of accessory dwelling units and allowances for home occupations. The zone allows the construction of new "owner occupied duplex units" where the duplex is a means of reducing the cost of new owner occupied housing. The concept for the zone is to allow increased density for development that meets additional design compatibility requirements. The type of additional density allowed will foster opportunities for owner occupancy.

33.405.020 Short Name and Map Symbol

The Alternative Design Density Overlay Zone is referred to as the ADD zone, and is shown on the Official Zoning Maps with the letter "a" map symbol.

33.405.030 Applying the Alternative Design Density Overlay Zone

The Alternative Design Density Overlay Zone may be established or removed as the result of an area planning study, reviewed through the legislative procedure. Establishment or removal of the Alternative Design Density Zone through a quasi-judicial procedure is prohibited. The ADD zone has no effect on projects in RH, RX, EX and CX zones. When property is rezoned to one of these zoning designations from a zone that is accompanied by the "a," the ADD zone will be deleted from the Official Zoning Map.

Use Regulations

33.405.040 Regulations for Accessory Dwelling Units

A. Size of structure. There is no minimum structure size.

B. Creation of an accessory dwelling unit. Base zone regulations allow creation of an accessory dwelling unit by internal conversion of existing living area, basement, or attic. In the ADD zone, an accessory dwelling unit may also be created through:

1. Addition of new square footage to the house;

2. Construction of a new single-dwelling detached house with an internal accessory unit. Addition of an accessory dwelling unit is prohibited in new or existing attached housing constructed under the provisions of 33.405.060, Attached Residential Infill on Vacant Lots; or

3. In the area shown on Map 405-1 at the end of the chapter, construction or conversion of a detached accessory structure is allowed if it meets the following standards:

   a. It is in a single-dwelling zone; and

   b. The structure is at least 60 feet from the front lot line.

   Detached accessory dwelling units are subject to the regulations of 33.110.250, Detached Accessory Structures.

C. Location of entrances. Only one entrance to the house may be located on the front of the house, unless the house contained additional doors on its front before the addition of the accessory dwelling unit.

D. Parking. No additional parking is required for the accessory dwelling unit.

E. Owner occupancy. The dwelling unit must be owner-occupied when converted. When an accessory dwelling unit is built as part of a new house, the first occupant must be the owner. Owner-occupancy of either the primary or the accessory unit must continue after the creation of the accessory unit. If there is no owner-occupant living in either the primary or the accessory unit, occupancy of the accessory dwelling unit is prohibited.

F. Other uses. An accessory dwelling unit is allowed in a house with a Type A home occupation. A site with an accessory dwelling unit may have no more than one home occupation.

G. Covenants with the City. The owner must execute a covenant with the City as described under Section 33.700.060. The covenant must require that for either of the housing units to be occupied, at least one of the housing units must be owner-occupied.

H. Design review required.

1. Generally. Development taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

Development Standards

33.405.050 Bonus Density for Design Review

A. Purpose. This section is intended to encourage the provision of well designed housing that is attractive and compatible with an area's established character. Increased density through this bonus provision is allowed in areas zoned for multi-dwelling development. These areas include those within the ADD zone that have a base zone of R1, R2, or R3.

B. Where the bonus may apply. The bonus density for design review is applicable in areas within the ADD zone that are zoned R3, R2, or R1. It is not, however, allowed on sites in design or historic design zones.

C. Bonus density. Fifty percent more dwelling units than allowed by the base zone is granted for projects that voluntarily go through a Type III design review process. The development will be judged against the guidelines for design review applicable to the district. Where no district design guidelines exist, the Community Design Guidelines will be used.

D. Relationship to other density bonuses. Development taking advantage of the provisions of this section is not eligible for density bonus allowed by other sections of the code, including Section 33.120.265, Amenity Bonuses.

33.405.060 Attached Residential Infill on Vacant Lots.

A. Purpose. The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new development ensures that the new housing will make a positive contribution to the neighborhood's character.

B. Attached residential infill. Attached residential development is allowed if all of the following are met. Adjustments to Paragraphs B.1 through B.4, below, are prohibited:

1. The proposed attached residential development will be on a lot or lot of record that was created at least five years ago;

2. There has not been a dwelling unit on the lot or lot of record for at least five years;

3. A land division creating an individual lot for each attached housing unit is recorded;

4. Attached residential development in the R20, R10, R7 and R5 zones must meet the following development standards:

   a. Height and front setback standards. Attached residential development must meet the height and front setback standards of the base zone; and

   b. All other development standards. Attached residential development must meet all other development standards of the R2.5 zone; and

5. Design review required:

   a. Generally. Attached residential development must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

   b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

33.405.070 Alternative Development Options in the R2 and R2.5 Zones

A. Purpose. The provisions of this section encourage new owner-occupied development in areas zoned R2 and R2.5. They also offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached residential development. Such areas generally include a mixture of single-dwelling detached and small multi-dwelling development. A variety of types of housing in areas receiving infill development will improve continuity with the character of the existing buildings.

B. Owner-occupied duplex or triplex. Development may include up to three dwelling units, including accessory dwelling units, if they meet all the following requirements:

1. The owner must execute a covenant with the City as described under Section 33.700.060. The covenant must prohibit occupancy of any of the units unless at least one of the units is owner-occupied;

2. The proposed development conforms with the maximum height, minimum setbacks, maximum building coverage, and required outdoor area requirements for attached housing projects in the R2.5 zone;

3. One dwelling unit is allowed for each 1,600 square feet of site area. However, no more than three dwelling units may be placed on a single lot; and

4. At least 1 parking place must be provided for each dwelling unit.

C. Flag lots averaging 2,500 square feet. Lots in the R2 and R2.5 zone may be developed as flag lots with an average area of 2,500 square feet when the proposed development meets all of the following requirements:

1. All base zone regulations must be met, unless otherwise stated in this section or in Chapter 33.277, Residential Flag Lots. In the case of a conflict between the provisions of this section and the provisions of Section 33.277, the provisions of this section control;

2. Both attached and detached dwellings are allowed;

3. The average area of the lots created must be at least 2,500 square feet. Each must be at least 1,600 square feet; and

4. Detached structures on a flag lot are required to have an eight foot setback from all lot lines. Attached structures on flag lots are required to have an eight foot setback along those lot lines that abut a lot that is not a part of the flag lot development.

D. Detached houses on lots averaging 2,500 square feet. A site in an R2 or R2.5 zoned area may be developed with detached dwellings on individual lots that average 2,500 square feet or more, when all of the following requirements are met:

1. All base zone requirements must be met, unless otherwise stated in this section.

2. Average lot size must be at least 2,500 square feet. Minimum lot size is 1,600 square feet.

3. Minimum lot width is 16 feet and minimum lot depth is 40 feet.

E. Design review required.

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

33.405.080 Nonconforming Multi-Dwelling Housing

A. Purpose. These provisions are intended to foster the continuation of housing that is both affordable and compatible with its surroundings.

B. Damage or destruction. When a residential structure that contains nonconforming residential density is damaged or destroyed by fire or other causes beyond the control of the owner, the nonconforming residential density rights are maintained if the structure is rebuilt within 5 years. The structure may be rebuilt with the old number of units, and the development standards imposed by Section 33.258.060.B.2 Nonconforming Residential Densities, will not apply to the building's coverage,

setbacks, length, number of parking spaces, location of parking, height, amount of landscaped area and amount and location of outdoor areas. If not rebuilt within 5 years, the lot is considered vacant and is subject to the base zone density and development standards.

C. Design review required.

1. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.405.090, Design Review and Community Design Standards, below; and

2. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

33.405.090 Design Review and Community Design Standards

A. Purpose. Design review is required for projects taking advantage of the provisions of the Alternative Design Density Overlay Zone. In some cases, the ADD zone permits densities and types of development that would otherwise not be allowed. Design review ensures that development is compatible with the positive qualities of the surrounding area.

B. Design review required. Development taking advantage of the provisions of this chapter is subject to design review.

C. Community Design Standards. The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective Community Design Standards. If the proposal meets the Community Design Standards, no design review is required.

1. When Community Design Standards may be used. The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

   Unless excluded by Paragraph C.2, below, proposals that are within the maximum limits of Table 405-1 may use the Community Design Standards as an alternative to design review.

Table 405-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.

2. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

   a. In the Central City plan district (See Map 510-1);

   b. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

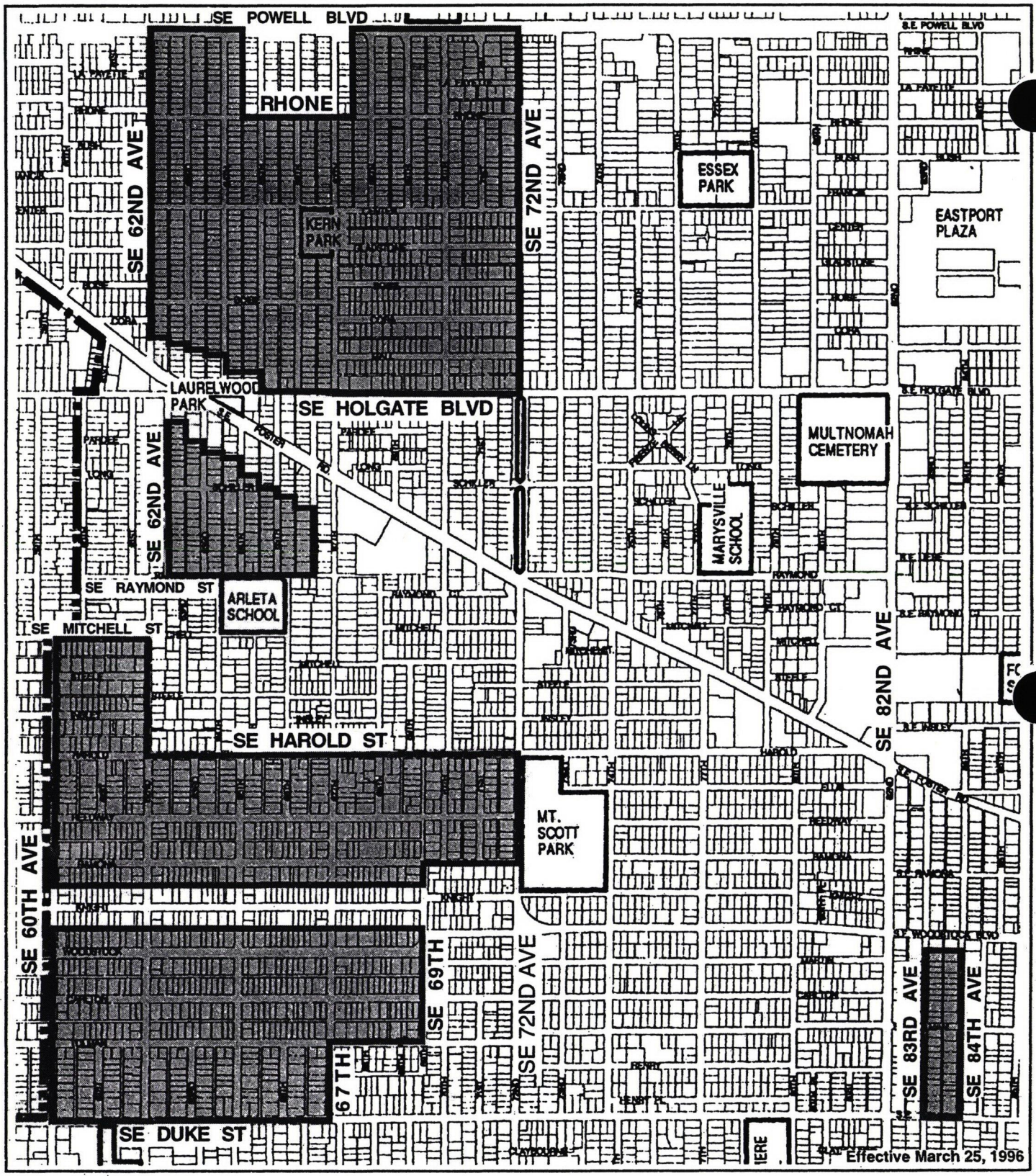
   c. For alterations to sites where there is a nonconforming use;

   d. For mixed-use or non-residential development in the RF through R1 zones; and

   e. If the proposal uses Section 33.405.050, Bonus Density for design review.

33.405.100 Review for Timeliness

The ADD zone must be reviewed for possible changes in both map application and content at or before the first update of the Albina Community Plan.



NORTH

0' 500' 1000'

Scale in Feet

Accessory Units Allowed

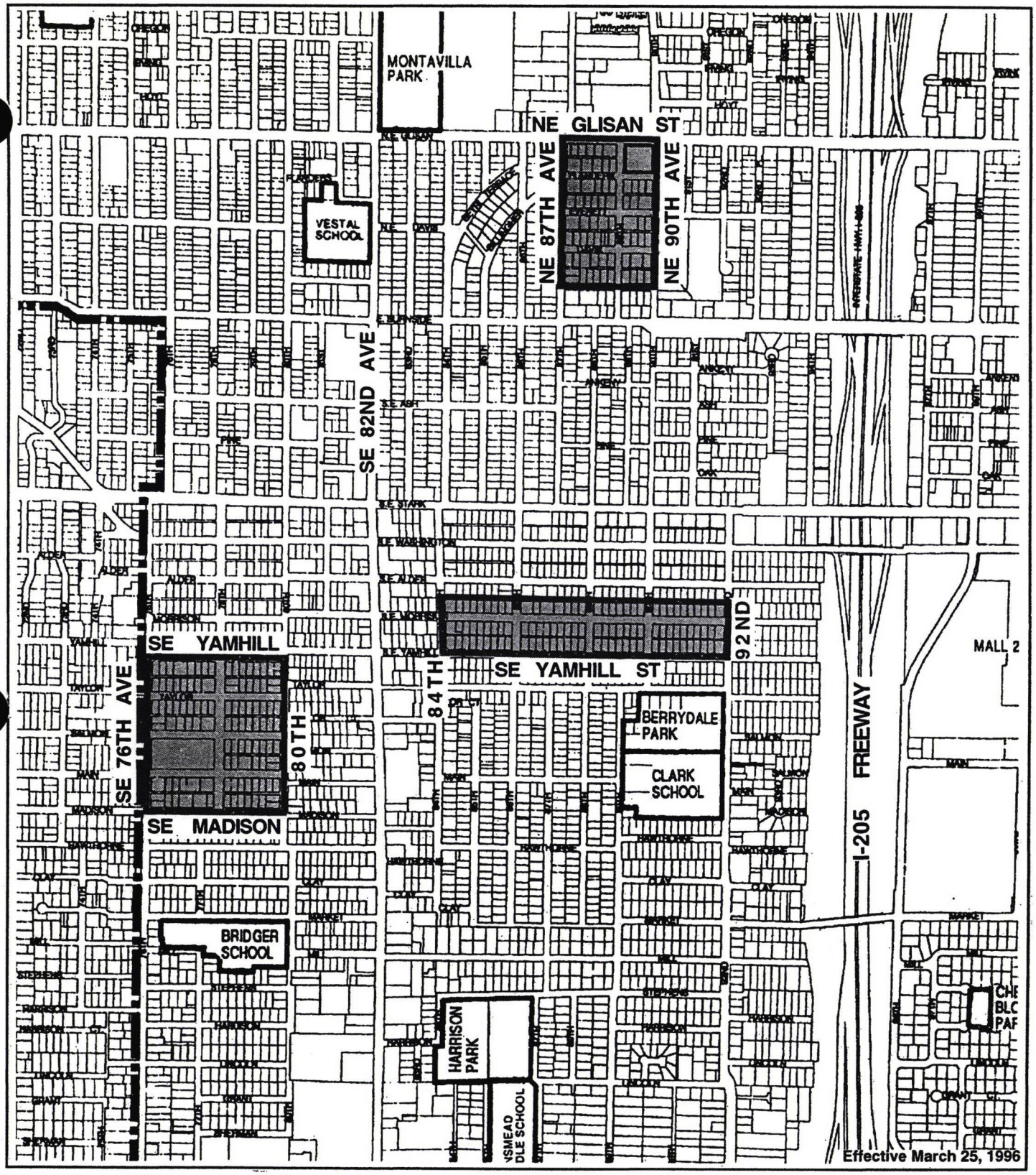
GTS/Graphics 2-10-98

Map 405-1

Areas Where Detached Accessory Units Are Allowed

Map 1 of 3

Bureau of Planning • City of Portland, Oregon



NORTH

0' 500' 1000'

Scale in Feet

Accessory Units Allowed

GTS/Graphics 2-10-98

Map 405-1
Areas Where Detached Accessory Units Are Allowed

Map 2 of 3

Bureau of Planning • City of Portland, Oregon



NORTH

0' 900' 1800'

Scale in Feet

Detached Accessory Units Allowed

GTS/Graphics 2-9-98

Map 405-1
Areas Where Detached Accessory Units Are Allowed

Map 3 of 3

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.410
BUFFER ZONE

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 170704, effective 1/1/97; Ord No. 171589, effective 11/1/97; Ord. No. 171718, effective 11/29/97 .)

Sections:

33.410.010 Purpose
33.410.020 Map Symbol
33.410.030 Applying the Buffer Zone
33.410.040 Landscaped Areas
33.410.050 Access
33.410.060 Exterior Work Activities
33.410.070 Signs
33.410.075 Radio Frequency Transmission Facilities
33.410.080 Off-Site Impacts

33.410.010 Purpose

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

33.410.020 Map Symbol

The Buffer zone is shown on the Official Zoning Maps with a letter "b" map symbol.

33.410.030 Applying the Buffer Zone

The Buffer zone is to be applied primarily along the edge of a nonresidential zone abutting or located across a street from a residential zone. For industrial and employment zones, the street can be any classification of street, as classified by the Arterial Streets Classification Policy. For commercial zones, the street should be a local street.

33.410.040 Landscaped Areas

The following landscaped areas must be provided in the Buffer zone. Structures, exterior storage, and exterior display are prohibited in the landscaped areas.

A. C-zoned land. For C-zoned land, a 10 foot deep area landscaped to at least the L3 standard must be provided along all street setbacks that are across a local service street from R-zoned land. See Figure 410-1. The 10 foot deep landscaped area must also be provided wherever the site abuts the rear lot line of an R-zoned lot.

B. E and I zones. For E and I-zoned land, a 20 foot deep area landscaped to at least the L3 standard or a 10 foot deep area landscaped to at least the L4 standard must be provided along all property lines where the Buffer zone is applied. See Figure 410-2.

Figure 410-1
Buffer for C Zones

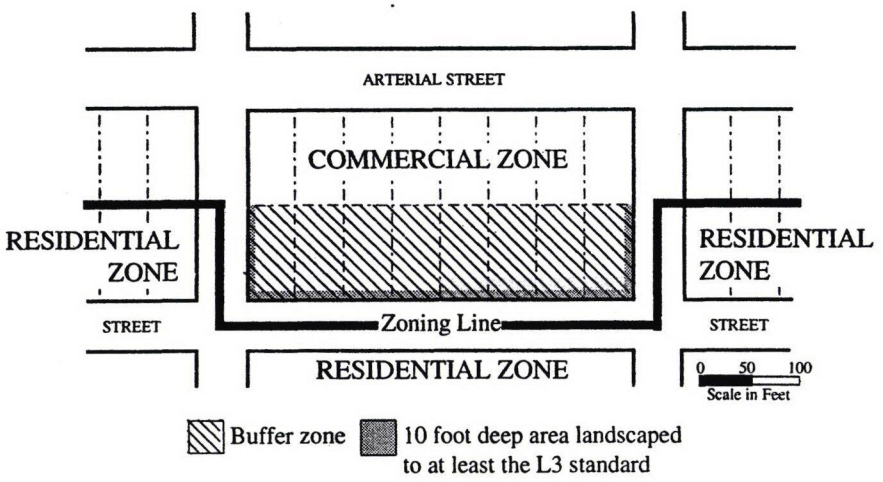
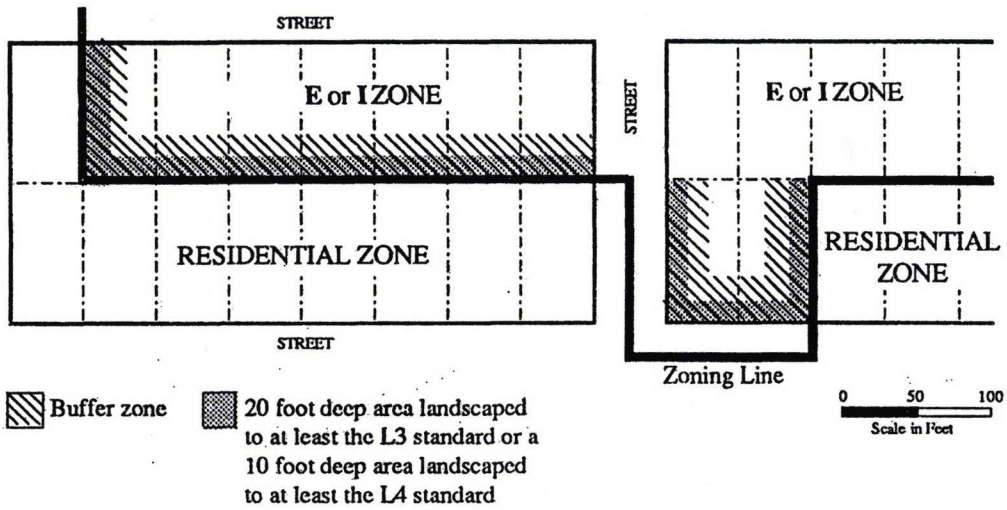


Figure 410-2
Buffer in the E and I Zones



33.410.050 Access

Access through the landscaped area required in 33.410.040 is prohibited except as follows:

A. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

B. Motor vehicle access is allowed only for vehicle areas that serve residential uses. Each site may have a vehicle access that is at least 9 feet wide. The width may be wider, up to a maximum of 20 percent of the site frontage or 20 feet, whichever is less. For mixed-use developments, access to the non-residential uses, and to vehicle areas serving the non-residential uses, is prohibited.

33.410.060 Exterior Work Activities
Exterior work activities are prohibited in the Buffer zone.

33.410.070 Signs
Signs are prohibited in the Buffer zone.

33.410.075 Radio Frequency Transmission Facilities
Radio Frequency Transmission Facilities that are supported by a tower are prohibited in the Buffer zone.

33.410.080 Off-Site Impacts
All development in the Buffer zone is subject to the regulations of Chapter 33.262, Off-site Impacts. If the Director determines that the proposed use or development may not meet the off-site impact standards, the Director may require the applicant to document that the standards will be met, as stated in 33.262.100, Documentation in Advance.

CHAPTER 33.420
DESIGN OVERLAY ZONE

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98.)

Sections:

33.420.010 Purpose
33.420.020 Map Symbol
33.420.021 Applying the Design Overlay Zone
33.420.025 Where These Regulations Apply
33.420.041 When Design Review is Required
33.420.045 Exempt From Design Review
33.420.051 Design Guidelines
33.420.055 When Community Design Standards May Be Used
33.420.060 When Community Design Standards May Not Be Used
Maps 420-1 through 420-4, Design District maps

33.420.010 Purpose

The Design Overlay Zone promotes the conservation, enhancement, and continued vitality of areas of the City with special scenic, architectural, or cultural value. This is achieved through the creation of design districts and applying the Design Overlay Zone as part of community planning projects, development of design guidelines for each district, and by requiring design review or compliance with the Community Design Standards. In addition, design review or compliance with the Community Design Standards ensures that certain types of infill development will be compatible with the neighborhood and enhance the area.

33.420.020 Map Symbol

The Design Overlay Zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design Overlay Zone

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-4 at the end of this chapter.

Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, EX, RX, or IR.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Design review may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision.

33.420.041 When Design Review is Required

Unless exempted by Section 33.420.045, Exempt From Design Review, design review is required for the following:

A. New development;

B. Exterior alterations to existing development;

C. Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, which have received prior approval of the City Engineer. Improvements that meet the City Engineer's standards are exempt from design review;

D. Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;

E. Removal of trees in the South Auditorium plan district;

F. Exterior signs larger than 32 square feet, except in the South Auditorium plan district, where all signs are subject to design review;

G. Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure;

H. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and

I. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is instead subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone;

B. Repair, maintenance, and replacement with comparable materials or the same color of paint;

C. Within the Terwilliger Design District, development that will not be visible from Terwilliger Boulevard;

D. Copy changes on all signs;

E. Alterations to residential structures in RF through R1 zones, where the alterations are valued at $10,000 or less;

F. Skylights;

G. Development associated with Rail Lines And Utility Corridors uses;

H. Exterior activities and development for Agriculture uses;

I. Modifications to a structure to meet the Americans With Disabilities Act's requirements in C, E, and I zones;

J. Development associated with Parks and Open Areas uses that do not require a conditional use review;

K. Proposals where a building permit is not required;

L. In the IR zone, development in conformance with an approved Conditional Use Master Plan;

M. Parking lot landscaping that meets the development standards of this Title;

N. Rooftop mechanical equipment that is added to the roof of an existing building at least 45 feet tall and set back 4 feet for every 1 foot of height, measured from the edges of the roof or top of parapet; and

O. Cellular antennas that are added to the facade of an existing penthouse that contains mechanical equipment provided the antenna and any accessory equipment are no higher than the top of the penthouse and painted to match.

P. Within the Sellwood-Moreland Design District, including exterior alterations to existing development and construction of detached accessory structures.

33.420.051 Design Guidelines

Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 at the end of this chapter. All other areas within the Design Overlay Zone use the Community Design Guidelines.

33.420.055 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, below, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to design review.

A. Location. The proposal is in:

1. the d, Design Overlay Zone not shown on Maps 420-1 through 420-3;

2. the a, Alternative Design Density Overlay Zone; or

3. the Albina Community plan district shown on Map 505-1.

B. Maximum limits. The proposal is within the maximum limits of Table 420-1.

Table 420-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.

33.420.060 When Community Design Standards May Not Be Used

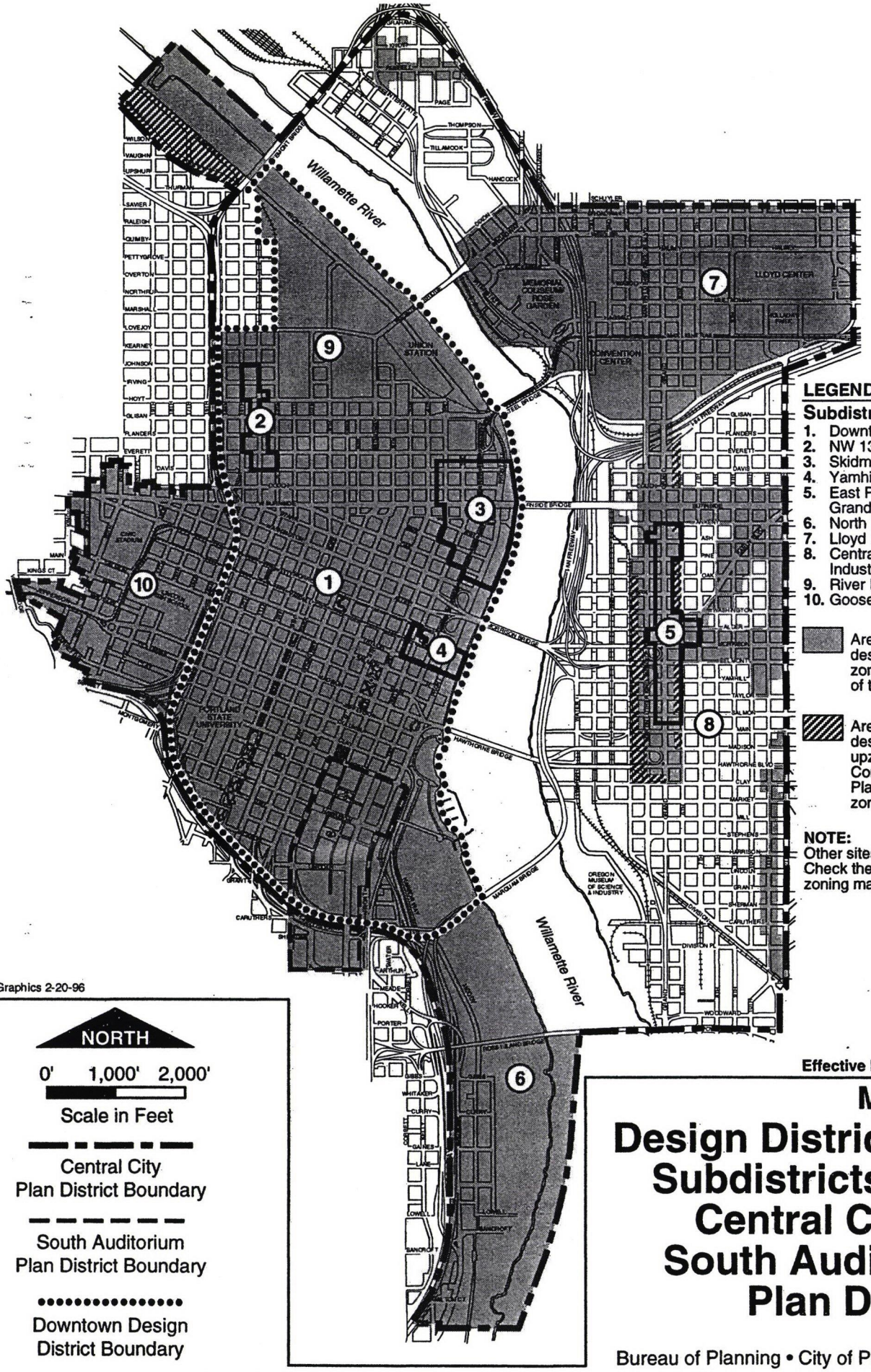
The Community Design Standards may not be used as an alternative to design review as follows:

A. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

B. For alterations to sites where there is a nonconforming use;

C. For mixed-use or non-residential development in the RF through R1 zones; and

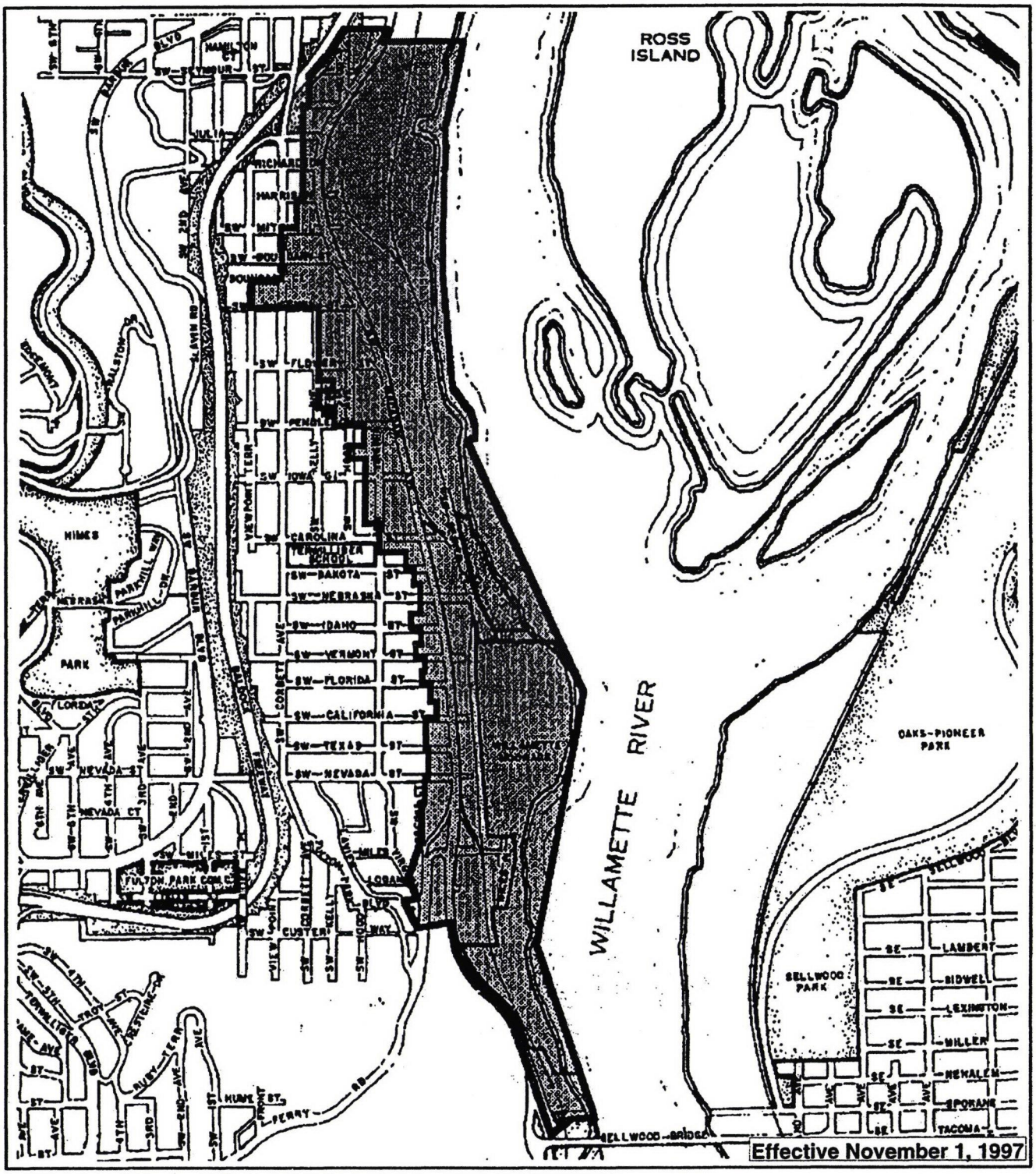
D. If the proposal uses Section 33.405.050, Bonus Density for Design Review.



Effective February 7, 1996

Map 420-1
Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Bureau of Planning • City of Portland, Oregon



NORTH

0' 600' 1200'

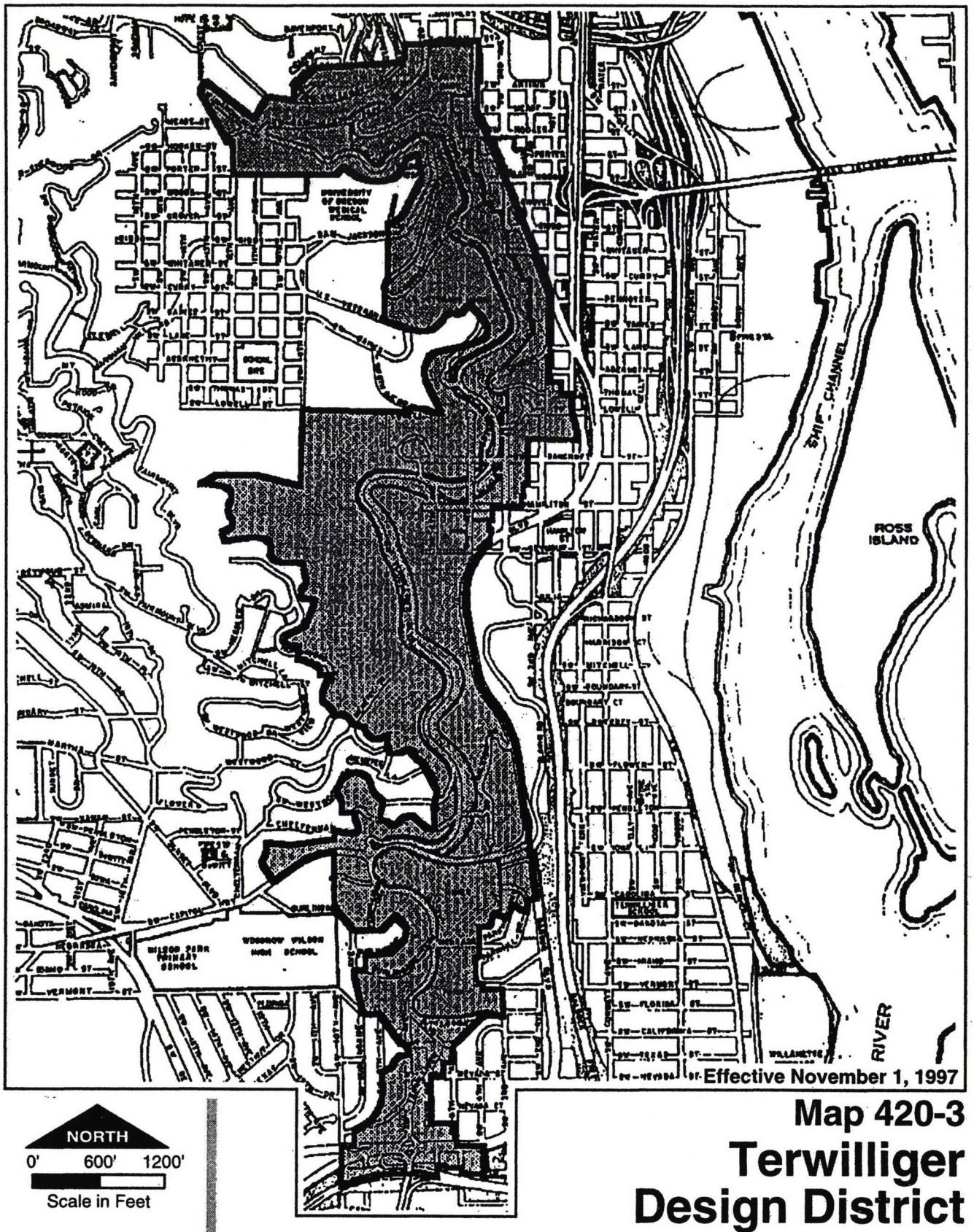
Scale in Feet

Design District Boundary

GTS/Graphics 10-16-97

Map 420-2
Macadam Design District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 600' 1200'

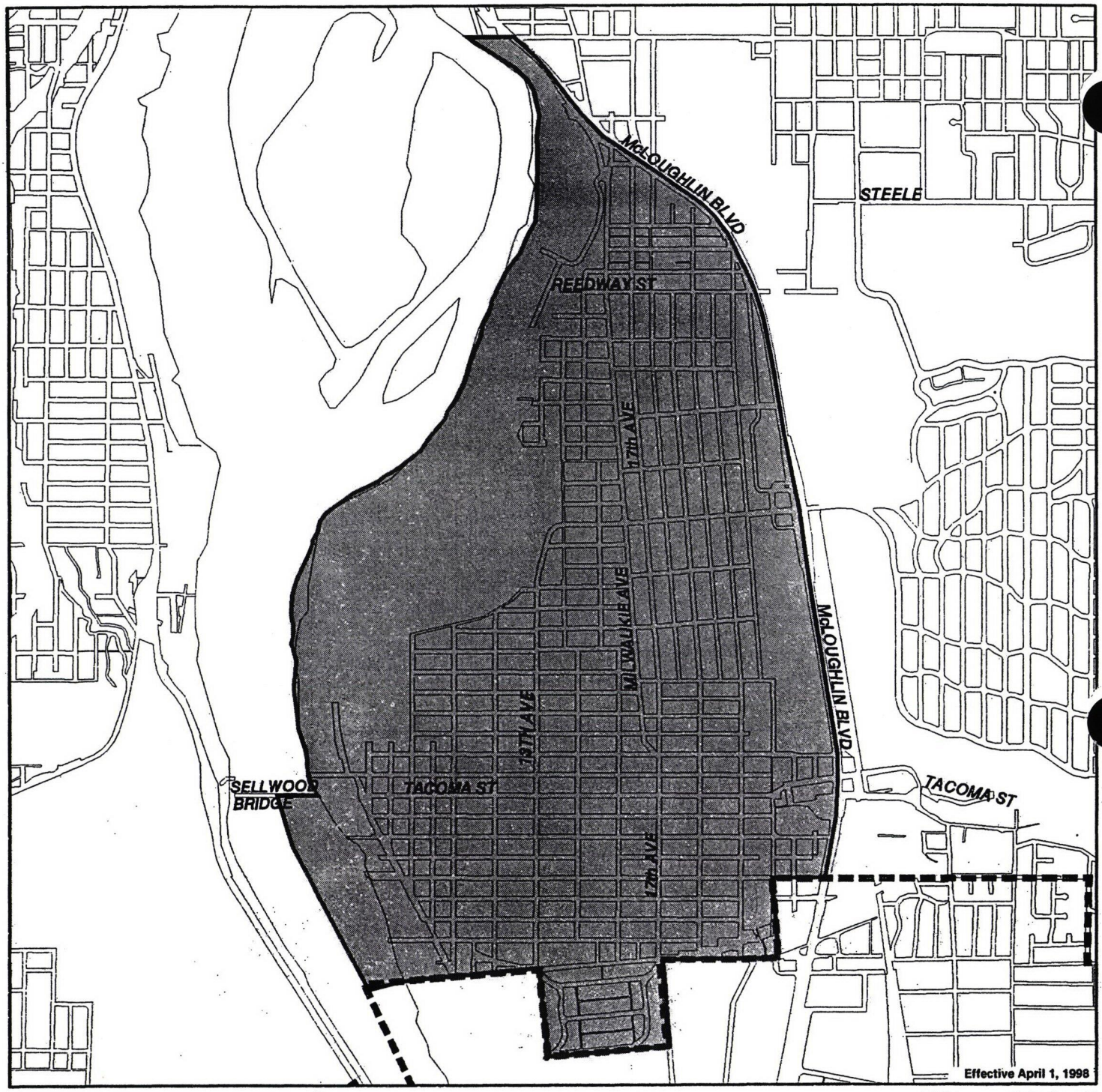
Scale in Feet

Design District Boundary

GTS/Graphics 10-16-97

Map 420-3
Terwilliger Design District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 900' 1800'

Scale in Feet

Design District Boundary

Map 420-4

Sellwood-Moreland Design District

GTS/Graphics 2-10-98

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.430
ENVIRONMENTAL ZONES

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General

33.430.010 Purpose
Environmental zones protect resources and functional values that have been identified by the City as providing benefits to the public. The environmental regulations encourage flexibility and innovation in site planning and provide for development that is carefully designed to be sensitive to the site's protected resources. The environmental regulations also carry out Comprehensive Plan policies and objectives.

33.430.015 Purpose of the Environmental Protection Zone
The Environmental Protection zone provides the highest level of protection to the most important resources and functional values. These resources and functional values are identified and assigned value in the inventory and economic, social, environmental, and energy (ESEE) analysis for each specific study area. Development will be approved in the environmental protection zone only in rare and unusual circumstances.

33.430.017 Purpose of the Environmental Conservation Zone
The Environmental Conservation zone conserves important resources and functional values in areas where the resources and functional values can be protected while allowing environmentally sensitive urban development.

33.430.020 Environmental Reports
The application of the environmental zones is based on detailed studies that have been carried out within eight separate areas of the City. The City's policy objectives for these study areas are described in the reports. Each study report identifies the resources and describes the functional values of the resource sites. Functional values are the benefits provided by resources. The values for each resource site are described in the inventory section of these reports. The City has adopted the following eight environmental study reports:

- Balch Creek Watershed Protection Plan
- Columbia Corridor Industrial and Environmental Mapping Project
- East Buttes, Terraces and Wetlands Conservation Plan
- Fanno Creek and Tributaries Conservation Plan
- Johnson Creek Basin Protection Plan
- Northwest Hills Natural Areas Protection Plan
- Skyline West Conservation Plan
- Southwest Hills Resource Protection Plan

33.430.030 Relationship To Other Environmental Regulations
Some of the eight study areas discussed under Section 33.430.020 impose additional environmental regulations in Plan Districts. These additional regulations either supplement or supersede the regulations of this Chapter. Paragraph 33.700.070.E describes the hierarchy of regulations within the Zoning Code.

Additionally, Natural Resource Management Plans may contain regulations that supersede or supplement the regulations of this chapter. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter. Maps 430-9, 10, 11 and 12 show Natural Resource Management Plan areas.

The following Plan Districts and Natural Resource Management Plans have additional regulations that may supersede or supplement the environmental regulations of Chapter 430:

- The Balch Creek Watershed (see Chapter 33.575, Skyline Plan District)
- The Columbia South Shore within the Columbia Corridor (see Chapter 33.515, Columbia South Shore Plan District)
- Johnson Creek Basin (see Chapter 33.535, Johnson Creek Basin Plan District)
- Northwest Hills Natural Areas (see Chapter 33.575, Skyline Plan District)
- Skyline West Conservation Plan area (see Chapter 33.575, Skyline Plan District)
- East Columbia Neighborhood Natural Resources Management Plan (separate document)
- Smith and Bybee Lakes Natural Resources Management Plan (separate document)
- Forest Park Natural Resources Management Plan (separate document)
- Natural Resources Management Plan for the Peninsula Drainage District No. 1 (separate document)

This chapter contains only the City's environmental regulations. Activities which the City regulates through this chapter may also be regulated by other agencies. In cases of overlapping City, Special District, Regional, State, or Federal regulations, the more stringent regulations will control. City approval does not imply approval by other agencies.

33.430.040 Overlay Zones and Map Symbols
There are two environmental overlay zones.

A. The Environmental Protection overlay zone is applied wherever the City determines that highly significant resources and functional values are present. The Environmental Protection overlay zone is shown on the Official Zoning Maps with the "p" symbol.

B. The Environmental Conservation overlay zone is applied wherever the City determines that significant resources and functional values are present. The Environmental Conservation overlay zone is shown on the Official Zoning Maps with the "c" symbol.

33.430.050 Subareas of Environmental Zones
Environmental overlay zones contain resource areas and transition areas. Resource areas contain significant resources and functional values. Transition areas surround the resource areas. Resources and functional values within transition areas are not significant, but they provide a buffer for the significant resources and functional values within the resource area.

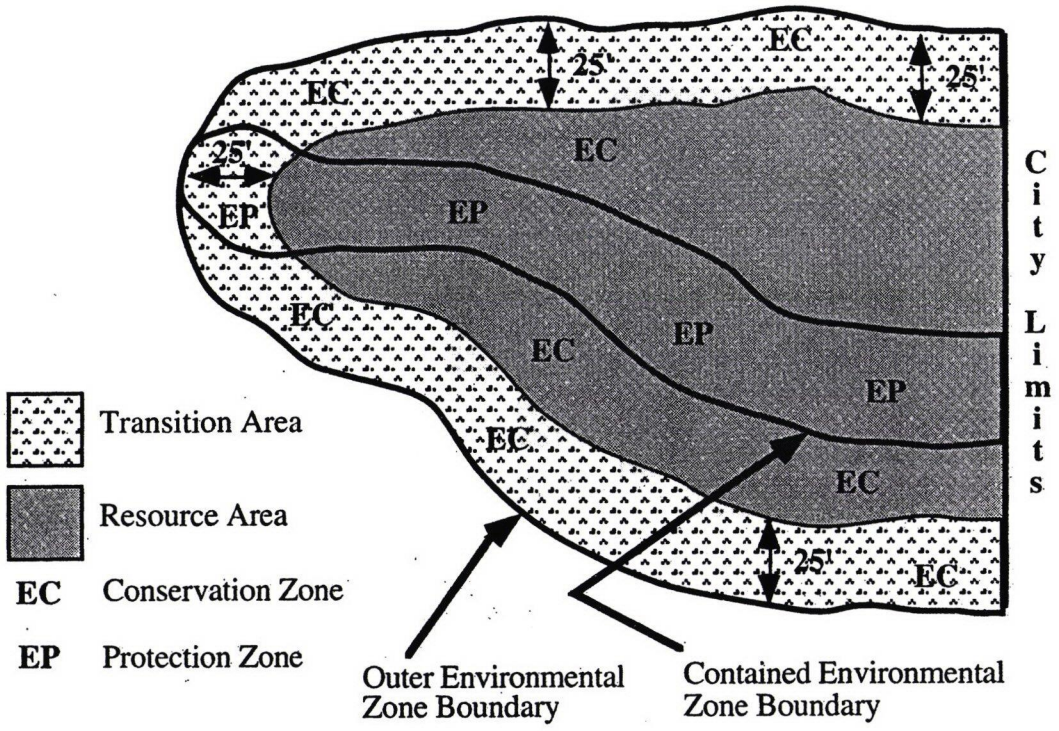
The transition area is measured as the first 25 feet inward from an environmental zone boundary. The remaining area is the resource area. See Figure 430-1. The following are three exceptions:

A. Where part of an environmental zone boundary is also the City Limits, there is no transition area.

B. Where environmental zone boundaries are contained within other environmental zone boundaries, there is no transition area.

C. Where environmental zone boundaries abut other environmental zone boundaries, transition areas are only measured from the combined outer-most boundaries of the environmental zones.

Figure 430-1
Environmental Zone Subareas



33.430.060 Where These Regulations Apply
These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those that are within the Smith and Bybee Lakes Natural Resources Management Plan area, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See Chapter 33.515, Columbia South Shore Plan District, the Smith and Bybee Lakes Natural Resources Management Plan, the Forest Park Natural Resources Management Plan, or the Natural Resources Management Plan for the Peninsula Drainage District No. 1.

33.430.070 When These Regulations Apply
Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

A. Development;

B. All land divisions;

C. Removing, cutting, mowing, clearing, burning, or poisoning native vegetation listed in the Portland Plant List;

D. Changing topography, grading, excavating, and filling;

E. Resource enhancement; and

F. Dedication and expansions of rights-of-way.

33.430.080 Items Exempt From These Regulations
The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter:

A. Change of ownership;

B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;

C. Existing development, operations, and improvements, including the following activities:

1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities. Replacement is not exempt whenever coverage or utility size is increased;

2. Continued maintenance of existing gardens, pastures, lawns, and landscape perimeters; including the installation of new irrigation and drainage facilities and new erosion control features. Change of crop type or farming technique on land currently in agricultural use;

3. Alterations to buildings which do not change the building footprint and do not require adjustments to site-related development standards;

4. Operation, maintenance, and repair of the following: irrigation systems; drainage facilities and conveyance channels; stormwater detention areas; pumping stations; erosion control and soil stabilization features; and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways. This exemption applies only if all spoils are placed outside environmental zones;

5. Removing a tree listed on the Nuisance or Prohibited Plant Lists. Removing other trees or portions of trees when they pose an immediate danger, as determined by the City Forester or a certified arborist. Removing these portions is exempt only if all sections of wood greater than 12 inches in diameter remain, or are placed, in the resource area of the same ownership on which they are cut;

6. Alterations to existing houseboats or replacing houseboats in existing slips;

7. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and

8. Land division and partitions of developed properties where no additional building sites are created and no additional development is proposed.

D. The following new development and improvements:

1. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

2. Public street and sidewalk improvements meeting all of the following:

   a. Improvements must be within an existing public right-of-way used by truck or automobile traffic;

   b. Local service streets must not exceed the minimum curb-to-curb widths described in Title 34, Subdivision and Partitioning Regulations. Other streets must not exceed curb-to-curb widths of 70 feet; and

   c. Sidewalks must not exceed the minimum standards of the Bureau of Transportation Engineering.

3. Water quality monitoring stations constructed to the standards of the Bureau of Environmental Services and groundwater monitoring wells constructed to the standards of the Bureau of Water Works, where access is by foot only;

4. Utilities installed above or below developed portions of public rights-of-way;

5. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank of waterbodies and where the disturbed area is restored to the pre-construction conditions;

6. Boundary and topographic surveys leaving no cut scars greater than three-inches in diameter on live parts of native plants listed in the Portland Plant List;

7. Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for environmental review;

8. Trails meeting all of the following:

   a. Trails must be confined to a single residential ownership;

b. Construction must take place between May 1 and October 30 with hand held equipment;

c. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;

d. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants; and

e. Trails must not be placed between the tops of banks of water bodies.

9. All land divisions with tentative plans, final plans, and recorded plats showing all of the following for every lot created or adjusted:

a. Building sites at least five feet from all resource areas. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;

b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in a resource area; and

c. Streets, driveways, and parking areas where all pavement is at least ten feet from a resource area.

33.430.090 Prohibitions

Prohibitions apply to both transition areas and resource areas. The following items are prohibited in all environmental zones:

A. Bulk plant, bulk use, or package use of hazardous substances. Transportation of hazardous substances through environmental zones by rail or on designated truck routes is allowed. Use of consumer quantities of hazardous substances within environmental zones is allowed subject to the regulations of this Title. See Section 33.140.120 for descriptions of hazardous material quantities;

B. The planting or propagation of any plant identified as a nuisance plant or prohibited plant on the Portland Plant List; and

C. Exterior work activities, unless in conjunction with a river-related or river-dependent use. See Chapter 33.910, Definitions.

Development Standards

33.430.110 Purpose

These provisions are intended to:

A. Encourage sensitive development while minimizing impact on resources;

B. Provide clear limitations on disturbance within resource areas;

C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental zones;

D. Provide clear planting and erosion control requirements within resource areas;

E. Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial, and multi-dwelling residential uses; and

F. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

33.430.120 Procedure

Compliance with these standards is determined as part of the building permit or development permit application process. Adjustments to these standards through Chapter 33.805, Adjustments, are prohibited. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

33.430.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

A. An existing conditions site plan including:

1. Location of all Environmental Zone lines on the site;

2. Outline of any existing disturbance area, including existing utility locations;

3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top-of-bank, centerline of stream, or wetland boundary as appropriate;

4. Within the disturbance area, all trees that are more than 6 inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and

5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.

B. Proposed development plan including:

1. Outline of the proposed disturbance area, including all areas of proposed utility work;

2. Location and description of all proposed erosion control devices;

3. A stormwater management plan; and

4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone showing that 90 percent vegetative cover will be achieved within one year.

C. Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except utilities subject to Section 33.430.150, land divisions subject to Section 33.430.160, and resource enhancement projects subject to Section 33.430.170. Standards A through C and G through P apply to new development. Standards D through P apply to alterations to existing development. Only standards E, J, K, N, O, and P apply in Transition areas. All of the applicable standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A. New development within a resource area on the site, except utilities subject to Section 33.430.150, does not exceed the disturbance area limitations of Table 430-1.

Table 430-1
Maximum Disturbance Area Allowed

	OS and RF Zone	R20	R10	R7	R5	All Other Zones
Maximum Disturbance Area	5,000 sq. ft. [1]	5,000 sq. ft. [1]	5,000 sq. ft. [1]	3,500 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage or 1 acre, whichever is less [1]

Note:
[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

B. The disturbance area is set back at least 5 feet from the resource area of any environmental protection zone;

C. The disturbance area must be set back at least:

1. Fifty feet from the edge of any identified wetland, from the top-of-bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF;

2. Thirty feet from the top-of-bank of any identified water body within a protection zone on all lots except those zoned R10, R20 or RF; and

3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.

D. For alterations to existing development, one of the following must be met:

1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone; or

2. If the existing disturbance area now exceeds the limitations of Table 430-1, a permanent disturbance area that meets the size limitations of Table 430-1 must be delineated that includes all existing buildings, parking and loading areas, paved or graveled areas, patios and decks, and contains the proposed development. The same delineated disturbance area must be shown on every subsequent proposal for alterations meeting this standard.

E. The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;

F. The proposed development must be set back at least:

1. Fifty feet from the edge of any identified wetland, from the top-of-bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF;

2. Thirty feet from the top-of-bank of any identified water body within a protection zone on lots zoned R7 through IH; and

3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.

G. Native trees may be removed within 10 feet of any proposed structures, or within 5 feet of driveways. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches. Trees listed on the Portland Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed;

H. Trees cut are replaced as shown in Table 430-2. Replacement trees must be at least one-inch in diameter; shrubs must be in at least a 2-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the Portland Plant List and planted on the applicant's site. Conifers must be replaced with conifers and shrubs must consist of at least two different species;

I. All vegetation planted in a resource area is native and listed on the Portland Plant List. Plants listed on the Portland Nuisance Plant List or Prohibited Plant List are prohibited;

Table 430-2
Tree Replacement

Size of tree to be removed (inches in diameter)	Option A (no. of trees to be planted)	Option B (combination of trees and shrubs)
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

J. Erosion control must conform to the Erosion Control Technical Guidance Handbook, City of Portland, Bureau of Environmental Services, and to Chapter 24.70, Clearing, Grading, and Erosion Control of Title 24, Building Regulations. All development between November 1 and April 30 of any year, which disturbs more than 500 square feet of ground, requires wet weather measures described in the Erosion Control Technical Guidance Handbook;

K. The minimum front, street, or garage setbacks of the base zone may be reduced to any distance between the base zone minimum and zero;

L. The maximum front building setback is the minimum front building setback of the base zone. On a lot with more than one front lot line this standard applies to the front lot line that is farthest from the resource area. In zones with no minimum setback the maximum setback is 10 feet;

M. Fences are allowed only within the disturbance area;

N. Parking and truck area buffers:

1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the Portland Plant List to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;

2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the Portland Plant List to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;

O. Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200 watt incandescent light) must be placed so they do not shine directly into resource areas; and

P. Exterior storage and display areas include a ten foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

33.430.150 Standards for Utility Lines

The following standards apply to connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A. The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;

B. The disturbance area for public utility lines is no greater than 15 feet wide;

C. The utility construction does not occur within a stream channel;

D. Disturbance areas must be planted with native species according to the following densities:

1. Three different native shrub species are required at a minimum 1 gallon size, planted in clumps of three. The clumps must be planted to provide 50 percent cover;

2. The remaining area must be planted with native groundcover to reach 90 percent cover within one year.

E. Native trees more than 10 inches in diameter may not be removed; and

F. Each 6 to 10-inch diameter native tree cut must be replaced at a ratio of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter and selected from the Portland Plant List. All trees must be planted on the applicant's site but not within 10 feet of a paved surface. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel.

33.430.160 Standards for Land Divisions, PUDs, and cluster Housing Subdivisions
The following standards apply to land divisions, PUDs, and cluster housing subdivisions in the environmental zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A. All development is outside the resource area of the environmental protection zone;

B. Resource areas of the environmental protection zone are located entirely within common open space tracts; and

C. Land divisions which are not also PUDs or cluster housing subdivisions:

1. All lots proposed within the environmental conservation zone have designated building sites that meet standards A through C and G through P of Section 33.430.140; and

2. No streets or alleys are created in the resource area of the environmental conservation zone.

D. PUDs and cluster housing subdivisions: The standards of subsections 33.430.140.B, C, and H through P must be met. The standards of this subsection also must be met:

1. The total amount of disturbance area allowed within the resource area of the environmental conservation zone is 50 percent of the base zone building coverage or 1 acre, whichever is less, minus the amount of area outside the resource area; and

2. Native trees may be removed within 10 feet of any proposed structures, or within 5 feet of roads, driveways, and parking areas. In no case will the combined total diameter of all the 6-inch or greater trees cut exceed 225 inches per dwelling unit proposed. Trees listed on the Portland Nuisance Plant List or Prohibited Plant List are exempt from this standard and may be removed.

E. Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;

F. Right-of-way and roadway widths do not exceed the minimum standards allowed for each zone as listed in Figure 1 of Title 34, Subdivision and Partitioning Regulations; and

G. Utility construction meets the standards of Section 33.430.150.

33.430.170 Standards for Resource Enhancement Projects

The following standards apply to resource enhancement projects in the environmental zones. All of the standards must be met. Modification of any of these standards requires approval through environmental review described in Sections 33.430.210 to 33.430.280.

A. All work takes place outside the resource area of the environmental protection zone;

B. There is no disturbance of any identified wetland or water body;

C. There is no excavation, fill, or change in the topography of the site;

D. No vegetation listed on the Portland Plant List is removed; and

E. No structures are proposed.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;

B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;

C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;

D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and

E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

33.430.220 When Environmental Review is Required
Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .170 and for violations of this Chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning Commission, or Planning Director may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this Chapter.

33.430.230 Procedure
Environmental reviews are processed through the following procedures:

A. Resource enhancement activities are processed through the Type I procedure.

B. The following are processed through the Type II procedure:

1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;

2. Public recreational trails, rest points, view points, and interpretative facilities;

3. Public safety facilities;

4. Environmental zone boundary modifications;

5. All other uses and development in resource areas of Environmental Conservation zones; and

6. Development within the Transition Area only.

C. The following are processed through the Type III procedure:

1. All other uses and development in resource areas of Environmental Protection zones; and

2. Corrections of violations of this Chapter.

33.430.240 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

A. Supplemental site plan requirements. One copy of each plan must be at a scale of at least one inch to 100 feet. Site plans must show existing conditions, conditions existing prior to a violation, proposed development, and construction management. A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director may

waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. Site plans must show the following:

   a. For the entire site:

      - 100-year floodplain and floodway boundaries;
      - Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
      - Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;
      - Drainage patterns, using arrows to indicate the direction of major drainage flow; and
      - Existing improvements such as structures, or buildings, utility lines, fences, etc.

   b. In areas of the site that have been or will be disturbed:

      - Distribution outline of shrubs and ground covers, with a list of most abundant species;
      - A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater; and
      - Trees greater than six inches in diameter, identified by species. In the case of violations also indicate those that were cut or damaged by stump diameter and species.

   c. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition.

2. A construction management site plan including:

   - Areas that will be disturbed, including equipment maneuvering areas;
   - Areas where existing topography and vegetation will be left undisturbed;
   - Location of site access and egress;
   - Equipment and material staging and stockpile areas;
   - Erosion control measures; and
   - Measures to protect trees and vegetation.

3. A mitigation or remediation site plan including:

   - Dams, weirs, or other in-water structures;
   - Distribution outline, species composition, and percent cover of ground covers to be seeded or planted;
   - Distribution outline, species composition, size, and spacing of shrubs to be planted;
   - Location, species, and size of each tree to be planted;
   - Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
   - Water bodies to be created, including depth;

- Water sources to be used, including volumes; and
- Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

B. Supplemental narrative. The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;

   a. An impact evaluation includes:

      (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;

      (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impac andts on the identified resources and functional values of the site;

      (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.

   b. An impact evaluation for a violation includes:

      (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and

      (2) Determination of the impact of the violation on the resources and functional values.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:

   - Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;

- Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
- Construction timetables;
- Operations and maintenance practices;
- Monitoring and evaluation procedures;
- Remedial actions for unsuccessful mitigation; and
- Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.430.250 Approval Criteria

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .170, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

A. Public safety facilities, roads, driveways, walkways, stormwater disposal, buried connections to existing utilities, land divisions, and planned unit developments (PUDs). Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:

1. General criteria for public safety facilities, roads, driveways, walkways, stormwater disposal, buried connections to existing utilities, land divisions, and PUDs;

   a. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

   b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

   c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

   d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

   e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utilities;

a. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

4. Land divisions and PUDs:

a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones in PUDs and Cluster Subdivisions must be in common open space tracts;

b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the designation of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas; and

c. All areas to be developed that are within resource areas of a conservation zone, must designate areas for building sites, vehicular access, and utility service that are less detrimental to identified resources and functional values than other practicable and significantly different alternatives.

B. Resource enhancement projects. In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. There will be no loss of total resource area;

2. There will be no significant detrimental impact on any resources and functional values; and

3. There will be a significant improvement of at least one functional value.

C. Public recreational facilities. In resource areas of environmental zones, public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

2. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the Portland Plant List; and

4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.

D. Modification of zone boundaries. Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:

1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or

2. Approved loss of resource area. All of the following must be met:

   a. All approved development in a resource area has been completed;

   b. All mitigation required of this development has been successful; and

   c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.

3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.

E. Other development in the Environmental Conservation zone or within the Transition Area only. In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:

1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;

2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;

3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

F. Other development in the Environmental Protection zone. In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;

2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;

3. There is a public need for the proposed use or development;

4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;

5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;

7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and

8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

G. Corrections to violations. For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and

2. The remediation plan demonstrates that after its implementation there will be:

   a. No permanent loss of any type of resource or functional value;

   b. A significant improvement of a least one functional value; and

   c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

33.430.260 Performance Guarantees

The Planning Director may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

33.430.270 Special Evaluation by a Professional

A professional consultant may be hired to evaluate proposals and make recommendations if the Planning Director finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

33.430.280 Modifications Which Will Better Meet Environmental Review Requirements

The review body may consider adjustments for site-related development standards as part of the environmental review process. These modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations.

Natural Resource Management Plans

33.430.310 Purpose

Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional state, and federal agencies.

33.430.320 Scope

Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

33.430.330 Procedure

Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

33.430.340 Components

The applicant must submit a natural resource management plan with the following components:

A. Management objectives to maintain or enhance resources and functional values;

B. Lists of allowed and prohibited uses;

C. Maps of areas where these uses are allowed and prohibited;

D. Types of mitigation or enhancement required;

E. Maps of areas reserved for these mitigation or enhancement actions;

F. Timetables for development, mitigation, and enhancement; and

G. Procedures and criteria for approving uses.

33.430.350 Approval Criteria for Adoption and Amendment.

A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

A. Compliance with Sections 33.430.310 through 350;

B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and

C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

Notice and Review Procedure

33.430.410 Purpose

The purpose of this notice and review procedure is to provide for participation by the applicant and the public in the process of permitting development in areas having identified significant resources and functional values. Public participation will reduce the chance of avoidable detrimental impacts on resources and functional values.

33.430.420 When These Regulations Apply

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .170. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

33.430.430 Procedure

Applications for building permits or development permits that qualify under 33.430.420 will be processed according to the following procedures:

A. Application. The applicant must submit a site plan. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

B. Notice of a request.

1. Mailed notice. Within one business day of receipt of a complete site plan for a building or development permit application, the Director will mail a notice of the request to all recognized organizations within 400 feet of the site. The notice of request will contain at least the following information:

   - A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .170.
   - The legal description and address of the site;
   - A copy of the site plan;
   - The place where information on the matter may be examined and a telephone number to call;
   - A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies; and
   - A statement describing the comment period.

2. Posting notice on the site. The applicant must place a public notice about the request on the site within 24 hours of submitting an application for a permit. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the mailed notice.

3. Marking proposed development on site. Within 24 hours of submitting an application for permit the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material.

C. Site inspection. The Bureau of Buildings will inspect the site prior to issuance of the permit and will provide the Planning Bureau with one of the following:

1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or

2. A check sheet identifying the deficiencies in the plan.

D. Notice of intent to approve a permit. Upon receipt of the Inspector's report indicating that the standards are met, the Director will mail a notice of intent to approve the permit to all recognized organizations within 400 feet of the site and anyone who has commented on the matter. The notice of request will contain at least the following information:

1. A statement of the intent to approve a permit.

2. The legal description and address of the site;

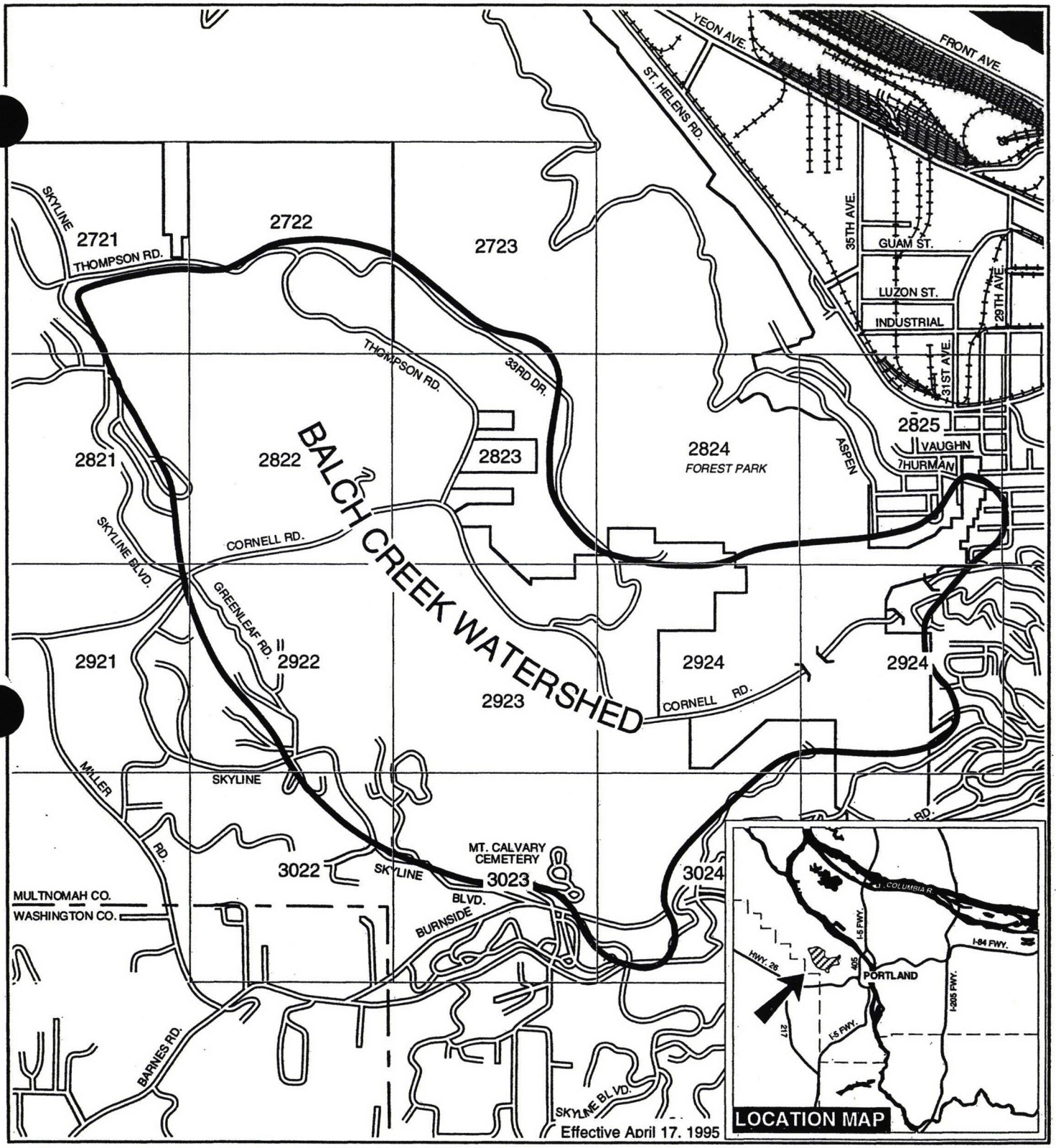
3. A copy of the site plan; and

4. A statement indicating where and how to respond with objections.

E. Objections. Any interested person may object to the approval of a permit by writing and specifically identifying errors or concerns. Objections must be received within 14 days of the mailing date of the notice of intent to approve the permit.

F. When no objection is received. If no one objects within the 14-day comment period, the Director will approve the permit if it meets all applicable standards and regulations of the Zoning Code.

G. Response to objections. If an objection is received the Director will respond in writing within 14 days of the end of the initial 14 day comment period. The written response will specifically address each comment or objection that concerns compliance with the development standards of Section 33.430.140 through .170. The Director will approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.



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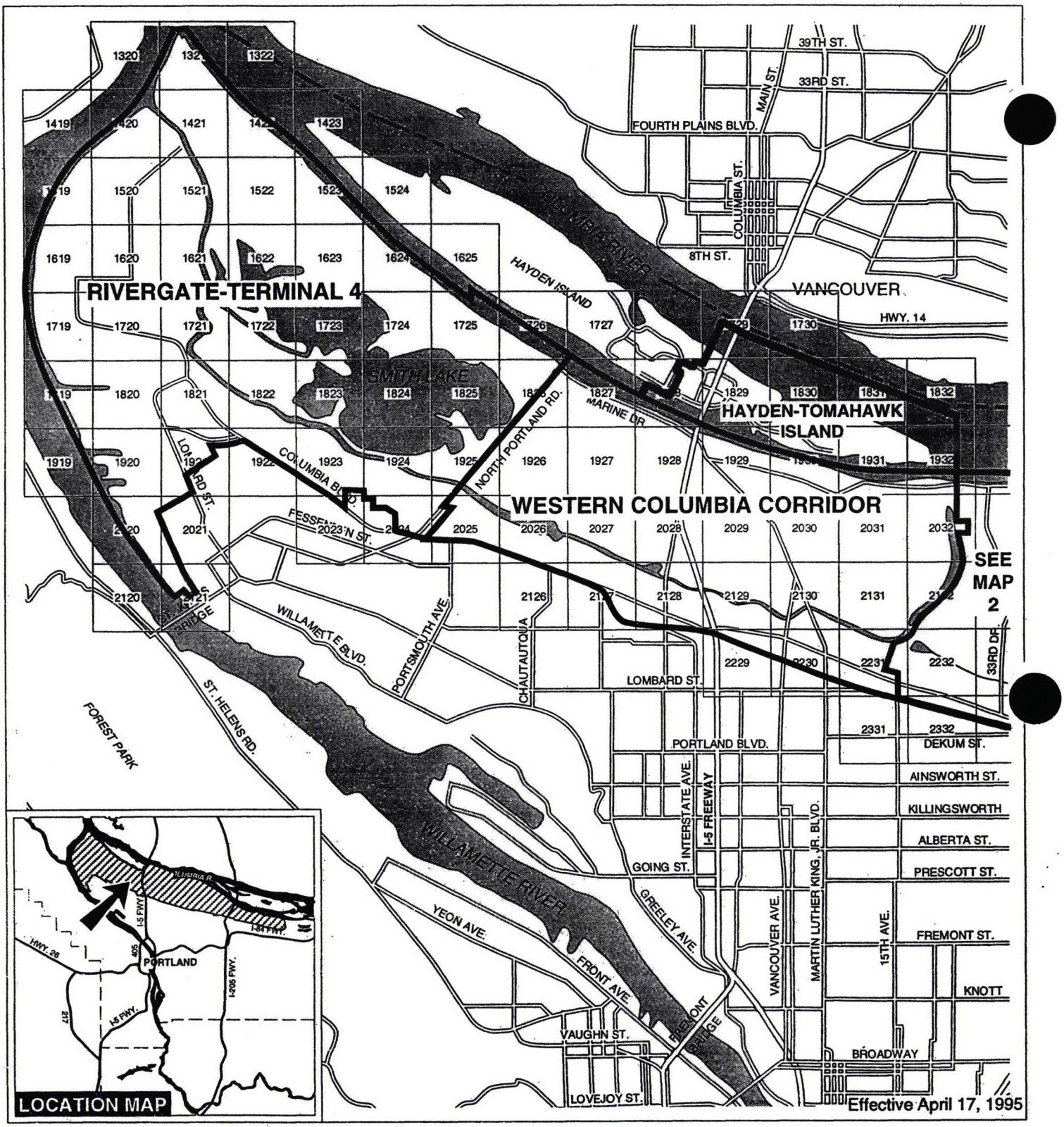
Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-1

Balch Creek Watershed Protection Plan Area

Bureau of Planning • City of Portland, Oregon



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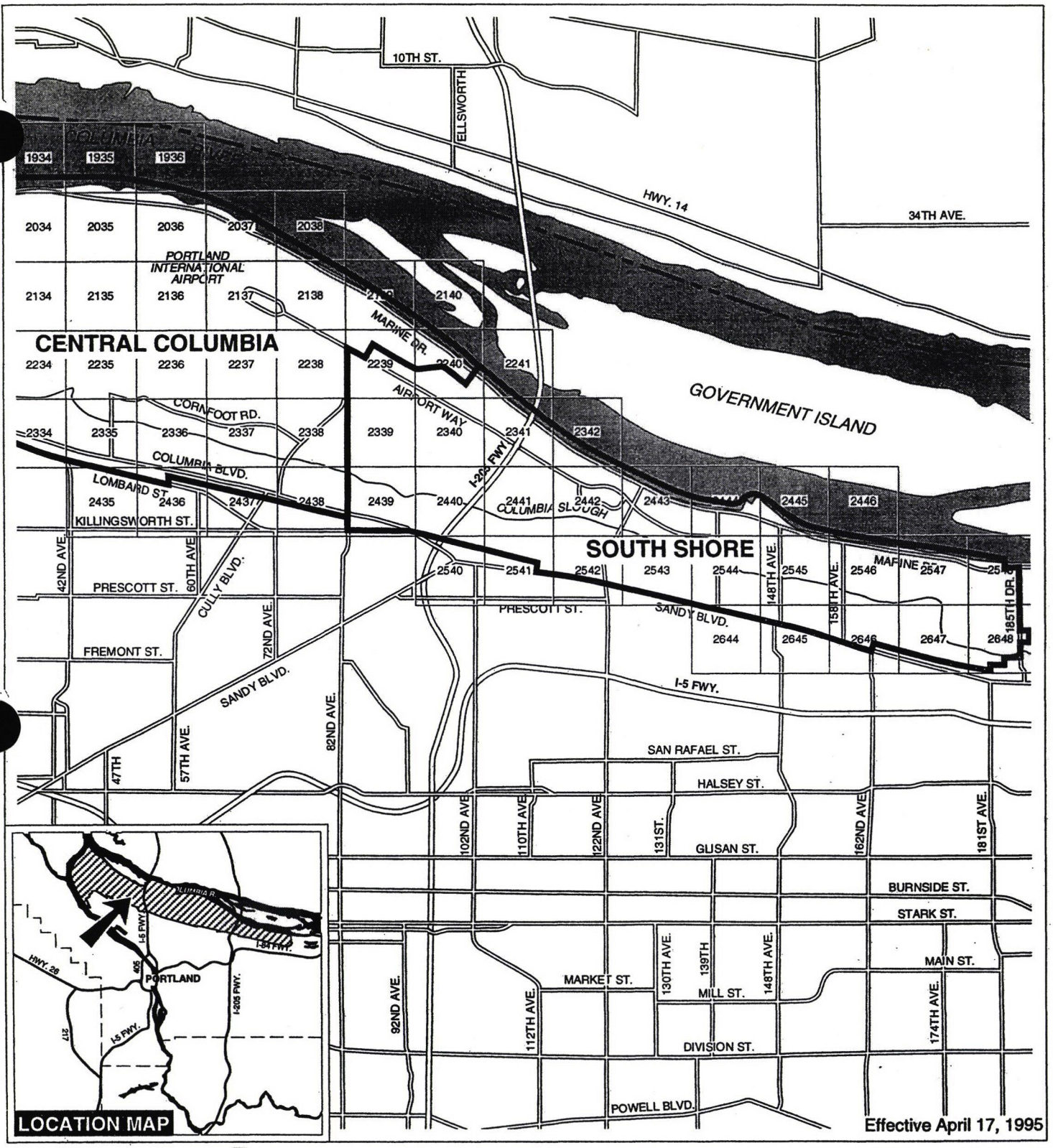
MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-2

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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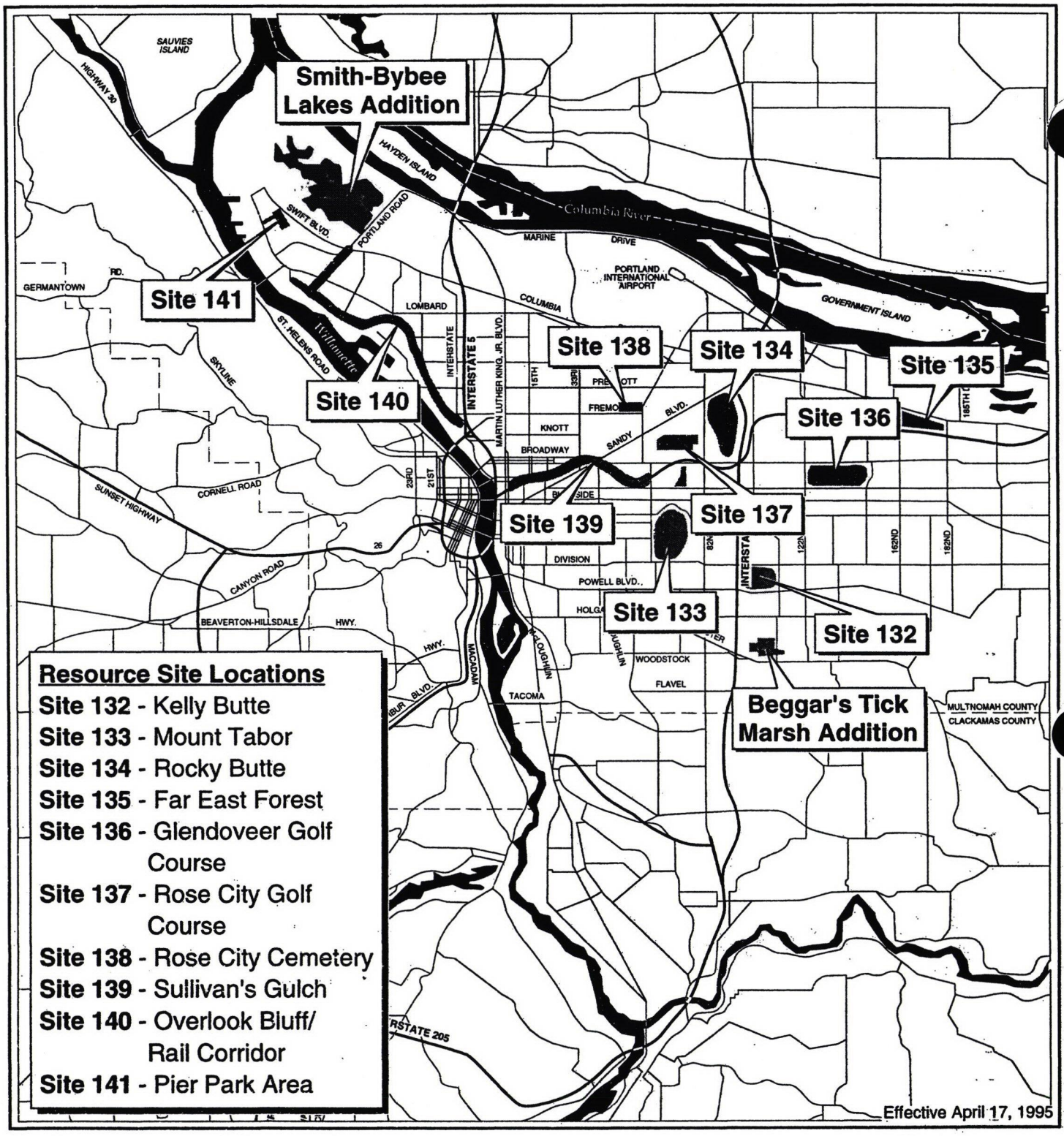
MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-2

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



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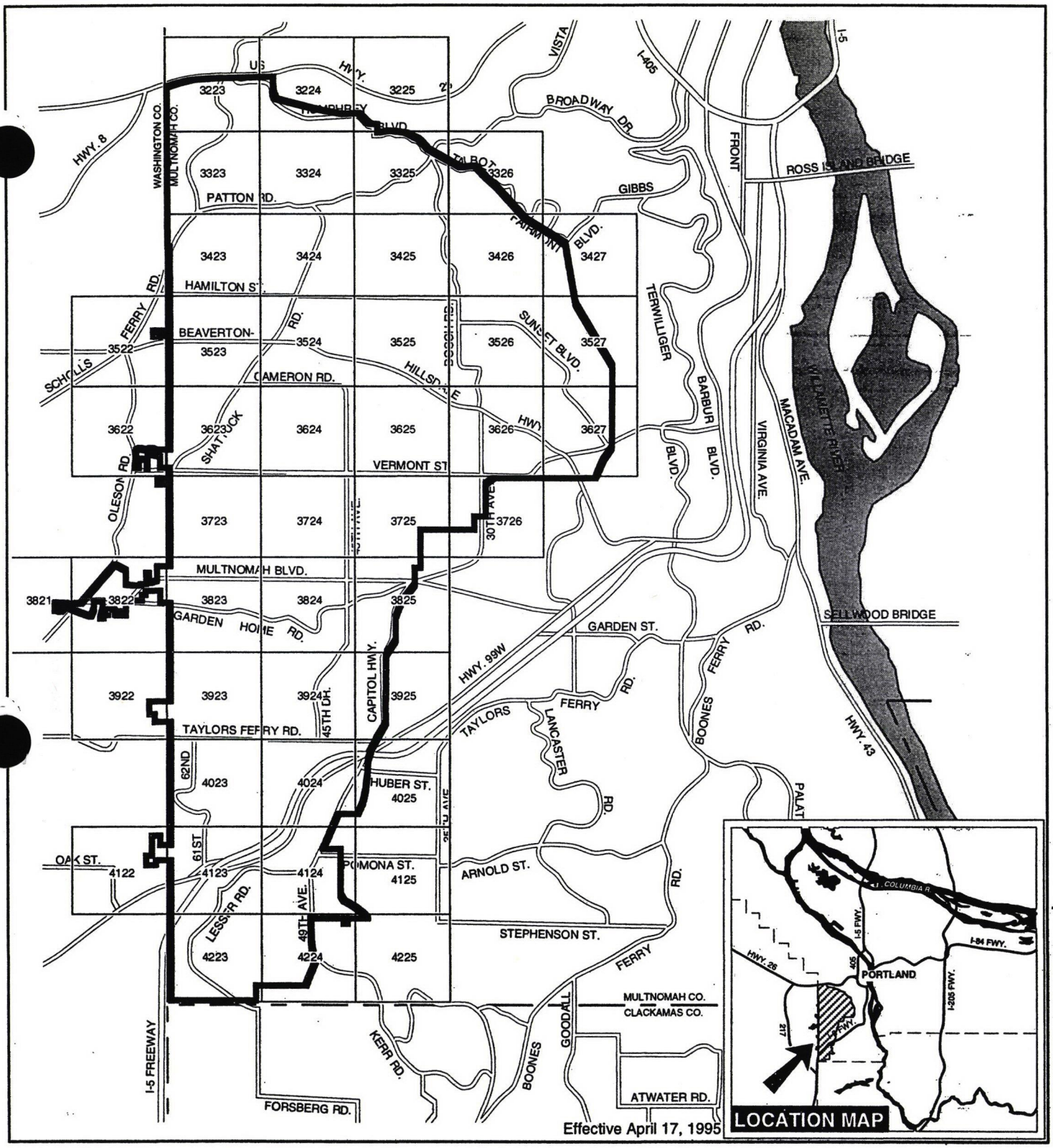
Scale in Miles

Plan Areas

Map 430-3

East Buttes, Terraces and Wetlands Conservation Plan Area

Bureau of Planning • City of Portland, Oregon



Map 430-4

Fanno Creek and Tributaries Conservation Plan Area

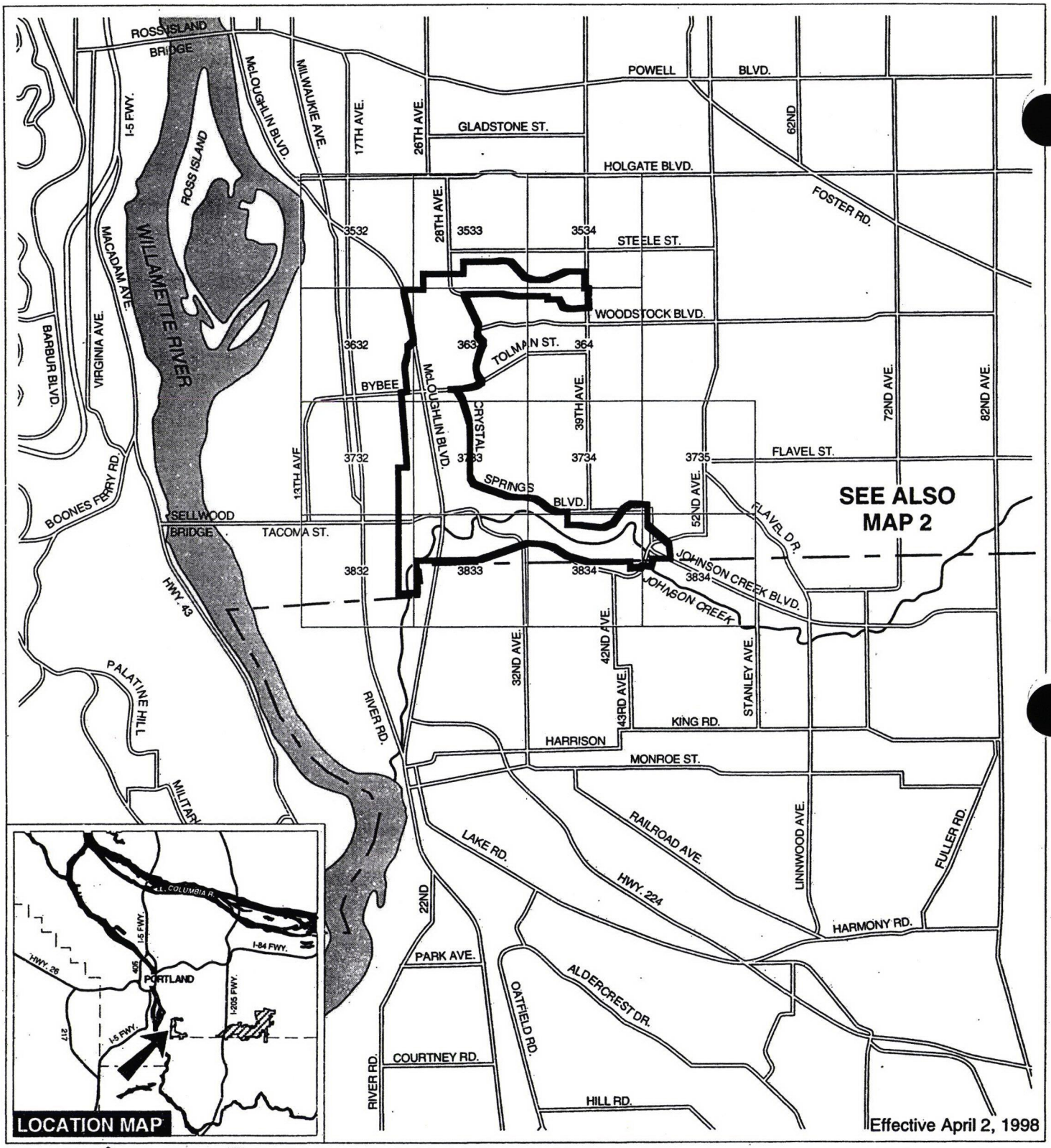
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MAP NOTES: Small numbers within boxes represent quarter-sections.

Bureau of Planning • City of Portland, Oregon



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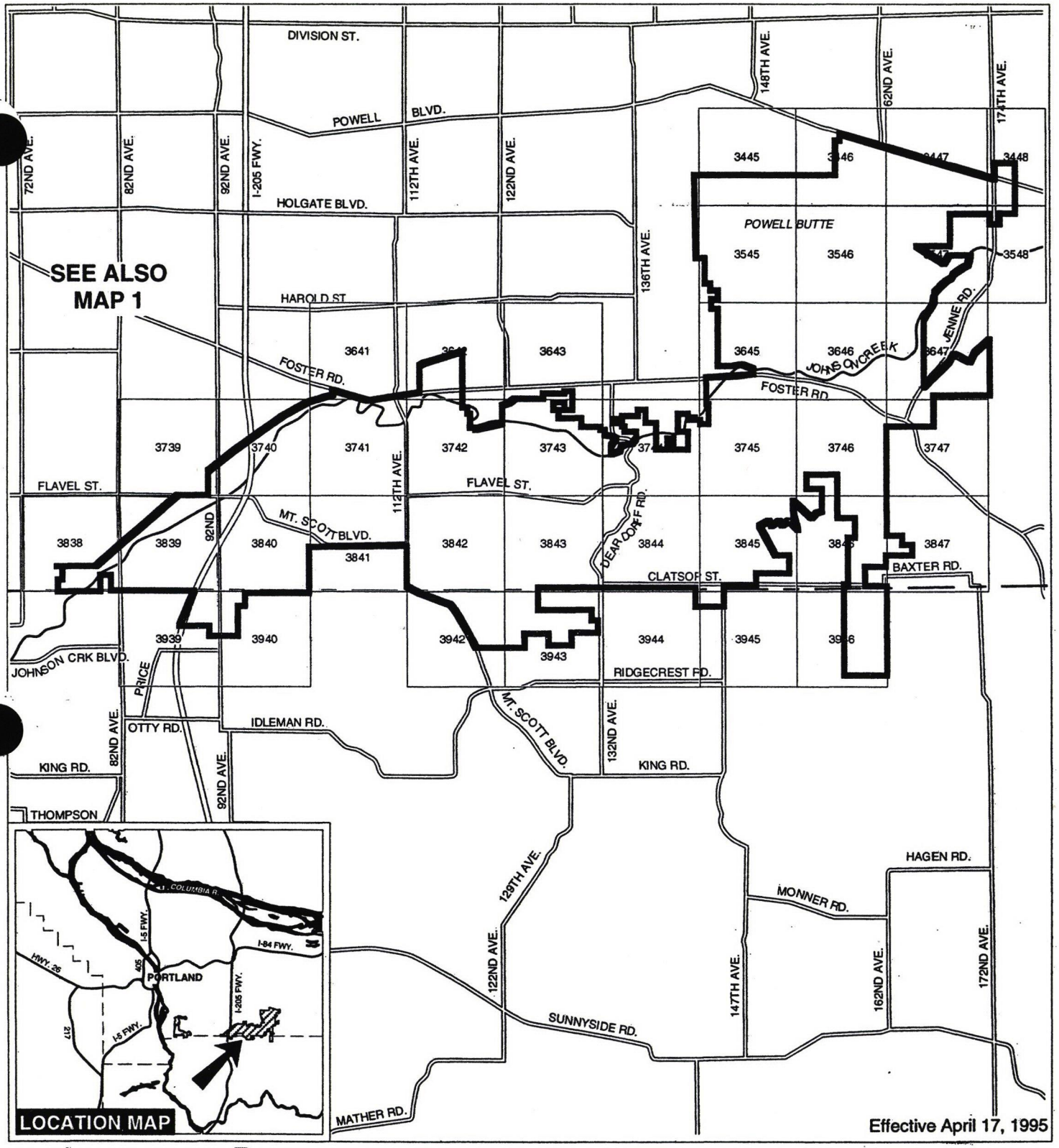
GTS/Graphics 1-15-98

Map 430-5

Johnson Creek Basin Protection Plan Area

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



Effective April 17, 1995

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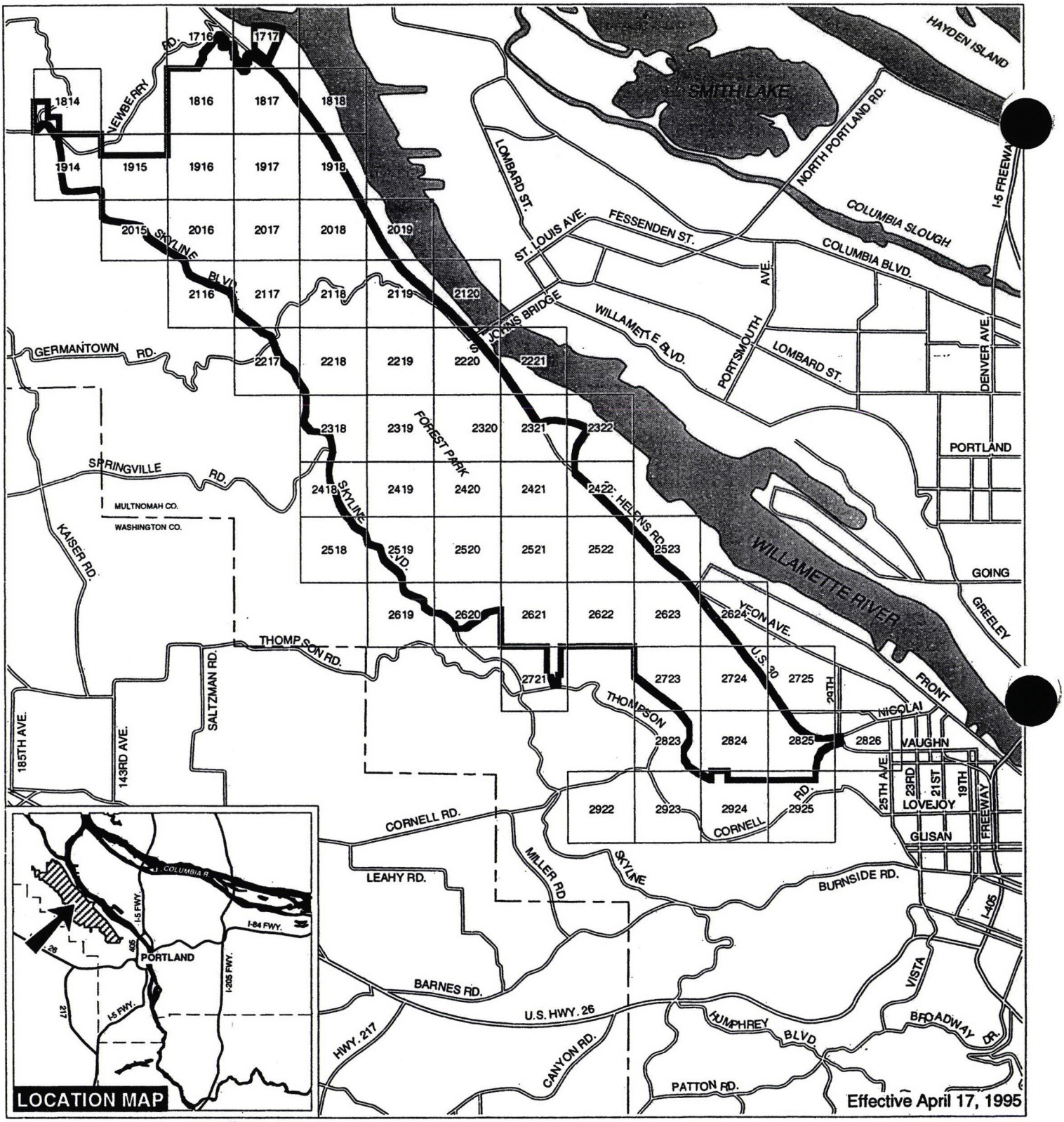
MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-5

Johnson Creek Basin Protection Plan Area

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



Effective April 17, 1995

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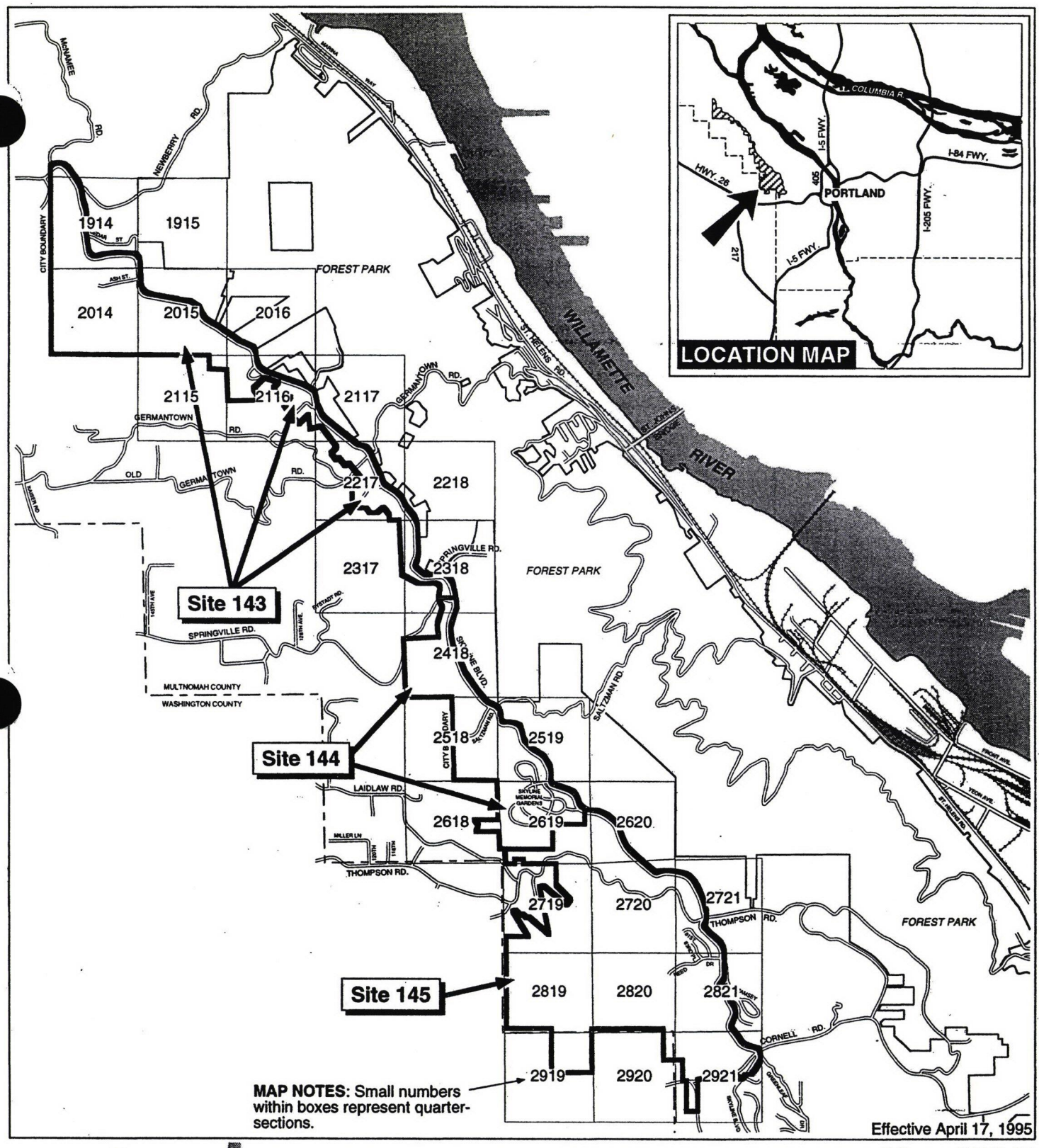
Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-6

Northwest Hills Natural Areas Protection Plan Area

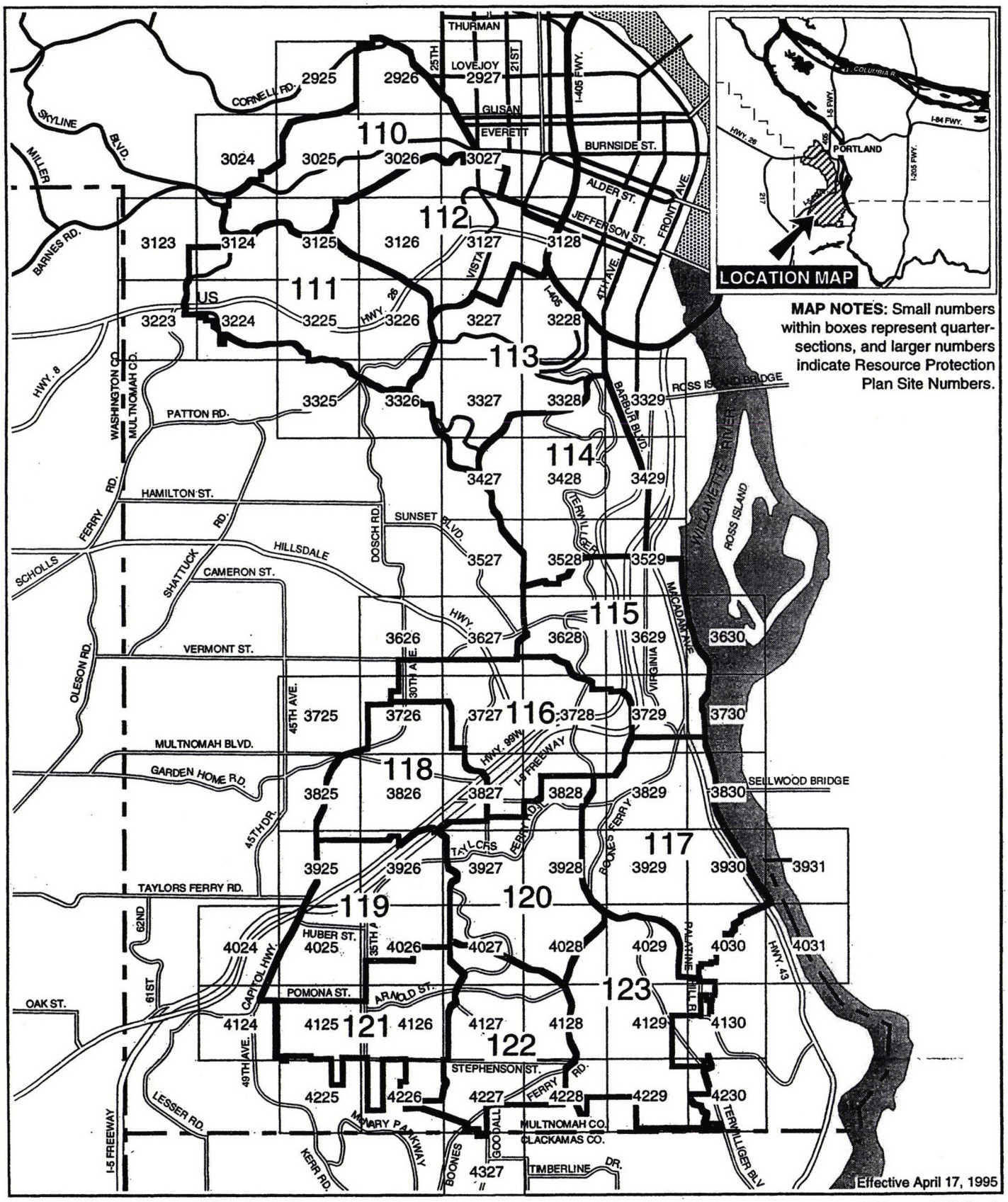
Bureau of Planning • City of Portland, Oregon



Map 430-7

Skyline-West Resource Protection Plan Area

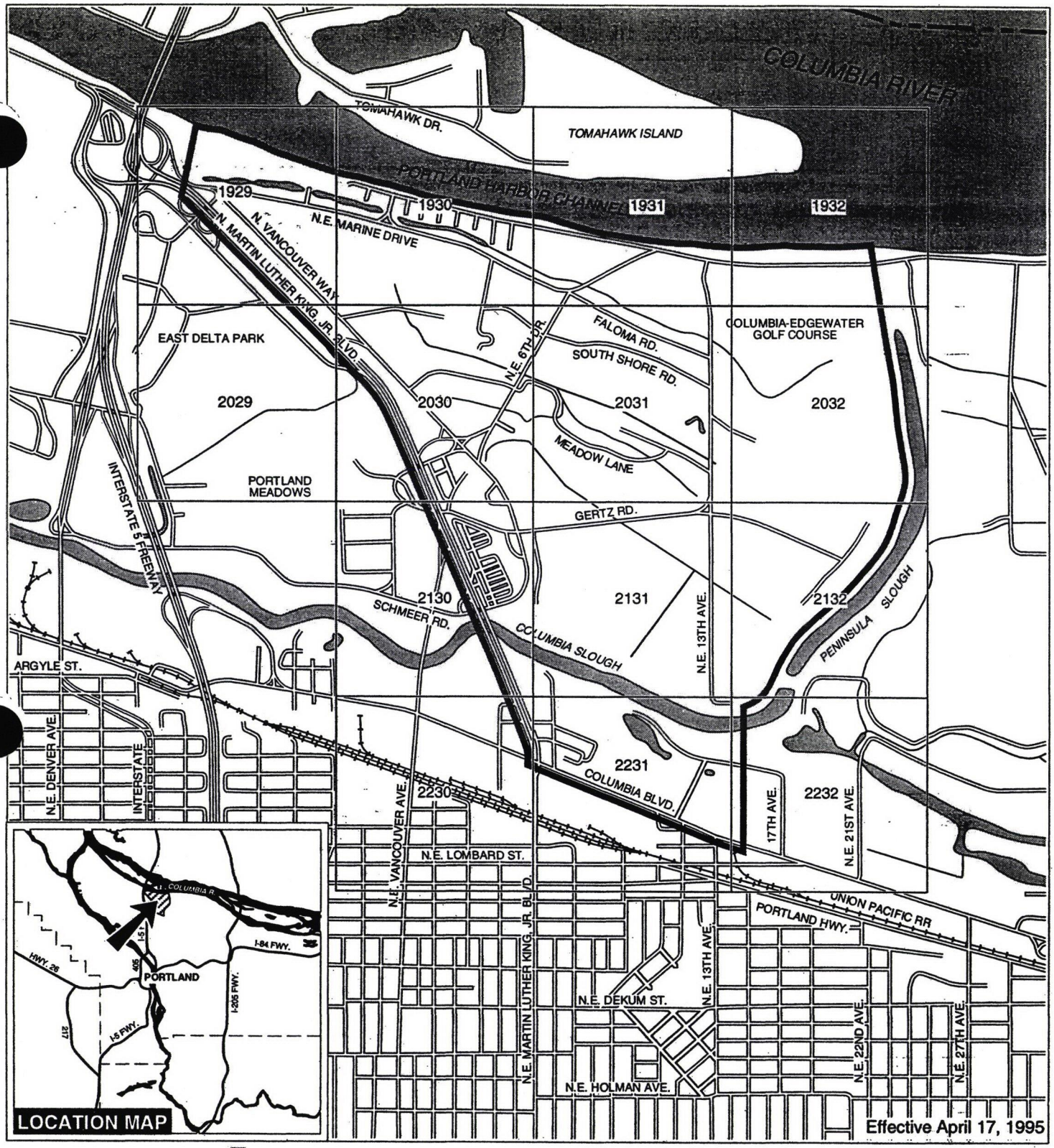
Bureau of Planning • City of Portland, Oregon



Map 430-8

Southwest Hills Resource Protection Plan Area

Bureau of Planning • City of Portland, Oregon



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Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-9

East Columbia Neighborhood Natural Resources Management Plan Area

Bureau of Planning • City of Portland, Oregon



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Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-10

Smith and Bybee Lakes Natural Resource Management Plan Area

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.435
FUTURE URBAN ZONE

(Added by Ord. No. 163770, effective 2/8/91)

Sections:
33.435.010 Purpose
33.435.020 Map Symbol
33.435.030 Applying and Removing the Zone
33.435.040 Minimum Lot Area

33.435.010 Purpose

The Future Urban overlay zone limits development in future urban areas. Future urban areas are, (1) all areas beyond the the Metropolitan Service District's Urban Growth Boundary (UGB), and (2) areas within the UGB to which the extension of full urban services would not be cost effective or would cause unacceptable harm to the environment. The Future Urban overlay zone limits development by prohibiting the creation of new lots with a total area of less than 20 acres.

33.435.020 Map Symbol

The Future Urban zone is shown on the Official Zoning Maps with an "f" map symbol (for future).

33.435.030 Applying and Removing the Zone

The Future Urban zone must be applied to all lands designated "Natural Resource" on the Metro Regional Land Use Framework Map. When the UGB is expanded to include Future Urban-zoned land, the Future Urban zone is to be removed from that land following the zoning map amendment procedures in 33.855.080.

33.435.040 Minimum Lot Area

The minimum lot area for the creation of new lots in the Future Urban zone is 20 acres. The creation of new lots of less than 20 acres is prohibited. Existing lots of less than 20 acres may be developed, but may not be reduced in area.

CHAPTER 33.440
GREENWAY ZONES

(Amended by: Ord. No. 171219, effective 7/1/97.)

Sections:

General
- 33.440.010 Purpose
- 33.440.020 Application of the Greenway Regulations
- 33.440.030 Greenway Overlay Zones
- 33.440.040 Map Symbols
- 33.440.050 Relationship to State and Federal Reviews

Use Regulations
- 33.440.100 Use-Related Restrictions

Development Regulations
- 33.440.200 Application of the Development Standards
- 33.440.210 Greenway Setback
- 33.440.220 Floor Area Ratios
- 33.440.230 Landscaping
- 33.440.240 Public Recreational Trails
- 33.440.250 Public Viewpoints
- 33.440.260 View Corridors
- 33.440.270 Nonconforming Uses and Development

Greenway Review
- 33.440.300 Purpose
- 33.440.310 Where Greenway Review Applies
- 33.440.320 Items Exempt from Greenway Review
- 33.440.330 Procedures
- 33.440.340 Notice to State Parks and Recreation Division
- 33.440.350 Approval Criteria
- 33.440.360 Greenway Goal Exceptions

Map 440-1 Willamette Greenway Public Access

General

33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and
- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368.

33.440.020 Application of the Greenway Regulations
This chapter applies to all land and fills and structures in water within the Willamette Greenway Plan boundary designated on the Official Zoning Maps with River Natural, River Recreational, River General, or River Industrial overlay zones. In addition, the public trail standards of 33.440.240 below apply to all lands designated on the Willamette Greenway Plan with the recreational trail symbol but which are outside of the greenway zones.

33.440.030 Greenway Overlay Zones
The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan. There are four greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.

A. River Natural. The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.

B. River Recreational. The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to and along the river, and which enhance the river's natural and scenic qualities.

C. River General. The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the waterfront, and which enhance the river's natural and scenic qualities.

D. River Industrial. The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.

33.440.040 Map Symbols
The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i

33.440.050 Relationship to State and Federal Reviews
In addition to any City requirements, all development within or riverward of the greenway setback, including fills, must be approved by the Oregon Division of State Lands and the U.S. Army Corp of Engineers.

Use Regulations

33.440.100 Use-Related Restrictions

A. Generally. In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational and River Industrial zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. **Any** changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.

B. Use restrictions.

1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.

2. River Industrial zone. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.C. below. There are no special use restrictions on sites that do not have river frontage.

3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.

Development Standards

33.440.200 Application of the Development Standards

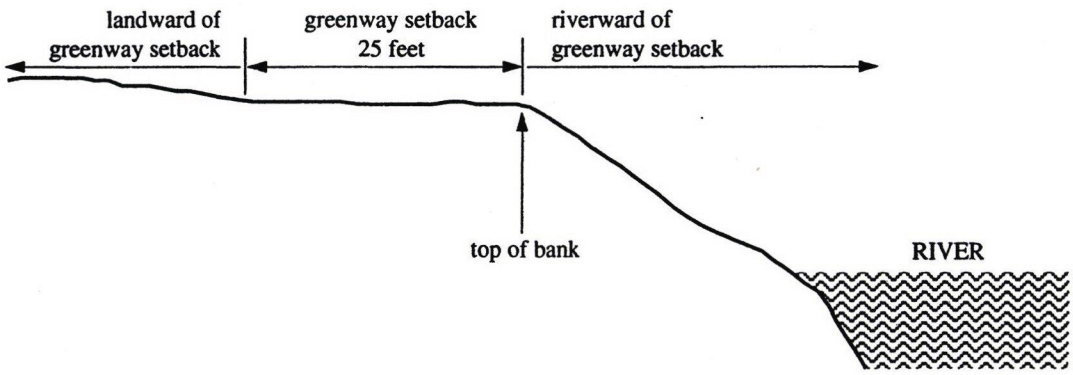
Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

33.440.210 Greenway Setback

A. General. The requirements of this section focuses on whether the development is **river-dependent** or **river-related**. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.

B. The setback area. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank. See Figure 440-1.

Figure 440-1
Greenway Setback



C. Development landward of the greenway setback. There are no special greenway restrictions for development, excavations, and fills landward of the greenway setback. However, all development, excavations, and fills located in the River Natural zone or within 50 feet of the zone is also subject to greenway review.

D. Development within the greenway setback. Only development and fill that is river-dependent or river-related is allowed in the greenway setback. Development and fill that is not river-dependent or river-related requires greenway review and a Greenway Goal Exception to locate within the greenway setback.

E. Development riverward of the greenway setback. Riverward of the greenway setback, development and fill that is river-dependent or river-related may be allowed if approved through greenway review. Development and fill that is not river-dependent or river-related requires greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

A. The site is already subject to a more restrictive FAR;

B. The site is located in the Central City plan district, where the plan district FAR limits apply; or

C. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

A. Required landscaping. Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base

zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.

B. Landscaping standards. Required greenway landscaping must comply with the standards stated below.

1. A minimum of one tree for every 20 feet of river frontage.

2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.

3. Remaining areas which are not paved or reveted surfaces must have living ground cover.

4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.

5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.

C. Native plants. All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.

33.440.240 Public Recreational Trails

A. Purpose. Public recreational trails provide public access to and along both sides of the Willamette River. Public recreational trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Public recreational trail requirements. All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.

C. Recreational trails in the River Natural zone. Recreational trails must be designed to minimize disturbances on the natural environment of the River Natural zoned lands.

33.440.250 Public Viewpoints

A. Purpose. Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Viewpoint Requirements. All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

A. Purpose. View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

B. Provision of corridors. All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Uses and Development. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

A. The development may continue.

B. The development may be changed to an allowed river-dependent or river-related development by right.

C. The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.

D. The development may be expanded, but not within or riverward of the greenway setback.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan and the Willamette Greenway design guidelines. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river; and
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback.

33.440.310 Where Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

A. New development;

B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;

C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;

D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks; and

E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback.

33.440.320 Exemptions from Greenway Review

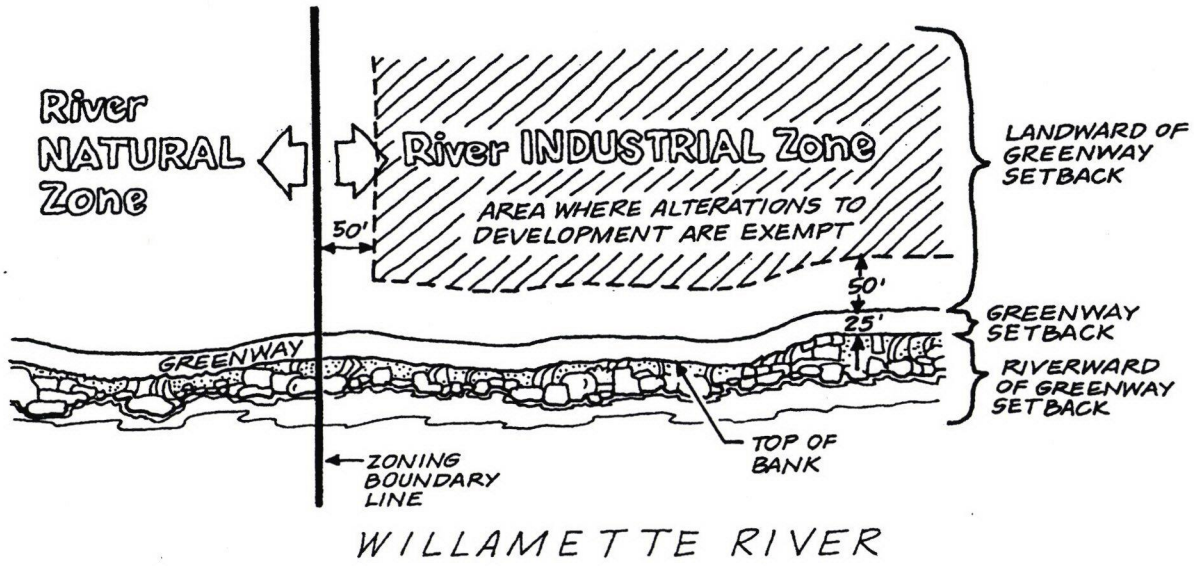
Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. The situations are:

A. As illustrated in Figure 440-2, alterations to development in the River Industrial zone that are outside of the areas listed below:

1. The greenway setback;
2. Riverward of the greenway setback;
3. Within 50 feet landward of the greenway setback; or
4. Within 50 feet of River Natural zoned land;

B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than $25,000;

Figure 440-2
Exemptions from Greenway Review



C. Changes to the interior of a building where there are no exterior alterations;

D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of 33.272, Recreational Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;

E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;

F. Excavations and fills under 50 cubic yards;

G. The normal maintenance and repair necessary for an existing development;

H. Dredging, channel maintenance, and the removal of gravel from rivers;

I. Emergency procedures necessary for the safety or protection of property;

J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;

K. Signs; and

L. Removal of vegetation identified as nuisance plants on the Portland Plant List.

33.440.330 Procedures
All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See 33.440.360 Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.
The Bureau of Planning will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.350 Approval Criteria

A. **Generally.** The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with **all** of the approval criteria which apply to the site. Requests for a greenway review will be approved if the review body finds that the applicant has shown that all of the appropriate approval criteria are met.

B. **For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.

C. **River frontage lots in the River Industrial zone.** In the River Industrial zone, uses that are not river-dependent or river-related may locate on river frontage lots when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

D. **Development within the River Natural zone.** The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

E. **Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.

F. **Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.

G. Development riverward of the greenway setback. The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:

1. The proposal will not result in the significant loss of biological productivity in the river;

2. The riverbank will be protected from wave and wake damage;

3. The proposal will not:

   a. Restrict boat access to adjacent properties;

   b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;

   c. Interfere with fishing use of the river;

   d. Significantly add to recreational boating congestion; and

4. The request will not significantly interfere with beaches that are open to the public.

33.440.360 Greenway Goal Exception

A. When a greenway goal exception is required. Approval of an exception to Statewide Planning Goal 15 - Willamette Greenway, is required to locate a development or right-of-way that is not river-dependent or river-related within or riverward of the greenway setback. A greenway goal exception is not required to add revetments to a riverbank.

B. Approval criteria. Requests for greenway goal exceptions will be approved if the review body finds the applicant to have shown that all of the following approval criteria are met:

1. The proposed use is allowed in the base zone by right, with limitations, or as a conditional use;

2. The proposal will not have a significant adverse effect on the inventoried greenway values of the site or on abutting sites or water areas;

3. The proposal will not significantly reduce lands available for river-dependent or river-related uses within the City;

4. The proposal will provide a significant public benefit;

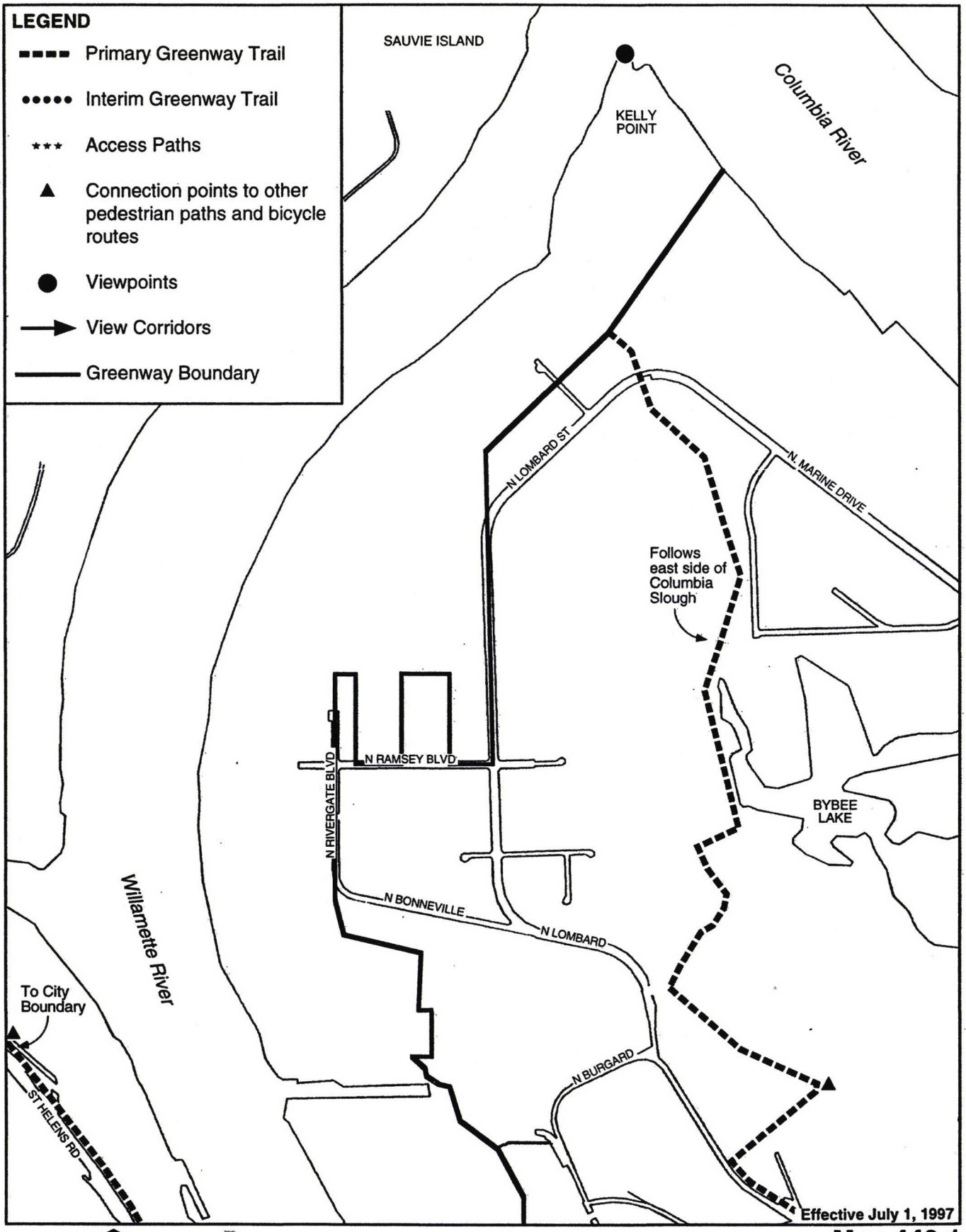
5. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;

6. The proposal cannot reasonably be accommodated in a location which does not require a goal exception;

7. Of all other potential locations within the greenway which require a goal exception, there are none with significantly better long-term environmental, economic, social, and energy consequences after mitigation measures;

8. The proposal is compatible with other adjacent uses, or will be so rendered through measures designed to reduce adverse impacts; and

9. Development and fills riverward of the greenway setback must show that there are no practical on-site alternatives which achieve the same level of public benefit.



NORTH

0' 1000' 2000'

Scale in Feet

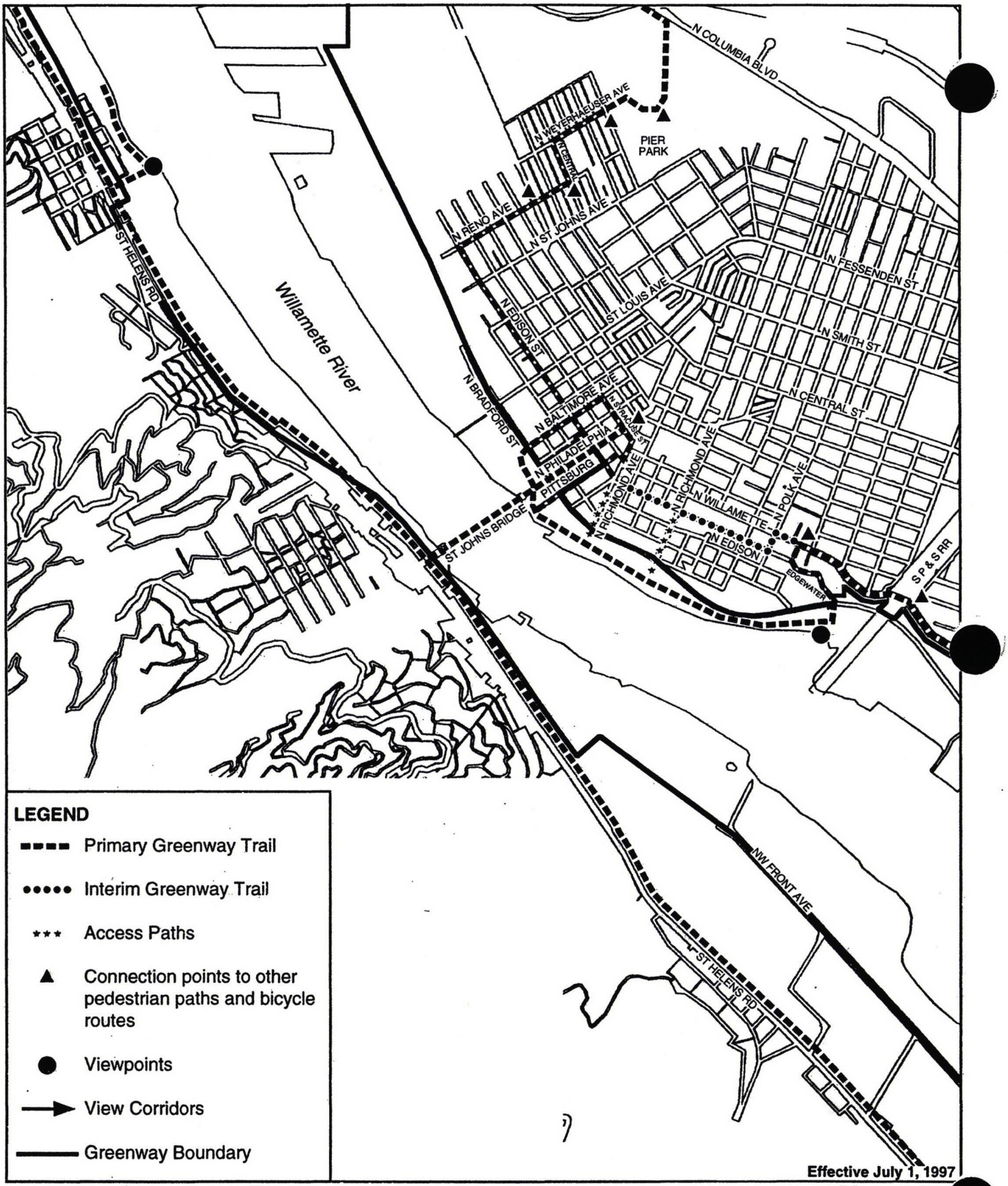
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Map 440-1

Willamette Greenway Public Access Map

Map 1 of 5

Bureau of Planning • City of Portland, Oregon



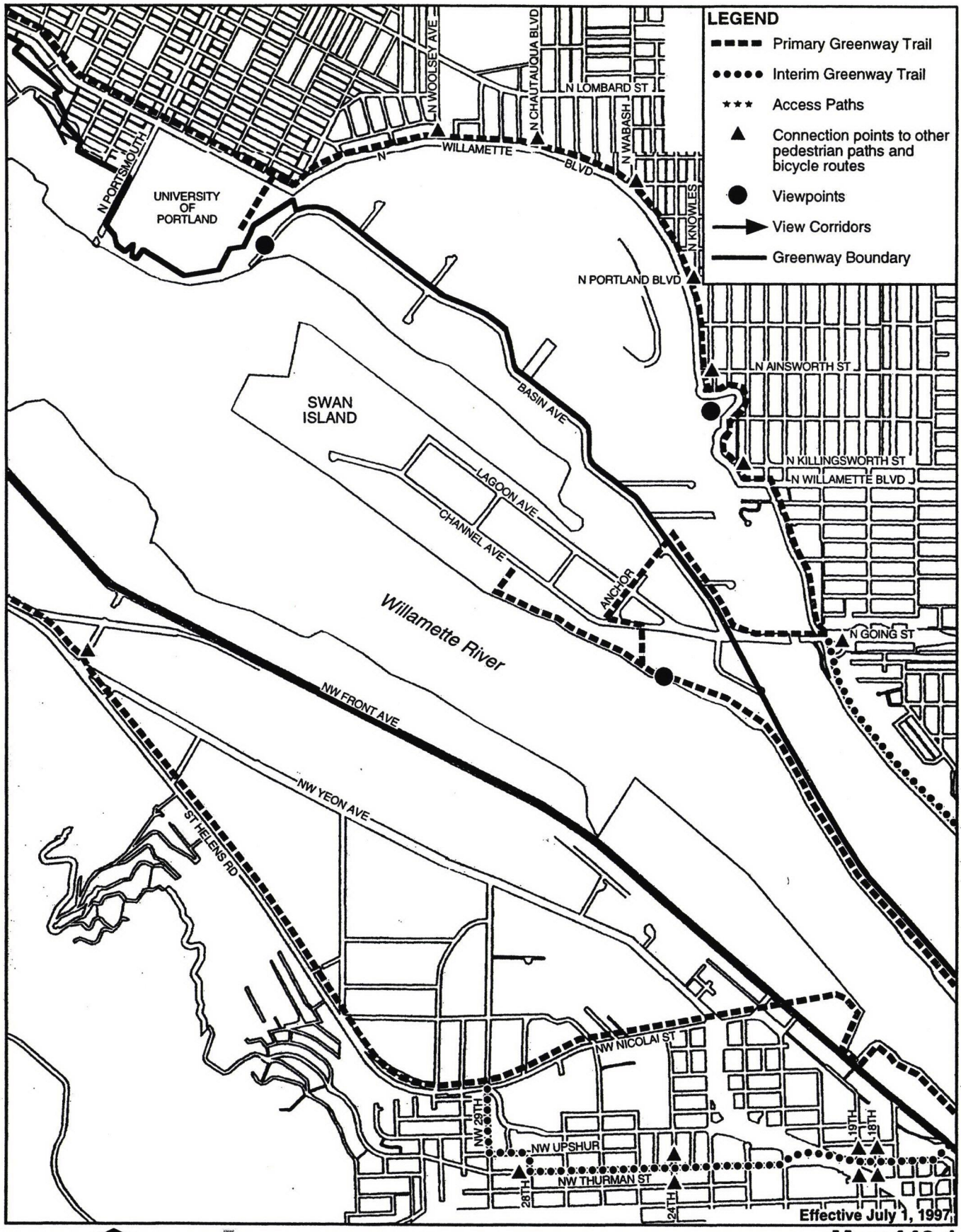
Effective July 1, 1997

Map 440-

Willamette Greenway Public Access Map

Map 2 of 5

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1000' 2000'

Scale in Feet

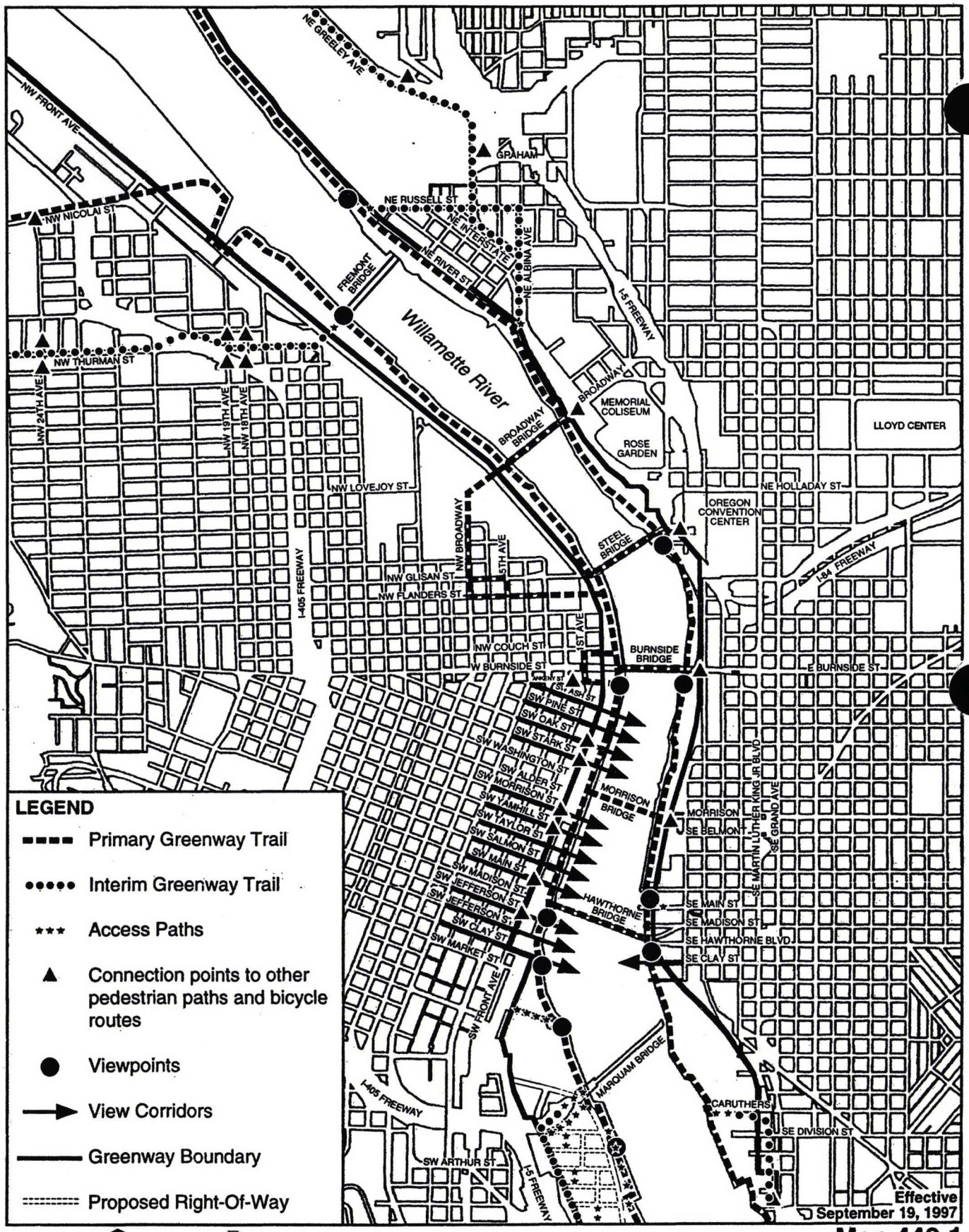
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Map 440-1

Willamette Greenway Public Access Map

Map 3 of 5

Bureau of Planning • City of Portland, Oregon

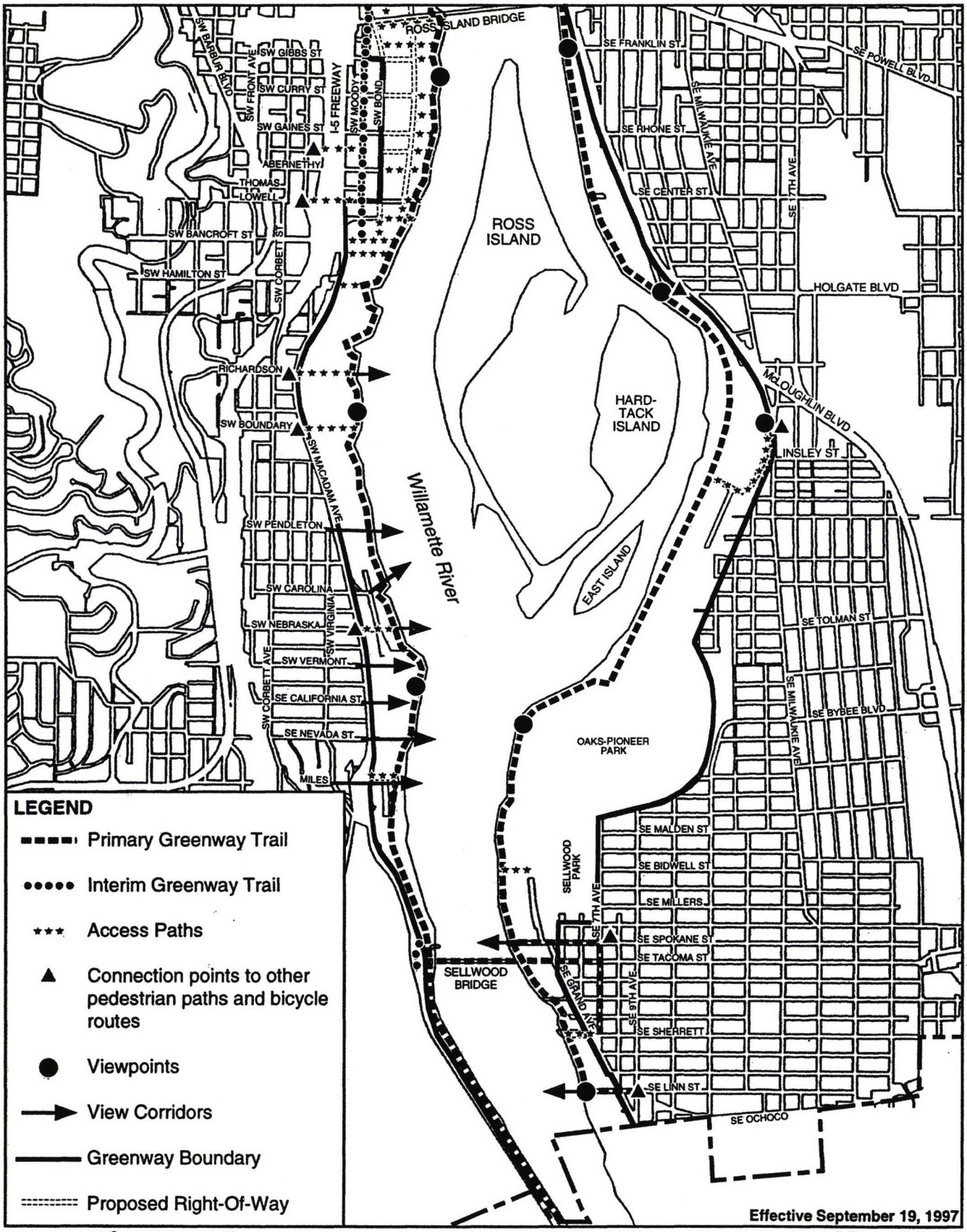


Map 440-1

Willamette Greenway Public Access Map

Map 4 of 5

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1000' 2000'

Scale in Feet

GTS/Graphics 9-3-97

Map 440-1

Willamette Greenway Public Access Map

Map 5 of 5

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.445
HISTORIC RESOURCE PROTECTION OVERLAY ZONE

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97.)

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General

33.445.010 Purpose
This chapter protects certain Portland historic resources and preserves significant parts of Portland's heritage. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting the education and enjoyment of those living in and visiting Portland. The regulations foster pride among Portland's citizens in their City and its heritage. Historic preservation beautifies the City, promotes the City's economic health, and helps to preserve and enhance the value of historic properties.

33.445.020 Where These Regulations Apply
These regulations apply to all historic resource designations.

33.445.030 Types of Historic Resource Designations and Map Symbols
Four different designations are used to protect historic resources. The characteristics of these designations are presented in this section.

A. Four types of designations. There are four types of historic resource designations: two types for individual resources and two types for districts.

1. Individual resource designations. Individual historic resources may be designated as:

   a. A Historic Landmark; or

   b. A Conservation Landmark.

2. Historic resource districts. Concentrations of historic resources may be designated as:

   a. A Historic District; or

   b. A Conservation District.

B. Historic resource designations for individual resources. The two types of designations offer different protection. Resources are assigned to a type based on the significance of the historic resource and the implications of protecting the resource when balanced against potential conflicts with other policies of the Comprehensive Plan. These resources may be interior spaces of buildings as well as building exteriors and other structures or objects. The two designations are:

1. Historic Landmark: An individual structure, site, tree, landscape, or other object which is of historic or cultural significance. These landmarks are thoroughly documented and many have been placed on the National Register of Historic Places by the U.S. Department of the Interior. Historic Landmarks are significant

examples of developments that have helped to create Portland's character. A Historic Landmark derives its significance generally from at least two of the following: the importance of its designer; the quality of its architecture; the fact that it is one of a few remaining examples of a building type that is of significance in the City's history; the historic importance of the original owner or builder; occupancy by a person of city, state, or national significance; association with a significant cultural or ethnic group; the importance or prominence of its location in the City; or the role it has played in shaping the City's history. Information supporting a specific resource's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the resource's designation.

2. Conservation Landmark: An individual structure, site, tree, landscape or other object that is of historic or cultural interest but is primarily of local or neighborhood importance. Conservation Landmarks are examples of developments that have helped create the character of Portland's districts and neighborhoods. A Conservation landmark derives its importance from one or more of the following: the significance of its designer; the quality of its architecture; the fact that it is one of a few remaining examples of a building type which is of significance in the neighborhood's history; its role in creating the historic character of the area where it is located; the historic importance of the original owner or builder; occupancy by a person of neighborhood, city, state, or national significance; association with a significant cultural or ethnic group in the neighborhood's history; or the importance or prominence of its location in the neighborhood. Information supporting a specific resource's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the resource's designation.

C. Historic resource designations for districts. Two different designations are available for areas that have a concentration of historic resources. The districts gain their significance primarily from their historic context. Historic Districts and Conservation Districts will generally include both Historic Landmarks and Conservation Landmarks. The two districts offer different types of protection. Designations are based on the historic significance of the district, the level of historic documentation for the district, and the implications of protecting the district when balanced against potential conflicts with other policies of the Comprehensive Plan. The two types of districts are:

1. Historic District: An area with common historic values of significance to the City as a whole. Historic Districts are thoroughly documented and may also be listed by the U.S. Department of the Interior on the National Register of Historic Places. Information supporting a specific district's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the district's creation.

2. Conservation District: An area with common historic values significant to a neighborhood or sub-area within the City. Conservation districts need not be as well documented as Historic Districts. Conservation Districts include areas that contribute to the preservation of significant features of Portland's development history. Information supporting a specific district's designation is found in the City's Historic Resources Inventory and in the evaluation and ESEE analysis done in support of the district's creation.

D. Map symbols. Boundaries of Historic Districts and Conservation Districts are shown on maps at the end of this chapter, and on the Official Zoning Maps. Landmarks are shown on the Official Zoning Maps.

33.445.040 Design Guidelines

In Historic and Conservation Districts, historic design review is required. Design guidelines are used to review new development and modifications to existing development. They ensure the conservation and enhancement of the special characteristics of each district. Guidelines for Historic and Conservation Districts are adopted by the Historic Landmarks Commission. The guidelines may be for the whole district and may include special guidelines for subdistricts. Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control. If a district does not have a set of design guidelines, design review is conducted using the approval criteria stated in Section 33.846.140, Historic Design Review.

33.445.050 Notice of Building and Housing Code Violations

When the Bureau of Buildings declares a landmark to be a dangerous building or posts a landmark to remain vacant, they will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within five working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits, or pursue public or private acquisition and restoration of the landmark.

Creating and Removing Historic Designations

33.445.100 Purpose

These provisions promote the protection of historic resources. They also allow the removal of historic resource designation when it is no longer justified, and:

- Enhance the City's identity through the protection of Portland's significant historic resources;
- Foster preservation and reuse of historic artifacts as part of Portland's fabric; and,
- Encourage new development to sensitively incorporate historic structures and artifacts.

33.445.110 Automatic Historic Designations

Documentation requirements for listing on the National Register of Historic Places are extensive. Historic resources that are, or have been, listed on the National Register of Historic Places are significant historic resources.

A. Purpose. Protection of historic resources listed on the National Register of Historic Places, including districts, is important to the continuation and enhancement of the City's livability.

B. Individual Resources Listed on the National Register of Historic Places. Individual historic resources listed on the National Register of Historic Places automatically receive Historic Landmark designation on the date the property is listed. However, a historic resource that is removed from the National Register of Historic Places will retain its Historic Landmark designation unless the designation is removed through the procedures listed in Chapter 33.846, Historic Reviews.

C. Districts Listed on the National Register of Historic Places. Historic Districts listed on the National Register of Historic Places automatically receive Historic District designation. A Conservation District that is placed on the National Register of Historic Places automatically is redesignated a Historic District on the date of the district's listing. However, a Historic District that is removed from the National Register of Historic Places will retain its Historic District designation unless the designation is removed through the procedures listed in Chapter 33.846, Historic Reviews.

33.445.120 Designating Historic Districts and Conservation Districts. Historic Districts and Conservation Districts may be established or removed only as the result of an area planning study, reviewed through the legislative procedure. Individual sites may be added to or removed from a Historic or Conservation District through a quasi-judicial zone change procedure. Automatic designations occur as described in Section 33.445.110.

33.445.130 Designating Landmarks

A. Generally. A historic resource designation may be established or removed as the result of an area planning study, a legislative procedure, or a quasi-judicial land use action. Resources which are found by the Historic Landmarks Commission to be significant will be considered for Historic or Conservation landmark designation.

B. Initiation of landmark designation review. Requests for a landmark designation or removal of designation may be initiated by the owner, Planning Director, Historic Landmarks Commission, or City Council. Initiations are made without prejudice towards the outcome. Initiation by the owner requires the payment of a fee. Initiation by the Historic Landmarks Commission is subject to the procedures and approval criteria for initiation set out in Chapter 33.846, Historic Reviews.

C. Review at the request of a party other than the owner. The Historic Landmarks Commission may initiate a process to consider or reconsider the designating of a historic resource as a landmark at the request of a party other than the owner. Procedures and approval criteria for initiation of review at the request of a party other than the owner are set out in Chapter 33.846, Historic Reviews.

D. Automatic removal of landmark designation. When a resource designated as a landmark is demolished, or destroyed by fire or a natural event, the landmark designation for the resource is automatically removed.

33.445.140 Listing in the City's Historic Resources Inventory

The City has established an inventory of historic resources that may be appropriate for historic designation. An analysis and determination will be made on each resource in the Historic Resources Inventory through the Community Planning Program. Inventoried properties will either be designated or removed from the inventory. Should the owner of a property included in the inventory request that the property be removed from the inventory, the property will be removed at the end of the demolition delay period.

Historic Reviews and Demolition Delay

33.445.200 Purpose

Historic reviews ensure a resource's historic value is considered prior to or during the development process.

33.445.210 Types of Historic Reviews and Demolition Delay

Development that affects a historic resource may be subject to review. Additional information on historic reviews is in Chapter 33.846, Historic Reviews. The types of historic reviews are:

A. Landmark designation review. Designating a historic resource as a landmark requires a landmark designation review. Changing or removing a landmark designation from an individual resource also requires a landmark designation review.

B. Demolition review and demolition delay. Demolition or relocation of certain Historic Landmarks requires a demolition review. Demolition or relocation of certain historic resources requires demolition delay. Demolition delay is not a land use review.

C. Historic design review. Building a new structure or altering a structure in a Historic or a Conservation District requires historic design review. Alterations to designated landmarks requires historic design review. Some proposals may be eligible to use an alternative process, the Community Design Standards. Proposals that may be eligible are specified in Section 33.445.244, When Community Design Standards May Be Used.

D. Historic preservation incentive review. Use of some incentives for historic preservation listed in this chapter requires a historic preservation incentive review.

E. Initiation of review at the request of a party other than the owner. Determining whether the Historic Landmarks Commission will initiate a landmark designation review to consider or reconsider landmark designation based on a request from a party other than the owner, including the Planning Director, the City Council, or the Historic Landmarks Commission, requires a review.

33.445.220 When Landmark Designation Review is Required

Landmark designation review is required to:

A. Designate a historic resource as a landmark;

B. Change the landmark designation of an individual resource; and

C. Remove the landmark designation from an individual resource.

33.445.230 When Demolition Review or Demolition Delay is Required
Unless exempted by 33.445.235, below, the following items are subject to demolition review or demolition delay:

A. Purpose. As time passes, circumstances affecting the balance of values on which a decision to protect a historic resource was based may change. Economic, energy, or social values may grow in importance and outweigh preservation values. The economic consequences of such protection may also change. Circumstances may lead to a situation where preservation prevents the economic use of the landmark. These circumstances are considered when reviewing the demolition request. Demolition review can delay and, where appropriate, prevent demolition of certain historic resources.

B. Demolition review. Demolition review is required for proposals to demolish, remove, or relocate a Landmark when:

1. A covenant with the City, as described under Section 33.700.060, Covenants with the City, exists that provides for demolition or relocation of the landmark only after the owner has obtained the City's approval; and

2. The landmark is listed on the National Register of Historic Places.

C. Demolition delay. The following resources are subject to demolition delay:

1. Historic Landmarks that have used a historic preservation incentive and are not listed on the National Register of Historic Places;

2. Conservation Landmarks that have used a historic preservation incentive;

3. Primary structures identified in Conservation Districts as contributing or historic on Maps 445-2, 445-3, 445-5, 445-7, 445-8, 445-9, 445-10, and 445-14;

4. Structures in Historic Districts identified as contributing or historic on Maps 445-1, 445-4, 445-6, 445-11, 445-12, 445-13, and 445-15;

5. Rank I, II, and III resources identified in the Historic Resources Inventory; and

6. Resources for which a historic designation review is currently underway.

33.445.235 Exempt From Demolition Review and Demolition Delay
The following are exempt from demolition delay and demolition review:

A. Demolition of historic resources required to be demolished by the Bureau of Buildings due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in 24.55.250(f)(1) of Title 24, Building Regulations;

B. Demolition of historic resources required to be demolished by the Code Hearings Officer, as provided for in Section 24.55.300 of Title 24, Building Regulations;

C. Demolition of detached accessory structures no larger than 300 square feet, unless the accessory structure is identified in the Historic Resources Inventory as an attribute that contributes to the historic value of a Historic Landmark;

D. Demolition of structures in Historic or Conservation Districts not classified as contributing or historic in the analysis that was done in support of the district's creation. Maps 445-1 through 445-15 show the contributing and historic properties in each district; and

E. Demolition of a historic resource that was reviewed through an ESEE process conducted by the City and was not designated as a landmark. When a resource is considered through the ESEE process and is not protected, it is deleted from the Historic Resources Inventory.

33.445.240 When Historic Design Review is Required

The following proposals are subject to historic design review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.244, When Community Design Standards May Be Used:

A. Alteration of an interior space when that interior space is designated as a landmark;

B. Exterior alteration of a landmark;

C. Exterior alteration of a primary structure within a Historic District or a Conservation District;

D. Exterior alteration of an accessory structure, landscape element or other historic feature that is identified in the Historic Resources Inventory or the National Register nomination as an attribute that contributes to the historic value of a Conservation or Historic Landmark;

E. Change of facade color for a Historic Landmark when:

1. Color or material is specifically listed in the Historic Resources Inventory as an attribute that contributes to the resource's historic value; or

2. Other alterations to the landmark are proposed that will require review and the proposed alterations include a change of facade color;

F. Exterior signs;

G. In Historic and Conservation Districts, nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that have not received prior approval of the City Engineer. Improvements that meet the City Engineer's standards are exempt from historic review;

H. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and

I. Proposals in the Albina Community plan district using the provisions of Section 33.505.220, Parking Requirement Reduction, or Section 33.505.230, Attached Residential Infill on Vacant Lots in R5-Zoned Areas.

33.445.242 Exempt From Historic Design Review

A. Construction of detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from the front property line;

B. Changes to a historic resource's exterior material or color unless the building's exterior materials or color are specifically listed in the Historic Resources Inventory as an attribute that contributes to the resource's historic value;

C. Changes that do not require a building, development, or sign permit from the City, and that will not alter the exterior material or color of a resource having exterior materials or color specifically listed in the Historic Resources Inventory as an attribute that contributes to the resource's historic value;

D. Changes in landscaping unless the landscaping is identified in the Historic Resources Inventory as an attribute that contributes to the historic value of a Historic Landmark;

E. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resources Inventory as an attribute that contributes to the resource's historic value;

F. Proposals in a Historic District or Conservation District that are below the review thresholds established for the district by Paragraphs 33.846.020.D.2 through D.4, Review Procedures; and

G. Historic resources not designated as landmarks and not assigned to Rank I, II, or III in the Historic Resources Inventory.

33.445.244 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to historic design review for some proposals. For some proposals, the applicant may choose to go through the historic design review process set out in Chapter 33.846, Historic Reviews, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the historic design review process.

Unless excluded by 33.445.246, When Community Design Standards May Not Be Used, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to historic design review.

A. Location. The proposal is:

1. A Conservation Landmark located outside of the Central City plan district;

2. In a Conservation District; or

3. In the Albina Community plan district shown on Map 505-1.

B. Maximum limits. The proposal is within the maximum limits of Table 445-1.

Table 445-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.

33.445.246 When Community Design Standards May Not Be Used

The Community Design Standards may not be used as an alternative to historic design review as follows:

A. In the Lair Hill Conservation District (See Map 445-5);

B. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

C. For alterations to sites where there is a nonconforming use;

D. For mixed-use or non-residential development in the RF through R1 zones;

E. If the site is in a Historic District, or the proposal is for alteration to a Historic Landmark; and

F. If the proposal uses Section 33.405.050, Bonus Density for Design Review.

33.445.270 When Historic Preservation Incentive Review is Required

Proposals to establish the uses listed in Section 33.445.310.B, Historic Preservation Incentives, are subject to historic incentive review.

Incentives for Historic Preservation

33.445.300 Purpose

Incentives encourage preservation of historic resources. Historic preservation incentives increase the potential for Historic and Conservation Landmarks to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of Historic and Conservation Landmarks.

33.445.310 Historic Preservation Incentives

A. Incentives allowed without a historic preservation incentive review. The incentives in this subsection are permitted when they meet the requirements of Sections 33.445.320, Eligibility for Historic Preservation Incentives, and Section 33.445.330, Requirements for All Historic Preservation Incentives, and the regulations of this subsection. The incentives are:

1. Transfer of density and floor area ratio (FAR). Transfer of density from a landmark to another location is allowed in Multi-Dwelling, Commercial, and Employment zones. In Multi-Dwelling zones, the transfer is regulated by Subsection 33.120.205.E, Transfer of Density. In Commercial zones, the transfer of FAR is regulated by Subsection 33.130.205.C, Transfer of FAR for Landmarks. In Employment zones, the transfer of FAR is regulated by Subsection 33.140.205.C, Transfer of FAR for Landmarks.

2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new floor area used for additional dwelling units if the expansion is approved through a historic design review procedure.

3. Additional density in Multi-Dwelling zones. Landmarks located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. All of the existing floor area of the landmark building may be used for dwelling units and accessory use. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new floor area used for additional dwelling units if the expansion is approved through a historic design review procedure.

4. Daycare in residential zones. Daycare is an allowed use in landmarks in residential zones.

B. Incentives allowed with a historic preservation incentive review. The incentives in this subsection are permitted when they meet the requirements of Section 33.445.320, Eligibility for Historic Preservation Incentives, the standards of Section 33.445.330, Requirements for All Historic Preservation Incentives, and are approved through a historic preservation incentive review. The incentives are:

1. Nonresidential uses in the RX zone. In the RX zone, use of 100 percent of the floor area of a landmark may be approved. Use of this incentive on sites which front on the Park Blocks frontages shown on Map 120-1 is prohibited. Uses that

may be approved are Retail Sales and Service, Office, Major Event Entertainment, and Manufacturing and Production. The regulations of this paragraph supersede the regulations of Paragraph 33.120.100.B.3., Retail Sales and Service and Office uses in the RX zone.

2. Conditional uses in Historic Landmarks. In R, C, and E zones, applications for conditional uses in a Landmark are processed through a Type II procedure.

33.445.320 Eligibility for Historic Preservation Incentives

Conservation Landmarks and Historic Landmarks are eligible to use historic preservation incentives.

33.445.330 Requirements for All Historic Preservation Incentives

Proposals to use historic preservation incentives must meet the following requirements. Adjustments are prohibited.

A. Renovation required. The property must have been renovated or a renovation program must be approved through historic design review. The renovation program must provide for the renovation of the Historic Landmark within the next 10 years from final approval; and

B. Covenant with the City. The owner must execute a covenant with the City. The covenant must meet the requirements of Section 33.700.060, Covenants with the City. The covenant must require that:

1. Alteration will be undertaken only after the owner has obtained the City's approval through historic design review; and

2. Demolition or relocation of the Historic Landmark will be undertaken only after the owner has obtained the City's approval under the provisions of Section 33.445.410, Demolition Review.

Demolition Review and Demolition Delay

33.445.400 Purpose

Reviewing or delaying the demolition of historic resources is intended to provide time to explore opportunities to avoid demolition, relocate the resource, or salvage historic or architectural elements. This delay is also intended to give the community an opportunity to inform the owner of the benefits of renovation, or to pursue public or private acquisition and restoration.

33.445.410 Demolition Review

A. Purpose. Demolition review ensures that National Register properties and historic resources that have taken advantage of an incentive for historic preservation are protected.

B. Review sequence. A building permit for demolition or relocation will not be issued before the decision in a demolition review is final.

C. Actions. Demolition review will result in:

1. Denial. The review body may deny a permit to demolish or relocate the resource;

2. Approval with delay. The review body may approve issuance of a permit for demolition or relocation after a delay. They may impose a delay of up to a year in issuing a permit for demolition. At the end of the demolition delay period, a permit for demolition or relocation will be issued. Conditions may be attached to the approval; or

3. Approval. The review body may approve a request for demolition and remove the resource's landmark designation. The review body may approve a request for relocation and either remove or retain the relocated resource's landmark designation. Conditions may be attached to the approval.

33.445.420 Demolition Delay

This section applies to historic resources subject to a demolition delay.

A. Delay period for resources subject to demolition delay. Permits to demolish or relocate a resource will not be issued until 120 days after the permit is requested.

B. Delay period as part of demolition review. Historic resources subject to demolition review may have a demolition delay period imposed as a result of the review. When the review body imposes a demolition delay as part of their decision, the delay period begins the day the review body's decision is final.

33.445.430 Notification of Demolition Delay

A. Applicability. Posting and notice of an application to demolish a historic resource is required for historic resources subject to 33.445.410, Demolition Review, or Section 33.445.420, Demolition Delay.

B. Posting a demolition notice. Within 14 days of the start of a demolition delay period, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:

1. Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the historic resource proposed for demolition. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way;

2. Content of the posted notice. The notice must include the following information:

   a. The statement: "Structure to be demolished";

   b. The statement, "Demolition of this structure has been delayed to allow time for consideration of alternatives to demolition. Alternatives to demolition might include restoration, relocation, or architectural salvage";

c. The address of the structure proposed for demolition;

d. The name, address, and telephone number of the owner or the party acting as agent for the owner;

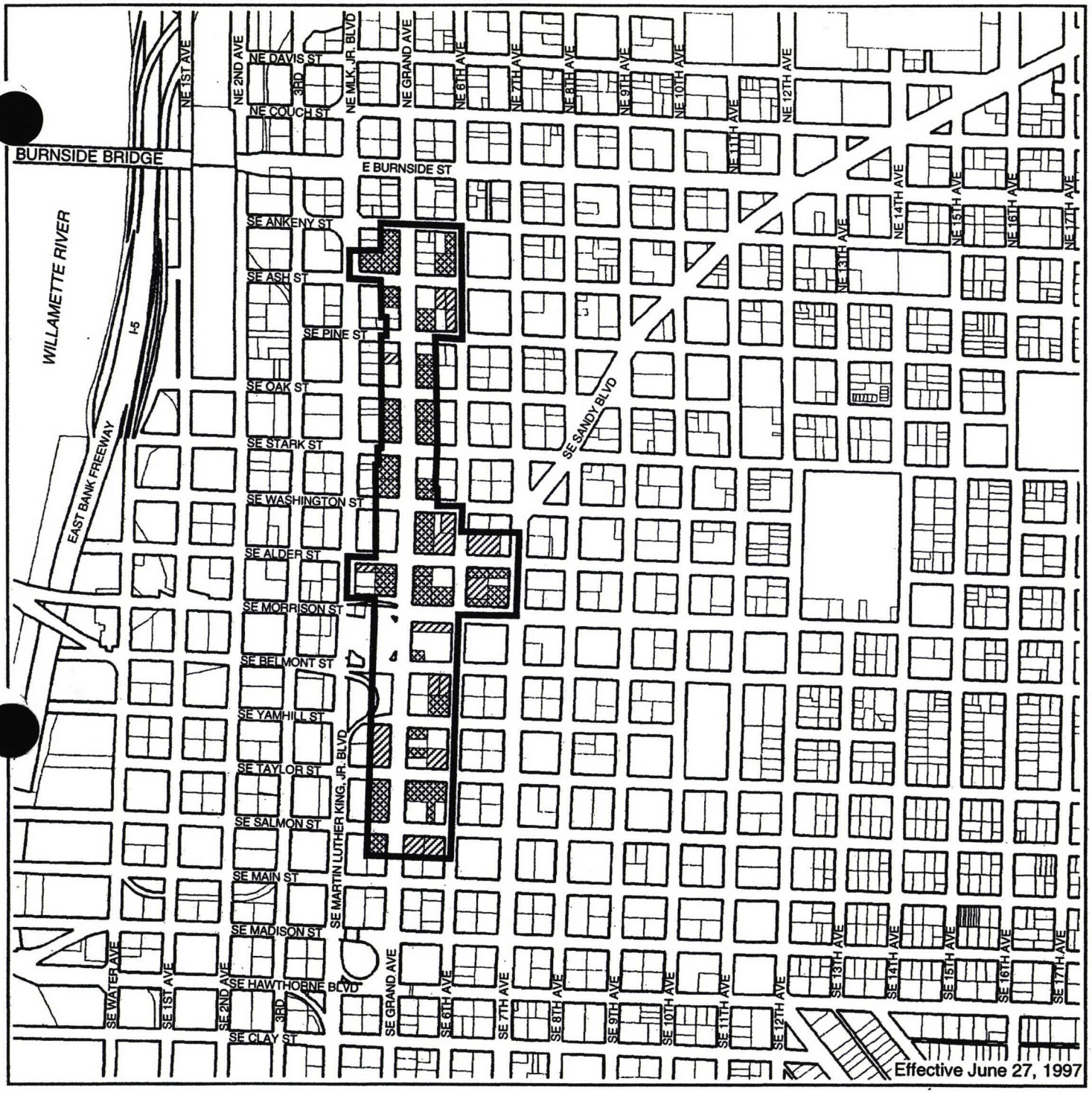
e. The date of the posting; and

f. The date the demolition delay period will end; and

3. Removal of the posted notice. The posted notice may not be removed until the demolition delay period has ended. The posted notice must be removed within 30 days of the end of the demolition delay period.

C. Notice to recognized associations. Within 14 days of the start of a demolition delay period, the Director will mail a notice of the proposed demolition to all recognized organizations within 1,000 feet of the site of the resource and to the State Historic Preservation Office (SHPO). If the proposal is to demolish a resource in a Conservation or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subsection B, above.

D. Notice to other interested parties. The Director will maintain a subscription service for organizations and individuals who wish to be notified of applications for demolition of historic resources protected by demolition delay. There is a fee for this notification service. Within 14 days of the start of a demolition delay period, the Director will mail a notice of the pending demolition to all subscribers. The notice will include the same information as in Subsection B, above.



NORTH

0' 500' 1000'

Scale in Feet

District Boundary

Historic

Contributing

GTS/Graphics 6-9-97

Map 445-1

East Portland/Grand Avenue Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

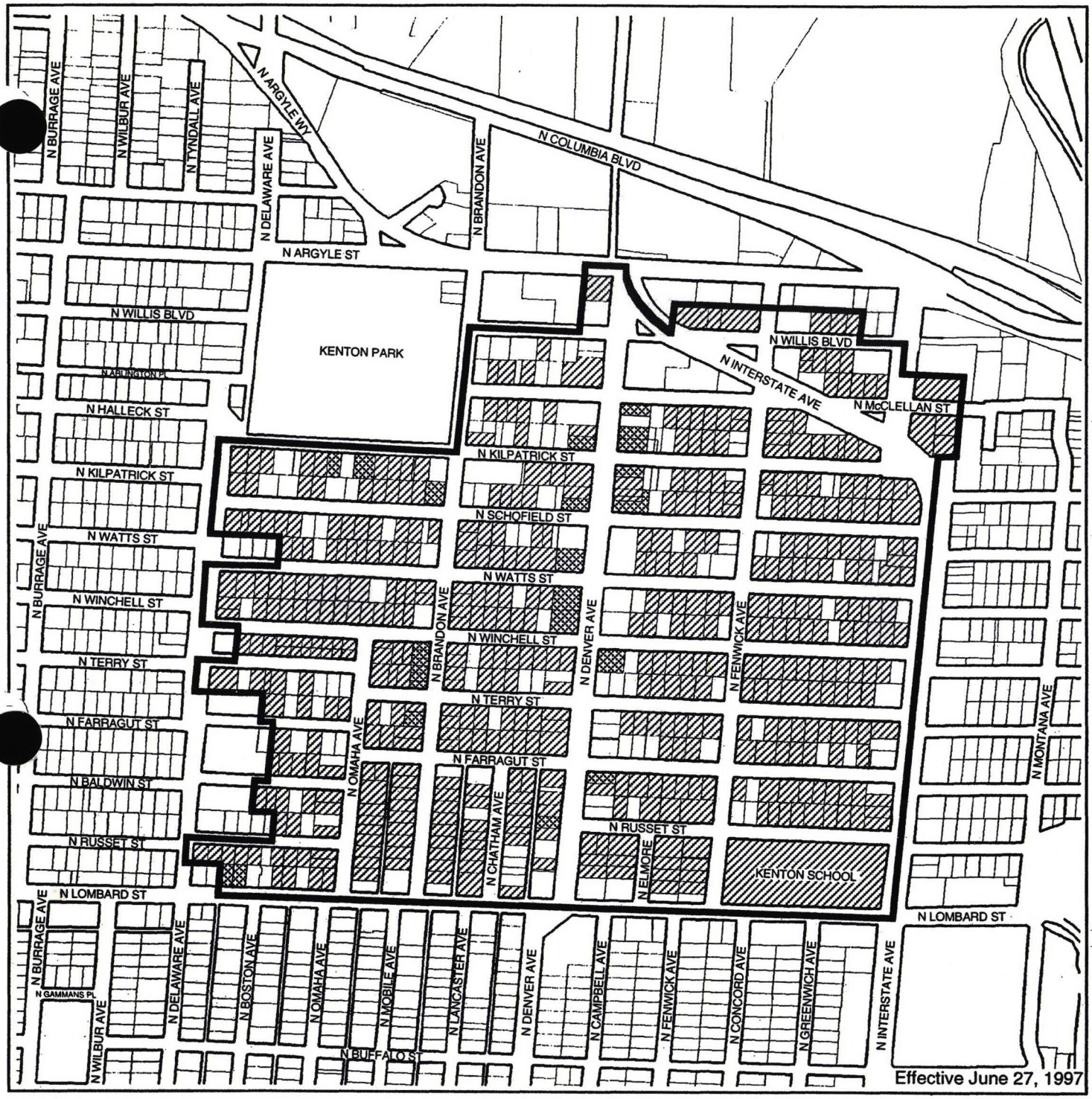
Contributing

GTS/Graphics 6-9-97

Map 445-2

Eliot Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

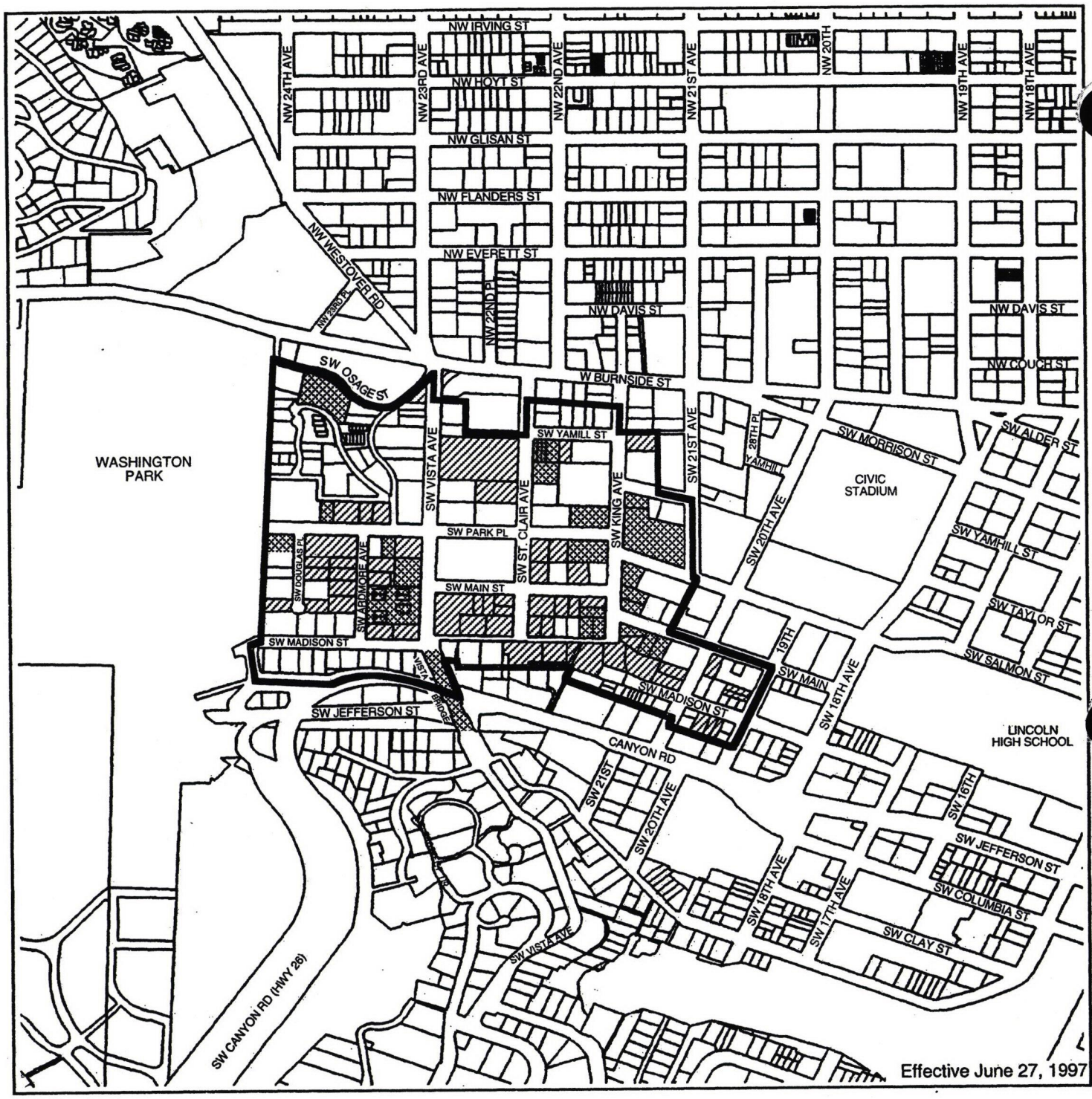
Contributing

GTS/Graphics 6-9-97

Map 445-3

Kenton Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

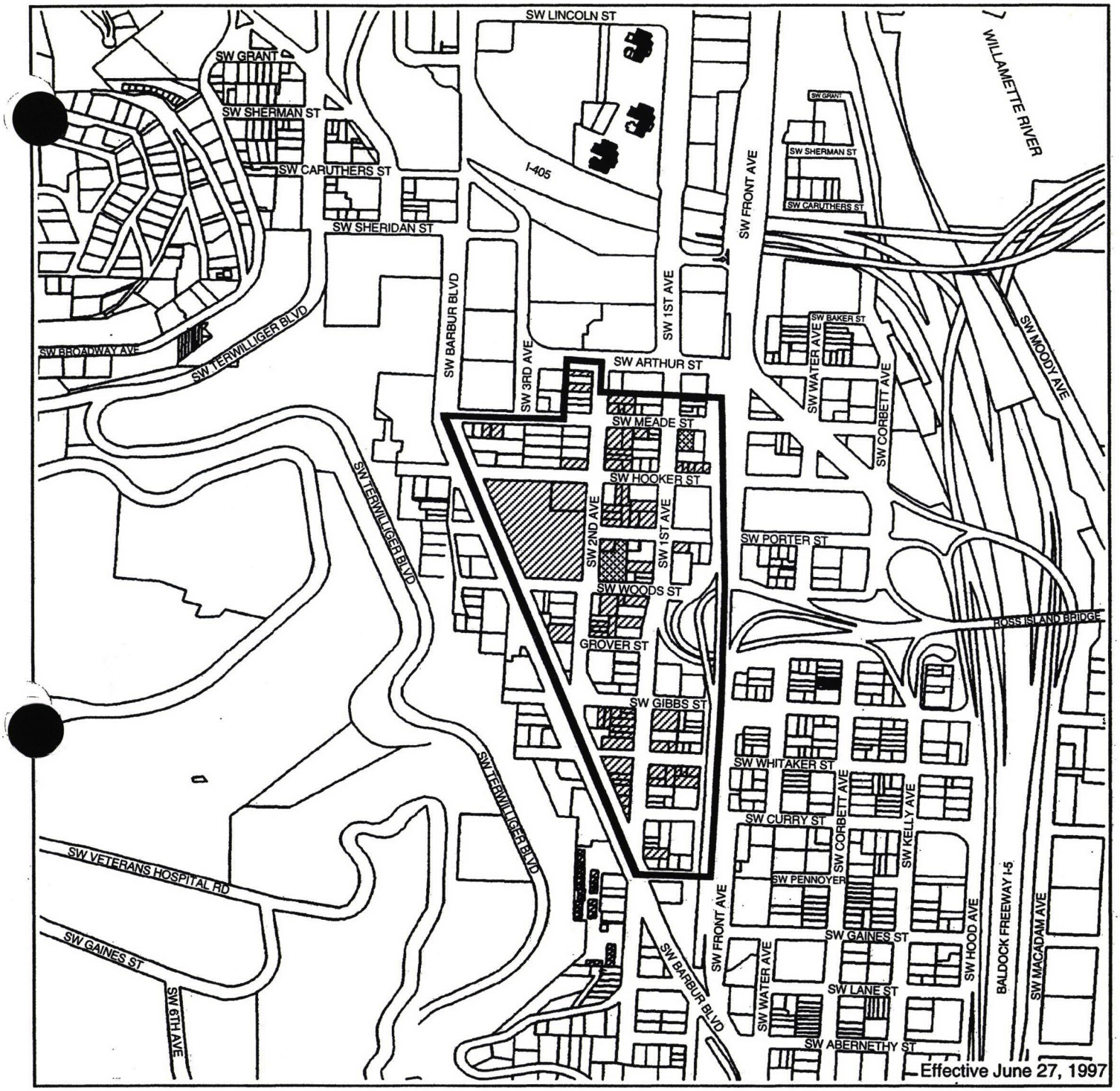
Contributing

GTS/Graphics 6-9-97

Map 445-4

King's Hill Historic District

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NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

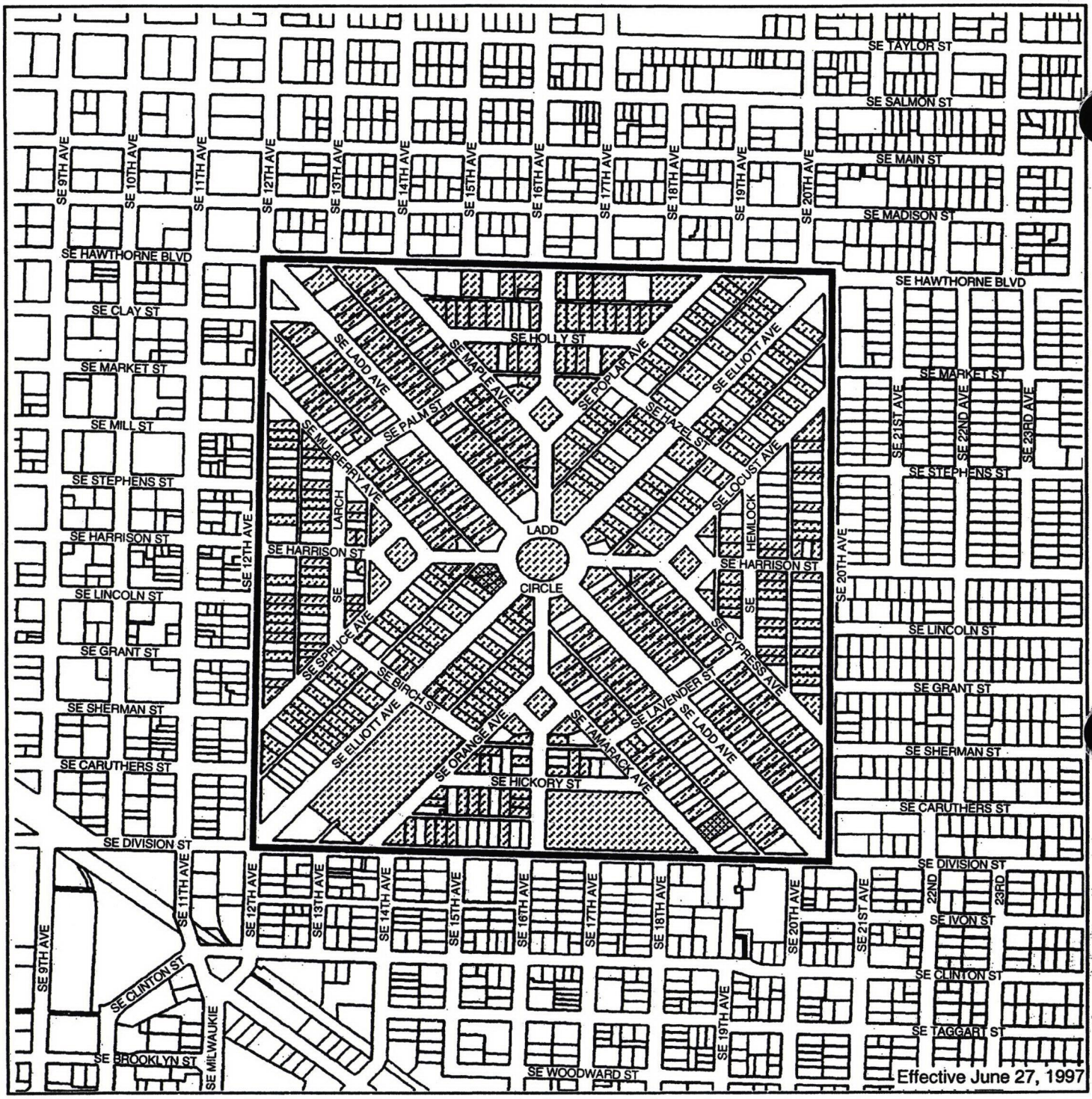
Contributing

GTS/Graphics 6-9-97

Map 445-5

Lair Hill Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

Contributing

GTS/Graphics 6-9-97

Map 445-6

Ladd's Addition Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

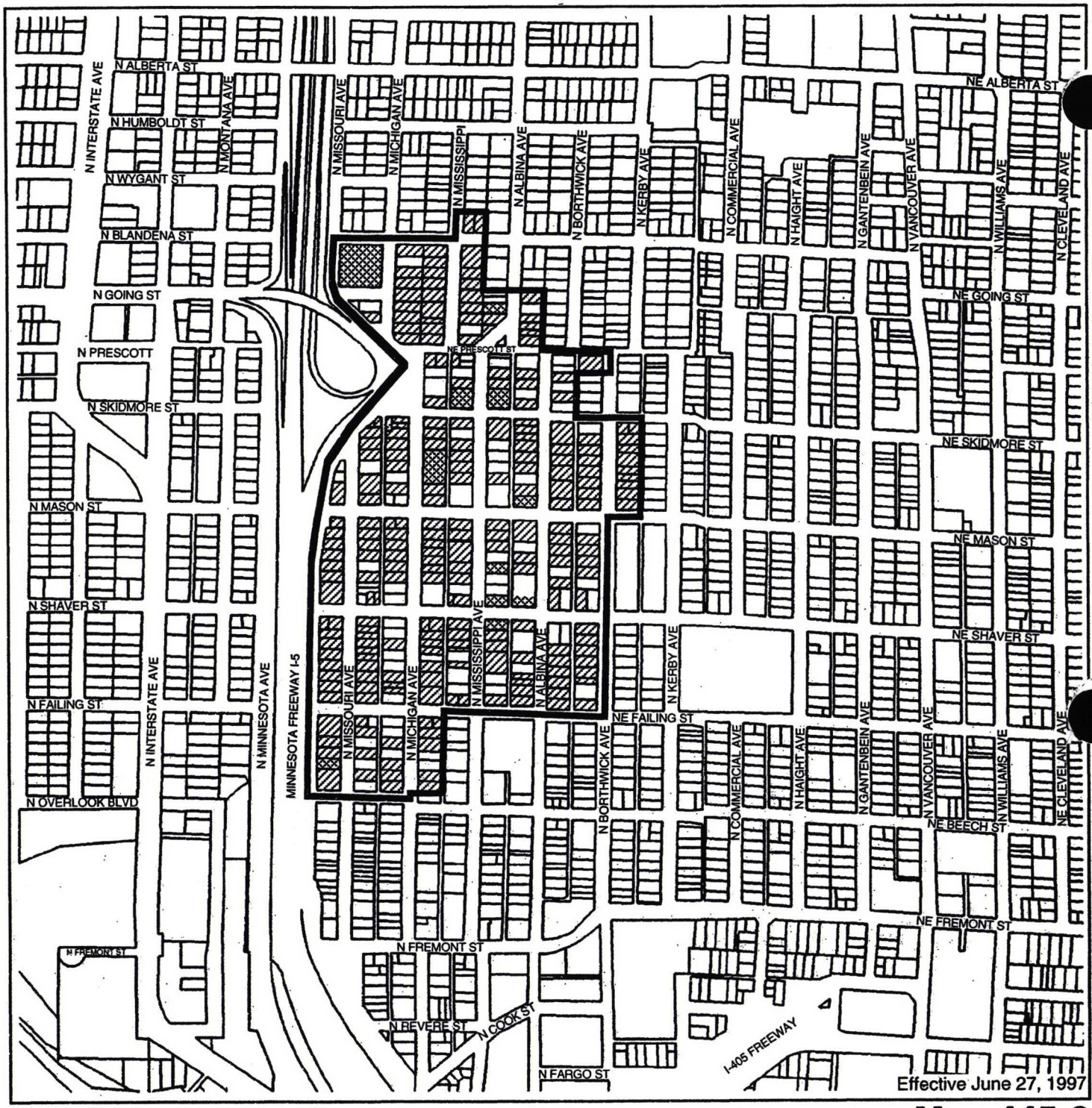
Contributing

GTS/Graphics 6-9-97

Map 445-7

Irvington Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

Contributing

GTS/Graphics 6-9-97

Map 445-8

Mississippi Avenue Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

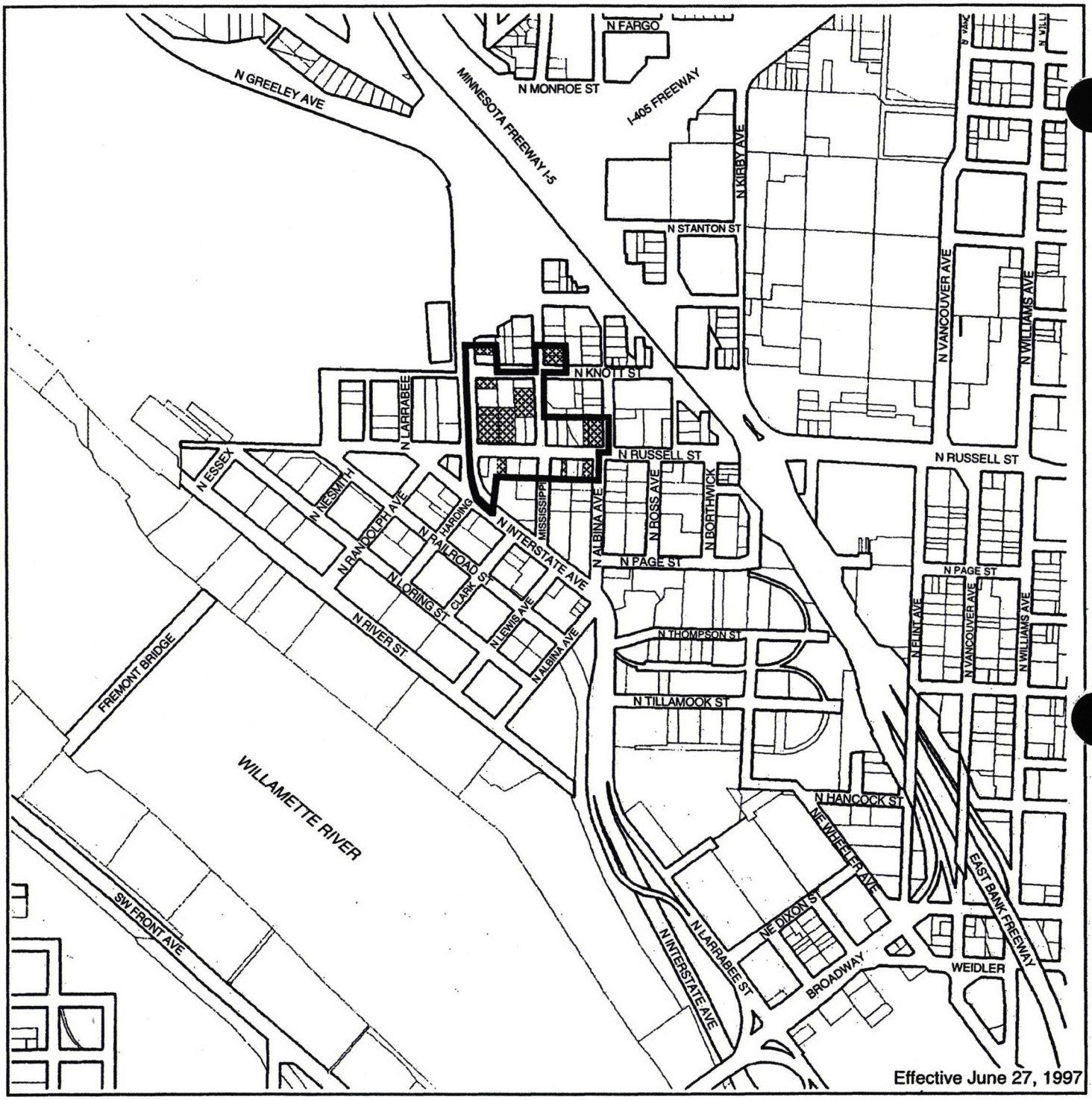
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GTS/Graphics 6-9-97

Map 445-9

Piedmont Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

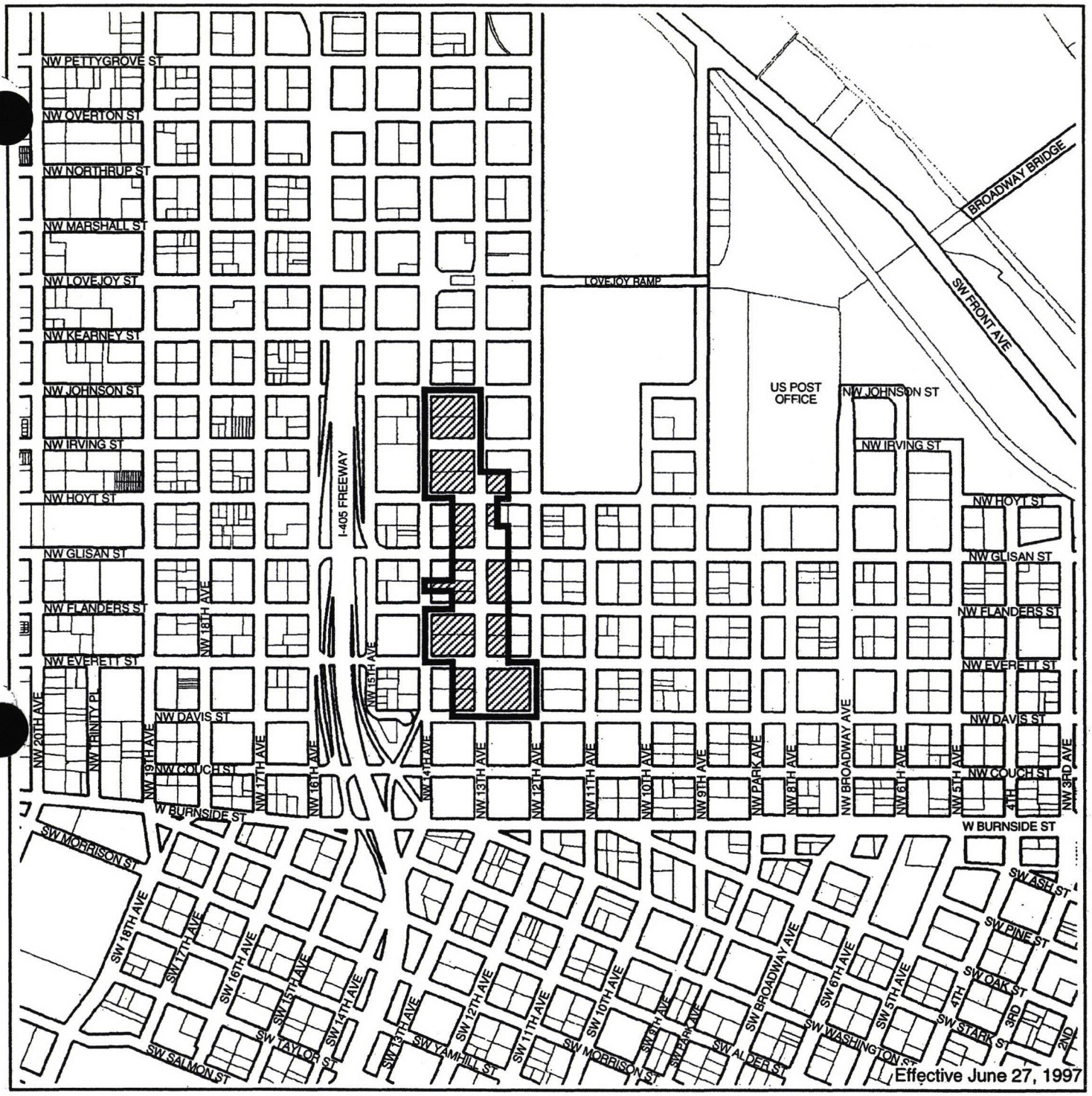
Contributing

GTS/Graphics 6-9-97

Map 445-10

Russell Street Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

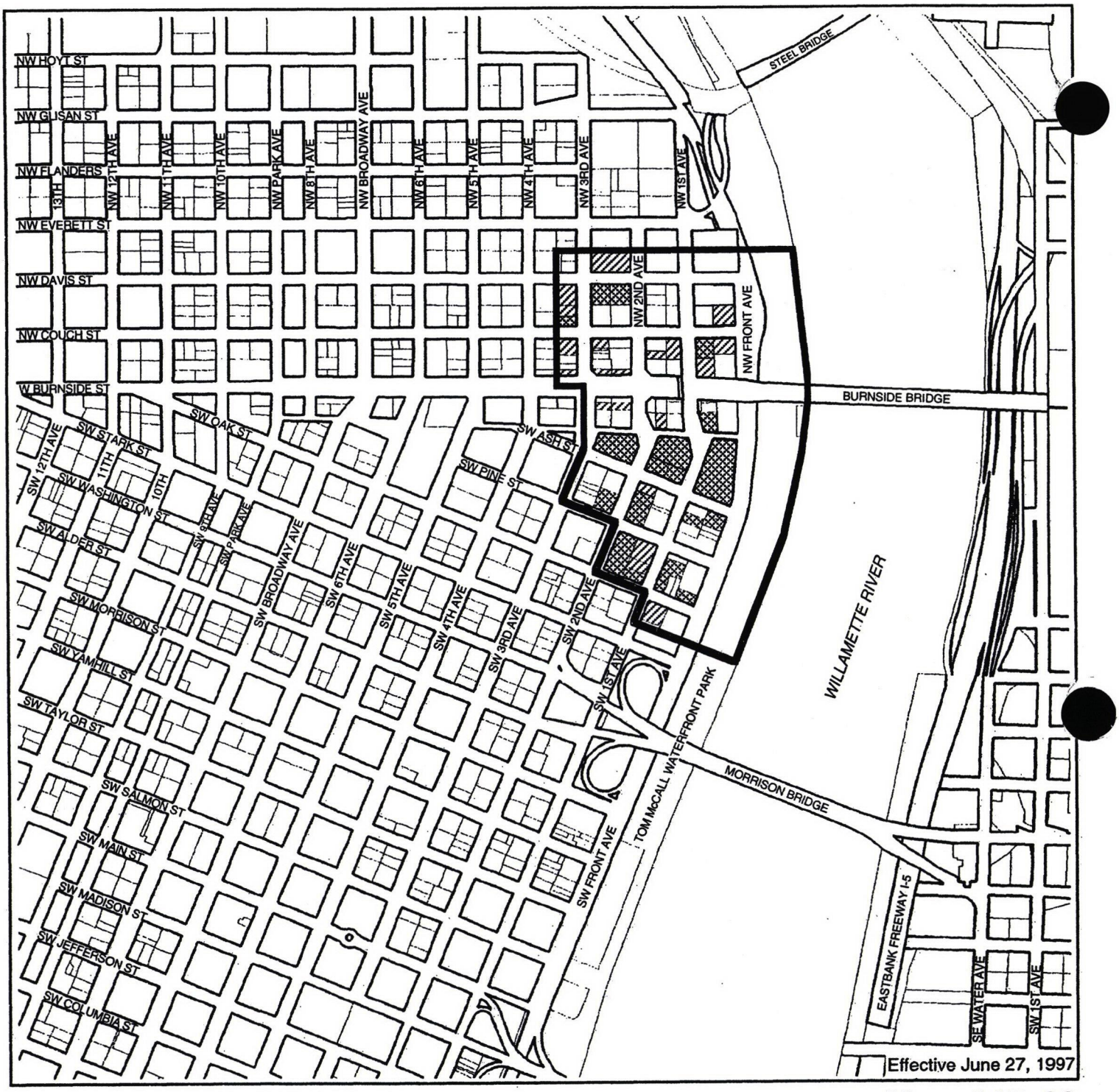
Contributing

GTS/Graphics 6-9-97

Map 445-11

Thirteenth Avenue Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

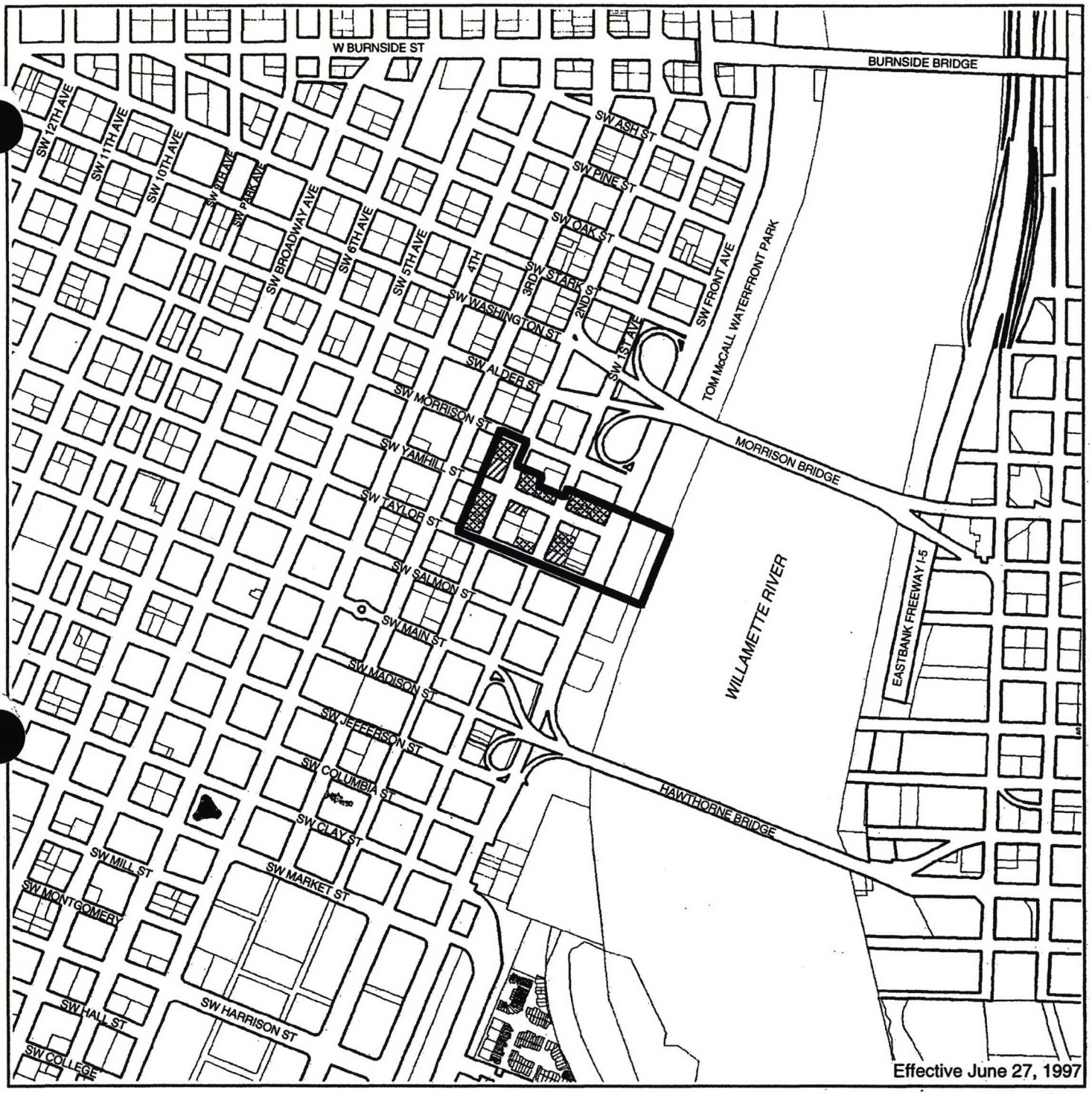
Contributing

GTS/Graphics 6-9-97

Map 445-12

Skidmore Fountain/Old Town Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

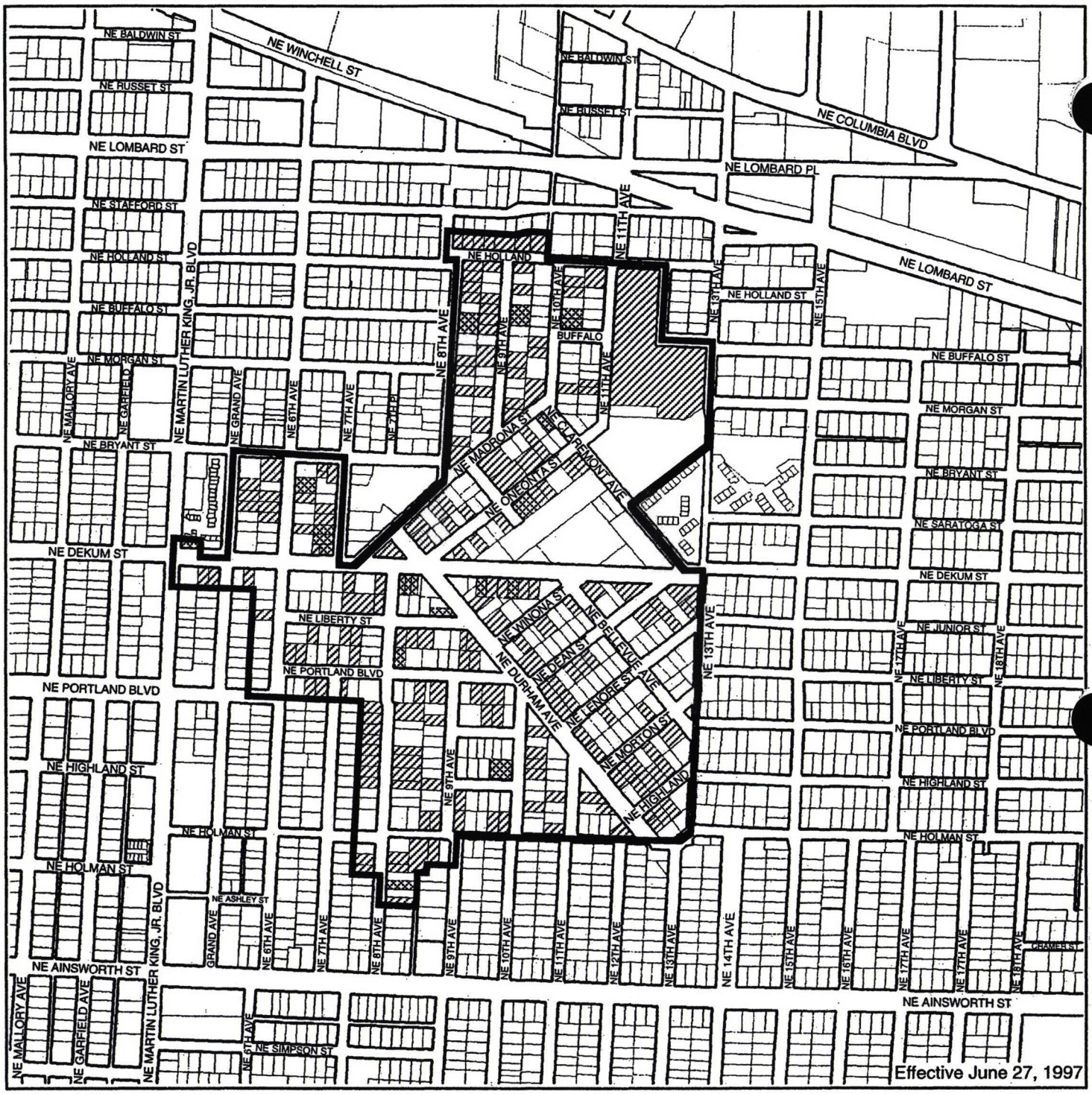
Contributing

GTS/Graphics 6-9-97

Map 445-13

Yamhill Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

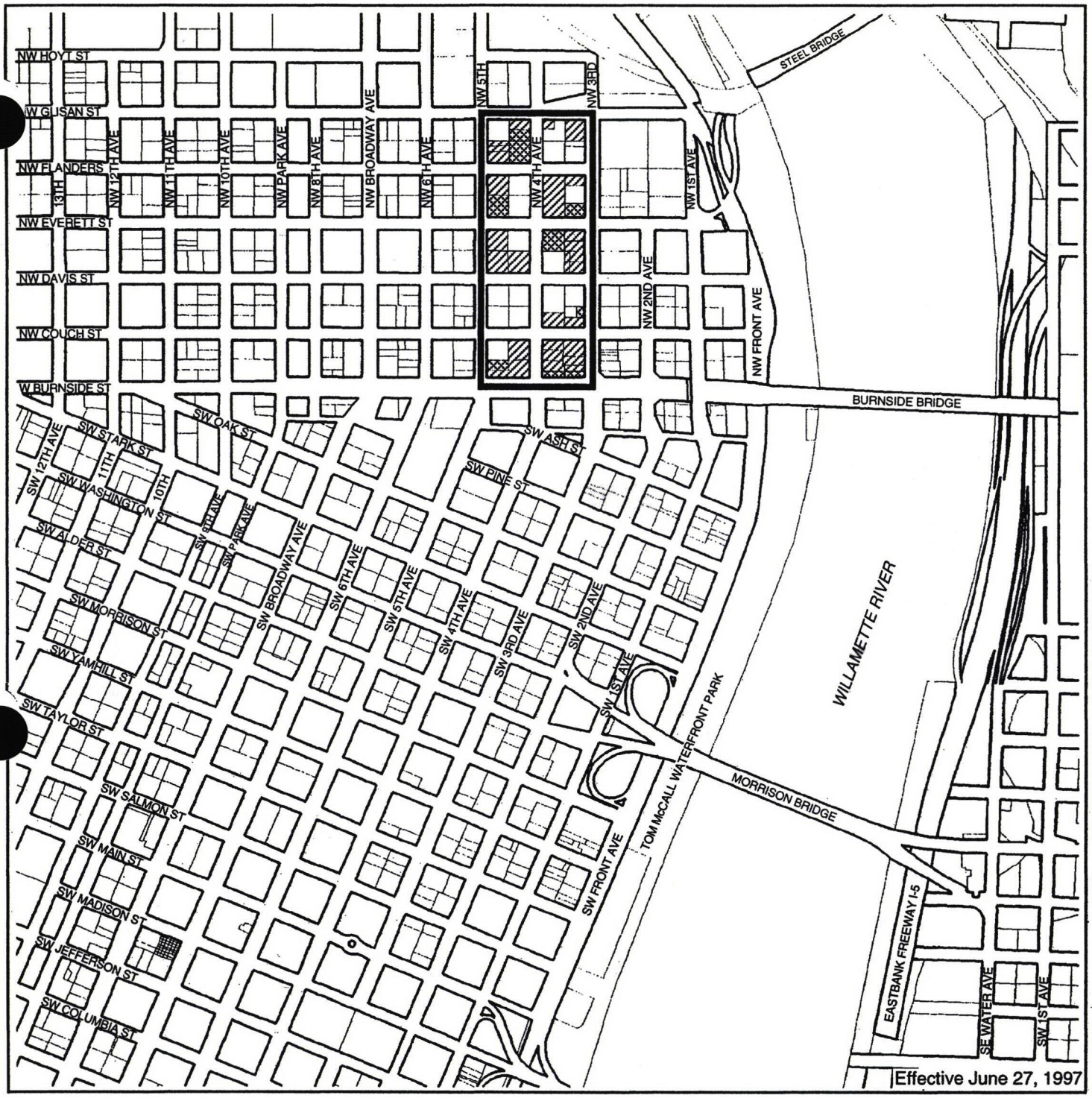
Contributing

GTS/Graphics 6-9-97

Map 445-14

Woodlawn Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 400' 800'

Scale in Feet

District Boundary

Historic

Contributing

GTS/Graphics 6-9-97

Map 445-15

New Chinatown/Japantown Historic District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.450
LIGHT RAIL TRANSIT STATION ZONE

(Amended by Ord. No. 167464, effective 4/15/94. Amended by Ord. No. 169763, effective 3/25/96.)

Sections:

General
33.450.010 Purpose
33.450.020 Short Name and Map Symbol
33.450.030 Where These Regulations Apply
Use Regulations
33.450.300 Prohibited Uses
Development Regulations
33.450.400 Prohibited Development
33.450.410 Minimum Floor Area Ratio
33.450.420 Minimum and Maximum Parking Requirements
33.450.430 Location of Vehicle Access
33.450.440 Improvements Between Buildings and the Street
33.450.450 Ground Floor Windows

General

33.450.010 Purpose

The Light Rail Transit Station overlay zone encourages a mixture of residential, commercial, and employment opportunities within identified light rail station areas. The zone allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, and ensuring a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians.

These regulations are temporary; they will be revised at the completion of a regional effort to develop station area plans.

33.450.020 Short Name and Map Symbol

The Light Rail Transit Station zone is also referred to as the LRT zone, and is shown on the Official Zoning Maps with a "t" map symbol.

33.450.030 Where These Regulations Apply

The regulations of this chapter apply to the LRT zone.

Use Regulations

33.450.300 Prohibited Uses

A. The following uses are prohibited on the portion of a site within 500 feet of a light rail alignment:

1. Vehicle Repair uses; and

2. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere are allowed.

B. The following uses are prohibited on the portion of a site within 200 feet of a light rail alignment:

1. Commercial Parking, surface or structured; and

2. Accessory parking on a surface lot.

Development Regulations

33.450.400 Prohibited Development

A. Drive-through facilities.

B. Exterior display of goods and exterior storage on the portion of a site within 500 feet of a light rail alignment. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

33.450.410 Minimum Floor Area Ratio

The minimum floor area ratio (FAR) for all new development is 1 to 1. Expansions of existing development are exempt from this FAR minimum.

33.450.420 Minimum and Maximum Parking Requirements

A. Minimum number of parking spaces. On the portion of a site within 500 feet of a light rail alignment, the minimum number of parking spaces is 50 percent of the required parking spaces stated in Table 266-1 of Chapter 33.266, Parking and Loading.

B. Maximum number of parking spaces. The number of parking spaces for non-residential uses in the LRT zone may not exceed 150 percent of the required parking spaces stated in Table 266-2 of Chapter 33.266, Parking and Loading.

33.450.430 Location of Vehicle Access

Parking access near a light rail alignment. New motor vehicle access to any parking area is prohibited within 75 feet of a light rail alignment. Location of vehicle areas is regulated by Chapter 33.266, Parking and Loading, except as provided in 33.510.235.B.5.

33.450.440 Improvements Between Buildings and the Street

The land between a building or exterior improvement and a street must be landscaped to at least the L1 standard and/or hard-surfaced for use by pedestrians. If hard-surfaced, the area must contain pedestrian amenities such as benches, drinking fountains, and/or other design elements (such as public art, planters, and kiosks) and be physically separated from parking areas by a 3 foot deep area landscaped to at least the L2 standard.

33.450.450 Ground Floor Windows

The ground floor window standards of 33.130.230.B.2 apply to all development in the RH, C, and E base zones.

CHAPTER 33.453
INTERIM FOREST REVIEW

(Added by Ord. No. 164800, effective 11/18/91; deleted by Ord. No. 171219, effective 7/1/97.)

CHAPTER 33.455
INTERIM RESOURCE PROTECTION ZONE

(Added by Ord. No. 163697, effective 1/1/91; deleted by Ord. No. 171219, effective 7/1/97.)

CHAPTER 33.460
NATURAL RESOURCE ZONE

(Repealed by Ord. No. 163770, effective 2/8/91.
Replaced by Chapter 33.435 - Future Urban Zone.)

CHAPTER 33.470
PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT ZONE

Sections:
33.470.010 Purpose
33.470.020 Short Name and Map Symbol
33.470.030 Applying the PDX Noise Zone
33.470.040 Noise Insulation
33.470.050 Additional Residential Regulations

33.470.010 Purpose
The Portland International Airport Noise Impact overlay zone reduces the impact of aircraft noise on development within the noise impact area surrounding the Portland International Airport. The zone achieves this by limiting residential densities and by requiring noise insulation, noise disclosure statements, and noise easements.

33.470.020 Short Name and Map Symbol
The Portland International Airport Noise Impact zone is also referred to as the PDX Noise zone, and is shown on the Official Zoning Maps with a letter "x" map symbol (for PDX).

33.470.030 Applying the PDX Noise Zone
(Amended by Ord. No. 164244, effective 7/1/91.)

A. Noise Contour Boundary Source. The Ldn 65 noise contour, as shown in the 1990 Portland International Airport Noise Abatement Plan Update is the boundary for the PDX Noise zone. All land within that noise contour, including lands within a higher contour, is in the PDX Noise zone and subject to these regulations.

B. PDX Noise Zone Maps. A set of quarter-section maps, known as the PDX Noise Zone Maps, is available for review at the Permit Center. The maps are the official reference maps for the PDX Noise zone regulations. The maps show the Ldn 65 noise contour and each successively higher noise contour in one Ldn increment. The location of the noise contours are based on the 1990 Portland International Airport Noise Abatement Plan Update. The Ldn 68 noise contour location was established by the Port of Portland.

C. Application on annexed land. The PDX Noise zone is to be applied on all annexed areas located within the Ldn 65 or higher noise contours as part of the annexation rezoning of that area.

D. Appeal. An owner may appeal the location of the noise contour(s) shown on the PDX Noise Zone Maps for their property to the Planning Director. The owner must show that the noise contour(s) do not conform with the location shown in the 1990 Portland International Airport Noise Abatement Plan Update or the Ldn 68 noise contour. Appeals are processed as stated in 33.855.070.A.3.

33.470.040 Noise Insulation

A. Noise insulation required. All new structures must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed structures where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Structures used for Manufacturing And Production uses, Warehouse And Freight Movement uses, or nonresidential Agricultural uses are exempt from this requirement.

B. Certified by acoustical engineer. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.

C. City provides list. The City, in consultation with the Department of Environmental Quality and the Port of Portland, will provide a list of at least three registered engineers knowledgeable in acoustical engineering.

D. Port of Portland pays for sound insulation certification. At an owner's request, the Port of Portland is responsible for the costs of the noise insulation certification submitted by an engineer on the City list. The owner has the option to retain any registered engineer knowledgeable in acoustical engineering not on the list, at the owner's expense.

33.470.050 Additional Residential Regulations

(Amended by Ord. No. 164244, effective 7/1/91. Amended by Ord. No. 165376, effective May 29, 1992.)

A. Restrictions on residential use and density.

1. Prohibition of new residential uses within the Ldn 68 noise contour. New residential uses are prohibited within the Ldn 68 or higher noise contour. If an Ldn 68 noise contour divides a residential property, the building site including all required side and rear setbacks must be located entirely outside the Ldn 68 noise contour. Property that had a Farm and Forest, Limited Single Family, Low Density Single Family, or Medium Density Single Family Comprehensive Plan Map designation on January 1, 1981 or a County Residential Comprehensive Plan designation or zoning on that date is exempt from these requirements. New residential development must meet the requirements of this chapter for residential development within the Ldn 65 contour.

2. Exceptions to the restrictions on residential use and density. Existing housing within the Ldn 68 noise contour may be replaced within 5 years if it is damaged or destroyed by fire or other causes beyond the control of the owner. A house boat that is intentionally removed from its slip by the owner may also be replaced within 5 years. Replacement housing must meet the requirements of this chapter for residential development within the Ldn 65 contour.

3. Density restriction for new residential uses.

   a. All property between the Ldn 65 and the Ldn 68 noise contours that currently has a residential designation on the Comprehensive Plan Map is prohibited from developing to a density higher than that of the R10 zone.

   b. All property between the Ldn 65 and the Ldn 68 noise contours that currently has a commercial designation on the Comprehensive Plan Map is prohibited from being developed at a density higher than that of the R1 zone.

B. Noise disclosure statement. Prior to the issuance of a building permit for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must sign the City's noise disclosure statement. The noise disclosure statement acknowledges that the property is located within the Ldn 65 noise contour and signifies the owner's awareness of the associated noise levels. The noise disclosure statement must be recorded in the County records by the owner. The statement is available at the Permit Center.

C. Noise easement. Prior to the issuance of a building permit for new residential construction or reconstruction where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site, the owner must dedicate a noise easement to the Port of Portland. The easement forms are available at the Permit Center. The easement authorizes aircraft noise impacts over the grantor's property at levels established by the Ldn noise contour. Any increase of the Ldn noise level above that stated on the easement will not void nor be protected by the easement.

33.470.060 Boundary Review in 1990. (Repealed by Ord. No. 164244, effective 1/1/91.)

CHAPTER 33.480
SCENIC RESOURCE ZONE

(Added by: Ord. No. 163957, effective 4/12/91; Ord. No. 166572, effective 6/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 171718, effective 11/29/97.)

Sections:

33.480.010 Purpose
33.480.020 Map Symbol
33.480.030 Application of the Scenic Resource Zone
33.480.040 Development Standards
33.480.050 Tree Removal Review
33.480.060 Relationship to Environmental Zones

33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources as identified in the Scenic Resources Protection Plan;
- Enhance the appearance of Portland to make it a better place to live and work.
- Create attractive entrance ways to Portland and its districts.
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors;
- Implement the scenic resource policies and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

33.480.020 Map Symbol

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

33.480.030 Application

The Scenic Resource zone is to be applied to all significant scenic resources identified in the Scenic Resources Protection Plan. Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

33.480.040 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the Scenic Resources Protection Plan. The standards for each subsection below apply only to areas with that designation in the Plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

A. View Corridors. All development and vegetation with a view corridor designation in the Scenic Resources Protection Plan are subject to the regulations of this Subsection.

1. Purpose. The intent of the view corridor designation is to establish maximum heights within view corridors to protect significant views from specific viewpoints.

2. Standard. All development within the designated view corridors are subject to the height limits of the base zone, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Public safety facilities are exempt from this standard.

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the Scenic Resources Protection Plan are subject to the regulations of this Subsection.

1. Purpose. The scenic corridor designation is intended to preserve and enhance the scenic character along corridors, and where possible, scenic vistas from corridors. This is accomplished by limiting the length of buildings, preserving existing trees, providing additional landscaping, preventing development in side setbacks, screening mechanical equipment, and restricting signs.

2. Standards.

   a. Limiting blank facades. Long, blank facades create uninteresting elements along a scenic corridor. This standard applies to all portions of buildings within 100 feet of the designated resource. Residential structures are exempt from this standard. Blank facades must be mitigated for in at least one of the following ways:

      (1) The maximum length of any building facade is 100 feet.

      (2) Two rows of trees, one deciduous and one evergreen, must be planted on 30-foot centers along the length of the building between the structure and the protected resource.

      (3) Facades facing the scenic corridor must have a minimum of 40 percent of surface area in glass. Mirrored glass with a reflectance greater than 20 percent is prohibited.

   b. Street setbacks. Street setbacks must be landscaped to at least the L1 level unless the more stringent standards below or in other chapters of this title apply. No more than 25 percent of the street setback can be used for vehicle areas except that each lot is allowed at least a 9 foot wide driveway or parking area. For shared driveways serving more than one unit, the base zone standards apply, and landscaping at the L1 standard must be provided adjacent to the identified resource. Where the base zone does not require a street setback, a setback of 20 feet is established by the Scenic Resource zone.

   c. Side building setbacks. Buildings, garages, and covered accessory structures are not allowed within the side building setbacks within the first 100 feet from the designated resource. No more than 80 percent of the

length of any site can be occupied by structures, excluding fences, as measured parallel to the scenic corridor. This standard applies to an entire attached housing project rather than to individual units.

d. Screening. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from the designated scenic corridor. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

e. Fences and hedges. The total maximum height of fences, hedges, and berms within the street setback, or first 20 feet from the designated resource if there is no street setback, is 3 1/2 feet. This provision does not apply to any required screening and buffering.

f. Signs. The maximum height of a freestanding sign is 15 feet. The maximum size of a freestanding sign is 100 square feet. Rotating signs and flashing signs are prohibited. The standards of this section apply within the street setback adjacent to the identified resource or within the first 20 feet from the resource if no setback exists.

g. Preservation of trees. The provisions of Chapter 33.248, Landscaping and Screening, apply to this subsection. This provision does not apply if the property is regulated by state statutes for forest management practices. All trees over 6 inches in diameter measured at 5 feet above the ground within the street setback (or first 20 feet if no setback exists) must be retained unless removal conforms to one or more of the following standards:

(1) The tree is located within the footprint of proposed structures, within 5 feet of a structure, or a certified arborist finds, through root exploration, that the location of a proposed structure will cause the tree to die.

(2) The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property.

(3) The tree is within a water, sewer or other utility easement.

(4) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.

(5) The tree is within 10 feet of a Radio Frequency Transmission Facility that is a public safety facility.

In addition to these provisions, property owners and others are encouraged to make every effort to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

h. Tree Replacement. Trees between 6 inches and 12 inches in diameter, 5 feet above the ground, may be removed if replacement vegetation is planted within the front setback (or first 20 feet if no setback has been established) as shown in Table 480-1 below.

Table 480-1 Replacement Trees		
Size of tree to be removed (as measured at 5' above ground)	Option A (no. of trees to be planted)	Option B (no. of trees to be planted/no. of other approved vegetation)
6" to 9"	1	not applicable
over 9" to 12"	3	2 trees and 1 other

Trees and other vegetation which are allowed to replace removed trees are listed in the Scenic Resources Protection Plan. Replacement trees must be at least 2 inches in diameter, 5 feet above ground; other vegetation must be in at least a 5-gallon container or the equivalent in ball and burlap.

33.480.050 Tree Removal Review

A. Purpose. The purpose of the tree removal review is to allow trees to be removed when they meet the purpose of this Chapter and when removal will enhance a view from a public right-of-way or from public property.

B. Scope of tree removal review. Trees that do not qualify for removal under Subsection 33.480.040.B.2.g. and h. above, may be removed if approved through tree removal review as provided in this Section. Tree removal in areas with an Environmental zone is subject to environmental review rather than tree removal review.

C. Procedure. Tree removal review is processed through a Type II procedure.

D. Approval criteria. The request to remove trees will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. The removal is to create or enhance a public view from public property or from a public right-of-way;

2. Mitigation is provided on site by replacing removed trees with approved vegetation listed in the Scenic Resources Protection Plan appendix, after consultation with the City Forester; and

3. The removal is consistent with any applicable Environmental zone regulations.

33.480.060 Relationship to Environmental Zones

When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.

500s - PLAN DISTRICTS

33.500 Plan Districts in General
33.505 Albina Community Plan District
33.510 Central City Plan District
33.515 Columbia South Shore Plan District
33.526 Gateway Plan District
33.530 Glendoveer Plan District
33.533 Healy Heights Plan District
33.534 Hillsdale Plan District
33.535 Johnson Creek Basin Plan District
33.540 Laurelhurst-Eastmoreland Plan District
33.550 Macadam Plan District
33.560 North Cully Plan District
33.565 Powell Boulevard Plan District
33.570 Rocky Butte Plan District
33.575 Skyline Plan District
33.580 South Auditorium Plan District
33.585 Swan Island Plan District

CHAPTER 33.500
PLAN DISTRICTS IN GENERAL
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.500.010 Purpose
33.500.020 Establishment and Removal of Plan Districts
33.500.030 Scope of Plan Districts
33.500.040 Relationship to Other Regulations
33.500.050 Adoption Criteria
33.500.060 Review
33.500.070 Plan District Maps

33.500.010 Purpose
Plan districts address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid or severe transitions of land use; or contain public facilities which require specific land use regulations for their efficient operation. Plan districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each plan district has its own nontransferable set of regulations. This contrasts with base zone and overlay zone provisions which are intended to be applicable in large areas or in more than one area. However, plan districts are not intended for small areas or individual properties.

33.500.020 Establishment and Removal of Plan Districts
A plan district may be established or removed as the result of an area planning study, reviewed through the legislative procedure.

33.500.030 Scope of Plan Districts
Plan district regulations are applied in conjunction with a base zone. The plan district provisions may modify any portion of the regulations of the base zone, overlay zone, or other regulations of this Title. The provisions may apply additional requirements or allow exceptions to general regulations.

33.500.040 Relationship to Other Regulations
When there is a conflict between the plan district regulations and base zone, overlay zone, or other regulations of this Title, the plan district regulations control. The specific regulations of the base zone, overlay zones, or other regulations of this Title apply unless the plan district provides other regulations for the same specific topic.

33.500.050 Adoption Criteria
A plan district may be established if all the following adoption criteria are met:

A. The area proposed for the plan district has special characteristics or problems of a natural, economic, historic, public facility, or transitional land use or development nature which are not common to other areas of the City;

B. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address an identified problem in the area;

C. The proposed plan district and regulations are the result of a legislative study or plan documenting the special characteristics or problems of the area and how a plan district will best address relevant issues; and

D. The regulations of the plan district are in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone and any overlay zones applied in the district, and do not prohibit uses or development allowed by the base zone without clear justification.

33.500.060 Review

Plan districts and their regulations will be reviewed periodically to determine whether they are still needed, should be continued or amended. Plan districts and their regulations will be reviewed as part of the process for the update of the Comprehensive Plan. All plan districts located wholly or partially within each Community and Neighborhood Plan Study Area will be reviewed.

33.500.070 Plan District Maps

The boundaries of each plan district established are shown on maps located at the end of each chapter. In addition, plan district boundaries are identified on the Official Zoning Maps.

CHAPTER 33.505
ALBINA COMMUNITY PLAN DISTRICT

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 167650, effective June 10, 1994; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97.)

Sections:

General
33.505.010 Purpose
33.505.020 Where These Regulations Apply
Use Regulations
33.505.100 Commercial Uses in the RH Zone
Development Standards
33.505.200 Minimum Density Standards
33.505.210 Off-Site Impacts in the EX Zone
33.505.220 Parking Requirement Reduction
33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas
33.505.240 Design Review and Community Design Standards
33.505.245 When Community Design Standards May Be Used
33.505.248 When Community Design Standards May Not Be Used
Map 505-1 Albina Community Plan District

General

33.505.010 Purpose

The Albina Community plan district implements the Albina Community Plan. The plan district's provisions are intended to ensure that new higher density commercial and industrial developments do not overwhelm nearby residential areas. Infill housing compatibility and affordability is encouraged by eliminating off-street parking requirements for small multi-dwelling housing projects. The plan district's provisions also encourage the development of new housing along Martin Luther King Jr. Boulevard by allowing new housing projects to include ground level commercial uses that orient to King Boulevard.

33.505.020 Where These Regulations Apply

The regulations of this chapter apply to the Albina Community plan district. The boundaries of the plan district are shown on Map 505-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.505.100 Commercial Uses in the RH Zone

A. **Purpose.** A limited amount and type of commercial uses are allowed in new mixed commercial/residential projects along Martin Luther King Jr. Boulevard. These uses are permitted in recognition of the Boulevard's designation as a major city traffic street in the Comprehensive Plan Transportation Element, high traffic counts on King Boulevard, and the City's desire to encourage residential development by permitting some commercial space as part of new residential projects.

B. Locations and uses permitted. RH zoned sites located on blocks that abut Martin Luther King Jr. Boulevard may include Retail Sales and Service and Office uses as part of new residential developments. Other commercial uses are prohibited.

C. Regulations for commercial uses. Commercial development in new mixed commercial/residential projects is allowed when the following standards are met:

1. The project must include the development of new housing. The floor area for the commercial uses is not required to be in a new building;

2. Commercial uses are allowed only on the ground floor of a building;

3. Up to 35 percent of the total building's floor area may be developed for commercial uses. More than 35 percent is prohibited;

4. Access to parking for mixed commercial/residential development is limited as follows:

   a. Access must be from a non-local service street; or

   b. Access must be from a local service street which is within 150 feet of the intersection with a street designated as a collector, traffic street or regional trafficway; and

5. Signs for existing or new commercial uses in the RH zone must meet the sign regulations for the CX zone.

Development Standards

33.505.200 Minimum Density Standards

The minimum density for RH and RX zoned sites on blocks that abut Martin Luther King Jr. Boulevard is one dwelling unit for each 2,000 square feet of site area.

33.505.210 Off-Site Impacts in the EX Zone

A. Purpose. In recognition of the fact that EX zoned areas of the Albina Community plan district contain existing (and may in the future contain new) residential, commercial and industrial uses, the off-site impacts of industrial activities must be limited. These limitations protect the economic viability and residential livability of the area.

B. Nonresidential uses in the EX zone. Industrial uses that cause off-site impacts are required to meet the standards of Chapter 33.262 Off-Site Impacts. These off-site impact standards must be met at the property line of the site.

33.505.220 Parking Requirement Reduction

A. Purpose. The reduction of parking requirements is offered to allow development that is more compatible with Albina's older neighborhoods than projects built with one or more parking spaces. New housing developed without parking will also cost less than comparable housing built with off-street parking. Reducing the cost of housing will help increase affordable housing within the plan district. Performance of these provisions and any problems associated with them will be reviewed when this plan district is reviewed for timeliness.

B. Where these regulations apply. The provisions of this section apply in areas zoned R2.5, R2 and R1.

C. Regulations. New residential developments may be built without off-street parking when the following requirements are met:

1. The lot on which the project is built must be 7,500 square feet or smaller in size;

2. There will be no more than 5 dwelling units on the lot when the project is complete;

3. If there are existing dwelling units on the site with parking the parking provided for the existing dwellings must not be reduced to less than one space per dwelling unit or the existing number of spaces, whichever is less; and

4. Design review required.

   a. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.505.240, Design Review and Community Design Standards, below; and

   b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas

A. Purpose. The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new development ensures that the new housing will make a positive contribution to the neighborhood's character.

B. Attached residential infill. Attached residential development is allowed if all of the following are met. Adjustments to Subparagraphs B.1 through B.4, below, are prohibited:

1. The proposed attached residential development will be on a lot or lot of record that was created at least five years ago;

2. There has not been a dwelling unit on the lot or lot of record for at least five years;

3. A land division creating an individual lot for each attached housing unit is recorded;

4. The proposed attached residential development meets all development standards for attached residential development in the R2.5 zone; and

5. Design review required:

   a. Generally. Attached residential development must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.505.240, Design Review and Community Design Standards, below; and

   b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic design review as set out in Chapter 33.445, Historic Resource Protection Overlay Zone.

33.505.240 Design Review and Community Design Standards
Design Review ensures that development conserves and enhances the recognized special design values of a site or area, and promotes the conservation, enhancement, and continued vitality of special areas of the City. The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of this chapter. If the proposal meets the Community Design Standards, no design review is required.

33.505.245 When Community Design Standards May Be Used
The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the Design Review process.

Unless excluded by 33.505.248, When Community Design Standards May Not Be Used, below, proposals that are within the limits of Table 505-1 may use the Community Design Standards as an alternative to design review.

Table 505-1
Maximum Limits for Use of the Community Design Standards

Zones	**Maximum Limit—New Dwelling Units or Floor Area**
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	**Maximum Limit—Exterior Alterations**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the facade, regardless of the square footage of the area affected; and •Alterations to the street-facing facade that affect less than 1,500 sq. ft. of the facade, regardless of the percentage of the facade affected. [1]
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] Alterations to the street-facing facade that affect 50 percent or more of the area of the facade and 1,500 sq. ft. or more of the facade, must go through design review.

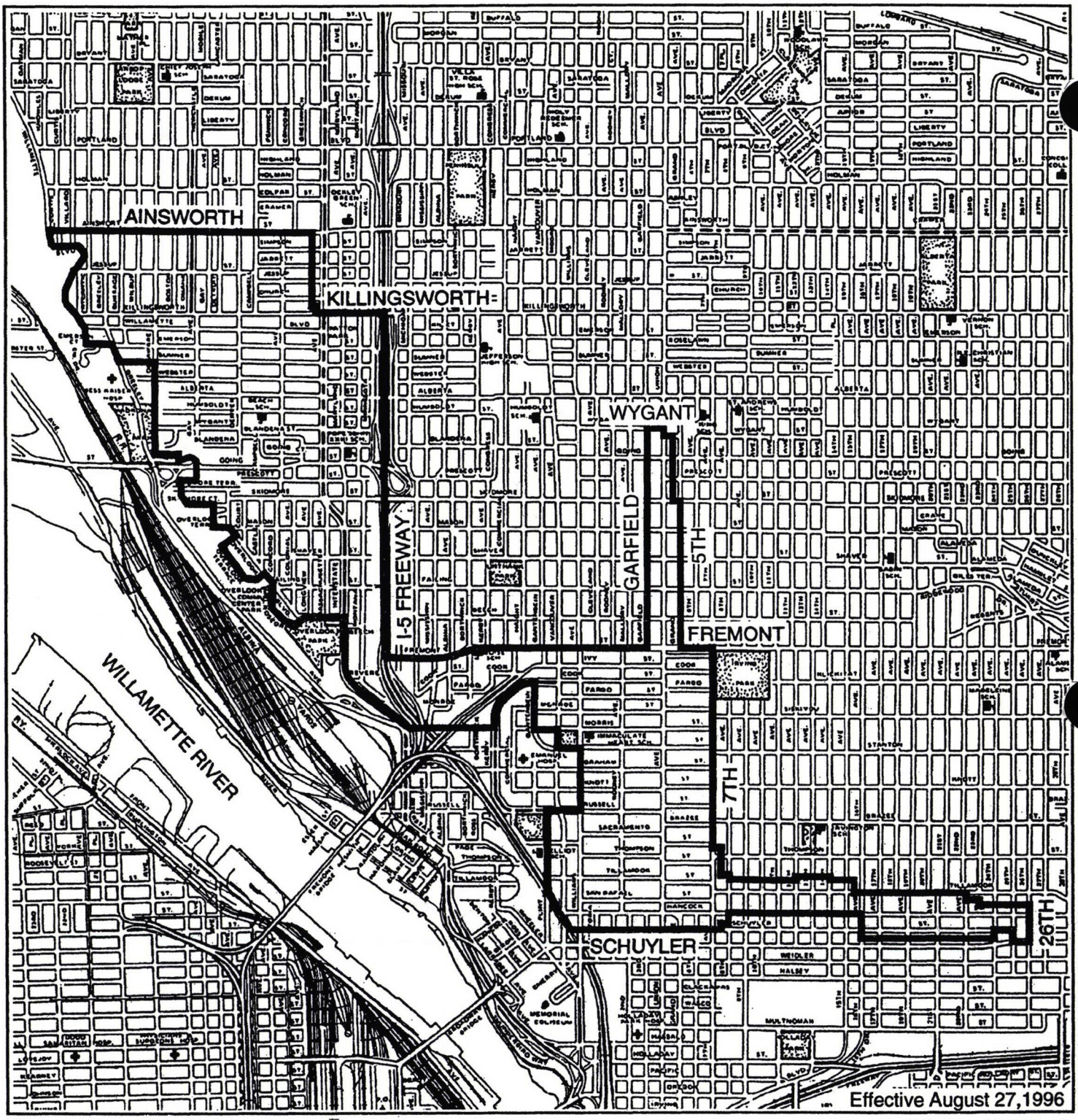
33.505.248 When Community Design Standards May Not Be Used

The Community Design Standards may not be used as an alternative to design review as follows:

A. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

B. For alterations to sites where there is a nonconforming use; and

C. For mixed-use or non-residential development in the RF through R1 zones.



NORTH

0' 2,000'

Scale in Feet

Plan District Boundary

Map 505-1

Albina Community Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.510
CENTRAL CITY PLAN DISTRICT

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98.)

Sections:

General
- 33.510.010 Purpose
- 33.510.020 Where the Regulations Apply

Use Regulations
- 33.510.100 Vehicle Repair Uses
- 33.510.105 Vehicle Sales or Leasing
- 33.510.110 Mixed Use Waterfront Development
- 33.510.112 Commercial Parking

Development Standards
- 33.510.200 Floor Area Ratios
- 33.510.205 Height
- 33.510.210 Floor Area and Height Bonus Options
- 33.510.215 Required Building Lines
- 33.510.220 Ground Floor Windows
- 33.510.223 Exterior Display and Storage
- 33.510.225 Active Building Use Areas
- 33.510.230 Required Residential Development Areas
- 33.510.240 Drive-Through Facilities
- 33.510.242 Demolitions
- 33.510.245 Northwest Triangle Open Area Requirement
- 33.510.250 Northwest Triangle Waterfront Development
- 33.510.253 North Macadam Interim Transportation Review
- 33.510.255 Central City Master Plans

Parking and Access
- 33.510.261 Parking
- 33.510.263 Parking in the Core Area
- 33.510.264 Parking in Lloyd District
- 33.510.265 Parking in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3
- 33.510.267 Parking in the Lower Albina Subdistrict; the North Macadam Subdistrict; Central Eastside Sectors 1, 4, 5, and 6; and River District Sectors 1 and 2.

Map 510-1 Central City Plan District and Subdistricts
Map 510-2 Maximum Floor Area
Map 510-3 Maximum Heights
Map 510-4 Bonus Options Target Areas
Map 510-5 Required Residential Development Areas
Map 510-6 Required Building Lines
Map 510-7 Required Retail Opportunity Areas
Map 510-8 Core and Parking Sectors
Map 510-9 Parking Access Restricted Streets

General

33.510.010 Purpose
The Central City plan district implements the Central City Plan and other plans applicable to the Central City area. These other plans include the Downtown Plan, the River District Plan, the University District Plan, and the Downtown Parking and Circulation Policy. The Central City plan district implements portions of these plans by adding code provisions which address special circumstances existing in the Central City area.

33.510.020 Where the Regulations Apply
The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. The plan district standards for floor area ratio, height, bonuses, transfer of development rights, required residential development, amount of parking, and Central City master plans control when in conflict with any base or overlay zone. For other regulations, in cases of conflict the most restrictive regulation controls. The information depicted on Maps 510-1 through 510-7 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

Use Regulations

33.510.100 Vehicle Repair Uses
Vehicle Repair uses are prohibited in the Downtown subdistrict, and in the Goose Hollow subdistrict on the portion of a site within 500 feet of a light rail alignment.

33.510.105 Vehicle Sales or Leasing
Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers , and other recreational vehicles, is prohibited on the portion of a site within 500 feet of a light rail alignment in the Downtown and Goose Hollow subdistricts. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

33.510.110 Mixed Use Waterfront Development.

A. Purpose. The Central City Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.

B. Where these regulations apply. The regulations of this Section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.

C. Additional uses allowed. The following uses are allowed in the non-residential portion of a mixed use development:

1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and

2. Marinas.

D. Minimum residential density. Minimum residential densities are one dwelling unit for each 2,000 square foot of site area.

33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 through .267. Visitor Parking and Undedicated General Parking, as described in Section 33.510.261, are Commercial Parking. The other types of parking are accessory parking, although some of them may operate as commercial parking.

Development Standards

33.510.200 Floor Area Ratios

A. Purpose. The maximum floor area ratio (FAR) standards are intended to accomplish several purposes of the Central City Plan. These include coordinating private development with public investments in transportation systems and other infrastructure, limiting and stepping down building bulk to the Willamette River, residential neighborhoods, and historic districts. While consistent with these purposes, the floor area ratios are intended to be the largest in the Portland region.

B. Floor area ratio standard. The maximum floor area ratios for all sites in the Central City plan district are shown on Map 510-2 at the end of this chapter. Floor area ratios greater than shown on Map 510-2 are prohibited unless allowed by Subsections D., or E., below, or by 33.510.210.

The minimum floor area ratio for all sites in the Goose Hollow subdistricts is 1 to 1.

C. Limit on increased floor area. In situations where FAR increases are allowed, increases more than 3 to 1 above those shown on Map 510-2 are prohibited.

D. Transfer of floor area within a project. In the CX and EX zones, floor area, including bonus floor area, may be transferred between abutting lots within a site or sites being developed jointly. This also applies to lots within a site which would be abutting but for a right-of-way. Floor area transfers are subject to the following restrictions:

1. If the site is within the Downtown subdistrict as shown on Map 510-1, floor area may be transferred between abutting lots within a site or sites being developed jointly provided the lots are within the same block. Floor area transfers across rights-of-way are prohibited in the Downtown subdistrict.

2. Buildings on each site may not exceed the height limit established for that site by the regulations of this chapter;

3. If bonus floor area is included in the transfer, those facilities to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit for the other lot; and

4. The property owner(s) must execute a covenant with the City which is attached to and recorded with the deed of both the lot transferring and the lot receiving the floor area reflecting the respective increase and decrease of potential floor area. The covenant must meet the requirements of 33.700.060.

E. SRO housing transfer of floor area.

1. Purpose. Transfer of floor area ratio potential from sites occupied by single room occupancy housing (SROs) is allowed in order to encourage the development of new SROs and reduce market pressure for removal of existing SROs.

2. Allowable floor area transfers.

   a. The owners of qualifying sites may sell the rights to their unused floor area potential. The rights to the floor area may be used anywhere in the Central City plan district.

   b. Floor area increases transferred to a site are limited to that allowed by Subsection C. above.

   c. The SRO property owner must execute a covenant with the City which reflects the decrease of potential floor area. The covenant must require future continuation and maintenance of the SRO housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.

3. Qualifying SRO projects and restrictions.

   a. Vacant, existing, and new SRO housing developments located in a CX or EX zone qualify for the floor area transfer. Vacant, existing, and new SRO housing developments located in the RX zone qualify for the floor area transfer if the sending and receiving sites are located in the RX zone, or if the sending site is within the RX zone and the receiving site is in the CX or EX zone. At least 60 percent of the floor area of the SRO structure must be used for housing.

   b. For existing SRO housing, the building must be in full compliance with the building code at the time of transfer of the development rights. If not, the structure must be brought into compliance before an occupancy permit is issued for a development using the transferred floor area.

   c. For proposed new SRO housing, the excess floor area rights may be transferred prior to construction if done as part of a development proposal to which the floor area is being transferred. The SRO units must receive an occupancy permit in advance of issuing an occupancy permit for any other part of the development.

   d. The SRO structure may not be demolished or converted to other uses unless the number of SRO units lost will be replaced either on the site or at another location in the Central City plan district. SRO units being provided at

another site must receive an occupancy permit in advance of issuing an occupancy permit for a new use on the former SRO site or issuing a demolition permit for the site. In addition, the decreased floor area potential on the SRO site continues.

33.510.205 Height

A. Purpose. The maximum building heights are intended to accomplish several purposes of the Central City Plan. These include protecting views, creating a step-down of building heights to the Willamette River, limiting shadows on public open spaces, ensuring building height compatibility and step downs to historical districts, and limiting shadows from new development on residential neighborhoods in and at the edges of the Central City.

B. The height standard. The maximum building height for all sites in the Central City plan district is shown on Map 510-3 at the end of this chapter. Heights greater than shown on Map 510-3 are prohibited unless allowed by Subsections C. through E. below or by 33.510.210.D. or E.

C. Performance standard for sites adjacent to designated open spaces.

1. Eligible sites. Building heights to the south and/or west of certain areas designated Open Space on the Comprehensive Plan map may be increased above the limits specified on Map 510-3. Sites eligible for this standard are shown on Map 510-3.

2. The performance standard. Building heights may be increased if the amount of shadow cast by the proposed building on the adjacent open space will be less than or equal to the shadow that would result from an allowed building constructed to the maximum height shown on Map 510-3. The shadow from an allowed building is based on the shadow that would be cast by a structure covering the entire site at the height limit of Map 510-3. Shadows must be analyzed for noon and 3:00 p.m. on April 21 to determine compliance with this provision.

3. Limit on the height increase. Increases in height are prohibited in either of the following situations:

   a. The development projects into an established view corridor, or

   b. The development does not project into an established view corridor, but results in buildings over 460 feet in height.

D. Performance standard for sites adjacent to historic districts. Building heights on blocks adjacent to the Yamhill and Skidmore Fountain/Old Town Historic Districts may be increased above the limits stated on Map 510-3. Requests for the increases are reviewed as part of the design review process.

1. The development proposal must comply with all of the following standards.

   a. The site encompasses a single block which is subject to two different height limits, and the block is adjacent to but not part of a historic district.

b. The project does not include removal of any historical landmarks and no historical landmarks were cleared from the site during the 60 months prior to the date of application for the exception.

c. Historical landmarks on the site are preserved and restored as part of the proposed project.

d. A building wall, called the "street wall," must be constructed abutting the street lot line facing the historic district. Street walls must extend along the entire frontage facing the historic district. When the project's frontage on its block is larger than the historic district's frontage on the facing block, the street wall must extend 25 feet beyond the end of the historic district .

e. The street wall must be at least 30 feet in height or equal to the distance of the horizontal encroachment into the area regulated by the lower height limit, whichever is more. However, portions of the building that front the historic district may not exceed 75 feet in height within 25 feet of the street lot line.

f. The existing building wall of an historical landmark incorporated into the project is exempt from the requirements of Subparagraphs d. and e. above.

g. Portions of the structure located behind the street wall must comply with the required retail opportunity provisions of 33.510.225;

h. The project may not result in a building that exceeds a maximum height of 250 feet or the higher of the two height limits on the block, whichever is lower.

2. Approval of a height increase based on this subsection in no way limits the ability of the review body conducting design review to require reconfiguration of the building's design, including lowering the height of the building or reducing the amount of the increase. The review body will base its review on application of both the general design guidelines applicable to the area, and the subdistrict guidelines applicable to the adjacent historic district.

3. Adjustments to requirements and standards of this subsection are prohibited.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.

2. Requirements for open space areas eligible for the height transfer.

a. The proposed open space area must be in the Central City plan district. If the open space is at a Proposed Open Space location, as shown on the Central City plan map, the site is eligible by right. If the site is not a Proposed Open Space location, the site is subject to the review requirements stated in Paragraph 4. below. Open space sites resulting from the Northwest Triangle open area requirement are not eligible for the height transfer.

b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.

c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a major design review using the specific area's design guidelines. The Park Bureau will provide advice to the Design Commission.

3. Amount of height potential that can be transferred. The allowed height at the proposed open space site shown on Map 510-3 may be transferred within the Central City plan district consistent with the limits stated below.

a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for a height bonus as shown on Map 510-3. Increases in height that result in buildings greater than 460 feet or which are higher than an established view corridor are prohibited. The transferred height may not be used in addition to any allowed bonus heights of 33.510.210

b. The open space improvements must be approved and the site dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Reviews for sites not designated Proposed Open Space on the Central City plan map.

a. Procedure. The review is processed with a Type III procedure.

b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:

(1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City plan's park and open space system (covered in Policy 8 of the plan);

(2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and

(3) The Park Bureau approves of the site.

33.510.210 Floor Area and Height Bonus Options

A. Purpose. Floor area and height bonus options are offered as incentives to encourage facilities and amenities which implement the Central City Plan.

B. General regulations.

1. The bonus options are only allowed in situations where stated. Only new developments are eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.

2. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.

3. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.C.

4. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.

5. In residential bonus target areas, as shown on Map 510-4 , the residential bonus option must be used before any other bonus. A bonus floor area ratio of at least 1.5 to 1 from the residential bonus option must be earned before the project qualifies for other bonus options.

C. Bonus floor area options. Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.

1. Residential bonus option.

   a. In the CX and EX zones, projects providing housing receive bonus floor area. New development and alterations to existing development are eligible for this bonus. For each square foot of floor area developed and committed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3 to 1. Projects in the required residential opportunity areas are eligible for this bonus.

   b. The additional floor area may be used entirely for housing or partially for nonresidential uses. Projects which include housing built under building permits issued prior to July 1, 1998 may commit up to 2/3 of the bonus floor area to nonresidential uses. Projects built under building permits issued after July 1, 1998 may commit up to 1/2 of their bonus floor area to nonresidential uses.

   c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance or at the same time as an occupancy permit for any nonresidential portion of the project. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of 33.700.060.

2. Day care bonus option. In the CX, EX, and RX zones, projects providing day care facilities for children receive bonus floor area. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of three square feet of additional floor area is earned. To qualify for this bonus, the day care facility must meet all of the following requirements.

a. The day care facility must be used for the purpose of day care for the life of the building. The facility must be open during normal business hours at least five days each week and fifty weeks each calendar year.

b. The day care facility must be maintained and kept in a good state of repair throughout the life of the building.

c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the day care facility by the property owner. The covenant must comply with the requirements of 33.700.060.

3. Retail use bonus option. In the retail use bonus target area, shown on Map 510-4, projects providing retail uses receive bonus floor area. To qualify for this bonus option, floor area equal to at least 1/2 of the site area must be committed to retail space. For each square foot of retail space over this amount, one additional square foot of floor area is earned. The property owner must execute a covenant with the City attached to the deed of the site ensuring continuation and maintenance of the qualifying retail spaces by the property owner. The covenant must comply with the requirements of 33.700.060.

4. Rooftop gardens option. In CX, EX, and RX zones, developments with rooftop gardens receive bonus floor area. For each square foot of rooftop garden area, a bonus of one square foot of additional floor area is earned. To qualify for this bonus option, rooftop gardens must meet all of the following requirements.

a. The rooftop garden must cover at least 50 percent of the roof area of the building and at least 30 percent of the garden area must contain plants.

b. The property owner must execute a covenant with the City ensuring continuation and maintenance of the rooftop garden by the property owner. The covenant must comply with the requirements of 33.700.060.

5. "Theaters on Broadway" bonus option. In the Broadway Theater bonus target area, projects providing theaters receive bonus floor area. For each square foot of floor area developed as theater, a bonus of 2 square feet of additional floor area is earned. Existing and new theaters qualify for this bonus. The Broadway Theater target area is shown on Map 510-4. To qualify for this bonus, a theater must meet all the following requirements.

a. The theater facilities must provide seating for at least 150 people.

b. The theater space must be used for the life of the building and at least 200 performances must be given each calender year. Live theater performances and film exhibitions meet this requirement.

c. The theater facilities must be maintained and kept in a good state of repair throughout the life of the building.

d. The property owner must execute a covenant with the City ensuring compliance with these standards by the property owner. The covenant must comply with the requirements of 33.700.060.

6. "Percent for Art" bonus option. In all zones, new development or alterations to existing development which commit funds to public art receive bonus floor area. Projects which commit 1 percent of their threshold value to public art earn additional floor area equal to the size of the site. Projects committing more than 1 percent to public art earn additional floor area equal to 0.1 of the site area for each additional 0.1 percent of the project's threshold value up to a maximum total floor area increase of 2 times the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site receiving the transfer of floor area. **For alterations to existing development**, the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the public art must meet the following requirements.

   a. At least 25 percent of the project's public art funds must be placed in a Central City Public Art Trust fund, maintained by the Metropolitan Arts Commission. The developer may place all of the public art funds in the trust fund. The Central City Public Art Trust Fund is used to purchase and install public art only in the Central City plan district.

   b. The process and budget for selecting the artist and for selecting and installing the specific works of art to be included in the project must be approved by the Metropolitan Arts Commission. The Metropolitan Arts Commission maintains and publishes guidelines and procedures for review, selection, installation, and payment for works of art included in a project.

   c. Works of art must be approved by the Metropolitan Arts Commission.

   d. Works of art must be placed on the outside of the building or at a location clearly visible and freely accessible to the public from the sidewalk during daylight hours. The location of each work of art will be approved by the Metropolitan Arts Commission. The Design Commission will recommend appropriate locations prior to the Arts Commission approval.

   e. The public art may not also be used to satisfy other requirements of City, State, or Federal law.

   f. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement if necessary of the public art. The covenant must comply with the requirements of 33.700.060.

7. Water features or public fountains bonus option. In CX, EX, and RX zones, projects which provide water features or public fountains as part of the development receive bonus floor area. For each 0.1 percent of their threshold value that a project commits to development of water features or public fountains, an additional floor area equal to 0.1 of the site area is earned, up to a maximum of 0.5 of the site area. **For new development**, threshold value is the sum of all construction costs shown on all building permits associated with the project, including site preparation. Where some or all of the bonus floor area is being transferred, this includes costs for both the lot transferring the bonus and the site

receiving the transfer of floor area. **For alterations to existing development,** the threshold value is the sum of all construction costs as defined above plus the value of existing improvements to the property, as listed in the County Assessor's records. Where some or all of the bonus floor area is being transferred, this includes costs and values for both the lot transferring the bonus and the site receiving the transfer of floor area. To qualify for this bonus, the water feature or public fountain must meet all of the following requirements.

a. The water feature or public fountain must be located outdoors on the site or abut the site in a right-of-way, unless another site is approved by the Design Commission. It must be visible and accessible by the public from the sidewalks that provide access to the project.

b. The water feature or fountain must be designed to use water efficiently with a low water make-up rate. A method of keeping the water clean must be provided.

c. The design and location of the water feature or public fountain must be approved as part of the design review of the total project.

d. Water features and public fountains may not be counted to meet both this bonus option and the "Percent for Art" bonus option at the same time.

e. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the water feature or public fountain by the property owner. The covenant must comply with the requirements of 33.700.060.

8. Locker room bonus option. To encourage bicycling, projects in the CX and EX zones that provide locker room facilities and extra long-term bicycle parking receive bonus floor area. For each square foot of area developed and committed to locker room facilities, a bonus of 40 square feet of additional floor area is earned. To qualify for the bonus, the following must be met:

a. The locker room facility must include showers, a dressing area, and lockers;

b. All tenants of the building must be able to use the locker room facility; and

c. At least 110 percent of the required long-term bicycle parking for the site must be provided and must meet the standards of 33.266.220.B, Long-term Bicycle Parking.

9. Willamette River Greenway bonus option. To complement and enhance the existing public corridor projects along the Willamette River Greenway in the North Macadam District, as identified in Map 510-4, that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of one square foot of additional floor area is earned. The bonus floor area may be used on site or transferred to another site within the North Macadam District subject to the following:

a. Approval process. Approval of this bonus is processed as part of the design review for the development project. It will be approved if it complies with subparagraphs C.9.b. through g. below and if it is consistent with the design guidelines that apply to the site;

b. The building on the receiving site must meet the development standards of the base zone and plan district except floor area ratio. However, adjustments to accommodate the transferred floor area may be requested;

c. A minimum of 2,500 square feet of open space adjacent to the required greenway setback must be deeded as a public easement for public access to the City as part of the Willamette River Greenway for public use;

d. The property owner will implement the North Macadam District Street Plan including required accessways to the Willamette River Greenway;

e. The property owner must execute a covenant with the City that:

(1) Ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features;

(2) Is attached and recorded with the deed of both the lot transferring and the lot receiving the floor area and reflects the respective increase and decrease of potential floor area; and

(3) Meets the requirements of 33.700.060, Covenants with the City;

f. The additional open space must be provided and the requirements of sub-paragraphs C.9.c, d, and e. above, must be met before a building permit using the bonus FAR is issued for the receiving site; and

g. Within the deeded open space easement, the following amenities must be provided prior to the issuance of a Certificate of Occupancy for development using the bonus FAR:

(1) The dedicated open space must be adjacent and directly connected to the Greenway Trail;

(2) At least 50 percent of the dedicated open space must be planted with native species as identified by the Portland Plant list; and

(3) Public seating such as benches, gazebos, or piers with viewpoints, must be provided at a ratio of at least 5 seats per 1,000 square feet of dedicated open space.

D. General bonus heights. Bonus height is also earned at certain locations in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 510-3. Qualifying areas, shown on Map 510-3, are located such that increased height will not violate established view corridors, the preservation of the character of historical districts, the protection of public open spaces from shadow, and the preservation of the City's visual focus on important buildings (such as the Union Station Clock Tower). The height bonus

allowed is based on the FAR bonus options of Subsection C. above. In areas qualifying for a height bonus, the amount of bonus height awarded is based on the following schedule.

1. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.

2. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.

3. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.

E. Bonus height option for housing. In the bonus height areas, building heights may be allowed to be greater than shown on the map if the bonus height is exclusively to accommodate housing. The maximum height bonus that may be allowed is 75 feet. Projects may not use both the bonus height options of this subsection and Subsection D. above. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if it is found to be necessary for the development of the maximum amount of floor area devoted to housing and if the increased height will not violate an established view corridor. If the site is within 500 feet of an R zone, it must also be found that the proposed building will not cast shadows which have significant negative impacts on dwelling units in R zoned lands. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, it must also be found to meet the performance standards of Subsection 33.510.205.D. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, it must also be found to meet the performance standards of Subsection 33.510.205.E.

33.510.215 Required Building Lines

A. Purpose. Required building lines are intended to enhance the urban quality of the Central City plan district.

B. Sites and development subject to the building line standard. Sites subject to this standard are shown on Map 510-6 at the end of this chapter.

C. Special building lines. On West Burnside between 10th and 21st Avenues, the special building line is 10 feet from the street lot line along West Burnside.

D. Building line standards.

1. New development and major remodeling projects along a frontage containing a required building line must comply with either Subparagraphs a or b below, except where there is also a special building line. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high.

   a. The building must extend to the street lot line along at least 75 percent of the lot line; or

b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

2. Where a site with frontage on a required building line street also has a special building line, new development or additions of floor area to the site must comply with either Subparagraphs a or b below. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high.

   a. The building must extend to the special building line along at least 75 percent of the street lot line; or

   b. The building must extend to within 12 feet of the special building line for 75 percent of the street lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.510.220 Ground Floor Windows

A. Purpose. In the Central City Plan District, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
- Encourage continuity of retail and service uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

B. Major remodeling projects. In the RX, CX, and EX zones, all major remodeling projects must also meet the ground floor window standard of the base zone,or the option below.

C. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements would normally apply for this through the adjustment procedure. However, projects meeting the qualifications stated below may apply as part of design review instead of through the adjustment process. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.223 Exterior Display and Storage

Exterior display of goods and exterior storage are not allowed on the portion of a site within 500 feet of a light rail alignment in the Downtown and Goose Hollow subdistricts. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

33.510.225 Active Building Use Areas

A. Purpose. The active building use area standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards are also to help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities. Active building uses include but are not limited to: lobbies, retail, residential, commercial, and office.

B. Sites and development subject to the active building use area standard. Active building use areas are shown on Map 510-7 at the end of this chapter. On identified sites, all new development and all major remodeling projects must meet the standard below.

C. Active building use area standard. Buildings must be designed and constructed to accommodate uses such as those listed in subsection A. above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active building uses. This standard must be met along at least 50 percent of the ground floor of walls which front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

2. The area must be at least 25 feet deep, measured from the street frontage wall;

3. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by the Bureau of Buildings; and

4. The street frontage wall must include windows and doors, or be structurally designed so doors and windows can be added when the space is converted to active building uses.

D. Parking Restriction in the North Macadam Subdistrict.

1. Purpose. The North Macadam Subdistrict is intended to be a multi-modal, mixed-use, pedestrian-oriented neighborhood. Developments are anticipated to include larger site areas than in other parts of the Central City where active building use areas are applied. These larger sites afford greater flexibility in the planning and design of ground-level uses. Also, due to the larger block size, the potential impact of less-active uses, such as structured parking, along expanses of street frontage is greater. Disallowing parking in active building use areas lessens

this impact. It also encourages either the provision of active building uses at the time of initial construction or a quicker transition from less-active to more active uses. This provision will encourage and maintain a pedestrian-oriented street environment of exceptional quality that is safe, active with uses, and comfortable for residents, visitors, and others moving through the subdistrict.

2. Regulation. The following regulation applies to the North Macadam Subdistrict. Parking is not allowed in areas that are required to meet the active building use standard of subsection C., above.

33.510.230 Required Residential Development Areas

A. Purpose. The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City Plan.

B. Sites and development subject to the required residential standard. Sites subject to this standard are shown on Map 510-5 at the end of this chapter. On identified sites, all new development and building additions must meet the standards below.

C. Required residential standard for new development. New development must include housing at the minimum rate of 1 unit per 2,900 square feet of net site area (15 units per acre). For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. The floor area of the required housing units qualifies for the floor area bonus option stated in 33.510.210.C.1.

D. Required residential standard for building additions. Floor area additions which increase the existing floor area by 50 percent or 10,000 square feet, whichever is less, must meet the standard of Subsection C., above.

E. Timing and location of the housing. Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project. Exceptions to this may be approved as part of a Central City master plan. See 33.510.255, Central City Master Plans.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Downtown and Goose Hollow subdistricts. Drive-through facilities are prohibited on the portion of a site within 100 feet of a light rail alignment. This prohibition includes curb cuts and driveways used to approach and leave the drive-through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

33.510.242 Demolitions

A. Landscaping. In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design

zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.258, Landscaping and Screening, except that no shrubs or trees are required.

B. Replacement of demolished ground floor area. In R, C, and E zones, if a building is demolished after September 1, 1994, the square footage of the ground floor of the demolished building must be replaced as follows. Adjustments to the requirement of this Subsection are prohibited.

1. In the Core Area, as shown on Map 510-8, the square footage must be replaced on the same block as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the block, other than landscaping.

2. Outside the Core Area, as shown on Map 510-8, the square footage must be replaced on the same site as the demolished building. This replacement must occur before or at the same time as any other development or redevelopment on the site, other than landscaping.

33.510.245 Northwest Triangle Open Area Requirement

A. Purpose. The open area requirement promotes adequate amounts of light and air, year-round opportunities for outdoor active and passive recreation, visual relief from the built environment, and facilitates circulation for pedestrians to and throughout the Northwest Triangle subarea. The open area requirement is intended to produce open areas at a scale comparable to what large sites would have if divided by the 200 foot street grid pattern.

B. The open area requirement.

1. On lots of over 40,000 square feet in the Northwest Triangle subarea, a minimum of 30 percent of the area over 40,000 square feet must be devoted to open area. The boundaries of the subdistrict are shown on Map 510-1 at the end of this chapter.

2. Development consisting primarily of uses in the industrial group of categories is exempt from the open area requirement. However, redevelopment resulting in more than 50 percent of site area falling into nonindustrial use categories require compliance with the open area requirement.

3. Open areas may include parks, plazas, covered or uncovered walkways, public fountains, and landscaped features or areas. Open areas do not include areas used for parking or loading, or landscaping within parking areas.

4. Developments which utilize the Central City master plan option may consolidate the required open area of this Section and locate it within the boundary of the master plan.

C. Required open area development standards.

1. At least 50 percent of the open area must be in the form of parks or plazas, and at least 25 percent of the open area must be devoted to one plaza or space.

2. Walkways may not constitute more than 25 percent of the required open area.

3. Shadow standard. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of a park or plaza at noon and 75 percent at 3:00 p.m. on April 21 of any year. Trees are not to be included in consideration of the limitation on shadows.

4. Tree standard. A minimum of one tree per 1,000 square feet of plaza or park area is required.

5. Border standard. Peripheral lines of trees, low walls, planters, or other similar treatment along the edges are required to ensure that parks and plazas have clearly defined borders.

6. Linkages. Open areas and walkways must provide safe, attractive, and convenient linkages to adjacent development and sidewalks.

7. Design quality. Open areas must be designed and constructed at a high level of quality consistent with an attractive, pleasant, and convenient environment for pedestrians.

33.510.250 Northwest Triangle Waterfront Development

A. Purpose. These standards are intended to assure both frequent views of the river and physical connections to the river and its activities.

B. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Northwest Triangle subarea.

C. Development standards.

1. View corridors. At least 25 percent of the width of the site (as measured along NW Front Ave.) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.

2. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the greenway overlay zones; see Chapter 33.440. In addition, buildings or portions of buildings over 35 feet in height must be set back from the greenway setback line 1 foot for every 1 foot of height above 35 feet.

3. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.

4. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Front Avenue and the Greenway Trail.

33.510.253 North Macadam Interim Transportation Review

A. Purpose. The purpose of the North Macadam Interim Transportation Review is to ensure that needed transportation improvements and mitigation measures are implemented when a use intensifies beyond a certain size. This section will be in effect until adoption of the North Macadam District Framework Plan. The review is intended to look at transportation system impacts adjacent to the site, and on nearby streets and state highways. The review ensures that physical improvements and other mitigation measures are required as part of development approval in order to reduce the impacts of site-generated traffic on the surrounding area and to take advantage of public and private investments in the North Macadam subdistrict.

B. Applicability. The North Macadam Interim Transportation Review applies to development in the North Macadam Subdistrict of the Central City plan district as shown on Map 510-1.

C. When the North Macadam Interim Transportation Review is required. Except as provided in subsection D. below, proposals for new development or alterations to existing development that are over an FAR of 2:1 must go through the North Macadam Interim Transportation Review. Floor area that is allowable through bonus provisions in Section 33.510.200, Floor Area and Height Bonus Options, are not included in the 2:1 FAR threshold. For example, a proposal for new development at a 5:1 FAR, using 3:1 FAR from the bonus options, is not subject to the North Macadam Interim Transportation Review.

D. Exempt from North Macadam Interim Transportation Review. Proposed developments 30,000 square feet or less in size are exempt from the North Macadam Interim Transportation Review.

E. Transportation Impact Analysis required. In addition to the application requirements of Section 33.730.060, a Transportation Impact Analysis is required as part of an application for North Macadam Interim Transportation Review. The methodology and scope of the Transportation Impact Analysis must be approved by the Portland Office of Transportation prior to the application being submitted. The Transportation Impact Analysis must at a minimum address the following:

1 Description of proposed development;

2. Description of existing area uses and conditions and definition of the study area;

3. Traffic forecasts and distribution;

4. Primary traffic access routes to and from the site including the nearest State highways;

5. Evaluation of impacts on street function, capacity, and level of service;

6. Evaluation of impacts on on-street parking;

7. Evaluation of access requirements;

8. Evaluation of impacts on transit operations and movements;

9. Evaluation of impacts on pedestrian and bicycle routes and safety;

10. Evaluation of impacts on the immediate and adjacent neighborhoods; and

11. Proposed mitigation measures including transportation system management, transportation demand management, and needed roadway improvements on or for local roads and State highways.

F. Review procedure. North Macadam Interim Transportation Review is processed through a Type II procedure.

G. Approval criteria. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. The development is consistent with the North Macadam District Street Plan;

2. The transportation system is capable of supporting the proposed development in addition to the existing uses in the area as shown by the Transportation Impact Analysis;

3. A transportation demand management plan is proposed which includes measures to reduce the number of trips made by single-occupant vehicles during the peak commuting hours;

4. Adequate measures to mitigate on- and off-site transportation impacts are proposed. These measures may include, but are not limited to the following: transportation improvements to on-site circulation, street dedications and improvements, intersection improvements, transit stop improvements, and reduction in the number of parking spaces to support the transportation demand management plan; and

5. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or at each phase of the development, if development is phased.

33.510.255 Central City Master Plans

A. Purpose. The Central City master plan adds development potential and flexibility for projects in specified areas. The additional development potential and flexibility is possible because the plan is used to demonstrate that the policy objectives of the Central City Plan and the public service needs of the area are addressed. The Central City master plan is an option; it is not a requirement. A Central City master plan may also be created through a legislative process initiated by the City.

B. Flexibility achieved. An approved Central City master plan allows additional flexibility in any of the following situations:

1. Allocates allowed floor area to individual development sites which will not remain in the same ownership;

2. Defers the building of any required housing; or

3. Allows the development of required housing at a location outside of the required residential development area.

C. Central City master plan contents. In addition to the general application requirements for land use reviews, Central City master plans must contain the information listed below, as relevant to the area and proposal.

1. Floor area ratio. The plan must show the amount of allowable floor area which is to be assigned to each lot. Floor areas greater or less than shown on Map 510-2 may be assigned on a site-specific basis. The total combined floor area for all sites in the plan area must be within the maximum allowed for the plan area before any allocations. Floor area transfers outside of a master plan area is prohibited.

2. Infrastructure capability. The adequacy of infrastructure must be addressed if there is a proposal to shift allowable floor area between separate development sites. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.

3. Circulation.

   a The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.

   b. At locations adjacent to the Willamette River, the plan must include a proposal for access to the water as well as along the top of the bank.

   c. The plan must identify open spaces which are convenient for use both by those living and working in the plan area and by the general public. At locations adjacent to the Willamette River, the open space areas must tie the pedestrian and bicycle circulation system to the Willamette River.

4. Views. The plan must identify significant public viewpoints and significant view corridors down rights-of-way. The plan must show how the views are being protected, including in situations where there is a proposal to increase the height above the base FAR of Map 510-3 in areas eligible for ultimate height.

5. Required housing. The plan must identify the location, density, and general type of housing to be built in compliance with the required residential development standards of 33.510.240. Required housing may be deferred subject to the requirements of Subparagraph a. below. Required housing may be built outside of the required residential area subject to the requirements of Subparagraph b. below.

   a. If the required housing is not proposed to be built in advance or concurrently with other development, the plan must demonstrate that the proposed housing site is of suitable size and location, is reasonable, and is attractive for the housing. The proposed site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone. The plan must identify a schedule or development phase when the required housing will be built.

b. If the required housing is proposed for a location outside of the required residential development area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Central City plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing. The site must be reserved for housing through a concurrent application for a Comprehensive Plan map designation of Central Residential and an RX zone.

D. Approval procedure. Central City master plans requests are processed through a Type III procedure.

E. Approval criteria. A Central City master plan application will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. The proposed plan is consistent with the policy objectives of the Central City plan;

2. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed developments;

3. The plan provides for a useful and pleasant circulation system and for adequate open space within the plan boundaries;

4. Development will be placed and sized to protect significant public viewpoints and public view corridors; and

5. There are adequate assurances that required housing that is deferred or proposed for another site will be built.

F. Development in conformance with Central City master plans. Development within a Central City master plan boundary must be in full conformance with the approved plan. Review for conformance will be done as part of the design review of a specific proposal. Additional approval criteria for the design review are:

1. The proposed development is consistent with and conforms to the specific Central City master plan; and

2. Any transportation, water, stormwater disposal, or waste water disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.

G. Central City master plan amendments. Amendments to an approved Central City master plan are processed through a Type II procedure. The amendment may be approved if the proposed change results in a plan which continues to meet all of the approval criteria in Subsection E. above.

Parking and Access

33.510.261 Parking

A. Purpose. The parking and access regulations implement the Central City Transportation Management Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.

B. Description of types of parking. In the Central City plan district, there are six types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.

1. Growth Parking. Growth Parking is created in conjunction with additions of floor area. Floor area is added either as part of new development or adding floor area to existing development. Parking for floor area that will be in residential or hotel use is not Growth Parking; it is Residential/Hotel Parking (see Paragraph B.5, below).

   In the case of new development, the land use or building permit for the parking must be requested by the time the foundation is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

   In the case of additions of floor area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new floor area is issued. If it is requested after the building permit for the new floor area is issued, it will be Preservation Parking.

   The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. Preservation Parking. Preservation Parking is created to serve existing, older buildings in non-residential/non-hotel uses. For residential and hotel uses, see Paragraph B.5, below. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

3. Visitor Parking. Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with particular development.

4. Undedicated General Parking. Undedicated General Parking is all parking, other than Visitor Parking, that is not associated with particular development.

5. Residential/Hotel Parking. Residential/Hotel Parking is created in conjunction with dwelling units or hotel rooms.

6. RX Zone Parking. RX Zone Parking is parking on a surface lot zoned RX that was operating as parking accessory to nonresidential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory.

C. Organization of parking regulations in the plan district. This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

There are six different kinds of parking. These are described in Subsection 33.510.261.B, above. Generally, Growth, Preservation, and Residential/Hotel Parking are allocated based on floor area of buildings or dwelling units. Visitor Parking may be located where demand is shown. Generally, RX Zone and Undedicated General Parking are "conversion categories;" they cover some existing parking.

Each type of parking is regulated differently. For some types of parking, we do not limit who may park there, even though the parking may have been created in conjunction with a particular development. There are some limitations, however, particularly for Preservation and Residential/Hotel Parking. Visitor Parking includes some operation limits: it is for short-term parking. There are some restrictions on how Undedicated General Parking may operate, depending on the zone and subdistrict. Other than these specific regulations, Undedicated General Parking is free to operate in any way the owner chooses.

Map 510-8 shows the subdistricts of the Central City plan district and the parking sectors. Downtown, the University District, and some areas north of Burnside are called the Core Area. The regulations vary in different areas In the Core Area, there are maximums for all parking. In Lloyd , Goose Hollow, and parts of Central Eastside, there are maximums only for parking created in conjunction with office uses. There are no maximums in the other areas. There are other differences among the areas.

Section 33.510.261 applies to all areas, while Sections 33.510.263 through .267 each apply to a different area. The regulations for each area are organized in the same way: A subsection on each type of parking, then a subsection that applies to all types of parking, and then one or more subsections with special regulations for surface parking lots that existed on January 8, 1996.

The two development types of parking—surface lots and structured parking—are regulated differently. There are also some special regulations affecting location of parking; for example, surface parking is not permitted next to a light rail line, and access near light rail is allowed only under certain circumstances. Depending on the zone and the area, there are other regulations about location of parking, access, landscaping, and other elements.

To determine whether a particular proposal is allowed, prohibited, or requires a Central City Parking Review, you need to look at all of the regulations that apply to the proposal. For example, while the number of spaces may be allowed, the access might require review; or the number of spaces may be allowed, but only in a structure, not a surface lot.

In addition to Central City Parking Review, some proposals may need adjustments. The approval criteria for adjustments (in Chapter 33.805) require analysis of the purpose of the regulation. The purpose of each regulation in Sections 33.510.261 through 33.510.267 is in the Central City Transportation Management Plan Policy.

D. Where these regulations apply. The regulations of Sections 33.510.261 through 33.510.267 apply to all parking in the plan district. The regulations of Sections 33.510.263 through .267 each apply to a different area. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate Subsection.

E. Sites split by subdistrict or parking sector boundaries. Where the site of a parking lot or structure is split by subdistrict or parking sector boundaries, and the regulations in the two areas differ, the following applies:

1. Generally. If the site is split by the boundary of a subdistrict or parking sector, the following applies:

   a. For Growth, Preservation, and Residential/Hotel Parking:

      (1) Except as provided in Subparagraph E.1.a (2), below, the portion of the site that contains the parking is subject to the regulations of that parking sector; and

      (2) The maximum ratio, if any, is based on the regulations that apply to the site of the use the parking will be serving.

   b. For all other parking: The more restrictive regulations apply.

2. Under bridges. If the site is split by the boundary of the Core Area, and all or a portion of the parking is under a bridge, the following applies:

   a. For Growth, Preservation, and Residential/Hotel Parking:

      (1) If the use the parking will be serving is in the Core Area, the regulations of the appropriate Core sector apply to the parking.

      (2) If the use the parking will be serving is outside the Core Area, the regulations of the appropriate sector outside the Core apply to the parking.

   b. For all other parking: The more restrictive regulations apply.

33.510.263 Parking in the Core Area

The regulations of this Section apply in the Core area shown on Map 510-8.

A. Growth Parking. The regulations of this Subsection apply to Growth Parking. Adjustments to the regulations of this Subsection are prohibited, except as specified in Paragraphs A.7 and A.9, below.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

a. Determine the use or uses the parking will be created in conjunction with.

b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-1.

c. Based on the regulations of this Subsection and those in Subsection G, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-1.

(1) If all aspects of a proposal are allowed, then the parking is allowed.

(2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.

(3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.

(4) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-1
Relationships Among Use Regulations for Growth Parking

If the **use** is:	And if the **parking** is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

2. Up to 20 parking spaces on a surface parking lot is an allowed use where the parking is adjacent to the building and the total number of parking spaces—of any type—on the site is less than 21.

3. Up to 20 spaces in a structure is an allowed use.

4. More than 20 parking spaces is an allowed use where the following are met:

a. The parking is in a structure;

b. Carpool parking.

(1) Five spaces or five percent of the parking spaces, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.

(2) The spaces will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking.

(3) Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

5. Parking that is not an allowed use under Paragraphs A.2, A.3, and A.4, above, and is not otherwise prohibited, is subject to CCPR.

6. Maximum ratios. Parking is limited to the maximum ratios in Table 510-2. Where there is more than one use, the amount of parking allowed is calculated based on the net building area of each use.

Table 510-2
In the Core Area
Growth Parking:
Maximum Number of Parking Spaces Per 1,000 Square Feet of Net Building Area

	District/Sector (See Map 510-8):				
	Downtown 2, 3	Downtown 4	Downtown 1, 5; University District	River District 5	River District 3, 4; Downtown 6
Use:					
Office	0.7	0.8	1.0	1.5	2.0
Retail Sales and Service, except theaters, hotels, motels	1.0	1.0	1.0	1.5	2.0
Medical Centers	1.5	1.5	1.5	1.5	2.0
Schools, Colleges	1.0	1.0	1.0	1.5	2.0
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	0.7				
Community Service, Religious Institutions, Theaters, Other Uses	0.25				
Hotels, Motels	See Subsection 33.510.263.E				
Residential					

7. Adjustments to the maximum ratios.

a. Adjustments to the maximum ratios for Theaters, Religious Institutions, Community Service uses, and all other uses where the maximum ratio is 0.25, may be requested.

b. Adjustments to the maximum ratio for supermarkets may be requested up to 2.0 spaces per 1,000 square feet of net building area; adjustments above 2.0 are prohibited. A supermarket is a retail store with more than 20,000 square

feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

c. Adjustments to the maximum ratio for anchor retail may be requested up to 1.5 spaces per 1,000 square feet of net building area; adjustments above 1.5 are prohibited. Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

d. Adjustments to the other maximum ratios are prohibited.

8. Operation. The parking may be operated as either accessory or commercial parking, at all times.

9. Operation reports. The requirements of this paragraph apply to all Growth Parking. For parking that is subject to CCPR, adjustments to this paragraph may be requested. For parking this is not subject to CCPR, adjustments are prohibited.

a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.9.b, below.

b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:

(1) Physical: Number of parking spaces, amount of net building area.

(2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

- Short-term
- Long-term daily (four or more hours) and monthly permit (other than carpool)
- Carpool monthly permit

(3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

B. Preservation Parking. The regulations of this Subsection apply to Preservation Parking. Adjustments to the regulations of Subparagraph B.4.c. and B.4.i, below may be requested. Adjustments of the other regulations of this Subsection are prohibited.

1. To determine whether Preservation Parking is subject to Central City Parking Review (CCPR) or prohibited:

a. Determine the use or uses the parking will be created to serve.

b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-3.

c. Based on the regulations of this Subsection and those in Subsection G, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-3.

(1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR. If the parking is not otherwise prohibited, it is subject to CCPR.

(2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-3
Relationships Among Use Regulations for Preservation Parking

If the parking is created in conjunction with a **use** that is:	And if the **parking** is:	
	Allowed or Subject to CCPR	**Prohibited**
Allowed, Nonconforming, or a Conditional Use	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.

3. Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking, except that it is subject to CCPR.

4. Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the following must be met:

a. Maximum ratio. Parking is limited to a maximum ratio of 0.7 spaces per 1,000 square feet of net building area.

b. Preservation Parking will be allowed based on net building area of only the uses listed below. Preservation Parking for uses not listed below is prohibited. (Note: For Residential/Hotel Parking, see Subsection E, below.)

(1) Office;

(2) Retail Sales and Service, except theaters and hotels;

(3) Medical Centers;

(4) Schools, Colleges; and

(5) Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service.

c. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 14 motor vehicle parking spaces.

d. Common ownership. If the parking is based on the floor area of buildings under the same ownership as the parking, the following must be met:

(1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

(2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.

e. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) For initial approval, the following must be met:

- There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

  When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:

  —Notify the Parking Manager in writing of any of the changes listed in this Subparagraph; and

  —Provide written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.

(3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking

Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.

(4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

(5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

f. The parking must be in a structure; parking that is not in a structure is prohibited.

g. Operation. Preservation Parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

(1) Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.

(2) Leased to buildings or tenants of buildings as described in Subparagraph B.4.e, above.

(3) Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

- Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or

- Residents of the Central City plan district.

(4) For long-term daily parking. "Early bird" discounts are prohibited.

(5) For short-term parking.

h. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Subparagraph B.4.i, below.

i. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

(1) Physical: Number of parking spaces, amount of net building area.

(2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

- Short-term
- Leased to buildings or tenants of buildings as described in Subparagraph B.4.e, above
- Used by tenants of the buildings described in Subparagraph B.4.d, above
- Monthly permits to individual tenants of buildings on the Preservation Parking Eligibility List
- Monthly permits to residents of the Central City plan district
- Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e, above; tenants of the buildings described in Subparagraph B.4.d, above; or individual tenants of buildings on the Preservation Parking Eligibility List
- Long-term daily (four or more hours) and monthly permit (other than those listed above)

(3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

C. Visitor Parking. The regulations of this Subsection apply to Visitor Parking. Adjustments to the regulations of Paragraphs C.5 and C.6, below may be requested. Adjustments of the other regulations of this Subsection are prohibited.

1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:

   a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-4.

   b. Based on the regulations of this Subsection and those in Subsection G, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-4.

      (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.

      (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-4
Relationships Among Regulations for Visitor Parking

If the **zone** is:	And if the **parking** is:	
	Allowed or Subject to CCPR	**Prohibited**
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

3. The parking must be in a structure, unless it is part of an approved phased development plan.

4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.

5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6, below.

6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

   a. Physical: Number of parking spaces.

   b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

      (1) Short-term

      (2) Long-term daily (four or more hours)

   c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

D. Undedicated General Parking. Undedicated General Parking is prohibited.

E. Residential/Hotel Parking. The regulations of this Subsection apply to Residential/Hotel Parking. Adjustments to the regulations in Paragraphs E.1 and E.3 through E.10, below, are prohibited.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine whether the residential or hotel use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-5.

   b. Based on the regulations of this Subsection and those in Subsection G, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-5.

2. Minimum required parking. The minimum required parking for residential uses in Downtown Sectors 1 through 5 and the University District Subdistrict is 1 space for every 8 dwelling units larger than 250 square feet in area. There are no other minimum parking requirements.

Table 510-5 Relationships Among Use Regulations for Residential/Hotel Parking			
If the **residential** or **hotel use** is:	And if the **parking** is:		
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

3. Maximum ratios. Parking is limited to the maximum ratios of this Paragraph.

   a. Dwelling units. The maximum parking ratios for dwelling units are in Table 510-6.

   b. New hotel rooms. The maximum parking ratio in all sectors is 1.0 parking spaces for each new hotel room created.

   c. Existing hotels. The maximum parking ratio in all sectors for existing hotels is 0.7 spaces for each 1,000 square feet of floor area.

Table 510-6 In the Core Area Residential Parking: Maximum Number of Parking Spaces For Each Dwelling Unit		
District/Sector (See Map 510-8):		
Downtown 1, 2, 3, 4, 5; University District	River District 5	River District 3, 4; Downtown 6
1.35 per dwelling unit	1.5 per dwelling unit	1.7 per dwelling unit

4. Parking is allowed when new dwelling units and hotel rooms are created.

   a. Dwelling units are created:

      (1) As part of new development;

      (2) By adding net building area to existing development that increases the number of dwelling units;

(3) By conversion of existing net building area from non-residential to residential uses; and

(4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex.

b. Hotel rooms are created:

(1) As part of new development;

(2) By adding net building area to existing development that increases the number of hotel rooms;

(3) By conversion of existing net building area from non-hotel to hotel uses; and

(4) By increasing the number of hotel rooms within existing net building area already in hotel use, for example, by converting a 10-room hotel to 20-room hotel.

5. Parking for existing dwelling units. Parking for existing dwelling units is subject to CCPR if the parking area is created through internal conversion of the building, by excavating under the building, or by adding gross building area to the building. Parking for existing dwelling units where the parking area is not created in this manner is prohibited.

6. Parking for existing hotel rooms. Parking for existing hotel rooms is allowed.

7. Operation.

a. Residential.

(1) Parking spaces created to meet minimum parking requirements for residential uses may be used only for residential uses of the units the parking was created in conjunction with. This limitation applies at all hours.

(2) Parking created to serve residential uses, in excess of minimum parking requirements, may be offered only on a monthly basis and only to residents of the plan district. This limitation applies at all hours.

b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

8. Parking structures. Parking that is in a structure is allowed.

9. Surface parking for residential uses. Where a development includes any residential uses, and some or all of the parking will be on a surface lot, the developer may choose one of the following three options. Other surface parking is prohibited.

a. Up to 20 parking spaces is an allowed use, where the following are met:

(1) The parking is adjacent to the building occupied by the residential units it is created in conjunction with; and

(2) The total number of parking spaces—of any type—on the site is less than 21.

Where the provisions of this Subparagraph are not met, the parking is subject to CCPR under the provisions of either Subparagraph E.9.b or c, below.

b. More than 20 spaces is subject to CCPR where:

(1) The total surface parking area on the site is 40,000 square feet or less; and

(2) The parking is an interim use, as part of a phased development plan.

c. More than 20 spaces as a permanent use, and more than 40,000 square feet of surface parking area on a site, may be approved through CCPR if the following are met:

(1) There is no more than 1 surface space for each 1,000 square feet of site area, not including streets;

(2) The surface parking is serving the residential uses only; and

(3) The project creates more than 50 dwelling units per acre, not including streets.

10. Surface parking for hotels.

a. Up to 20 parking spaces is an allowed use, where the following are met:

(1) The parking is adjacent to the building occupied by the hotel rooms it is created in conjunction with; and

(2) The total number of parking spaces—of any type—on the site is less than 21.

Where the provisions of this Subparagraph are not met, the parking is subject to CCPR under the provisions of either Subparagraph E.10.b, below.

b. More than 20 spaces is subject to CCPR where:

(1) The total surface parking area on the site is 40,000 square feet or less; and

(2) The parking is an interim use, as part of a phased development plan.

F. RX Zone Parking. The regulations of this Subsection apply to RX Zone Parking. Adjustments to the regulations of this Subsection are prohibited.

1. Operation. RX Zone Parking must be accessory to uses in the portion of the Core Area zoned RX. This limitation applies on weekdays between 7:00 AM and 6:00 PM. The uses to which the parking is accessory may change without review, but they must be uses in the portion of the Core Area zoned RX.

2. Commercial parking is prohibited.

G. All parking. The regulations of this Subsection apply to all parking.

1. Minimum required parking. There are no minimum parking requirements in the Core area, except for some residential developments, as specified in Subsection E, above.

2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph G.3, below.

3. The applicant will provide the following information within 30 days of the date the parking begins operation:

   a. The number of parking spaces constructed; and

   b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.

4. Surface parking lots.

   a. Surface parking lots are prohibited as follows:

      (1) Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is prohibited, except for some residential developments, as specified in Subsection E, above.

      (2) Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.

   b. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots approved after (the effective date of this regulation) must be renewed every 5 years. This includes surface parking lots approved under 33.510.263.H, Special Regulations for Existing Surface Parking Lots. CCPR permits for surface parking lots approved under 33.510.263.E.8.c, which allows permanent surface parking lots for Residential/Hotel Parking, are exempt from this renewal requirement.

      The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4-1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Planning Director may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

c. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraphs G.4.d and e, below.

d. Phased development plan. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if they meet all of the elements listed in this subparagraph. Parking spaces removed from a surface lot that meet all elements of this subparagraph may be replaced in a structure within the area covered by the phased development plan; they will still be considered Growth Parking, and so will not be subject to the reduced ratio for Preservation Parking. The elements are:

(1) The parking lot is part of an approved phased development plan;

(2) The parking spaces are Growth Parking; and

(3) The parking spaces will be replaced in a structure within the area covered by the phased development plan.

e. Superblocks. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if they meet all of the elements listed in this subparagraph. Parking spaces removed from a surface lot that meet all elements of this subparagraph may be replaced in a structure within the same parking sector. The elements are:

(1) The parking spaces are Growth Parking on a superblock, as specified in Subparagraph J.1.b, below; and

(2) The owner has agreed to rededicate at least 20,000 square feet of vacated street area as public right-of-way.

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:

a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Glisan and SW Mill Streets. Location on these blocks is prohibited.

b. The site of the structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Mill Streets. Proposals for structures within 100 feet of Fifth and Sixth Avenues between NW Glisan and SW Mill Streets must have their location approved through Central City Parking Review; an adjustment is not necessary.

c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues. Location on these blocks is prohibited.

d. If the site is within a historic design district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

e. Street frontage in the Downtown and University District subdistricts. Within the Downtown and University District subdistricts, 50 percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas.

f. Street frontage in other subdistricts. In Parking Sectors RD 3, 4, and 5, structures must comply with either the standard of Subparagraph G.5.e, above or the structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the required building lines or required retail opportunity standards of Sections 33.510.215 and 33.510.225, the standard of Subparagraph G.5.e, above, must be met; the landscaped setback standard may not be used.

6. Parking access

a. Parking access near or on a light rail alignment. Motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.

b. Parking access on the Transit Mall. Motor vehicle access to any parking area or structure is prohibited on Fifth and Sixth Avenues between NW Glisan and SW Mill Streets.

c. Parking access on other streets. Motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.

7. Changes from one type of parking to another.

a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.

b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B, above; these regulations apply in addition to the requirements of Chapter 33.266.

H. Special regulations for existing parking.

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, most parking in the Core Area is automatically given Central City Parking Review (CCPR) status. Some surface lots have to apply to convert to CCPR status.

   The purpose of the special regulations for some existing surface parking lots is to convert surface parking lots approved under the Downtown Plan and Downtown Parking and Circulation Policy to be consistent with the approaches of the CCTMP. These regulations focus more on physical improvements than operational elements. In addition, a CCPR approval under this process, by superceding previous approvals and conditions of Conditional Uses, Downtown Development Reviews, and Revocable Permits for parking on the parking lot—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used. The new CCPR does not automatically supercede other types of approvals such as design review and adjustments.

2. Where these regulations apply. The regulations of Subsections H through L apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.

3. Changes. Changes to parking regulated by this Subsection are regulated as follows.

   a. Changes that would be prohibited if requested for new parking are prohibited.

   b. Changes from one type of parking to another are processed as if they were new parking, except that changing from Preservation to any other type of parking requires a CCPR. For example, changing Growth Parking to Preservation Parking requires a CCPR, and changing Preservation Parking to Growth Parking requires a CCPR. All current regulations will apply.

   c. Changes in conditions of approval requires CCPR.

   d. An increase in the number of spaces requires CCPR for the additional spaces only.

   e. A decrease in the number of spaces by reconfiguration is allowed without review. Replacement of those spaces is allowed, but the number of spaces on the site may not exceed the number for the site in the Central City Plan District Parking Inventory.

   f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.

g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease in spaces. The spaces may be returned to parking use without review.

h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.

I. The regulations of this subsection apply to parking in a structure.

1. In the CX and EX zones:

a. Parking that was operating on January 1, 1995, and has never operated under a conditional use is subject to the following:

(1) If the parking was legally operating as Commercial Parking or as accessory to uses other than hotel or residential, it is Undedicated General Parking.

(2) If the parking was legally operating as accessory to hotel or residential uses, it is Residential/Hotel Parking.

b. Parking that received a conditional use and was operating on January 18, 1996 or on the date when the site became part of the Central City plan district, whichever is later, is subject to the following:

(1) All previous conditions of approval continue to apply.

(2) If the parking was last approved as accessory parking for uses other than hotel or residential, it is Growth Parking.

(3) If the parking was last approved as accessory parking for hotel or residential uses, it is Residential/Hotel Parking.

(4) If the parking was last approved as short-term commercial parking, it is Visitor Parking.

(5) If the parking was last approved as long-term commercial parking, it is Undedicated General Parking.

2. In the RX zone:

a. If the parking was last approved as commercial parking, it is Undedicated General parking.

b. If the parking was last approved as accessory to residential or hotel uses, it is Residential/Hotel Parking.

c. If the parking was last approved as accessory to non-residential, non-hotel uses, it is RX Zone Parking.

J. The regulations of this subsection apply to parking in a surface lot that was operating on January 1, 1995, and has never operated under a conditional use that required periodic reapplication.

1. In the CX and EX zones:

   a. Except as provided in Subparagraph J.1.b, below, the parking is Undedicated General Parking;

   b. Superblocks. Where the parking is on a superblock which includes at least 20,000 square feet of vacated street area, and where the owner agrees to rededicate at least 20,000 square feet of vacated street area as public right-of-way, the parking is Growth Parking.

2. Parking in the RX zone is subject to the following:

   a. If the parking was operating as commercial parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, it is Undedicated General Parking.

   b. If the parking was operating as accessory parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, it is RX Zone Parking.

3. In all zones, no additional landscaping is required, unless the parking lot abuts a parking lot regulated by Subsection K, below. If the parking lot abuts such a parking lot, the regulations of Subsection L, below must be met:

K. The regulations of this subsection apply to parking in a surface lot that received a revocable permit or a conditional use that required periodic reapplication, and was operating on January 8, 1996.

1. Review required. All parking lots are subject to Central City Parking Review (CCPR).

2. Application for Central City Parking Review.

   a. The Parking Manager will mail notice to all owners of these parking lots. The notice will be mailed on or before January 8, 1996. The notice will inform the owner of the deadline for their application, as specified in Subparagraph K.2.b, below.

   b. A complete application must be received by (six months after effective date of the regulations) or six months after the notice in Subparagraph K.2.a, above, is mailed, whichever is later. If a complete application is not received by this date, the Planning Director may initiate enforcement proceedings.

   c. In addition to the standard application requirements of Section 33.730.060, the following is required:

      (1) Additional information necessary to show the approval criteria are met;

      (2) A signed agreement between the applicant and the Parking Manager to provide the information specified in Subparagraph K.6.a, below; and

(3) A landscape/screening plan for the parking lot.

- If the landscape/screening plan is not implementing one of the landscape/screening options of Paragraph K.7, below, an application for Design Review must be submitted along with the application for CCPR.

- If the landscape plan is implementing landscaping/screening Option 1, as set out in Subparagraph K.7.a below, the application must include a written statement as to how the landscape plan meets prior conditions.

d. The Central City Parking Review is processed through a Type III procedure. Approval criteria are in Section 33.808.300.

3. Approval of Central City Parking Review supercedes previous approvals and conditions of Conditional Uses, Downtown Development Reviews, and Revocable Permits for parking on the parking lot. It does not automatically supercede other types of approvals, such as design review or adjustments.

4. Regulations in the CX, EX, and OS zones. In the CX, EX, and OS zones, the following regulations apply.

a. All parking is Undedicated General Parking, subject to the limitations and regulations of this Paragraph.

b. Carpool parking.

(1) Monthly carpool parking must be offered. If the parking lot has an attendant at any time between 7:00 and 10:00 AM on weekdays, 15 percent of the parking spaces must be offered to carpools. If the parking lot does not have an attendant at any time between 7:00 and 10:00 AM on weekdays, 20 percent of the parking spaces must be offered to carpools.

(2) The carpool parking must be marketed by:

- A sign at each entrance of the lot advertising the availability of carpool parking; and

- Participation in Tri-Met's carpool program. Participation includes two elements. The owner of the parking lot must:

— Pay a fee to Tri-Met for each carpool permit sold each month. The fee is 5.5 percent of the rate charged for the carpool permits.

— Permit Tri-Met employees or representatives to enter the parking lot to promote carpooling to those who park there. The owner may limit this access to every six months.

(3) Carpool permits must cost at least 10 percent less than monthly non-carpool permits on the lot.

(4) If no permits are available for carpool parking when the Central City Parking Review approval is final, the operator of the parking lot must maintain a waiting list, and those requesting carpool permits will receive permits before any others.

c. Short-term parking.

(1) If the parking lot has an attendant at any time between 7:00 and 10:00 AM on weekdays, short-term parking will be offered by:

- Offering an hourly rate for parking, and
- Where there is a sign at an entry, the sign must either advertise the availability of hourly parking, or include the initial hourly or half-hourly rate. The size of lettering for the time increment will be at least 40 percent of the size of the lettering for the rate.

(2) If the parking lot does not have an attendant at any time between 7:00 and 10:00 AM on weekdays, no short-term parking is required.

5. Regulations in the RX zone. In the RX zone, the following regulations apply.

a. All parking that was operating as commercial parking on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is Undedicated General Parking, subject to the limitations and regulations of this Subparagraph.

(1) Where the most recent land use approval for the parking was a conditional use permit, It will be subject to the regulations and procedures for the CX, EX, and OS zones in Paragraph K.4, above.

(2) Where the most recent land use approval for the parking was a revocable permit, it will be converted to Undedicated General Parking subject to the following limitations:

- Parking for residents will be offered. Parking will be offered to residents of buildings in the portion of the Core Area zoned RX.
- Parking for these residents will be offered on a monthly basis, and cost no more than any other monthly parking permit for the lot.
- The availability of parking for residents will be included on a sign at each entrance of the lot.
- If no permits are available for parking for these residents when the Central City Parking Review approval is final, the operator of the parking lot will maintain a waiting list, and those residents requesting permits will receive permits before any others.

b. Parking that was operating as parking accessory to residential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is Residential/Hotel Parking. It will be subject to the same regulations as other Residential/Hotel Parking in the Core Area.

c. Parking that was operating as parking accessory to non-residential uses on December 16, 1994, as shown in the RX Zone Surface Parking Use and Landscaping Inventory, is RX Zone Parking.

6. Regulations in all zones.

a. The applicant must provide operations reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

(1) Physical: Number of parking spaces.

(2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

- Short-term
- Long-term daily (four or more hours) and monthly permit (other than carpool)
- Carpool monthly permit
- If the parking spaces are in the RX zone, monthly permit for a resident of the RX zone

(3) For RX Zone Parking, what uses the parking was accessory to during the preceding six months.

(4) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

b. After Central City Parking Review approval is received, the parking is subject to the 5-year renewal requirements of Subparagraph 33.263.G.4.b, above.

c. Wheel stops. Wheel stops are required adjacent to perimeter screening and landscaping. The wheel stops must be at least 3-1/2 feet from the center line of the tree trunks and hedges or fence or wall in the perimeter landscaping and screening.

d. Landscaping. All parking lots must either meet one of the landscaping and screening standards in Paragraph K.7, below, or obtain approval of an alternative landscaping and screening design through the Design Review process. The applicant may choose one of these options. The application for Design Review must be submitted with the application for Central City Parking Review.

The standard must be met within 9 months of the final approval of the Central City Parking Review unless there is an approved development for the site. If an alternative design is approved through the Design Review process, the landscaping and screening must be installed within 9 months of the final Design Review approval, unless there is an approved development for the site. Approved development means a project approved through design review.

7. Special landscaping and screening standards.

   a. Landscaping/screening Option 1; Prior conditions. Install the landscaping and screening required by the previous land use approvals. No additional landscaping and screening will be required except where the previous approvals required no landscaping or screening. In that case, the standard of either Subparagraph K.7.b or K.7.c, below must be met.

   b. Landscaping/screening Option 2; Narrow hedge. Install the following hedge and trees:

      (1) A hedge along all street lot lines, except where there is a driveway. The hedge must consist of plants that:

      - Completely fill the area between the street lot line and a line at least 3 feet in from the lot line;
      - Are at least 3 and no more than 3-1/2 feet in height, and
      - Form a continuous screen at least 95 percent opaque year-round.

      The hedge may be interrupted by trees; the gap in the hedge may be up to 2-1/2 feet wide.

      (2) Trees along all street lot lines, as follows:

      - Number: At least one tree for every 30 feet of street property line, including driveways.
      - Location: The trees must:
        —Be within 3 feet of the street property line;
        —Be no more than 30 feet from each other, except where a driveway is wider than 30 feet. Where the driveway is wider than 30 feet, the trees must be as close as possible to the edges of the driveway.
      - Type:
        —If there are street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.d, below.
        —If there are not street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.e, below.

      (3) Trees within the parking area, as follows:

      - Number: At least one tree for every 5,000 square feet of parking area.
      - Location: The trees must:
        —Be at least 10 feet from the street property line; and
        —Be at least 25 feet from each other.
      - Type: The trees must be one or more of the types listed in Subparagraph K.7.e, below.

   c. Landscaping/screening Option 3; Urban fence. Install the following fence and trees:

      (1) A fence along all street lot lines, except where there is a driveway. The fence must:

- Be at least 4 and no more than 6 feet in height;
- Include vertical elements, such as pickets, that are:
  —At least 1 inch wide; and
  —No more than 6 inches apart, on center;
- Be made of wrought iron or similar metal; and
- Be black or a dark color.

The fence may be interrupted by trees; the gap in the fence may be up to 2-1/2 feet wide.

(2) Trees along all street lot lines, as follows:

- Number: At least one tree for every 30 feet of street property line, including driveways.
- Location: The trees must:
  —Be within 3 feet of the street property line;
  —Be no more than 30 feet from each other, except where a driveway is wider than 30 feet. Where the driveway is wider than 30 feet, the trees must be as close as possible to the edges of the driveway;
- Type:
  —If there are street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.d, below.
  —If there are not street trees adjacent to the street property line, the trees must be one or more of the types listed in Subparagraph K.7.e, below.

(3) Trees within the parking area, as follows:

- Number: At least one tree for every 5,000 square feet of parking area.
- Location: The trees must:
  —Be at least 10 feet from the street property line; and
  —Be at least 25 feet from each other;
- Type: The trees must be one or more of the types listed in Subparagraph K.7.e, below.

d. Small and columnar trees. The following trees have minimal "litter," and have a branching structure that will not interfere with street trees.

- Glorybower tree
- Newport Plum
- Flowering Ash
- Capital Pear
- Lavalle Hawthorn
- Armstrong Red Maple
- Tschonoskii Crabapple
- Crimson Sentry Norway Maple
- Columnar Norway Maple

e. Large trees. The following trees have minimal "litter," and are taller and wider than the trees in Subparagraph K.7.d, above.

- Scarlet Oak
- Emerald Queen Norway Maple
- Green Beech
- Copper Beech
- Crimson King Norway Maple
- Yellowood
- Katsura
- Urbanite Ash
- Zelcova
- Royal Burgundy Cherry

8. Special landscaping and screening standards for sites where a surface parking lot regulated by Subsection J, above, abuts a surface parking lot regulated by this Subsection. Where a surface parking lot regulated by Subsection J, above, abuts a surface parking lot regulated by this Subsection, the regulations of Subsection L, below, must be met.

L. The regulations of this Subsection apply to sites where a surface parking lot regulated by Subsection J, above, abuts a surface parking lot regulated by Subsection K, above. One of the standards of this Subsection must be met or approval of an alternative landscaping and screening design must be obtained through the Design Review process. The applicant may choose one of these options.

1. Where landscaping and screening required by the previous land use approvals on the portion of the lot regulated by Subsection K included a hedge, either standard a. or b., below, must be met:

   a. Install the landscaping and screening required by the previous land use approvals on the portion regulated by Subsection K, and, on the portion regulated by Subsection J either:

      (1) Install landscaping and screening to meet the standards of K.7.b(1) and (2), above; or

      (2) Where a hedge was previously required on the portion of the lot regulated by Subsection J, install the hedge and add trees to the hedge to meet the standards of K.7.b(2).

   b. Install landscaping and screening on the portion of the lot regulated by Subsection K to meet the standard of Subparagraph K.7.c, above, and install landscaping and screening on the balance of the parking lot to meet the standards of K.7.c(1) and (2), above.

2. Where the previous land use approvals on the portion of the lot regulated by Subsection K required no landscaping or screening, the standard of either Subparagraph K.7.b or K.7.c, above must be met for the portion of the lot regulated by Subsection K, and the standards of either K.7.b(1) and (2) or K.7.c(1) and (2) must be met for the balance of the lot.

33.510.264 Parking in Lloyd District

The regulations of this Section apply in the Lloyd District, shown on Map 510-8.

A. Growth Parking. The regulations of this Subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1 through A.5 are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine the use or uses the parking will be created in conjunction with.

   b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-7.

   c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-7.

      (1) If all aspects of a proposal are allowed, then the parking is allowed.

      (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.

      (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.

      (4) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-7
Relationships Among Use Regulations for Growth Parking

If the **use** is:	And if the **parking** is:		
	Allowed	Subject to CCPR	Prohibited
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

2. Office uses. Parking created in conjunction with office uses is regulated as follows:

a. Maximum ratio. Parking is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use.

b. Allowed. Growth Parking for office uses is an allowed use.

c. Operation. The parking may be operated as either accessory or commercial parking, at all times.

3. Uses other than office. Parking created in conjunction with uses other than office is regulated as follows:

a. Maximum ratio. There is no maximum ratio.

b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.

c. Operation. The parking must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

4. Mixed office and other uses. Parking created in conjunction with both office and non-office uses is regulated as follows:

a. Maximum ratio. Parking for the office uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use. There is no maximum ratio for the other uses.

b. Review required. Review is required as follows:

(1) Where parking for all uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area, the parking is an allowed use.

(2) Up to 60 spaces for all the non-office uses on the site are an allowed use.

(3) Where there are more than 60 spaces on the site for non-office uses, and the amount of parking for the non-office uses exceeds 2.0 parking spaces per 1,000 square feet of net building area, the parking is subject to CCPR.

c. Operation.

(1) Parking that is an allowed use under Subparagraph A.4.b, above, may be operated as either accessory or commercial parking, at all times.

(2) Parking that is subject to CCPR under the provisions of Subparagraph A.4.b, may operate as accessory parking. The parking spaces that are created in conjunction with the office uses may be operated as either accessory or commercial parking. The parking spaces that are created in conjunction with the non-office uses must be operated as accessory parking. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

5. Parking that is not an allowed use under Paragraphs A.2, A.3, and A.4, above, and is not otherwise prohibited, is subject to CCPR.

6. Operation reports. The requirements of this paragraph apply to Growth Parking where there are more than 60 parking spaces on the site.

   a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.6.b, below.

   b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:

      (1) Physical: Number of parking spaces, amount of net building area.

      (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

         - Short-term
         - Long-term daily (four or more hours) and monthly permit (other than carpool)
         - Carpool monthly permit
         - Spaces used as accessory parking.

      (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

B. Preservation Parking. The regulations of this Subsection apply to Preservation Parking. Except for Paragraphs B.2.d and B.4.d, adjustments to the regulations of Paragraphs B.1 through B.4 are prohibited.

1. To determine whether Preservation Parking is subject to Central City Parking Review (CCPR) or prohibited:

   a. Determine the use or uses the parking will be created to serve.

   b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-8.

   c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-8.

      (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR. If the parking is not otherwise prohibited, it is subject to CCPR.

      (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-8
Relationships Among Use Regulations for Preservation Parking

If the parking is created in conjunction with a **use** that is:	And if the **parking** is:	
	Allowed or Subject to CCPR	Prohibited
Allowed, Nonconforming, or a Conditional Use	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited

2. Office uses. Parking created to serve existing office uses is regulated as follows:

   a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.

   b. Maximum ratio. Parking is limited to a maximum ratios of 2.0 parking spaces per 1,000 square feet of net building area in office use.

   c. Review required. Preservation Parking for office uses is subject to CCPR.

   d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 40 motor vehicle parking spaces.

   e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:

      (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

      (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.

   f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

      (1) For initial approval, the following must be met:

         • There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:

  —Notify the Parking Manager in writing of any of the changes listed in this Subparagraph; and

  —Provide written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.

(3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.

(4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

(5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

(1) Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.

(2) Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

- Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
- Leased to buildings or tenants of buildings as described in Subparagraph B.2.f, above.
- Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

  —Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or

  —Residents of the Central City plan district.

- For long-term daily parking. "Early bird" discounts are prohibited.
- For short-term parking.

3. Uses other than office. Parking created to serve existing uses other than office is regulated as follows:

   a. Eligibility for Preservation Parking. All buildings may apply for Preservation Parking.

   b. Maximum ratio. There is no maximum ratio.

   c. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.

   d. Operation. The parking must be accessory parking. This limitation applies on weekdays between 7:00 AM and 6:00 PM.

   e. Bicycle Parking. The bicycle parking requirements are based on the primary use.

4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:

   a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.

   b. Maximum ratio. Parking for the office uses is limited to a maximum ratio of 2.0 parking spaces per 1,000 square feet of net building area in office use. There is no maximum ratio for the other uses.

   c. Review required. Preservation Parking is subject to CCPR.

   d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 40 motor vehicle parking spaces.

   e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:

(1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

(2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.

f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) For initial approval, the following must be met:

- There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

  When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:

  —Notify the Parking Manager in writing of any of the changes listed in this Subparagraph; and

  —Provide written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.

(3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.

(4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

(5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

(1) Office uses. Parking created to serve office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.

- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

  — Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.

  — Leased to buildings or tenants of buildings as described in Paragraph B.4.f, above.

  — Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

    Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
    Residents of the Central City plan district.

  — For long-term daily parking. "Early bird" discounts are prohibited.

  — For short-term parking.

(2) Non-office uses. Parking created to serve non-office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking.

- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the

building, the parking may be operated as accessory parking. It may be operated as commercial parking, with the limitations specified for office uses in (1), above, if the following are met. If the following are not met, it must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM:

— There are no more than 60 spaces on the site for non-office uses; or

— The amount of parking for the non-office uses does not exceed 2.0 spaces per 1,000 square feet of net building area.

5. Operation reports. The requirements of this paragraph apply to Preservation Parking where there are more than 60 parking spaces on the site.

   a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph B.5.b, below.

   b. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every 6-month reporting period, and include information on the following:

      (1) Physical: Number of parking spaces, amount of net building area.

      (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

      - Used by tenants of the buildings described in Subparagraph B.4.e, above
      - Leased to buildings as described in Subparagraph B.4.f, above
      - Short-term
      - Long-term daily (four or more hours) and monthly permit (other than carpool)
      - Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e, above; tenants of the buildings described in Subparagraph B.4.f, above; or individual tenants of buildings on the Preservation Parking Eligibility List
      - Accessory parking and commercial parking
      - Rented to individual tenants buildings on the Preservation Parking Eligibility List
      - Rented to residents of the Central City Plan District

      (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

C. Visitor Parking. The regulations of this Subsection apply to Visitor Parking. Adjustments to the regulations of this Subsection are prohibited.

1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:

   a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-9.

b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-9.

(1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.

(2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-9
Relationships Among Regulations for Visitor Parking

If the **zone** is:	And if the **parking** is:	
	Allowed or Subject to CCPR	**Prohibited**
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

3. Review required. All Visitor Parking is subject to CCPR.

4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.

5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6, below.

6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

a. Physical: Number of parking spaces.

b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

(1) Short-term

(2) Long-term daily (four or more hours)

c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

D. Undedicated General Parking. Undedicated General Parking is prohibited.

E. Residential/Hotel Parking. The regulations of this Subsection apply to Residential/Hotel Parking.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-10.

   b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-10.

2. Minimum required parking. There is no minimum parking requirement.

3. Maximum ratios. There are no maximum ratios.

4. Allowed. Residential/Hotel Parking is an allowed use.

5. Mixed residential and other uses. Where there is another type of parking included in the same project as Residential/Hotel Parking, each type of parking must meet the regulations for that type of parking.

Table 510-10
Relationships Among Use Regulations for Residential/Hotel Parking

If the **residential** or **hotel use** is:	And if the **parking** is:		
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

6. Operation.

   a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.

b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

F. All parking. The regulations of this Subsection apply to all parking.

1. Minimum required parking. There are no minimum parking requirements.

2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3, below.

3. The applicant will provide the following information within 30 days of the date the parking begins operation:

   a. The number of parking spaces constructed; and

   b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.

4. Surface parking lots.

   a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet in area is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is subject to CCPR.

   b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.

   c. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots where the total surface parking area on the site is larger than 40,000 square feet in area, approved after (the effective date of this regulation) must be renewed every 5 years.

      The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4-1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Planning Director may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

   d. Redevelopment of surface parking lots. When development occurs that removes parking spaces in surface lots, the parking spaces will automatically be added to the Parking Reserve except as provided in Subparagraph F.4.e, below.

   e. Parking spaces removed from a surface parking lot will not automatically be added to the Parking Reserve if:

      (1) The parking lot is part of an approved phased development plan;

      (2) The parking spaces are Growth Parking; and

(3) The parking spaces will be replaced in a structure within the area covered by the phased development plan.

f. Parking spaces removed from a surface lot that meet all elements of Subparagraph F.4.e, above may be replaced in a structure within the area covered by the phased development plan; they will still be considered Growth Parking, and so will not be subject to the reduced ratio for Preservation Parking.

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:

a. If the site is within a historic design district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

b. Street frontage. Street frontage walls must meet one of these standards:

(1) Active uses standard. Fifty percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas; or

(2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the required building lines or required retail opportunity standards of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.b(1), above, must be met; the landscaped setback standard may not be used.

6. Parking access.

a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.

b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.

7. Changes from one type of parking to another.

a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.

b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B, above; these regulations apply in addition to the requirements of Chapter 33.266.

G. Special regulations for existing parking.

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status.

   In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.

2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.

3. Changes. Changes to parking regulated by this Subsection are regulated as follows.

   a. Changes that would be prohibited if requested for new parking are prohibited.

   b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.

   c. Changes in conditions of approval requires CCPR.

   d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.

   e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.

   f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.

g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d, above. The spaces may be returned to parking use without review.

h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.

4. If the parking was operating as commercial parking on January 8, 1996 or on the date when the site became part of the Central City plan district, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.

5. If the parking was operating as accessory to office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for office uses.

6. If the parking was operating as accessory to uses other than office, residential, or hotel, on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for non-office uses.

7. If the parking was operating as accessory to both office and non-office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for both office and non-office uses.

8. If the parking was operating as accessory to residential or hotel uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Residential/Hotel Parking.

33.510.265 Parking in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3

The regulations of this Section apply in the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3, shown on Map 510-8.

A. Growth Parking. The regulations of this Subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1 through A.5 are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine the use or uses the parking will be created in conjunction with.

   b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-11.

c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-11.

(1) If all aspects of a proposal are allowed, then the parking is allowed.

(2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.

(3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.

(4) If any aspect of a proposal is prohibited, then the parking is prohibited.

2. Office uses. Parking created in conjunction with office uses is regulated as follows:

a. Maximum ratio. Parking is limited to the maximum ratios in Table 510-12.

b. Allowed. Growth Parking for office uses is an allowed use.

c. Operation. The parking may be operated as either accessory or commercial parking, at all times.

Table 510-11
Relationships Among Use Regulations for Growth Parking

If the **use** is:		And if the **parking** is:	
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

3. Uses other than office. Parking created in conjunction with uses other than office is regulated as follows:

a. Maximum ratio. There is no maximum ratio.

b. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.

c. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.

Table 510-12
In the Goose Hollow Subdistrict and Central Eastside Sectors 2 and 3
Growth Parking: Maximum Number of Parking Spaces Per 1,000 Square Feet of Net Building Area in Office Use

District/Sector (See Map 510-8):	
Central Eastside 2 and 3	Goose Hollow
2.5	2.0

4. Mixed office and other uses. Parking created in conjunction with both office and non-office uses is regulated as follows:

   a. Maximum ratio. Parking for the office uses is limited to the maximum ratios in Table 510-12. There is no maximum ratio for the other uses.

   b. Review required. Review is required as follows:

      (1) Where parking for all uses is limited to a the maximum ratios in Table 510-12 for all uses, the parking is an allowed use.

      (2) Up to 60 spaces for all the non-office uses on the site are an allowed use.

      (3) Where there are more than 60 spaces on the site for non-office uses, and the amount of parking for the non-office uses exceeds the maximum ratios in Table 510-12, the parking is subject to CCPR.

   c. Operation.

      (1) Parking that is an allowed use under Subparagraph A.4.b, above, may be operated as either accessory or commercial parking at all times.

      (2) Parking that is subject to CCPR under the provisions of Subparagraph A.4.b, may operate as accessory parking. The parking spaces that are created in conjunction with the office uses may be operated as either accessory or commercial parking at all times. The parking spaces that are created in conjunction with the non-office uses must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM.

5. Parking that is not an allowed use under Paragraphs A.2, A.3, and A.4, above, and is not otherwise prohibited, is subject to CCPR.

6. Operation reports. The requirements of this paragraph apply to Growth Parking where there are more than 60 parking spaces on the site.

a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph A.6.b, below.

b. The applicant must provide annual operation reports to the City. The operation reports are based on a sample of four days during every 12-month reporting period, and include information on the following:

(1) Physical: Number of parking spaces, amount of net building area.

(2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

- Short-term
- Long-term daily (four or more hours) and monthly permit (other than carpool)
- Carpool monthly permit
- Spaces used as accessory parking.

(3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

B. Preservation Parking. The regulations of this Subsection apply to Preservation Parking. Except for Paragraphs B.2.d. and B.4.d., adjustments to the regulations of Paragraphs B.1 through B.4 are prohibited.

1. To determine whether Preservation Parking is allowed, subject to Central City Parking Review (CCPR), or prohibited:

a. Determine the use or uses the parking will be created to serve.

b. Determine whether the use the parking will serve is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-13.

c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-13.

(1) If all aspects of a proposal are allowed, then the parking is allowed.

(2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.

(3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.

(4) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-13 Relationships Among Use Regulations for Preservation Parking			
If the parking is created in conjunction with a **use** that is:	And if the **parking** is:		
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, Nonconforming, or a Conditional Use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited
Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.			

2. Office uses. Parking created to serve existing office uses is regulated as follows:

   a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.

   b. Maximum ratio. Parking is limited to the maximum ratios in Table 510-12.

   c. Review required. Preservation Parking for office uses is allowed.

   d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 50 motor vehicle parking spaces.

   e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:

      (1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

      (2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.

   f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) For initial approval, the following must be met:

- There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

  When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:

  —Notify the Parking Manager in writing of any of the changes listed in this Subparagraph; and

  —Provide written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.

(3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.

(4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

(5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

(1) Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, at all times.

(2) Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the

building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

- Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.
- Leased to buildings or tenants of buildings as described in Subparagraph B.2.f, above.
- Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:
  - — Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
  - — Residents of the Central City plan district.
- For long-term daily parking. "Early bird" discounts are prohibited.
- For short-term parking.

3. Uses other than office. Parking created to serve existing uses other than office is regulated as follows:
   a. Eligibility for Preservation Parking. All buildings may apply for Preservation Parking.
   b. Maximum ratio. There is no maximum ratio.
   c. Review required. Up to 60 parking spaces is an allowed use where the total number of parking spaces on the site is less than 61. More than 60 spaces is subject to CCPR.
   d. Operation. The parking must be accessory parking on weekdays between 7:00 AM and 6:00 PM.
   e. Bicycle Parking. The bicycle parking requirements are based on the primary use.
4. Mixed office and other uses. Parking created to serve both existing office and non-office uses is regulated as follows:
   a. Eligibility for Preservation Parking. Only buildings on the Preservation Parking Eligibility List, maintained by the Parking Manager, may apply for Preservation Parking. Preservation Parking for buildings not on the Preservation Parking Eligibility List is prohibited.
   b. Maximum ratio. Parking for the office uses is limited to the maximum ratios in Table 510-12. There is no maximum ratio for the other uses.
   c. Review required. The parking is subject to CCPR.

d. Bicycle parking. Preservation Parking facilities must provide 1 long-term bicycle parking space for every 50 motor vehicle parking spaces.

e. Common ownership. If the parking will be based on the floor area of buildings under the same ownership as the parking, the following must be met:

(1) The owner must specify what buildings the parking is based on. When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

(2) The owner must have a signed agreement with the Parking Manager that the parking will be primarily for those buildings for at least 10 years.

f. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:

(1) For initial approval, the following must be met:

- There must be agreements between the owner of the parking and the owners of buildings for which the parking will be provided. The agreements must cover 100 percent of the Preservation Parking, and be for at least 10 years from the date the garage begins operation.

  When the parking begins operation, the buildings will be removed from the Preservation Parking Eligibility List, or have their numbers on that list adjusted to reflect the new parking; and

- The applicant must have a signed agreement with the Parking Manager to:

  —Notify the Parking Manager in writing of any of the changes listed in this Subparagraph; and

  —Provide written documentation that the changes comply with the regulations of this Chapter.

(2) Changes in existing agreements. Changes in existing agreements between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the agreements will not be decreased to cover less than the initial 10-year period from the date the garage begins operation.

(3) New agreements. New agreements between the owner of the parking and the owners of buildings for which the parking will be provided are allowed only where the buildings are on the Preservation Parking Eligibility List, and where the regulations of this Chapter are still met. The agreements must, at a minimum, cover the initial 10-year period from the date the garage begins operation.

(4) Conversion. Conversion of Preservation Parking to Growth, Visitor, or Residential/Hotel Parking is a CCPR. Conversions to other types of parking are prohibited.

(5) Where an agreement between the owner of the parking and the owners of buildings is terminated, changes will not be made to the Preservation Parking Eligibility List until a new use or new agreement has been approved for the spaces covered by the agreement.

g. Operation.

(1) Office uses. Parking created to serve office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking at all times.

- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking, with the following limitations. These limitations apply on weekdays between 7:00 AM and 6:00 PM. Parking spaces may be used only as follows:

  — Where the parking is based on the floor area of buildings under the same ownership as the parking, the parking may be used by tenants of those buildings.

  — Leased to buildings or tenants of buildings as described in Paragraph B.4.f, above.

  — Rented, on a monthly basis only, to the following. Sale of other monthly permits is prohibited:

    Individual tenants of buildings on the Preservation Parking Eligibility List. The Parking Manager maintains this list; or
    Residents of the Central City plan district.

  — For long-term daily parking. "Early bird" discounts are prohibited.

  — For short-term parking.

(2) Non-office uses. Parking created to serve non-office uses must be operated as follows:

- Parking created within or under the building. If the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as either accessory or commercial parking.

- Parking that is not created within or under the building. If the parking area is not created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking may be operated as accessory parking. It may be operated as commercial parking, with the limitations specified for office uses in (1), above, if the following are met. If the following are not met, it must be operated as accessory parking on weekdays between 7:00 AM and 6:00 PM:

  — There are no more than 60 spaces on the site for non-office uses, or

  — The amount of parking for the non-office uses does not exceed the maximum ratios in Table 510-12.

5. Operation reports. The requirements of this paragraph apply to Preservation Parking where there are more than 60 parking spaces on the site.

   a. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph B.5.b, below.

   b. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every 6-month reporting period, and include information on the following:

      (1) Physical: Number of parking spaces, amount of net building area.

      (2) Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

      - Used by tenants of the buildings described in Subparagraph B.2.e, above
      - Leased to buildings as described in Subparagraph B.2.e, above
      - Short-term
      - Long-term daily (four or more hours) and monthly permit (other than carpool)
      - Carpool monthly permits for tenants of buildings as described in Subparagraph B.4.e, above; tenants of the buildings described in Subparagraph B.4.f, above; or individual tenants of buildings on the Preservation Parking Eligibility List
      - Accessory parking and commercial parking
      - Rented to individual tenants of office buildings with less than the maximum ratios in Table 510-12 for all uses.
      - Rented to residents of the Central City Plan District

      (3) Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

C. Visitor Parking. The regulations of this Subsection apply to Visitor Parking. Adjustments to the regulations of this Subsection are prohibited.

1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:

   a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-14.

   b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-14.

      (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.

      (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

Table 510-14
Relationships Among Regulations for Visitor Parking

If the **zone** is:	And if the **parking** is:	
	Allowed or Subject to CCPR	Prohibited
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

3. Review required. All Visitor Parking is subject to CCPR.

4. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.

5. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.6, below.

6. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

   a. Physical: Number of parking spaces

b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

(1) Short-term

(2) Long-term daily (four or more hours)

c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

D. Undedicated General Parking. Undedicated General Parking is prohibited, except as provided below. Adjustments to the provisions of this subsection are prohibited.

1. Purpose. Development of a light rail line may remove critically needed on- and off-street parking. Under certain circumstances, it is appropriate to provide replacement parking to mitigate this impact, and to locate it close to the light rail alignment.

2. Location. The site must be within the Goose Hollow Subdistrict. Undedicated General Parking in other subdistricts is prohibited.

3. Review required. Undedicated General Parking is subject to CCPR review.

4. Ownership. The land must be owned by the city or a public, regional transit agency.

5. Surface parking. Surface parking with 100 feet of a light rail alignment may be approved subject to CCPR.

E. Residential/Hotel Parking. The regulations of this Subsection apply to Residential/Hotel Parking.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-15.

b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-15.

Table 510-15
Relationships Among Use Regulations for Residential/Hotel Parking

If the **residential** or **hotel use** is:		And if the **parking** is:	
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

2. Minimum required parking. There is no minimum parking requirement.

3. Maximum ratios. There are no maximum ratios.

4. Allowed. Residential/Hotel Parking is an allowed use.

5. Mixed residential and other uses. Where there is another type of parking included in the same project as Residential/Hotel Parking, each type of parking must meet the regulations for that type of parking.

6. Operation.

   a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.

   b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

F. All parking. The regulations of this Subsection apply to all parking.

1. Minimum required parking. There are no minimum parking requirements.

2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3, below.

3. The applicant will provide the following information within 30 days of the date the parking begins operation:

   a. The number of parking spaces constructed; and

   b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.

4. Surface parking lots.

   a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet in area is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet in area is subject to CCPR.

   b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment, except as provided in Subsection D, above.

   c. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots where the total surface parking area on the site is larger than 40,000 square feet in area, approved after (the effective date of this regulation) must be renewed every 5 years. Undedicated General Parking as specified in Subsection D, above. is exempt from this requirement.

      The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4-1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Planning Director may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

5. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure:

   a. If the site is within a historic design district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

   b. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues. Location on these blocks is prohibited.

   c. Street frontage. Street frontage walls must meet one of these standards:

      (1) Active uses standard. Fifty percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas; or

      (2) Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the required building lines or required retail opportunity standards of Sections 33.510.215 and 33.510.225, the standard of Subparagraph F.5.c(1), above, must be met; the landscaped setback standard may not be used.

6. Parking access

   a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.

   b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.

7. Changes from one type of parking to another.

   a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a CCPR. All current regulations will apply.

   b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For most types of development, bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. There are special bicycle parking requirements for Preservation Parking, as set out in Subsection B, above; these regulations apply in addition to the requirements of Chapter 33.266.

G. Special regulations for existing parking.

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status.

   In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.

2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.

3. Changes. Changes to parking regulated by this Subsection are regulated as follows.

   a. Changes that would be prohibited if requested for new parking are prohibited.

   b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.

   c. Changes in conditions of approval requires CCPR.

   d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.

   e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.

   f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.

   g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d, above. The spaces may be returned to parking use without review.

   h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.

4. If the parking was operating as commercial parking on January 8, 1996 or on the date when the site became part of the Central City plan district, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.

5. If the parking was operating as accessory to office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for office uses.

6. If the parking was operating as accessory to uses other than office, residential, or hotel, on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for non-office uses.

7. If the parking was operating as accessory to both office and non-office uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Growth Parking for both office and non-office uses.

8. If the parking was operating as accessory to residential or hotel uses on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, it is Residential/Hotel Parking.

33.510.267 Parking in the Lower Albina Subdistrict; the North Macadam Subdistrict; Central Eastside Sectors 1, 4, 5, and 6; and River District Sectors 1 and 2.
The regulations of this Section apply the Lower Albina Subdistrict; the North Macadam Subdistrict; Central Eastside Sectors 1, 4, 5, and 6; and River District Sectors 1 and 2, shown on Map 510-8.

A. Growth Parking. The regulations of this Subsection apply to Growth Parking. Adjustments to the regulations of Paragraphs A.1. through A.4, below, are prohibited.

1. To determine whether Growth Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine the use or uses the parking will be created in conjunction with.

   b. Determine whether the use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use where the parking is proposed. Find the appropriate line on Table 510-16.

   c. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-16.

      (1) If all aspects of a proposal are allowed, then the parking is allowed.

      (2) If all aspects of a proposal are allowed or have been approved through an adjustment, then the parking is allowed.

      (3) If any aspect of a proposal requires CCPR, then the parking is subject to CCPR.

      (4) If any aspect of a proposal is prohibited, then the parking is prohibited.

2. Parking that is not an allowed use under the regulations of this chapter, and is not otherwise prohibited, is subject to CCPR.

3. Maximum ratios. There are no maximum ratios.

4. Operation. The parking must be accessory on weekdays between 7:00 AM and 6:00 PM.

B. Preservation Parking. Preservation Parking is subject to the same regulations as Growth Parking in Subsection A, above.

Table 510-16
Relationships Among Use Regulations for Growth Parking

If the **use** is:		And if the **parking** is:	
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

C. Visitor Parking. The regulations of this Subsection apply to Visitor Parking. Adjustments to the regulations of Paragraphs C.1 through C.5, below, are prohibited.

1. To determine whether Visitor Parking is subject to Central City Parking Review (CCPR) or prohibited:

   a. Determine the zone where the parking will be located. Then find the appropriate line on Table 510-17.

   b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-17.

      (1) If all aspects of a proposal are allowed, have been approved through an adjustment, or are subject to CCPR, then the parking is subject to CCPR.

      (2) If any aspect of a proposal is prohibited, then the parking is prohibited.

Table 510-17
Relationships Among Regulations for Visitor Parking

If the **zone** is:	And if the **parking** is:	
	Allowed or Subject to CCPR	**Prohibited**
I, EX, EG, CX, CS, CG, or RX	The parking is subject to CCPR	The parking is prohibited
All other zones	The parking is prohibited	The parking is prohibited

2. Maximum ratios. There are no maximum ratios. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria.

3. Operation. Visitor Parking is operated as commercial parking, except that sale of monthly permits and "early bird" discounts are prohibited. Limitations on operation apply on weekdays between 7:00 AM and 6:00 PM.

4. The applicant must have a signed agreement with the Parking Manager to provide the information specified in Paragraph C.5, below.

5. The applicant must provide operation reports to the City every six months. The operation reports are based on a sample of two days during every six month reporting period, and include information on the following:

   a. Physical: Number of parking spaces

   b. Usage: How the parking spaces were used, based on the following categories. Percentage of parking used for:

      (1) Short-term

      (2) Long-term daily (four or more hours)

   c. Hours of Operation: What the hours of operation are on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

D. Undedicated General Parking. Undedicated General Parking is prohibited.

E. Residential/Hotel Parking. The regulations of this Subsection apply to Residential/Hotel Parking. Adjustments to the regulations of this Subsection are prohibited.

1. To determine whether Residential/Hotel Parking is allowed, prohibited, or subject to Central City Parking Review (CCPR):

   a. Determine whether the residential use the parking will be created in conjunction with is an allowed, conditional, nonconforming, or prohibited use on the property where the parking is proposed. Find the appropriate line on Table 510-18.

   b. Based on the regulations of this Subsection and those in Subsection F, below, determine if the parking itself, or some aspect of it, is allowed, prohibited, or subject to CCPR. Find the appropriate column on Table 510-18.

2. Minimum required parking. There is no minimum parking requirement.

3. Maximum ratios. There are no maximum ratios.

4. Parking is allowed for new and existing dwelling units and hotel rooms.

Table 510-18
Relationships Among Use Regulations for Residential/Hotel Parking

If the **residential** or **hotel use** is:	And if the **parking** is:		
	Allowed	**Subject to CCPR**	**Prohibited**
Allowed, an expansion of a nonconforming use, or a conditional use	The parking is allowed	The parking is subject to CCPR	The parking is prohibited
Prohibited	The parking is prohibited	The parking is prohibited	The parking is prohibited

Note: Some uses require a land use review, such as a Conditional Use or Nonconforming Situation Review. Criteria for those reviews may include consideration of traffic, transportation, design, or other elements that may also be addressed in this chapter. Compliance with the regulations of this chapter does not constitute compliance with those criteria.

5. Operation.

   a. Residential. Parking spaces created to serve residential uses must be accessory at all hours.

   b. Hotel. Parking created to serve hotel uses must be accessory. These limitations apply on weekdays between 7:00 AM and 6:00 PM.

F. All parking. The regulations of this Subsection apply to all parking.

1. Minimum required parking. There is no minimum parking requirement.

2. The applicant has a signed agreement with the Parking Manager to provide the information specified in Paragraph F.3, below.

3. The applicant will provide the following information within 30 days of the date the parking begins operation:

   a. The number of parking spaces constructed; and

   b. An as-built plan of the parking area, showing the configuration of the parking spaces. At least one copy of the plan must be 8-1/2" x 11" and suitable for microfilming.

4. Surface parking lots.

   a. Parking on surface lots where the total surface parking area on the site is up to 40,000 square feet or where the surface parking area covers up to 30 percent of this site—whichever is larger—is allowed. Parking on surface lots where the total surface parking area on the site is larger than 40,000 square feet and where the surface parking area covers more than 30 percent of the site is subject to CCPR.

b. Surface parking is prohibited on the portion of a site within 100 feet of a light rail alignment.

c. Renewal of Central City Parking Review (CCPR) permits for surface parking lots. All CCPR permits for surface parking lots in OS, C, E, and R zones where the total surface parking area on the site is larger than 40,000 square feet in area, approved after (the effective date of this regulation) must be renewed every 5 years. Surface parking lots created in conjunction with a regional attractor are exempt from this requirement.

The renewal is a Type III process; the criteria are in Section 33.808.200, Renewal of Surface Parking Lots in the Central City Plan District. The owner must apply for the renewal within 4-1/2 years of the date of final approval of either the initial approval or the last renewal. If application is not made by that date, the Planning Director may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

5. Parking structures.

a. Parking that is in a structure is allowed.

b. Where parking occupies more than 50 percent of the gross building area of a structure:

(1) If the site is within a historic design district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.

(2) Street frontage. Street frontage walls must meet one of these standards:

- Active uses standard. Fifty percent of the street frontage wall must be developed for Retail Sales And Service or Office uses. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to Retail Sales And Service or Office uses. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Required Retail Opportunity Areas; or

- Landscape setback standard. The structure must be set back at least 5 feet and landscaped to at least the L3 standard of Chapter 33.248, Landscaping and Screening. If the structure complies with the landscaped setback standard, it is exempt from the ground floor windows standard of Section 33.510.220.

On sites subject to the required building lines or required retail opportunity standards of Sections 33.510.215 and 33.510.225, the active uses standard, above, must be met; the landscaped setback standard may not be used.

6. Parking access

   a. Parking access near or on a light rail alignment. New motor vehicle access to any parking area or structure is not allowed within 75 feet of a light rail alignment, unless the access is approved through Central City Parking Review.

   b. Parking access on other streets. New motor vehicle access to any parking area or structure is not allowed on the streets shown on Map 510-9.

7. Changes from one type of parking to another.

   a. Changes from one type of parking to another are regulated as if they were new parking. All current regulations will apply.

   b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

8. Bicycle parking. Bicycle parking regulations are in Chapter 33.266, Parking and Loading. For Commercial Parking, which includes Visitor and Undedicated General Parking, bicycle parking is based on the number of motor vehicle parking spaces. For other types of development, the bicycle parking requirements are based on the primary use, such as Office or Retail Sales and Service.

G. Special regulations for existing parking.

1. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, the parking in the plan district is automatically given Central City Parking Review (CCPR) status.
   In addition, a CCPR approval under this process, by superceding some previous land use approvals for parking for the site—Conditional uses and Revocable Permits—will simplify future reviews and provide more flexibility for the operators on how the parking may be managed and used.

2. Where these regulations apply. The regulations of this subsection apply to all parking that legally existed on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later. The regulations also apply to all parking where a complete application was received before January 8, 1996, or parking that received either a land use or building permit before January 8, 1996.

3. Changes. Changes to parking regulated by this Subsection are regulated as follows.

   a. Changes that would be prohibited if requested for new parking are prohibited.

   b. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Visitor Parking requires a CCPR. All current regulations will apply.

c. Changes in conditions of approval requires CCPR.

d. Where new parking would require CCPR, an increase in the number of spaces requires CCPR for the additional spaces only.

e. A decrease in the number of spaces by redevelopment or reconfiguration is allowed without review. Replacement of those spaces will be treated as new parking.

f. Reconfiguration that does not change the number of spaces is allowed without CCPR, but may require design review.

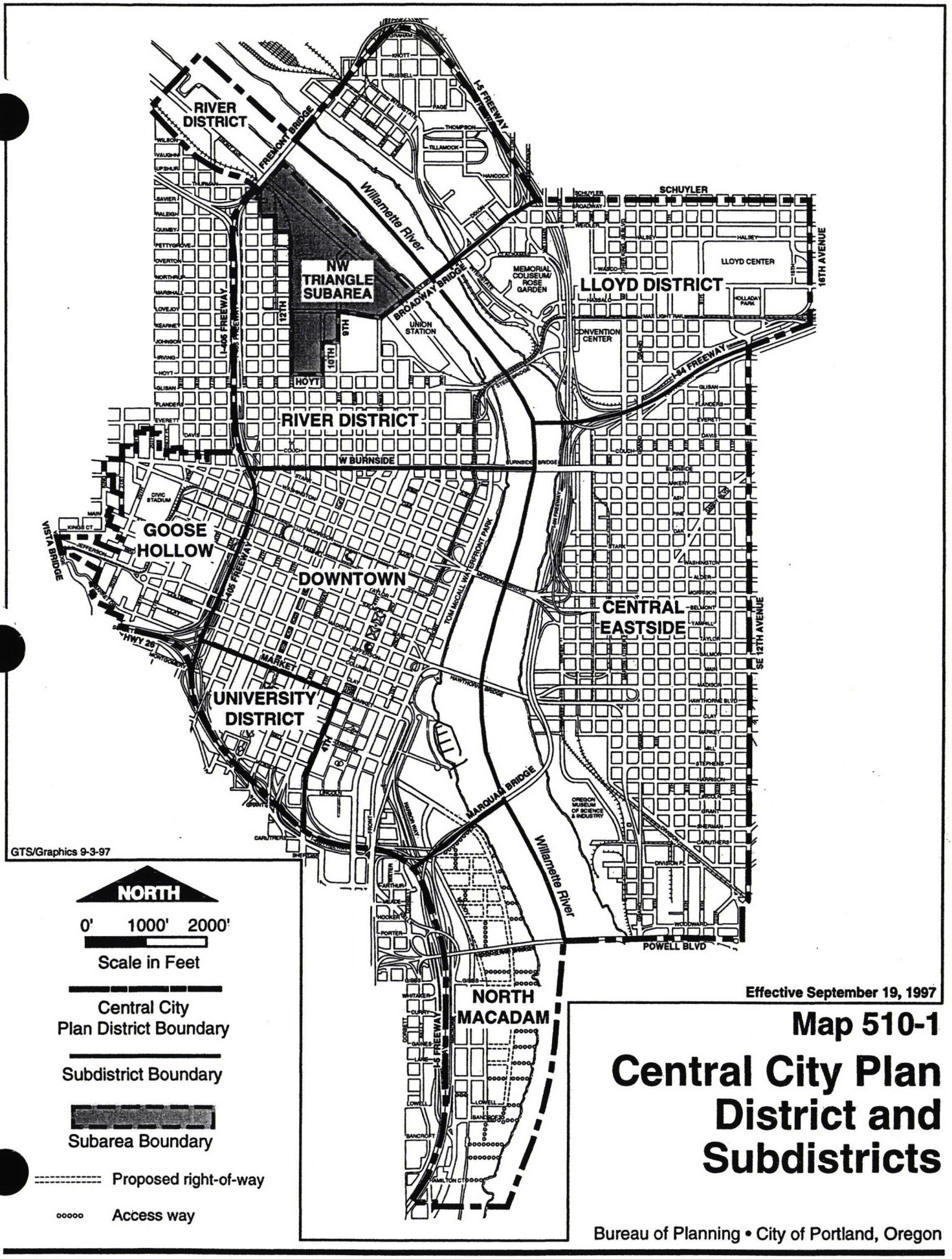
g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d, above. The spaces may be returned to parking use without review.

h. Physical changes to the site, such as an increase in the amount of landscaping or addition of other pedestrian amenities, is allowed without CCPR review, but design review may be required. This does not include an increase in the number of spaces, or any changes that violate conditions of approval or current regulations. Those changes require CCPR review.

4. If the parking was operating as commercial parking on January 8, 1996, as shown in the 1995 Inventory of Commercial Parking Outside the Core Area, it is Undedicated General Parking. All previous conditions of approval continue to apply.

5. If the parking was operating as accessory parking to uses other than residential or hotel uses, it is Growth Parking.

6. If the parking was operating as accessory parking to residential or hotel uses, it is Residential/Hotel Parking.

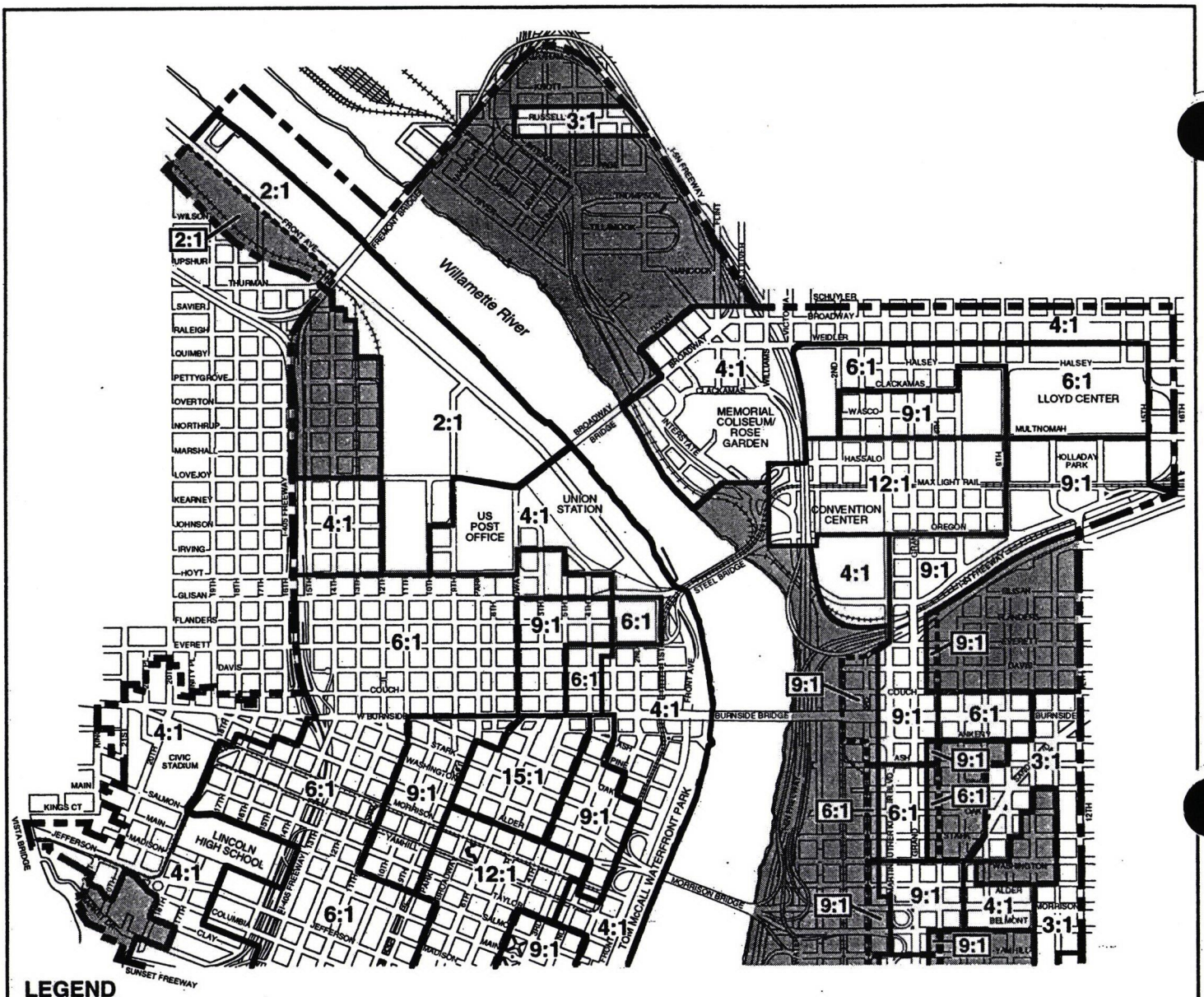


Effective September 19, 1997

Map 510-1

Central City Plan District and Subdistricts

Bureau of Planning • City of Portland, Oregon



LEGEND

- Area where Floor Area Ratio (FAR) is determined by Base Zone
- **X:Y** FAR
  X = Gross sq. ft. of building allowed
  Y = Square ft. of site
- FAR area boundary
- **X:Y** Allowable FAR when rezoned to **EX**
- Boundary of allowable FAR when rezoned to **EX**

Effective February 7, 1996

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

GTS/Graphics 4-8-96

Map 510-2
Maximum Floor Area

Map 1 of 2

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LEGEND

- Area where Floor Area Ratio (FAR) is determined by Base Zone
- **X:Y** FAR
  X = Gross sq. ft. of building allowed
  Y = Square ft. of site
- FAR area boundary
- **X:Y** Allowable FAR when rezoned to **EX**
- Boundary of allowable FAR when rezoned to **EX**
- Proposed right-of-way
- Access way

Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

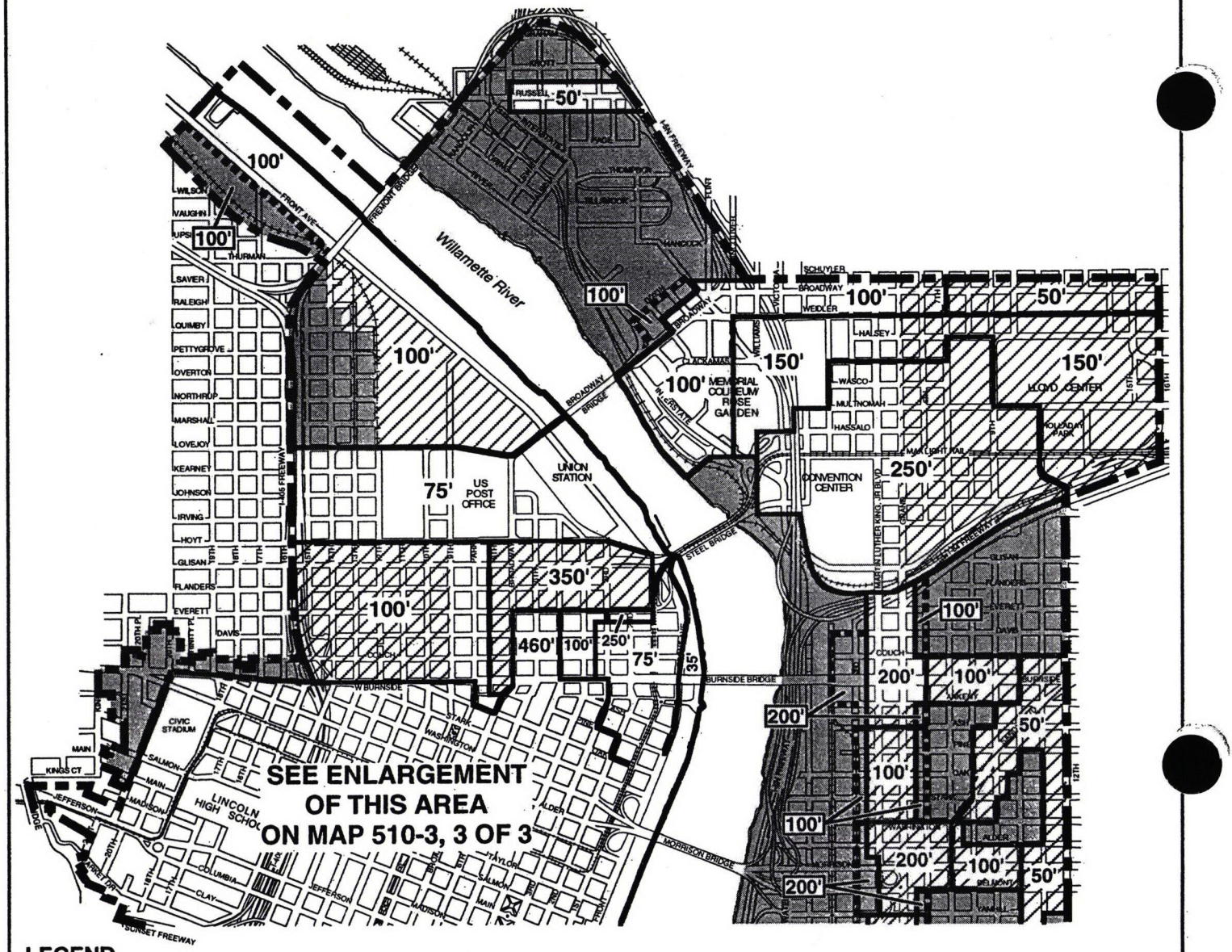
GTS/Graphics 9-3-97

Map 510-2

Maximum Floor Area

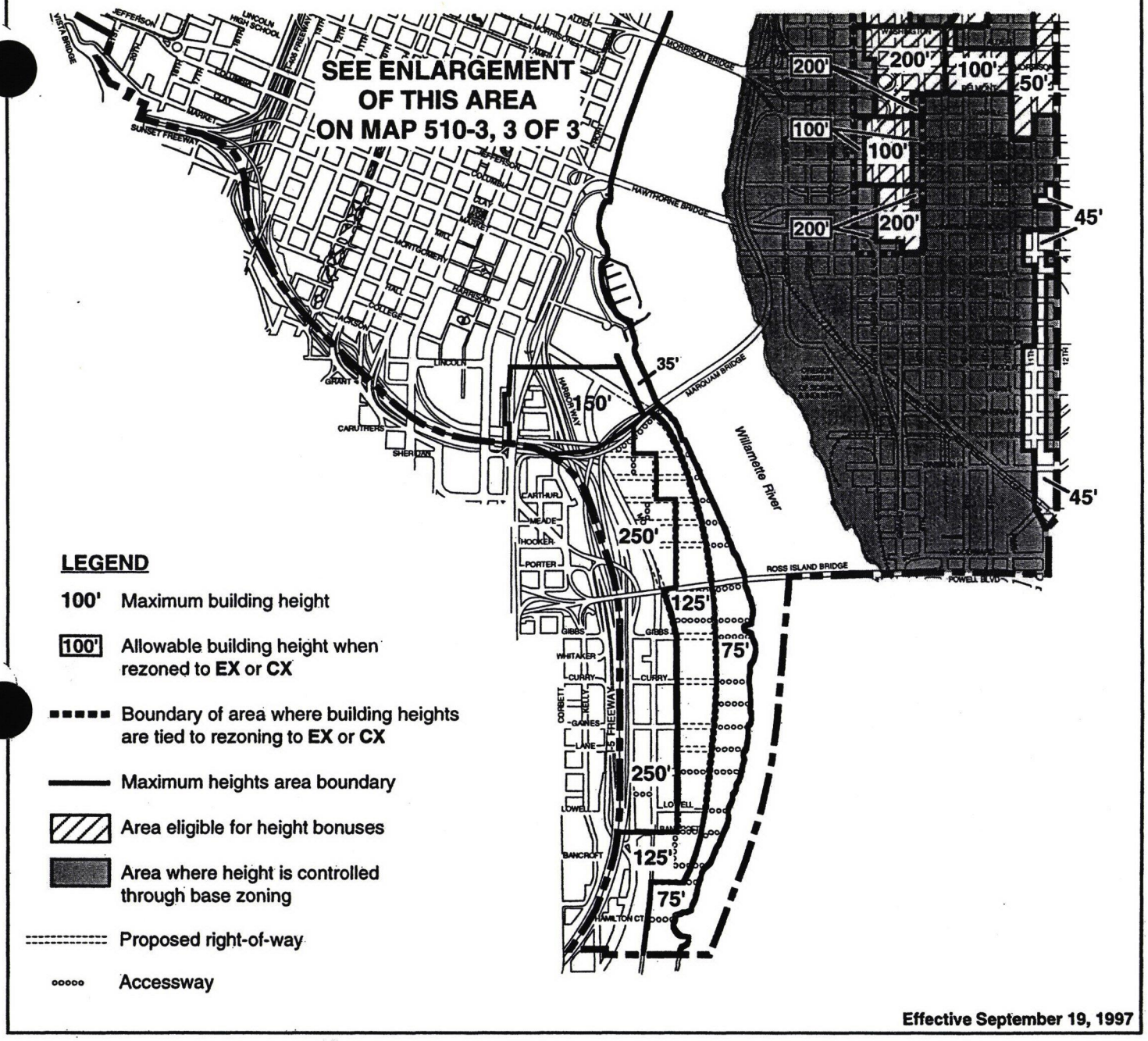
Map 2 of 2

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Map 510-3
Maximum Heights
Map 1 of 3

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Effective September 19, 1997

NORTH

0' 1000' 2000'

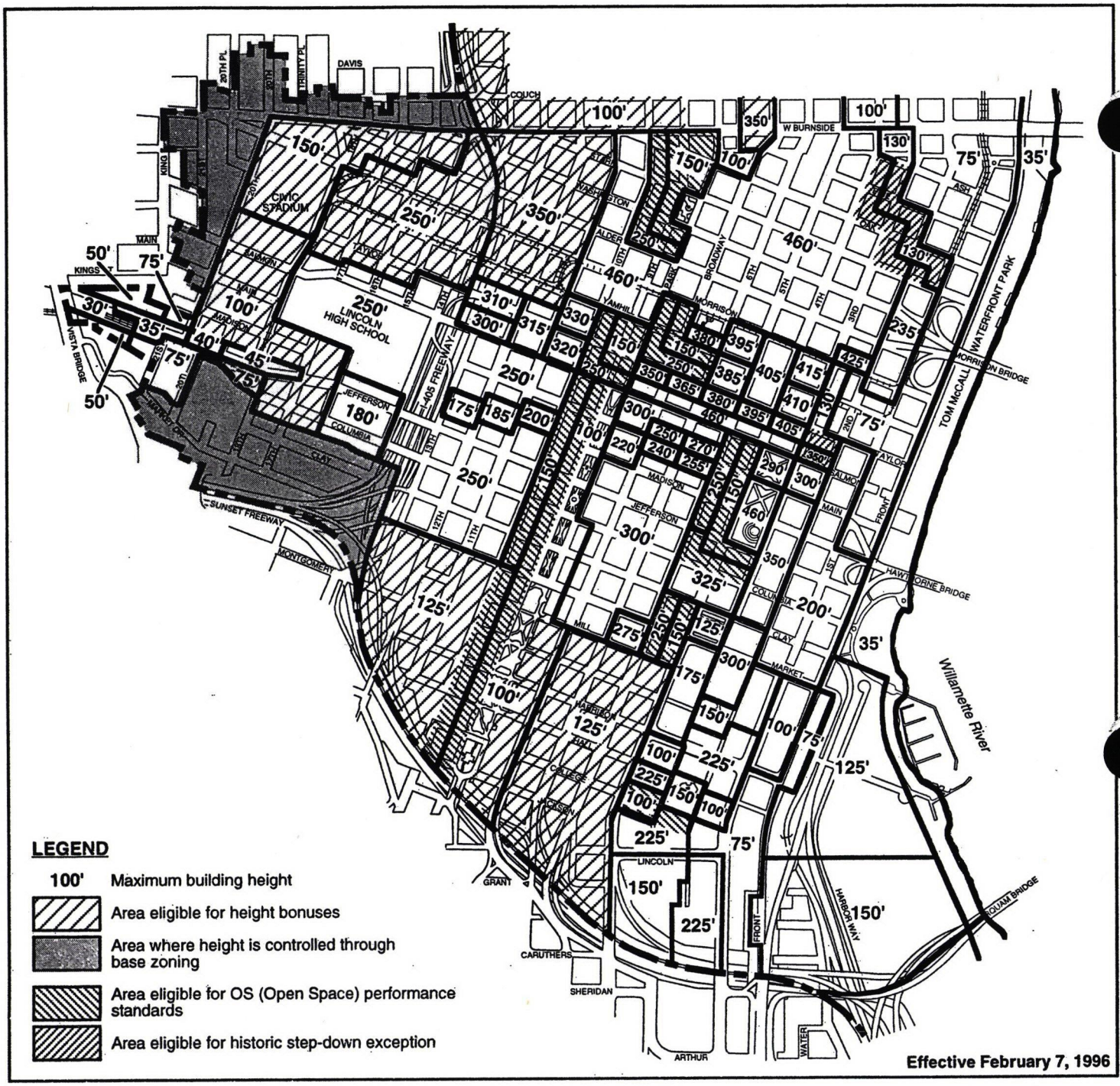
Scale in Feet

Central City
Plan District Boundary

Map 510-3
Maximum Heights
Map 2 of 3

GTS/Graphics 9-5-97

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NORTH

0' 1000' 2000'

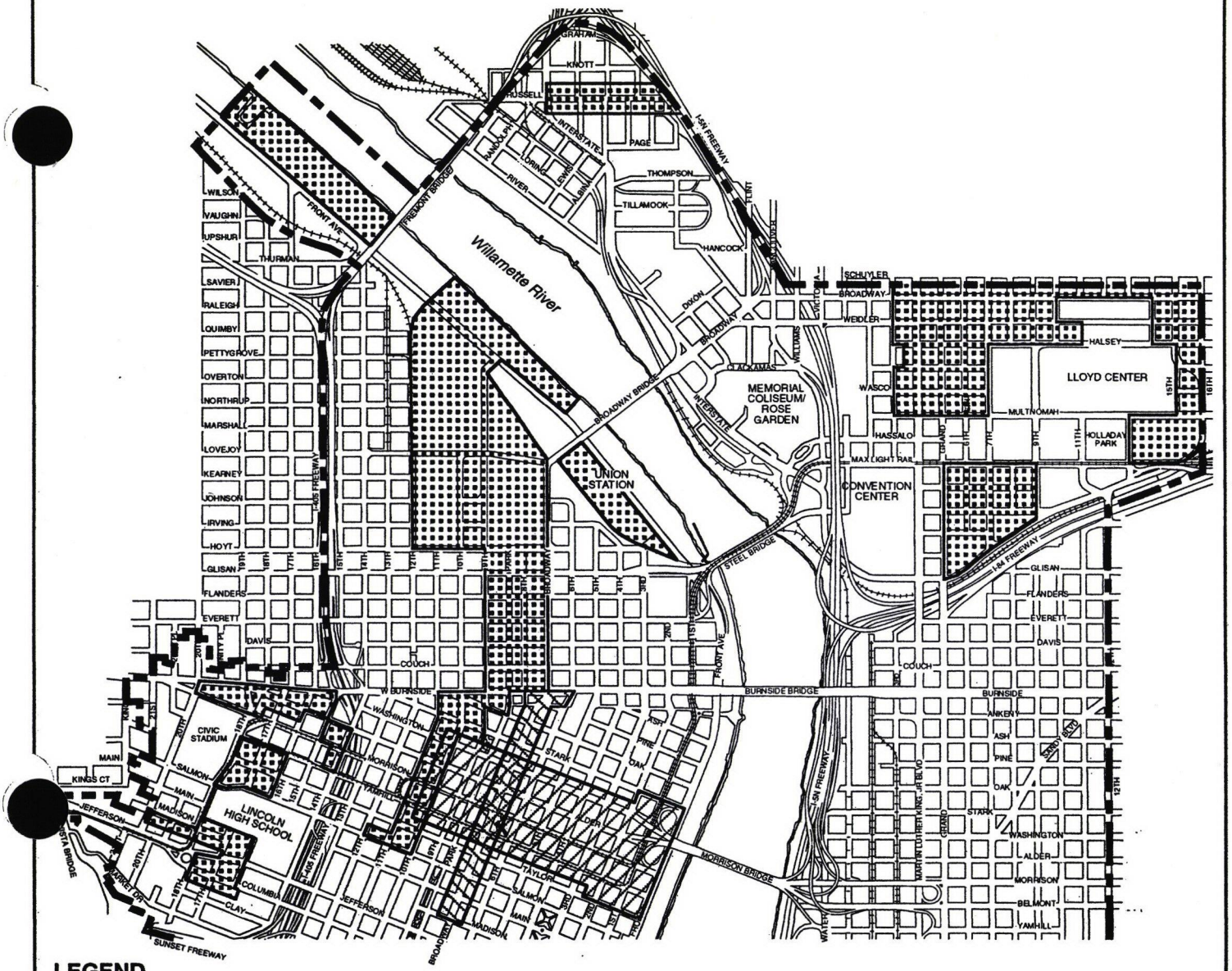
Scale in Feet

Central City
Plan District Boundary

GTS/Graphics 4-8-96

Map 510-3
Maximum Heights
Map 3 of 3

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LEGEND

- Residential bonus target area
- Theaters on Broadway bonus target area
- Retail use bonus target area

Effective February 7, 1996

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

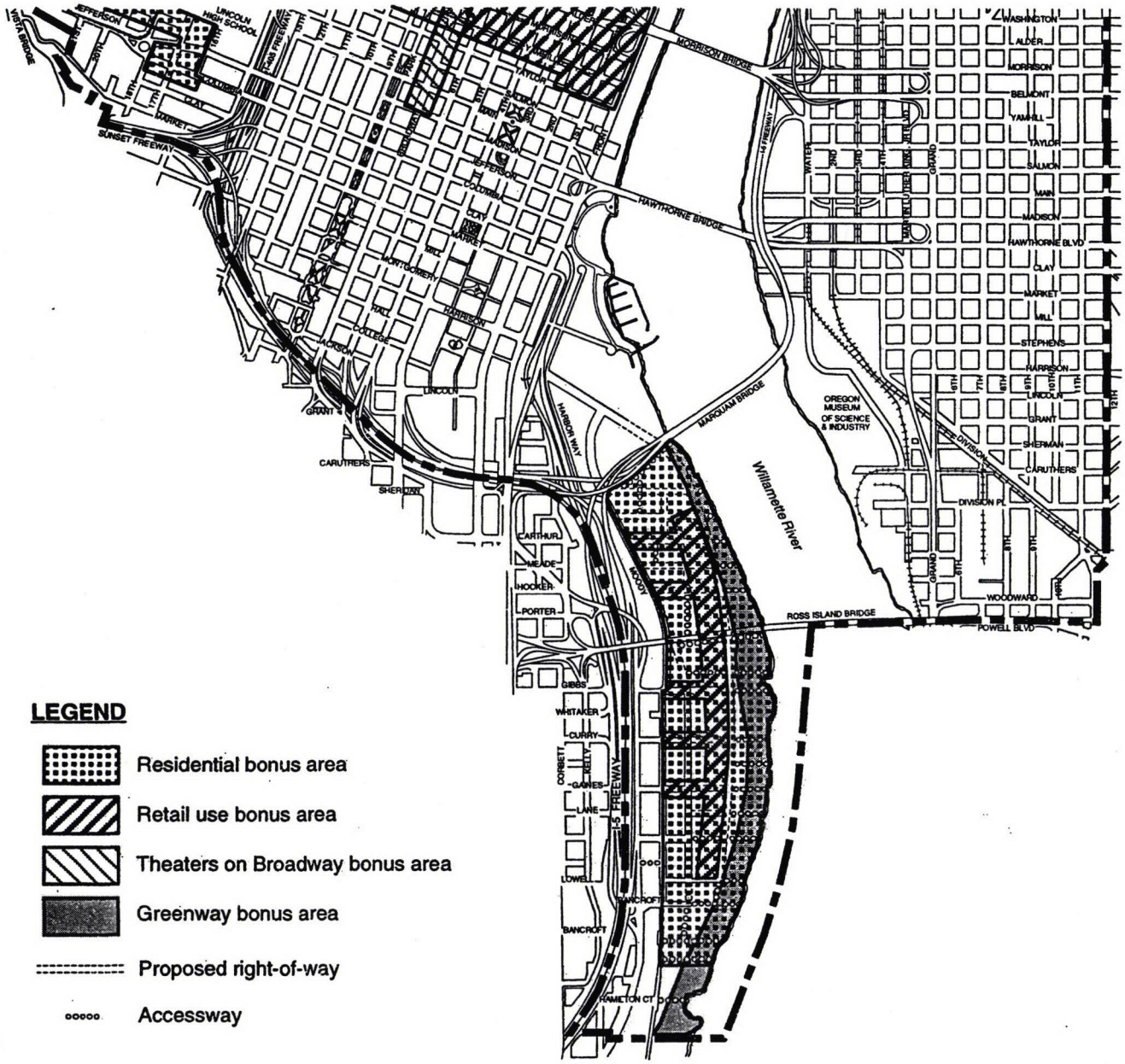
Map 510-4

Bonus Options Target Areas

Map 1 of 2

GTS/Graphics 4-4-96

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Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

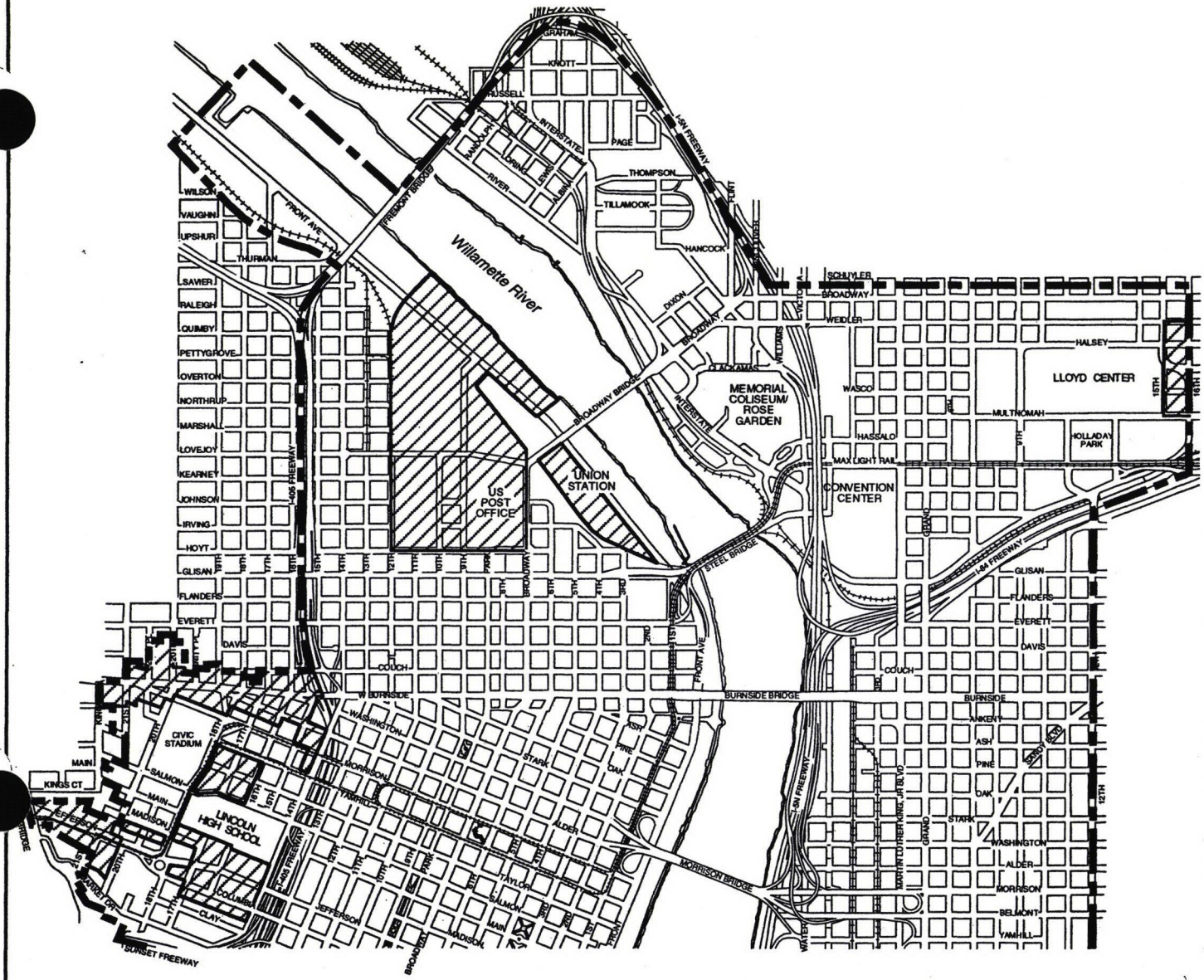
Map 510-4

Bonus Options Areas

Map 2 of 2

GTS/Graphics 9-5-97

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LEGEND

Required residential development area

Effective February 7, 1996

NORTH

0' 1000' 2000'

Scale in Feet

Central City Plan District Boundary

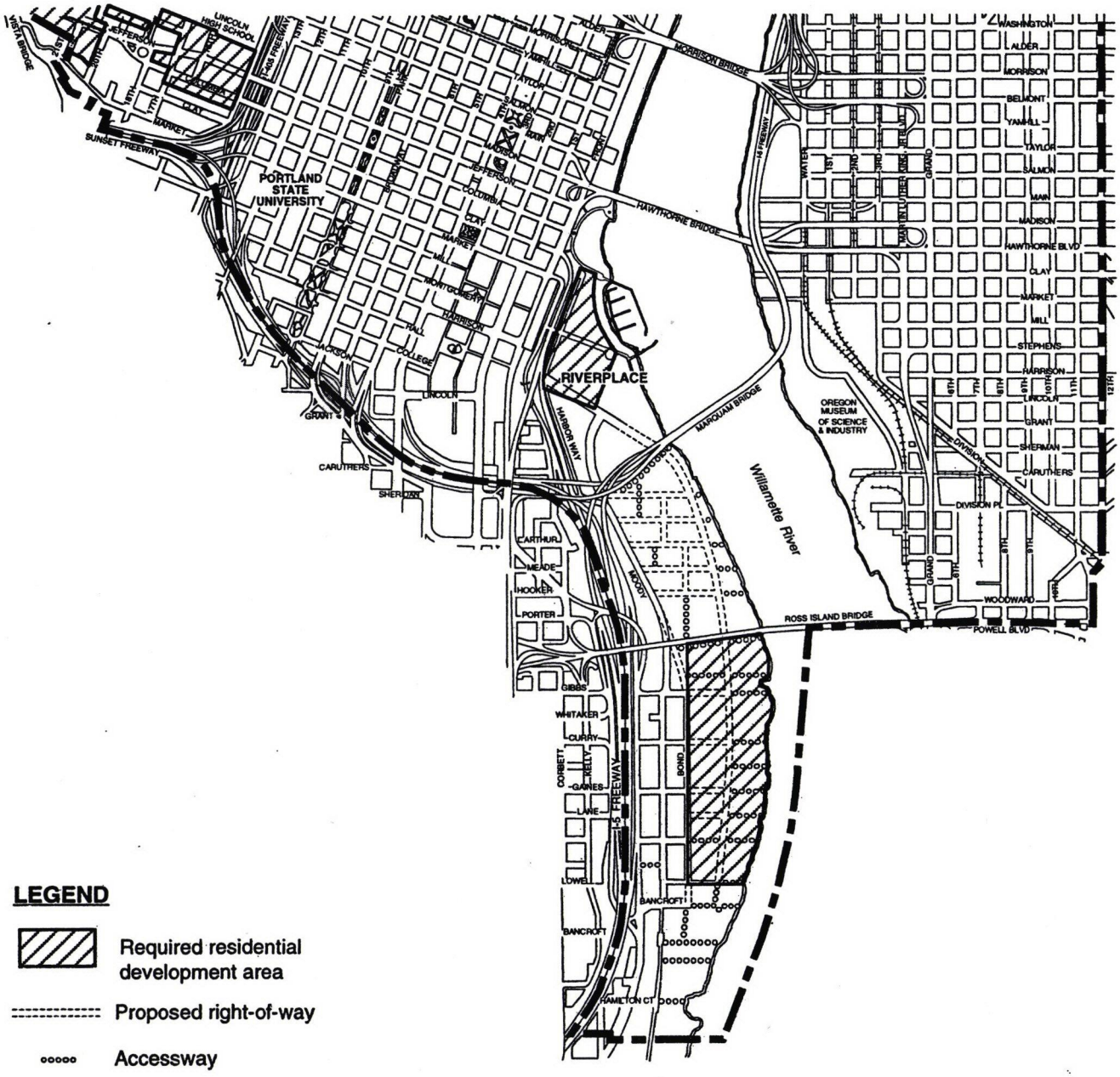
GTS/Graphics 4-3-96

Map 510-5

Required Residential Development Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City Plan District Boundary

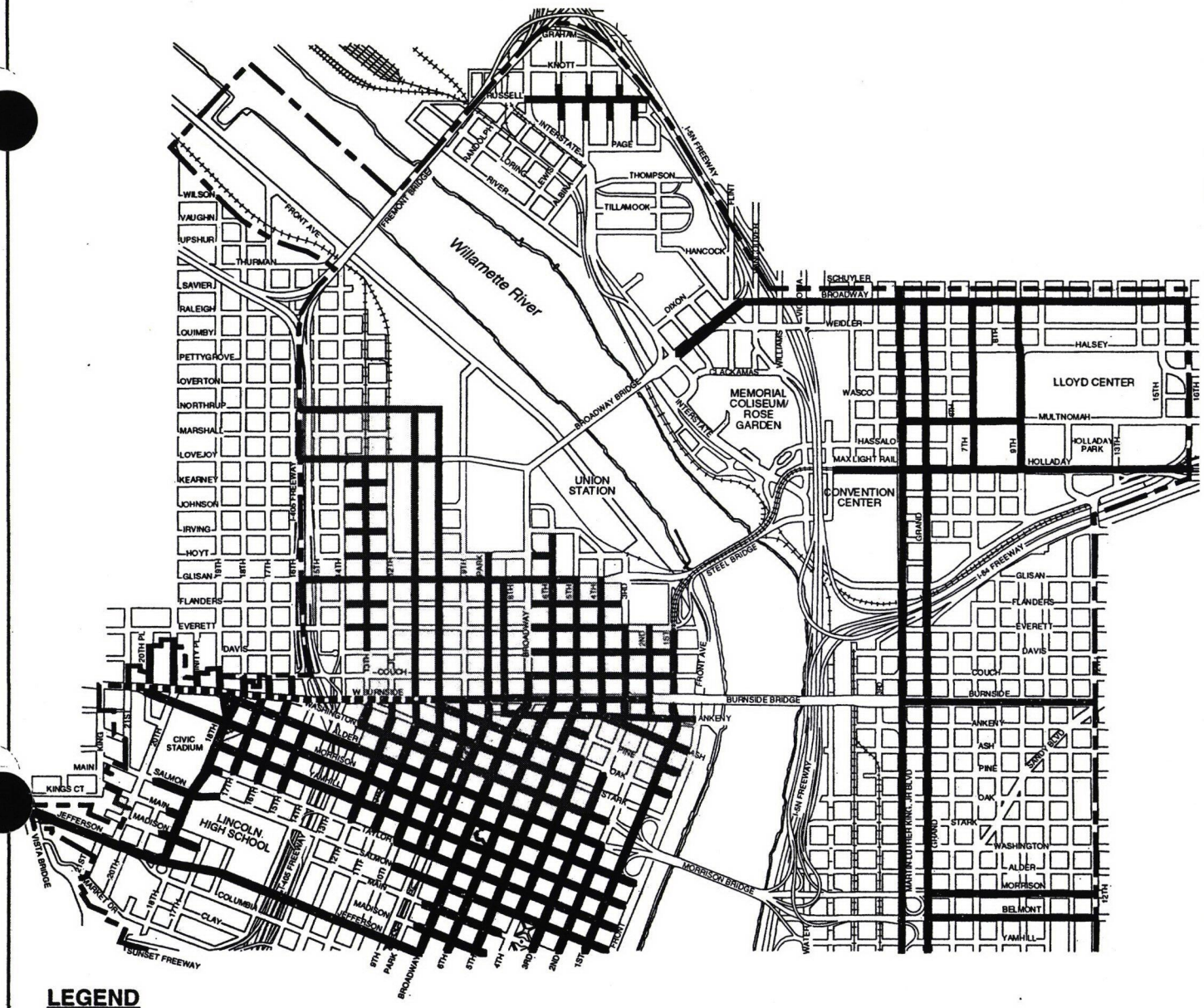
GTS/Graphics 9-5-97

Map 510-5

Required Residential Development Areas

Map 2 of 2

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LEGEND

Required building lines

Special required building lines

Effective February 7, 1996

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

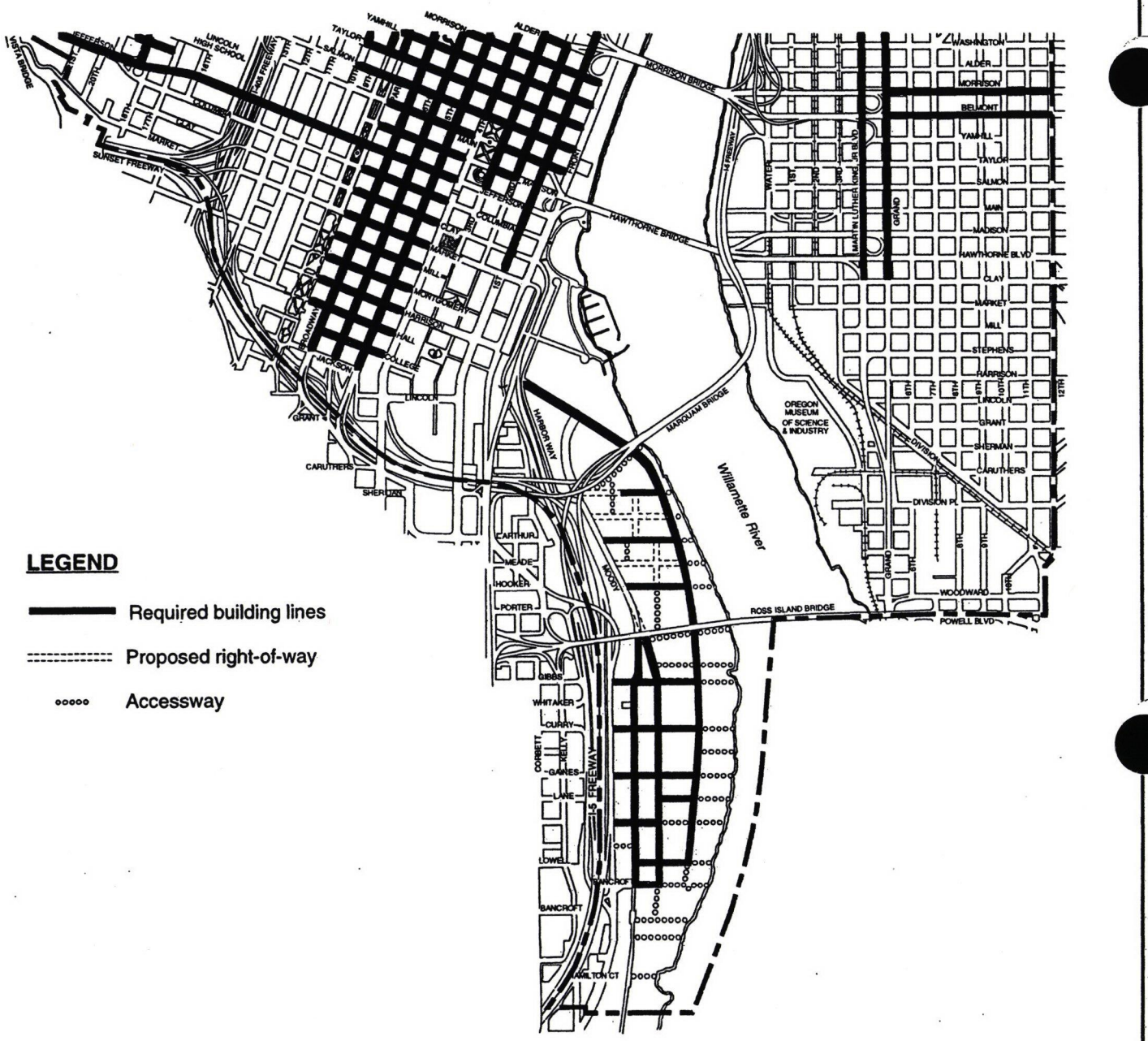
GTS/Graphics 4-8-96

Map 510-6

Required Building Lines

Map 1 of 2

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Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

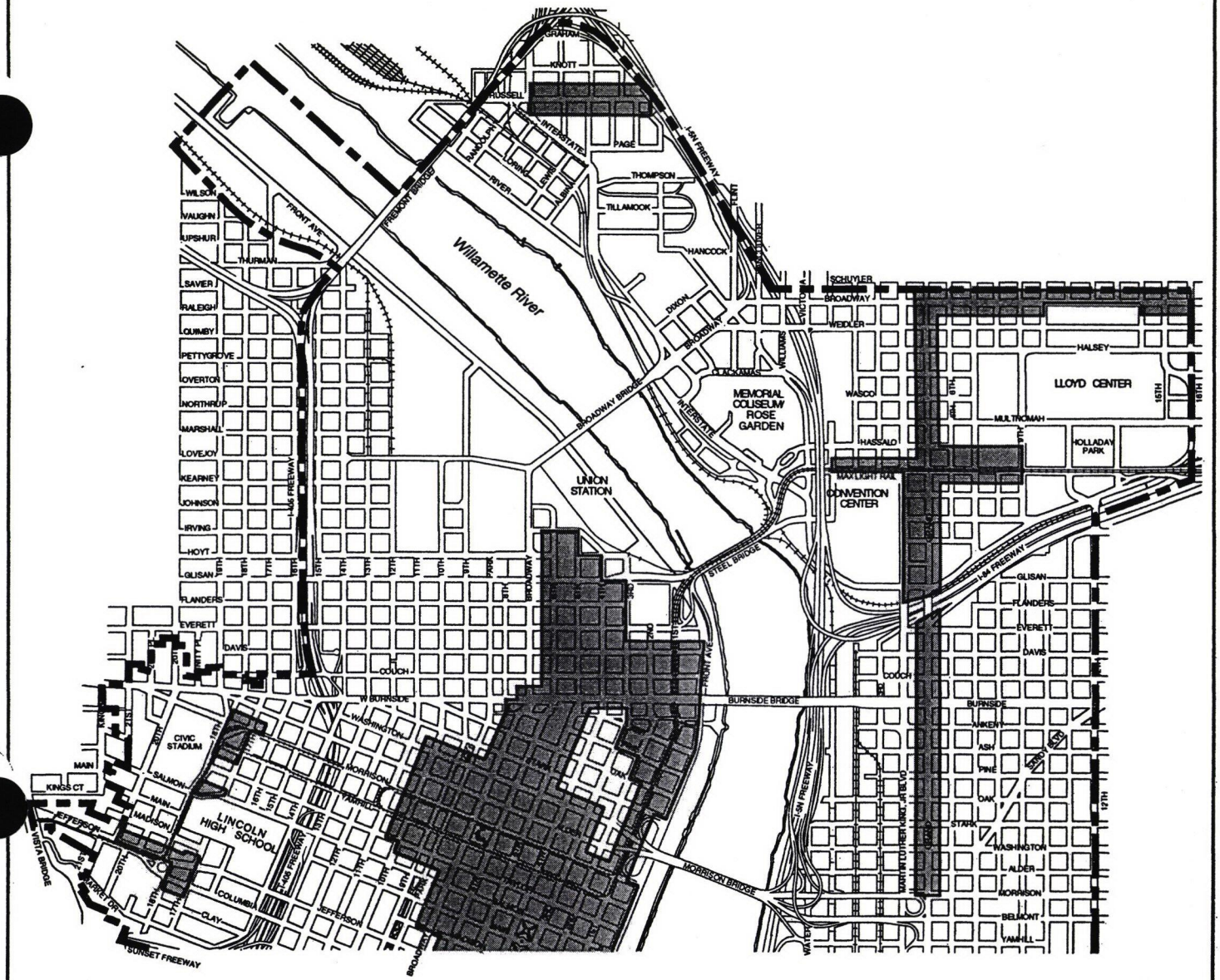
Map 510-6

Required Building Lines

Map 2 of 2

GTS/Graphics 9-5-97

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LEGEND

Active building use

Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

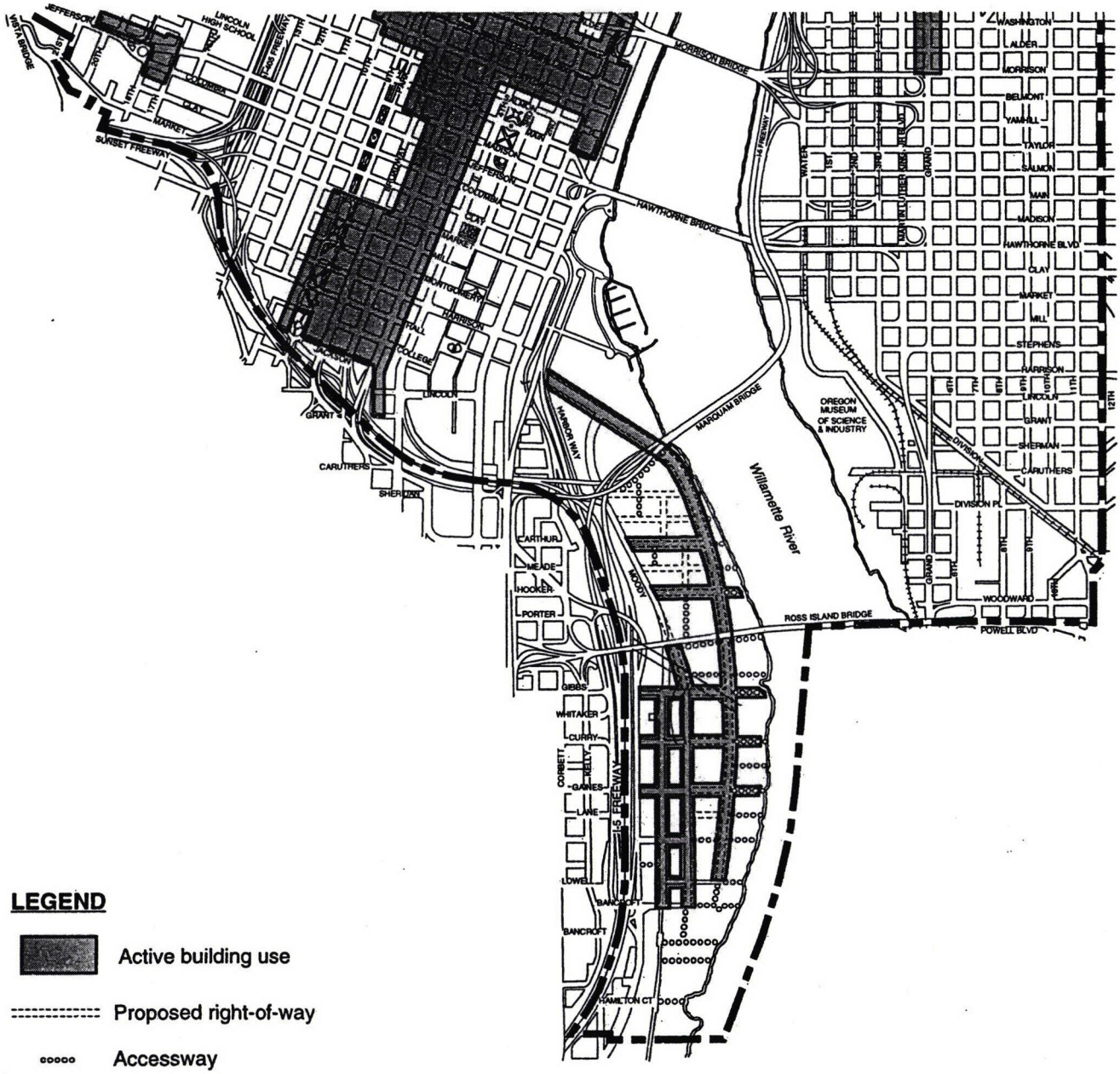
GTS/Graphics 9-5-97

Map 510-7

Active Building Use Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- Active building use
- Proposed right-of-way
- Accessway

Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

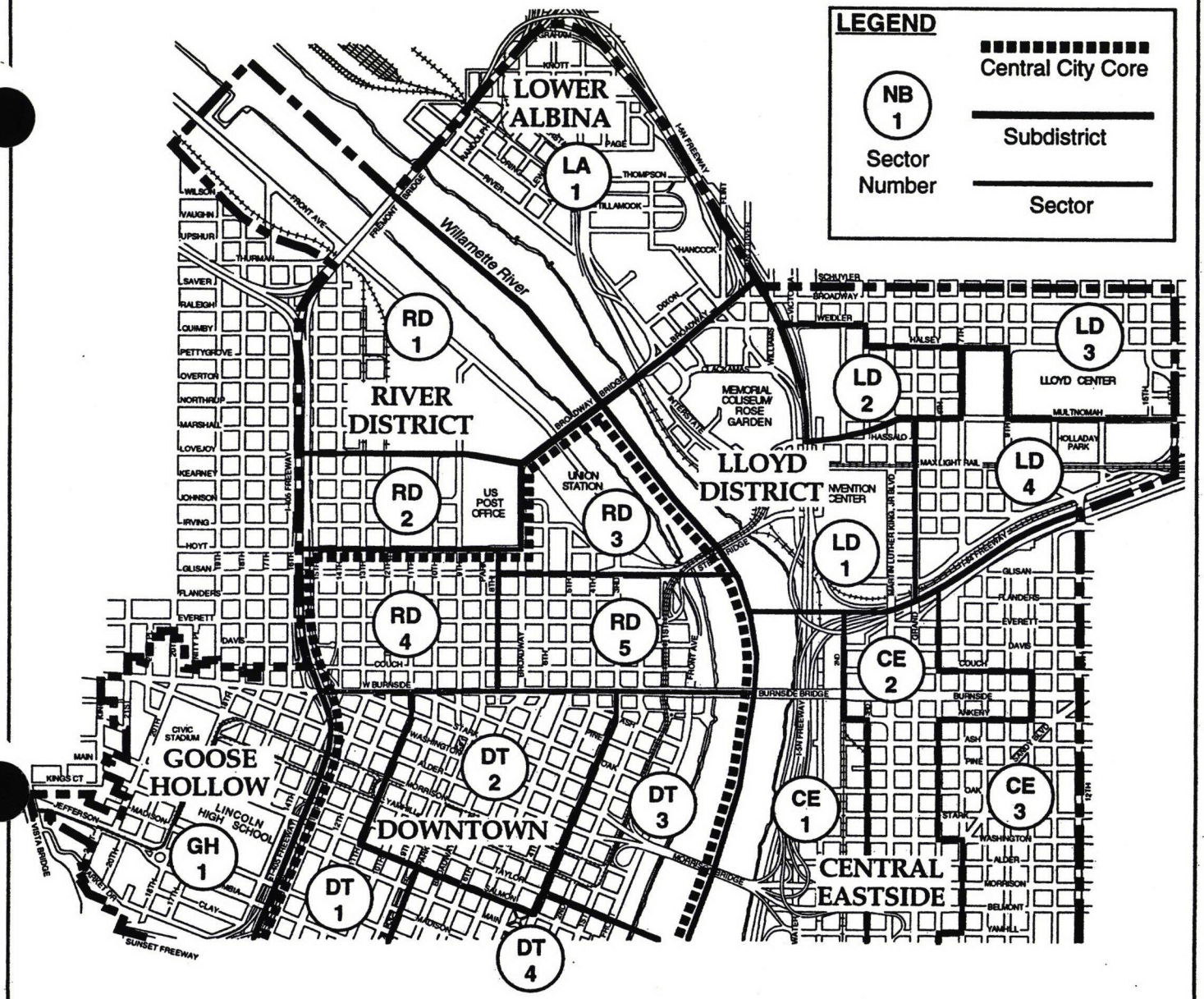
GTS/Graphics 9-5-97

Map 510-7

Active Building Use Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1000' 2000'

Scale in Feet

Central City
Plan District Boundary

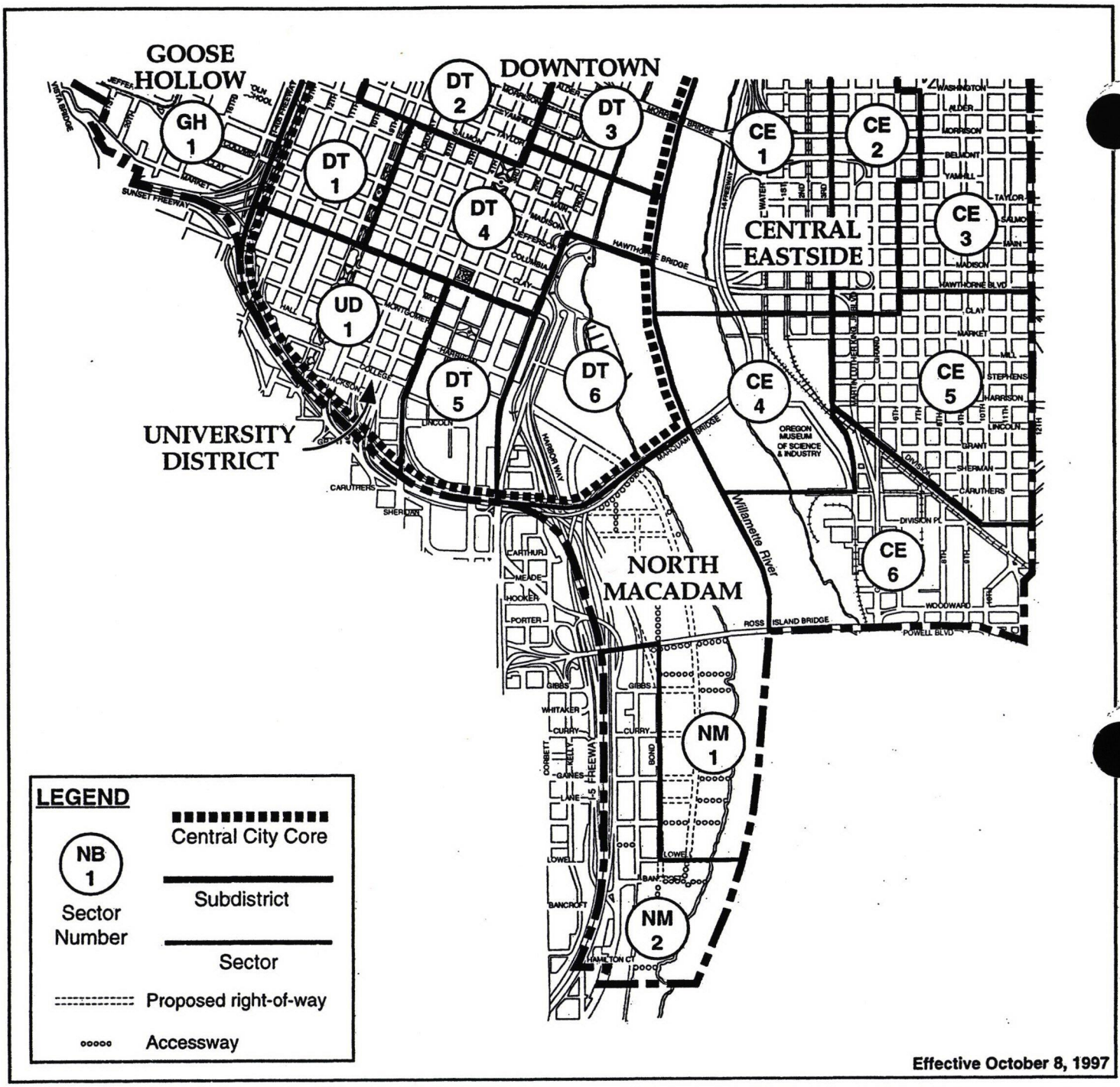
Map 510-8

Core and Parking Sectors

Map 1 of 2

GTS/Graphics 9-23-97

Bureau of Planning • City of Portland, Oregon



Effective October 8, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City Plan District Boundary

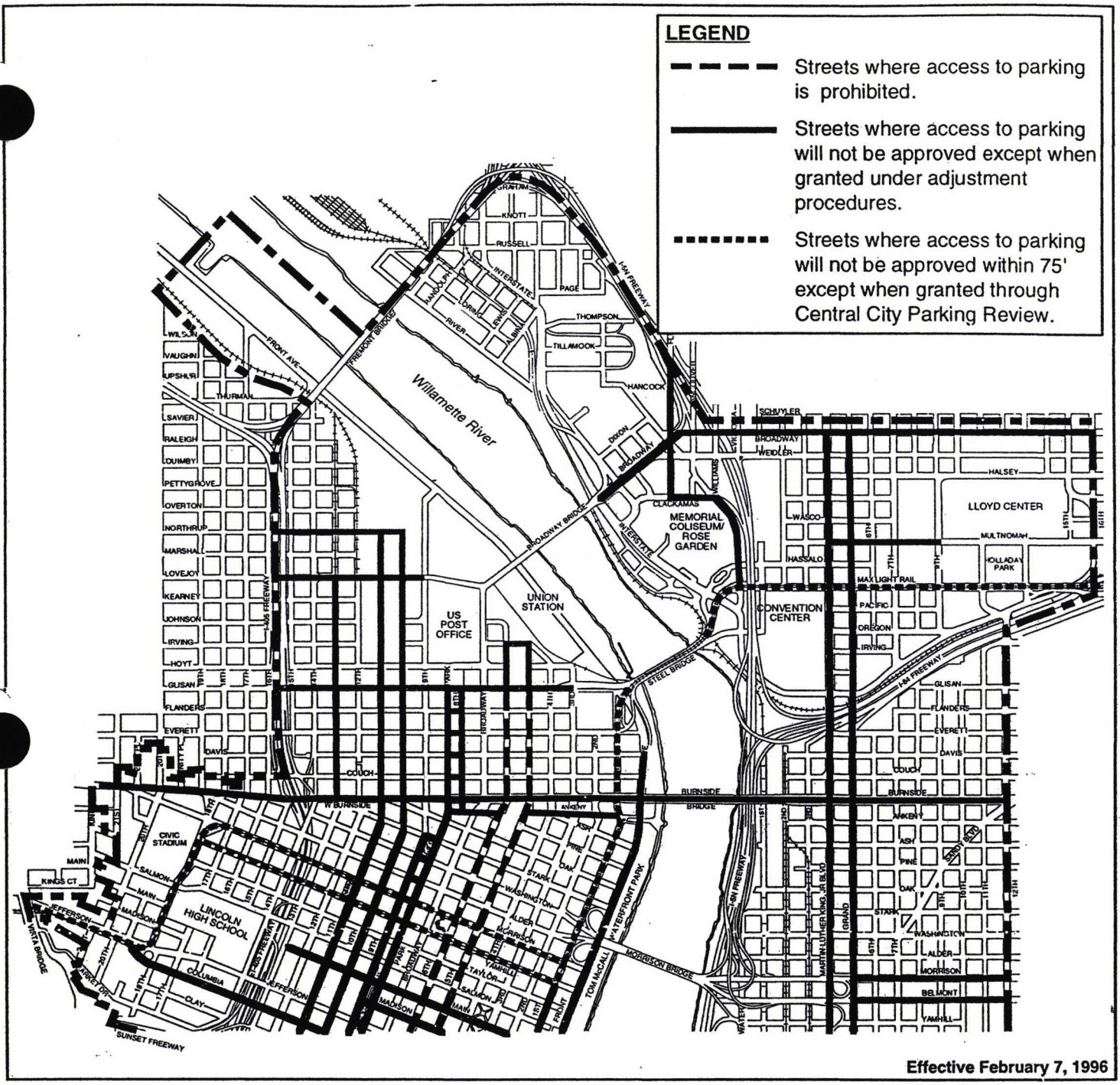
Map 510-8

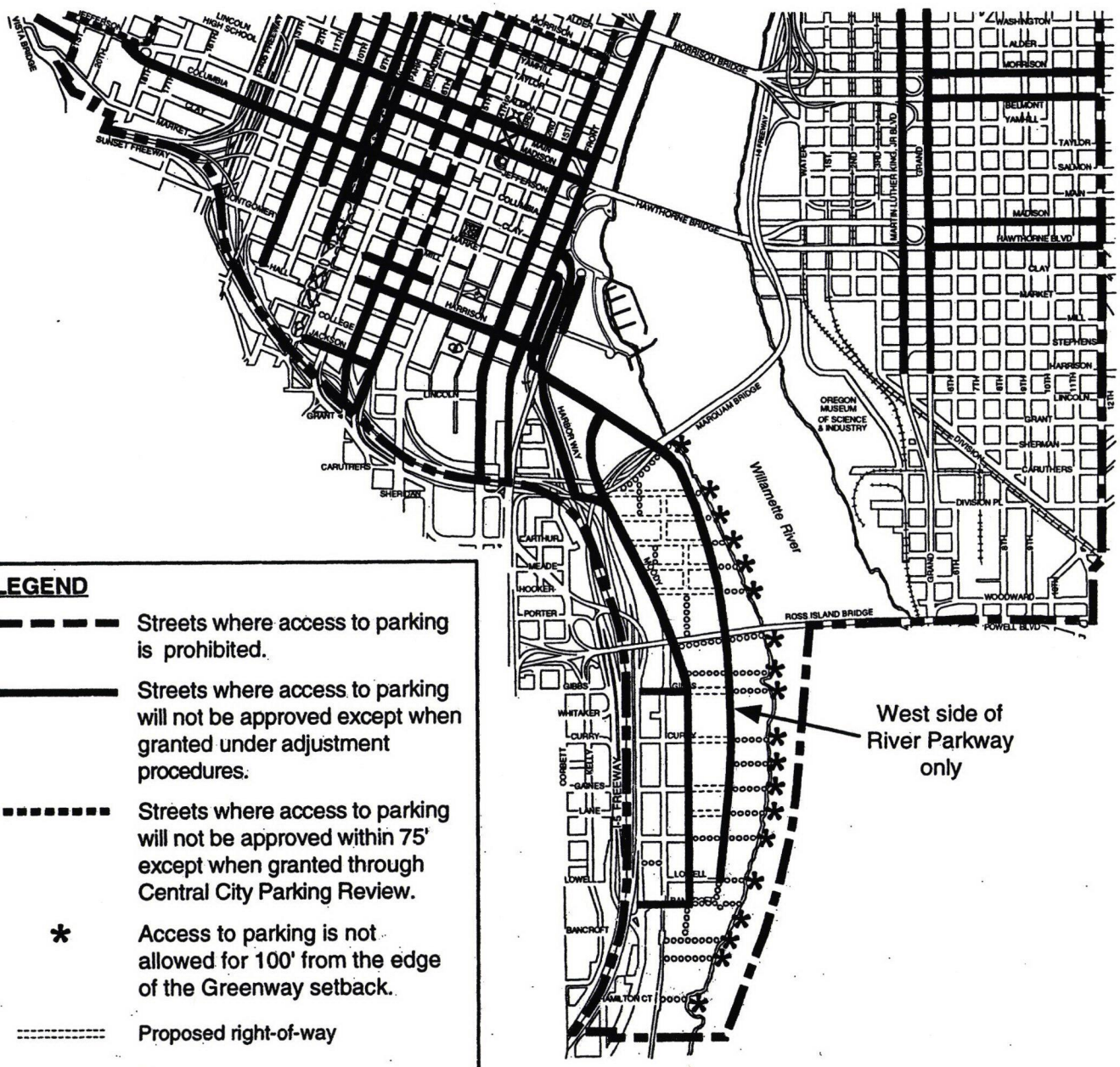
Core and Parking Sectors

Map 2 of 2

GTS/Graphics 9-23-97

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LEGEND
Streets where access to parking is prohibited.
Streets where access to parking will not be approved except when granted under adjustment procedures.
Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review.
Willamette River
GRANT
KNOTT
RUSSELL
INTERSTATE
PAGE
THOMPSON
TILLAMOOK
HANCOCK
DIXON
SCHUYLER
BROADWAY
WEIDLER
HALSEY
LLOYD CENTER
MULTNOMAH
WASCO
HASSALO
HOLLADAY PARK
CLACKAMAS
MEMORIAL COLISEUM/ ROSE GARDEN
MAX LIGHT RAIL
PACIFIC
OREGON
IRVING
CONVENTION CENTER
US POST OFFICE
UNION STATION
STEEL BRIDGE
GLISAN
FLANDERS
EVERETT
DAVIS
COUCH
BURNSIDE
BURNSIDE BRIDGE
ANKENY
ASH
PINE
OAK
STARK
WASHINGTON
ALDER
MORRISON
YAMHILL
TAYLOR
SALMON
MAIN
MADISON
JEFFERSON
COLUMBIA
CLAY
CIVIC STADIUM
KINGS CT
LINCOLN HIGH SCHOOL
VISTA BRIDGE
TERWILLIGER BLVD
SUNSET FREEWAY
MORRISON BRIDGE
TOM MCCALL
WATERFRONT PARK
MARTIN LUTHER KING JR BLVD
GRAND
WATER
FRONT
FREMONT BRIDGE
BROADWAY BRIDGE
FRONT AVE
WILSON
VAUGHN
UPSHUR
THURMAN
SAVIER
RALEIGH
QUIMBY
PETTYGROVE
OVERTON
NORTHRUP
MARSHALL
LOVEJOY
KEARNEY
JOHNSON
IRVING
HOYT
GLISAN
FLANDERS
EVERETT
DAVIS
COUCH
W BURNSIDE
I-405 FREEWAY
I-84 FREEWAY
I-5 FREEWAY
I-5 FREEWAY
I-84 FREEWAY
I-84 FREEWAY
I-405



Effective September 19, 1997

NORTH

0' 1000' 2000'

Scale in Feet

Central City Plan District Boundary

Map 510-9

Parking Access Restricted Streets

Map 2 of 2

GTS/Graphics 9-5-97

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.515
COLUMBIA SOUTH SHORE PLAN DISTRICT

(Amended by: Ord. No. 166834, effective 9/3/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167650, effective 6/10/94; Ord. No. 166835, effective 5/23/95; Ord. No. 169953, effective 5/3/96; Ord. Nos. 169916 and 170225, effective 9/1/96; Ord. No. 171740, effective 11/14/97.)

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33.515.010 Purpose
The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center which is intended to attract a diversity of employment opportunities. The plan district regulations also protect significant environmental and scenic resources and maintain the capacity of the area infrastructure to accommodate future development. Special street setbacks and landscaping standards enhance and strengthen the image of the plan district, and create a more formal landscape design and provide continuity along Airport Way. Development standards for the southern portion of the district (Southern Industrial subdistrict) reflect the City's standards for general industrial areas.

Special development standards for the frontages along Airport Way and Marine Drive are intended to:

- Enhance the street image of the plan district through continuity in street frontage landscaping along Airport Way;
- Soften the visual impact of buildings, semi-trucks and trailers, and outdoor storage along Airport Way and Marine Drive; and
- Encourage non-auto-oriented travel to, from, and within the district.

33.515.020 Where the Regulations Apply
The regulations of this chapter apply to the Columbia South Shore plan district. The boundaries of the plan district, including all subdistricts, are shown on Map 515-1 at the end of this chapter, and on the Official Zoning Maps. The areas affected by Columbia South Shore Streetscape standards are shown on Map 515-2.

33.515.025 Relationship Among Subdistrict Regulations
The Southern Industrial subdistrict is exempt from certain regulations of this plan district. The streetscape standards for Airport Way and Marine Drive apply in addition to the other requirements of the plan district. When there is a conflict between streetscape regulations, the more restrictive regulations apply for that portion of the site.

33.515.030 On-Site Containment
Any new use, new development, or change to existing development that involves the manufacture, use, loading, handling, storing, or disposing of hazardous substances must be reviewed by the Bureau of Buildings to ensure adequate on-site containment of the hazardous substances. This includes changes in the type of hazardous substances used and changes in the location or method of loading, storing, or disposing of hazardous substances. The review is based on the standards of the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook. The application form and design handbook are available from the zoning counter at the Permit Center.

Use Regulations

33.515.100 Uses Involving Hazardous Substances

A. Purpose. Certain uses in the plan district are prohibited or require a hazardous substances review because they pose a high risk to the surface and groundwater resources. The requirements of this section are a major component of the water quality protection plan for the district and are meant to supplement and be used in conjunction with the other plan elements. Preventative measures are the most effective and economical measures available to protect the water quality of the aquifer systems. Potential harm due to exposure to these substances is reduced by prohibiting large quantities of hazardous materials and hazardous wastes, and prohibiting specific uses that traditionally use these substances.

B. Prohibited uses. The following uses are prohibited in the Columbia South Shore plan district:

1. Uses which use hazardous substances at the bulk plant quantity level;

2. Uses in the Waste-Related category and waste collection and transfer facilities, which involve hazardous substances;

3. Uses involving:

   a. Asphaltic and petroleum-based coating and preserving materials;

   b. Formulations of Chrome-Copper-Arsenate (CCC), pentachlorophenol (PENTA), creosote, and related chemicals;

   c. Oils containing PCB's;

   d. Used batteries, for recycling or reprocessing; and

   e. Petroleum storage tanks, including retail gas stations and truck stops. This does not include petroleum storage tanks for the exclusive use of on-site fleet vehicles;

4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, unless specifically stated in C. below; and

5. Agricultural application of halogenated volatile liquid organic pesticides, such as ethylene dibromide (EDB) and dibromochloropropane (DBCP), related chemicals and their commercial formulations. Other fertilizers, plant growth retardants and pesticides are allowed if applied in accordance with State and Federal standards for accepted farming and horticultural practices.

C. Uses requiring hazardous substances review. The uses listed below traditionally use solvents and other hazardous substances which would normally be prohibited in the Columbia South Shore plan district. However, changes in operational and containment process technology may be proposed which minimize the impacts. The uses stated below are not allowed unless approval is granted through a hazardous substances review. See Chapter 33.840, Hazardous Substances Review.

1. Furniture stripping or refinishing.

2. Exterior vehicle salvage, drum container recycling and cleaning, or cleaning operations for commercial truck tankers or rail tankers.

3. Industrial and commercial dry cleaning plants.

4. Uses which roll, draw, extrude, cast, forge, heat treat, electroplate, plate, anodize, or color ferrous and non-ferrous metals.

5. Other similar uses as may be determined by the Planning Director to pose a high potential risk to the ground and surface water resources.

D. Nonconforming uses that involve hazardous substances. Nonconforming uses are prohibited from increasing the quantities of hazardous substances produced for off-site use. Nonconforming uses that involve hazardous substances are subject to the on-site containment requirements of 33.515.030 when proposing expansion.

33.515.110 Uses in the Industrial Business Opportunity Subdistrict

A. Purpose. Certain industrially-oriented office uses are allowed through limited review if there is excess capacity in the transportation system and there is an industrial component (use or building adaptability). These uses may contribute a higher level of employment and pedestrian activity compatible with the industrial district.

B. Uses. For sites within the Industrial Business Opportunity subdistrict, the uses listed below are reviewed through a Type II conditional use. The Industrial Business Opportunity subdistrict is shown on Map 515-1 at the end of this chapter. Criteria are found in 33.815.301. Uses listed in this section that do not meet the standards of Subsection C. below are reviewed through a Type III conditional use using approval criteria of 33.815.215. The uses are:

1. Research and development;

2. Data processing;

3. Operation centers for industrial and business uses; and

4. Other uses similar to the above.

C. Standards

1. These offices are located in either single tenant buildings or in industrial flex-space buildings.

2. Flex-space buildings must have 50 percent or more of the floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include an overall height of not more than two stories, a minimum ceiling height of 15 feet, and a dock high or drive-in loading area serving each tenant.

3. The development standards of this chapter are met, including pedestrian standards for the EG2 zone (33.515.205.E).

33.515.120 Commercial Uses

A. Retail Sales And Service uses within the EG2 zone are limited to 25,000 square feet or less per site. The 25,000 square foot limitation does not apply to hotels or motels.

B. The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet without a conditional use review, in lieu of the four separate uses.

33.515.130 Additional Conditional Uses

A. Columbia Riverfront.

1. Conditional uses. The uses listed below are allowed in the RF zone through a conditional use review. The uses are:

   a. Marinas;

   b. Rental of recreational equipment; and

   c. Houseboat moorages.

2. Regulations.

   a. These uses are subject to the development standards of the CG zone.

   b. The applicant must obtain separate approvals for building on or riverward of any flood control structure, including dikes, from the Oregon Division of State Lands, the U.S. Army Corps of Engineers, and Multnomah County Drainage District No. 1.

3. Conditional use approval criteria. Requests are subject to the same approval criteria as for other conditional uses in residential zones, found in 33.815.105. Compatibility with the scenic and functional qualities of the Columbia River and Marine Drive will be considered in lieu of considering the compatibility with adjacent residential development, stated in criterion 33.815.105.B.

B. Commercial parking facilities.

1. New commercial parking facilities. Any new commercial parking facilities must locate south of the Columbia Slough or west of Interstate 205, and are conditional uses subject to 33.815.300.

2. Existing commercial parking facilities are allowed as a conditional use. Changes to such facilities are subject to 33.815.300. The appropriate review procedure for the conditional use will be determined through 33.815.040.D.

3. Site changes resulting from realignment of roadway. Commercial parking facilities existing prior to September 3, 1993 may maintain the same number of parking spaces that existed on that date. If a roadway project results in reconfiguration of the site, the same number of parking spaces may also be reconfigured by right. The parking spaces may be on the site or on land adjacent to the site. This section confers only the right to maintain existing parking spaces and does not expand other rights provided by nonconforming provisions of this title.

C. Professional / technical facilities.

1. For sites zoned IG2, professional/technical facilities are reviewed through a Type II conditional use. Approval criteria are in 33.815.302.

2. The maximum number of parking spaces on the site is 150 percent of the minimum for Retail Sales And Service.

3. Supplemental application requirements:

   a. A transportation study is required if the proposed use will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour. The Office of Transportation will evaluate the transportation study as part of the conditional use review.

   b. A transportation demand management plan is required, which should address the respective responsibilities of the training facility and participating firms in measures to mitigate traffic impacts.

D. Retail Sales And Service.

1. For sites zoned EG2, a Retail Sales And Service use in excess of the 25,000 square foot limitation is allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district.

2. Retail Sales And Service uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, may change to another use in the same use category without a land use review if there is no increase in floor area or exterior improvement area.

Development Standards

33.515.200 Streetscape Standards

The development standards foster distinct, yet complementary streetscapes for NE Airport Way and Marine Drive.

33.515.205 Airport Way Streetscape

A. Purpose. Special streetscape standards for NE Airport Way are intended to enhance and strengthen the image of the plan district; unify public and private improvements; and provide for a safe, comfortable, and attractive pedestrian environment.

The Airport Way streetscape embodies the following themes:

- Integrating public and private frontage landscaping;
- Minimizing the visual impact of certain exterior development activities;
- Limiting the size, number, and types of signs; and
- Providing on-site pedestrian circulation.

B. Where the regulations apply. East of Interstate 205, the Airport Way streetscape standards apply to sites within 300 feet of NE Airport Way. The standards do not apply west of Interstate 205. The Airport Way streetscape standards supersede less restrictive regulations of this or other chapters.

C. Items allowed in setback. Development which abuts Airport Way must be set back at least 25 feet from Airport Way. The following items are allowed in the building setback: utility structures, public monument signs, driveway entries, pedestrian paths and water quality facilities. The 25-foot setback must be landscaped and maintained in conformance with Section 33.515.210 and Chapter 33.248, Landscaping and Screening.

D. Exterior storage, heavy trucks and equipment, and work activities. Certain types of exterior development are an integral part of industrial uses. However, exterior development should be located and screened to not detract from the intended appearance of the NE Airport Way streetscape. Firms that require extensive exterior development areas are encouraged to locate in the Southern Industrial subdistrict.

1. Work activities and exterior storage of equipment and materials are not allowed within 150 feet of the NE Airport Way property line. Vehicles staged at a loading dock are excepted.

2. The outer perimeter of all such exterior storage must be landscaped, meeting one of the standards stated below.

   a. Option 1. Perimeter landscaping must be at least 5 feet wide and meet the L3 standard.

   b. Option 2. For each 30 feet of frontage along Airport Way, one tree and four high shrubs must be planted within a minimum 5-foot wide perimeter landscape area.

E. Pedestrian standards. All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.210 Airport Way Landscaping

A. Purpose. Special landscape standards apply along NE Airport Way in order to:

- Provide a consistent landscape pattern that unifies public and private areas;
- Establish a landscaped streetscape which recognizes both aesthetics and safety;
- Accommodate a wide variety of uses;
- Provide a buffer between on-site development and pedestrian and vehicular circulation in the right-of-way;
- Ensure that exterior development will not detract from the appearance of the area;
- Protect views of natural resource areas while limiting access to those areas; and
- Ensure public and private setback landscaping is maintained consistently and adequately.

B. Where the regulations apply. Landscape standards for Airport Way apply to sites that abut Airport Way, as shown on Map 515-2 at the end of this chapter.

C. General standards. These standards apply to the 25-foot setback from Airport Way. All landscaping in the setback must be installed to comply with Chapter 33.248, Landscaping and Screening, and the NE Airport Way Landscape Design Handbook, adopted September 3, 1993. For ongoing maintenance, the standards of the NE Airport Way Landscape Maintenance Handbook, adopted September 3, 1993, must be met.

1. 25-foot landscaped setback. The first 10 feet from the right-of-way is a public easement for utilities and landscaping. The next 15 feet is a private setback. Together they form the required 25-foot setback described in 33.515.205.C.

2. Responsibilities for landscaping improvements. Prior to the issuance of a final certificate of occupancy, the full 25-foot landscaped setback must be installed. In most cases, the Portland Development Commission (PDC) has already fully landscaped the 10-foot public easement. On those sites, the applicant must install landscaping in the 15-foot private setback to match landscaping installed by PDC. On sites without full landscaping on the 10-foot easement, the applicant must also landscape the public easement to the standards detailed in the NE Airport Way Landscape Design Handbook. "Full" landscaping consists of trees, shrubs, and ground cover plants.

D. Stormwater treatment swales. Stormwater treatment swales may be placed within the 15-foot private setback, provided the tree pattern is maintained and any nonvegetated swales are visually screened from Airport Way.

1. The spacing of trees in the private setback is considered maintained if the trees are planted perpendicular from Airport Way with the specified tree planting. Landscape plans that do not maintain the tree pattern may be considered through an adjustment review. A landscape adjustment is reviewed for consistency with the purpose statement of this section and the NE Airport Way Landscape Design Handbook.

2. If the swale includes over 100 square feet of nonvegetative cover materials, an evergreen screen must be placed in the first 5 feet of the 15-foot private setback adjacent to the 10-foot public easement. Shrubs for the evergreen screen must be planted in a double row spaced to a minimum 6 feet on center.

33.515.215 Marine Drive Streetscape

A. Purpose. Streetscape standards for Marine Drive are intended to preserve and enhance the character of Marine Drive. The standards emphasize the roadway corridor and distant views rather than adjacent development. Marine Drive is a scenic roadway which provides public views from the street right-of-way and the adjacent bicycle trail. The roadway is elevated on a dike twenty to thirty feet above the elevation of adjacent properties. From this elevated position, it has a sense of openness, with views along and across the river and to Mt. Hood. This section provides standards for a vegetative edge to screen development. Clustered foreground landscaping is intended to provide visual focal points to divert the eye from buildings and exterior uses.

B. Where the regulations apply. This section applies to development that is within 200 feet of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.

C. Building heights. Within 200 feet south of the Marine Drive right-of-way, building heights are imposed to maintain the open character. Building height is measured to the top of the parapet or exterior wall, whichever is higher. Within 100 feet of the right-of-way, buildings are limited to 35 feet in height. Between 101 feet and 200 feet from the right-of-way, buildings are limited to 45 feet in height.

D. Landscape standards. Specific standards for planting the northern edge of properties and surface parking lots replace the base zone standards. The landscape treatment will be continuous, as shown in Figures 515-1, 515-2, and 515-3. In two other locations, as shown in Figure 515-4, a clustered landscape treatment is allowed as an alternative.

1. Tree rows. A staggered double row of trees must be planted between development and the toe of the Marine Drive dike. The northern row must be 12 feet south of the toe of the slope or 42 feet from the pavement edge, whichever is the greater distance from the pavement edge. The two staggered rows must be 10 feet apart and trees within each row must be spaced 15 feet on center. Fences are prohibited between the toe of the levee bank and the southern tree row.

   Buildings must be set back a minimum of 10 feet from the southern tree row, without regard to the property line, except that in no case shall the building be located less than 5 feet from the edge of right-of-way. Locating buildings away from Marine Drive is encouraged.

   a. Tree row standards:

      (1) Southern row. Where parking or exterior storage will be located within 60 feet of the tree rows, the southern row must be Hogan Cedars at least four feet tall. Where buildings will be located adjacent

to the tree rows, the southern row must be either Scarlet Sentinel Maples or Armstrong Red Maples.

(2) Northern row. The trees in the northern row must be one of the following species: Black Hawthorne (crataegus douglasii suksdorfii), Bitter Chokecherry (prunus emarginata), Sitka Willow (salix sitchensis), or Columbia River Willow (salix fluviatilis). Willows are prohibited adjacent to the 40 Mile recreational trail.

(3) Corner sites. On a corner site, where another street intersects Marine Drive, a single tree row must be planted 12 feet interior from the toe of the cross-street embankment. This tree row must extend for a distance of 100 feet south from the required tree rows at Marine Drive. This tree row is to consist of Scarlet Sentinel Maples planted on 25-foot centers.

2. Flowering shrubs. For every 100 feet (or fraction thereof) of site frontage on Marine Drive, a cluster of flowering shrubs must be planted within 12 feet to the north of the exterior row of trees. Each cluster must consist of six shrubs of the same plant species. The applicant must choose from the following species: Western Serviceberry (amelanchier alnifolia), Mock Orange (philadelphus lewisii), Vine Maple (acer circinatum), Nootka Rose (rosa nutkana v. nutkana), Common Snowberry (symphoricarpos albus), Ocean-spray (holodiscus discolor), Tall Oregongrape (berberis aquifolium), Red Current (ribes sanguineum), Red Elderberry (sambucus cerulea), or Pacific Ninebark (physocarpus capitatus).

   Where the recreational trail is located south of Marine Drive and below the grade of the road, in lieu of the above clusters, a row of one of the above shrub species must be planted to the north of the tree rows. Shrubs in this row must be planted on seven and a half foot centers and staggered with the trees of the adjacent rows. Shrubs must grow to 6 feet of height within 3 years.

Figure 515-1

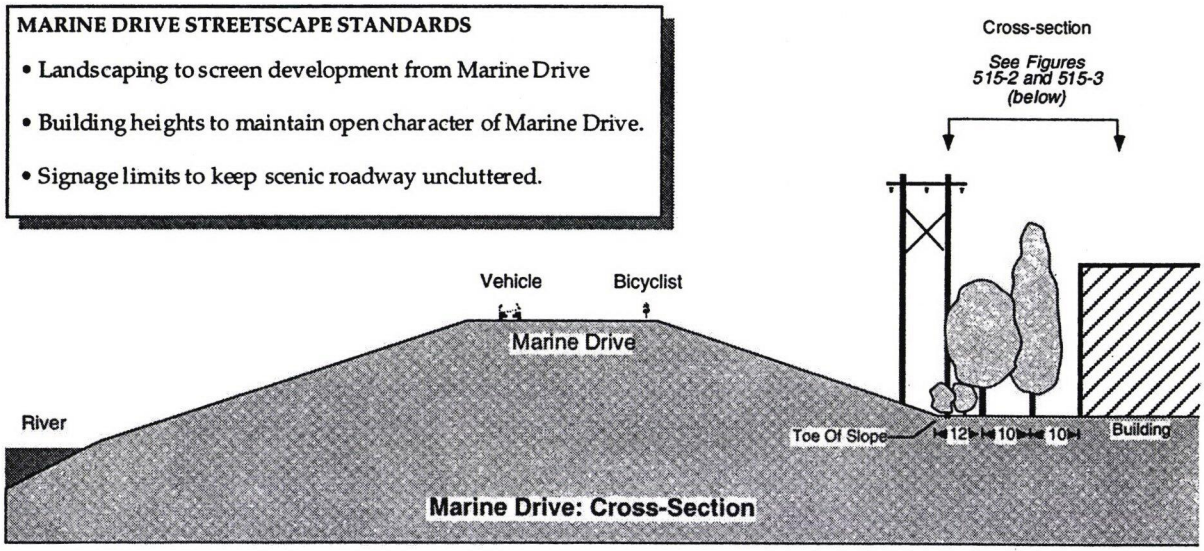


Figure 515-2
No Bike Path

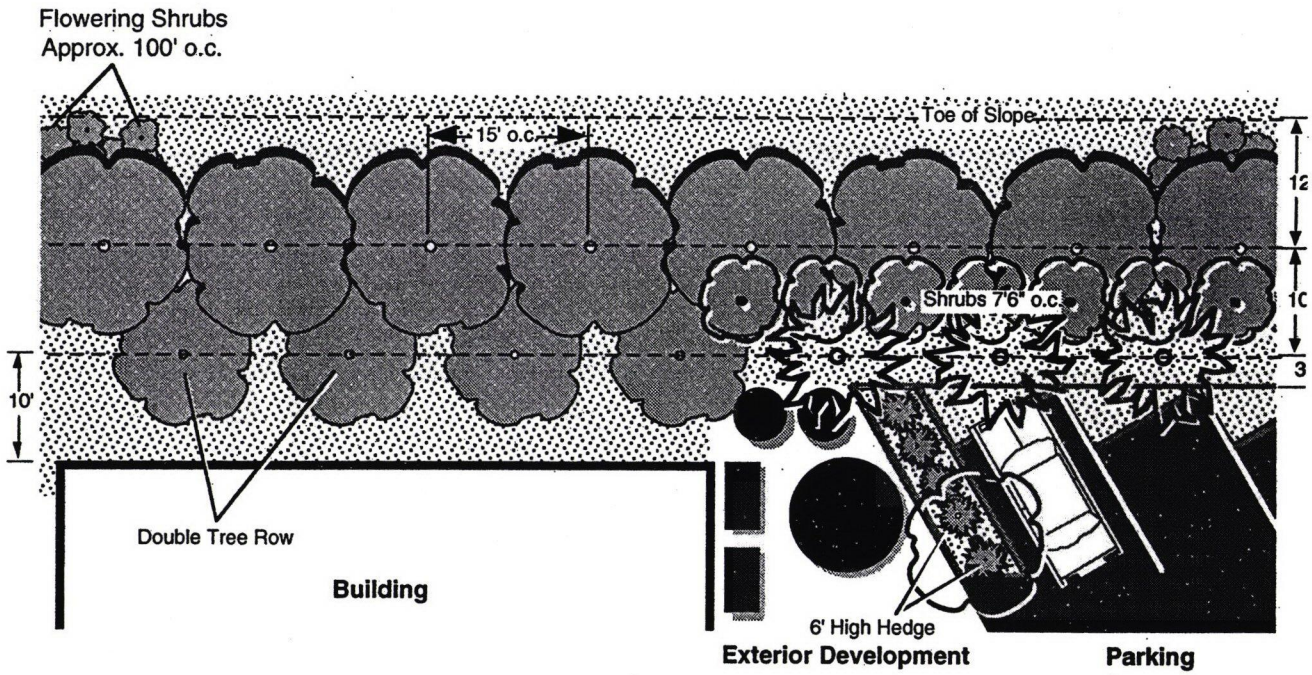


Figure 515-3
Bike Path

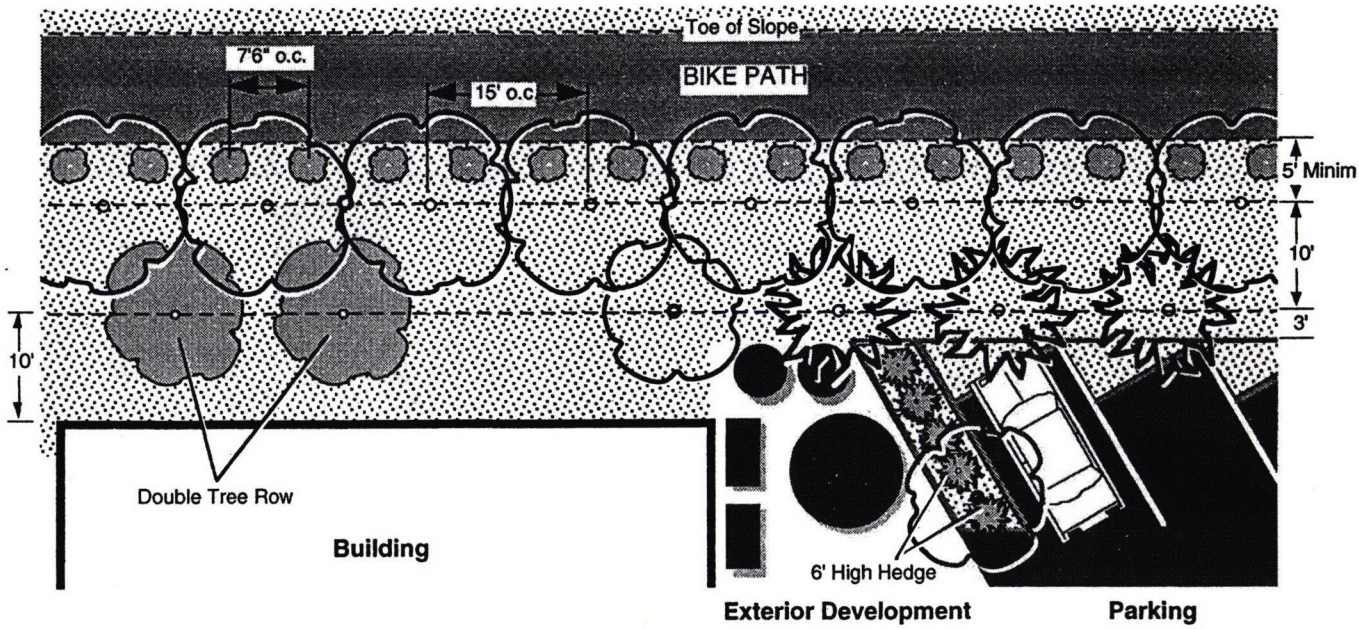
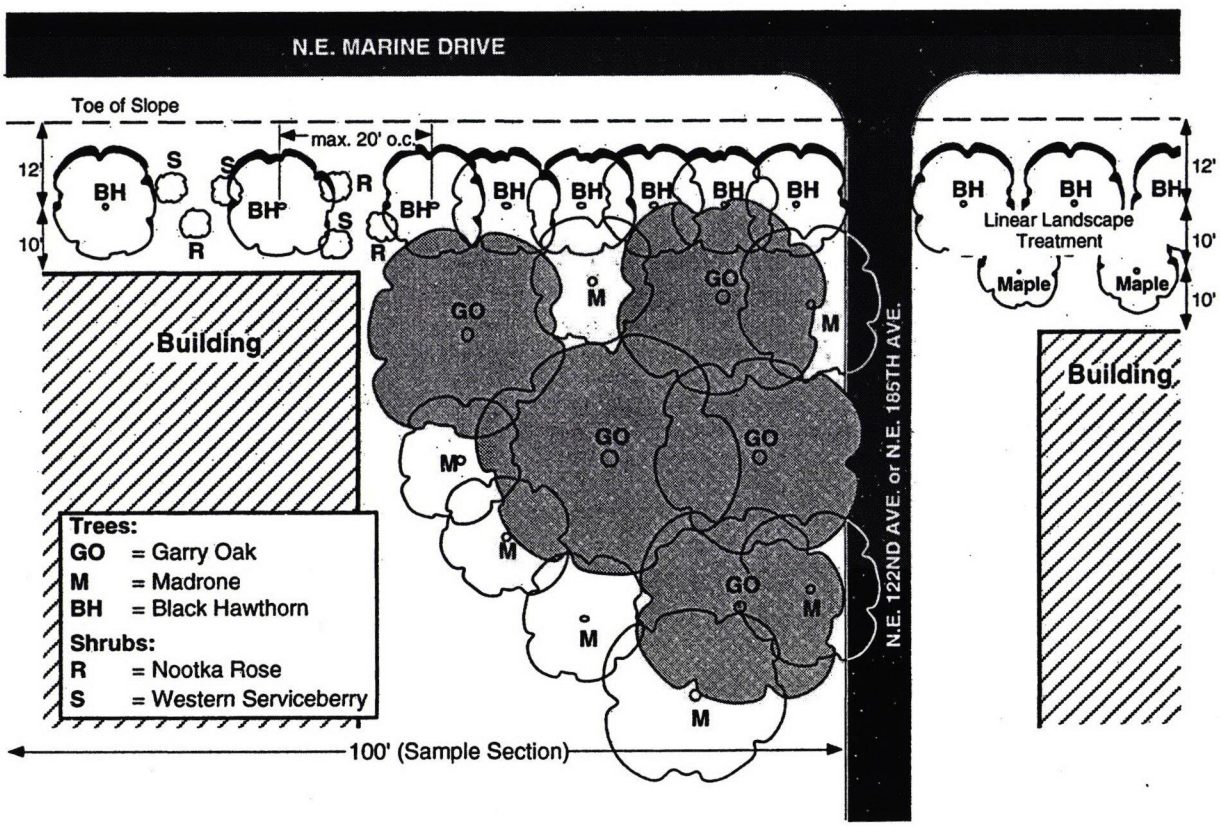


Figure 515-4
Clustered Landscaping Example



3. Perimeter landscaping for parking and exterior storage areas. Along Marine Drive, vehicle areas and exterior storage areas may be located within 3 feet of the southern tree row. In lieu of the perimeter landscaping requirement of Chapter 33.266, a shrub row must be planted between the required tree rows. Shrubs in this row must be planted on seven and a half centers and staggered with the trees of the adjacent rows. Shrubs must grow to 6 feet of height within 3 years. Where the recreation trail is located south of Marine Drive and below the grade of the road, the flowering shrub row of Paragraph D.2 above satisfies this requirement.

   a. Marine Drive recreational trail. On sites with the Marine Drive recreational trail located to the south of Marine Drive, the shrub row must be located between the recreational trail and the tree rows, as shown in Figure 515-2.

   b. Other sites along Marine Drive. On sites along Marine Drive with no recreational trail located to the south of Marine Drive, the row of shrubs must meet standards shown on Figure 515-3. The shrub row must be planted on seven and a half foot centers and staggered with the trees of the adjacent tree rows.

4. Planting the levee slope. Applicants are encouraged to work with Multnomah County Drainage District #1 and the Bureau of Maintenance to plant the levee slope, exclusive of recreational trails, with a combination of wildflowers and grasses that grow to less than 3 feet in height. Wildflower and grass species should be native to the Willamette Valley or to the Pacific Northwest.

5. New embankments. New embankments extending from Marine Drive must be planted with flowering shrubs. For every 50 feet of embankment, a cluster of flowering shrubs must be planted on each slope of the embankment. Shrub species must be chosen from Paragraph D.2 of this subsection.

6. Clustered landscaping. In two entryway locations along Marine Drive, the following clustered landscaping treatment may substitute for lineal landscape treatment of Paragraphs D.1 through D.3 above.

   a. The entryway locations eligible for clustered landscaping treatment are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. They are shown in Figure 515-4.

   b. Standards. For every 100 feet of Marine Drive frontage (or portion thereof), 20 trees and 6 shrubs must be provided. Trees must cover the frontage with a maximum spacing of 20 feet. All trees and shrubs must be from the Portland Plant List. For each 100 feet of Marine Drive frontage, a minimum of 3 tree species and 2 shrub species must be provided.

33.515.220 Office Use Floor Area Limitation

Office uses within the EG2 zone are limited to a floor area ratio (FAR) of 0.45 to 1. Structured parking is not included in the FAR calculation.

33.515.225 Transfer of Floor Area

As part of a subdivision or industrial park, a transfer of floor area within and between lots in the subdivision or industrial park is allowed as long as the overall floor area potential of the entire site is maintained. The proposed maximum floor area for each lot must be stated on the land use application. Maximum floor area allowances must be recorded on the deed or record. Any subsequent changes to the floor area allocation must also be noted on the deed and a copy of the deed be submitted to the Bureau of Planning to ensure consistency with the overall floor area limits.

33.515.230 View Corridors

A. Purpose. Building heights are limited along four view corridors to protect views of Mt. Hood and Rocky Butte from selected vantage points in Columbia South Shore. The four view corridors are shown on Map 515-3 at the end of this chapter, and are: the view of Rocky Butte from the Glenn Jackson Bridge; the view of Mt. Hood from the Interstate 205 bicycle bridge over Airport Way; the view of Mt. Hood from the cross-dike over the Columbia Slough; and the view of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue.

1. The view of Rocky Butte from the Glenn Jackson Bridge provides motorists and bicyclists with an orientation point when they enter Northeast Portland. The forested slopes of Rocky Butte offer the eye a green refuge among the industrial landscape and denote entryways to the City from the north and east.

2. The Interstate 205 bicycle bridge is a significant recreational resource. Protecting this view of Mt. Hood will enhance the scenic quality and recreational value of the bicycle path.

3. From the cross-dike, the slough lines up with Mt. Hood and forms a natural setting for the mountain view. South of NE Airport Way, the cross-dike is a designated Recreational Trail, providing a north-south link between NE Airport Way, Columbia Slough and residential areas located south of NE Sandy Boulevard.

4. The dramatic glimpse of Mt. Hood from the intersection that connects Airport Way with NE 185th Avenue provides a break in the planned industrial landscape and a directional orientation.

B. Building height. Maximum building heights for the four view corridors are shown on Map 515-3.

33.515.235 Rooftops

A. Purpose. Rooftops in the plan district are highly visible from Marine Drive, view corridors, and Airport Way. Rooftop standards are intended to reduce the visual impact of rooftop surfaces and rooftop mechanical equipment from those vantage points.

B. Where the regulations apply. The rooftop standards apply to all parts of South Shore except for the Southern Industrial subdistrict.

C. Rooftop mechanical equipment.

1. Latticework screen wall. Within 200 feet of Marine Drive, Airport Way, or a view corridor vantage point, all rooftop mechanical equipment must be screened from view or not visible from those vantage points. Screen materials will consist of a full screen wall or latticework screen wall. The screen wall need not extend more than one foot above rooftop equipment. The latticework screen may be constructed of a variety of permanent materials, but must be 50 percent sight-obscuring and painted to match the roof or closest wall, whichever is the predominant visible surface from those vantage points.

2. Painting to match rooftop. Each rooftop mechanical equipment unit that interrupts less than 25 square feet of roof surface area may be painted instead of screened, as provided in Paragraph C.1. The paint color must match the rooftop color or closest wall, whichever is the predominant visible surface from Marine Drive, Airport Way, or a view corridor vantage point.

33.515.240 Exterior Display

Exterior display is prohibited in the Columbia South Shore plan district.

33.515.245 Signs

A. Purpose. Signs in this plan district should not dominate the landscape or compete with views of streetscapes, view corridors, and natural resources. Sign standards are intended to allow for signs to be visible to streets that abut the site, but not to interstate freeways and locations outside the district. Businesses are encouraged to rely on monument signs to identify and communicate their presence.

B. Sign standards.

1. Signs must conform to the sign standards of the CX zone (33.286), as modified by the requirements of this subsection. Adjustments to this section are allowed only for the sign height on sites over 10 feet below the adjacent roadway elevation. All other sign adjustments are prohibited.

2. The following signs are prohibited:

   a. Pole-mounted signs;

   b. Flashing, rotating, or electronic information signs; and

   c. Backlit awning signs.

3. Freestanding signs. Freestanding signs are limited to one monument sign per street frontage. Monument signs are allowed to a maximum height of 6 feet above the adjacent sidewalk and a maximum of 10 feet in length. The end width of the monument structure may not exceed 2 1/2 feet. Signage may be located on two parallel monument faces.

4. Signs along Marine Drive. Signs are prohibited within 200 feet of the toe of the levee slope, except for directional signs. Between 200 and 500 feet from toe of the levee slope, signs which face Marine Drive are limited to 1/2 square foot of sign face area per lineal foot of building wall, with a maximum sign area of 100 square feet.

33.515.250 Excavations and Fills

A. Purpose. Outside environmental zones, excavations and fills are regulated to:

- Promote compliance with applicable state and federal wetland regulations;
- Protect nearby residential areas from nuisance and safety problems; and
- Prevent significant negative impacts on natural resource values in the area.

B. Where the regulations apply. Sites within 400 feet of a residential zone are subject to Subsection C below. More restrictive excavation and fill standards apply in the environmental overlay zone.

C. Excavation and fill review. An excavation and fill review is required as stated in Chapter 33.830, except for the following:

1. The threshold for excavation and fill is reduced to over 50 cubic yards; and

2. The applicant must provide evidence that the development proposal meets all state and federal requirements of the Division of State Lands and the U.S. Army Corps of Engineers.

33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems

New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary, industrial, or storm water are prohibited. All on-site storm water and waste water must be disposed of into a system approved by the Bureau of Environmental Services.

33.515.257 Pedestrian Standards

All developments in the plan district are subject to the pedestrian standards of the EG2 zone.

33.515.260 Public Recreational Trails

A. Public recreational trail requirements. All sites with a public recreational trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Public Recreational Trails, except those in the Columbia South Shore Slough Trail area or Cross-Levee Trail area. Sites in these areas, shown on Map 515-4, must also comply with the regulations of this section. If the trail is located within the Environmental zones, the trail must also comply with those requirements.

B. Columbia South Shore Trail.

1. Columbia South Shore Slough Trail area. The recreation trail designations that apply to the Columbia South Shore Slough Trail are shown on Map 515-4 at the end of this chapter.

2. Columbia South Shore Slough Trail requirement. Prior to occupancy of any new or remodeled structure on a site containing a trail designation, the owner must either make the full trail improvement or pay into the Columbia South Shore Recreational Trail Trust Fund, with one exception: a property owner must build the trail at the time of development if both ends of their trail segment connect with another built trail or public right-of-way. The chosen option must be indicated on the building permit. If the trail improvement option is chosen, the trail location and construction specifications must be shown on the site plans.

   a. Trust fund option. The Columbia South Shore Recreational Trail Trust Fund provides a method for accepting and dedicating funds for the Slough Trail construction in the Columbia South Shore plan district and an alternative to constructing the on-site trail segment.

      (1) Trust fund administration and contribution. The trust fund is administered by Portland Parks and Recreation. As sufficient funds accrue in the trust fund, the Parks Bureau will use the funds to build segments of the trail system. The trust fund contribution is based on the trail development costs formula determined by the Parks Bureau.

      (2) Cap on trust fund contributions. If the trail costs more than one percent of an improvement project planned for the site, the trust fund contribution is based on one percent of the project cost. Trust fund contributions and total project costs are each cumulative from April 7, 1987. "Cumulative" means that all trust fund contributions from that date and all project costs from that date are included in the calculation. If the total trust fund contribution for a site reaches the amount of the trail construction costs, then no further trust fund contributions are required.

      (3) Timing of contributions. Contributions to the trust fund can be made either at the time of development or in advance of development. A property owner must show that the trust fund contribution and easement have been given to the City before a building permit will be issued.

   b. Developed sites without the trail. The Bureau of Parks and Recreation will construct the trail on sites previously developed without the trail when the following conditions are met:

      (1) The property owner has granted a trail easement to the City, and either (2) or (3) below is met.

      (2) The trail development costs have been paid into the trust fund at the time of the easement dedication; or

(3) The property owner has agreed to repay the trust fund for the trail development costs when the property redevelops. A property owner must accept a lien on the property to secure repayment costs. Repayment is required before any building permit requiring the trail is issued. The repayment is based on the trail development costs formula determined by the Bureau of Parks and Recreation.

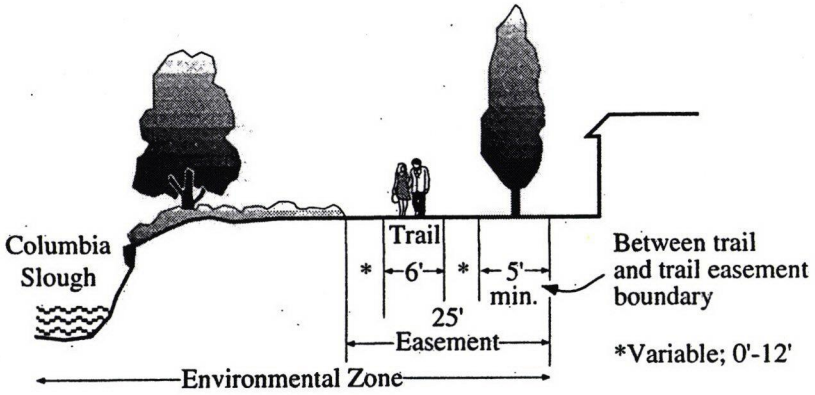
c. Trail and easement location.

(1) In environmental zones:

- The location of the trail or easement is subject to environmental review;
- If a trail or easement exists on an adjacent site, the trail or easement must connect to them; and
- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone. See Figure 515-5.

(2) In all other zones: The trail route must be as shown on the Official Zoning Maps.

Figure 515-5
Columbia South Shore Slough Trail and Easement Location



C. Cross-Levee Recreation Trail easement. The Cross-Levee public recreation trail is shown on the Official Zoning Maps and on Map 515-4 at the end of this chapter. The requirement for a trail does not apply to the Cross-Levee Recreation Trail but the requirement for an easement does apply. (See Section 33.272.020).

D. Other recreation trails. Other recreation trails are regulated by Chapter 33.272.

33.515.262 Cultural Resource Protection

A. Purpose. Archaeological evidence has confirmed that American Indians used the plan district prior to entry of EuroAmericans to the Portland area. Cultural resources have historic, cultural, and scientific value to the general public and heritage value to associated tribes, whose ancestors lived in the plan district area and harvested local natural resources for subsistence and spiritual/ceremonial uses. Of special concern is the potential for ground disturbance activities to uncover human remains and cultural resources that may be eligible for listing on the National Register of Historic Places.

Specific purposes of this section are to:

- Protect inventoried significant cultural resources and their functional values in the Columbia South Shore plan district in a way that increases certainty of development potential;
- Promote compliance with state and federal laws intended to protect cultural resources, including the state archaeological permit process and federal grave protection laws;
- Encourage coordination between property owners; appropriate tribal governments; and City, state, and federal agencies regarding cultural resources;
- Encourage the development community and archaeologists to file site records with the State Historic Preservation Office (SHPO);
- Limit disclosure of cultural resource records to protect confidentiality and discourage the destruction of cultural resources; and
- Provide a process for developers and appropriate tribes to explore alternatives to full protection of cultural resources, such as conservation easements.

B. Cultural resource values. For purposes of this section, a cultural resource is a resource identified through a SHPO archaeological permit process relating to use by American Indians before the entry of EuroAmericans to the Portland area. These cultural resources have strong heritage and scientific values, as identified in the Cultural Resources Protection Plan for Columbia South Shore. Much of the plan district has been inventoried.

C. Where the regulations apply. The requirements of this section apply to:

1. Cultural resources identified in the Cultural Resources Protection Plan for Columbia South Shore within the Cultural Sensitivity Areas shown on Map 515-6 at the end of this chapter; and

2. Properties for which additional confirmation testing is required, as shown on Map 515-7. When confirmation testing has been completed, this section only applies to cultural resources identified as part of that testing.

3. The requirements of this section do not apply to sites or portions of sites where no cultural resources have been identified and no additional confirmation testing is required.

D. Identification of cultural resources.

1. Purpose. There is a public interest in testing for cultural resources prior to project construction. The earlier a cultural resource is found and evaluated, the better are chances that reasonable development proceeds without delay and the cultural resource is protected. Confirmation testing can reduce the chances that cultural resources are encountered during project construction. Much of the plan district has already received confirmation testing using a consistent methodology. This section requires that applicants fill gaps in confirmation testing within cultural sensitivity areas.

2. Use of SHPO records and procedures for this section.

   a. "Cultural resource" is a resource identified through a SHPO archaeological permit process. A cultural resource must meet one or both of the following:

      (1) An archaeological site that meets SHPO guidelines, plus a 5 foot vertical buffer and a 5 foot horizontal buffer, as shown in Figure 515-6, Cultural Resource Subareas. The vertical buffer extends directly above the most shallow cultural materials found in the site records. The horizontal buffer extends sideways from the cultural resource; or

      (2) A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.

   b. The SHPO maintains a list of "qualified archaeologists" knowledgeable in American Indian lifeways of the lower Columbia River of the pre-contact period, and determines if an "identified cultural resource" exists on the subject property. "Consultation with Oregon tribes" means following SHPO procedures for consultation on state archaeological permits.

   c. The Legislative Commission on Indian Services identifies the "appropriate Oregon tribes."

   d. All auger probes filed with the SHPO by a qualified archaeologist count toward fulfilling the requirements of this section.

3. Discovery during project construction. The zoning code does not address new discoveries of cultural resources found during project construction. The applicant should be aware of state and federal regulations that apply to such discoveries.

4. The applicant should check with the SHPO archaeologist as to whether a state archaeological permit is needed.

5. Confirmation testing not required.

   a. For sites located outside a "cultural sensitivity area," as shown on Map 515-6, the requirements of this section do not apply.

b. For sites located within a "cultural sensitivity area," as shown on Map 515-6 and not designated "confirmation testing required" on Map 515-7, the applicant must either provide written documentation that there is no cultural resource on the site or meet the regulations of this section. To qualify for exemption from this section, such written documentation must specify that confirmation testing of the site is complete and that no cultural resource was identified. The written documentation may be a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning.

6. Confirmation testing required. Additional auger testing is required for sites with some property designated "confirmation testing required" on Map 515-7 at the end of this chapter. Prior to development, the applicant must conduct confirmation testing to determine the location and type of any cultural resources identified on the site through current or previous archaeological testing. Confirmation testing, consisting of subsurface auger probes and consultation with appropriate Oregon tribes, must meet all the standards of this paragraph.

   The standards are:

   a. A qualified archaeologist, in consultation with appropriate Oregon tribes, must perform the confirmation testing. A list of qualified archaeologists is maintained by the SHPO.

   b. Subsurface auger probes must be placed along the Marine Drive levee or the bank of the Columbia Slough, as applicable. Auger probes must be placed at least 100 feet apart and, where feasible, reach a ground depth of at least 8 feet below grade. The qualified archaeologist will determine the precise location of auger probes, consistent with previous confirmation testing in the vicinity.

   c. If a cultural resource is identified through confirmation testing, the standards for that resource and associated transition area found in Subsection G, below, apply. If no cultural resource is identified through the testing, the standards of Subsection G do not apply.

E. Cultural resource classification. Where a cultural resource has been identified, through previous testing or confirmation testing, a qualified archaeologist must classify the cultural resource using cumulative archaeological test results for the site. The cultural resource will be classified as one or more of these types:

1. Burial. A burial is a cultural resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.

2. Village. A village is a cultural resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.

3. Seasonal campsite. A seasonal campsite is a cultural resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.

4. Activity area. An activity area is a cultural resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.

5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is a cultural resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.

6. Where more than one cultural resource is identified. Where more than one cultural resource is identified together:

   a. If one of the cultural resources is a burial, the regulations for burials apply to all resources;

   b. If any of the cultural resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the regulations for villages; or traditional, sacred, or cultural use sites apply to all resources;

   c. If all of the cultural resources are seasonal campsites or activity areas, the regulations for seasonal campsites or activity areas apply to all resources.

F. Cultural resource subareas.

1. Cultural resource. A cultural resource is a resource identified through a SHPO archaeological permit process. A cultural resource must meet one or both of the following:

   a. An archaeological site that meets SHPO guidelines, plus a five foot vertical buffer and a five foot horizontal buffer, as shown in Figure 515-6, Cultural Resource Subareas. The vertical buffer extends directly above the most shallow cultural materials found in the site records. The horizontal buffer extends sideways from the cultural resource; or

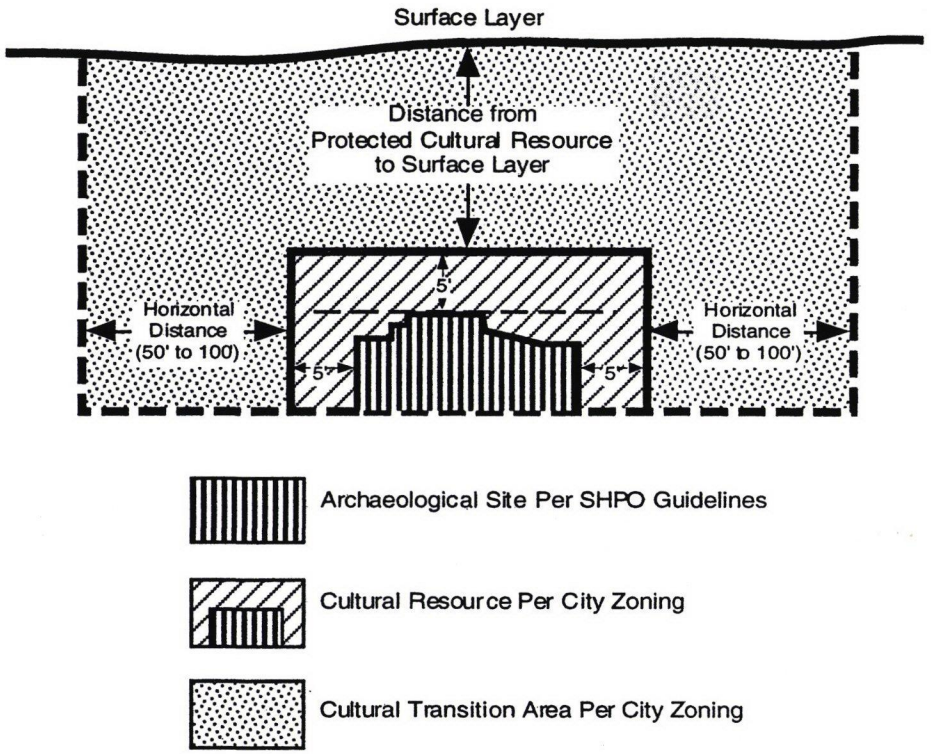
   b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.

2. Transition area. The transition area is the area directly between the cultural resource and the surface layer and extends horizontally out from the edge of the cultural resource. Features associated with a resource, not identified through auger testing, may also be encountered in the transition area.

   a. For burials and villages, the horizontal distance is 100 feet from the cultural resource.

   b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the cultural resource.

Figure 515-6
Cultural Resource Subareas



G. Protection of identified cultural resources.

1. Ground disturbance activities within the cultural resource and transition area are either allowed, limited, or prohibited, depending on the resource type. Table 515-1 provides a summary of the standards. Activities shown with a "Y" are allowed if they comply with other use and development standards of this Title. Activities shown with an "MOU" are allowed through a private agreement specified in Paragraph G.6, below; without that private agreement, such activities are prohibited. The footnote letters from Table 515-1 refer to subparagraphs of Paragraph G.6, below. Activities shown with an "N" are prohibited.

Table 515-1
Cultural Resource Protection by Resource Type

Ground Disturbance Activities	Burial		Village; or Traditional, Sacred, or Cultural Use Site		Seasonal Campsite or Activity Area	
	Resource	Transition	Resource	Transition	Resource	Transition
Ongoing and low-impact activities (33.515.262.G.4)	N	Y	Y	Y	Y	Y
Parking lots and vehicle circulation areas (33.515.262.G.4.j and 33.515.262.G.6)	N	Y	N/MOU [a]	Y	N/MOU [b]	Y
All other activities otherwise permitted	N	N	N/MOU [a]	N/MOU [a]	N/MOU [b]	N/MOU [b]

Y = Yes, Allowed
N/MOU = Private agreement option; otherwise, prohibited
N = No, Prohibited

[a] see Subparagraph G.6.a.
[b] see Subparagraph G.6.b.

2. For sites with identified cultural resources, the base zone development standards are modified as follows:

   a. Minimum building setbacks are reduced to zero;

   b. Minimum number of off-street parking spaces is reduced to zero; and

   c. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the cultural resource from the total site area.

   d. The area occupied by the cultural resource is exempt from the standards of 33.515.215, Marine Drive Streetscape.

3. For cultural resource areas of burials, all ground disturbance activities are prohibited.

4. Except for cultural resource areas of burials, the following ongoing and low-impact activities are allowed in cultural resources and transition areas:

   a. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities when the activity does not enlarge the ground disturbance area horizontally or vertically;

   b. Lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;

c. Change of crop type or farming technique on land currently in agricultural use;

d. Alterations of buildings which do not increase building coverage and meet all development standards of the base zone;

e. Operation, maintenance, and repair of the following existing facilities: irrigation systems, drainage facilities and conveyance channels, stormwater detention areas, pumping stations, erosion control and soil stabilization features, and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways where all spoils are placed outside environmental zones and sensitivity areas;

f. Removing a tree listed on the Nuisance or Prohibited Plant Lists;

g. Construction of the Columbia Slough recreational trail, as identified in Section 33.515.260 of this chapter;

h. Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment;

i. Public street and sidewalk improvements that do not enlarge the ground disturbance area horizontally or vertically; and

j. Placement of new fill material and construction of a parking lot or vehicle circulation area provided only prior fill material is removed and spill containment is provided.

5. All activities otherwise permitted by other regulations of this Title. All activities otherwise permitted, other than ongoing and low-impact activities listed in Paragraph G.4 above, are prohibited within cultural resource and transition areas of villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, except:

   a. Activities listed in Paragraph G.4 are allowed;

   b. Activities allowed through a cultural resource recovery plan, as provided in Paragraph G.6 below; and

   c. Construction of a parking lot or vehicle circulation area within the transition area is allowed.

6. Cultural resource recovery. This regulation applies to all cultural resource and transition areas of Table 515-1 that have an "MOU." For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the applicant must protect the cultural resource areas either by prohibiting all ground disturbance activities or complying with a private agreement for cultural resource recovery, as stated in this paragraph.

a. For villages and traditional, sacred, or cultural use sites, a cultural resource recovery plan is limited to the removal of cultural materials necessary to construct a paved parking lot or vehicle circulation area. The paved area must provide spill containment so that chemicals do not degrade the remaining cultural resource.

b. For seasonal campsites and activity areas, a cultural resource recovery plan may remove some or all cultural materials, as negotiated with the appropriate tribes and specified in the cultural resource recovery plan.

c. A cultural resource recovery plan involves the removal of cultural materials following an archaeological evaluation, a consultation process with appropriate Oregon tribes, and a private agreement (Memorandum of Understanding) between the applicant and tribes. Each step is described below.

(1) Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for cultural resource recovery projects.

(2) Consultation with appropriate tribes.

- The applicant must contact the appropriate tribes for the area, by registered or certified mail, to request comments on archaeological testing and offer a meeting. The Commission on Indian Services determines the appropriate Oregon tribes to be consulted.

- The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.

- The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the cultural resource recovery plan. More than one meeting may be held.

- After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and cultural resource recovery plan since the date of the last meeting.

(3) Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, and at least one appropriate Oregon tribe. The MOU must specify the care and disposition of cultural materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.

H. Application, Review, and Inspection.

1. Supplemental application requirements.

   a. No cultural resource found. For sites within a "cultural sensitivity area," as shown on Map 515-6, the applicant is responsible for providing any evidence that no cultural resource was found.

      (1) For sites not designated "confirmation testing area," the applicant must provide written documentation in the form of a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning.

      (2) For sites that require confirmation testing, and the testing did not find a cultural resource, the applicant must submit a report by a qualified archaeologist regarding the results of confirmation testing and the presence of identified cultural resources on the site.

   b. Cultural resource found. The applicant must provide the following supplemental information. In the interest of not disclosing the location of cultural resources, all maps required in (2) through (4) below will be stamped "Confidential: Sensitive Information." Planning staff will separate this information and file it in a locked file subject to nondisclosure procedures.

      (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbance activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site.

      (2) Confirmation testing overlay. For sites identified for confirmation testing, a transparent overlay map showing all of the archaeological auger locations completed for the site.

      (3) Cultural resource overlay. A transparent overlay showing the boundaries of any cultural resources that are recorded with SHPO or encountered during confirmation testing. The cultural resource overlay must also show the transition area associated with each cultural resource. Any conservation easements intended to protect cultural resources must be shown on this overlay.

      (4) For cultural resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with tribal governments must be filed with the building permit.

   c. It is the applicant's responsibility to provide any archaeological reports filed with SHPO after July 1, 1994 to verify changes to the state's inventory affecting the development site. The Bureau of Planning will maintain a confidential atlas of identified cultural resources within the cultural sensitivity areas shown on Map 515-6 at the end of this chapter.

2. Review of applications.

   a. Where a qualified archaeologist, in consultation with the appropriate Oregon tribes, certifies that no cultural resources were found through confirmation testing required by this section, the Bureau of Planning will provide a letter to the applicant waiving any additional compliance with this section.

   b. The Bureau of Planning may contract with a qualified archaeologist to assist the City in review and inspection of proposals.

   c. The SHPO maintains a list of qualified archaeologists.

   d. An additional fee for special archaeological evaluations and inspections may be charged to the applicant for any grading permit or building permit.

3. Compliance reports. For ground disturbance in a cultural resource or transition area, the applicant must provide documentation that the approved resource recovery plan or other development activities comply with plans submitted for Subsection H.1.b.

   a. Cultural resource recovery plans. The required documentation for resource recovery plans are specified in the signed MOU.

   b. All other developments. For developments not covered by a signed MOU, the applicant must submit compliance reports from a qualified archaeologist to the Bureau of Buildings. The archaeologist must submit a final signed report certifying that the work was in conformance with this section.

Environmental Zones

33.515.265 Purpose

The purpose of the environmental regulations in the Columbia South Shore plan district south of NE Marine Drive is to:

- Protect inventoried significant natural resources and their functional values in the Columbia South Shore Plan District, as identified in the Comprehensive Plan;
- Implement the Comprehensive Plan environmental policies and objectives;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources; and
- Protect inventoried significant cultural resources where those resources overlap with an environmental protection zone or environmental conservation zone.

33.515.268 Where These Regulations Apply

The regulations of Sections 33.515.265 through 33.515.280 apply to all lots or sites which contain an Environmental Zone on any portion of them, and any portion of a right-of-way which contains an Environmental Zone which are south of NE Marine Drive.

33.515.270 Overlay Zones

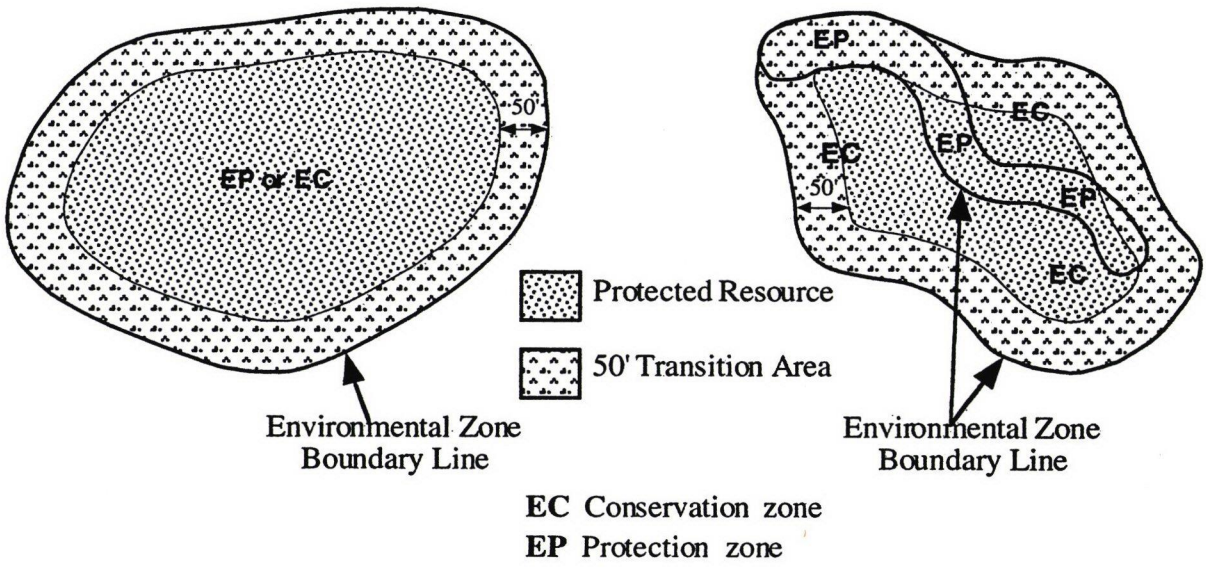
A. General. Natural resource values in the district have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.

1. The environmental protection overlay zone is applied to areas with the highest functional values and where the natural resource is so significant that almost all development would have detrimental impact. The regulations of the environmental protection zone are intended to preserve the resource and its values.

2. The environmental conservation overlay zone is applied to areas with high functional values where development may be allowed if adverse impacts are mitigated. The regulations of the environmental conservation zone are intended to conserve the resource and its values.

B. Subareas of the Environmental Zone in the Columbia South Shore. Each environmental zone in the Columbia South Shore contains a protected natural resource and a transition area surrounding the protected resource. The purpose of the transition area is to protect the adjacent natural resource. The transition area provides a buffer between the protected resource and impacts of adjacent development. The transition area is the outer 50 feet of the environmental zone, except as shown on Map 515-5. Figure 515-7 illustrates two different situations: when either the environmental conservation or environmental protection zone is applied, and when the two zones are applied together and border each other.

Figure 515-7
Environmental Zone Subareas



33.515.272 Items Subject to These Regulations
Unless exempted in Section 33.515.274, the following are subject to the regulations of Sections 33.515.265 through 33.515.280:

A. Change of use where there are concurrent exterior alterations to the buildings, site, or activities;

B. New development;

C. Exterior alteration of a building and site expansions or modifications, including increased cultivated area, grazing area, or other agricultural activities;

D. New above or below ground utilities;

E. Dedication or extension of rights-of-way and rail rights-of-way;

F. Removal of trees and removal, cutting, or mowing of noncultivated vegetation, including herbicide application;

G. Resource enhancement activities; and

H. Land division as regulated by Title 34, Subdivision and Partitioning Regulations.

33.515.274 Items Exempt From These Regulations
The following are exempt from the development standards and required reviews stated in this section:

A. Sale of property or change of ownership of a business;

B. Changes to the interior of a building;

C. Normal repair and maintenance of structures and development, including irrigation;

D. Temporary emergency procedures necessary for the safety or protection of property;

E. Single utility poles required to provide service to the local area;

F. Right-of-way dedications for widening existing rights-of-way, when additional right-of-way is needed to ensure consistent width;

G. Actions taken by the City to correct or abate a nuisance;

H. Utilities installed below portions of public rights-of-way with existing paved travel lanes and utility lines installed above developed public rights-of-way;

I. Activities which the City is directed to perform by judgements entered by courts of competent jurisdiction;

J. Activities specifically exempted by state or federal law from compliance with local comprehensive plans or land use regulations; and

K. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment.

33.515.276 Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.515.278:

1. In areas without environmental overlay zones, uses and development allowed by the plan district regulations.

2. In environmental zones:

   a. Planting-required vegetation;

   b. Removal of vegetation identified as nuisance or prohibited plants on the Portland Plant List;

   c. Resource maintenance;

   d. Stormwater discharge;

   e. Sewer connections to individual properties;

   f. Water quality monitoring facilities;

   g. Construction of the Columbia South Shore Slough Trail;

   h. Water-based drainageway maintenance, including construction of staging areas;

   i. Maintenance of the water level in the Columbia Slough system;

   j. The addition of sidewalks and bicycle lanes to public rights-of-way with existing paved travel lanes; and

   k. Land divisions.

3. In the transition area:

   a. Overhead and underground utilities;

   b. Planting native vegetation if not required; and

   c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.515.278 and are subject to review, as set out in Section 33.515.280:

1. In environmental zones:

   a. Fill or destruction of a resource in an environmental conservation zone;

b. Removal of vegetation which is not identified as nuisance or prohibited plants on the Portland Plant List;

c. Planting non-native vegetation;

d. Other resource enhancement or alteration;

e. Fencing;

f. Dedication of a public right-of-way;

g. New construction, widening, and relocation of roads in a public right-of-way;

h. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan; and

i. Other drainageway activities or facilities for stormwater conveyance, including flood control structures.

2. In the protected resource:

a. Planting native vegetation if not required;

b. Overhead and underground utilities, except sewer connections to individual properties; and

c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan.

C. Prohibited. All other uses and development are prohibited.

33.515.278 Development Standards

A. Except for temporary uses, land uses and activities on lots or sites which contain an environmental zone on any portion of them require revegetation of the vegetated transition area as follows:

1. Species must be classified as native on the Portland Plant List, and not be classified as prohibited or nuisance plants;

2. Planting must cover 90 percent of the ground within one year or two growing seasons after planting;

3. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and

4. If cover requirements are not met within one year from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year or two growing seasons of replanting.

5. Plants used for revegetation may also count towards other landscaping requirements.

B. Land uses and activities within an environmental zone must meet the following standards:

1. Revegetation in a vegetated transition area must meet the following:

   a. Species must be classified as native on the Portland Plant List, and not be classified as prohibited or nuisance plants;

   b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting;

   c. At least 8 species of plants must be used. Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered; and

   d. If cover and species requirements are not met within one year or two growing seasons from issuance of an occupancy permit, final inspection, or certificate of completion, replanting is required and the requirements of this section must be met within one year of replanting.

   e. Plants used for revegetation may also count towards other landscaping requirements.

2. Revegetation in a protected resource must meet the following:

   a. Species must be classified as native on the Portland Plant List, and not be classified as prohibited or nuisance plants;

   b. Planting must cover 90 percent of the ground within one year;

   c. Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore lists all protected natural resources in the plan district and identifies their resource values. If a site is a riparian area, Subsubparagraph (1) must be met. If a site is not a riparian area, but is a meadow or open space without trees, Subsubparagraph (2) must be met. All other sites must meet Subsubparagraph (1).

      (1) Planting requirements with trees:

      - At least 8 species of plants must be used;
      - At least 2 species must be shrubs and 2 must be trees;
      - Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered;
      - One tree and 3 shrubs are required for every 500 square feet of planting area; and
      - Trees and shrubs must be planted in clusters of at least 3.

(2) Planting requirements without trees:

- At least 8 species of groundcover plants must be used; and
- Fifty percent of any seed mix used must be grass and 50 percent flowers when measured by area covered.

d. If cover and species requirements are not met within one year from issuance of any occupancy permit or final inspection, replanting is required and the requirements of this section must be met within one year of replanting.

e. Plants used for revegetation may also count towards other landscaping requirements.

3. Herbicides used for removal of vegetation must be listed by the U.S. Environmental Protection Agency as appropriate for application in aquatic areas and use must be in accordance with directions for application.

4. Areas cleared of vegetation must be reseeded or replanted within one year of vegetation removal.

5. All development or activities which disturb ground or remove vegetation must conform to Chapter 24.70, Clearing, Grading, and Erosion Control, and to the Erosion Control Technical Guidance Handbook. In addition, the following standards must be met:

a. Wet weather. All development between November 1 and April 30 of any year, which disturbs more than 500 square feet of ground, requires wet weather measures described in the Erosion Control Technical Guidance Handbook. These measures must be met until issuance of any occupancy permit or final inspection;

b. Maintenance. Erosion control measures must be maintained until 90 percent of all disturbed ground is covered by vegetation;

c. Self inspection. Areas where the ground is disturbed must be inspected by or under the direction of the owner at least once every 7 calendar days, within 24 hours of any storm event greater than one-half inch of rain in any 24-hour period, or at any time when water runoff occurs. These measures must be met until issuance of any occupancy permit or final inspection; and

d. Record keeping. Records must be kept of all inspections. Instances of measurable erosion must be recorded with a brief explanation of corrective measures taken. This record must be available to the City and retained until final inspection.

6. Stormwater discharge must pass through water quality facilities which conform to Chapter 17.38, Drainage and Water Quality.

7. Stormwater discharge into a mitigation area is not allowed unless it is part of the mitigation plan.

8. Except for stormwater discharges, industrial or sanitary discharges, including wastewater and overflow, into the slough system is not allowed.

9. Construction and ongoing maintenance for overhead or underground utilities, including sanitary sewer connections to individual properties and stormwater outfalls, cannot affect more than a 25-foot-wide corridor across the resource. These activities cannot result in the killing or removal of trees over 6 inches in diameter, measured 4-1/2 feet above the ground.

10. Road improvements across the slough must be by bridge unless a water control structure is a necessary part of the design.

11. Water quality monitoring facilities may be up to 100 square feet in area.

12. In Employment and Industrial zones, new lots completely within the environmental protection zone are exempt from minimum lot size and shape requirements of Section 33.140.200, Lot Size. All other new lots must meet the minimum size and shape requirements of Section 33.140.200, Lot Size, outside of land zoned environmental protection.

13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.

14. Construction of the trail or recreation facilities cannot result in the removal of trees more than 6 inches in diameter, measured 4-1/2 feet above the ground, and are not required to be located within wetlands subject to state or federal regulations.

15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.

16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.

17. Nonconforming situations

    a. Paved exterior areas in an environmental conservation or environmental protection zone. Paved areas which do not meet plan district regulations must be removed from environmental-zoned areas when the value of the proposed alterations on the site is more than $10,000. However, required changes costing over 10 percent of the value of the proposed alterations do not have to be made.

    b. Unpaved exterior areas. Unpaved exterior improvements must comply fully with development standards at the time of development on the site. However, required changes costing over 10 percent of the value of the proposed alterations do not have to be made.

c. Removal of existing bridges, utilities, or public improvements is not required.

33.515.280 Columbia South Shore Environmental Review

A. Purpose of the review. Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if a cultural resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.

B. Modifying Environmental Zone boundaries. Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.

1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.

2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.

C. Procedures. All required reviews are processed through a Type II procedure. A pre-application conference is required for all reviews.

D. Approval criteria.

1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:

   a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

   b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;

   c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;

   d. If the mitigation area is within a protected resource:

(1) The mitigation area will be at least 330 percent of the size of the altered area; and will replace at least 110 percent of the values of the altered resource area; and

(2) Mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.

e. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5 year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

(1) Full achievement of required resource values; and

(2) Compliance with development standards of Section 33.515.278.

f. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

2. Removal of vegetation in an environmental zone or planting of native vegetation if not required in a protected natural resource will be approved if the review body finds that all activities will result in no loss of resource values identified in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore.

3. Planting non-native vegetation in an environmental zone will be approved if the review body finds that the vegetation:

a. Provides food or other values for native wildlife that cannot be achieved by native vegetation; and

b. Is not classified as a nuisance or prohibited plant on the Portland Plant List.

4. The following activities will be approved if the review body finds that the criteria of this paragraph are met: other resource enhancement or alteration or road improvements in public rights-of-way in an environmental zone; or overhead utilities, underground utilities other than sewer connections to individual properties, or recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan in the protected resource:

a. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

b. All detrimental environmental impacts are mitigated in the following manner:

(1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

(2) The mitigation area abuts or is within a protected resource;

(3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts.

(4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site;

c. A monitoring or maintenance plan has been prepared which insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5 year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

(1) Full achievement of required resource values; and

(2) Compliance with development standards of Section 33.515.278.

d. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

5. Fencing in an environmental zone will be approved if the review body finds that:

a. It is needed;

b. It allows for appropriate passage of wildlife;

c. It is the minimum necessary, both in height and length; and

d. There are no alternative sites or methods which have less impact on the protected resource.

6. Public right-of-way dedication in an environmental zone will be approved if the review body finds that there are no practicable alternatives which have less impact on the protected resource.

7. Recreation or trail facilities not identified in the Columbia South Shore Slough Trail Master Plan, and other activities or drainageway facilities for stormwater conveyance, including flood control structures will be approved if the review body finds that:

   a. The proposal is dependent upon and relates directly to the resource;

   b. The proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

   c. All detrimental environmental impacts are mitigated in the following manner:

      (1) All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site being altered or destroyed will be replaced at the mitigation site. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;

      (2) The mitigation area abuts or is within a protected resource;

      (3) If the mitigation area is within a protected resource, mitigation will be provided for all resource values lost, including those lost in the protected resource as part of mitigation efforts; and

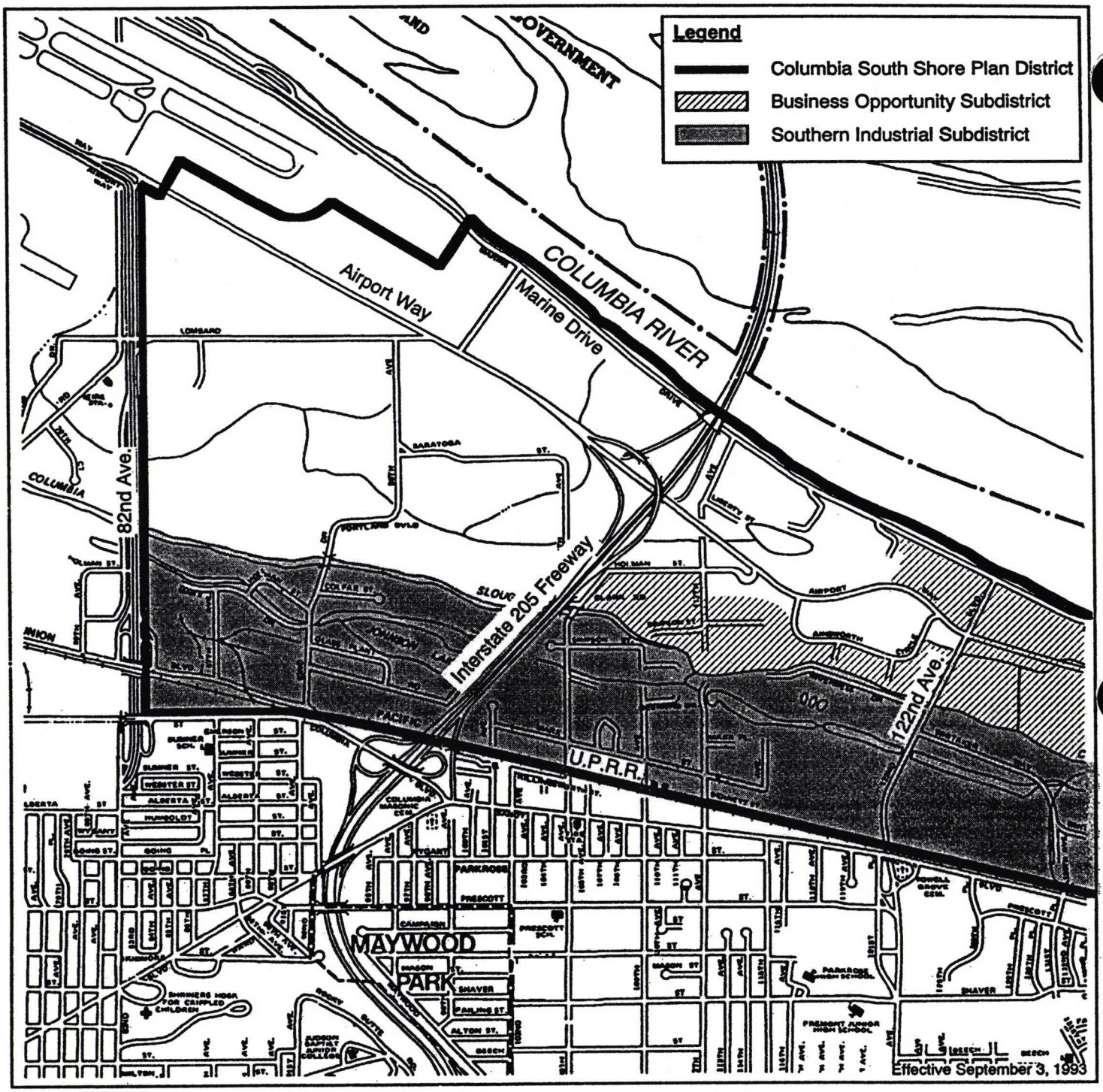
      (4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site.

   d. The maintenance plan insures the maintenance and protection of resource mitigation areas and associated functions and values for 5 years after success has been achieved. The 5 year period will begin when the Bureau receives and approves a report from the applicant which describes the manner in which mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

      (1) Full achievement of required resource values; and

      (2) Compliance with development standards of Section 33.515.278.

   e. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.



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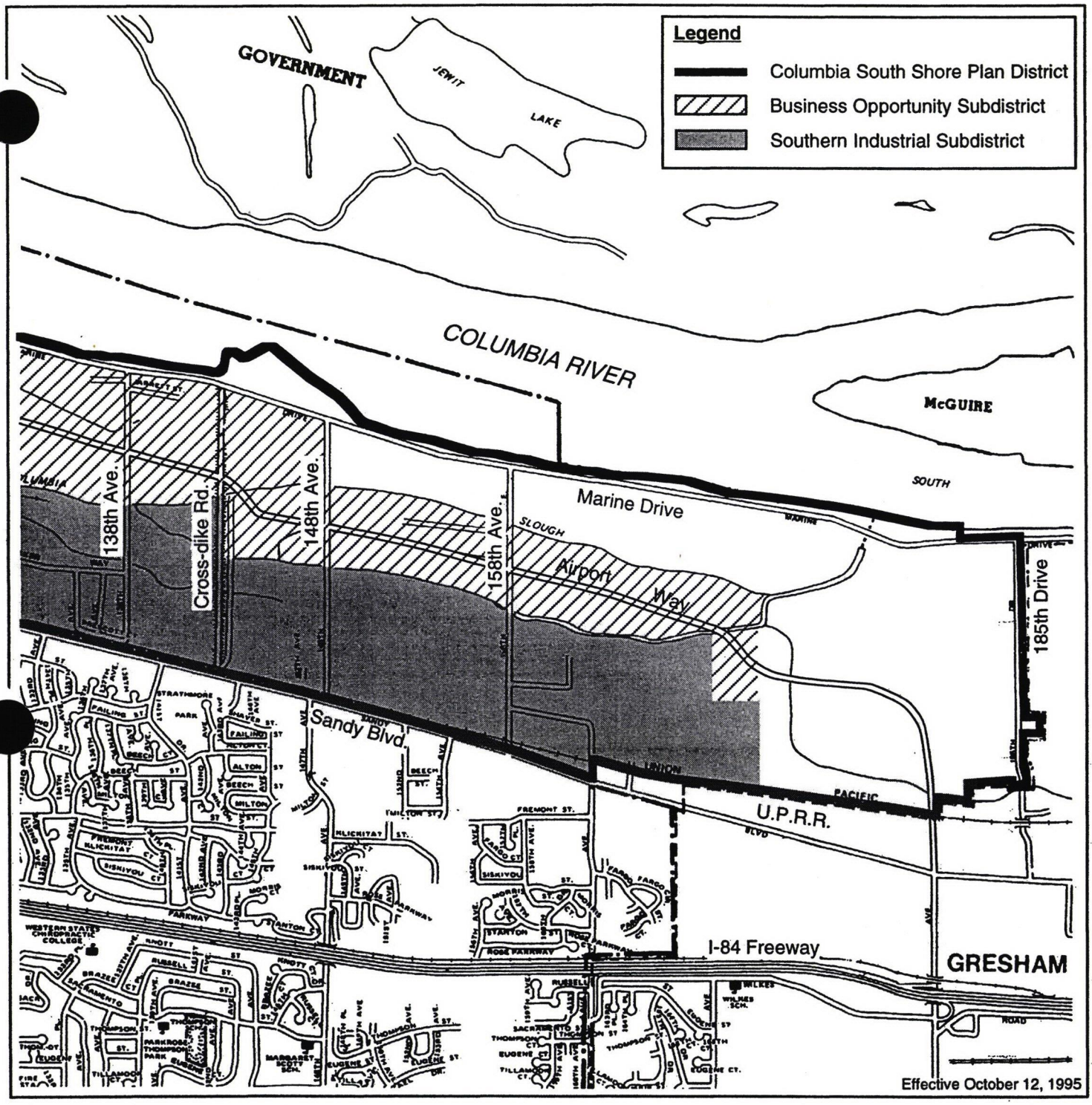
Columbia South Shore Plan District Boundary

Map 515-1

Columbia South Shore Plan District and Subdistricts

Map 1 of 2

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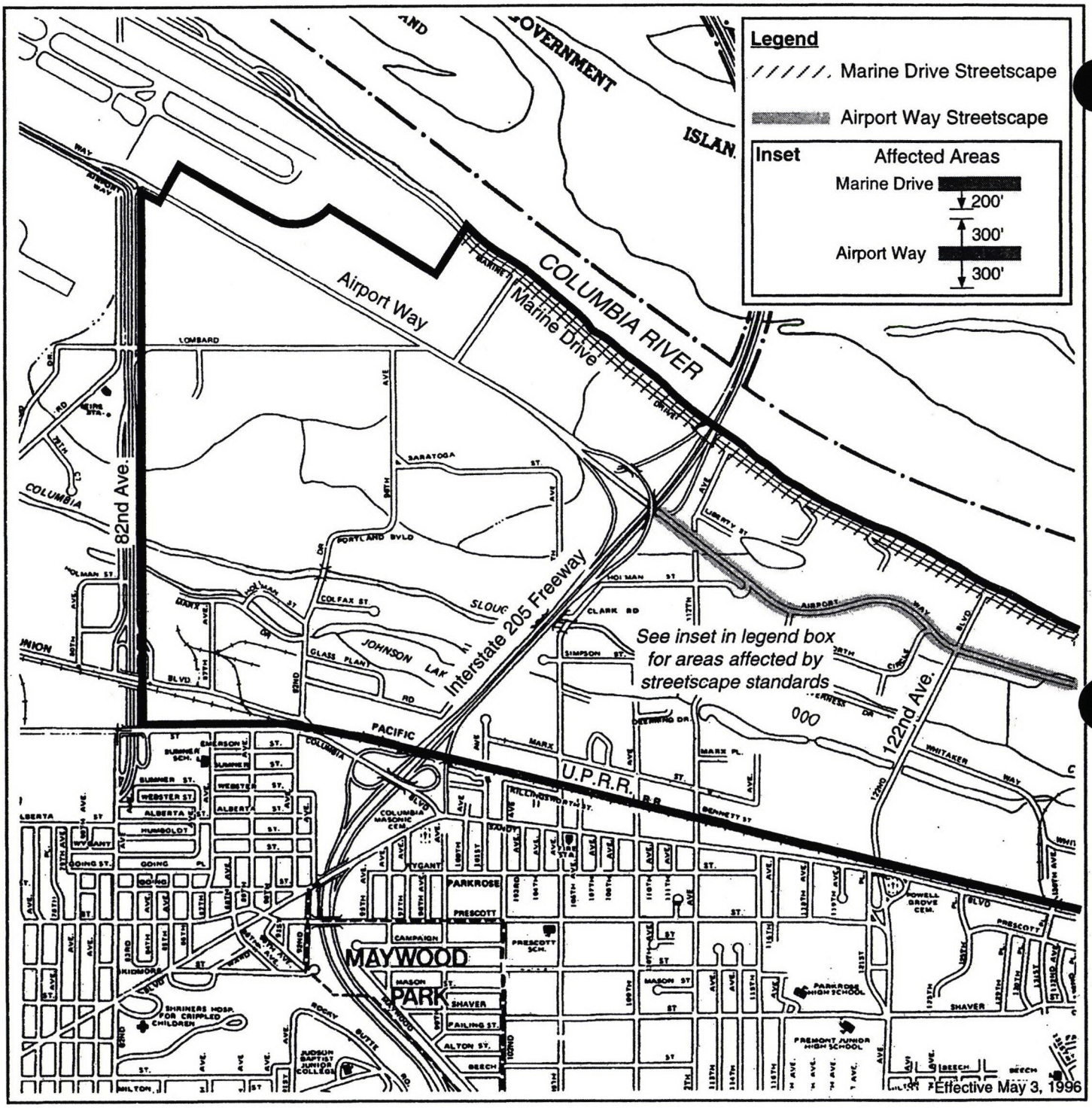
Columbia South Shore Plan District Boundary

Map 515-1

Columbia South Shore Plan District and Subdistricts

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



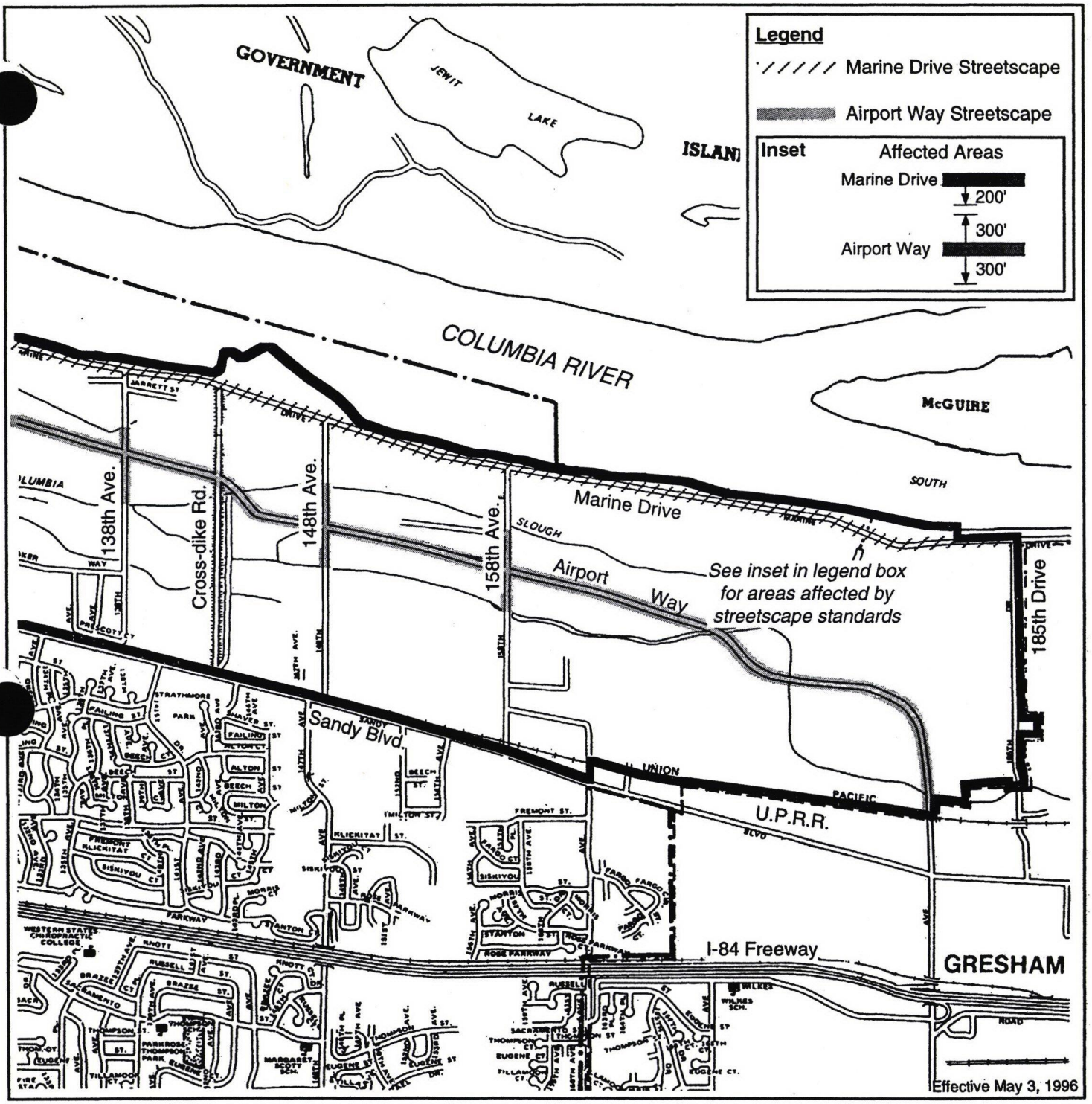
*Effective May 3, 1996

Map 515-2

Columbia South Shore Streetscape Standards

Map 1 of 2

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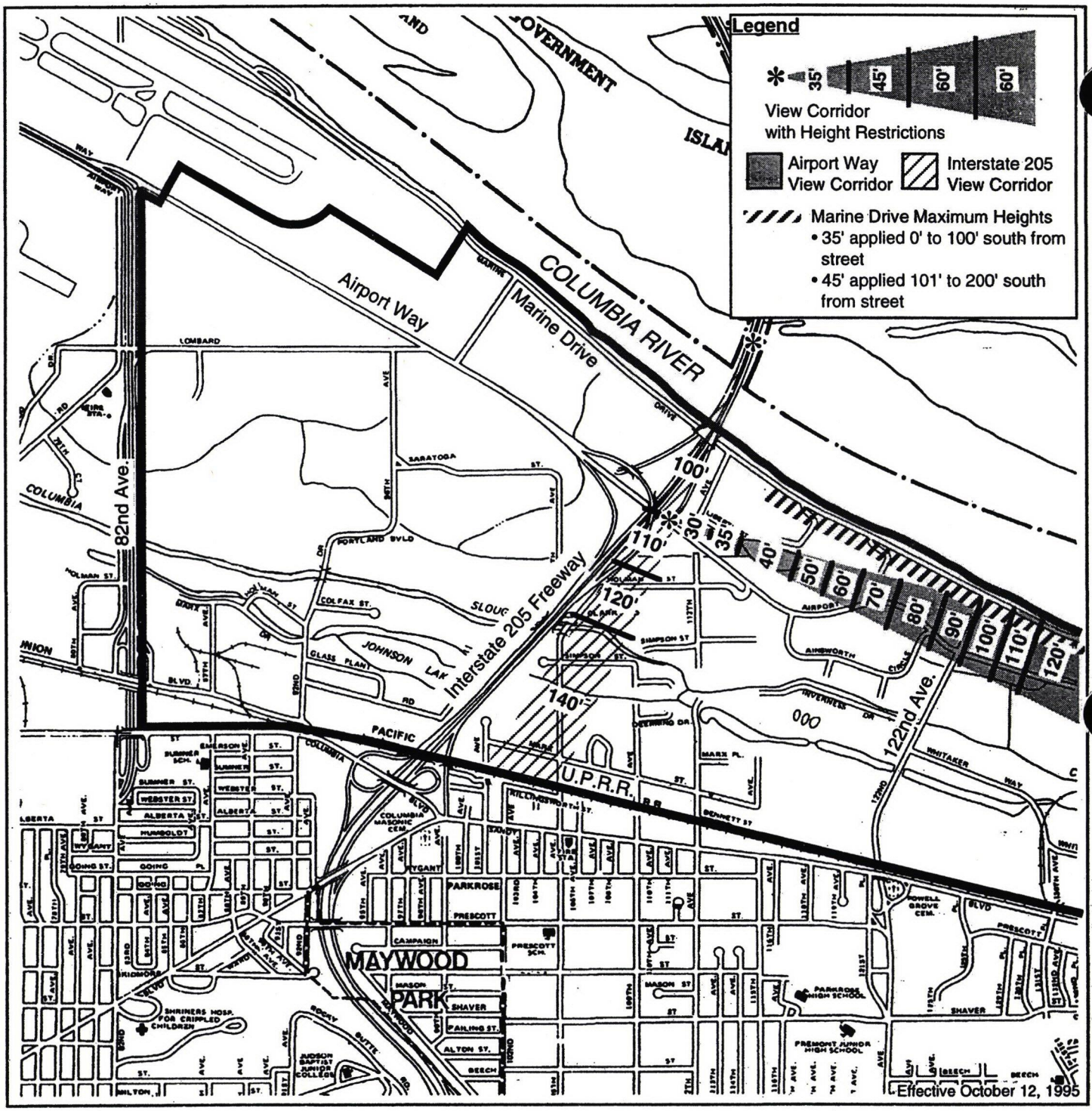
Columbia South Shore Plan District Boundary

Map 515-2

Columbia South Shore Streetscape Standards

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



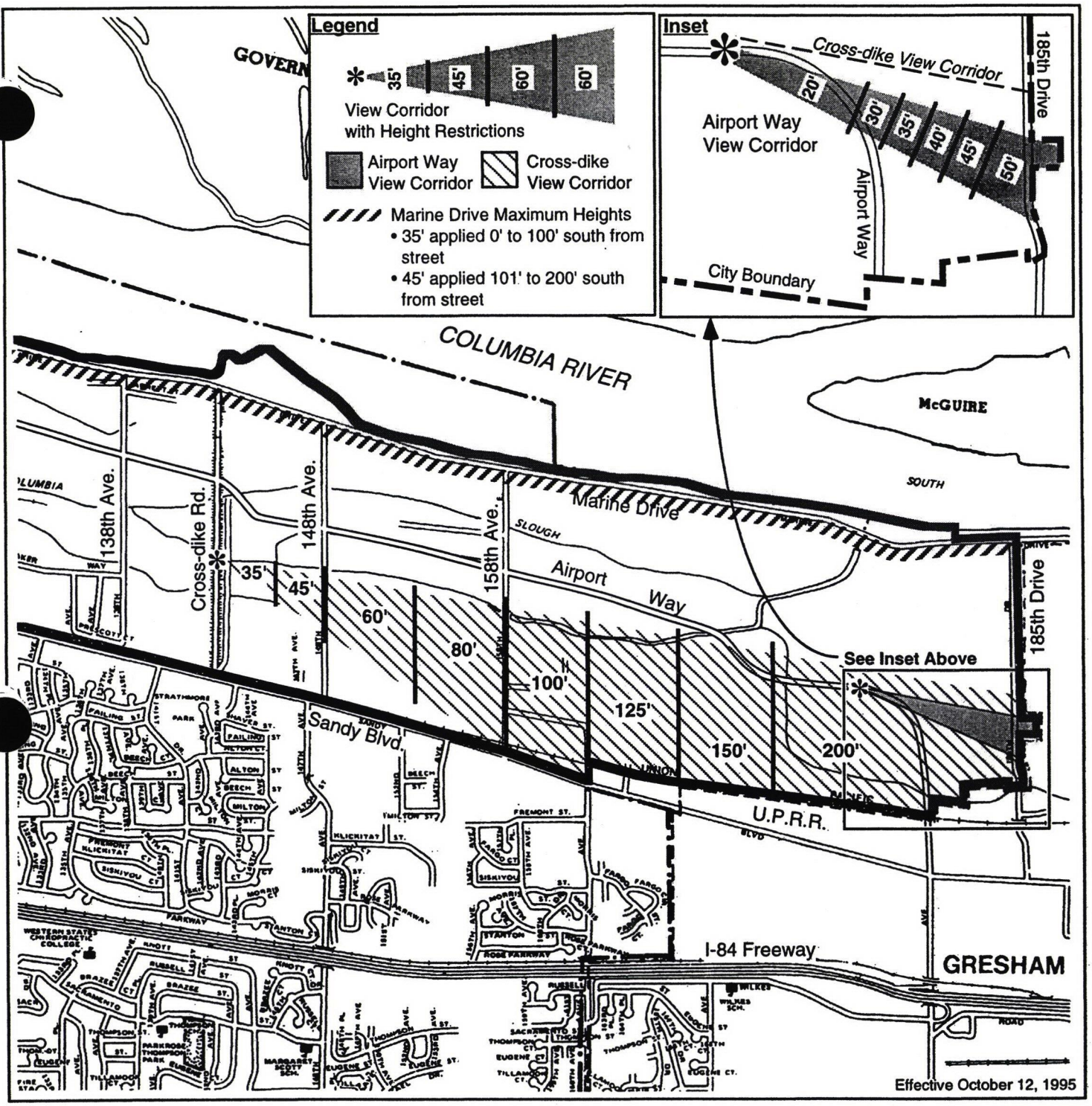
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Columbia South Shore Plan District Boundary

Map 515-3
Maximum Building Heights

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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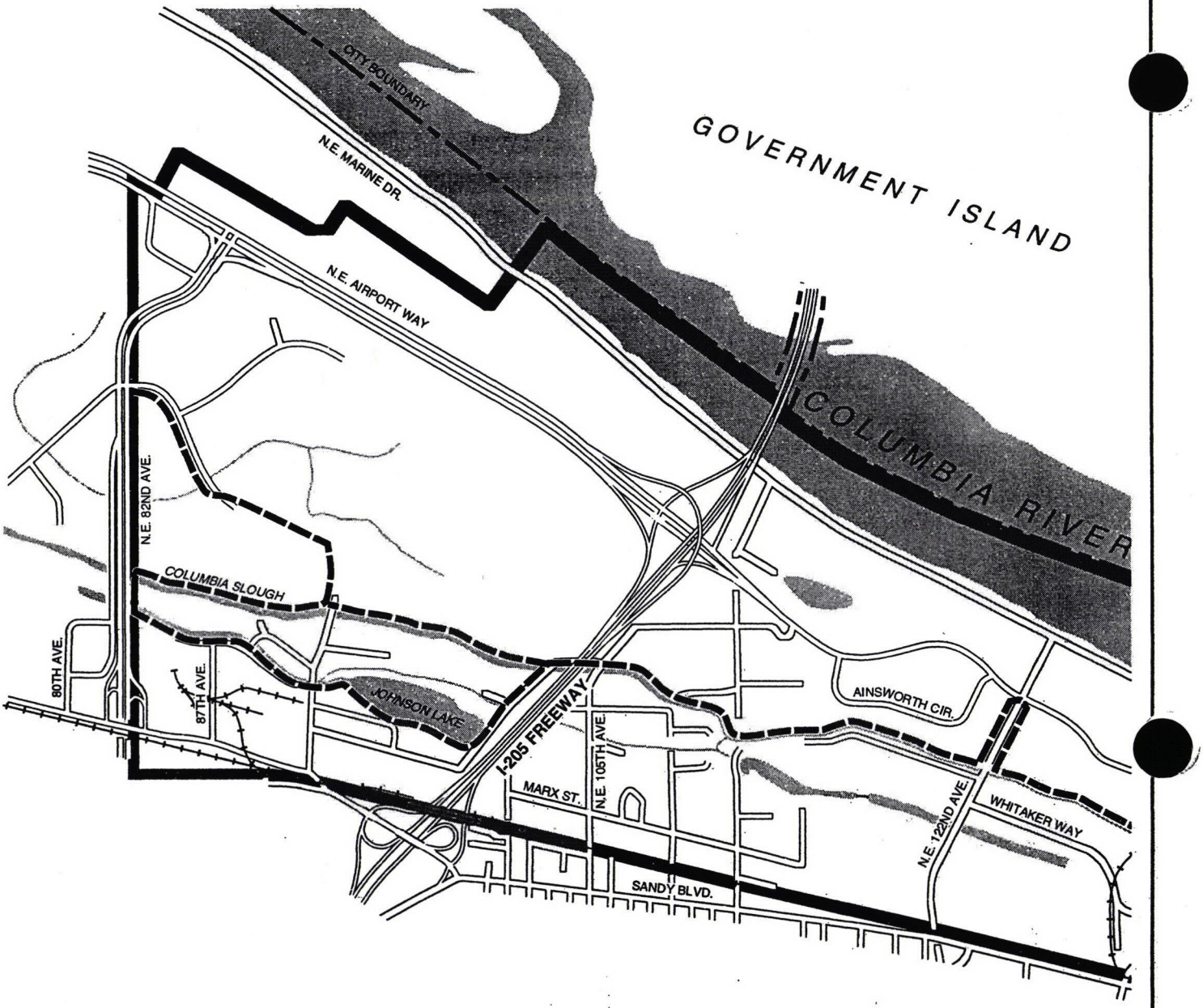
Columbia South Shore Plan District Boundary

Map 515-3

Maximum Building Heights

Map 2 of 2

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LEGEND

- Columbia South Shore Slough Trail
- Cross-Levee Recreation Trail
- Columbia South Shore Plan District

Effective Date May 23, 1995

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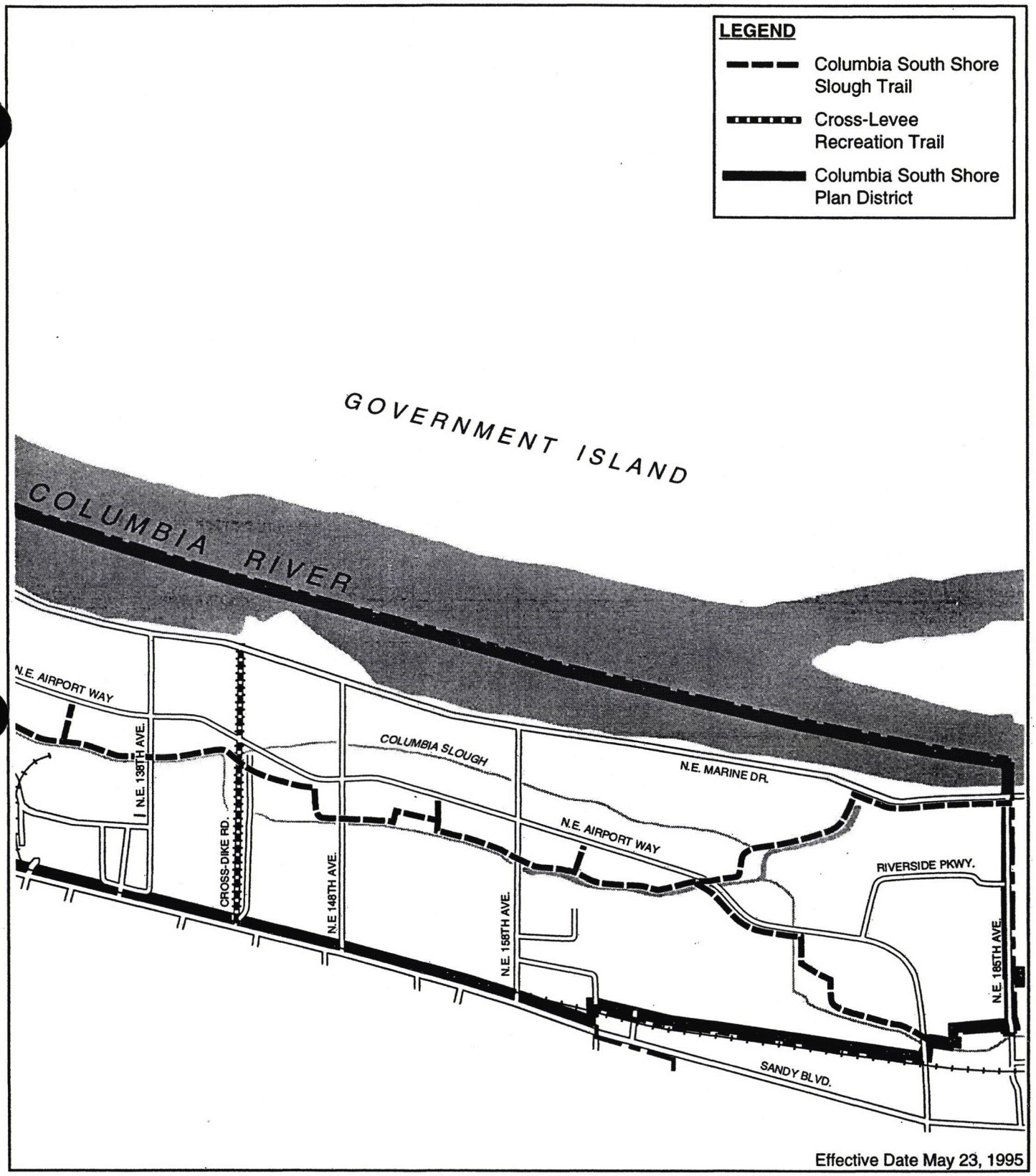
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Map 515-4

Columbia South Shore Slough Trail

Map 1 of 2

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Effective Date May 23, 1995

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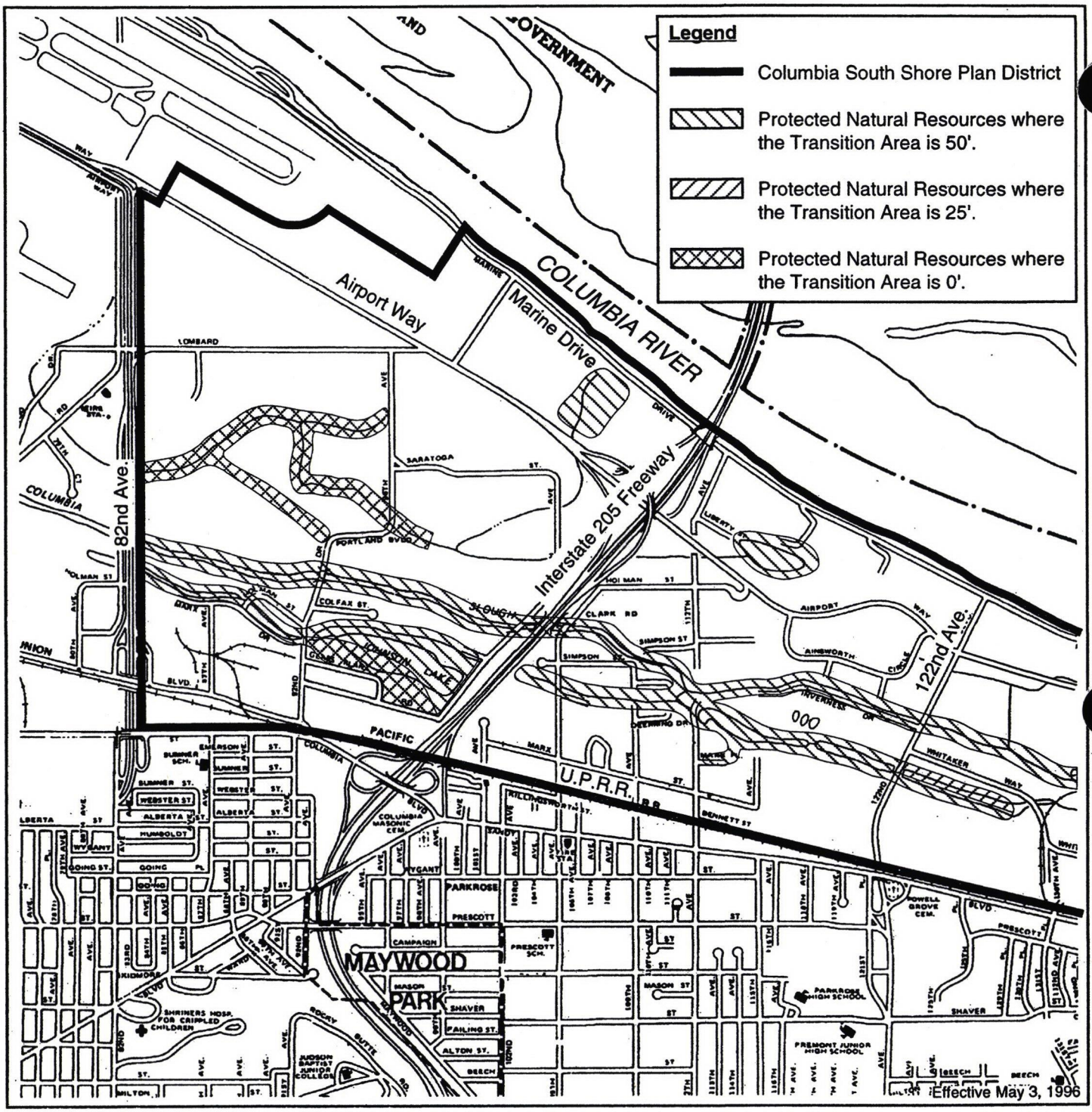
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Map 515-4

Columbia South Shore Slough Trail

Map 2 of 2

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Effective May 3, 1996

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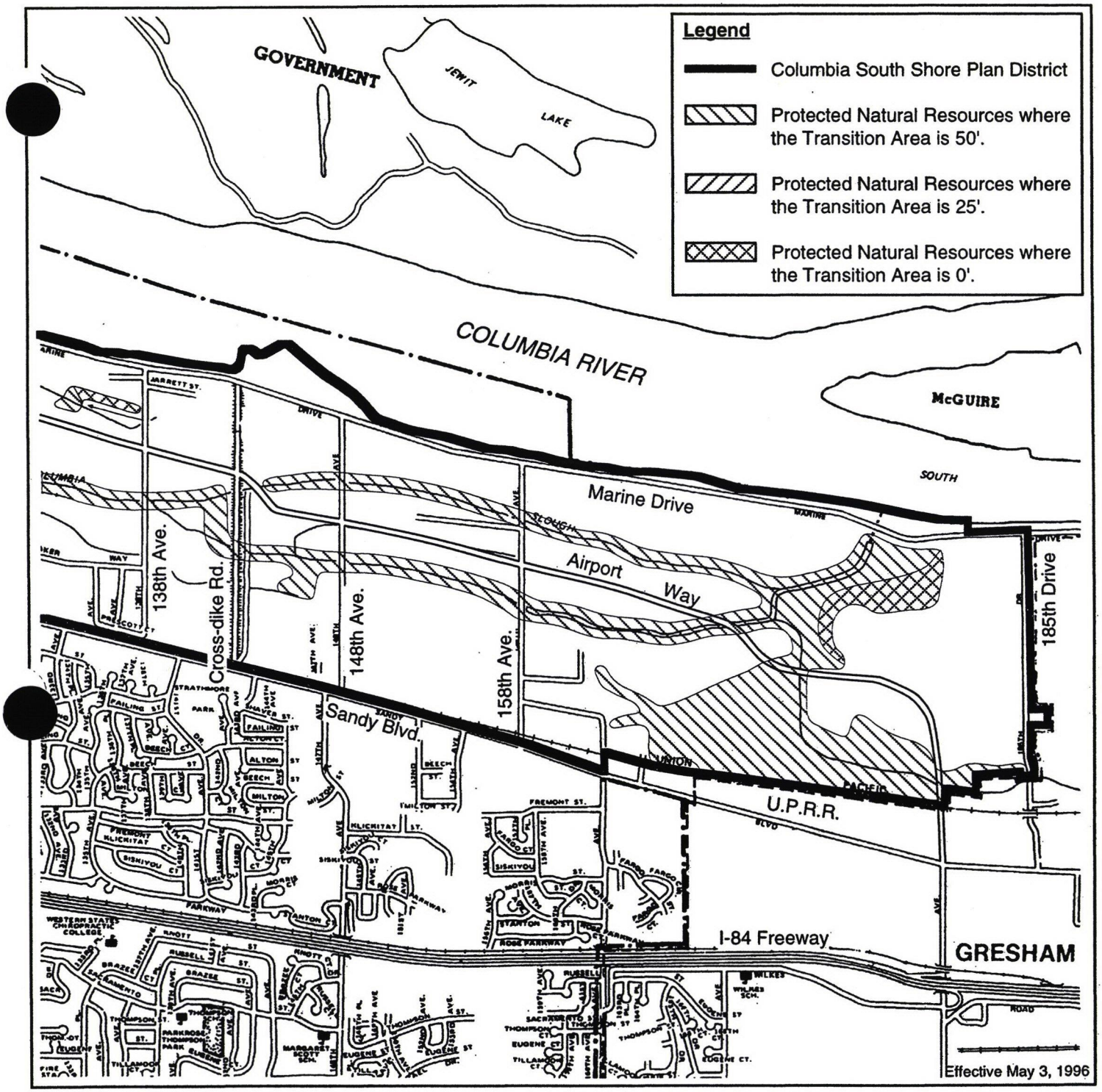
Columbia South Shore Plan District Boundary

Map 515-5

Environmental Transition Areas

Map 1 of 2

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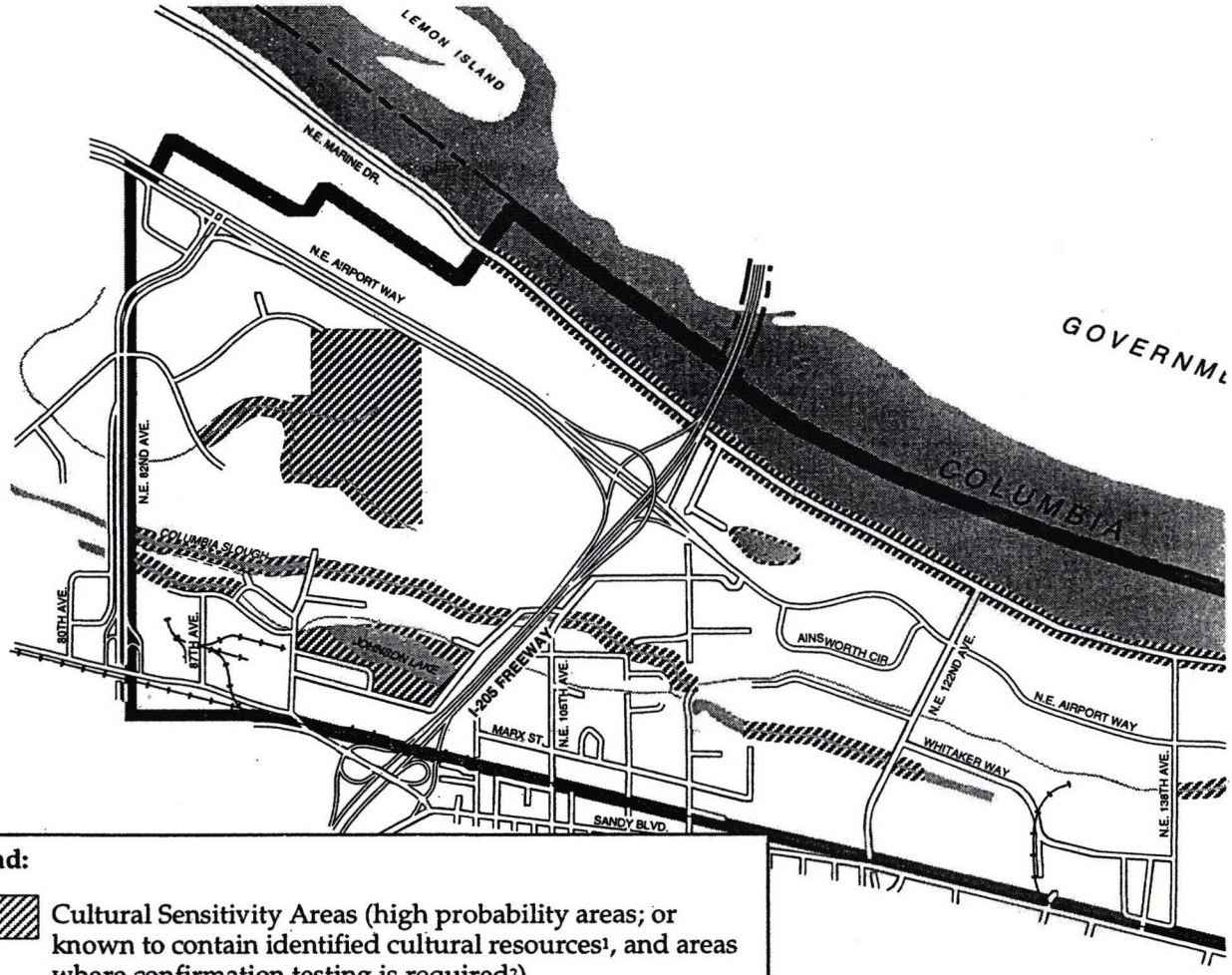
Columbia South Shore Plan District Boundary

Map 515-5

Environmental Transition Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



Legend:

- Cultural Sensitivity Areas (high probability areas; or known to contain identified cultural resources[1], and areas where confirmation testing is required[2])
- Areas Not Subject to City Cultural Resource Measures (built, tested negative, or low probability area)
- Columbia South Shore Plan District

[1] "Cultural resources" are based on confirmed archaeological sites. To protect resource locations from destruction or looting, individual resources are not mapped.

[2] Areas subject to confirmation testing are shown on Map 515-7 of this chapter.

Note: If cultural resources are encountered during project construction, state and federal regulations may apply.

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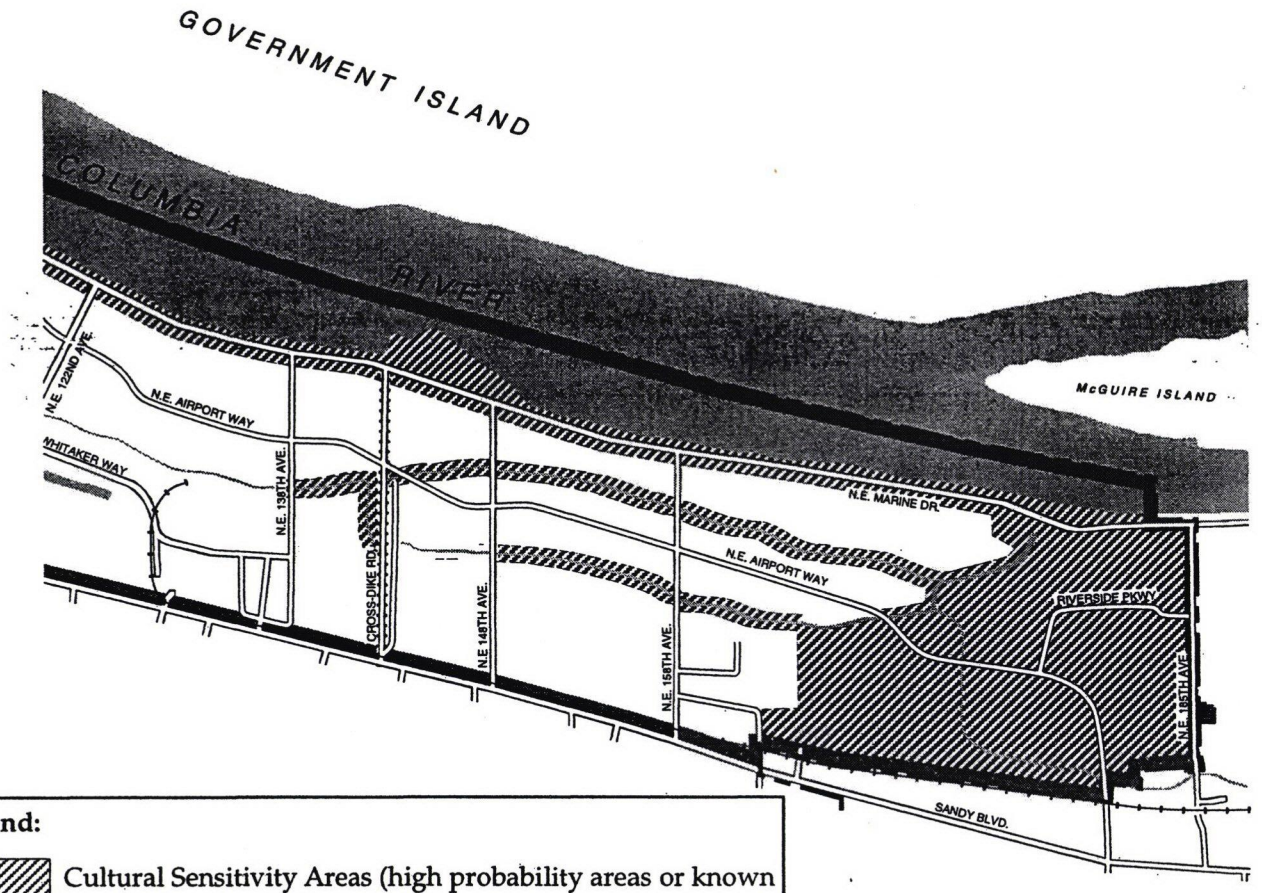
Map 515-6

Areas of Cultural Interest in Columbia South Shore

Map 1 of 2

February 1996

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Legend:

Cultural Sensitivity Areas (high probability areas or known to contain identified cultural resources[1] and areas where confirmation testing is required[2])

Areas Not Subject to city Cultural Resource Measures (built, tested negative, or low probability area)

Columbia South Shore Plan District

1 "Cultural resources" are based on confirmed archaeological sites. To protect resource locations from destruction or looting, individual resources are not mapped.

2 Areas subject to confirmation testing are shown on Map 515-7 of this chapter.

Note: If cultural resources are encountered during project construction, state and federal regulations may apply.

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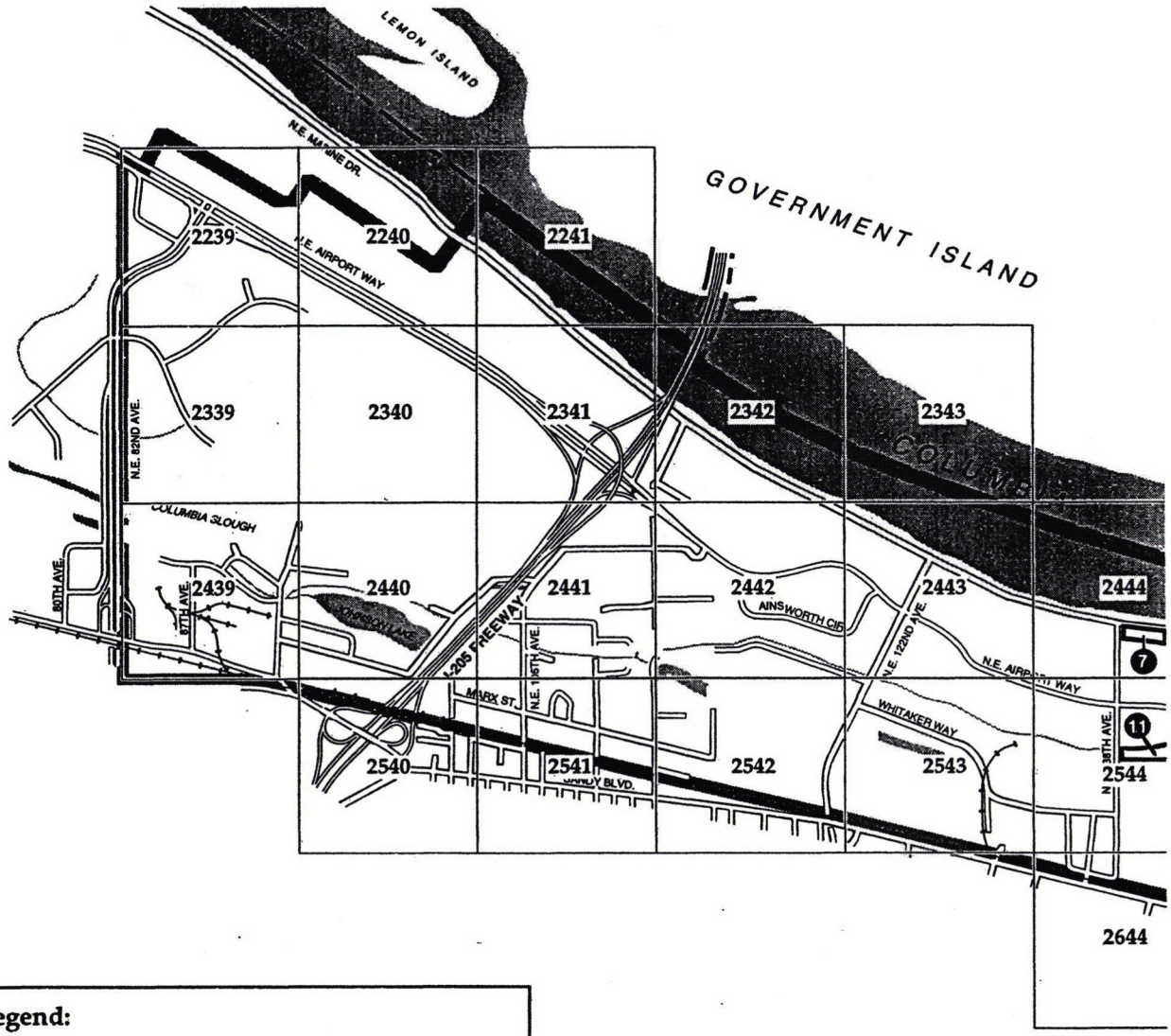
Map 515-6

Areas of Cultural Interest in Columbia South Shore

Map 2 of 2

February 1996

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Legend:

- Confirmation Testing Required
- (7) Number of Auger Probes Required
- Columbia South Shore Plan District

Effective September 1, 1996

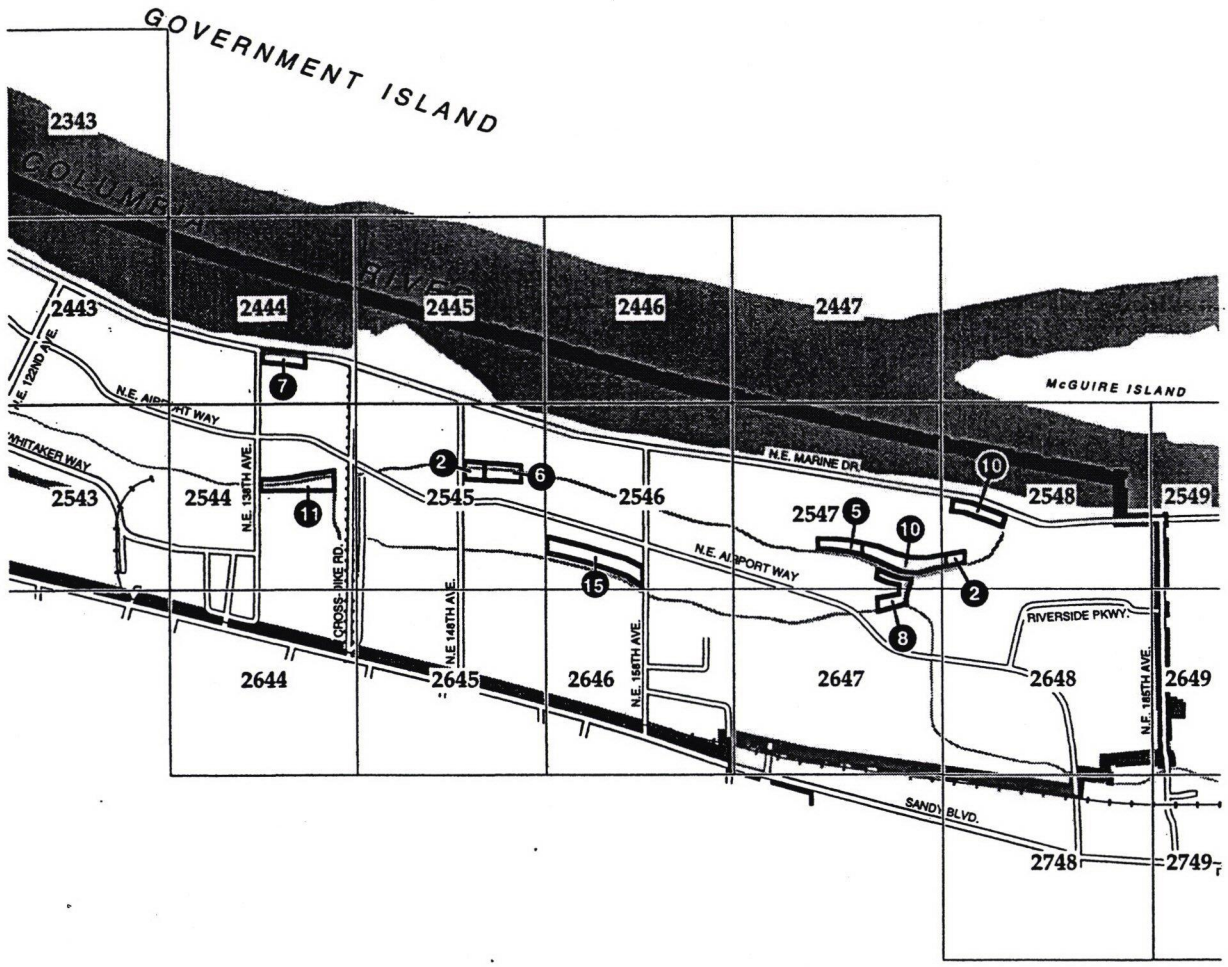
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Map 515-7

Areas Where Confirmation Testing is Required

Map 1 of 2

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Legend:

- Confirmation Testing Required
- ⑦ Number of Auger Probes Required
- Columbia South Shore Plan District

Effective September 1, 1996

NORTH
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Scale in Feet

Map 515-7

Areas Where Confirmation Testing is Required

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.526
GATEWAY PLAN DISTRICT

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98.)

Sections:

General
33.526.010 Purpose
33.526.020 Where These Regulations Apply
Use Regulations
33.526.100 Purpose
33.526.110 Prohibited Uses
33.526.120 Required Housing in C and EX Zones
33.526.130 Housing Regulations
Development Standards
33.526.200 Purpose
33.526.210 Exterior Display and Storage
33.526.220 Drive-Through Facilities
33.526.230 Building Height
33.526.240 Floor Area Ratio
33.525.250 Open Area Requirement
33.526.260 Special Setbacks
33.526.270 Site Design
33.526.280 Building Design
33.526.290 Parking
Map 526-1 Gateway Plan District

General

33.526.010 Purpose

The Gateway plan district provides for an intensive level of mixed-use development including retail, office, and housing to support light rail transit stations and the Regional Center at Gateway. This is accomplished by:

- Encouraging new development and expansions of existing development to promote the district's growth and light rail transit ridership;
- Promoting compatibility between private and public investments along the light rail system through building design and site layout standards which provide safe, pleasant, and convenient access for pedestrians to the light rail transit station; and
- Requiring that new development and expansions of existing development create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop.

33.526.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.526.100 Purpose

Use restrictions in the Gateway plan district ensure that development does not conflict with the public's investment in transit or the role Gateway plays as a Regional Center. Limiting uses to those that support transit patrons and pedestrians will ensure that private investment complements the public's transit investment and Gateway's role as a location for a significant share of the region's growth.

33.526.110 Prohibited Uses

A. Purpose. The Gateway plan district regulations foster development that is oriented primarily to pedestrians and transit patrons. This intention is based on the significant public investment in light rail transit, that has been made in this area and on the area's designation as a Regional Center in Metro's Region 2040 Plan.

B. Prohibited uses. The following uses are prohibited:

1. Vehicle Repair;

2. Quick Vehicle Servicing; and

3. Commercial Parking.

C. Other restrictions. Certain types of development are also prohibited. These developments are listed in Sections 33.526.210, Exterior Display and Storage, and 33.526.220, Drive-Through Facilities.

33.526.120 Required Housing in C and EX Zones

A. Purpose. This provision ensures that large developments include residential uses. Requiring that a small amount of housing be part of development in C and EX zones will prompt developers and owners to explore and take advantage of opportunities for more intense housing and mixed-use projects.

B. Housing requirement. In C and EX zones, development on sites and ownerships larger than 200,000 square feet must include housing. The amount of housing that is required for each proposal is calculated based on the requirements below.

1. Additions of floor area. Proposals that include additions of 2,500 square feet or more floor area must meet the housing requirement of paragraph B.3, below; or

2. New development. New development of 1,000 square feet or more floor area must meet the housing requirement of paragraph B. 3, below.

3. Amount of housing required. At least 1 square foot of residential development is required for each square foot of new nonresidential development, up to a maximum requirement of one dwelling unit for each 10,000 square feet of site or ownership area, whichever is larger.

4. Measurement. For purposes of this Section, the measurement standards of 33.130.253, Additional Requirements in the CM Zone, apply.

33.526.130 Housing Regulations

A. Purpose. Housing is regulated to ensure that new housing is built at transit-supportive densities and that development standards will not result in transit-supportive development being delayed.

B. Minimum residential density. The minimum density of residential developments is limited as follows:

1. In RH zones. In RH zones, the minimum residential density is one unit per 1,500 square feet of site area.

2. In R2 zones. In R2 zones, the minimum residential density is one unit per 3,000 square feet of site area.

C. Manufactured housing. Siting of manufactured homes, mobile homes, and mobile home parks is prohibited in R3, R2.5, R2, R1 and RH zones, except, a manufactured home may be constructed on a vacant substandard lot.

D. Attached houses. Attached housing at R2.5 densities is allowed on lots in the R5 or R7 zone if the development standards of the R2.5 zone are met and the lot:

1. Is on a corner;

2. Is adjacent to a light rail alignment; or

3. Has a side or rear lot line that abuts a multi-dwelling, C, E, or I zone.

Development Standards

33.526.200 Purpose. These development standards foster intense mixed-use developments at the Gateway Regional Center and at locations near light rail stations. Existing light rail and a future transit connection to Portland International Airport make the Gateway Regional Center a potential hub of activity and an important international gateway to Portland. An urban character with a clear street pattern oriented to pedestrians is also an important objective. High-density structures and urban streets are envisioned in the Gateway Regional Center and around the light rail stations located along East Burnside.

33.526.210 Exterior Display and Storage. Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.220 Drive-Through Facilities. Drive-through facilities are prohibited.

33.526.230 Building Height

A. Purpose. These regulations encourage new high density development near light rail transit facilities and reinforce Gateway's role as a Regional Center.

B. Building height. The maximum height in the R1, RH, RX, IR, CM, CS, CX, and EX zones west of SE 127th Avenue is 120 feet.

33.526.240 Floor Area Ratio

A. Purpose. These regulations encourage new high density development near light rail transit facilities and reinforce Gateway's role as a Regional Center.

B. Maximum floor area ratio. The maximum floor area ratio (FAR) west of SE 127th Avenue is:

1. For nonresidential development, the maximum FAR is 6 to 1.

2. For residential development, the maximum FAR is 8 to 1. Residential developments are those with at least 80 percent of their floor area in residential use.

C. Minimum floor area ratio. The minimum floor area ratio (FAR) for all new development in the CM, CS, CX, EG and EX zones is 0.5 to 1. Alterations to existing development are exempt from this FAR minimum.

33.526.250 Open Area Requirement

A. Purpose. The open area requirement ensures provision of adequate amounts of light and air and facilitates circulation for pedestrians throughout the Gateway plan district. These requirements produce open areas at a scale comparable to what large sites would have if they were divided into two-acre blocks by a grid pattern of streets.

B. Required amount of open space. On lots larger than 80,000 square feet, at least 30 percent of the area over 80,000 square feet must be devoted to open area.

C. Standards.

1. Open areas include: public and private streets; parks; plazas; covered or uncovered walkways; public fountains; and landscaped features or areas other than required landscaping within or at the perimeter of parking lots. Open areas do not include areas used for parking lots; motor vehicle loading, maneuvering and delivery. When public or private streets are proposed to meet the open area requirement, both sides of the street must be provided with sidewalks, street trees, and on-street parking.

2. At least 50 percent of the open area must be walkways or public or private streets with walkways. The walkways and streets must have trees, and must connect with sidewalks at each end.

D. Relationship to superblock requirement. Proposals that are subject to the requirements of Chapter 33.293, Superblocks, may use exterior walkways, landscaped areas and plazas created to meet that Chapter's requirements to meet the requirements of this Section. However, the amount of open area provided must meet the requirements of Subsection B, above.

33.526.260 Special Setbacks

A. Purpose. These provisions enhance the environment for pedestrians and transit patrons.

B. Applicability. Special minimum setbacks are required at the following locations:

1. Burnside Street. A 10-foot street setback along East Burnside Street.
2. Pacific Street. A 15-foot street setback along NE Pacific Street.
3. Halsey Street. A 10-foot street setback along NE Halsey Street.

33.526.270 Site Design

A. Purpose. These provisions ensure that the location of buildings, parking, and circulation areas provide a convenient and attractive environment for pedestrians and foster the development of an increasingly urban environment within the plan district.

B. Applicability. The requirements of this Section apply to all new buildings and to all building remodeling projects adding 2,500 square feet of floor area or more.

C. Internal circulation. Clearly marked sidewalks, pathways, and bike paths must be developed and provide safe, pleasant, and convenient pedestrian and bicycle connections between buildings and light rail. To accomplish this, development must meet all of the following standards.

1. Proposals for sites that abut a light rail alignment must have their main entrance facing the light rail alignment.
2. Building entrances used by pedestrians must be connected to a sidewalk by one or more walkways for pedestrians.
3. A walkway connecting the building's main entrances to a sidewalk must be no longer than the straight line distance from the entrance to the closest sidewalk.
4. Pedestrian walkways connecting building entrances to sidewalks must be:
   a. Paved;
   b. At least 6 feet wide, exclusive of any curbing provided as part of the design;
   c. Made of a material different than the material used to pave the site's motor vehicle parking, loading, and maneuvering areas;

d. Unobstructed by landscaping, street furniture, or bicycle racks;

e. At least 4 inches higher than the abutting motor vehicle parking or maneuvering area; and

f. Separated from motor vehicle parking, loading, and maneuvering areas by a 3 foot wide landscape area that meets the L1 landscape standard.

5. A paved route must be provided between each adjacent street and the site's bicycle parking area. The paved route must be at least 6 feet wide.

D. Improvements between buildings and the street. Developments including more than 20 percent of their floor area in nonresidential uses must meet this requirement. The land between a building or exterior improvement and a street must meet the standards of either paragraph D.1 or D.2, below.

1. Landscaped. The land between a building or exterior improvement and a street must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening; or

2. Hard-surfaced. The land must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food, or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback. Pedestrian use areas in the setback required in Section 33.526.260, Special Setbacks, must be physically separated from parking and motor vehicle maneuvering areas by a 3 foot wide area landscaped to at least the L2 standard of Chapter 33.248, Landscaping and Screening.

33.526.280 Building Design

A. Purpose. These provisions foster creation of a rich urban environment that accommodates growth but is compatible with existing housing in the area.

B. Nonresidential and mixed-use developments. In RH, RX, C, and EX zones, buildings must meet the following:

1. A building's main entrance must:

a. Face a public or private street;

b. Be within 15 feet of the public or private street it faces;

c. If the site abuts more than one street, the main entrance must face the street with the highest transit classification in the Transportation Element of the Comprehensive Plan;

d. Be oriented to nearby transit facilities as follows:

- If there is a light rail station or transit stop within 200 feet of the site, the building's main entrance must be at the building's closest point to the light rail station or transit stop.
- If the site is within 200 feet of both a light rail station and a transit stop, the building's main entrance requirement applies to the light rail station.
- If the site is within 200 feet of more than one transit stop, the building entrance requirement applies to the closest transit stop.
- If the site is the same distance from all transit stops, the applicant may choose which stop to apply this standard.

2. Street enclosure. In pedestrian districts identified in the Transportation Element of the Comprehensive Plan, and at intersections where pedestrian paths or transit streets cross another pedestrian path or transit street:

   a. Exterior walls of primary structures facing the street must be within 12 feet of the right-of-way.

   b. Street-facing exterior facades must be at least 40 feet long and 16 feet high.

3. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of paragraph 33.130.230.B.2, regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

33.526.290 Parking

A. Purpose. The regulations of this Section ensure that development is oriented to transit and does not discourage transit use, bicycling, or pedestrian travel by ignoring transit facilities or accommodating facilities for motor vehicles at the expense of pedestrians.

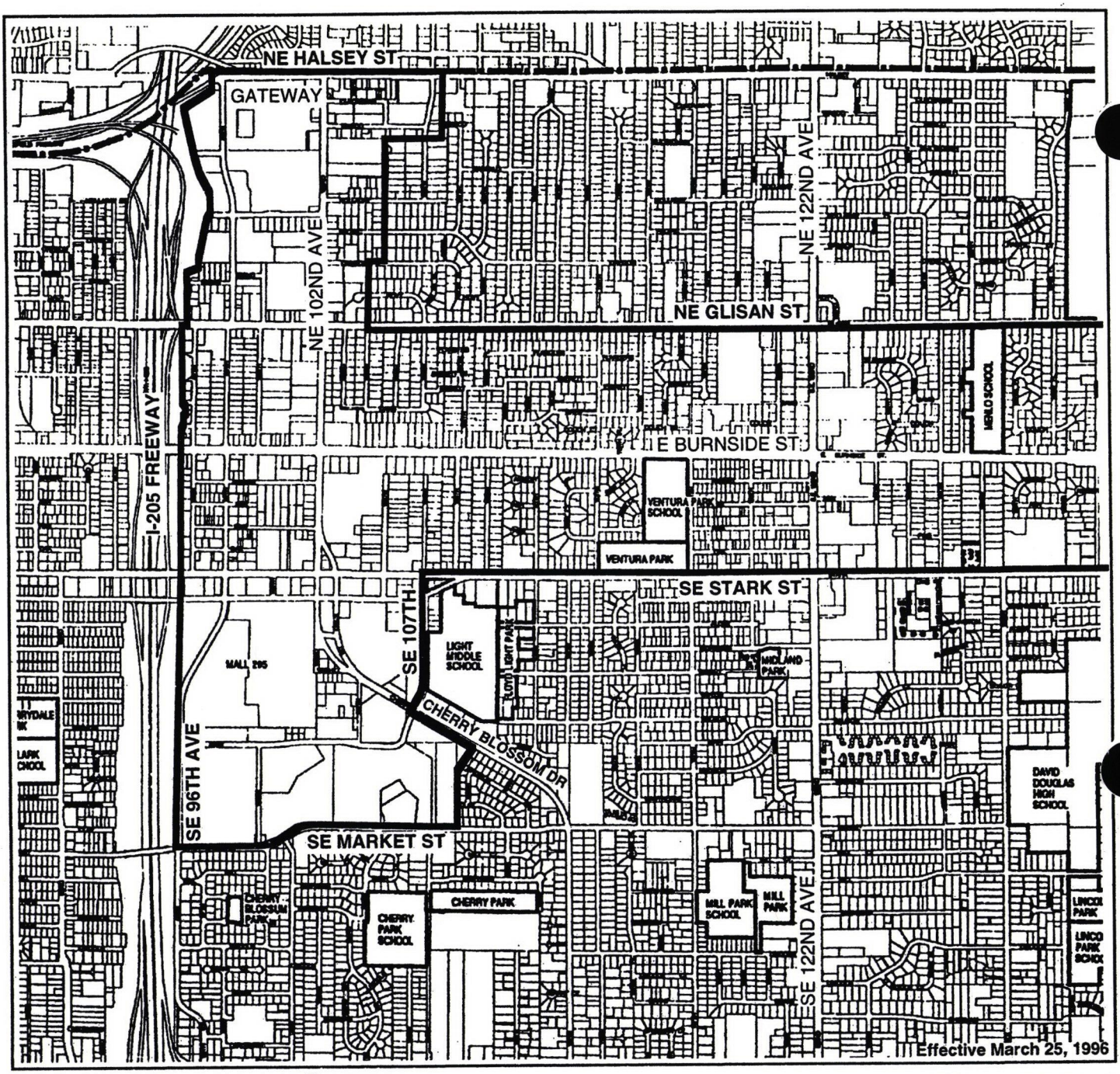
B. Number of parking spaces. There is no minimum number of required parking spaces. The maximum number of parking spaces for nonresidential uses may not exceed 150 percent of the minimum required number of parking spaces listed in Table 266-2 of Chapter 33.266, Parking and Loading. Park-and-ride facilities are exempt from this requirement.

C. Location. Motor vehicle parking, maneuvering, and loading areas are not allowed between the facade of a building with the main entrance and the street. If a site abuts more than two streets, this requirement must be met for only two of the streets. Motor vehicle parking, maneuvering, and loading areas between the primary structure and an abutting light rail alignment are prohibited.

D. Parking structures. In the C and E zones, parking structures or parts of parking structures located within 50 feet of a light rail alignment must be designed and constructed to accommodate Retail Sales And Service or Office uses along at least 50 percent of the structure's ground level walls that front onto the light rail alignment.

E. Parking access. Motor vehicle access to any parking area or structure, or loading area is not allowed from a light rail alignment unless the site does not abut another street. Adjustments to this Subsection are prohibited.

Maps for Chapter 526 begin on the next page



NORTH

0' 1000' 2000'

Scale in Feet

Plan District Boundary

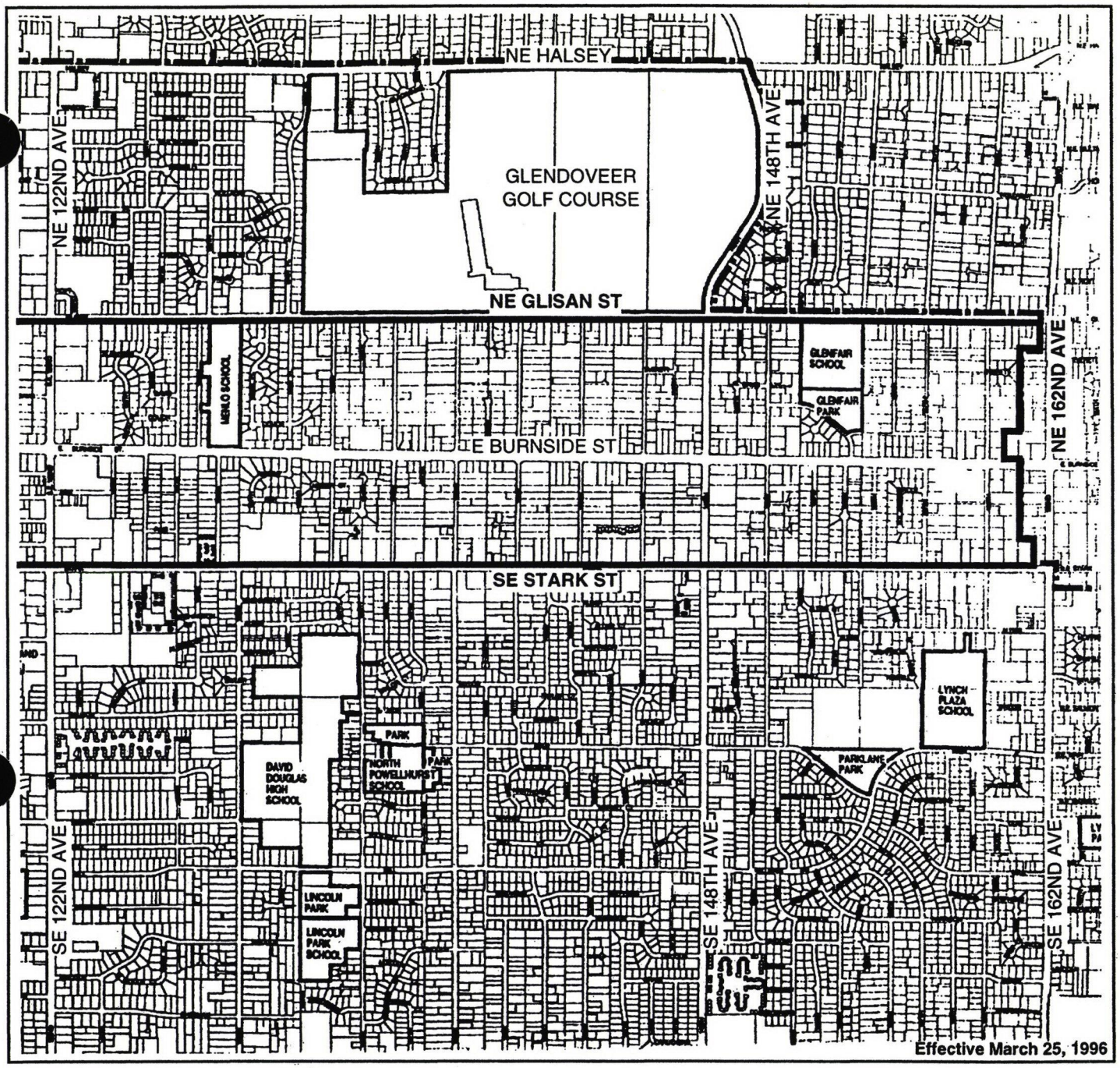
Map 526-1

Gateway Plan District

Map 1 of 2

GTS/Graphics 3-22-96

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1000' 2000'

Scale in Feet

Plan District Boundary

Map 526-1

Gateway Plan District

Map 2 of 2

GTS/Graphics 3-22-96

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CHAPTER 33.530
GLENDOVEER PLAN DISTRICT
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.530.010 Purpose
33.530.020 Where the Regulations Apply
33.530.030 Minimum Lot Size
33.530.040 Building Setbacks
Map 530-1 Glendoveer Plan District

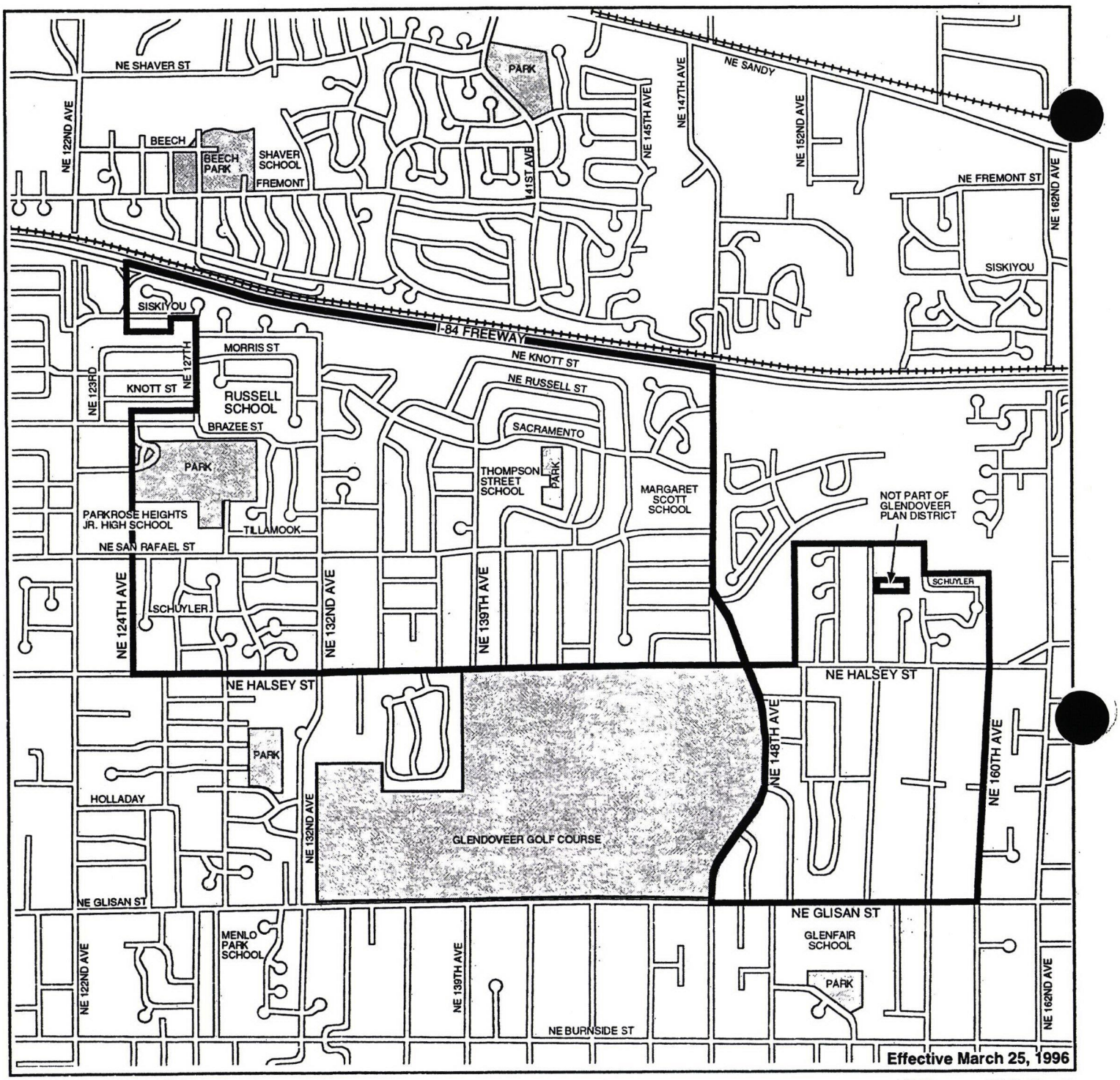
33.530.010 Purpose
The regulations of the Glendoveer plan district are intended to ensure that the special development patterns fostered by Ascot zoning and succeeding zoning provisions established by Multnomah County are protected and continued under City zoning regulations following annexation.

33.530.020 Where the Regulations Apply
The standards of this chapter apply only to areas zoned R7 and which were zoned LR7.5 by Multnomah County prior to the establishment of City zoning. Glendoveer plan district boundaries and areas that were formerly zoned LR7.5 and are now zoned R7 are shown on Map 530-1, located at the end of this chapter, and on the Official Zoning Maps.

33.530.030 Minimum Lot Size
The minimum lot area is 7,500 square feet. The minimum lot width is 70 feet.

33.530.040 Building Setbacks
The minimum building setbacks are:

Setback	Distance
Front setback	30 feet
Side setback	10 feet
Rear setback	15 feet



NORTH

0' 1000' 2000'

Scale in Feet

Plan District Boundary

Map 530-1

Glendoveer Plan District

GTS/Graphics 3-20-96

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CHAPTER 33.533
HEALY HEIGHTS PLAN DISTRICT

(Added by: Ord. No. 166921, effective 10/1/93; Ord. No. 167650, effective June 10, 1994; Ord. No. 171718, effective 11/29/97.)

Sections:

33.533.010 Purpose
33.533.020 Where the Regulations Apply
33.533.030 Existing Towers
33.533.040 Relocation of Existing Towers
33.533.050 New Towers and Expanded Facilities
33.533.060 Damage, Destruction and Discontinuance
33.533.070 Development Standards
33.522.080 Monitoring and Power Density Measurements
33.522.090 Radiofrequency Interference
33.533.100 Procedures
Map 533-1 Healy Heights Plan District

33.533.010 Purpose

The Healy Heights Plan District provides additional regulations for the conditional use review of Radio Frequency Transmission Facilities in a unique situation. Healy Heights has a concentrated and complex array of radiofrequency sources and towers located within a developed single-family neighborhood. The plan district protects the established character of the neighborhood while ensuring that the broadcast and communications industry at this location remains viable. This plan district achieves its purpose through:

- Control of aesthetic impacts through limitations on additions to or expansion of broadcast towers;
- Improving the opportunity for communication between the users of broadcast facilities and surrounding residents;
- Requiring mitigation of the effects of radiofrequency interference to the extent practicable; and
- Reaffirming the importance of Healy Heights to the Radio Frequency Transmission industry and to the people served by that industry.

33.533.020 Where the Regulations Apply

The regulations of this chapter apply only to Radio Frequency Transmission Facilities within the Healy Heights Plan District. All Radio Frequency Transmission Facilities and accessory uses are described in and regulated by Chapter 33.274. The boundaries of the plan district are shown on Map 533-1 at the end of this chapter, and on the Official Zoning Maps.

33.533.030 Existing Towers

Existing towers may continue to operate. Up to 7 Radio Frequency Transmission towers are allowed in the plan district. Additional towers are prohibited. When a tower is removed from the plan district, the maximum number of towers allowed is reduced accordingly. The maximum number of towers cannot exceed the number of towers present in the plan district.

33.533.040 Relocation of Existing Towers
Existing towers may be relocated within the plan district if the review body finds the following approval criteria are met:

A. Relocation of an existing tower does not result in a taller tower, an increase in the extent to which ice may fall from the tower to a nearby property in residential use, an increase in wind noise, or in power density on properties in residential use.

B. Relocation of an existing tower must result in reduced aesthetic impact for nearby residential uses and may not result in a significant increase in the aesthetic impacts to the City as whole. Aesthetic impacts include, but are not limited to:

- Tower design;
- Tower height;
- Tower mass;
- Tower coloring/visibility;
- Landscaping;
- Accessory structure design; and
- Setbacks.

33.533.050 New Towers and Expanded Facilities
New towers and reconstruction that will expand tower capacity may be approved if the review body finds the approval criteria of A and B, below, are met. Temporary towers may be approved if the review body finds that criterion C, below, is met. All other new towers or reconstruction that will expand tower capacity are prohibited.

A. Tower sharing. The new or expanded tower facility is designed as a shared use facility and will provide for consolidation of existing Radio Frequency Transmission Facilities from within the plan district.

B. Tower consolidation. An existing tower, or towers, within the plan district is to be removed as part of the proposal, resulting in a net reduction of the number of towers present in the plan district.

C. Temporary towers. Temporary auxiliary towers may be used when necessary for the reconstruction of an existing tower, to protect workers from excessive levels of radiofrequency energy, or to replace a damaged tower. The temporary auxiliary tower may remain until such time as the existing tower is returned to regular use, and then it must be dismantled and removed from the plan district within 90 days. A temporary tower may not be in place for more than 2 years or exceed the applicable standards of Table 274-1.

33.533.060 Damage, Destruction, and Discontinuance

A. Reconstruction and maintenance. Existing towers may be repaired or undergo major maintenance for structural safety, as confirmed by a licensed engineer. Repair or maintenance may not result in a tower with increased dimensions. Improved structural integrity may not, by itself, result in an increase in the number of antennas or transmitters, or in power density.

B. Discontinuance. In the event that a tower is demolished or not used and maintained as a broadcast or relay facility for a period of 2 years, it must be dismantled and removed from the plan district.

33.533.070 Development Standards

A. Minimum site size. The minimum site size requirements of 33.274.040, do not apply to sites in this plan district, as they appear at the time of adoption of this plan district, and as long as such sites have a tower used and maintained as a broadcast or relay facility.

B. Setbacks. Where the subject site abuts a site which includes a Radio Frequency Transmission Facility, the minimum tower setback requirements of 33.274.040, do not apply to new or replacement towers in this plan district. Where the subject site abuts a site in exclusive residential use, the minimum tower setback requirements of 33.274.040 apply to all new or replacement towers in this plan district.

C. Other development aspects. All aspects of development not regulated by this chapter are regulated by 33.274.

33.533.080 Monitoring and Power Density Measurements

A. Monitoring. Monitoring of RF fields will occur as determined by the Healy Heights RF Advisory Board, to confirm that conditions as described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase II, December 16, 1991, have remained the same or changed in the manner predicted by subsequent approved applications for change or addition.

1. Monitoring must be performed by a qualified technician or engineer.

2. Monitoring will consist of measurement of radiofrequency fields in a manner comparative to and compatible with, the methodology used in and described by An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990.

3. Monitoring must include at least the points used for narrow band measurements in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, plus a minimum of 10 other points identified in that document, falling outside of and generally dispersed around the plan district.

4. Monitoring will occur when there is reasonable cause to believe that one or more of the facilities at Healy Heights is causing radiofrequency radiation in excess of the levels allowed. Monitoring may occur at random.

B. Required power density assessment.

1. Calculation of power density. All applications for new or expanded facilities not exempted by 33.274.030, will be accompanied by a calculation of the effects of the proposed facility on the existing radiofrequency environment. The calculation of power density must be made for the points used for narrow band measurements in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, plus a minimum of 10 other points identified in this document, falling outside of and generally dispersed around the plan district.

2. Measurement of power density. When calculations show that the majority of the measurement points will have an increase of 25 percent of the difference between the latest base line study of power density levels and the maximum power density allowed, a new base line power density level must be established. A new base line will be established by measuring the power density at, or as near as reasonably possible, all measurement points identified in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, after regular operation of the facility has commenced. Final approval of the facility will be contingent upon compliance with the standards in Table 274-1.

C. Method of power density measurements. All measurements, whether for monitoring or required of an applicant, must be made in the manner described by the section entitled Technical Approach, beginning on page 9 of An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phase I, August 14, 1990. For the purpose of monitoring radiofrequency fields, measurements need not necessarily occur at all points measured in An Investigation of Radiofrequency Fields on Healy Heights, Portland, Oregon, Phases I and II, but should occur as near to those points as reasonably possible and in sufficient number to ascertain to what extent the radiofrequency environment has changed.

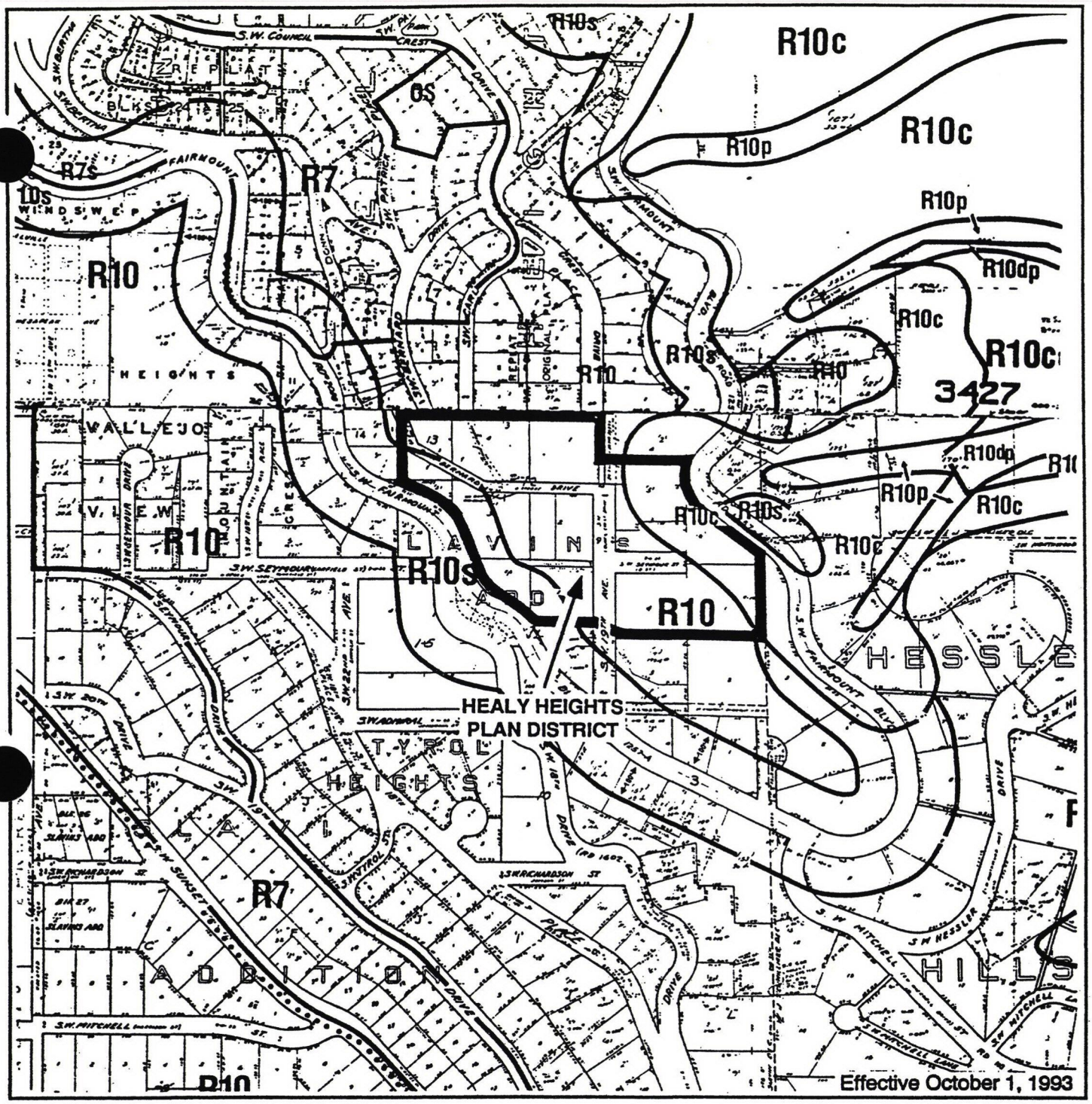
33.533.090 Radiofrequency Interference
All Radio Frequency Transmission Facilities owners and operators are responsible for assuring that interference to consumer electronic devices, from their equipment, is kept to the minimum level possible.

A. Interference survey. Surveying the extent of radiofrequency interference (RFI) will occur in the manner and frequency as determined by the Healy Heights RF Advisory Board. Survey of RFI may be included as a condition of approval to a land use approval or as a joint responsibility of the operators and owners of the Healy Heights RF facilities. To the extent possible, such surveys will determine the types of interference encountered, the area of interference, and the source of interference.

B. Mitigation of interference. When the source of RFI can be determined, the owner and operator of that source will be responsible for any and all steps necessary for mitigation of the effects of the RFI, as determined appropriate by the Healy Heights RF Advisory Board.

33.533.100 Procedures
Construction of a temporary tower will be reviewed through the Type II procedure. All other Radio Frequency Transmission Facility proposals are subject to the review procedures of Chapter 33.274, Radio Frequency Transmission Facilities.

The staff may require an application for a new tower to be reviewed by the Design Commission for advice to the Hearings Officer or City Council.



NORTH

0 200 400

Scale in Feet

Plan District Boundary

Map 533-1

Healy Heights Plan District

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CHAPTER 33.534
HILLSDALE PLAN DISTRICT

(Added by: Ord. No. 171699, effective 11/21/97.)

Sections:

General
33.534.010 Purpose
33.534.020 Where These Regulations Apply
Use Regulations
33.534.100 Purpose
33.534.110 Prohibited Uses
Development Standards
33.534.200 Purpose
33.534.210 Setbacks
33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones
33.534.230 Drive-Through Facilities
Map 534-1 Hillsdale Plan District

General

33.534.010 Purpose

The regulations of the Hillsdale plan district promote compatibility between existing and new residential and commercial development and support the Hillsdale Town Center.

33.534.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Hillsdale plan district. The boundaries of the plan district are shown on Map 534-1 at the end of this Chapter, and on the Official Zoning Maps.

Use Regulations

33.534.100 Purpose

Use restrictions in the Hillsdale plan district will help avoid conflicts between the public's investment in pedestrian, transit and bicycle improvements and the role Hillsdale plays as a Town Center. Limiting auto-oriented uses will ensure that private investment complements the public's investment.

33.534.110 Prohibited Uses

The following uses are prohibited:

A. Vehicle repair;

B. Quick vehicle servicing;

C. Self-service storage; and

D. Warehouse and freight movement.

Development Standards

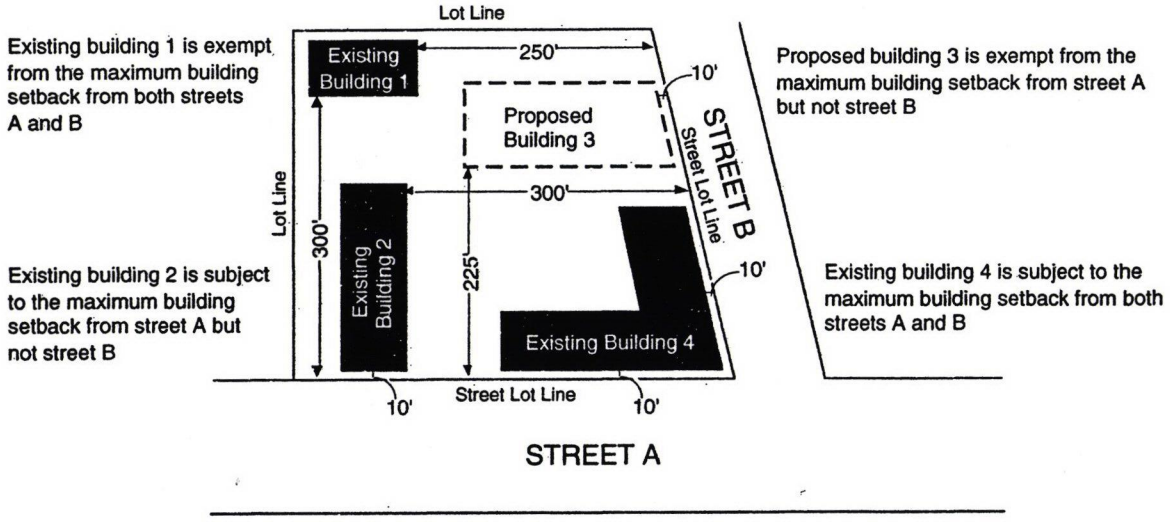
33.534.200 Purpose
These development standards maintain the established character of the Hillsdale area while encouraging pedestrian-oriented development.

33.534.210 Setbacks

A. Front building setback in the R1 zone. A setback of at least 10 feet is required in the R1 zone along streets designated as Local Service Streets in the Transportation Element of the Comprehensive Plan.

B. Building setback in the CS zone. Buildings in the CS zone that are entirely 200 feet or more from a street that abuts the site are exempt from the maximum building setback of the base zone for that street. See Figure 534-1.

Figure 534-1
Exemption from Maximum Building Setback in CS Zone



33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones
Exterior display, storage and work activities are prohibited in the IR and C zones, except for the following, which are allowed:

A. Outdoor seating for restaurants;

B. Pedestian-oriented uses, including flower, food, and drink, stands, and other similar, pedestrian-oriented uses;

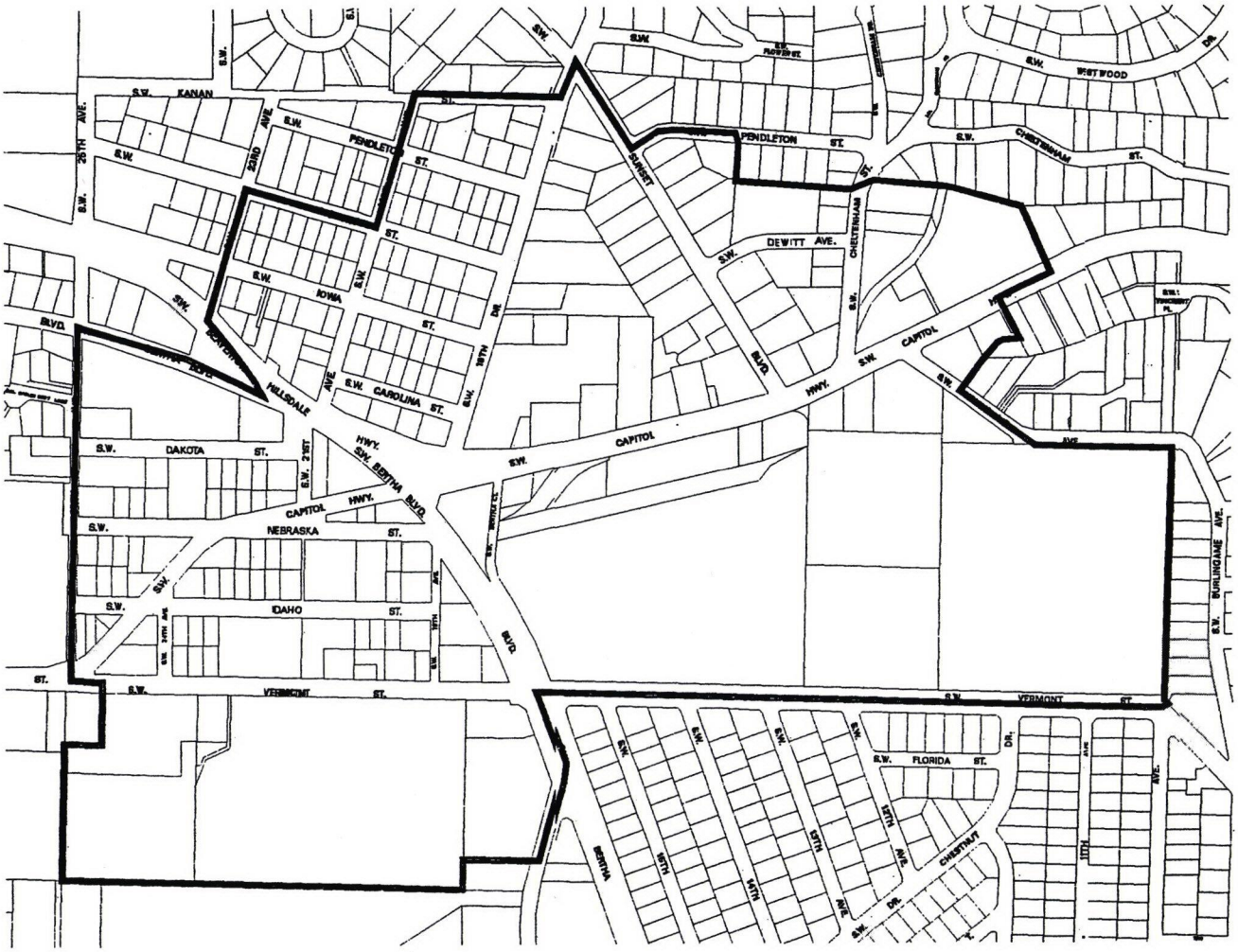
C. Farmers' markets selling plants and produce may operate one day per week; and

D. Exterior display of items for sale, if the following are met:

1. The display is within 20 feet of the store from which the items are being sold; and
2. Items are displayed only when the store is open.

33.534.230 Drive-Through Facilities

Drive-through facilities are prohibited.



Effective November 21, 1997

NORTH

0' 300' 600'

Scale in Feet

Plan Area Boundary

Map 534-1
Hillsdale Plan District

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CHAPTER 33.535
JOHNSON CREEK BASIN PLAN DISTRICT

(Added by Ord. No. 164472, effective 8/16/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 169763, effective 3/25/96; Ord. No. 170495, effective 8/21/96; Ord. No. 170806, effective 1/17/97; Ord No. 172208, effective 5/13/98.

Sections:

General
33.535.010 Purpose
33.535.020 Where These Regulations Apply
33.535.030 Items Subject to These Regulations
33.535.040 Items Exempt from Environmental Regulations
Development Standards
33.535.100 General Development Standards
33.535.110 Transfer of Development Rights
33.535.120 Bonus Density
33.535.130 Springwater Corridor Standards
South Subdistrict Development Standards
33.535.200 Land Classifications
33.535.205 Site Development Standards
33.535.210 Maximum Density for PUDs and Cluster Subdivisions
33.535.220 Minimum Lot Sizes for Subdivisions and Major Partitions
33.535.230 Conservation of Class I and II Lands
33.535.240 Contesting the Land Classification Designation
Johnson Creek Flood Plain Subdistrict Development Standards
33.535.300 Housing Types
33.535.310 Site Development Standards
Map 535-1 Johnson Creek Basin Plan District

General

33.535.010 Purpose

The Johnson Creek Basin plan district provides for the safe, orderly, and efficient development of lands which are subject to a number of physical constraints, including significant natural resources, steep and hazardous slopes, flood plains, wetlands, and the lack of streets, sewers, and water services. At certain locations, the density of development is limited by applying special regulations to new land division proposals. Class I and II lands are given priority for designation as common open space in PUDs and cluster subdivisions, and preservation of existing vegetation on Class I, II, and III lands is encouraged. In addition, restrictions are placed on all new land uses and activities to reduce stormwater runoff, provide groundwater recharge, reduce erosion, enhance water quality, and retain and enhance native vegetation throughout the plan district. At other locations, development is encouraged and mechanisms are included that provide relief from environmental restrictions.

This plan district is intended to be used in conjunction with environmental zoning placed on significant resources and functional values in the Johnson Creek basin, to protect resources and functional values in conformance with Goal 8 of the Comprehensive Plan and Statewide Planning Goal 5.

33.535.020 Where These Regulations Apply

The regulations of this Chapter apply to the Johnson Creek Basin Plan District. The boundaries are shown on Map 535-1 at the end of this Chapter, and on the Official Zoning Maps. The plan district is divided into three subdistricts. These subdistricts allow some of the plan district's provisions to be applied in only part of the district. The three subdistricts, shown on Map 535-1, are:

- South subdistrict,
- Kelly Butte subdistrict, and
- Johnson Creek Flood Plain subdistrict.

The regulations of Section 33.535.010 through 33.535.120 apply to the entire plan district. The regulations of Section 33.535.130, Springwater Corridor Standards, apply to all lots that abut the Springwater Corridor. The regulations of Sections 33.535.200 through 33.535.240 apply to the South subdistrict. Sections 33.535.300 and 33.535.310 apply to the Johnson Creek Flood Plain subdistrict.

33.535.030 Items Subject to These Regulations

The following are subject to the development standards and required reviews of this chapter.

A. New development and exterior alterations;

B. New above or below ground utilities that are not in public rights-of-way; and

C. Removal of trees greater than six inches in diameter.

33.535.040 Items Exempt from Environmental Regulations

The following items are exempt from environmental regulations within the plan district, as they are compatible with the purposes of the plan district and will not adversely impact significant resources and functional values.

A. Removing trees within Johnson Creek below the ordinary high water level;

B. Items and conditions listed in the Johnson Creek Basin Protection Plan document as "Site-Specific Compatible Uses and Activities" in Chapter 8, Inventory Site Summaries;

C. Construction and maintenance of a public recreation trail and support facilities within the Springwater Corridor; and

D. Maintenance within existing rights-of-way, including road widening, rebuilding of bridges, resurfacing, and installation of curbs and sidewalks.

Development Standards

33.535.100 General Development Standards

The standards of this Section apply to the entire Johnson Creek Basin plan district.

A. The following are prohibited within the Johnson Creek floodway as delineated by the Federal Emergency Management Agency (FEMA) on July 1, 1991. Exceptions to this are fences, public bridges, outfall structures, and fire hydrants, which are allowed subject to standards set by the Bureau of Environmental Services.

1. New above ground structures;

2. Alterations to existing commercial and industrial structures that exceed 50% of the assessed value; or

3. Increase of building coverage.

B. Water discharge to Johnson Creek or its tributaries must not increase the existing level of Priority Pollutants as defined by the United States Environmental Protection Agency, sediment, temperature, or fecal enterococcus in the receiving water body. Systems must meet adopted Bureau of Environmental Services and Bureau of Buildings design and construction standards.

C. Release of water from Powell Butte reservoirs into Johnson Creek is prohibited unless there is a system malfunction or when the release would result in no more than a 10 percent increase in water volume at any point in the creek during the release period. Water discharged during scheduled release periods must be dechlorinated.

D. All vegetation removal activities must be surrounded or protected in a manner to prevent erosion and sediment from leaving the altered site.

33.535.110 Transfer of Development Rights

A. Purpose. These transfer of development rights regulations preserve development opportunities for new housing and reduce development pressure on environmentally sensitive sites. The regulations allow development rights to be transferred from sites with the Environmental Protection Overlay Zones or sites within the Johnson Creek Flood Plain subdistrict to areas that can accommodate the additional density without environmental conflict.

B. Regulations. Transfer of development rights between sites in the plan district is allowed as follows. "Development rights" are the number of potential dwelling units that would be allowed on the site. Bonus density is not transferable.

1. Sending sites. Sites in single-dwelling zones where at least 50 percent of the site is within the Environmental Protection overlay zone may transfer development rights.

2. Receiving sites. All sites within the Johnson Creek plan district may receive development rights from sending sites except:

a. Portions of a receiving site that are in either a "c" or "p" Environmental overlay zone;

b. Portions of a receiving site within the Johnson Creek Flood Plain subdistrict; and

c. Portions of a receiving site in Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.535.210, Maximum Density for PUDs and Cluster Subdivisions.

3. Maximum density. The density of the receiving site may not exceed 200 percent of the allowable density.

4. Transfer procedure. Transfer of development rights is allowed as follows:

a. Planned Unit Development (PUD) required. The receiving site must be approved for development as a PUD. The purpose of the PUD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.269, Planned Unit Developments.

b. Sending site included. The sending site must be a part of the application for PUD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

c. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded before approval of the final plan, or if the PUD includes a land division, before the Director's approval of the final plat.

5. Approval Criteria. In addition to the PUD approval criteria in 33.269.310.C, the transfer will be approved when the review body finds that all the following approval criteria have been met:

a. A PUD proposed for the site that includes the transferred density has been approved; and

b. The Owner has executed a covenant with the City that reflects the reduction in potential density for the sending site.

6. Adjustments prohibited. Adjustments to the provisions of this Section are prohibited.

33.535.120 Bonus Density

A. Purpose. Density bonuses promote denser development and encourage development in areas that have full and efficient urban services. They also encourage development patterns that reduce impact on environmentally sensitive sites.

B. Qualifying situations. Density bonuses are allowed except where prohibited. Density bonuses are prohibited on portions of a site:

1. In Environmental Protection or Conservation overlay zones;

2. Within the Johnson Creek Flood Plain subdistrict; or

3. In Land Class I or II within the South subdistrict. Land Class I and II are defined in Section 33.535.210, Maximum Density for PUDs and Cluster Subdivisions.

C. Maximum density. Proposals that meet the requirements of Subsection D, below, may increase their maximum density by 50 percent. Bonus density may be combined with transfer of development rights. The maximum increase in density that will be allowed when bonus and transfer development rights are combined is 100 percent.

D. Requirements. Proposals to use density bonuses must meet the following:

1. Development. Development must be attached residential and must meet the development standards for attached residential development in R2 zones. Adjustments to this paragraph are prohibited.

2. Planned Unit Development (PUD) required. The proposal must be approved for development as a Planned Unit Development (PUD). In addition to the PUD approval criteria in 33.269.310.C, the following standards must be met:

   a. Access to transit. Access from each dwelling unit within the proposal to a transit street or transitway, as identified in the Transportation Element of the City's Comprehensive Plan, must be provided. The access must be by a direct route that is not more than one-quarter mile long. A direct route is one that follows public or private streets. A direct route may also include a pedestrian path developed as part of the proposal if the City receives an access easement for public use of the pedestrian path.

   b. Sewer and water. Development sites within the project must be served by City sanitary sewer and water lines located in dedicated rights-of-way.

   c. Storm water retention and detention. All storm water originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.535.130 Springwater Corridor Standards

A. Purpose. This Section ensures protection of the Springwater Corridor as a recreation and scenic amenity.

B. Applicability. The standards of this Section apply to lots that abut the Springwater Corridor. These regulations do not apply within a public right-of-way. The Springwater Corridor is shown on the Official Zoning Maps and on Map 535-1 at the end of this Chapter.

C. Standards.

1. General standards.

   a. Motor vehicle areas. Motor vehicle parking, loading, and maneuvering areas are not allowed within 20 feet of a lot line abutting the Springwater Corridor;

   b. Waste collection and waste storage areas. In R3, R2, R1, RH, RX, IR, C, E, and I zones, exterior waste collection and waste storage areas must be screened from the corridor, the screen must be at least five feet deep and meet the L2 standard of Chapter 33.248, Landscaping and Screening;

   c. Retain existing trees. Trees within 20 feet of a lot line abutting the Springwater Corridor that are more than 6 inches in diameter must be retained unless:

      (1) The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property; or

      (2) The tree is within a water, sewer, or other utility easement; or

      (3) The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.

2. Special setback standards.

   a. Landscaped buffer required. New development and expansion of existing development must be set back and provided with a landscape buffer along lot lines abutting the Springwater Corridor.

      (1) R zones. In R zones, a 20 foot landscaped buffer is required along a lot line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.

      (2) C, E, and I zones. In C, E, and I zones, a 10 foot landscaped buffer is required along a property line that abuts the Springwater Corridor. The buffer must meet the L1 standard of Chapter 33.248, Landscaping and Screening.

   b. Bicycle and pedestrian paths. Connections for bicycles and pedestrians are allowed through the setback area.

South Subdistrict Development Standards

33.535.200 Land Classifications

All land in the South subdistrict is divided into three land classifications, Classes I through III. Class I lands are generally the steepest sites having the greatest amount of natural hazards while Class III lands are generally flat without natural hazards. This land classification system is the basis for many of the regulations of this chapter.

33.535.205 Site Development Standards

A. Tree removal. Trees greater than six inches in diameter may be removed only in the following situations:

1. When they are within 10 feet of an existing or proposed building or 5 feet of a paved surface;

2. When they are diseased or pose an immediate danger, as determined by the City Forester or a certified arborist; or

3. When they are below the ordinary high water level of Johnson Creek.

B. Impervious surface. No more than 50 percent of any site may be developed in impervious surface.

C. Stormwater collection. All storm water originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post-development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.535.210 Maximum Density for PUDs and Cluster Subdivisions

The maximum allowed density of development for PUDs and cluster subdivisions is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 535-1, below.

Table 535-1
Land Class Characteristics and Density Restrictions

Land Class	Characteristics of the Land Class	Maximum Density
Class I lands	Located within the FEMA floodway or on slopes with a grade of 30 percent or greater.	One-fourth the maximum density allowed in the base zone.
Class II lands	Not located within the FEMA floodway but on slopes with grade of 20 percent or greater, but less than 30 percent.	One-half the maximum density allowed in the base zone.
Class III lands	Not located within the FEMA floodway and on slopes with grade of less than 20 percent.	Maximum density allowed in base zone.

33.535.220 Minimum Lot Sizes for Subdivisions and Major Partitions

The following minimum lot sizes apply to all subdivisions and major partitions, excluding PUDs, and cluster subdivisions. Minor partitions must meet the minimum lot sizes of the base zone.

A. Up to 50 percent Class I and II. If up to 50 percent of the site area is classified as Class I and II lands, the minimum lot size is the minimum lot size of the base zone.

B. More than 50 percent Class I and II. If more than 50 percent of the site area is classified as Class I and II lands, the following minimum lot sizes apply.

1. If less than 20 percent of the site area is classified as Class I land, the minimum lot size is two times the minimum lot size of the base zone.

2. If 20 percent to 50 percent of the site area is classified as Class I land, the minimum lot size is three times the minimum lot size of the base zone.

3. If more than 50 percent of the site area is classified as Class I land, the minimum lot size is four times the minimum lot size of the base zone.

33.535.230 Conservation of Class I and II Lands

When designing PUDs and cluster subdivisions, Class I lands must be given first priority for designation as common open space and are to be maintained in a natural state. Existing non-nuisance and non-prohibited plants, as listed in the Portland Plant List, on Class I and II lands should be preserved where practical. The purpose of these requirements is to conserve significant natural areas, decrease the potential for erosion, decrease the amount of surface water runoff, and help stabilize areas prone to landslides.

33.535.240 Contesting the Land Classification Designation

The land classification for a property shown in the Land Classification for the Johnson Creek Basin Protection Plan may be contested through a Type III procedure. The landowner must include supporting materials prepared by a qualified engineering geologist, proving that the land classifications shown in the Development Manual for that property are incorrect. The pre-application conference is waived in these instances.

Johnson Creek Flood Plain Subdistrict Development Standards

33.535.300 Housing Types

In R3, R2, and R1 zones, allowed housing types are limited to multi-dwelling structures, duplexes, and attached housing. A house is allowed on lots of record that cannot accommodate more than one dwelling unit under the provisions of Section 33.120.205, Density. Adjustments to this Section are prohibited.

33.535.310 Site Development Standards

A. Tree removal. Trees greater than six inches in diameter may be removed only in the following situations:

1. When they are within 10 feet of an existing or proposed building or 5 feet of a paved surface;

2. When they are diseased or pose an immediate danger, as determined by the City Forester or a certified arborist; or

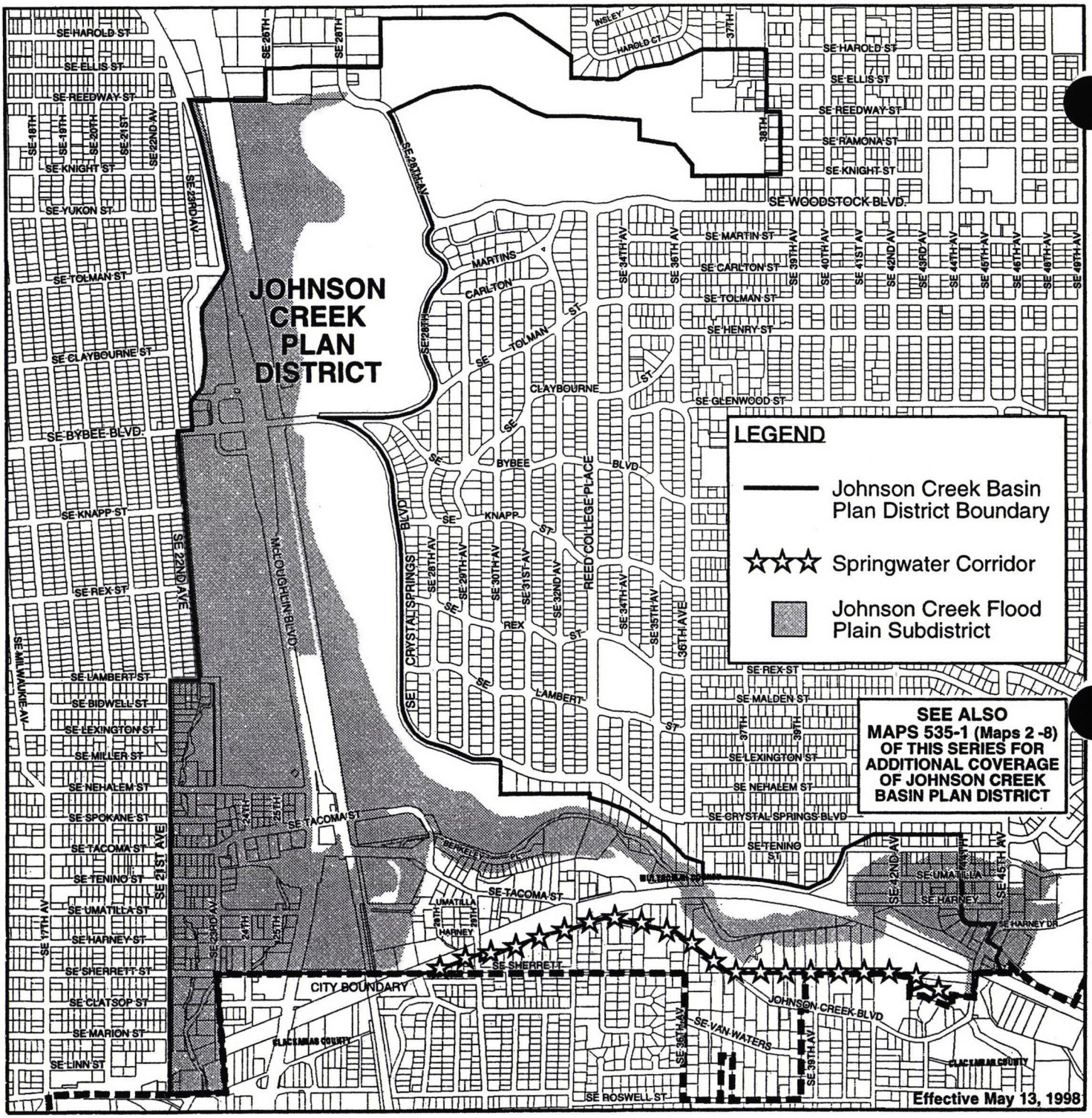
3. When they are below the ordinary high water level of Johnson Creek.

B. Impervious surface. No more than 50 percent of any site may be developed in impervious surface.

C. Stormwater collection. All stormwater originating on the site must be managed to ensure that development on the site does not contribute to flooding. Stormwater collection systems must be designed so that the post-development stormwater flow rate off the site is no greater than the pre-development flow rate off the site.

33.535.320 Land Divisions and PUDs

Land divisions and PUDs within the Johnson Creek Flood Risk Area, as indicated on Map 535-1, are prohibited.



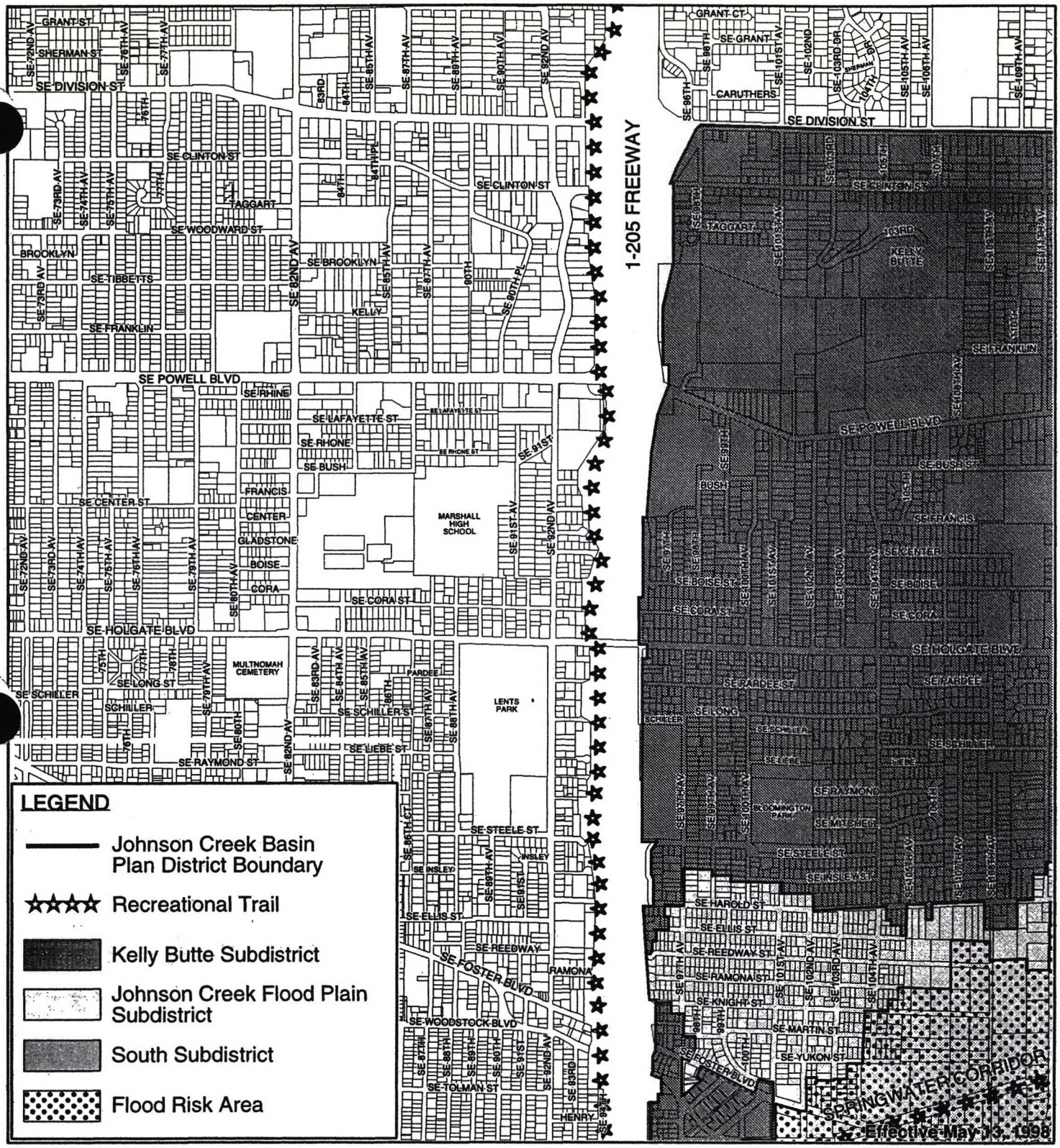
Map 535-1
Johnson Creek Basin Plan District

The regulations of Section 33.535.010 through 33.535.120 apply to this portion of the Johnson Creek Basin Plan District.

Map 1 of 8

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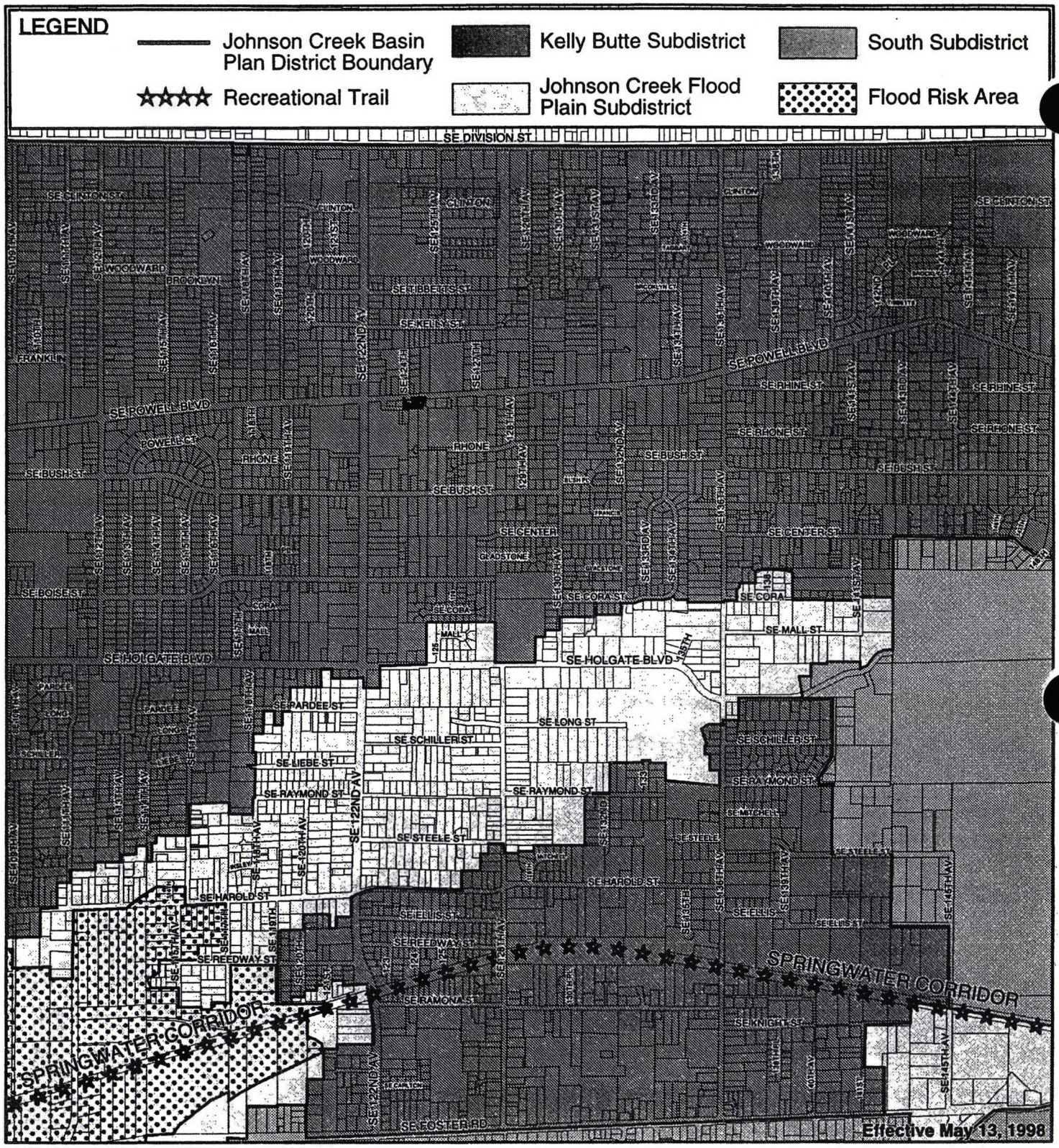


Map 535-1
Johnson Creek Basin Plan District

Map 2 of 8

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NORTH

0' 700' 1400'

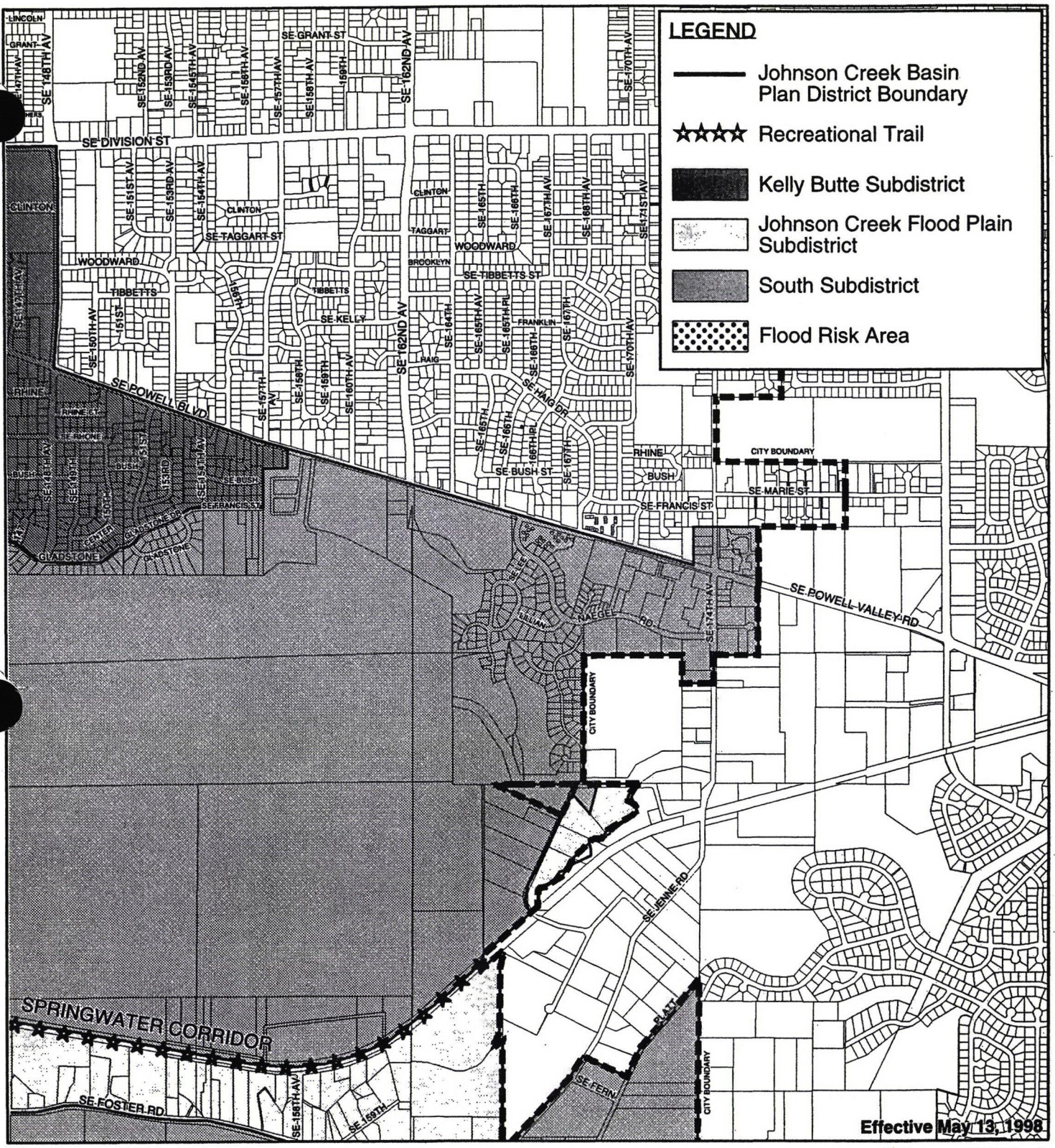
Scale in Feet

GTS/Graphics 5-11-98

Map 535-1
Johnson Creek Basin Plan District

Map 3 of

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NORTH

0' 700' 1400'

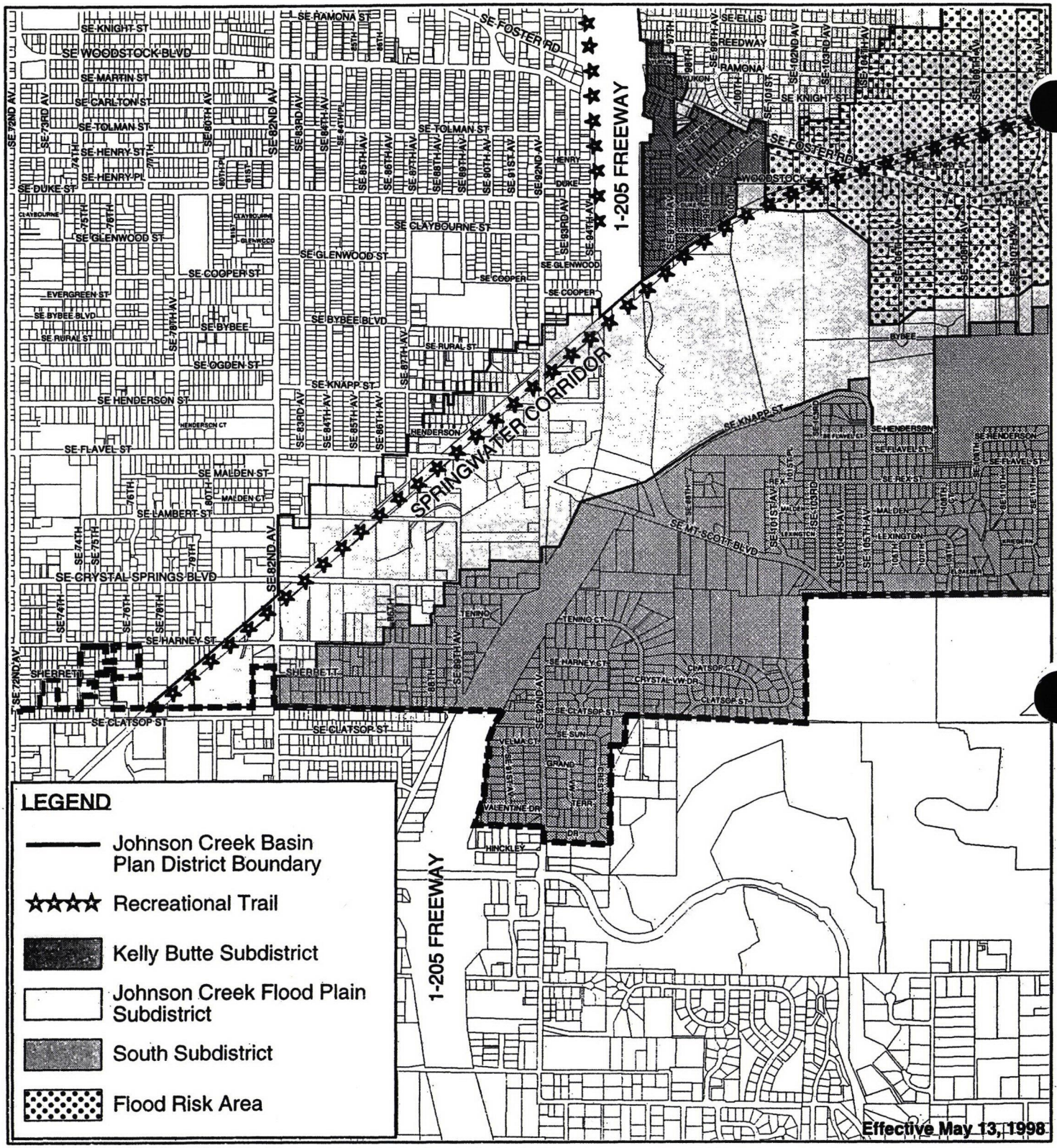
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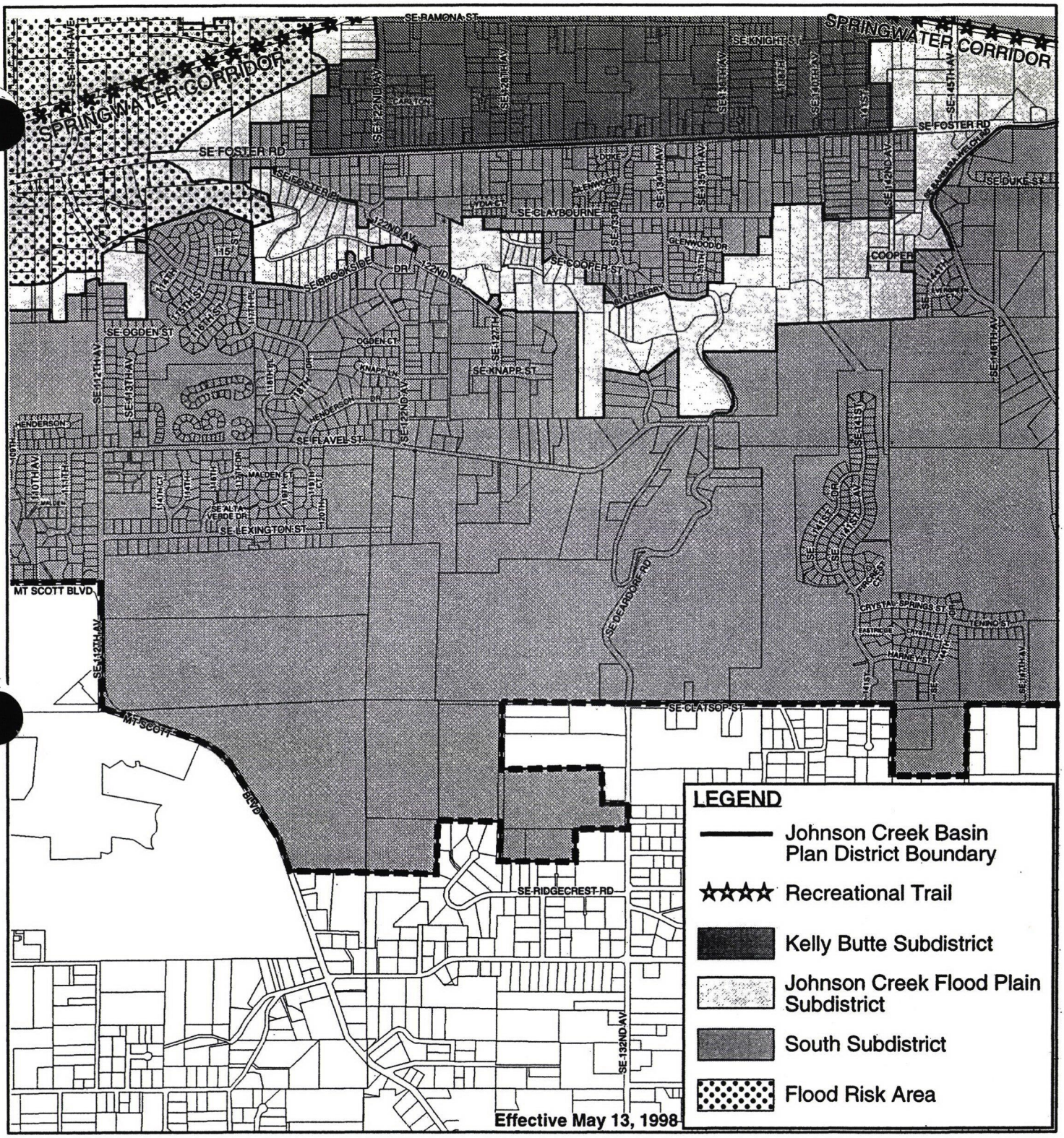
Map 535-1
Johnson Creek Basin Plan District

Map 4 of 8

GTS/Graphics 5-11-98

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SE GLENWOOD ST
SE CLAYBOURNE ST
SE COOPER ST
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SE RURAL ST
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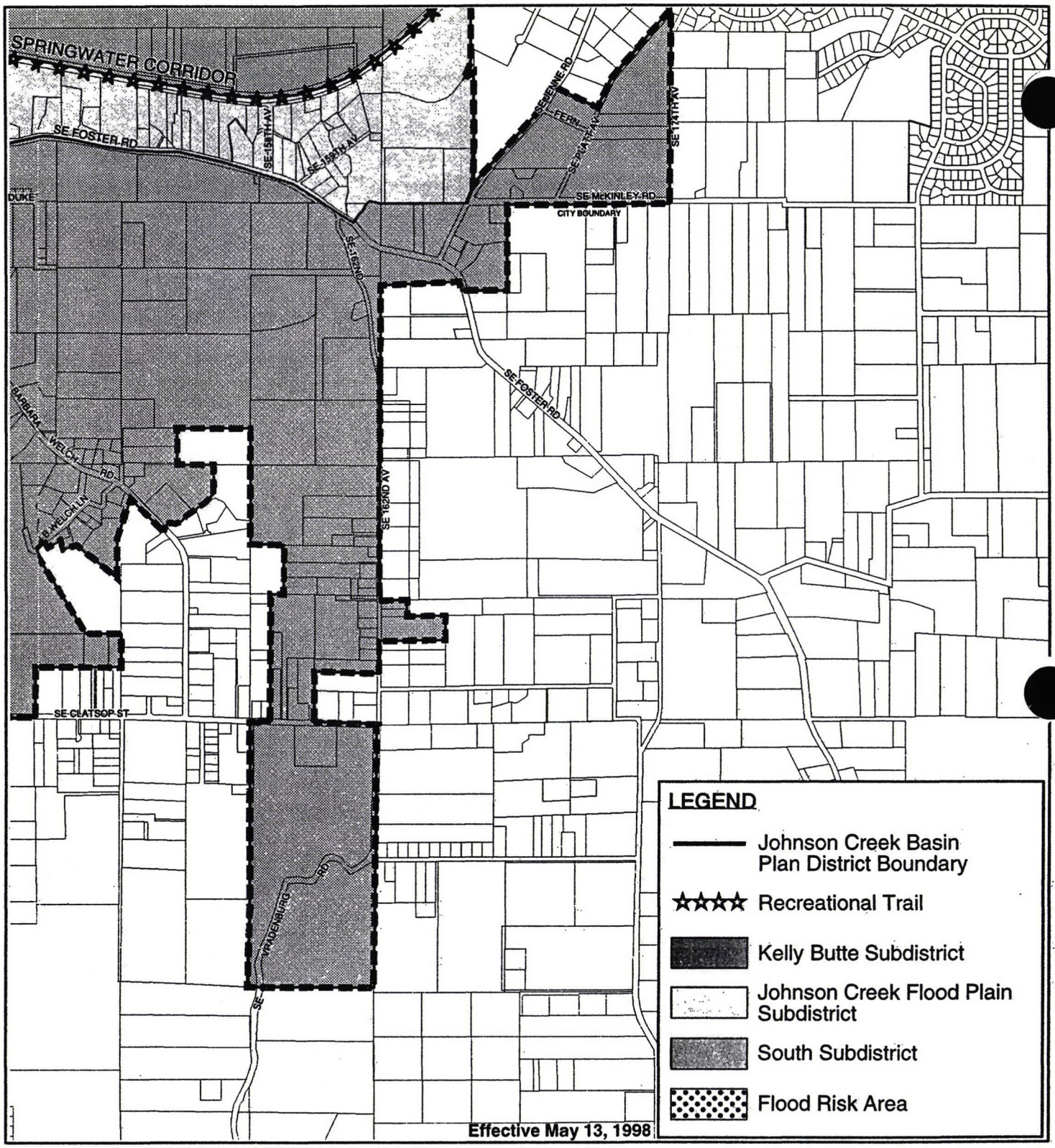
Scale in Feet

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Map 535-1
Johnson Creek Basin Plan District

Map 6 of 8

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NORTH

0' 700' 1400'

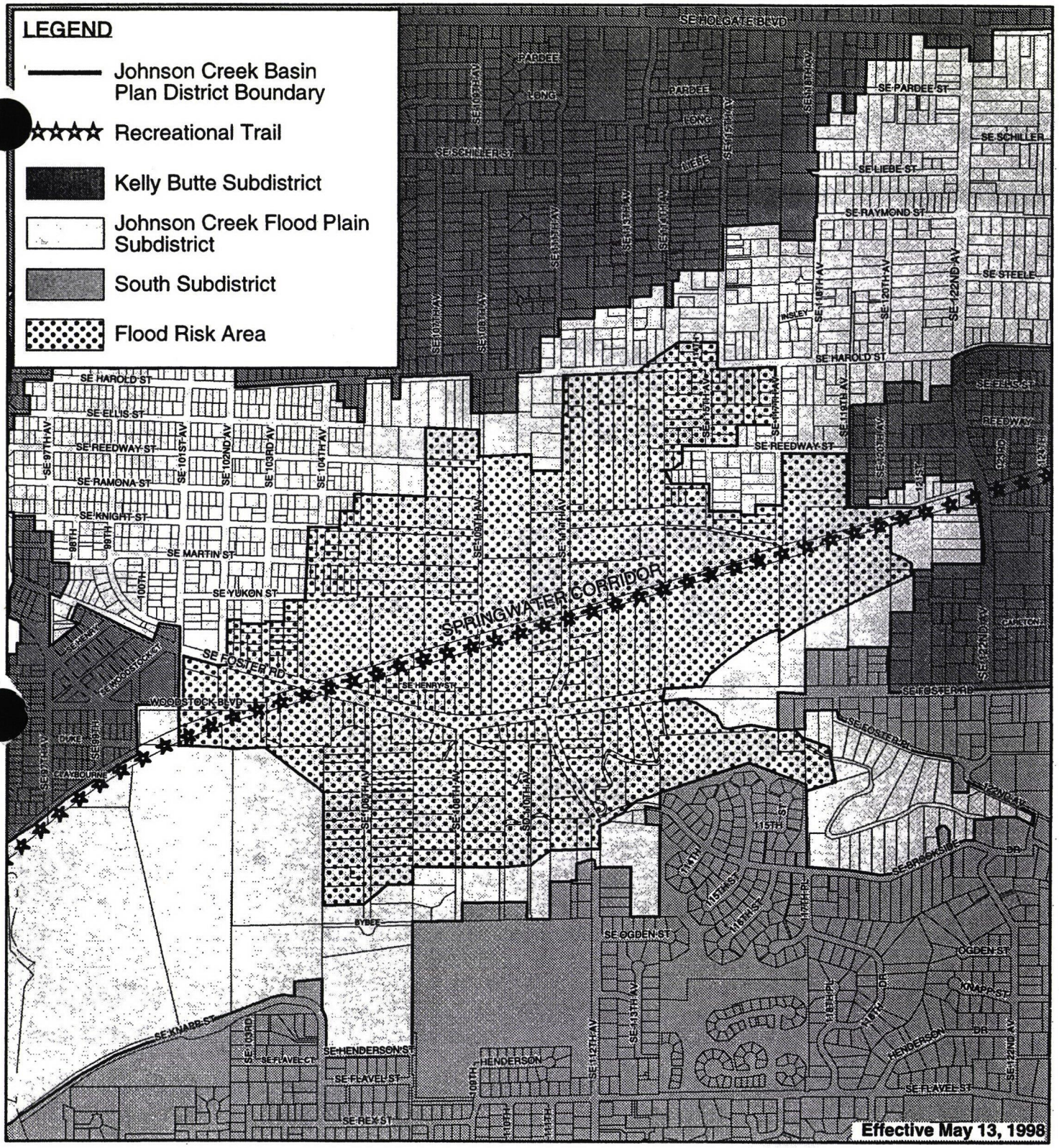
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Map 535-1
Johnson Creek Basin Plan District

Map 7 o

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NORTH

0' 500' 1000'

Scale in Feet

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Map 535-1
Johnson Creek Basin Plan District

Map 8 of 8

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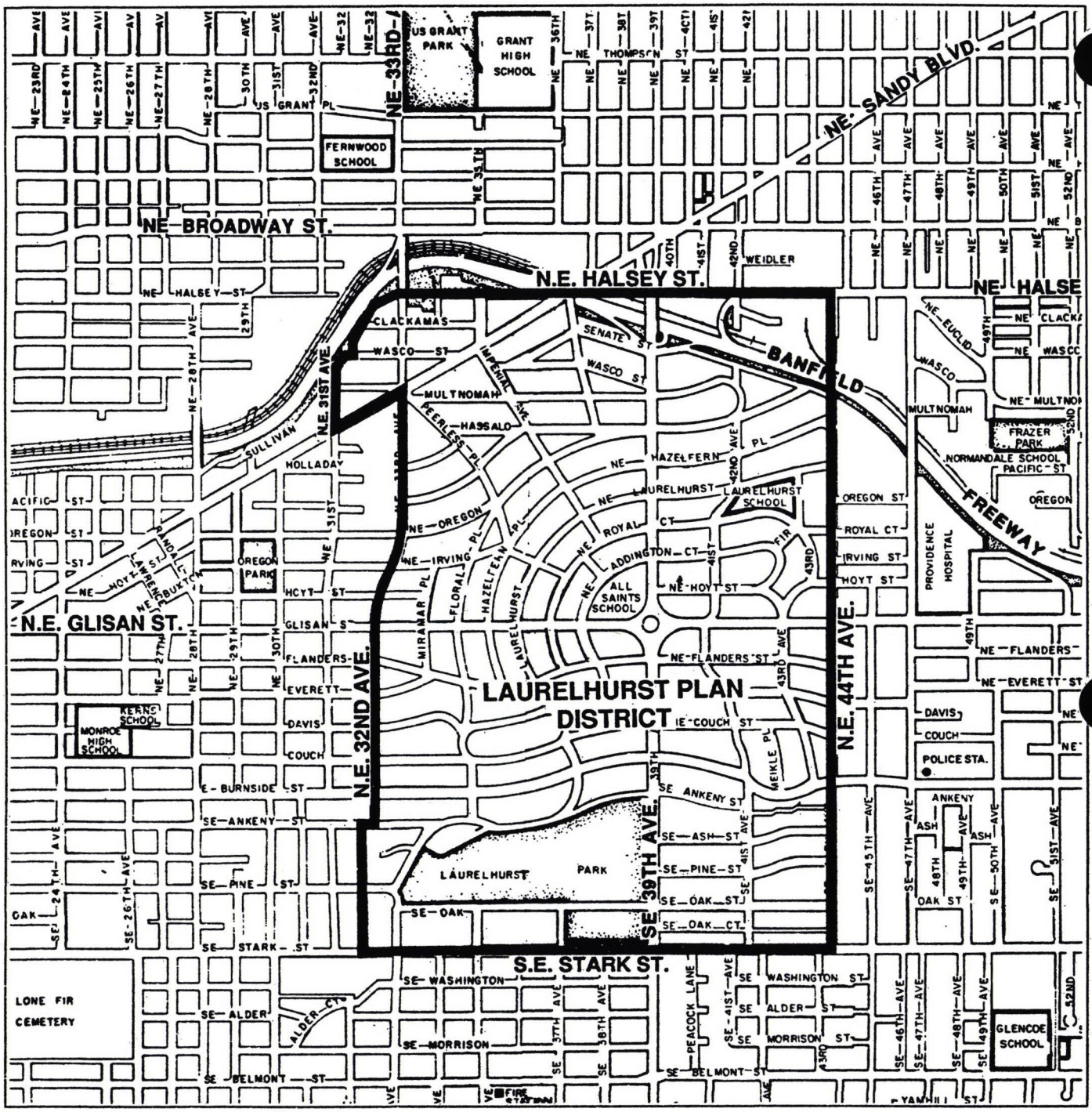
CHAPTER 33.540
LAURELHURST/EASTMORELAND PLAN DISTRICT
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.540.010 Purpose
33.540.020 Where the Regulations Apply
33.540.030 Required Building Setbacks
Map 540-1 Laurelhurst Plan District and Setbacks
Map 540-2 Eastmoreland Plan District and Setbacks

33.540.010 Purpose
The regulations of the Laurelhurst/Eastmoreland plan district enforce the special setback requirements of Ordinances 70343 and 68522. This plan district maintains the established character of the Laurelhurst and Eastmoreland areas, characterized by homes with larger than normal building setbacks from the street.

33.540.020 Where the Regulations Apply
The building setback requirements apply to the Laurelhurst/Eastmoreland Plan District as shown on the Maps 540-1 and 540-2 at the end of this chapter, and on the Official Zoning Maps.

33.540.030 Required Building Setbacks
Required building setbacks are shown on the Special Building Setbacks maps available for review in the Permit Center.

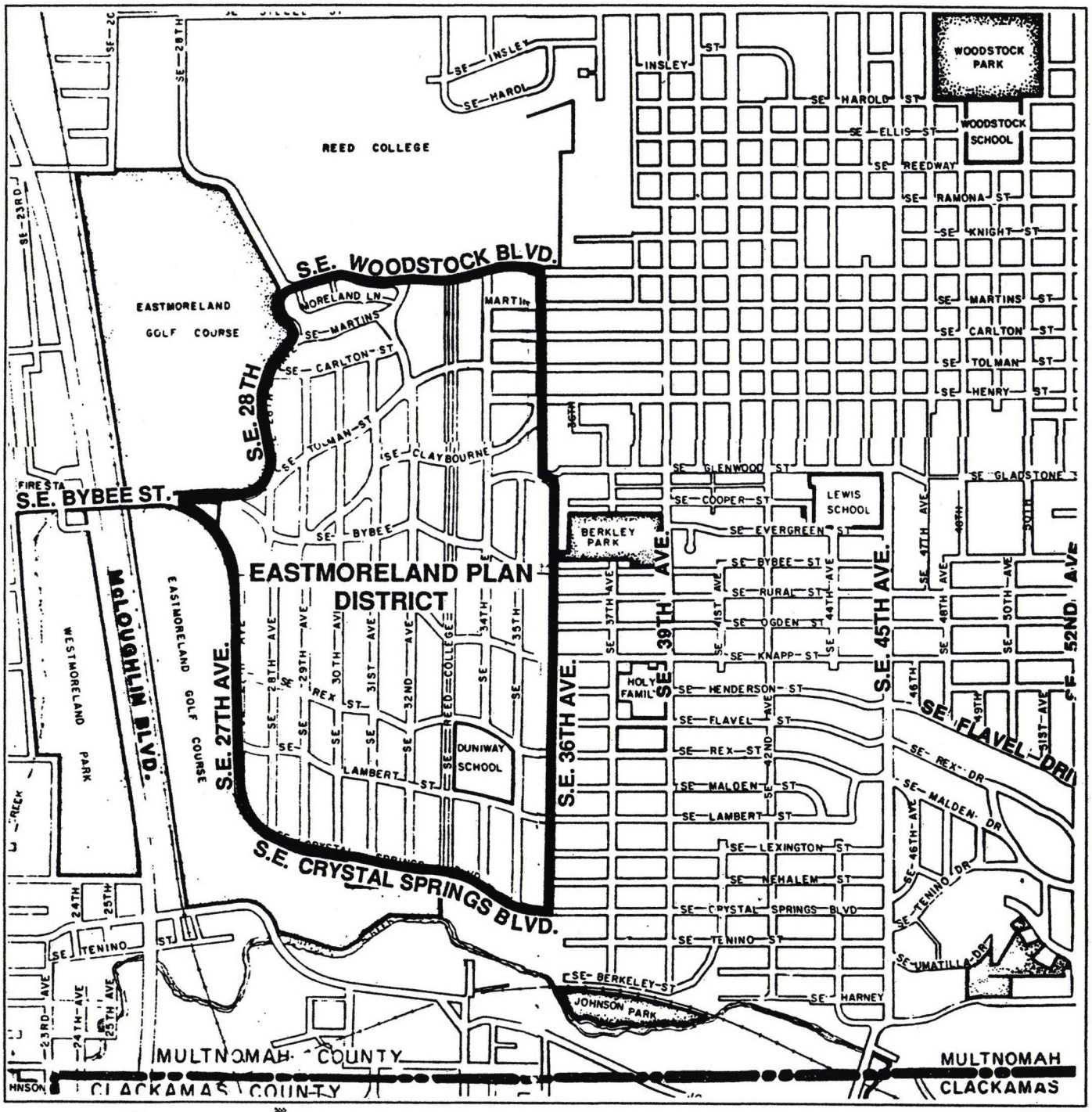


Map 540-1

Laurelhurst Plan District

The Laurelhurst setbacks are shown on special maps at the Bureau of Planning

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NORTH

0' 600' 1200'

Scale in Feet

Plan District Boundary

Map 540-2

Eastmoreland Plan District

The Eastmoreland setbacks are shown on special maps at the Bureau of Planning

CHAPTER 33.550
MACADAM PLAN DISTRICT
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
General
33.550.010 Purpose
33.550.020 Where the Regulations Apply
Use Regulations
33.550.100 Prohibited Uses
Development Standards
33.550.200 Floor Area Ratio
33.550.210 Building Height
33.550.220 Building Setbacks
33.550.230 Building Coverage
33.550.240 Building Length
33.550.250 View Corridors
33.550.260 Exterior Display and Storage
33.550.270 Drive-Through Facilities
33.550.280 Signs
Map 550-1 Macadam Avenue Plan District

33.550.010 Purpose
The Macadam plan district implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette river.

33.550.020 Where the Regulations Apply
The regulations of this chapter apply to development within the Macadam plan district. The boundaries of the district are shown on Map 550-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.550.100 Prohibited Uses
The following use categories are prohibited in the Macadam plan district:

A. Quick Vehicle Servicing; and

B. Vehicle Repair, excluding boat repair which is allowed.

Development Standards

33.550.200 Floor Area Ratio
The maximum floor area ratio is 2 to 1 for all uses.

33.550.210 Building Height
Building heights may not exceed the maximum and average building heights shown on Map 550-1.

33.550.220 Building Setbacks
The setback standards require that buildings with greater bulk be set back further from lot lines, to be consistent with the plan district's campus-like character, to maintain views of the river, and to prevent a canyon effect along SW Macadam Ave.

A. Setbacks from lot lines. The minimum building setbacks from all lot lines are based on the area of the plane of the building wall and are stated in Table 550-1. These setbacks do not apply to nonstreet lot lines on sites of 15,000 square feet or less.

Table 550-1
Building Setbacks From Lot Lines

If the area of the plane of the building wall is: [1]	The required setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 or greater	14 ft.

Notes:
[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

B. Future light rail line setback. Buildings that abut the future light rail facility are subject to special setbacks. The setbacks are listed below. The future light rail alignment is shown on Map 550-1 at the end of this chapter.

1. Residential buildings. Residential buildings must be set back at least 40 feet from the center line of the potential light rail line.

2. Commercial buildings. Commercial buildings must be set back at least 30 feet from the center line of the potential light rail line.

3. Uninhabitable structures. Uninhabitable structures, such as a parking structure, must be set back at least 17 feet from the center line of the potential light rail line. Commercial uses are not allowed on the ground floor.

4. Along lot lines. If the light rail line abuts a lot line, the more restrictive standard of Subsection A. or B. applies.

33.550.230 Building Coverage
The maximum building coverage is 75 percent of the site area.

33.550.240 Building Length

A. Length. The maximum length of any building facade is 200 feet.

B. Uninterrupted wall. An exterior wall of a building adjacent to a street may not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall which has no variation in exterior surface along its length. An offset of less than 3 feet in the plane of a building wall is considered an uninterrupted plane.

33.550.250 View Corridors

A. Ground level view corridors must be maintained along the rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Pendleton, and SW Richardson Streets. These view corridors must be preserved by maintaining open space from SW Macadam Ave to the ordinary high water line of the Willamette river and are measured 30 feet from each side of the center line of these streets. Houses within the SW Miles Street view corridor are exempt from these regulations. A 60 foot wide view corridor at ground level must also be maintained at SW Carolina Street. This view corridor is directed northeasterly beginning at the intersection of SW Macadam Ave and SW Carolina Street and extending so that the extension of the northern edge of the view corridor meets the intersection of the mean low water line and the north property line of River Lot 6, Southern Portland Addition.

B. The view corridors are shown on Map 550-1 at the end of this chapter.

33.550.260 Exterior Display and Storage
Exterior display and storage, except of boats, is not allowed.

33.550.270 Drive-Through Facilities
Drive-through facilities are prohibited in the Macadam plan district.

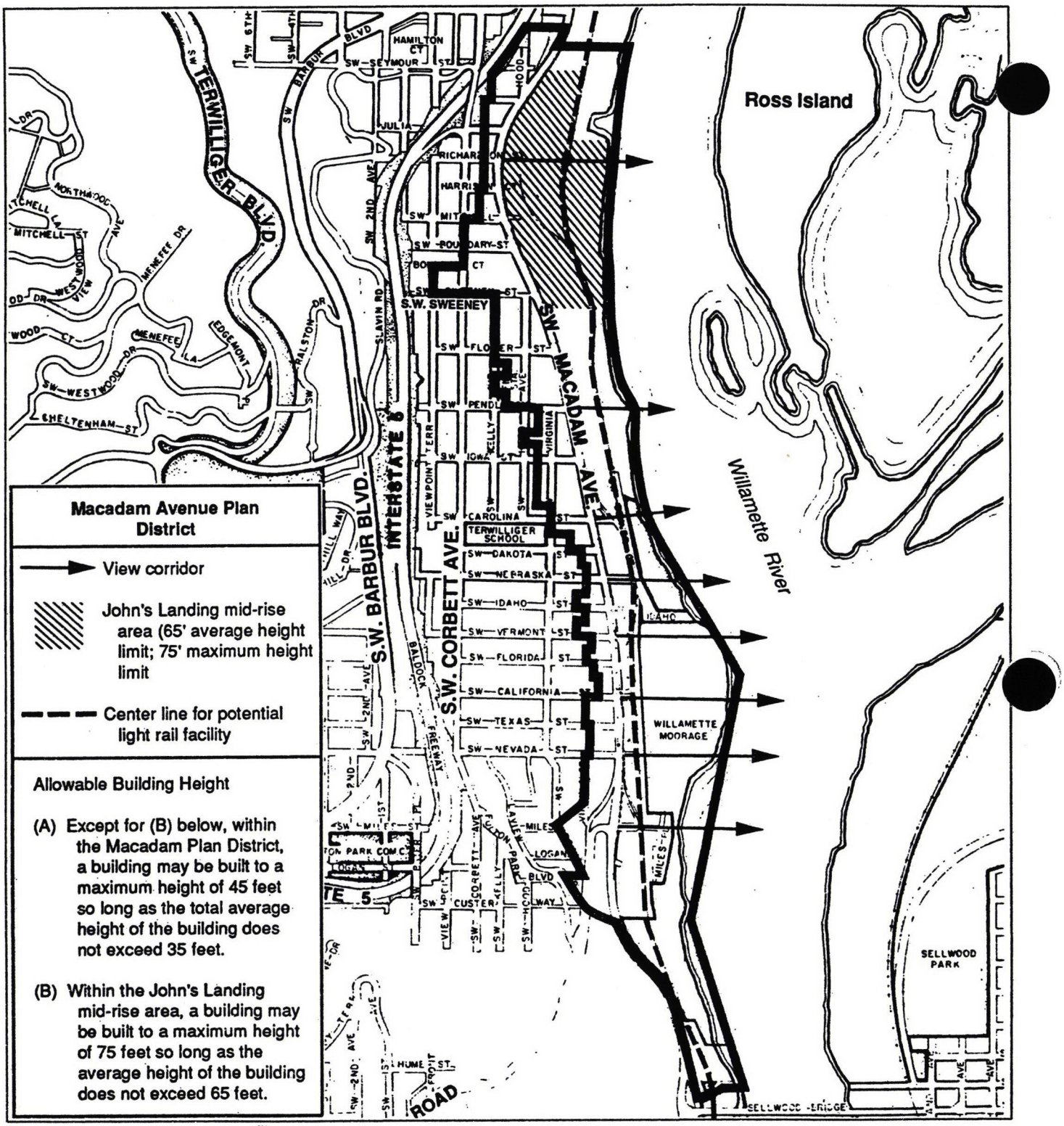
33.550.280 Signs

A. Freestanding signs are limited to 1/2 square foot of sign face area per lineal foot of street frontage. Building signs are limited to 1/2 square foot of sign face area per lineal foot of building wall. Maximum sign face area is 100 square feet.

B. The maximum height of a freestanding sign is 15 feet.

C. Signs with rotating or moving parts are prohibited.

D. Flashing signs are not allowed within 400 feet of a residential zone.


Ross Island
Willamette River
S.W. MACADAM AVE.
S.W. CORBETT AVE.
S.W. BARBUR BLVD.
INTERSTATE 5
TERWILLIGER BLVD.
SW SEYMOUR ST
SW SWEENEY
SW CAROLINA ST
TERWILLIGER SCHOOL
SW DAKOTA ST
SW NEBRASKA ST
SW IDAHO ST
SW VERMONT ST
SW FLORIDA ST
SW CALIFORNIA
SW TEXAS ST
SW NEVADA ST
WILLAMETTE MOORAGE
SELLWOOD PARK
SELLWOOD BRIDGE
SW MACADAM AVE
SW HOOD AVE
SW 2ND AVE
SW 1ST AVE
SW HUME ST
SW FRONT AVE
SW CUSTER WAY
SW BOUNDARY ST
SW MITCHELL ST
SW WESTWOOD DR
SW MENEFEE DR
SW CHELTENHAM ST
SW WOOD CT
SW EDGEMONT
SW RALSTON DR
SW SLAVIN RD
SW HAMILTON CT
SW JULIA
SW HARRISON
SW PENDLETON
SW IOWA
SW MILES PL
SW LOGAN
SW LANEWAY
SW KELLY
SW SORBETT AVE
SW VIEWPOINT TERR
SW HILL DR
SW HILL WAY
SW BALDOCK
SW FREEMONT
SW MONTGOMERY DR
SW VIRGINIA
SW FULTON PARK BLVD
SW MILES
SW LOGAN
SW CUSTER
SW HOOD
SW VIEW
SW WOOD
SW MENEFEE
SW EDGEMONT
SW RALSTON
SW SLAVIN
SW BARBUR BLVD
SW 6TH
SW 4TH
SW 2ND
SW 1ST
SW MITCHELL
SW NORTHWOOD AVE
SW WESTWOOD DR
SW MENEFEE DR
SW CHELTENHAM ST
SW WOOD CT
SW EDGEMONT
SW RALSTON DR
SW SLAVIN RD
SW HAMILTON CT
SW SEYMOUR ST
SW JULIA
SW HARRISON
SW BOUNDARY ST
SW MITCHELL ST

CHAPTER 33.560
NORTH CULLY PLAN DISTRICT

(Added by Ord. No. 165190, effective 4/10/92. Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:

33.560.010 Purpose
33.560.020 Where the Regulations Apply
33.560.030 Procedures
33.560.040 Submittal Requirements
33.560.050 Approval Criteria
33.560.060 Amendments to an Approved Development Plan
Map 560-1 North Cully Plan District

33.560.010 Purpose

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a 1991 value less than $100,000 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

33.560.030 Procedures

Requests for a North Cully Development review are processed through a Type III procedure.

33.560.040 Submittal Requirements

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

A. General statement. Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.

B. Boundaries of the use. All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

C. Uses and functions. All applications must include a description of present and proposed uses.

D. Site plan. All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instablity or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.

E. Urban services. All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.

F. Land divisions. All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.

G. Other reviews. If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.

H. Area south of NE Killingsworth. Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

A. The applicable goals and objectives of the adopted neighborhood plan will be met.

B. The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.

C. The uses proposed are allowed in the base zone and overlay zones.

D. Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.

E. The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

F. Any land division proposed as part of the application must facilitate the goals and objectives of the adopted Cully Neighborhood Plan and must not cause piecemeal or fragmented development.

G. The proposal must not adversely impact the livability of nearby residential zoned land due to noise, glare from lights, late-night operations, odors and litter.

H. In addition to the approval criteria listed above, development south of NE Killingsworth will meet the following approval criteria:

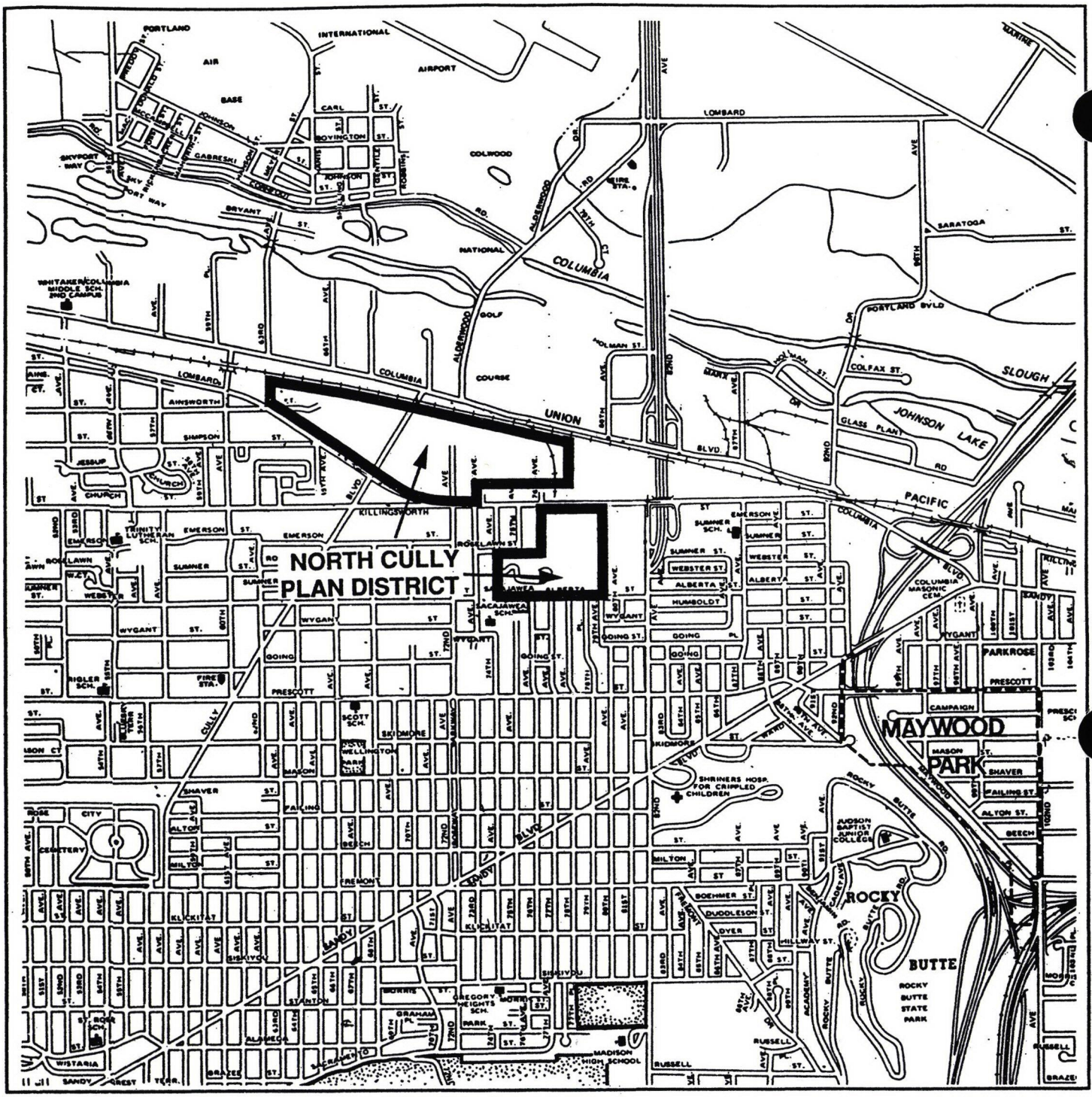
1. Vehicular access will be prohibited from NE Alberta through the area. A buffer will be established along the southern portion of the area if commercial or industrial uses are proposed along the southern edge. Pedestrian access from NE Alberta will be provided.

2. Development of the eastern portion of the area will support park acquisition and expansion of Sacajawea Park with service and recreational facilities.

3. Development will include a mixture of uses such as housing and commercial or light industrial.

33.560.060 Amendments to an Approved Development Plan

Amendments to an approved North Cully Development plan are processed as a Type II procedure superceding section 33.730.140, Requests for Change to Conditions of Approval.



NORTH

0' 1000' 2000'

Scale in Feet

Plan District Boundary

Map 560-1

North Cully Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.565
POWELL BOULEVARD PLAN DISTRICT
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.565.010 Purpose
33.565.020 Where the Regulations Apply
33.565.030 Prohibited Uses
33.565.040 Additional Development Standards
Map 565-1 Powell Boulevard Plan District

33.565.010 Purpose
The regulations of the Powell Boulevard plan district are intended to buffer residences from the noise and traffic of Powell Boulevard, to promote commercial redevelopment opportunities, and to ensure the smooth flow of traffic on Powell Boulevard. The regulations of this chapter support the intent of the highway improvements which widened Powell Boulevard and created public off-street parking. The Powell Boulevard Environmental Impact Statement required noise protection for the adjacent residential neighborhood, the encouragement of commercial opportunities and the preservation of highway traffic flows.

33.565.020 Where the Regulations Apply
The regulations of this chapter apply to the Powell Boulevard plan district area. The boundaries of the plan district are shown on Map 565-1 at the end of this chapter, and on the Official Zoning Maps.

33.565.030 Prohibited Uses
New residential uses are prohibited in commercial zones within the Powell Boulevard plan district area.

33.565.040 Additional Development Standards

A. **Off-street parking.** Off-street parking is not required in the Powell Boulevard plan district.

B. **Construction of noise-buffering walls.** The construction of a noise-buffering wall is required for new development as follows:

1. Location. A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. See Figure 565-1.

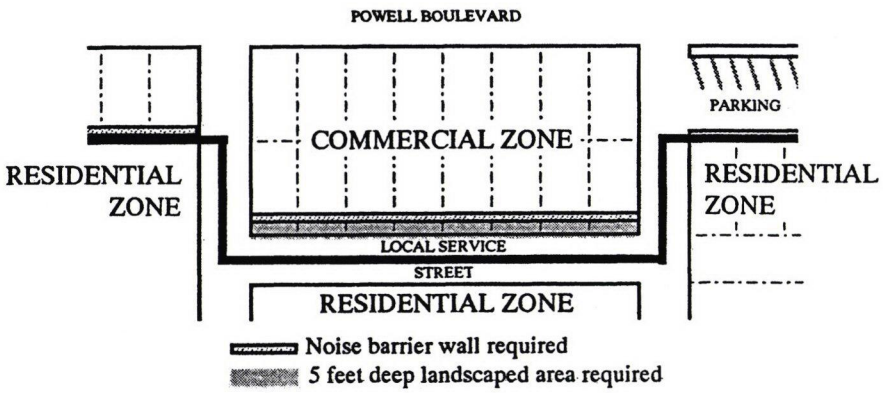
2. Standards. The wall must be solid, continuous, a minimum of 8 feet high, and extend the entire length of the lot line. The design of the wall must be compatible with the existing walls constructed by the State.

3. Landscaping. For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape

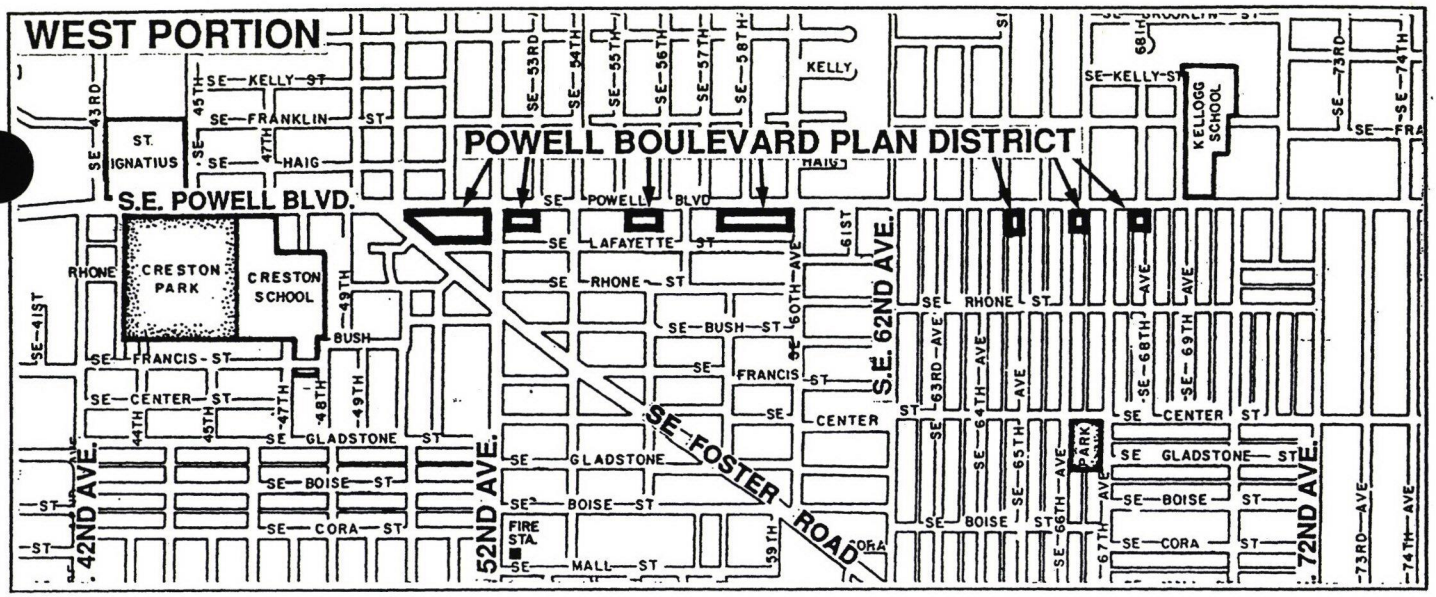
standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 565-1.

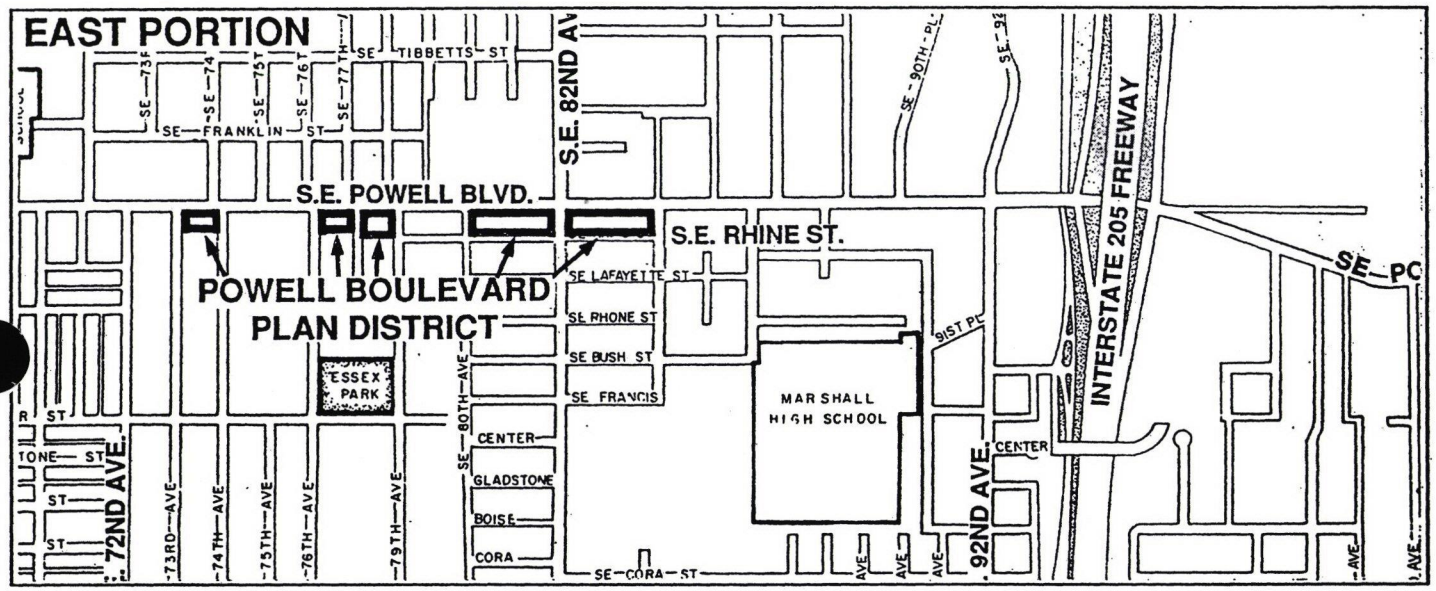
4. Buildings integrated into the wall. Where a rear lot line abuts the rear lot line of a residential zone, a building with a height of no more than 10 feet may be integrated into the design of the wall.

Figure 565-1
Buffer for C Zones



C. Curb cuts and traffic access points. The Office of Transportation encourages the consolidation of curb cuts where possible, taking into account safe traffic flow and access points needed for the proper functioning of the development. Traffic access points from the frontage roads immediately south of Powell Boulevard are given preference over new access points directly onto Powell Boulevard.





NORTH

0' 600' 1200'

Scale in Feet

Plan District Boundary

Map 565-1

Powell Boulevard Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.566
POWELL BUTTE / MT. SCOTT PLAN DISTRICT

(Renumbered, renamed and amended by Ord. No. 164772,
effective 8/16/91. See Chapter 535, Johnson Creek Basin Plan District)

CHAPTER 33.570
ROCKY BUTTE PLAN DISTRICT

(Added by Ord. No. 163957, effective 4/12/91. Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.570.010 Purpose
33.570.020 Where the Regulations Apply
33.570.030 Development Standards
33.570.040 Tree Removal
33.570.050 Historic Features Review
33.570.070 Relationship to Environmental Zones
Map 570-1 Rocky Butte Plan District

33.570.010 Purpose

Rocky Butte has been identified as an important natural resource which includes a scenic drive and scenic views from the roadway and from the top of the butte. The regulations relating to Rocky Butte are intended to preserve and enhance the forested areas of the butte, views from the butte, historic architectural elements, and the natural scenic qualities of the butte.

33.570.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Rocky Butte plan district. The boundaries of the district are shown on Map 570-1 at the end of this chapter, and on the Official Zoning Maps. Any changes to land or development, including rights-of-way, within the Rocky Butte plan district are subject to the regulations of this Chapter.

33.570.030 Development Standards

A. Tree preservation plan. A tree preservation plan must be submitted at the time of application for a required land use review or at the time of application for a building permit, whichever occurs first. The tree preservation plan must show all individual trees greater than 6 inches in diameter at five feet above the ground. As an option to showing individual trees in areas not being disturbed, the crown cover outline of trees can be shown. Trees to be preserved or removed must be shown as such on the plan.

B. Height of structures. The maximum height of structures on a portion of Rocky Butte is determined by the elevation of the adjacent roadway. All structures, including antennas, chimneys, flag poles and satellite dishes, may not extend above the level of the adjacent roadway in locations shown on Map 570-1 and described as follows:

Lying in Section 28 adjacent to Rocky Butte Road on the south and southeast sides between Engineer's Station No. 70 and Engineer's Station No. 80, on the west side of the said road between Engineer's Station No. 80 and Engineer's Station No. 83 + 50, and on the north, east and west sides between Station No. 88 and Engineer's Station No. 99 + 33.

C. Street setback. No more than 25 percent of the street setback adjacent to NE Rocky Butte Road can be used for parking, maneuvering and circulation areas. For lots with an average slope down of 20 percent or more, the maximum area devoted to parking, maneuvering and circulation is 35 percent of the street setback. The

remainder of the front setback must be landscaped to at least the L1 level. Emphasis should be placed on the use of native species as listed on the Portland Plant List.

D. Access limitations. As a part of any new partition or subdivision of land, access to the ring road portion of Rocky Butte Road is limited in order to preserve on-street parking and maintain the forest setting. All lots created by any partitioning or subdivision of land must obtain vehicular access from a public or private street other than the ring road portion of Rocky Butte Road. For each 1000 feet of property frontage abutting the ring portion of Rocky Butte Road there may not be more than one intersection with a public or private street.

E. Lighting. Cut-off luminars must be installed for any outdoor lighting fixtures on private property. On private property, glare may not directly, or indirectly from reflection, cause illumination on other properties in excess of a measurement of .5 foot candles of light. In the right-of-way, illumination may not exceed .5 average horizontal footcandles (Eh Ave) over an area 10 feet deep, adjacent to public rights-of-way. Lighting for the purpose of ensuring public safety is exempt from this standard.

F. Fences. Wire and/or metal fences are not allowed.

G. Screening. Outdoor storage and parking of recreational vehicles and utility trailers, including motor homes, campers, and boats, is not allowed if visible at any time of the year from NE Rocky Butte Road or the top of Rocky Butte. All garbage cans, garbage collection areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps) must be screened from view or not visible from Rocky Butte Road or the top of the butte. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

33.570.040 Tree Removal
(Amended by Ord. No. 166572, effective 6/25/93)

A. Purpose. The heavily forested slopes of Rocky Butte contribute to the beauty of the area, create a striking landmark as one enters or leaves Portland, and provides the natural setting to complement the historic features of the butte. The purpose of this Section is to allow trees to be removed only when they meet the purpose of the Rocky Butte plan district and this Section. Every effort should be made to locate buildings, easements, parking strips, sidewalks and vehicle areas to preserve the maximum number of trees.

B. Tree removal review. Trees in the Rocky Butte plan district that do not qualify for removal under Subsection C, below, may be removed if approved through tree removal review as provided in Section 33.480.050 of the Scenic Resource zone. Tree removal in areas with an Environmental zone is subject to environmental review rather than tree removal review.

C. Exempt from review. The following are exempt from tree removal review:

1. The tree is located within the footprint of a proposed building, within 5 feet of a building, or a certified arborist finds, through root exploration, that the location of a proposed building will cause the tree to die;

2. The tree is determined by a certified arborist to be dead or diseased and needs to be removed, or it constitutes an immediate hazard to life or property;

3. The tree is within a water, sewer or other utility easement; and

4. The tree is within a proposed roadway or City-required construction easement, including areas devoted to curbs, parking strips or sidewalks, or vehicle areas.

33.570.050 Historic Features Review

A. Purpose. The hewn basalt blocks that line portions of Rocky Butte, the low basalt walls, the basalt retaining walls, bollards, drainage ways, the pedestrian and vehicle tunnels and other similar features are part of the scenic and historic character of the butte. The purpose of the historic features review is to ensure that these features are not altered in any way that will diminish the historic quality of the butte. Where features need to be removed temporarily or permanently in order to allow development, the review ensures that the impact of the removal is mitigated.

B. Scope of historic features review. Historic features review is required for the alteration or removal of historic features that are on private property. For those historic features owned and maintained by the City and located in the public right-of-way, the City Engineer must seek the advice of the Historic Landmarks Commission prior to making any substantive alteration or removal. The Historical Landmarks Commission will consider the approval criteria of this subsection in providing advice to the City Engineer. The City Engineer is not required to seek this advice for routine maintenance and emergency repairs to these historic features when they are performed by the City.

C. Procedure. Historic Features review is processed through a Type III procedure.

D. Approval criteria. The request to alter or remove historic features on the butte will be approved if the applicant has shown that all of the following approval criteria are met:

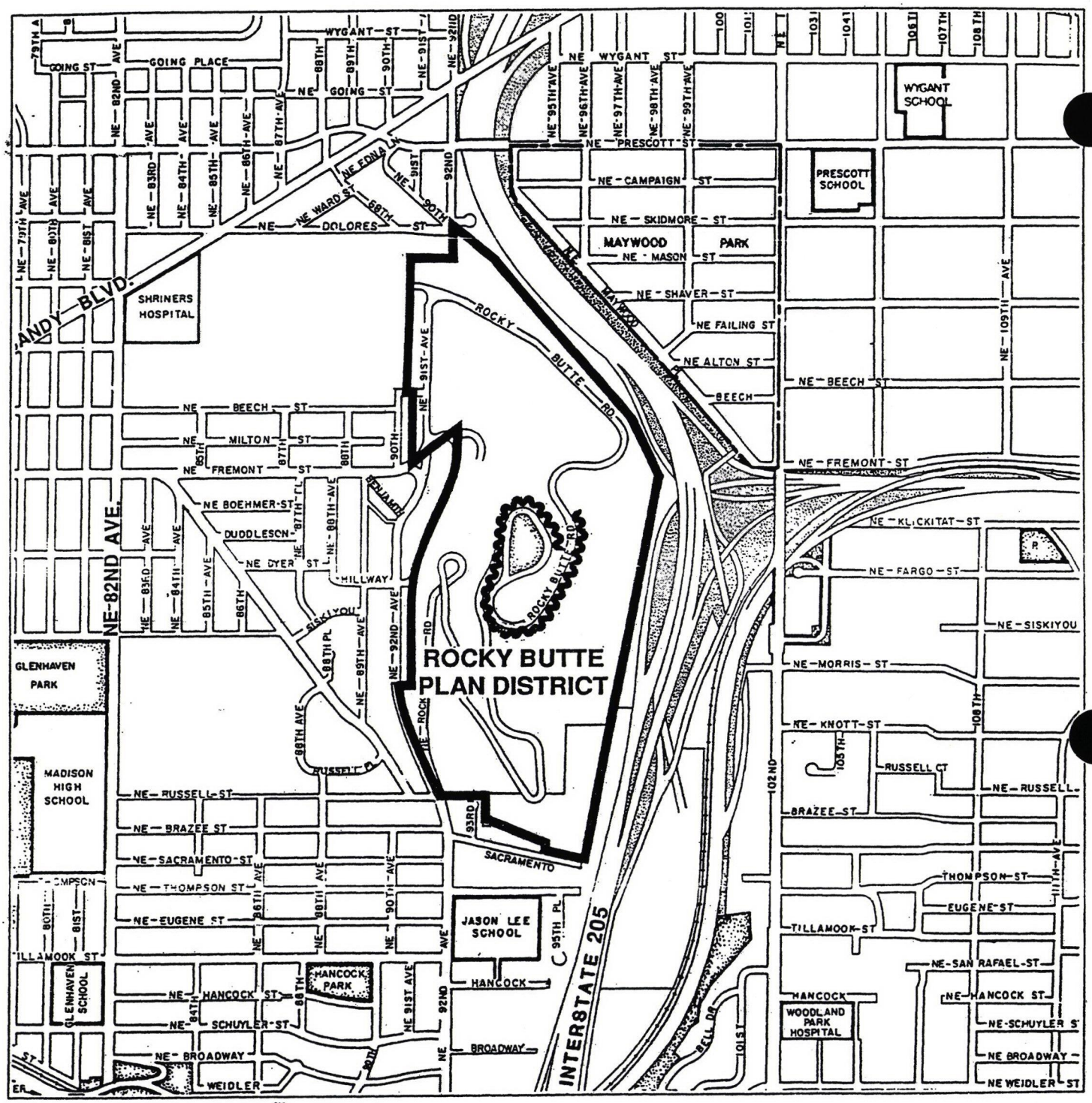
1. There is a clear demonstration that there is a public need for the proposal and that the public benefit resulting from the proposal outweighs the benefits of preserving the historic features.

2. Alternative locations, design modifications, or alternative methods of development which would reduce the impacts on the historic features have been identified and evaluated.

3. Impacts on the historic features have been mitigated through replacing or relocating the removed historic feature or through enhancing other nearby historic features.

33.570.070 Relationship to Environmental Zones

When an environmental zone has been applied at the location of a designated scenic resource, the environmental review must include consideration of the scenic qualities of the resource as identified in the ESEE Analysis for Scenic Resources. The development standards of this Chapter must be considered as part of that review.



Map 570-1

Rocky Butte Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.575
SKYLINE PLAN DISTRICT

(Added by Ord. No. 164517, effective 7/31/91. Amended by Ord. No. 168698, effective 4/17/95.)

Sections:
General
33.575.010 Purpose
33.575.020 Where the Regulations Apply
Balch Creek Subdistrict
33.575.100 Prohibitions
33.575.110 Additional Development Standards
33.575.120 Additional Approval Criterion
Northwest Hills Subdistrict
33.575.200 Prohibition
33.575.210 Additional Approval Criteria
33.575.300 Transfer of Development Rights
Map 575-1 Skyline Plan District

33.575.010 Purpose
The Skyline plan district protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Northwest Hills Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. These regulations provide the higher level of protection necessary for these areas. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites.

33.575.020 Where the Regulations Apply
The regulations of this chapter apply to the Skyline plan district and subdistricts as shown on Map 575-1 at the end of this chapter, and on the Official Zoning Maps. The regulations of Sections 33.575.100 through .120 apply only to the Balch Creek subdistrict. The regulations of Section 33.575.200 through .210 apply only to the Northwest Hills subdistrict. The regulations of Sections 33.575.300 apply throughout the plan district.

Balch Creek Subdistrict

33.575.100 Prohibitions
The following items are prohibited in environmental zones within the Balch Creek Subdistrict:

A. Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand held equipment and emergency repair of existing structures; and

B. In commercial zones with an environmental overlay zone, residential uses are prohibited.

33.575.110 Additional Development Standards
All development must meet the following standards. Adjustment of these standards or modification of these standards through environmental review is prohibited. The development standards of this Section apply in addition to the standards of Sections 33.430.110 through .170.

A. Stormwater runoff. Post-development stormwater flows from a site must not exceed pre-development stormwater flows from that site. Stormwater systems shall meet Bureau of Environmental Services and Bureau of Buildings design and construction standards.

B. Soil erosion.

1. All cleared areas which are not within a building footprint or a graveled entranceway must be covered with mulch, matting, or other effective erosion control features within 15 days of the initial clearing.

2. Temporary erosion control features must be removed by October 1 of the same year the development was begun; and

3. All permanent vegetation must be seeded or planted by October 1 of the same year the development was begun, and all soil not covered by buildings or other impervious surfaces must be completely vegetated by December 1 of the same year the development was begun.

C. Forest cover. Ninety percent of the portion of the site in the environmental zones must be retained or established in closed canopy forest with the following exceptions:

1. Sites less than 30,000 square feet in area may have up to 3,000 square feet of unforested area.

2. Parks and Open Areas and Agriculture uses are exempt from this standard.

D. Land divisions. All required closed canopy forest areas in planned unit developments and cluster subdivisions must be within the common open space.

33.575.120 Additional Approval Criterion. In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that the location, quantity, and quality of forest and contiguous forest cover will be sufficient to provide habitat for deer and elk and to provide for the passage of deer and elk between Forest Park and Pittock Acres Park.

Northwest Hills Subdistrict

33.575.200 Prohibition

Within environmental zones in the Northwest Hills subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment, and emergency repair of existing structures.

33.575.210 Additional Approval Criteria. In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that all of the following approval criteria are met:

A. Wildlife. The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

B. Parks and Open Space. Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and

C. Miller Creek Watershed. Within the Miller Creek Watershed, shown on Map 575-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68°F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

33.575.300 Transfer of Development Rights

Transfer of development rights between sites in the Skyline plan district is allowed as follows. Development rights are the number of potential dwelling units that would be allowed on the site.

A. Sending sites. Sites in the single-dwelling zones that are entirely within the Environmental Protection overlay zone may transfer development rights.

B. Receiving sites. Sites in the RF zone inside the Urban Growth Boundary may receive development rights from sending sites. Dwelling units resulting from the transfer may not be placed within an environmental zone.

C. Maximum density. The density of the receiving site may not exceed 0.75 units per acre, except that when the following standards are met, total density may be increased to 1 unit per acre.

1. For every unit transferred to the receiving site, there is one acre of land with slopes of less than 10 percent; and

2. Approval for on-site septic disposal has been granted by the Bureau of Buildings or sanitary sewer is available to all lots proposed as part of a Planned Unit Development.

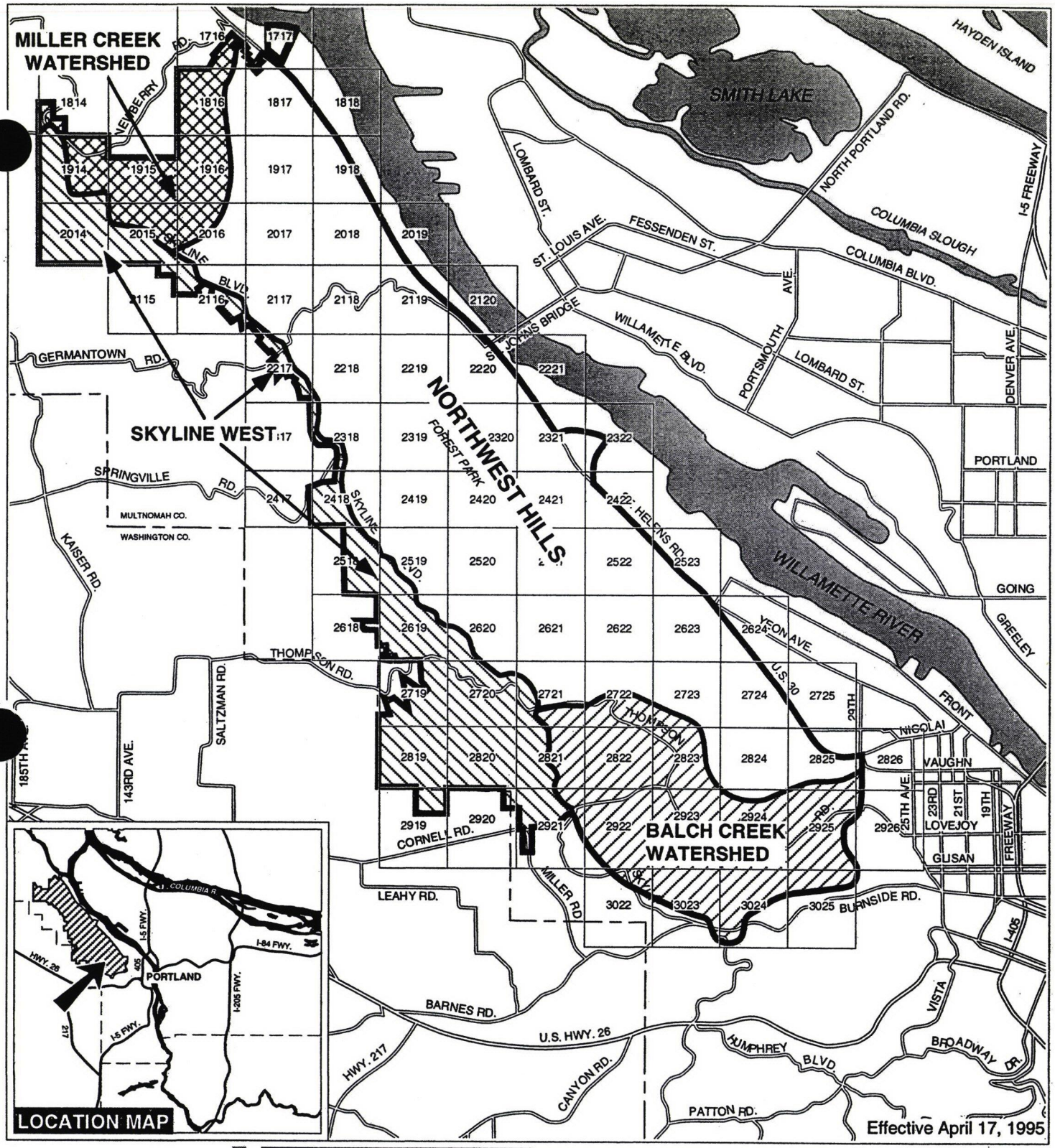
D. Procedure. Transfer of development rights is allowed as follows:

1. Planned Unit Development (PUD) required. The receiving site must be approved for development as a PUD. The purpose of the PUD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.269 Planned Unit Developments.

2. Sending site included. The sending site must be a part of the application for PUD review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.

3. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded before approval of the final plan, or if the PUD includes a land division, before the Director's approval of the final plat.

E. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.



Effective April 17, 1995

NORTH

0 2,000 4,000

Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

KEY

- Northwest Hills
- Miller Creek Watershed
- Skyline West
- Balch Creek Watershed

Map 575-1

Skyline Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.580
SOUTH AUDITORIUM PLAN DISTRICT
(Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:
33.580.010 Purpose
33.580.020 Where the Regulations Apply
33.580.030 Design Review
33.580.040 Portland Development Commission
Development Standards
33.580.100 Floor Area Ratios
33.580.110 Landscaped Areas
33.580.120 Parking Lot Landscaping
33.580.130 Preservation of Existing Trees
33.580.140 Sign Restrictions
33.580.150 Roof Top Screening
Map 580-1 South Auditorium Plan District
Map 580-2 South Auditorium Plan District FAR

33.580.010 Purpose
The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

33.580.020 Where the Regulations Apply
The regulations of this chapter apply to development in the South Auditorium plan district, as shown on Map 580-1 at the end of this chapter, and on the Official Zoning Maps. Where the regulations of this chapter conflict with the regulations of the Central City plan district, the regulations of this chapter prevail.

33.580.030 Design Review
Development in the plan district is subject to design review, using the design guidelines in effect for the Downtown subdistrict of the Central City.

33.580.040 Portland Development Commission
Due to their involvement in the development of the plan district, the participation of the Portland Development Commission (PDC) is actively encouraged. The PDC will be notified of all pre-application conferences and their advice sought before any final staff recommendations are made on a land use review.

Development Standards

33.580.100 Floor Area Ratios

The maximum floor area ratio for all sites in the South Auditorium plan district are as stated by the floor area ratios (FARs) shown on Map 580-1.

33.580.110 Landscaped Areas

At a minimum, new development and modifications to existing development must meet the landscape standards stated in this section. The standards do not apply to parking lots, which are subject to the standards in 33.580.120 below. These standards are minimums; the review body may require higher standards as part of a land use review. The standards are:

A. Fourth Avenue. A 6 foot deep area landscaped to at least the L2 standard is required along SW Fourth Avenue. The landscape standards are stated in Chapter 33.248, Landscaping and Screening.

B. Other streets. A 15 foot deep area landscaped to at least the L1 standard is required along any public street other than SW Fourth Avenue.

C. Pedestrian malls/open space. A 6 foot deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open space, as designated in the Central City Plan or the Comprehensive Plan.

33.580.120 Parking Lot Landscaping

The perimeter of surface parking lots which abut pedestrian malls or rights-of-way must have a 5 foot deep area landscaped to at least the L2 standard. In addition, the interior landscaping of surface parking lots must have at least 1 tree for each 500 square feet of paved area. These standards are minimums; the review body may require higher standards as part of a land use review.

33.580.130 Preservation of Existing Trees

Existing trees must be preserved. Removal of existing trees is allowed only when specifically approved. Requests for tree removal are processed as a design review, using the following approval criteria:

A. The tree to be removed is diseased or dead and will be replaced in accordance with the adopted landscaping plan for the plan district; or

B. The location of the tree to be removed is needed for development of a new building, and each tree removed will be replaced with a new tree elsewhere in the plan district, in accordance with the adopted landscaping plan for the plan district.

33.580.140 Sign Restrictions

Signs in the plan district are subject to the following additional standards:

A. Design review. All exterior signs, regardless of size, are subject to design review.

B. Prohibited signs. Projecting and roof signs are prohibited.

C. Signs for retail uses. All signs for retail uses must be wall signs. The total square footage of signs per retail use must not exceed 1 square foot of sign for each lineal foot of shop front.

D. Signs for residential-only developments. Lots developed with only residential uses are limited to one wall sign not exceeding 10 square feet in total area.

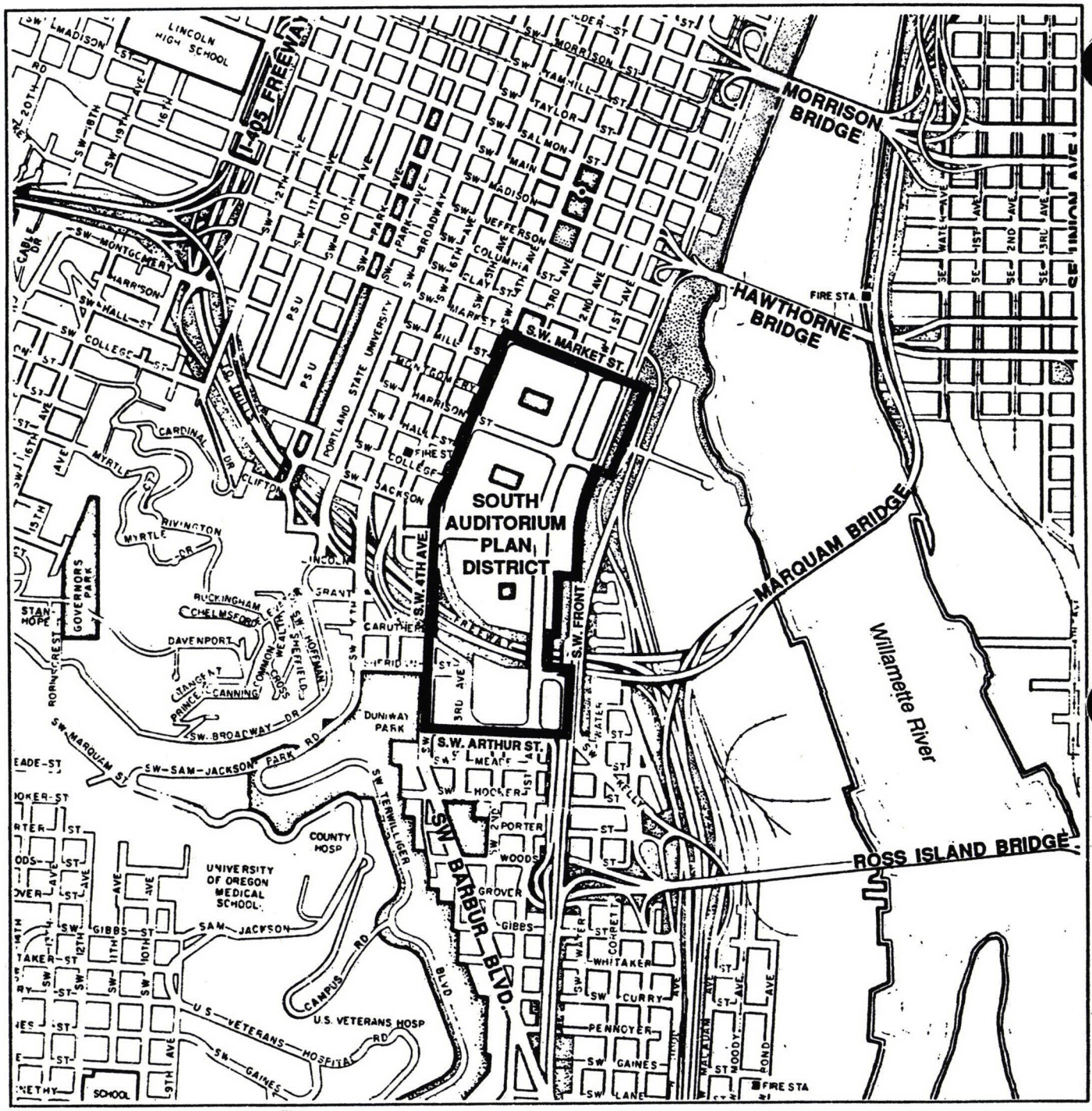
E. Signs for other uses and developments. The maximum total sign area allowed per frontage for uses or developments not listed in Subsections C. or D. above is 1 square foot for each 3 lineal feet of building frontage. Only wall signs are allowed, except in a commercial zone where up to two free standing signs per building frontage are allowed. One sign is not allowed to exceed 12 feet in height and 100 square feet in area, and the other sign is not allowed to exceed 5 feet in height and10 square feet in area.

F. Temporary signs. Temporary signs are limited to a total combined area of 25 square feet per site.

G. Directional signs. Directional signs are exempt from the sign regulations of Subsections C, D, and E above.

33.580.150 Roof Top Screening

All mechanical equipment, duct work, and structures that house mechanical equipment on a roof must be hidden by sight-obscuring screening. Satellite dishes on a roof require screening, unless the review body finds that the dish design is consistent with the design guidelines.



NORTH

0' 600' 1200'

Scale in Feet

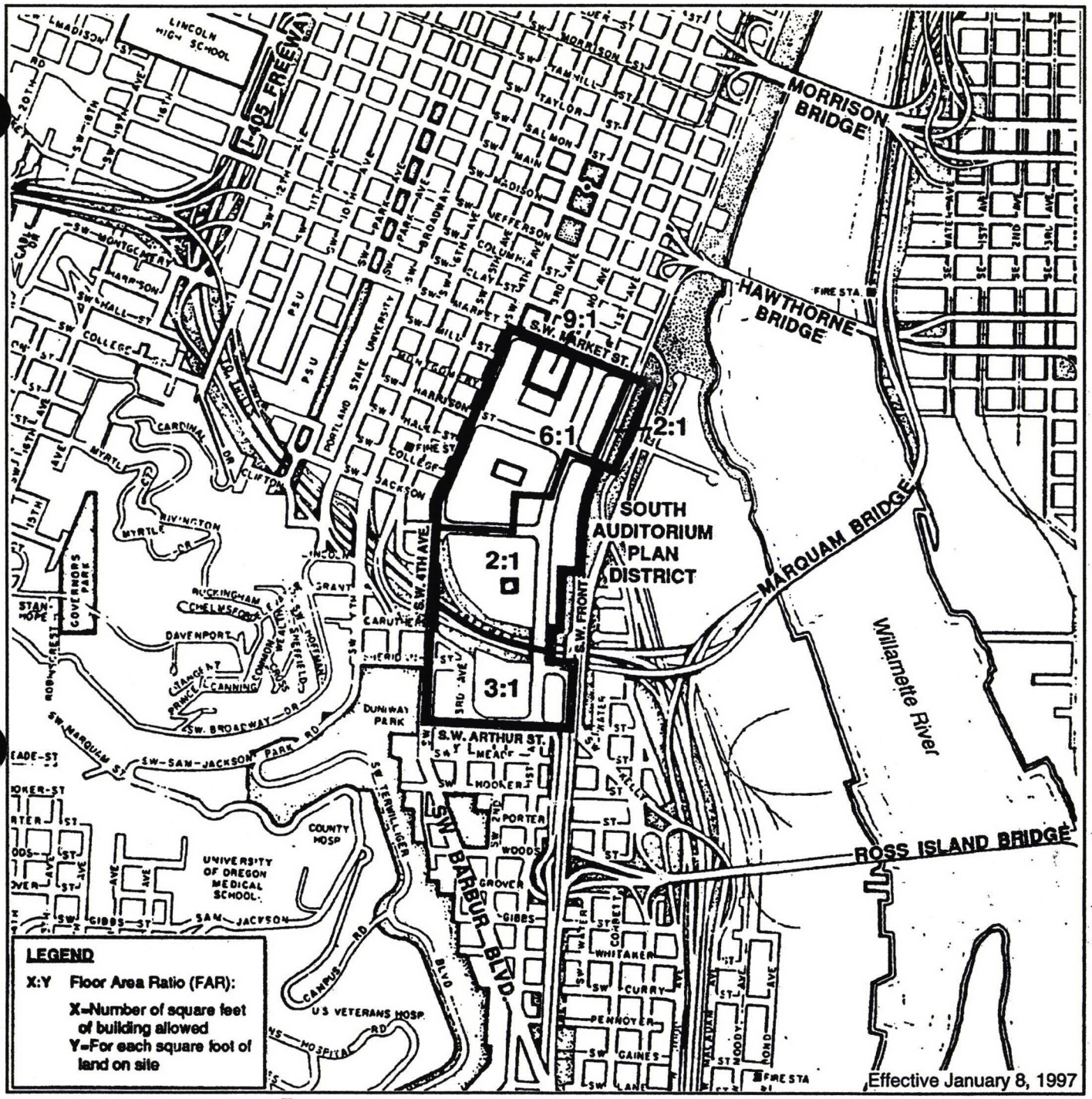
Plan District Boundary

Map 580-1

South Auditorium Plan District

Bureau of Planning • City of Portland, Oregon

1-1-1999



NORTH

0' 600' 1200'

Scale in Feet

Plan District Boundary

Map 580-2

South Auditorium Plan District FAR:

Maximum Floor Area Ratio

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.585
SWAN ISLAND PLAN DISTRICT

(Added by Ord. No. 167054, effective 10/25/93. Amended by Ord. No. 167650, effective June 10, 1994.)

Sections:

General
33.585.010 Purpose
33.585.020 Where the Regulations Apply
Use Regulations
33.585.030 Additional Allowed Primary Uses
33.585.040 Additional Allowed Accessory Uses
Development Standards
33.585.050 Landscaping Within the Greenway Setback
Review for Timeliness
33.585.060 Sunset Provision
Map 585-1 Swan Island Plan District

General

33.585.010 Purpose

The Swan Island Plan District is intended to foster the continuation and growth of the Portland Ship Repair Yard. The shipyard is a primary industry dependent on the Willamette River. Activities occurring in the shipyard cover a range that runs from heavy industrial to temporary housing for the crews of ships undergoing repair or refitting. The variety of sizes and types of ships and industrial construction projects attracted to the shipyard frequently requires that the area be reconfigured. The provisions of the Swan Island Plan District are intended to foster the growth and competitiveness of this unique waterfront basic industry. The provisions of this plan district replace the Swan Island Development Program's provisions affecting the transportation and circulation components of the island's development within the plan district.

33.585.020 Where the Regulations Apply

The regulations of this chapter apply to the Swan Island Plan District. The boundaries of the plan district are shown on Map 585-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.585.030 Additional Allowed Primary Uses

A. Purpose. Because the demand for use of the ship repair facilities is not constant it is in the public interest to allow nonriver-related or nonriver-dependent activities to temporarily use the underutilized portions of the repair yard facility.

B. Additional primary uses allowed. Within the Swan Island Plan District the following construction activities that are not river-related and river-dependent are permitted: construction of modular housing, large scale metal fabrication of such things as cranes, bridge trusses and spans, platforms and derricks, and military and aeronautics machinery.

33.585.040 Additional Allowed Accessory Uses

A. Purpose. The nature of the ship repair activity brings to the site the ship's crews whose living quarters are on board vessels which are being repaired. The large size and unique nature of the activity requires more flexibility in the area of accessory use activities than are allowed by the yard's industrial zoning.

B. Additional accessory uses. The following additional accessory uses are allowed within the Swan Island Plan District.

1. Office: Temporary (up to 2 years) office trailers, office space for contractors and subcontractors, offices of naval architects, testing services and government offices.

2. Household or Group Living: Temporary (up to 2 years) housing for Navy and other vessel crews. Housing is allowed only if associated with a ship repair/refurbishing project.

3. Industrial Services: Welding, machine tooling, metalworking, carpentry, plumbing, and other building activities supporting a ship repair or other large construction project occurring in the shipyard are allowed for up to 2 years. Surface preparation and painting of ships and other equipment being constructed in the ship repair yards. Warehousing of materials and supplies needed for ship repair and fabrication projects. Exterior storage and laydown areas for ship's and contractor's equipment and supplies. Temporary storage of equipment used to cleanup or manage hazardous waste. In-ground fuel tanks and pumps for shipyard tenants. Grit storage and handling and grit recycling. Barge-mounted surface preparation and coating facilities. Temporary storage of vehicles and equipment.

Development Standards

33.585.050 Landscaping Within the Greenway Setback

A. Purpose. The Portland Ship Repair facilities are designed to allow their flexible modification and reconfiguration. This flexibility is essential both for the shipyard's ability to accommodate multiple concurrent projects and its ability to accommodate the wide variety of ship types and sizes that are attracted to its facilities. The City's greenway zone regulations assume that developed property along the Willamette will be relatively stable in its configuration and require that activities that are not water-related or water-dependent be separated from the top of the river's bank by a landscaped greenway setback. The regulations of this section are intended to accommodate the ongoing changes in facility configuration inherent in the shipyard's operations while also addressing the appearance and character of the Willamette's riverbank.

B. Alternative greenway setback landscaping requirements. As an alternative to compliance with Section 33.440.210 Greenway Setback, a riverbank development

mitigation plan may be developed and implemented. Such a mitigation plan must conform with the following requirements:

1. Procedure. The riverbank mitigation plan will be reviewed through a Type III procedure. Approval and compliance with the river-bank mitigation plan will constitute the required greenway review for building permit applications within the area covered by the mitigation plan.

2. Approval Criteria. The approval criteria for a riverbank mitigation plan are:

   a. The mitigation plan includes a strategy for improving the appearance of the riverbank as seen from the water. Riverbank appearance improvements may include the use of landscaped areas; public art; temporary screening mechanisms; enhancement of riverbank habitat areas for fish, wildlife and native vegetation; and, establishment of locations for public access to the riverbank and river surface.

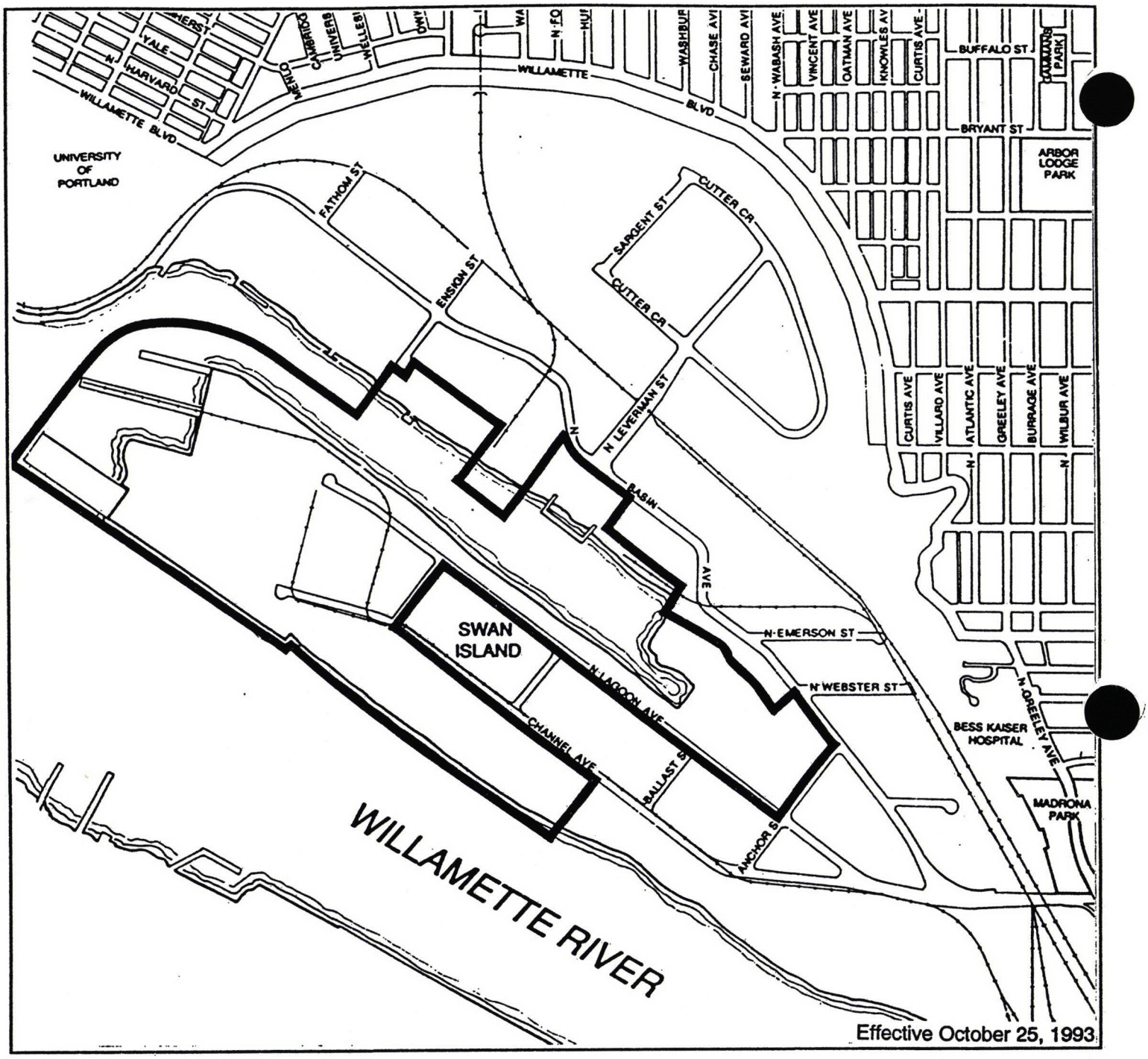
   b. The mitigation plan recognizes that views of ships and industrial construction projects are in themselves interesting and represent an enhancement of the industrial area of the Willamette.

   c. The mitigation plan meets the Willamette Greenway Design Guidelines.

Review for Timeliness

33.585.060 Sunset Provision.

This chapter will be automatically deleted from the code unless a riverbank development mitigation plan for all riverbank areas within the Swan Island Plan District has been submitted and approved by the City prior to January 1, 1998.



NORTH

0' 1,000'

Scale in Feet

Plan District Boundary

Map 585-1
Swan Island Plan District

Bureau of Planning • City of Portland, Oregon

700s - ADMINISTRATION AND PROCEDURES

33.700 Administration and Enforcement
33.710 Review Bodies
33.720 Assignment of Review Bodies
33.730 Quasi-judicial Procedures
33.740 Legislative Procedure
33.750 Fees

CHAPTER 33.700
ADMINISTRATION AND ENFORCEMENT

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97.)

Sections:

Implementing the Code
- 33.700.005 Building Permit Required
- 33.700.010 Uses and Development Which Are Allowed By Right
- 33.700.020 Uses and Development Which Are Not Allowed By Right.
- 33.700.030 Violations and Enforcement
- 33.700.040 Reconsideration of Land Use Approvals
- 33.700.050 Performance Guarantees
- 33.700.060 Covenants with the City
- 33.700.070 General Rules for Application of the Code Language

Timeliness of Regulations
- 33.700.080 Regulations that Apply at the Time of an Application
- 33.700.090 Regulations that Apply After Approval
- 33.700.100 Transfer of Approval Rights
- 33.700.110 Prior Conditions of Land Use Approvals
- 33.700.120 Status of Prior Revocable Permits

Implementing the Code

33.700.005 Building Permit Required

All new development, changes to existing development, and changes in the type or number of uses requires a building permit. In addition, other land use reviews may also be required, depending upon the location, the use proposed, the site development proposed, or materials to be used on the site.

33.700.010 Uses and Development Which Are Allowed By Right

Proposals for uses or developments which are allowed by right under this Title are subject to the following regulations. For the purposes of this chapter, uses and development allowed by right includes any limited uses which are not subject to a land use review.

A. Method of review. Requests for uses and development which are allowed by right are reviewed for compliance with the zoning regulations. The review is a nondiscretionary administrative review. Decisions are made by the Planning Director and are final. The review is done in a timely manner according to general operating procedures of the Bureau of Planning and the City.

B. Applications.

1. Applications for nondiscretionary reviews are generally processed in conjunction with obtaining a building permit or a home occupation permit. Applicants must submit information showing that the proposal complies with this Title, including a site plan with the necessary level of detail.

2. The applicant has the responsibility to obtain the property owner's permission for the request.

3. Approvals of nondiscretionary reviews are based on the information submitted. If the information is incorrect, the approval may be voided.

C. Applications which will not be accepted.

1. Prohibited uses and development. Applications for uses or development which are listed as prohibited in this Title will not be accepted.

2. Reasonable use. The Planning Director or a review body may refuse an application when the proposed structure has been clearly designed for a use or development different from that which is being proposed, and could not reasonably be expected to meet the needs of the proposed use or development. An example would be an application for the construction of a house, when the building has no kitchen or bathrooms.

3. Procedure. When an application is not accepted, the applicant may appeal the decision through the Type II procedure. The applicant's appeal will be considered an appeal of an administrative decision, and will be subject to all notice, hearing, and fee requirements for a Type II procedure. A letter requesting the appeal, showing how the application complies with the requirements of Title 33, and stating the reasons the appeal should be granted will substitute for an official appeal form.

33.700.020 Uses and Development Which Are Not Allowed By Right

Requests for uses and development which are not allowed by right require a land use review. The specific land use review is stated in the base zone or other regulations of this Title. Each land use review has specified quasi-judicial procedures. See the 800s series of chapters for a description of the land use reviews and Chapter 33.730 for a description of the quasi-judicial procedures.

33.700.030 Violations and Enforcement

A. Violations. It is unlawful to violate any provisions of this Title, a land use decision, or conditions of a land use approval. This applies to any person undertaking a development, to the proprietor of a use or development, or to the owner of the land underlying the development. For the ease of reference in this chapter, all of these persons are referred to by the term "operator."

B. Notice of violations. The Bureau of Buildings must give written notice of any violation of this Title, land use decision, or conditions of land use approval to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Responsibility for enforcement. The regulations of this Title, land use decisions, and conditions of land use approvals may be enforced in one or more of the following ways:

1. By the Director of the Bureau of Buildings pursuant to Chapter 3.30 and Title 22 of the City Code; or

2. By the Planning Director pursuant to 33.700.040 below.

33.700.040 Reconsideration of Land Use Approvals

A. Purpose. The ability to publicly reconsider a land use approval provides an opportunity to determine if the use or development is in compliance with this Title. It also allows for clarification of prior land use approvals. As part of this reconsideration, the ability to add new conditions or even revoke the approval provides a strong enforcement mechanism for this code.

B. Situations when land use approvals may be reconsidered. All quasi-judicial land use approvals, except plan amendments and zone changes, may be reconsidered. In addition, all uses that became conditional uses or nonconforming uses due to a change of zoning regulations or mapping are also eligible for reconsideration. They may be reconsidered if there is evidence of any of the following situations:

1. One or more conditions of the land use approval have not been implemented or have been violated;

2. The activities of the use, or the use itself, are substantially different from what was approved; or

3. The use is subject to the conditional use or nonconforming use regulations, has not been subject to a conditional use or nonconforming use review, and has substantially changed its activities or substantially increased the intensity of its operations since it became a conditional use or a nonconforming use.

C. Initiating the reconsideration. The Director may initiate a reconsideration if there is substantial evidence that one of the situations described in Subsection B. above applies to the use or development. The evidence relied on must be made part of the record. The reconsideration may be initiated anytime after 60 days have passed from the first notice of violation as described in 33.700.030.B. above.

D. Procedure for reconsideration.

1. Procedure. After initiation, the reconsideration is processed using a modified Type III procedure. An application does not have to be submitted, a pre-application conference is not required, and a fee is not charged.

2. Review body. The review body is the same one that is assigned to hear new requests of that review type.

3. Notice.

   a. Notice to the operator. The operator will be notified that the reconsideration process has been initiated. This notice will be mailed at least 30 days prior to the scheduled hearing. Written comments from the operator must be received 15 days prior to the public hearing date to be included in the staff report.

b. Additional public notice. In addition to people who are mailed notice due to the Type III procedure requirements, people who have complained in writing about the use or development are also mailed notice of the hearing.

E. Possible actions at the reconsideration hearing. Depending on the situation, the review body may take any of the actions described below. The review body may not approve a new use or one more intense than originally approved unless the possibility of this change has been stated in the public notice.

1. Uses or development which are alleged to have not fulfilled conditions or which violate conditions are subject to the following actions.

   a. The review body may find that the use or development is complying with the conditions of the land use approval. In this case, the use or development is allowed to continue.

   b. The review body may find that the use or development does not fully comply with the conditions of approval, but that the violations are not substantial enough to warrant revocation, and that the use can comply with the original approval criteria if the conditions are met. In this case, the review body may modify the existing conditions, add new conditions to ensure compliance with the approval criteria, and refer the case to the Code Hearings Officer for enforcement of the existing conditions.

   c. The review body may revoke the land use approval if it finds that there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.

2. Uses and development which are alleged to be different from what was approved are subject to the following actions.

   a. The review body may find that the use or development is consistent with what was approved. In this case, the use or development is allowed to continue.

   b. The review body may find that the use or development, including its intensity or scale, is not consistent with what was approved, but that the differences are not substantial enough to warrant revocation, and that the use or development can comply with the original approval criteria with appropriate conditions. In this case, the review body may modify the existing conditions or add new conditions to ensure compliance with the original approval criteria.

   c. The review body may revoke the land use approval if it finds that the land use being conducted on the site is substantially different from what was approved, does not comply with the original approval criteria for the use, and it cannot be reasonably conditioned to come into compliance.

3. Conditional uses and nonconforming uses that have not been subject to a land use review are subject to the following actions.

a. The review body may find that the use and its activities, including its intensity, are consistent with what was on the site at the time it became a conditional or nonconforming use. In this case, the use is allowed to continue.

b. The review body may find that the use and its activities are substantially different from what was on the site at the time it became a conditional use or nonconforming use and that the differences do not comply with the current approval criteria for the use. In this case, the review body may apply conditions or restrictions to ensure that the differences comply with the approval criteria.

F. Enforcement of revocation. In the event that the land use approval is revoked, the use or development becomes illegal. The use or development must be terminated within 21 days of the date the revocation decision is filed with the City Auditor, unless the decision provides otherwise. Enforcement is the responsibility of the Bureau of Buildings.

33.700.050 Performance Guarantees

A. Purpose. This section states the requirements for performance guarantees when they are required of an applicant by this Title or as a condition of a land use approval.

B. Types of guarantees. Guarantees by the applicant may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the City Attorney. The Planning Director is authorized to accept and sign the contract for the City, and to accept the guarantee. The guarantee must be filed with the City Auditor.

C. Amount of guarantee. The amount of the performance guarantee must be equal to at least 110 percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.

D. Completion. An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by the Bureau of Buildings or other appropriate City bureaus. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

33.700.060 Covenants with the City

A. Content of the covenant. A covenant required by this Title or a condition of a land use approval must state that:

1. The owner will comply with all applicable code requirements and conditions of approval; and

2. If the owner fails to perform under the covenant, the City may terminate occupancy of the site and seek all necessary injunctive relief, including seeking to prevent future occupancy of the site while a violation of the covenant exists.

3. Where the development rights of one site are dependent on the performance of conditions by the owner of another site (such as the transfer of development rights), the covenants are judicially enforceable by the owner of one site against the owner of another.

B. Adopting the covenant. The form of all covenants must be approved by the City Attorney. The covenant must run with the land. The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

33.700.070 General Rules for Application of the Code Language

The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

A. Reading and applying the code. Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Planning Director to implement the code. The action of the Planning Director is final.

B. Ambiguous or unclear language. Where the language is ambiguous or unclear, the Planning Director may issue a statement of clarification processed through a Type III procedure, or initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

C. Situations where the code is silent. Proposals for uses where the code is silent or where the rules of this section do not provide a basis for concluding that the use is allowed are prohibited. The Planning Director may initiate an amendment to Title 33 to add a new use category, as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

D. Terms.

1. Defining words. Words used in the zoning code have their dictionary meaning unless they are listed in Chapter 33.910, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.

2. Tenses and usage.

   a. Words used in the singular include the plural. The reverse is also true.

   b. Words used in the present tense include the future tense. The reverse is also true.

c. The words "must," "will," and "may not" are mandatory.

d. "May" is permissive.

e. "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow an exception to the regulation in question. This does not preclude requests for zone changes or Comprehensive Plan map amendments.

f. When used with numbers, "Up to *x*," "Not more than *x*" and "a maximum of *x*" all include *x*.

3. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:

a. "And" indicates that all connected items or provisions apply;

b. "Or" indicates that the connected items or provisions may apply singly or in combination;

c. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.

4. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

E. Hierarchy of regulations.

1. Different levels of regulations. In general, an area with base zoning, overlay zoning, and/or in a plan district is subject to all of the regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations in a plan district supersede regulations in an overlay zone, and the regulations in an overlay zone supersede regulations in base zones. The regulations for plan districts and overlay zones also supersede conflicting regulations for a specific use or development stated in the 200s series of chapters unless specifically stated otherwise.

2. Regulations at the same level. When regulations at the same level conflict, those that are more specific to the situation apply. An example would be the parking space requirement for houseboats in moorages, two spaces per unit, which is stated in the Floating Structures chapter. This would supersede the standard residential requirement of one space per unit stated in the Parking chapter. When the regulations are equally specific or when it is unclear which regulation to apply, the most restrictive applies. Regulations at the same level include such situations as two different standards in a base zone or regulations from separate chapters in the the 200s series of chapters.

3. Figures, tables, and maps. Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control.

F. Applying the code to specific situations. Generally, where the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

G. Determining whether a land use request is quasi-judicial or legislative. Quasi-judicial and legislative are terms describing two different types of land use actions. In general, legislative actions involve the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Quasi-judicial actions involve the application of existing law or policy to a small area or a specific factual situation. There are different legal requirements for the processing of these two types of actions. In general, quasi-judicial actions require greater notice and procedural protections than do legislative actions. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the Director, who will forward the request to the City Attorney.

Timeliness of Regulations

33.700.080 Regulations That Apply at the Time of an Application

When new zoning code amendments or changes to the zoning map are adopted but not yet implemented, the regulations of this section apply.

A. Applications. Applications for building or development permits or land use reviews will be processed based on the regulations in effect at the time a complete application is submitted to the City.

1. For the purposes of this section, a complete land use review application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes.

2. For the purposes of this section, a complete building or development permit application contains the information necessary for the Bureau of Planning to determine that the proposal conforms with all applicable use regulations and development standards.

B. Revisions to building or development permit applications. Revisions will be processed based on the regulations in effect when the original complete application was received if:

1. The use remains within the same use category as in the original application;

2. The revision does not increase the total square footage of the proposed use;

3. The original application has not expired; and

4. The revised development meets all applicable development standards.

C. Use of new regulations or mapping. Applications will not be accepted for building permits or land use reviews based on regulations or zone changes that have been approved but not yet implemented. However, pre-application conferences may be requested and held.

33.700.090 Regulations That Apply After Approval

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

A. Building permits. Applications for building permits for projects where the land use approval has not expired are subject only to the regulations in effect at the time of the land use application.

B. Land divisions. Final approval of the plat for land divisions which have not expired is subject only to the regulations in effect at the time of the land division application.

33.700.100 Transfer of Approval Rights

Approvals of quasi-judicial land use reviews run with the land and are transferred with ownership. Any conditions, time limits, or restrictions apply to all subsequent operators.

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use or development was approved with conditions as part of a land use review under zoning regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning regulations. This may result from a change of the content of zoning regulations or from legislative zone changes including annexation rezonings.

A Conditions of approval prior to 1981. Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on a PUD or subdivision or any other quasi-judicial review approved in association with a PUD or subdivision.

B. Conditions of approval after 1981. The regulations stated below apply to all prior conditions of approval for all PUDs and subdivisions and any other quasi-judicial review approved in association with a PUD or subdivision, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.

1. Zone changes. If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.

2. Conditional uses.

   a. An allowed conditional use. If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.

   b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply.

   c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.

3. Variances and adjustments. If the variance or adjustment was for development which is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.

4. Other land use actions. If the use or development was approved with conditions under a review which is no longer in effect on the site (such as site review, design review, signficant environmental concern review), the conditions no longer apply.

33.700.120 Status of Prior Revocable Permits

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

A. Uses which are now allowed. Revocable permits for uses which are now an allowed use are revoked and the uses are subject to the zoning regulations. Any conditions of approval no longer apply. Specific activities of the use which were allowed by the revocable permit but which do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.

B. Uses which are now conditional uses. Revocable permits for uses which are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use which were allowed by the revocable permit but which do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.

C. Uses which are prohibited. Revocable permits for uses which are prohibited by this Title may continue under the conditions of the permit as provided below.

1. Revocable permits with a specified expiration date. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the ownership changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years.

Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:

a. The use has no adverse impacts on surrounding uses; and

b. The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.

2. Revocable permits without an expiration date. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the ownership changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.

CHAPTER 33.710
REVIEW BODIES

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97.)

Sections:

33.710.010 Purpose
33.710.020 Delegation of Authority
33.710.030 Commissions, Committees, and Boards Generally
33.710.040 Planning Commission
33.710.050 Design Commission
33.710.060 Historic Landmarks Commission
33.710.070 Adjustment Committee
33.710.080 Land Use Hearings Officer
33.710.090 Planning Director
33.710.100 City Council
33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

A. Length of terms. Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4 year term of office to provide overlap and a continuity of membership. Members are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms.

B. Required attendance. If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.

C. Officers and rules. Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.

D. Voting. A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.

E. Pay. All members on a commission, committee, or board serve without pay.

F. Public meetings. All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.

G. Staff. The Director must provide each commission, committee, or board with staff assistance necessary to enable it to discharge its duties.

H. Records. The Director keeps an accurate record or minutes of all proceedings of each commission and committee.

I. Conflict of interest. A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.

33.710.040 Planning Commission

A. Purpose. The Planning Commission is a body which makes recommendations on land use plans and policies to the City Council. The Commission provides a stewardship role regarding the Comprehensive Plan, and fosters public communication and leadership on related land use issues. These issues include land use development, transportation, housing, economic development, zoning, and the environment.

B. Membership. The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.

C. Meetings, officers, and subcommittees.

1. The Planning Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Five members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Planning Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Planning Commission has all of the powers and duties which are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission must hold hearings and make recommendations on all policy matters related to the Comprehensive Plan; the zoning code; significant transportation policies, projects, and issues; and the subdivision and partitioning code. The Planning Commission also advises the City Council on land use plans and policies regarding such issues as zoning, housing, alternative energy, transportation, urban renewal plans, public buildings, land use goals, and other land use policies of City-wide interest.

E. Communications on appeals. The Planning Commission may submit written responses or appear in person on appeals of quasi-judicial land use decisions to the City Council.

F. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning Director by the first working day of September. The Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

A. Purpose. The Design Commission provides leadership and expertise on urban design and architecture and on maintaining and enhancing Portland's historical and architectural heritage.

B. Membership. The Design Commission consists of eight members, none of whom may hold public elective office. The Commission must include a member of the Planning Commission, a representative of the Metropolitan Arts Commission, one person representing the public at-large, and five members experienced in either design, engineering, financing, construction or management of buildings, and land development. No more than two members may be appointed from any one of these areas of expertise. The Planning Commission member is chosen by the Planning Commission chair. The Metropolitan Arts Commission member is nominated by the Metropolitan Arts Commission chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Recommending the establishment, amendment, or removal of a design district to the Planning Commission and City Council, except Historic Districts and Conservation Districts;

2. Developing design guidelines for adoption by City Council for all design districts except Historic Districts and Conservation Districts;

3. Reviewing major developments within design districts, except those projects involving or located within the following:

   a. Historic Districts;

   b. Conservation Districts;

   c. Historic Landmarks; and

   d. Conservation Landmarks.

4. Reviewing other land use requests assigned to the Design Commission; and

5. Providing advice on design matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning Director by the first working day of September. The Director may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

A. Purpose. The Historical Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic design districts.

B. Membership. The Historic Landmarks Commission consists of eight members, none of whom may hold public elective office. The Commission must include a member of the Planning Commission; a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning,

archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large. All members must have demonstrated interest, competence, or knowledge of historic preservation. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The Planning Commission member is chosen by the Planning Commission chair. The other members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Establishing or removing Historic Landmark and Conservation Landmark designations for specific buildings or sites in quasi-judicial reviews;

2. Recommending the establishment or removal of Historic Landmark and Conservation Landmark designations to the City Council in legislative actions;

3. Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning Commission and the City Council;

4. Recommending and developing design guidelines for Historic Districts and Conservation Districts to the City Council;

5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts;

6. Reviewing demolition and relocation requests for certain Historic landmarks and buildings in Historic Districts;

7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning Commission, Portland Development Commission, other City commissions and committees, and City Council; and

8. Initiating and coordinating historic preservation and public outreach programs in the City, including reviewing recommendations for national register status and making recommendations to other governmental agencies regarding historic preservation programs and issues.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning Director by the first working day of September. The Director may combine the report with annual reports of other bodies for transmission to City Council.

33.710.070 Adjustment Committee

A. Purpose. The Adjustment Committee reviews adjustment requests to the development standards of Title 33. The Committee provides the opportunity for a public forum in the review of these requests.

B. Membership. The Adjustment Committee consists of seven members, none of whom may hold public elective office. The Committee must include three persons representing the public at large, two members in either urban design, architecture, or landscape architecture, and two members experienced in either engineering, financing, construction, management of buildings, or land development. The members are appointed by the Mayor and confirmed by the City Council.

C. Second Committee. If the Director determines that the number of adjustment requests exceeds the capacity of the Adjustment Committee to review in a timely manner, the Director may recommend to the Mayor that a second Committee be formed. The second Committee may be dissolved by the Mayor if the number of reviews can be adequately handled by one Committee. The second committee is also subject to all the regulations in this section.

D. Meeting and officers. The Adjustment Committee meets at least once a month and as necessary to act on adjustment requests. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.

E. Powers and duties. The Adjustment Committee has all of the powers and duties which are assigned to it by this Title or by City Council. The Committee powers and duties include:

1. Reviewing requests to adjust the development standards of Title 33, when no other land use reviews are associated with the project; and

2. Providing advice on adjustment matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.

F. Annual report. The Committee must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning Director by the first working day of September. The Director may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

A. Purpose. The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.

B. Short name. The Land Use Hearings Officer is also called the Hearings Officer.

C. Appointment. The Hearings Officer is appointed by the City Commissioner in charge of the City Attorney's office in conformance with City rules.

D. Hearings. The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.

E. Powers and duties.

1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.

2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.

F. Annual report. An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning Commission by the first working day of September for transmission to the City Council. This report may contain recommendations for Planning Commission and City Council consideration.

33.710.090 Planning Director

The Planning Director directs and manages the staff of the Bureau of Planning. The Director provides staff services to the commissions, committees, and boards provided in this chapter. The Director is responsible for the decisions and recommendations required by this Title. The Director is in charge of implementing this Title and Title 34. The Director may delegate review and decision-making authority to Bureau of Planning staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

A. Purpose. The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the

Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.

B. Membership.

1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.

2. Nominations. Before the Planning Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning Director for the member at-large.

3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.

4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood representative and one industry representative will serve for two years, the other three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. Staffing. The Planning Director or designee will staff the board, in accordance with 33.710.030.

C. Meetings. The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.

D. Powers and duties. The duties, responsibilities, and authority of the advisory board include, but are not limited to:

- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
- Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
- Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;

- Advice to the Planning Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
- Provision of leadership and expertise in problem-solving;
- Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
- Provision of a point of contact for citizen inquiries or complaints;
- Provision and initiation of communication, notification, and information for affected residents; and
- Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

CHAPTER 33.720
ASSIGNMENT OF REVIEW BODIES
(Amended by Ord. No. 169987, effective 7/1/96.)

Sections:
33.720.010 Purpose
33.720.020 Quasi-Judicial Land Use Reviews
33.720.030 Legislative Land Use Reviews
33.720.040 Concurrent Reviews

33.720.010 Purpose
This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews
Quasi-judicial land use reviews are assigned to the review bodies stated below.

A. Planning Director. All land use reviews that are subject to a Type II procedure are assigned to the Planning Director.

B. Hearings Officer. All appeals of land use reviews that were processed as a Type II procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D., or E. below, are assigned to the Hearings Officer.

C. Design Commission. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:

1. Design review, except as provided for in Paragraph D.3. below;

2. Adjustments in a Design zone, except historic design districts and historic landmarks;

3. Adjustments associated with a design review required by City Council outside of a Design zone; and

4. Reviews in the Central City plan district for height and FAR bonuses and transfers.

D. Historic Landmarks Commission. Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, historic preservation incentive reviews involve use issues and are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations;

2. Demolition review; and

3. Design review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts.

E. Adjustment Committee. Appeals of adjustment reviews that were processed as a Type II procedure where no other land use review is involved are assigned to the Adjustment Committee.

F. City Council. Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council.

33.720.030 Legislative Land Use Reviews

A. Legislative land use reviews, unless stated otherwise in Subsections B or C, below, are assigned to the Planning Commission, who will make a recommendation to City Council.

B. Design Guidelines in Historic Districts and Conservation Districts are adopted by the Historic Landmarks Commission before being submitted to the City Council for adoption.

C. Design guidelines in design districts are adopted by the Design Commission before being submitted to the City Council for adoption.

D. Final action on all legislative land use reviews is by the City Council.

33.720.040 Concurrent Reviews

Applications for more than one land use review request on a site may be consolidated into a single application package. If the reviews are not assigned to the same review body, they are assigned in the manner stated below.

A. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure and reviewed by the review body assigned to that procedure. A Type III procedure is the highest, followed by a Type II.

B. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Amended by Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord No. 171219, effective 7/1/97.)

Sections:

General
33.730.010 Purpose
Basic Procedures
33.730.015 Type I Procedure
33.730.020 Type II Procedure
33.730.030 Type III Procedure
33.730.040 Final Council Action Required
General Information on Procedures
33.730.050 Pre-Application Conference
33.730.060 Application Requirements
33.730.070 Written Notice Requirements
33.730.080 Posting Requirements
33.730.090 Reports and Record Keeping
33.730.100 Public Hearing Requirements
33.730.110 Ex Parte Contact
After a Final Decision
33.730.120 Recording an Approval
33.730.130 Expiration of an Approval
33.730.140 Requests for Changes to Conditions of Approval

General

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II and Type III procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I procedure is an administrative procedure.

The Type I procedure, or limited land use review, allows local decisions to be made administratively for such reviews as minor design cases. The Type II procedure is the shorter and simpler of the other two quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type III procedure is the longer and more in-depth review. It is intended for reviews which involve the most discretion or the greatest potential impacts.

Basic Procedures

33.730.015 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

A. Pre-application conferences. A pre-application conference is optional. See 33.730, Pre-Application Conference.

B. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor design cases.

C. Notice of a request. Within 5 days of receiving the complete application the Director will mail a notice of the request to all property owners within 100 feet of the lot, and to the recognized organization(s) in which the lot is located. The notice will contain all information listed in 33.730.070. B, Type I notice of request.

D. Processing time. Upon determining that the application is complete the Director will make a decision on the case within 45 days. The applicant may extend this time limit.

E. Administrative decision.

1. In making the decision the Director may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director's findings. The Director's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

3. The decision of the Director is final.

F. Notice of decision. The Director will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the Director will mail notice of the decision to the applicant and to any person or organization who submitted written comments, and to the City Auditor. See 33.730.070 E, Type I procedure notice of decision.

G. Effective date of decision. The Director's decision takes effect on the day the notice of decision is mailed.

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director's decision to another review body.

A. Pre-application conference. A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050, Pre-Application Conference.

B. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

C. Preliminary notice. Upon receipt of an application, the Director will mail a notice of the request to all property owners within 150 feet of the lot when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070 C, Type II notice of request.

D. Processing time. Upon determining that the application is complete, the Director will make a decision on the case within 14 days. The applicant may extend this time limit.

E. Administrative decision.

1. In making the decision, the Director may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director's findings, which are based on an evaluation of the facts and the applicable code regulations.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

3. A copy of the decision report will be mailed to the owner, applicant if different, the recognized organization(s) in which the site is located, and will be made available to the public.

F. Notice of decision (pending appeal). The Director will file the notice of decision (pending appeal) by the next working day after the decision is made. Within 5 days of filing the notice of decision, the Director will mail a notice of the decision to all property owners within 150 feet of the lot when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, to all recognized organizations within 400 feet of the lot, to any person who submitted written comments, and to the City Auditor. See 33.730.070 G, Notice of decision (pending appeal).

G. Ability to appeal. The Director's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

H. When no appeal is filed. If no one appeals the decision, an approved request takes effect on the day after the last day to appeal.

I. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
   - The file number and land use review(s) appealed;
   - The appellant's name, address, signature, phone number;
   - A statement of which approval criteria the decision violates; and
   - The required fee.

2. Notification of appeal hearing. The Director will file a copy of the appeal within 3 days of its receipt to the City Auditor and the applicant, unless the applicant is also the appellant. Within 5 days of the receipt of the appeal, the Director will send a notice of the appeal hearing to the applicant and all persons and recognized organizations which received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.

3. Scheduling of hearing. The Director will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.

4. Submit report to review body. The Director will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.

5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.

6. Appeal decision. The review body may adopt the decision report of the Director, modify it, or reject it based on information presented at the hearing and in the record.

   a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the hearing.

   b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.

8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director will mail notice of the decision. Within 17 days of the hearing, the Hearings Officer or Director will mail notice of the review body's final decision to the City Auditor, applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.

10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body.

A. Pre-application conference. A pre-application conference is required for all requests processed through a Type III procedure. See 33.730.050, Pre-Application Conference.

B. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

C. Processing time. Upon determining that the application is complete, the Director will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.

D. Notice of a request.

1. Mailed notice. At least 20 days before the scheduled hearing, the Director will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, all properties within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III notice of request.

2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.

E. Decision by review body.

1. Bureau of Planning recommendation. The Director will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.

2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.

3. Review body decision. The review body may adopt the Director's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.

   a. Hearings Officer. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the hearing.

b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.

4. Amended decision report. If the review body modifies or rejects the Director's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.

5. Notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director will mail notice of the decision. Within 17 days of the hearing, the Hearings Officer or Director will mail notice of the review body's decision (pending appeal) to the City Auditor, applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 G, Notice of decision (pending appeal).

F. Ability to appeal. The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.

G. When no appeal is filed. If no one appeals the decision, an approved request takes effect on the day after the last day to appeal.

H. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
   - The file number and land use review(s) appealed;
   - The appellant's name, address, signature, phone number, and relationship to the land use action;
   - A statement of which approval criteria the decision violates; and
   - The required fee.

2. Notice of the appeal hearing. The Director will file a copy of the appeal within 3 days of its receipt to the City Auditor and the applicant, unless the applicant is also the appellant. Within 5 days of the receipt of the appeal, the Director will send a notice of the appeal hearing to the City Auditor, applicant, the review body, and all persons and recognized organizations which received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.

3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.

4. Submit report to City Council. The Director will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.

5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director will represent the review body in appeals heard by City Council.

6. Appeal decision and findings.

   a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.

   b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.

7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

8. Effective date of decision. The City Council's decision takes effect on the day the notice of decision is mailed by the City Auditor.

9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use

review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council.

General Information on Procedures

33.730.050 Pre-Application Conference

A. **Purpose.** The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.

B. **Requirements.** Forms for pre-application conferences are available from the Director. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 14 days of receipt of a completed request form.

C. **Participants.** The applicant meets with Bureau of Planning staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.

D. **Pre-application conference recommendations.** The Bureau of Planning staff will provide the applicant with a written summary of the pre-application conference within 7 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.

E. **Concurrent pre-application and application requests.** Application for a land use review and a pre-application conference may be submitted at the same time. However, it is recommended that an application be filed after the pre-application conference so that the information obtained at the conference may be incorporated in the application submittal.

F. **Other pre-application advice.** An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request that would be heard by these commissions. These requests are known as "design advice requests". These requests do not substitute for a required pre-application conference with the Bureau of Planning staff and other City urban service or technical representatives. A fee is charged for design advice requests as stated in the Fee Schedule.

G. **Time limit.** A pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the pre-application conference and the date the application is submitted, a new pre-application conference is required.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director. The Director will review the application to see if it is complete. The Director must notify the applicant of any missing information or materials within 14 days.

2. Time allowed for additional submittals. If the Director finds that the application is not complete, the applicant has 30 days from the date of original submittal to provide the missing information. If the missing information is not provided, the application will be considered complete on the 31st day after its original submittal. It will be processed based on the information submitted.

3. Time extensions. The applicant may request an extension of the 30 day limit in writing. However, if the missing information is not provided within 180 days of the date of original submittal, then the application will be voided. The City will not refund the filing fee.

4. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information. Unless stated elsewhere in this Title, a complete application consists of all of the materials listed in Paragraphs 1. through 5. below. The Director may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

2. One copy of a written statement that includes the following items:
   - A complete list of all land use reviews requested;
   - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
   - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
   - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.

3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
   - All property lines with dimensions and total lot area;
   - North arrow and scale of drawing;
   - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
   - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
   - All trees greater than 6 inches in diameter, measured 5 feet above the ground, in areas to be disturbed;
   - Easements and on-site utilities;
   - Existing and proposed development with all dimensions;
   - Building elevations;
   - Location of adjacent buildings;
   - Distances of all existing and proposed development to property lines;
   - Types and location of vegetation, street trees, screening, fencing, and building materials;
   - Percentage of the site proposed for building coverage, and landscaping coverage;
   - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
   - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
   - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
   - Additional requirements of the specified land use review.

4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.

5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.

6. The applicable filing fees.

33.730.070 Written Notice Requirements

A. General information on notices. The following applies to all notices.

1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Office of Neighborhood Associations.

2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.

3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways which do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

B. Type I notice of request. The notice of request, when processed through a Type I procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due. This date and time will be at least 30 days from the mailing date of the notice, and at least 5 days before the decision must be rendered;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director an opportunity to respond to the issues;
- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

C. Type II notice of request. The notice of request, when processed through a Type II procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;

- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

D. Type III notice of request and hearing. The notice of request and hearing, when processed through a Type III procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal and the proposed use or uses which could be authorized;
- The land use reviews requested and other land use reviews which may be considered as an option;
- An explanation of the local decision-making process for the decision being made;
- The applicable comprehensive plan and code approval criteria;
- The date, time and location of the hearing;
- A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues
- A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
- A statement that a copy of the Director's report will be made available at least 10 days before the hearing and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

E. Notice of deferral. If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then renotification is required.

F. Type I notice of decision. The notice of decision must include the following:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;

- A description of the Director's decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

G. Notice of Type II decision (pending appeal). The notice of Type II decision (pending appeal) will describe the land use request and decision. The notice will include the following information:
- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- An explanation of the local decision-making process for the decision being made;
- A summary of the applicable approval criteria;
- The Director's decision, the decision date, and the filing date;
- A statement that the decision is final unless appealed;
- A description of the appeal process, time frame, the review body, and the fee for an appeal; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

H. Notice of a Type II or Type III appeal hearing. If a local appeal of a Type II administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.

I. Notice of final Type II or III decision following appeal. Where a Type II or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:
- The file number;
- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III procedure. The requirements for the posting of notice are stated below.

A. Number and location on the site. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way.

B. Placing notice. When the Bureau of Planning sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:
- The message that must be placed on the notice;
- The number of notices required;
- The latest date that the notice may be posted; and
- A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.

C. Standards and timing. The applicant must prepare the notice to Bureau of Planning standards and post it on the site at least 30 days before the scheduled hearing. At least 14 days before the hearing, the applicant must file with the Bureau of Planning a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.

D. Removal. The applicant may not remove the notice before the hearing. The applicant must remove the notice within 2 weeks of a final decision on the request.

E. Content of the notice. The posted notice must contain the following information:
- The file number;
- The date of the hearing;
- A summary of the key items of the request; and
- A statement that further information is available from the Bureau of Planning, and the phone number and address of the Bureau.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

A. Decisions. Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.

B. Reports. Reports must include:
- The file number;
- The owner's and applicant's name and address;
- The legal description and site location;
- A brief description of the request;
- The review body;
- The relevant approval criteria;

- The findings applying the facts to the criteria;
- The decision; and
- Any additional information relevant to the case.

C. The public record. The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

A. Rules of Procedure. All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.

B. Initial hearing statements. At the beginning of each hearing, the review body must state:

1. That testimony can only address the applicable approval criteria;
2. The applicable approval criteria;
3. That any party can request the record be kept open for 7 days;
4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.

C. Hearing record. Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex Parte Contact

A. Private contacts. Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome. Should such communication occur, at the beginning of the hearing the member of the review body must:

1. Enter into the record the substance of the written or oral communication; and
2. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the contact.

B. Bureau of Planning contact. The Director and Bureau of Planning staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the City Auditor. The City Auditor, in turn, records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

A. Expiration of unused land use approvals issued prior to 1979. All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.

B. When approved decisions become void. All land use approvals, except for zoning map or Comprehensive Plan map amendments, become void under any of the following circumstances.

1. If within 3 years of the date of the final decision a building permit has not been issued; or

2. If within 3 years of the date of the final decision the approved activity has not commenced or, in situations involving only the creation of lots, the land division has not been recorded.

C. Deferral of the expiration period. If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

33.730.140 Requests for Changes to Conditions of Approval

Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review. In the case of zone change requests filed before January 1, 1981, the Type II procedure applies. In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply.

CHAPTER 33.740
LEGISLATIVE PROCEDURE

Sections:
33.740.010 Purpose
33.740.020 Commission Review
33.740.030 City Council Consideration

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

33.740.020 Commission Review (Amended by Ord. No. 170704, effective 1/1/97.)

A. Hearing required. A Commission must hold at least one public hearing before recommending action on a legislative matter.

B. Public notice for the hearing.

1. Notice area. The notice must be mailed to the regional transit agency, Metro, the Oregon Department of Transportation, all recognized organizations within the subject area, all recognized organizations within 1000 feet of the subject area, affected bureaus, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.

2. Notice time frame. The notice must be mailed at least 30 days prior to the hearing.

3. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning Commission, Design Commission, or Historical Landmarks Commission. When more than one hearing is held, additional notice will be made as follows:

   a. To a specific time and place . If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.

   b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.

C. Report. The Planning Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.

D. Additional information. A Commission has the authority to request, receive, and examine additional information.

E. Commission recommendation and decision.

1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.

2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

33.740.030 City Council Consideration

A. Hearing scheduled. The City Auditor will schedule a public hearing and the Bureau of Planning will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.

B. Notice. At least 14 days prior to the hearing, the City Auditor will mail notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice.

C. Council decision. At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

CHAPTER 33.750
FEES
(Amended by Ord. No. 169324, effective 10/12/95.)

Sections:
33.750.010 Purpose
33.750.020 Fee Schedule
33.750.030 Land Use Procedures
33.750.040 Verbatim Transcripts and Photocopies
33.750.050 Fee Waivers
33.750.060 Fee Refunds

33.750.010 Purpose
Application fees aid in defraying the City's cost for processing applications. Fees charged are not intended to exceed the average cost for processing the type of review requested.

33.750.020 Fee Schedule
All required fees are stated in the Fee Schedule for Title 33, available at the Permit Center.

33.750.030 Land Use Procedures
(Amended by Ord. No. 163697, effective 1/1/91. Amended by Ord. No. 164184, effective 7/1/91. Amended by Ord. No. 168113, effective 10/7/94.)

A. Required fees. Each pre-application conference request must include a pre-application conference fee. Each building permit review request and land use review request must include a review fee. Interpretations also require a fee.

B. Concurrent applications. When more than one land use review is requested, the fee for the most expensive review will be charged, plus one-half the fee for the other reviews.

C. Appeal fees.

1. Type III procedure. An appeal of a land use decision processed through a Type III procedure must include an appeal fee. The appeal fee is one-half of the total application fee of the original land use review request. The appeal fee may be waived for recognized organizations as provided in 33.750.050, Fee Waivers.

2. Type II procedure. An appeal of a land use decision processed through a Type II procedure must include an appeal fee. The appeal fee is $250. If the cost to the city of preparing for and conducting the appeal is less than $250, the difference will be refunded at the conclusion of the appeal. The appeal fee may be waived for recognized organizations as provided in 33.750.050, Fee Waivers. The appeal fee will be refunded if the appellant prevails. The review body will identify a prevailing party as part of the decision.

D. Change of a condition of approval. All requests to change any conditions of approval of a final decision must include a review fee. The review fee is the current fee for the applicable land use review. Fees for requests to change conditions of approval for more than one review are assessed as stated in Subsection B. above.

33.750.040 Verbatim. Transcripts and Photocopies

A fee must accompany requests for verbatim transcripts of a review body meeting and for photocopies. There is no charge for transcripts or photocopies requested by City Council. The fee for transcripts requested by a recognized organization that participated in the hearing is one-half the normal fee.

33.750.050 Fee Waivers

(Amended by Ord. No. 163697, effective 1/1/91. Amended by Ord. No. 165002, effective 1/23/92.) The Planning Director may waive land use review fees in the following situations. The decision of the Director is final. The waiver approval must occur prior to submitting the application.

A. Recognized organization waiver. An appeal fee may be waived for a recognized organization if all of the following are met:

1. The recognized organization has standing to appeal;

2. The appeal is not being made on the behalf of an individual;

3. The decision to appeal was made by a vote of the general membership, of the board, or of a land use subcommittee in an open meeting; and

4. The appeal contains the signature of the chairperson or the contact person of the recognized organization, as listed on the most recent list published by the Office of Neighborhood Associations, confirming the vote to appeal as required in Paragraph 3. above.

B. Low income waiver.

1. Land use review fees. An individual applying for a land use review who believes that he or she cannot pay the required fee(s), may request a waiver of fees. Applicants receiving a fee waiver must be an individual or noncorporate entity. An applicant for a fee waiver will be required to certify gross annual income and household size. The fee will be waived only for households with a gross annual income of less than 50 percent of the area median income as established by the Department of Housing and Urban Development (HUD), as adjusted for household size. Information relating to fee waivers must be made available by the Planning Director. The Planning Director will determine eligibility for fee waivers. Financial information provided by the applicant will remain confidential.

2. Appeal fees. The appeal fee may be waived for those qualifying under Paragraph 1 above who are appealing the decision on their application. In addition , an appeal fee may be waived for a low income individual (as specified in B.1 above)or noncorporate entity appealing a land use review decision, provided the following are met:

   a. The individual resides or the entity is located within the required notification area for the review; and

   b. The individual has resided in a dwelling unit at that address for at least 60 days.

C. City government and nonprofit waiver. The Director may waive the land use review fees for City Bureaus and for nonprofit organizations that directly serve low-income individuals. In either case, the Director must find that the activities, but not necessarily the specific request of the organization, are consistent with and further the goals and policies of the City.

D. Adjustments to avoid environmental impacts. The Director will waive land uses review fees for adjusting setback requirements in single dwelling residential zones if the following conditions are met.

1. The purpose of the adjustment is to avoid adverse impacts on a natural resource protected by an environmental zone;

2. The adjustment is applied for concurrently with an environmental review for the site; and

3. Opposite setback requirements are increased by the same dimension as the requested setback reduction.

33.750.060 Fee Refunds

The situations under which required fees may be refunded are stated below.

A. Unnecessary fees. When a fee is accepted by staff for a land use review that is later found to not be required, a full refund will be given.

B. Errors. When an error is made in calculating a fee, overpayment will be refunded.

C. Full refunds.

1. If a written request for the withdrawal of an application for a land use review is received before staff has notified other Bureaus or prepared any maps, a full refund will be given.

2. If the administrative decision on a Type II procedure is appealed, and the appellant prevails, the full appeal fee will be refunded.

D. 50 percent refunds. If the written request for the withdrawl of an application is received after the maps have been made or the other Bureaus have been notified, but before required notices have been prepared, a 50 percent refund will be given.

E. No refunds.

1. Appeal fees are nonrefundable, except as provided for in Subsection B and Paragraph C.2.

2. Preapplication conference fees are nonrefundable, except as provided for in Subsection A or B.

3. No refunds are given once the required notices for a land use review have been prepared.

800s - LAND USE REVIEWS

33.800 General Information on Land Use Reviews
33.805 Adjustments
33.808 Central City Parking Review
33.810 Comprehensive Plan Map Amendments
33.815 Conditional Uses
33.820 Conditional Use Master Plans
33.825 Design Review
33.830 Excavations and Fills
33.835 Goal, Policy, and Regulation Amendments
33.840 Hazardous Substances Reviews
33.846 Historic Reviews
33.848 Impact Mitigation Plans
33.850 Statewide Planning Goal Exceptions
33.855 Zoning Map Amendments

CHAPTER 33.800
GENERAL INFORMATION ON LAND USE REVIEWS

Sections:
33.800.010 General
33.800.020 Explanation of Discretionary Reviews
33.800.030 Procedures and Review Bodies for Discretionary Reviews
33.800.040 The Land Use Review Chapters
33.800.050 The Function of Approval Criteria
33.800.060 The Burden of Proof
33.800.070 Conditions of Approval

33.800.010 General

The zoning code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of the code. The combination is necessary to provide a comprehensive set of implementation tools. The nondiscretionary reviews provide the certainty needed in most situations by providing straightforward, clear, and objective standards. Discretionary reviews provide needed flexibility by allowing more subjective standards and objectives, and providing for the modification of regulations in response to specific site conditions. This chapter addresses discretionary reviews. Nondiscretionary reviews are addressed in 33.700.010.

33.800.020 Explanation of Discretionary Reviews

A discretionary review is one that involves judgement or discretion in determining compliance with the approval requirements. The review is discretionary because not all of the approval requirements are objective. That is, they are not easily definable or measurable. The amount of discretion and the potential impact of the request varies among different reviews. Some have less discretion or impact, such as the reduction of a garage setback for a house on a hillside. Others may involve more discretion or potential impacts, such as the design review of a new downtown building or the siting of a firm which uses hazardous materials. Discretionary reviews must provide opportunities for public involvement.

33.800.030 Procedures and Review Bodies for Discretionary Reviews

Procedures are the type of processing a land use case receives. Discretionary reviews are assigned either to a quasi-judicial or legislative procedure. The type of procedure is stated with the review. A description of the procedures are stated in Chapter 33.730, Quasi-Judicial Procedures and Chapter 33.740, Legislative Procedure. The assignment of review bodies is stated in Chapter 33.720, Assignment of Review Bodies. A description of quasi-judicial and legislative decisions is found in 33.700.070. When formulating zoning regulations, the determination of which of the quasi-judicial procedures to assign a review to is based on consideration of the type of approval criteria, the potential impacts, and a balance between the need for prompt decision-making and the need for public involvement.

33.800.040 The Land Use Review Chapters

The land use review chapters state the review process and approval criteria for most of the discretionary reviews. They include the reviews which apply to many zones or situations. Some reviews which relate only to a specific topic or to a limited area, are located in the chapter on that topic. These include environmental review, greenway review, nonconforming use review, substandard lot review, convenience store review, and planned unit development review. The information in this chapter applies to all discretionary reviews regardless of where they are located in this Title.

33.800.050 The Function of Approval Criteria

A. The approval criteria that are listed with a specific review reflect the findings that must be made to approve a request. The criteria set the bounds for the issues that must be addressed by the applicant and which may be raised by the City or affected parties. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or cannot comply with mitigation measures will be denied.

B. The approval criteria have been derived from and are based on the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. Fulfillment of all requirements and approval criteria means the proposal is in conformance with the Comprehensive Plan.

C. When approval criteria refer to the request meeting a specific threshold, such as adequacy of services or no significant detrimental environmental impacts, the review body will consider any proposed improvements, mitigation measures, or limitations proposed as part of the request when reviewing whether the request meets the threshold. All proposed improvements, mitigation measures, and limitations must be submitted for consideration prior to a final decision by a review body.

33.800.060 The Burden of Proof

The burden of proof is on the applicant to show that the approval criteria are met. The burden is not on the City or other parties to show that the criteria have not been met.

33.800.070 Conditions of Approval

The City may attach conditions to the approval of all discretionary reviews. However, conditions may be applied only to ensure that the proposal will conform to the applicable approval criteria for the review or to ensure the enforcement of other City regulations.

CHAPTER 33.805
ADJUSTMENTS

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97.)

Sections:

33.805.010 Purpose
33.805.020 Procedure
33.805.030 Regulations Which May and May Not Be Adjusted
33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations and allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

A. Eligible regulations. Unless listed in Subsection B. below, all regulations in this Title may be modified using the adjustment review process.

B. Ineligible regulations. Adjustments are prohibited for the following items:

1. To allow a primary or accessory use that is not allowed by the regulations;

2. As an exception to any restrictions on uses or development which contain the word "prohibited";

3. As an exception to a threshold for a review. An example is 33.140.100.B.3 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;

4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.B, which says that mobile home parks are allowed only in the R3 and R2 zones. An adjustment could not be granted to allow a mobile home park in any other R zone;

5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;

7. To allow an increase in density of more than one-half of a dwelling unit in the R3, R2, or R1 zones. An example would be the owner of an R1 lot at between 6,000 and 6,499 square feet could not ask for a seventh unit, but an owner of a lot between 6,500 and 6,999 could; and

8. To create a **new lot** on vacant land in a residential zone below the sizes stated below, unless specifically allowed by this Title:

RF	43,560	square feet
R20	15,000	square feet
R10	8,750	square feet
R7	6,000	square feet
R5 through RH	3,000	square feet

33.805.040 Approval Criteria

The approval criteria for signs are stated in Chapter 33. 286, Signs. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met. Adjustments to the ground floor window requirements of this Title must also meet the additional requirements stated in the ground floor window sections in the base zones.

A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and

B. If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in a C, E, or I zone, the proposal will be consistent with the desired character of the area; and

C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and

D. City-designated scenic resources and historic resources are preserved; and

E. Any impacts resulting from the adjustment are mitigated to the extent practical; and

F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

or

G. Application of the regulation in question would preclude all reasonable economic use of the site; and

H. Granting the adjustment is the minimum necessary to allow the use of the site; and

I. Any impacts resulting from the adjustment are mitigated to the extent practical.

CHAPTER 33.808
CENTRAL CITY PARKING REVIEW

(Added by Ord. No. 169535, effective 1/8/96. Amended by Ord. No. 171648, effective 10/8/97.)

Sections:
33.808.010 Purpose
33.808.020 Organization Of This Chapter
33.808.030 Automatic Central City Parking Review Status
33.808.040 Review Procedures
33.808.050 Loss of Central City Parking Review Status
33.808.100 General Approval Criteria for Central City Parking Review
33.808.200 Renewal of Surface Parking Lots in the Central City Plan District
33.808.300 Conversion of Surface Parking Lots

33.808.010 Purpose.

The purpose of Central City Parking Review is to allow for parking that supports Central City development, and is consistent with the goals and policies of the Central City Plan and Central City Transportation Management Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking minimized, while still providing sufficient parking to meet the goals of the City for the Plan District.

33.808.020 Organization Of This Chapter.

This chapter contains approval criteria for all Central City Parking Reviews (CCPR). The criteria in Section 33.808.100 apply to all CCPRs except Renewal of Surface Parking Lots, which is addressed in Section 33.808.200, and Conversion of Surface Parking Lots, which is addressed in Section 33.808.300.

33.808.030 Automatic Central City Parking Review Status.

A. Purpose. With adoption of the Central City Transportation Management Plan in 1995, the regulations for parking in the Central City Plan District were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, most parking in the plan district is automatically given Central City Parking Review (CCPR) status. Some surface lots have to apply to convert to CCPR status.

B. Parking that automatically receives Central City Parking Review Status. Parking in the Central City plan district that was legally operating on January 8, 1996 or on the date when the site became part of the Central City plan district, whichever is later, is considered an approved CCPR, and may continue to operate, subject to the regulations of Sections 33.510.261 through .267.

However, parking in the Core Area of the plan district in a surface lot that received a revocable permit or a conditional use that required periodic reapplication, and was operating on January 8, 1996 must apply for Central City Parking Review: See Subsection 33.510.263.K.

33.808.040 Review Procedures.
Requests for Central City Parking Review are processed through a Type III procedure.

33.808.050 Loss of Central City Parking Review Status
If the site of a Central City Parking Review is not used for parking for 3 continuous years, the Central City Parking Review rights are lost. Any new parking on the site will be subject to current regulations, and will be reviewed as a new use. Parking spaces in surface parking lots occupied by vending carts are still considered to be parking spaces.

33.808.100 General Approval Criteria for Central City Parking Review.
The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly lessen the overall desired character of the area. The desired character of the area is determined by City-adopted area, neighborhood, or development plans; by Comprehensive Plan designations and zoning, and by allowed densities.

B. The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on the transportation impact analysis and includes factors such as street capacity and level of service, on-street parking impacts, access requirements, impacts on transit operations and movement, impacts on the immediate and adjacent neighborhoods, and pedestrian and bicycle safety.

C. The parking facility is in conformance with the street classifications of the Central City Plan District and the Central City Transportation Management Plan.

D. If the proposal will generate more than 100 vehicle trips during the peak hour commute; and is Growth Parking or is Preservation Parking where the parking area is created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building: The Transportation Management Plan includes measures to increase the number of trips taken by alternatives to the single-occupant vehicle during the peak hour commute.

E. If the site is in the RX zone, the parking will not by itself or in combination with other nearby parking, decrease the desirability of the area for the retention of existing housing or the development of new housing.

F. If the site is within the areas shown on the "CCTMP Hot Spot Area Map," the carbon monoxide hot spot analysis meets Federal air quality standards, as determined by the Portland Department of Transportation and Oregon Department of Environmental Quality. The map is maintained by the Parking Manager.

G. If the proposal is for Preservation Parking, and the parking is not under the same ownership as the buildings for which the parking is provided, criteria G.1 and G.2, below, apply. If the proposal is to convert Visitor Parking to Preservation Parking, criteria G.1 through G.3, below, apply.

1. The agreements between the garage operator and the owners of the buildings for which the parking is provided are for at least 10 years; and

2. For initial approval, the agreements cover 100 percent of the Preservation Parking.

3. The parking demand analysis shows there is not a need for Visitor Parking at this location.

H. If the proposal is for Visitor Parking, the parking demand analysis shows a need for this parking at this location. The analysis must show the following criteria are met:

1. At least 65 percent of the short term parking demand is from uses within 750 feet of the parking structure or lot; and

2. At least one of the following is met:

   a. There is a cumulative increase in short-term parking demand due to an overall increase in activity associated with existing or new retail or other visitor-related uses; or

   b. The parking will serve major new attractions or retail development, or

   c. There has been a significant loss of on-street parking due to recent public works projects, or

   d. There has been a significant loss of short-term parking spaces.

3. If the site is in an I zone, all of the following are met:

   a. The parking will primarily serve industrial firms;

   b. The parking facility will not have significant adverse effects on nearby industrial firms; and

   c. The parking facility will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and nonindustrial uses and the effects of incremental changes.

I. If the site is in the Core Area:

1. If the proposal is for Growth, Visitor, or Residential/Hotel Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.

2. If the proposal is for Preservation Parking:

   a. There are adequate spaces in the Replacement Reserve or Pool, which are administered by the Parking Manager; and

   b. The Parking Management Plan includes measures to ensure that:

      (1) The parking is used primarily for commitments of at least 10 years to buildings that have less than 0.7 parking spaces per 1000 square feet of net building area, and

      (2) Other uses of the parking will occur only when the spaces are not used by the contracted parkers.

3. If the proposal is for Growth or Visitor Parking on a surface parking lot:

   a. It will be an interim use only, as documented by the phased development plan;

   b. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and

   c. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.

4. If the proposal is for Residential/Hotel Parking on a surface parking lot, and the parking will serve a residential use, either I.4.a or I.4.b, below, apply.

   a. If the total surface parking area on the site is 40,000 square feet or less and the parking is an interim use, the criteria of Paragraph I.3, above, are met; or

   b. If the total surface parking area on the site is more than 40,000 square feet or the parking is not an interim use, the Parking Management Plan includes measures to ensure that the surface parking is serving only the residential uses.

5. If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria I.5.a through I.5.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria I.5.a through I.5.e, below, apply.

   a. There will not be a significant adverse impact on transit operations;

   b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;

   c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected;

d. Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment;

e. The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.

6. If the proposal is for a parking structure—a building where parking occupies more than 50 percent of the gross building area—within 100 feet of Fifth and Sixth Avenues between NW Glisan and SW Mill Streets:

a. There will not be a significant adverse impact on the overall pedestrian environment and safety;

b. There will not be a significant adverse impact on vehicle operation and safety, and

c. The development includes at least 0.8 FAR of retail, office, hotel or residential development in the same structure and on the same block as the parking. The retail, office, hotel or residential development must be on multiple levels. For purposes of this paragraph, net building area will be counted towards this requirement if any portion of the floor to be counted is at or above any adjacent grade.

J. If the site is outside the Core Area:

1. If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking.

2. If the proposal is for new access for motor vehicles within 75 feet of a Light Rail Alignment, but not on the alignment itself, criteria J.2.a through J.2.c, below, apply. If the proposal is for new access for motor vehicles on a Light Rail Alignment, criteria J.2.a through J.2.d, below, apply.

a. There will not be a significant adverse impact on transit operations;

b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;

c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact. On blocks where stations are located, the pedestrian environment on both sides of the streets will be considered and protected; and

d. Motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail alignment.

K. If the site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, or Central Eastside Sectors 2 or 3:

1. If the proposal is for Growth or Visitor Parking: The parking management plan supports alternatives to the single-occupant commuting vehicle through accommodations for carpooling, short-term parking, and other demand management measures appropriate to the type, size, and location of the parking facility, and consistent with the Central City Transportation Management Plan. In addition:

   a. If the proposal is for Visitor Parking, the parking management plan ensures that the parking will be primarily used for short-term parking; and

   b. If the proposal is for Growth Parking to serve office uses, and there are more than 60 spaces included that will serve non-office uses: The parking management plan ensures that there is operational or physical separation of the office and non-office parking, so that the office users do not have access to the non-office parking.

2. If the proposal is for Preservation Parking, the parking management plan includes measures to ensure that:

   a. If the parking will serve office uses, the parking is used primarily for buildings that have less than the maximum ratio allowed for the parking sector, and

   b. If the parking will serve both office and non-office uses, and there are more than 60 spaces included that will serve non-office uses: The parking management plan ensures that there is operational or physical separation of the office and non-office parking, so that the office users do not have access to the non-office parking; and

   c. Other uses of the parking will occur only when the building contracting for the parking does not need the spaces.

3. If the proposal is for Growth or Preservation Parking for non-office uses, and there will be more than 60 spaces on the site:

   a. There will not be a significant adverse impact on transit operations;

   b. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation; and

   c. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact.

4. If:

   a. The site is in a C, E, OS, or R zone;

   b. The proposal is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and

   c. The proposal is for a surface parking lot where the total surface parking area on the site is larger than 40,000 square feet in area;

   The following must be met:

   d. The amount of parking area larger than 40,000 square feet will be an interim use only, as documented by the phased development plan;

   e. The phased development plan ensures that the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and

   f. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking.

L. If the site is in the Lloyd District, and the proposal is for Preservation Parking: There are adequate spaces in the Replacement Reserve, which is administered by the Parking Manager.

M. If the site is in the Goose Hollow Subdistrict, and the proposal is for Undedicated General Parking:

1. The facility will provide parking primarily to those whose destination or residence is within the boundaries of the Goose Hollow Neighborhood, as shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Associations. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A parking management plan will be submitted to document how this criterion will be met;

2. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;

3. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, access requirements, and neighborhood impacts;

4. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;

5. If the proposal is for a surface parking lot, the proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas;

6. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and surface parking areas to reduce the impact on adjacent public and private spaces; and

7. If the proposed access to the facility is within 75 of a light rail alignment, the access should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible.

N. If the site is in the Lower Albina Subdistrict; North Macadam Subdistrict; or Central Eastside Sectors 1, 4, 5, or 6; or River District Sectors 1 or 2:

1. If the proposal is for parking on a surface lot where the total surface parking area on the site exceeds the threshold of Paragraph N.2, below, criteria N.3 through N.5, below, apply. If the proposal is in an R, C, E, or OS zone; and is for Growth, Preservation, Visitor, or Residential/Hotel Parking; and is not created in conjunction with a regional attractor, criteria N.3 through N.8, below, apply.

2. Threshold: The amount of surface parking area on the site is larger than 40,000 square feet, or the parking area covers more than 30 percent of the site, whichever is larger.

3. There will not be a significant adverse impact on transit operations;

4. There will not be a significant adverse impact on operation and safety of vehicle and bicycle circulation;

5. There will not be a significant adverse impact on the overall pedestrian, bicycle, and transit environment and safety. A driveway is not automatically considered such an impact;

6. The amount of parking area that exceeds the threshold in Paragraph N.2, above, will be an interim use only, as documented by the phased development plan;

7. The first phase of development in the phased development plan includes creation of gross building area, and uses other than parking; and

8. The phased development plan ensures:

   a. That the later phases of development are realistically feasible, taking into account such factors as location of buildings on the site and zoning of the site; and

   b. After the final phase is built, the threshold in Paragraph N.2, above, will not be exceeded.

33.808.200 Renewal of Surface Parking Lots in the Central City Plan District

These approval criteria ensure that conditions of approval continue to be met and that, for those with a phased development plan, that reasonable progress towards development continues. The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The surface parking lot is in compliance with all conditions of approval and applicable provisions of the Zoning Code; and

B. If there is an approved phased development plan for the parking lot, reasonable progress is being made towards meeting the plan.

33.808.300 Conversion of Surface Parking Lots

These approval criteria ensure that surface parking lots will be converted in a manner consistent with the Central City Transportation Management Plan. The review focuses more on physical improvements that operational elements, and encourages better urban design and mitigation of negative impacts. The request will be approved if the review body finds that the applicant has shown that the surface parking lot is in compliance with all of the regulations in Subsection 33.510.263.H through L of the Zoning Code.

CHAPTER 33.810
COMPREHENSIVE PLAN MAP AMENDMENTS

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95.)

Sections:

33.810.010 Purpose
33.810.020 Initiating a Comprehensive Plan Map Amendment
33.810.030 Concurrent Zone Changes Allowed
33.810.040 Procedure
33.810.050 Approval Criteria
33.810.060 Housing Pool
33.810.070 Recently Annexed Areas
33.810.080 Corrections to the Comprehensive Plan Map

33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative are found in 33.700.070.G.

33.810.020 Initiating a Comprehensive Plan Map Amendment

A. Quasi-Judicial. Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Planning Director may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

33.810.040 Procedure

A. Quasi-Judicial. Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.

B. Legislative. Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

33.810.050 Approval Criteria

A. Quasi-Judicial. Amendments to the Comprehensive Plan Map which are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;

2. When the requested amendment is from a residential designation to a commercial, employment or industrial designation, or from the urban commercial designation to another commercial, employment, or industrial designation, or to IR Institutional Residential from another residential or the mixed commercial zone, the requested designation will not result in a net loss of potential housing units. Potential housing units are calculated as follows:

   a. The maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 sq. ft. per unit is used in the calculation and the maximum floor area ratio is used. Exceptions are:

      (1) In the RX zone, 20 percent of allowed floor area is not included;

      (2) In the R3, R2, and R1 zones, the amenity bonus provisions are not included; and

      (3) In the CM zone, one half of the maximum FAR is used.

      (4) Where a residentially zoned area is being used by an institution and the zone change is to the Institutional Residential zone, the area in use as part of the institution is not included.

      (5) Where a residentially zoned area is controlled by an institution and the zone change is to the Institutional Residential zone the area excluded by this provision also includes those areas within the boundaries of an approved current conditional use permit or master plan.

   b. In commercial and employment zones, residential units that are required, such as by a housing requirement of a plan district, are not credited as mitigating for the loss of potential units.

   c. Replacement of potential units may be accomplished through any of the following means:

      (1) Rezoning and redesignating land off site from a commercial, employment, or industrial designation to residential;

      (2) Rezoning and redesignating lower-density residential land off site to higher-density residential land;

(3) Rezoning land on or off site to the CM zone;

(4) Building residential units on the site or in a commercial or employment zone off site. When this option is used to mitigate for lost housing potential in an RX, RH, or R1 zone, only the number of units required by the minimum density regulations of the zone are required to be built to mitigate for the lost housing potential; or

(5) Any other method that results in no net loss of potential housing units, including units from the housing pool as stated in 33.810.060 below.

d. When housing units in commercial or employment zones are used to mitigate for lost housing potential, a covenant must be included that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

B. Legislative. Amendments to the Comprehensive Plan Map which are legislative must be found to be consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and any relevant area plans adopted by the City Council.

33.810.060 Housing Pool

A. Purpose. The housing pool is intended to provide a resource of housing units that can be used by applicants for Comprehensive Plan Map amendments where housing potential would be lost. It is intended to be used only in cases where the other approval criteria for approving the Comprehensive Plan Map amendment have been met. It is generally intended for use only by small business persons or other applicants who do not have other resources or expertise to mitigate for the lost housing potential through other means.

B. Adding units to the pool. Units may be added to the housing pool through the following methods:

1. Units in C, E, or I zones. Residential units in C, E, or I zones that are not required by other regulations, such as the requirement of a plan district, may be included in the pool. The residential units can be included only if there is a covenant that guarantees that the site will remain in housing for the credited number of units for at least 25 years.

2. Redesignating and rezoning land. Units may be added to the pool by redesignating and rezoning nonresidentially zoned land to a residential designation and zone. They may also be added by redesignating and rezoning lower density residential land to higher density residential land, or by redesignating and rezoning to the CM zone. In these cases the number of units added to the pool is the number of additional potential housing units that result from the change. However, increased housing potential that results from a neighborhood planning or district planning process may not be included.

C. Subtracting units from the pool.

1. Process. Use of units from the housing pool will not be recommended until after the Director has made a tentative recommendation on the application for a Comprehensive Plan Map amendment. The review body will make the final decision on whether units from the pool may be used. The review body will base its recommendation on the review criteria in Paragraph C.2. below.

2. Review criteria for use of the pool. Units from the housing pool will only be used if the review body finds that all of the criteria below are met. The burden of proof that the criteria are met increase as the size of the area of the Comprehensive Plan Map amendment increases.

   a. The applicant does not have the resources or expertise, or cannot reasonably obtain the resources or expertise to mitigate for the lost housing potential through other means, and

   b. The project will:

      (1) Provide valuable services to the surrounding community, through such means as providing goods or services to the community, drawing trade and economic activity into the community, or hiring from the community;

      (2) Retain or create employment opportunities for city residents; and

      (3) Contribute new investment to the area.

33.810.070 Recently Annexed Areas

Areas annexed into the City will automatically receive City Comprehensive Plan designations as part of the process of applying comparable zoning. See 33.855.080, Recently Annexed Areas.

33.810.080 Corrections to the Comprehensive Plan Map

The Planning Director may initiate a review through the Type II procedure for the types of corrections to the Comprehensive Plan Map listed below:

A. Mapping errors. The correction may be made for mapping errors such as:

1. The application of an Open Space designation to lands in private ownership which are not in an open space use or not receiving special tax considerations because of their status as open space;
2. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;
3. The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or
4. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

CHAPTER 33.815
CONDITIONAL USES

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97.)

Sections:

General
- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria
- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, and EX Zones, Outside the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.140 Specified Group Living Uses in the C and EX Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.310 Industrial Uses in the IR Zone

General

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the

environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.020 How to Use this Chapter

Uses that require a conditional use review and are subject to the regulations of this chapter are stated in the use tables of the base zones or in the regulations of overlay zones or plan districts which apply to the site. The review procedures for various conditional use situations are stated in 33.815.040 below. Requirements for phased master plans which may be submitted as part of a conditional use application are stated in Chapter 33.820, Conditional Use Master Plans. The applicable approval criteria are stated in Sections 33.815.100 to .305.

33.815.030 Automatic Conditional Use Status

Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the procedures of 33.815.040 and the appropriate approval criteria.

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

A. Proposals that affect the use of the site.

1. A new conditional use. A request for a new conditional use is processed through a Type III procedure.

2. Changing to another use:

   a. Within the same use category. Changing from one conditional use to another conditional use in the same use category is processed through a Type II procedure.

   b. In another use category.

      (1) Changing to a conditional use in another use category is processed through a Type III procedure.

      (2) Changing to an allowed use is allowed by right.

3. Adding another use.

   a. Adding a new conditional use to an existing conditional use when both are in the same use category is processed through a Type II procedure.

   b. Adding a new conditional use that is in another use category use is processed through a Type III procedure.

   c. Adding an allowed use may be allowed by right or require a conditional use depending on the proposed changes to development on the site. See subsection B, below.

4. Changes to any specifically approved amounts of the use such as members, students, trips, and events are reviewed as follows:

   a. Changes of 10 percent or less of the amount are a Type II procedure.

   b. Changes of over 10 percent of the amount are a Type III procedure.

5. Conditional uses within institutional campuses in the IR zone.

   a. The conditional use is subject to a Type II review if the use is already included within the institution's approved impact mitigation plan.

   b. Amendments to the mission section of an approved impact mitigation plan for an institutional campus for industrial service or manufacturing and production uses are subject to a Type III review.

   c. Change of occupancy involving the site of an approved industrial service or manufacturing and production use requires a Type II review.

6. Conditional uses in landmarks. In R, C, and E zones, requests for conditional use of a landmark are processed through the Type II procedure.

B. Proposals that alter the development of an existing conditional use. Alterations to the development on a site with an existing conditional use may be allowed, require an adjustment, or require a conditional use review, as follows:

1. Conditional use review not required. A conditional use review is not required for alterations to the site which comply with Subparagraphs a through e. All other alterations are subject to Paragraphs 2 and 3 below. Alterations to development are allowed by right provided the proposal:

   a. Complies with all conditions of approval;

   b. Complies with the development standards of this Title;

   c. Does not increase the floor area by more than 1,500 square feet;

   d. Does not increase the exterior improvement area; and

   e. Will not result in a net gain or loss in parking or site area.

2. Adjustments allowed without conditional use review. Adjustments to fence heights, handicapped ramps, and decks do not require a conditional use review if they do not violate or change any conditions of approval, or change the number of parking spaces.

3. Conditional use required. Conditional use review is required for the following:

   a. Minor alterations. Except as provided in Paragraphs 1 and 2, above, conditional use review through a Type II procedure is required for alterations to the site that do not violate any conditions of approval, and when the individual or cumulative alterations will not increase the floor area or exterior improvement area by more than 10 percent, up to a maximum of 25,000 square feet. The increase is measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.

   b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

33.815.050 Loss of Conditional Use Status
If the site of a conditional use is vacant for 3 continuous years, the conditional use rights are lost. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

33.815.060 Development Standards for Conditional Uses
The development standards for conditional uses are those of the base zone, any applicable overlay zones or plan districts, and any relevant regulations in the 200s series of chapters.

33.815.070 Sites With Split Zoning
When a proposed use is located on a site which has more than one zone, and the use is a conditional use in one zone and an allowed or limited use in the other, any proposals on the allowed site are subject to conditional use review.

33.815.080 Approval Criteria in General
The approval criteria for all conditional use reviews are stated below. Requests for conditional uses will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Approval Criteria

33.815.100 Uses in the Open Space Zone
These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development which are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;

2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and

3. City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

B. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

2. Privacy and safety issues.

D. Area plans. The proposal is consistent with any area plans adopted by the City Council such as neighborhood or urban renewal plans.

33.815.105 Institutional and Other Uses in R Zones

These approval criteria apply to all conditional uses in R zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in a residential zone which maintain or do not significantly conflict with the appearance and function of residential areas. The approval criteria are:

A. Proportion of Household Living uses. The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:

1. The number, size, and location of other uses not in the Household Living category in the residential area; and

2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

B. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, and landscaping; or

3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, and other design features.

C. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

2. Privacy and safety issues.

D. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

E. Area plans. The proposal is consistent with any area plans adopted by the City Council such as neighborhood or urban renewal plans.

33.815.107 Short Term Housing in R Zones

These approval criteria apply to Community Service uses that provide short term housing in existing structures in R zones. The approval criteria are:

A. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

2. Privacy issues.

B. Minimum spacing. The service provided by the proposed use is different from others provided within 750 feet of the site.

33.815.110 Office and Retail Sales And Service Uses in the RX Zone

These approval criteria provide for commercial uses in greater amounts than are allowed by right to promote new housing and support the residential area. The approval criteria are:

A. The overall development will result in a net increase in housing units on the site;

B. The proposed use will supply services to residents of the building or of nearby buildings; and

C. The appearance, location, and amount of commercial uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing.

33.815.115 Specified Uses in Commercial Zones

These approval criteria apply to uses in the following categories and zones: Industrial Service uses and Agricultural uses in the CS, CG, and CX zones, and Warehouse And Freight Movement uses in the CG zone. The approval criteria allow these uses in commercial zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

A. The proposed use will not have nuisance impacts from noise, odor, vibrations, and truck trips greater than usually generated by uses allowed by right in the zone;

B. Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial zone and with the character of the specific area; and

C. The proposed use will not significantly alter the overall commercial character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes.

33.815.120 Commercial Parking Facilities in the RX, CX, and EX Zones, Outside the Central City Plan District

These approval criteria provide for commercial parking facilities which support intensive development outside the Central City plan district. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, employment, or residential character of the zones. The approval criteria are:

A. The proposal will not by itself, or in combination with other commercial parking facilities in the area, significantly lessen the overall desired character of the area;

B. The parking facility is in conformance with the Arterial Streets Classifications and Policies;

C. The transportation system is capable of safely supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

D. If the facility is a site with surface parking in the CX and EX zones, it will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces; and

E. If the facility is in the RX zone, its location will not by itself or in combination with other nearby Commercial Parking Facilities, decrease the desirability of the area for the retention of existing housing or the development of new housing.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

A. The proposed use will not have significant adverse effects on nearby industrial firms;

B. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, lot access requirements, neighborhood impacts, and pedestrian safety;

C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and nonindustrial uses and the effects of incremental changes;

D. The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and

E. City-designated scenic resources are preserved.

33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. In the IG1, IG2, and IH zones, criterion A., B., and C. must be met. In the EG1 and EG2 zones, criterion A. and B. must be met and either C. or D. The approval criteria are as follows:

A. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, lot access requirements, neighborhood impacts, and pedestrian safety; and

B. City-designated scenic resources are preserved; and

C. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses; or

D. The proposal is for new development where:

1. The proposal can be designed and developed so that housing is buffered from potential nuisance impacts from uses allowed by right in the zone; and

2. The proposal includes a design, landscape, and transportation plan which will limit conflicts between residential, employment, and industrial uses.

33.815.140 Specified Group Living Uses in the C and EX Zones
These criteria apply to Group Living uses which consist of alternative or post incarceration facilities in the C or EX zones.

A. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and

2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

B. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and

2. Privacy and safety issues.

C. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. Area plans. The proposal is consistent with any area plans adopted by the City Council such as neighborhood or urban renewal plans.

33.815.200 Aviation And Surface Passenger Terminals
These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

A. Airports.

1. Master plan. A conditional use master plan is required. Facilities that are not related to the airport within the airport boundaries must be included in the master plan. See Chapter 33.820, Conditional Use Master Plans;

2. Public services.

   a. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

   b. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety; and

   c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

3. Noise abatement plan and noise impact overlay zone. An airport noise abatement plan and noise impact overlay zone have been developed in order to reduce the impact of aircraft noise on development within the noise impact area surrounding the airport; and

4. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated.

B. Commercial seaplane facilities. The approval criteria for commercial seaplane facilities are:

1. The proposal mitigates any significant off-site impacts and nuisances of the proposal on surrounding properties, including the use of buffers and/or restricting the hours of operation; and

2. The regulations in 33.209.040, Commercial Seaplane Facilities are met.

C. Helicopter landing facilities. The approval criteria for helicopter landing facilities are stated in 33.815.210.

D. Bus, rail and ship passenger terminals.

1. Public services.

   a. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

   b. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services;

2. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated; and

3. IG and IH zones. If the proposal is in an IG or IH zone, the proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and nonindustrial uses and the effects of incremental changes.

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

A. Appearance. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and

B. Safety. The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;

C. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, lot access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.210 Helicopter Landing Facilities

A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.

1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;

2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;

3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;

4. In C, E, or I zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;

5. In OS, R, CN, CO, and CM zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;

6. The facility meets all development standards contained in 33.243.040 ; and

7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.

B. The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

B. Appearance. The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

C. Benefit. Public benefits of the proposed use outweigh any impacts that cannot be mitigated

D. In the IR zone. These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;

2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;

3. The facility is listed in the mission statement as part of the institution's impact mitigation plan;

4. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and

5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus floor area. Calculation of total floor area of campus used by major event entertainment uses includes portions of parking structures associated with these uses. If campus facilities include structured parking 250 square feet of structured parking will be associated with the major event entertainment facility for each parking space required for the facility. Size exceptions are prohibited.

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

A. There are adequate nearby lands available for the development of more intense industrial uses;

B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;

C. There will be no significant health or safety risk to nearby uses;

D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;

E. The proposed use adequately addresses potential nuisance-related impacts such as litter;

F. Public services.

1. The proposed use is in conformance with either the Arterial Streets Classification Policy or the Downtown Parking and Circulation Policy, depending upon location;

2. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;

H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and

I. Public benefits of the use outweigh any impacts which cannot be mitigated.

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

A. Health and safety. The health and safety of the public is dependent on the facility being at this location.

B. Location. There is no feasible alternative location where the facility is an allowed use, or would have less impact on residential character or identified scenic and environmental resources.

1. Proof of a location-specific need must include:

   a. A broad review of other, similar or nearby, areas;

   b. A review of specific alternative sites is not required; and

   c. The review of other areas must show that those areas cannot reasonably accommodate the proposed use.

2. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that the alternative site can reasonably accommodate the proposed use.

C. Public services.

1. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;

2. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. Livability.

1. Detrimental impacts are mitigated to the extent feasible, taking into consideration such factors as:

   a. Hours of operation;

   b. Vehicle trips to the site and impact on surrounding on-street parking;

   c. Noise, vibration, dust, odor, fumes, glare, and smoke;

   d. Potential for increased litter

   e. The amount, location, and nature of any outside displays, storage, or activities;

   f. Height of structures; and

2. If the facility is in an OS or R zone, detrimental impacts to the residential or open space character of the area caused by the appearance of the new use or development are mitigated to the extent feasible, taking into consideration such factors as:

   a. Structure scale, placement, and facade;

   b. Parking area placement;

   c. Buffering and the potential loss of privacy to abutting residential uses; and

   d. Lighting and signs; and

3. If the facility is in an OS zone, adequate open space is being maintained so that detrimental impacts to the open or natural character of the area are minimized.

E. Radio Frequency Transmission Facilities. Unless exempted by Section 33.274.030, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040, .050, and .060.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

A. Approval criteria for facilities operating at 100 watts ERP or less, proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, or I zone within 50 feet of an R zone:

1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;

2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and

3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

B. Approval criteria for facilities operating at 100 watts ERP or less, proposing to locate on a tower in an OS or R zone, or in a C, E, or I zone within 50 feet of an R zone:

1. The applicant must prove that a tower is the only feasible way to provide the service;

2. The tower, including mounting technique, must be sleek, clean, and uncluttered;

3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:

   a. Limiting the tower height as much as possible given the techinical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;

   b. Planting trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors; or

   c. Other methods that adequately minimize visual impact;

4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;

5. Public benefits of the use outweigh any impacts which cannot be mitigated; and

6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

C. Approval criteria for facilities operating at 100 watts ERP or less, proposing to locate on a tower in a C or EX zone more than 50 feet from an R zone:

1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service;

2. The tower, including mounting technique, must be sleek, clean and uncluttered;

3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;

4. The visual impact of the tower on the surrounding area must be minimized;

5. Public benefits of the use outweigh any impacts which cannot be mitigated; and

6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

D. Approval criteria for all other Radio Frequency Transmission Facilities:

1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;

2. Public benefits of the use outweigh any impacts which cannot be mitigated; and

3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

33.815.230 Rail Lines And Utility Corridors

These approval criteria allow Rail Line And Utility Corridor uses where their location will not unduly interfere with other land uses and with the street system. The approval criteria are as follows:

A. The proposed rail line or utility corridor is sufficiently separated from nearby land uses so as to allow for buffering of the uses, especially in residential areas. In the case of railroad lines, separation distances should consider the expected number, speed, size, types, and times of trains; and

B. The rail line or utility corridor will not substantially interfere with present or probable future road systems and traffic volumes.

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

A. The proposed facility is consistent with the City's adopted renewal plan for the area;

B. The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;

C. There are adequate nearby lands available for the development of more intense uses;

D. The proposed use is in conformance with the Arterial Streets Classification Policy;

E. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, access requirements, neighborhood impacts, and pedestrian safety.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District
These approval criteria apply to industrially-oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criterion allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Office of Transportation. The approval criterion is:

A. There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street capacity and level of service, access to arterials, transit availability, lot access requirements, and pedestrian safety.

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District
These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

A. The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;

B. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, and pedestrian and bicycle circulation;

C. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;

D. The proposed transportation demand management (TDM) program is acceptable to the Office of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling; and

E. City-designated scenic resources are preserved.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District
For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of 25,000 square feet only approval criteria A through C apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;

B. The transportation system is capable of safely supporting the proposed use;

C. The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and

D. The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

33.815.305 Replacement Parking Facilities in the Central City Plan District
These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Associations, and do not include boundaries of business associations, industrial associations, or other recognized organizations.

B. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;

C. The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, access requirements, and neighborhood impacts. Access to the facility should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible;

D. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;

E. The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and

F. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

33.815.310 Industrial Uses in the IR Zone.
These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

A. The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;

B. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;

C. Industrial service and manufacturing and production uses, are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;

D. All industrial service and manufacturing and production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus floor area, whichever is less. Parking structures used to support these uses are included in the calculations of total floor area. When campus facilities include structured parking 250 square feet of structured parking will be associated with the industrial service and manufacturing and production facility for each parking space required for the facility. Size exceptions are prohibited;

E. Exterior display, storage and work activities are prohibited;

F. Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the impact mitigation plan;

G. Long term parking of medium and heavy trucks on site is prohibited; and

H. All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

CHAPTER 33.820
CONDITIONAL USE MASTER PLANS

(Amended by: Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97.)

Sections:

33.820.010 Purpose
33.820.020 What Is Covered by a Master Plan
33.820.030 When a Master Plan Is Required
33.820.040 Procedure
33.820.050 Approval Criteria
33.820.060 Duration of the Master Plan
33.820.070 Components of a Master Plan
33.820.080 Implementation
33.820.090 Amendments to Master Plans
33.820.100 Existing Plans

33.820.010 Purpose

A conditional use master plan is a plan for the future development of a use that is subject to the conditional use regulations. Expansions of the use may have impacts on surrounding neighborhoods and on public services that are better addressed through the review of the master plan than through reviewing the expansions individually over time. In addition, by creating long term plans, some impacts may be prevented that would have occurred with uncoordinated piecemeal expansions. The development of a master plan is intended to provide the surrounding neighborhoods and the City with information about, and an opportunity to comment on, the use's plans for future development. The plan also enables the operator of the use and the City to address the effects of the future development. Finally, an approved master plan is intended to ensure that the use will be allowed to develop in a manner consistent with the plan. Master plans may be completed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future uses and development are built.

33.820.020 What Is Covered by a Master Plan

A. Present uses. A conditional use master plan is for the entire use, including portions of the use on lands where the use is allowed by right, and all affiliates on or abutting the site. For the purpose of this chapter, an affiliate means any entity that is related to the use in such a way that either the use or the entity controls the other, or both are under control of a third party. Control means the power to decide and direct the use of land, structures, and other resources.

B. Proposed and potential uses. The conditional use master plan covers any specific uses or development proposals being requested, called the "proposed use" in this chapter, and possible future uses or development, called the "possible future uses."

C. Boundaries. The conditional use master plan may encompass lands not presently controlled by the use. The plan will not take effect for those lands until they are under control of the applicant.

33.820.030 When a Master Plan Is Required

A conditional use master plan is required as part of a conditional use review in the situations listed below.

A. Large conditional uses. The conditional use contains over 500,000 square feet of floor area and either:

1. The use proposes to expand the amount of floor area over 10 percent from the amount that existed at the last conditional use review, or if there was no review, then January 1, 1991 or

2. The use expands its site area beyond the site area that existed on January 1, 1991. For this regulation, site area means all land used by the use and its affiliates including vacant land within the ownership.

B. When required as part of a conditional use review. The review body, as part of a conditional use review, may require a master plan in conjunction with any future expansions of the use if there has been a history of site area expansions and these are likely to continue. Also, the master plan may be required for future expansion of the use if there has been a history of floor area expansions for functions of the use which draw additional people to the site, and these are likely to continue.

C. Voluntarily. An applicant may also voluntarily submit a master plan as part of a conditional use review.

33.820.040 Procedure

Conditional use master plans are processed through a Type III procedure as part of the conditional use review. The applicant is encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of the master plan.

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. The master plan contains the components required by 33.820.070;

B. The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and

C. The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

33.820.060 Duration of the Master Plan

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superceded.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

A. Boundaries of the use. The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.

B. General statement. The master plan must include a narrative that addresses the following items:

1. A description in general terms of the use's expansion plans for the duration of the master plan;

2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and

3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.

C. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.

D. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, and other required items. This information must cover the following:

1. All existing improvements that will remain after development of the proposed use;

2. All improvements planned in conjunction with the proposed use; and

3. Conceptual plans for possible future uses.

4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:

   a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and

   b. Adjacent developments and the proposed development.

E. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements. These may be such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

F. Phasing of development. The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.

G. Transportation and parking. The master plan must include information on the following items for each phase.

1. Projected transportation impacts. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles.

2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

H. Street vacations. The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations which might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)

I. Adjustments. The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.

J. Other discretionary reviews. When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.

K. Review procedures. The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

33.820.080 Implementation

A. Conforming to the plan. Uses and development that are in conformance with detailed aspects of the plan are not required to go through another conditional use review. Uses and development subject to less detailed parts of the plan are subject to

the level of conditional use review stated in the master plan. They will be approved if they are found to comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

B. Not conforming to the plan. Uses that are not in conformance with the master plan require an amendment to the plan. Development that is not in conformance with the plan requires an amendment to the plan, except for additions up to 1,500 square feet that will not result in a net gain or loss of parking or site area. See 33.820.090.

33.820.090 Amendments to Master Plans

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

A. Type III procedure. Unless the master plan specifically provides differently, amendments to a master plan which require a Type III procedure are:

1. Any proposed development within 400 feet of the master plan boundaries or any changes to the boundaries, unless a greater distance is stated in the master plan;

2. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);

3. New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;

4. Increases in the overall floor area of development on the site over 10 percent;

5. Increases or decreases greater than 10 percent in the amount of approved or required parking; and

6. Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.

B. Type II procedure. Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

33.820.100 Existing Plans

A. Plans in effect. Master plans that were approved by the City prior to January 1, 1991 are deemed to be in conformance with this chapter and continue in effect until their expiration dates. Approved master plans that do not have an expiration date continue in effect until development allowed by the plan has been completed.

B. Plans being formulated. Master plans submitted after the implementation date of this Title which were required because of conditions of a land use approval prior to the implementation date, will be reviewed by the City in accordance with the original conditions. If the master plan is approved, it is then subject to the regulations of Subsection A. above.

CHAPTER 33.825
DESIGN REVIEW

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97.)

Sections:

33.825.010 Purpose
33.825.025 Review Procedures
33.825.035 Factors Reviewed During Design Review
33.825.040 Modifications That Will Better Meet Design Review Requirements
33.825.055 Approval Criteria
33.825.065 Design Guidelines
33.825.075 Relationship to Other Regulations
Map 825-1 Area Where Models of Proposals Are Required
Map 825-2 Albina Community Plan Area
Map 825-3 Outer Southeast Community Plan Area
Map 825-4 Southwest Community Plan Area

33.825.010 Purpose

Design review ensures that development conserves and enhances the recognized special design values of a site or area. Design review is used to ensure the conservation, enhancement, and continued vitality of the identified scenic, architectural, and cultural values of each design district or area. Design review ensures that certain types of infill development will be compatible with the neighborhood and enhance the area. Design review is also used in certain cases to review public and private projects to ensure that they are of a high design quality.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision. Procedures for design review vary with the type of proposal being reviewed and the design district in which the proposal's site is located.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

A. Procedures for design review. Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the "Neighborhood Contact Requirement," as set out in Subsection B, below. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.5, below.

1. Type III. The following proposals are processed through a Type III procedure:

   a. Proposals in the Downtown Design District that are over 1,000 square feet in area, or require an exterior alteration and have a value over $200,000 in 1990 dollars;

b. Proposals in the River District Design District that are over 1,000 square feet in area, are in a CX or OS zone, and have a value over $200,000 in 1990 dollars;

c. Proposals in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard, other than single-dwelling development;

d. Proposals in the a, Alternative Design Density Overlay Zone, that are using the provisions of Section 33.405.050, Bonus Density for Design Review; or

e. Proposals in the following design districts with a value over $1,000,000 in 1990 dollars:

(1) Lloyd District;

(2) Central Eastside District;

(3) Goose Hollow District;

(4) River District;

(5) North Macadam District;

(6) South Auditorium Plan District;

(7) Areas subject to design review within the Central City plan district, except Lower Albina;

(8) Macadam Corridor Design District; and

(9) Design overlay zones not included in a design district that has its own design guidelines.

2. Type II. The following proposals are processed through a Type II procedure:

a. Proposals in the Downtown Design District that are up to 1,000 square feet in area, or require an exterior alteration with a value of $200,000 or less in 1990 dollars;

b. Proposals in the River District Design District that are up to 1,000 square feet in area and are in a CX or OS zone, and have a value of $200,000 or less in 1990 dollars;

c. Proposals in the design districts identified in Subparagraph 1.e that have a value of $1,000,000 or less in 1990 dollars;

d. Proposals for single-dwelling developments in the Terwilliger Parkway Design District that will be visible from Terwilliger Boulevard;

e. Proposals within the Albina Community Plan area's design overlay zones, including Lower Albina;

f. Proposals within the Outer Southeast Community Plan area's design overlay zones;

g. Proposals required to go through design review by provisions in Chapter 33.405, Alternative Design Density Overlay Zone, or Chapter 33.505, Albina Community plan district. However, proposals that are using the provisions of Section 33.405.050, Bonus Density for Design Review, are processed through a Type III procedure;

h. Proposals for signs;

i. Proposals for installation of mechanical equipment on the exterior of a building;

j. Proposals in C, E, I, and RX zones for alteration of a facade when 500 square feet or less of the structure's facade is being altered;

k. Proposals for the installation of new or replacement awnings; or

l. Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes qualitative design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt.

3. Type I. The following proposals are processed through a Type I procedure: Proposals within an IR zone where the site has an approved impact mitigation plan (IMP), and where the IMP includes quantitative or objective design review guidelines. Proposals exempted from design review by the institution's approved IMP are exempt.

4. Phased design plans.

a. For multiphased projects. Applicants may submit design plans for multiphased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.

b. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.

c. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.

5. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 825-1, a three dimensional cardboard model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings. The scale of the model must be 1 inch equals 50 feet.

Before a building permit is issued, a three dimensional wooden model of the proposal as approved must be submitted to be placed in the City's downtown model. The scale of the model must be 1 inch equals 50 feet. The model

requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate wooden model.

B. Neighborhood Contact Requirement. Proposals listed in Paragraph B.1, below, must complete the steps in Paragraph B.2 before before applying for design review.

1. Proposals subject to the Neighborhood Contact Requirement. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Paragraph B.2, below, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan Area shown on Map 825-2; or: in the Outer Southeast Community Plan Area shown on Map 825-3:

   a. Proposals that create more than three new dwelling units. Dwelling units are created:

      (1) As part of new development;

      (2) By adding net building area to existing development that increases the number of dwelling units;

      (3) By conversion of existing net building area from non-residential to residential uses; and

      (4) By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;

   b. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

   c. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

2. Steps. The steps are:

   a. The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for design review without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

      The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

b. After the meeting and before applying for design review, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.

c. Copies of both letters required by this paragraph must be submitted with the application for design review.

33.825.035 Factors Reviewed During Design Review.
The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, and landscaping.

33.825.040 Modifications That Will Better Meet Design Review Requirements
The review body may consider modification of site-related development standards as part of the design review process. These modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

A. Better meets design guidelines. The resulting development will better meet the applicable design guidelines; and

B. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

33.825.055 Approval Criteria
A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

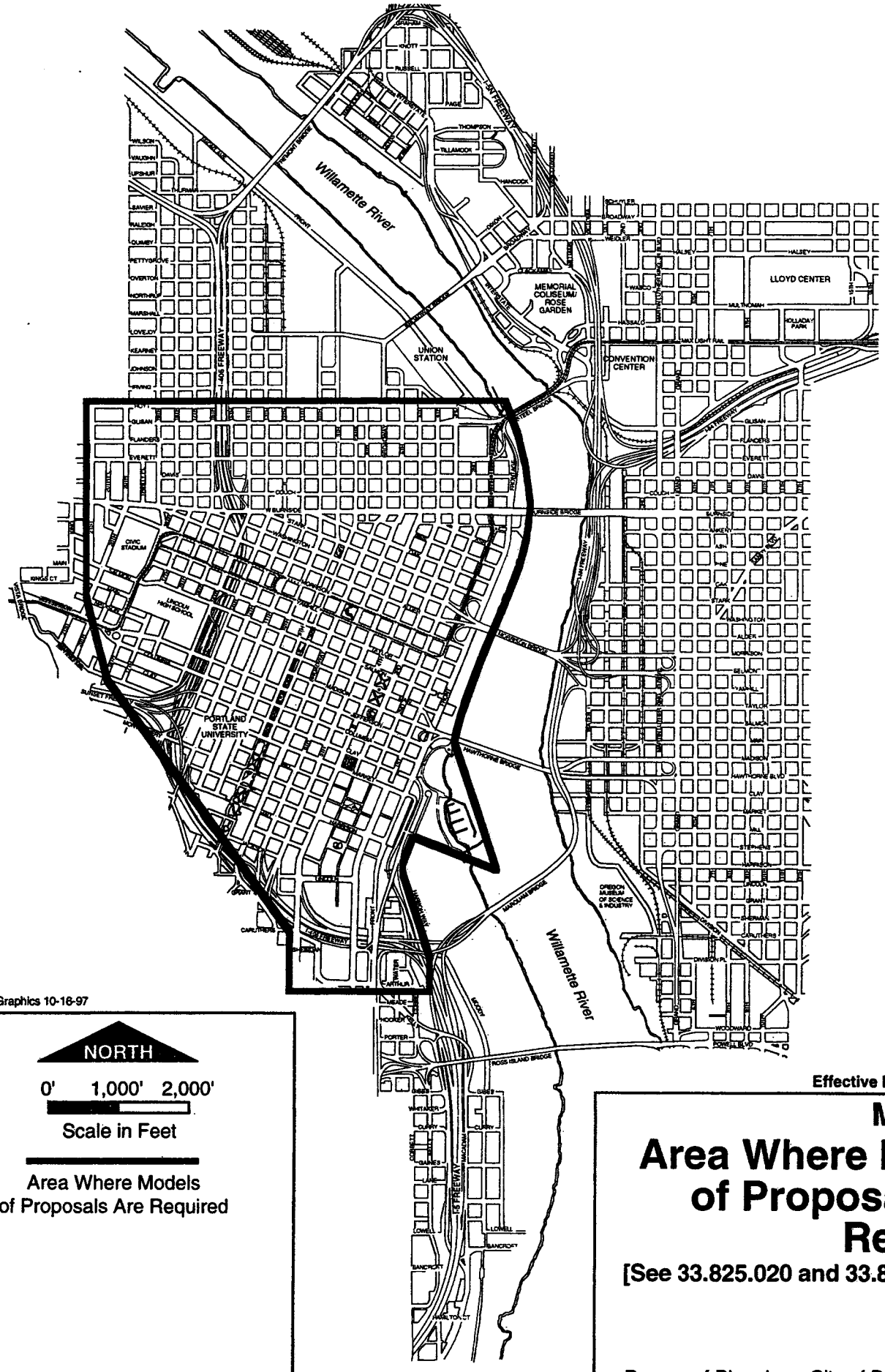
A. Purpose. Design guidelines are the approval criteria used to review new development and modifications to existing development. They ensure the conservation and enhancement of the special characteristics of each design district.

B. Design guidelines. Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3. All other areas within the Design Overlay Zone use the Community Design Guidelines. A district's design guidelines are mandatory approval criteria used in design review procedures. The design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts. Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

C. Waiver of design guidelines. If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review procedure.

33.825.075 Relationship to Other Regulations

Design review approval by the Bureau of Planning does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

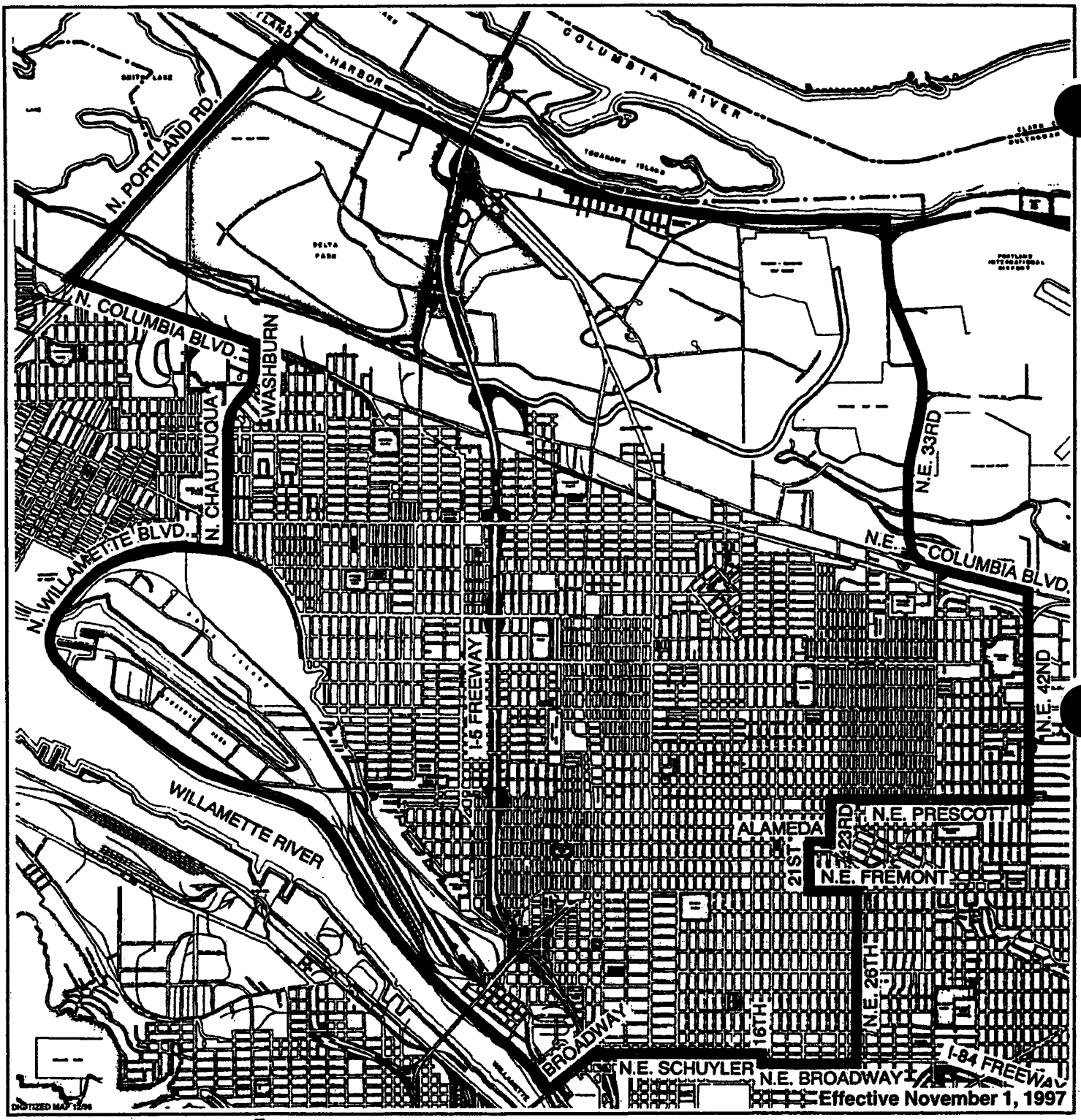


Effective November 1, 1997

Map 825-1
Area Where Models of Proposals Are Required

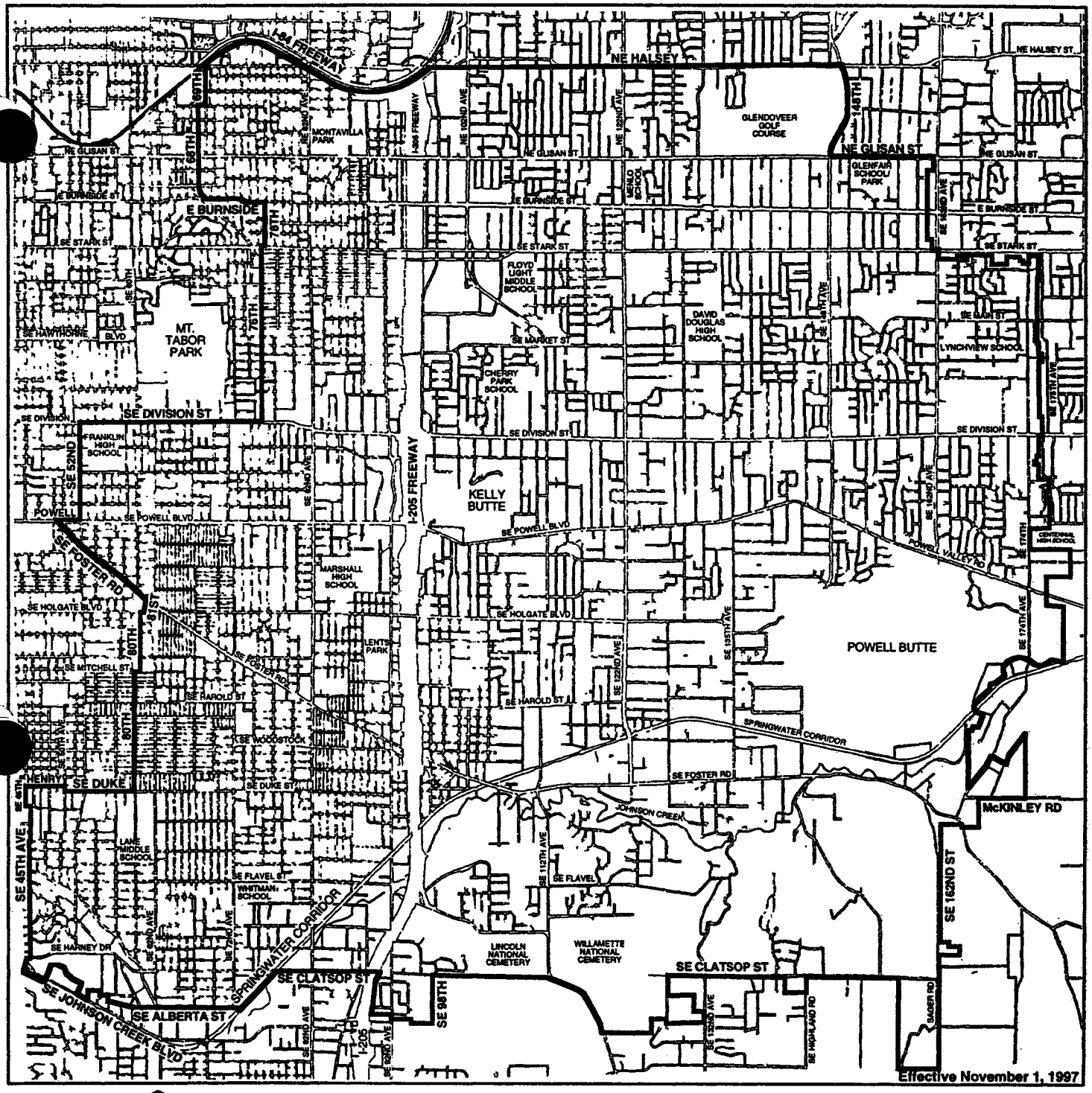
[See 33.825.020 and 33.846.020.D.6]

Bureau of Planning • City of Portland, Oregon



Map 825-2
Albina Community Plan Area

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1250' 2500'

Scale in Feet

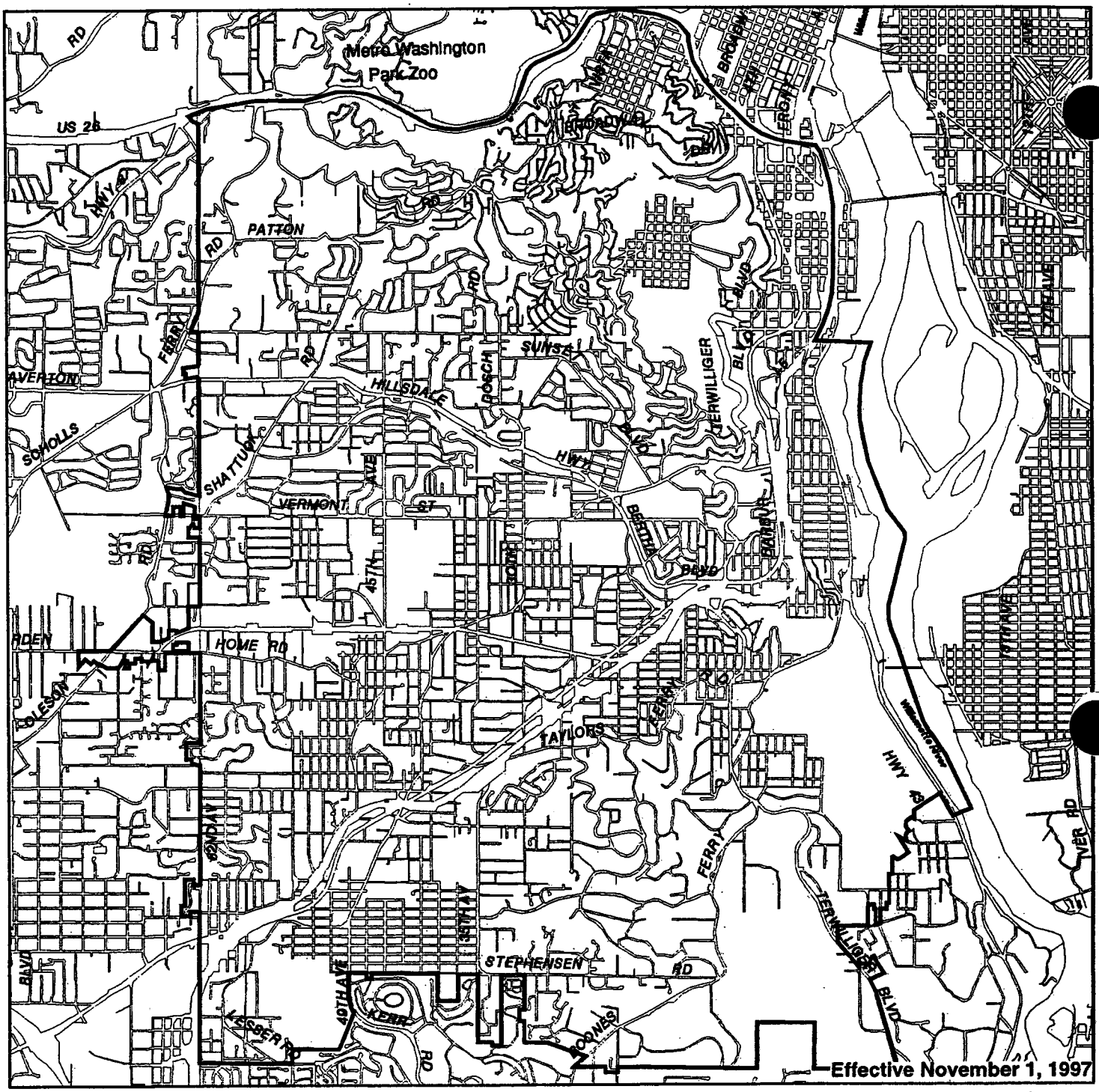
Plan District Boundary

Map 825-3

Outer Southeast Community Plan Area

GTS/Graphics 9-29-97

Bureau of Planning • City of Portland, Oregon



NORTH

0' 2050' 4100'

Scale in Feet

Southwest Community Plan Study Area

Map 825-4
Southwest Community Plan Area

GTS/Graphics 9-30-97

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.830
EXCAVATIONS AND FILLS

Sections:
33.830.010 Purpose
33.830.020 When Review Is Required
33.830.030 Exemption from Review
33.830.040 Procedure
33.830.050 Approval Criteria
33.830.060 Additional Reference Information

33.830.010 Purpose

The regulations of this chapter are designed to ensure that excavations and fills:

- Will not cause any nuisance or safety problems or loss of development potential in residential and open space areas; and
- Will not have a significant negative impact on any natural resource values in these areas.

The technical and engineering concerns for excavations and fills are addressed by other Bureaus as part of the building permit process.

33.830.020 When Review Is Required

In the situations stated below, excavations and fills are subject to review.

A. Residential and open space zones. In R and OS zones, excavations and fills over 1,000 cubic yards require an excavation and fill review, except as exempted in 33.830.030 below. R and OS zones with Environmental or Greenway overlay zoning are subject to more restrictive excavation and fill requirements and review. See Chapters 33.430 and 33.440, respectively.

B. Commercial, employment, and industrial zones. In the C, E, and I zones, excavations and fills over 1,000 cubic yards which are within 400 feet of a residential zone require an excavation and fill review, except as exempted in 33.830.030 below. C, E, and I zones with Environmental or Greenway overlay zoning are subject to more restrictive excavation and fill requirements and review. See Chapters 33.430 and 33.440, respectively.

33.830.030 Exemption from Review

Except as modified elsewhere in this Title, the following excavations and fills are exempt from the excavation and fill review:

A. Those necessary for the preparation of a foundation of a structure or for exterior improvements;

B. Those associated with public improvements regulated under Title 17, Public Improvements, and

C. Those in conjunction with a road grading plan approved as part of a preliminary plan for a PUD or an interim plat for a subdivision by the Bureau of Planning.

33.830.040 Procedure

Reviews for excavations and fills are processed through a Type II procedure.

33.830.050 Approval Criteria

Requests for excavations and fills review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Potential on-site or off-site safety hazards will be mitigated, through the use of fencing or other measures;

B. The hours and total duration of operation will be limited to reduce the impacts on the neighborhood;

C. Off-site dust and dirt will be kept to a reasonable minimum;

D. The final contours and surface condition of the site will not preclude future development for uses allowed in the base zone; and

E. Disruptions to the natural drainage pattern will be mitigated, and will not result in mud or sediment entering the City's stormwater disposal system, rivers, creeks, sloughs, or other identified waterbodies.

33.830.060 Additional Reference Information

For further information about excavations and fills, contact the Engineering Services Division of the Bureau of Environmental Services and the Geotechnical Plan Review Section of the Bureau of Buildings. The filling of wetlands is reviewed separately and may be restricted. Additional review and permits may be necessary from the following agencies: U.S. Army Corp of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, Oregon Division of State Lands, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, and local drainage districts.

CHAPTER 33.835
GOAL, POLICY, AND REGULATION AMENDMENTS

Sections:
33.835.010 Purpose
33.835.020 Initiating a Text Amendment
33.835.030 Procedure
33.835.040 Approval Criteria

33.835.010 Purpose
This chapter states the procedures and review criteria necessary to amend the land use goals, policies, and regulations of the City. For the purposes of this chapter, regulation includes all land use standards, guidelines, area plans, or other similar text. For convenience, all of these amendments are referred to as "text amendments".

33.835.020 Initiating a Text Amendment
Text amendments may be initiated by the Planning Director, the Planning Commission, or by the City Council. The Historical Landmarks Commission may initiate amendments concerning historic design districts, and the Design Commission may initiate amendments concerning design districts. Others may make a request to the Planning Commission to consider a text amendment initiation, except for design guidelines. Requests for amendments to design guidelines in historic design districts are made to the Historical Landmarks Commission and to the Design Commission for design guideline amendments in other design districts. Initiations by a review body are made without prejudice towards the final outcome.

33.835.030 Procedure
Text amendments are reviewed through the legislative procedure stated in Chapter 33.740, Legislative Procedure.

33.835.040 Approval Criteria

A. Amendments to the zoning code. Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, or use and development regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.

B. Amendments to the goals and policies of the Comprehensive Plan. Text amendments to the goals and policies of the Comprehensive Plan must be found to be consistent with the Comprehensive Plan and with the Statewide Planning Goals.

C. Neighborhood plans. Adoption or amendment of neighborhood plans and similar area plans must be found to be consistent with the Comprehensive Plan and with the Statewide Planning Goals.

D. Design guidelines. Design guidelines for design districts must be found to both maintain and enhance the characteristics which distinguish the design district and be consistent with the reasons for establishing the design district.

CHAPTER 33.840
HAZARDOUS SUBSTANCES REVIEW

Sections:
33.840.010 Purpose
33.840.020 Procedure
33.840.030 Evaluation Factors
33.840.040 Approval Criteria

33.840.010 Purpose
The intent of the hazardous substances review is to promote the public safety and welfare by ensuring that uses which use hazardous substances locate in appropriate locations and develop in such a manner as to not be a serious threat to the environment.

33.840.020 Procedure
Hazardous substance reviews are processed through a Type II procedure.

33.840.030 Evaluation Factors
Factors to be evaluated in reviewing requests include, but are not limited to:

A. The quantities and potential danger of the substances and their location on the site;

B. Proposed safety and containment measures, including any proposed on-site monitoring activities and operational and containment technology;

C. The potential number of people, structures, and land which could be at risk if there was a major accident;

D. The potential for odors and toxic fumes;

E. The location of the site in relation to identified areas of special environmental concern such as water courses, water wells, underground aquifers, or fish and wildlife habitats;

F. The location of the site in relation to City-designated routes for the transport of hazardous substances; and

G. In the Columbia South Shore plan district, the predesign information referenced in the Columbia South Shore Hazardous Materials Containment Facilities Design Handbook.

33.840.040 Approval Criteria
The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. The request will not create more than a trivial safety or health risk to the public or to surrounding properties and uses;

B. The request will not create more than a trivial risk to identified areas of special environmental concern;

C. The request will not be detrimental to the character and economic functioning of the area; and

D. The request has been approved by the Fire Bureau and reviewed by the Office of Emergency Management. In the Columbia South Shore plan district, the request must also be approved by the Bureaus of Water Works and Environmental Services.

CHAPTER 33.845
HISTORIC LANDMARKS

(Chapter deleted by Ord. No. 169987, effective 7/1/96.)

CHAPTER 33.846
HISTORIC REVIEWS

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97.)

Sections:

General
- 33.846.010 Purpose
- 33.846.020 Review Procedures
- 33.846.030 Modifications that Enhance Historic Resources

Approval Criteria
- 33.846.100 Approval Criteria in General
- 33.846.110 Landmark Designation Review
- 33.846.120 Removing or Changing a Landmark's Designation Review
- 33.846.130 Demolition or Relocation Review
- 33.846.140 Historic Design Review
- 33.846.150 Historic Preservation Incentive Review
- 33.846.160 Modifications Considered During Historic Design Review
- 33.846.170 Initiation of Review at the Request of a Party Other than the Owner

General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic reviews. The approval criteria protect Portland's historic resources and preserve significant parts of Portland's heritage. The reviews recognize and protect Portland's historic and architectural resources, ensuring that changes to a designated historic resource preserve historic and architectural values, and provide incentives for historic preservation.

33.846.020 Review Procedures

The review procedures of this section apply to all historic reviews. The procedures in this section supersede procedural and threshold statements in the City's adopted design guidelines documents for historic design districts.

A. Notice to Historic District Advisory Committees. In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic reviews will also be sent to the District's advisory committee.

B. Landmark designation review. Landmark designation reviews are processed through a Type III procedure.

C. Demolition review. Demolition reviews are processed through a Type III procedure.

D. Historic design review. Procedures for historic design review are as follows:

1. Neighborhood Contact Requirement. This requirement applies to proposals for sites within the Albina Community Plan area, as shown on Map 825-2. Proposals listed in Subparagraph D.1.a, below, must complete the steps in Subparagraph D.1.b before applying for historic design review.

   a. Proposals subject to the Neighborhood Contact Requirement. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Subparagraph D.1.b, below, if they are in the a, Alternative Design Density Overlay Zone, in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:

      (1) Proposals that create more than three new dwelling units. Dwelling units are created:

         - As part of new development;
         - By adding net building area to existing development that increases the number of dwelling units;
         - By conversion of existing net building area from non-residential to residential uses; and
         - By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a triplex;

      (2) Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial or Industrial use categories; or

      (3) Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

   b. Steps. The steps are:

      (1) The applicant must contact the neighborhood association for the area, by registered or certified mail, to request a meeting. The neighborhood association should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the neighborhood association does not reply to the applicant's letter within 14 days, or hold a meeting within 30 days, the applicant may apply for historic design review without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

      The purpose of the meeting is to allow neighborhood residents and the developer to discuss concerns about the design of the proposal. The focus of the meeting should be the design of the proposal and not whether the proposal will be built. The discussion at the meeting is advisory only and is not binding on the applicant.

(2) After the meeting and before applying for historic design review, the applicant must send a letter to the neighborhood association. The letter will explain changes, if any, the applicant is making to the proposal's design.

c. Copies of both letters required by this paragraph must be submitted with the application for historic design reivew.

2. The following proposals are processed through a Type III procedure:

a. Alteration to the exterior of a Historic Landmark if the value of the alteration is more than $200,000 in 1990 dollars; or

b. Alteration of a Historic Landmark-designated interior public space if the value of the alteration is more than $200,000 in 1990 dollars.

3. The following proposals are processed through a Type II procedure:

a. Alteration of the exterior of a Historic Landmark if the value of the alteration is $200,000 or less in 1990 dollars;

b. Alteration of a Historic Landmark-designated interior space if the value of the alteration is $200,000 or less in 1990 dollars;

c. Construction of a new structure within a Historic District;

d. Exterior alteration of an existing structure which is not a Historic Landmark within a Historic District;

e. Alteration or construction of a structure within a Conservation District or designated as a Conservation Landmark when the structure's principal use is institutional; or

f. Signs 150 square feet or more in area.

4. The following proposals are processed through a Type I procedure:

a. Installation of mechanical equipment on the exterior of a building;

b. In C, E, I, and RX zones:

(1) Signs less than 150 square feet in area; or

(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered; or

c. Installation of new or replacement awnings.

5. Phased proposals

a. For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, including anticipated timelines.

b. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate historic design review for each phase.

c. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic design review for a specific development.

6. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 825-1, a three dimensional cardboard model of a proposal located in a Historic District or Conservation District is required with an application for historic design review. This requirement applies only to new developments or changes in the bulk of existing buildings. The scale of the model must be 1 inch equals 50 feet.

   Before a building permit is issued, a three dimensional wooden model of the proposal as approved must be submitted to fit into the City's downtown model. This model must be at a scale of 1 inch equals 50 feet. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate wooden model.

E. Historic preservation incentive review. Historic preservation incentive reviews are processed through a Type II procedure.

33.846.030 Modifications that Enhance Historic Resources

The review body may grant modifications to site-related development standards as part of the historic design review process. However, modification to a parking and loading regulation within the Central City plan district may not be considered through the historic design review process. Modifications made as part of historic design review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria stated in Section 33.846.160, Modifications Considered During Historic Design Review. Modifications to all other standards are subject to the adjustment process. Modifications which are denied through historic design review may be requested through the adjustment process.

Approval Criteria

33.846.100 Approval Criteria in General

The approval criteria for all historic reviews are stated below. Requests for historic review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

33.846.110 Landmark Designation Review

Proposals to designate as a landmark will be approved if the review body finds that all of the following approval criteria are met:

A. General criteria. The resource has significant historic value based on the criteria of this subsection. To be designated, the resource must meet at least three of the criteria stated in Paragraphs A.1 through A.5, below.

1. Architectural criteria include whether the resource:

   a. Represents a significant example of a development, architectural style, or structural type once common or among the last examples in the City;

   b. Represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of Portland; or

   c. Represents a particular material, method of construction, quality of composition, or craft work which is either associated with the City's history or which enriches the City's character.

2. Historic criteria include:

   a. An association with significant culture, activity, event, person, group, organization, trend, or value that is a significant part of history;

   b. A significant association with broad patterns of cultural, social, political, economic, or transportation history of the City, State, or Nation;

   c. Significantly contributes to the historic or cultural development of the area or neighborhood; or

   d. Symbolizes a significant idea, institution, political entity, or period.

3. Integrity criteria: Retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style.

4. Environment criteria include:

   a. Significantly contributes to the character and identity of the neighborhood or City; or

   b. Includes significant site development or landscape features which make a contribution to the historic character of a resource, neighborhood, district, or the City as a whole.

5. Ensemble criteria include:

   a. Represents a style or type of development which is, or was, characteristic of an area and which makes a significant contribution to the area's historic value; or

   b. Contributes to the character of a grouping of resources which together share a significant, distinct, and intact historic identity.

B. Competing values. Through an ESEE analysis, the benefits of protecting the resource outweigh the benefits of allowing removal of the resource;

C. Appropriate level of protection. The proposed designation is appropriate, considering the historic value of the resource and other conflicting values. Levels of protection are Historic Landmark designation, Conservation Landmark designation, and no designation; and

D. Owner consent. The property owner consents to the designation or one of the following situations exists:

1. The property has been approved for use of one or more of the historic preservation incentives in Section 33.445.310, Historic Preservation Incentives; or

2. The property is listed on the National Register of Historic Places.

33.846.120 Removing or Changing a Landmark's Designation Review
Proposals to remove or change a landmark's designation will be approved if the review body finds that the following approval criteria are met:

A. New ESEE analysis. The benefits of protecting the resource no longer outweigh the benefits of allowing conflicting uses. This determination will be made through a new ESEE analysis of historic resource protection; or

B. Owner consent. At the time of designation, the property owner did not consent to the designation and all the following requirements are met:

1. The owner has requested the designation be removed;

2. A covenant with the City that provides for demolition, or relocation of the landmark only after the owner has obtained the City's approval does not exist; and

3. The property is not listed on the National Register of Historic Places.

33.846.130 Demolition or Relocation Review
The approval criteria for demolition or relocation are:

A. Relocation opportunity. Opportunities to relocate the Historic Landmark have been explored and there is no practical opportunity to relocate the Landmark to another site; and

B. ESEE analysis. Through an ESEE analysis of historic resource protection, the benefits of protecting the resource are found to no longer outweigh the benefits of allowing conflicting uses; or

C. Prevent economic or beneficial use. The resource's designation as a Landmark prevents:

1. In the case of a for-profit ownership, Landmark designation prevents any viable economic use of the property; or

2. In the case of ownership by a unit of government or by a non-profit organization, Landmark designation deprives the owner of any substantial beneficial use of the property.

33.846.140 Historic Design Review

The approval criteria for historic design review are:

A. Historic District approval criteria. In a Historic District with adopted design guidelines, proposals will be approved if the applicable design guidelines are met. In a district where the City has not adopted design guidelines, the approval criteria are listed in Subsection C., below.

B. Conservation District approval criteria. In Conservation Districts, proposals are evaluated using the district's adopted design guidelines.

C. Approval criteria for Historic Landmarks, Conservation Landmarks, and Historic Districts without adopted design guidelines. The approval criteria for Historic Landmarks, Conservation Landmarks, and proposals in a Historic District that does not have adopted design guidelines are:

1. Historic character. The historic character of the property will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the property's historic significance will be avoided;

2. Record of its time. The historic resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;

3. Historic changes. Most properties change over time, those changes that have acquired historic significance will be preserved;

4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the old in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;

5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;

6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;

7. Differentiate new from old. New additions, exterior alterations, or related new construction will not destroy historic materials that characterize a property. New work will be differentiated from the old;

8. Architectural compatibility. New additions, exterior alterations, or related new construction will be compatible with the resource's massing, size, scale and architectural features. When retro-fitting buildings or sites to improve accessibility for persons with disabilities, design solutions will not compromise the architectural integrity of the historic resource;

9. Preserve the form and integrity of historic resources. New additions and adjacent or related new construction will be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic resource and its environment would be unimpaired; and

10. Hierarchy of compatibility. Exterior alterations and additions will be designed to be compatible primarily with the original resource, secondarily with adjacent properties, and finally, if located within a Historic or Conservation district, with the rest of the district. Where practical, compatibility will be pursued on all three levels.

33.846.150 Historic Preservation Incentive Review

The approval criteria for historic preservation incentive review are:

A. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met;

B. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the landmark's site and surrounding area; and

C. In residential zones, proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. This criteria may be met by using the methods to mitigate for housing loss in Comprehensive Plan Map amendments in Subparagraph 33.810.050.A.2.c.

33.846.160 Modifications Considered During Historic Design Review

The approval criteria for modifications considered during historic design review are:

A. Better meets historic design review approval criteria. The resulting development will better meet the approval criteria for historic design review than would a design that meets the standard being modified; and

B. Purpose of the standard.

1. The resulting development will meet the purpose of the standard being modified; or

2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.170 Initiation of Review at the Request of a Party Other than the Owner

A. Approval criteria for initiation. The Historic Landmarks Commission may initiate a review process to consider designation of a historic resource as a landmark when the Commission finds that Paragraph A.1 and A.2 and either A.3 or A.4, below, are met:

1. The property owner consents to the designation; and

2. There is a pressing reason for consideration of landmark designation for the resource at an earlier date than would occur through the ongoing update process for the Historic Resources Inventory; and

3. The resource is not in the Historic Resources Inventory; or

4. The resource is in the Historic Resources Inventory but the Historic Landmarks Commission has substantial new evidence that may affect their view of the resource's significance.

B. Approval criteria for initiation of reconsideration of landmark status. The Historic Landmarks Commission may initiate reconsideration of landmark designation when they find that:

1. The original consideration of the resource's designation occurred ten or more years prior to the Commission's decision to reconsider the designation; or

2. There has been a significant change in the circumstances related to the resource's designation; or

3. There is significant information which was not considered at the time of the resource's designation.

CHAPTER 33.848
IMPACT MITIGATION PLANS
(Added by Ord. No. 167054, effective 10/25/93.)

Sections
33.848.010 Purpose
33.848.020 What is Covered by an Impact Mitigation Plan
33.848.030 When an Impact Mitigation Plan is Required
33.848.040 Procedure
33.848.050 Approval Criteria
33.848.060 Phases and Duration
33.848.070 Impact Mitigation Plan Requirements
33.848.080 Institution Closure or Relocation.
33.848.090 Implementation
33.848.100 Amendment of an Impact Mitigation Plan

33.848.010 Purpose
The Institutional Residential (IR) zone is intended to foster the growth of major institutions providing educational and medical services and employment to Portland's residents. The IR zone was created in recognition of the valuable role these institutions play in the community. The new zone is intended to streamline the review process for the growth and expansion of these institutions. However, these institutions generally are in residential areas. In residential areas the level of public services is scaled to a less intense level of development than is needed by these growing campuses. These campuses are often of a radically different scale and character than the areas in which they are located. Development of a strategy for each campus for resolution of public service and compatibility issues is important to the health of the institution and the City's neighborhoods. Once an institution has an approved impact mitigation plan, a conditional use master plan is not needed and will not be required.

33.848.020 What is Covered by an Impact Mitigation Plan

A. Present uses. An impact mitigation plan is for the entire area within the institutional campus boundary. The impact mitigation plan is applicable to all uses and activities within the boundary, regardless of the base zone, as long as the property is under the control of the institution or institutions located on the campus. Control means the power to decide and direct the use of land, structures and other resources.

B. Future developments. The impact mitigation plan's provisions control the future growth of the campus. The impact mitigation plan's provisions allow the expansion of existing facilities and the development of new facilities after the expected impacts of the development have been mitigated. The impact mitigation plan focuses on impacts of future development or developments. The impact mitigation plan is specifically intended to not focus on the characteristics of individual building projects.

33.848.030 When an Impact Mitigation Plan is Required

A. In an IR Zone. Development occurring in the IR zone in advance of the approval of an impact mitigation plan is subject to the conditional use requirements of the IR zone unless the institution has an approved master plan and the development is consistent with the master plan. When the institution has an approved master plan the institution

may continue to develop in accordance with the master plan until such time as the master plan is due to be updated or until the institution desires a development that is not consistent with the master plan. In the IR zone a master plan which is due to be updated, or which the institution wishes to amend, must be replaced by an impact mitigation plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter.

B. **When required as part of another land use review.** The review body as part of a land use review, may require an impact mitigation plan when the facility has the potential for creating significant impacts on nearby residential areas or on City infrastructure or services.

C. **Voluntarily.** An applicant may also voluntarily submit an impact mitigation plan as part of a land use review.

33.848.040 Procedure

A new impact mitigation plan is processed through a Type III procedure.

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A. The mission statement and impact mitigation plan contain the components required by the Institutional Residential Zone (33.848.070). Each planned phase of development includes mitigation activities that offset impacts of that phase of development.

B. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33, except where adjustments are being approved as part of the impact mitigation plan.

C. The proposed institutional zone boundary, mission statement, and impact mitigation plan have been evaluated against the purpose of the IR Zone and on balance have been found to be supportive of the zone's characteristics as stated in Subsection 33.120.030.F.

D. The proposed uses and impact mitigation plan are in conformance with the Transportation Element of the Comprehensive Plan.

E. The transportation system is capable of safely supporting the development proposed in addition to the existing uses in the area, or will be made capable by the time the development is completed.

F. Public services for water supply, police, fire, sanitary waste disposal and storm water disposal are capable of serving the proposed development, or will be made capable by the time the development is completed.

G. City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.

H. The appearance, location, and amount of commercial, non-institutional office, industrial service, and manufacturing and production will not, by itself or in combination with other uses, decrease the desirability of adjacent residential areas for the retention of existing housing or development of new housing.

I. The impact mitigation plan includes a design, landscape, and multi-modal transportation plan which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.

J. All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.

K. Campus institutional, commercial, office, industrial service, and industrial development will, with mitigation, not have significant adverse impacts on the livability of nearby residential and business areas.

L. The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

M. The proposal is consistent with the policies and objectives of any plans applicable to the campus's location which have been adopted by the City Council as part of the Portland's Comprehensive Plan.

N. The public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh any impacts which cannot be mitigated.

O. The Portland Design Commission has reviewed and approved design guidelines or standards that will ensure:

1. An environment will be created which is attractive, safe, and pleasant for pedestrians; and

2. The edges of the campus will provide smooth and attractive transitions between the institutional campus and adjacent residential and business areas.

33.848.060 Phases and Duration

An impact mitigation plan remains in effect until all phases of development included in the plan have been completed. An impact mitigation plan may include a specific expiration date. After all phases of development provided for in the impact mitigation plan have been completed, the plan remains in effect until it is amended, or updated, or superseded.

33.848.070 Impact Mitigation Plan Requirements

The applicant must submit an impact mitigation plan which includes all the components listed in this Section. The review body may modify the proposal. While it is important to include adequate detail in the plan, the intent of this Chapter and the IR zone is to allow development of a document that guides the nature and timing of mitigation activity rather than one that specifies the nature, size, and location of all future development projects.

A. **Mission statement and uses.** An impact mitigation plan must include a mission statement. The mission statement is intended to identify the scope of services and

defines the range of uses and activities that the institution sees as ultimately occurring within the campus. The mission statement must include the following elements:

1. A statement of the mission of the institution and the campus;

2. A list of all the primary uses expected to occur on the campus with an explanation of the interrelationship between each and the institutional campus mission;

3. A list of all accessory uses expected to occur on the campus with an explanation of the role each accessory activity plays in implementing the campus mission statement. Activities which provide goods or services to people or facilities that are not on the campus may not be listed as accessory activities;

4. A list of temporary activities and events which are expected to occur on the campus in general and at major event entertainment facilities located on the campus;

5. A list of other retail sales and service, office and industrial activities expected on the campus providing goods or services to people or facilities in the larger community, with a statement for each explaining the interrelationship between the activity and the campus mission statement; and

6. The proposed locations for retail sales and service, office, industrial uses, and major event entertainment facilities must be identified.

B. **Institutional campus boundary.** The ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.

C. **Location sensitive uses.** The mitigation impact plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:

1. Retail Sales and Service and Office uses which are not listed as primary or accessory uses in the mission statement;

2. Any use or activity which provides goods or services to establishments not on the campus;

3. Major event entertainment facilities permitted on the campus as conditional uses; and

4. Industrial service and manufacturing and production uses permitted on the campus as conditional uses.

D. **Phasing of mitigation activities.** Mitigation impact measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project

which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.

E. Waste disposal. For each phase of campus development, the following service loading must be addressed:

1. Effect on the City's sanitary sewer system;

2. Capacity of the storm water disposal system that serves the campus;

3. Disposal of hazardous solid waste, including preventing hazardous substances from entering the storm water disposal and sanitary sewer systems; and

4. Preventing mud and other debris from campus construction sites from entering the storm water disposal system.

5. Reducing solid waste produced on the campus through recycling;

F. Water supply. For each phase of campus development the following service loading must be addressed:

1. Water needs of the campus; and

2. Water conservation activities and measures.

G. Transportation. For each phase of campus development the following must be addressed.

1. The location and amount of motor vehicle and bicycle parking;

2. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors, including:

   a. Measures to encourage those traveling to and from the campus to use alternatives to single-occupancy auto trips (walking, bicycling and public transit);

   b. The car or van pool programs;

   c. Incentives to be offered to employees and, where applicable, students to use public transit for travel to and from the campus;

   d. Incentives to be offered to employees and, where applicable, students to travel on foot or by bicycle to and from the campus. This may include incentives for employees to live within walking distance of the campus;

3. Planned improvements to the routes used by transit patrons between transit stops serving the campus and the campus's circulation system for pedestrians;

4. Linkage of the campus's internal circulation system for motor vehicles, bicycles and pedestrians with the Comprehensive Plan Transportation Element; and

5. Traffic impact on the streets surrounding the campus and measures which will be taken to ensure that the surrounding streets will function consistently with the designations and policies found in the Comprehensive Plan Transportation Element for these streets.

6. To address adequacy of services, a multi-modal transportation impact study may be required of the applicant by the Office of Transportation. In preparing such a study the applicant should follow the guidelines set forth in the "Transportation Impact Study Guidelines" document available from the Portland Office of Transportation.

H. **Environmental, historic, scenic and open space.** For each phase of campus development the following must be addressed:

1. A strategy for the protection and enhancement of environmental, scenic and historic resources which have been inventoried by the City, determined to be significant and are located within the land occupied by the campus; and

2. A strategy for the enhancement of the campus's system of open spaces and their linkage to public right-of-ways.

I. **Neighborhood livability.** For each phase of campus development the following must be addressed:

1. Steps that will be taken to mitigate adverse impacts on the livability of nearby residential neighborhoods and residential developments as well as non-institutionally owned properties within the institution campus boundary. Impacts include noise, odor, traffic, litter, parking, shading of adjacent areas, public safety, vibration and glare;

2. How the institution's development will accommodate continued provision of public services including transportation, police, and fire protection to locations which are within the campus boundary but are not under the institution's control;

3. A schedule for bringing the campus into compliance with all provisions of the zoning code which may be practicably met as well as any conditions attached to the establishment or expansion of the institutional campus or the approval of the campus impact mitigation plan;

4. A plan showing how the campus will comply with the regulations for superblock if the campus is subject to the superblock regulations. If the institution's site includes more than 50,000 square feet of vacated rights-of-way the institutional campus must meet the development regulations for superblocks contained in Chapter 33.293; and

5. Identification of distinct service or amenities the institution will provide for nearby residents.

J. Neighborhood communication and coordination. The institutional campus must provide an ongoing process for communicating with neighbors. The process is to be implemented during all phases of growth provided for by the impact mitigation plan. This process must provide for the following:

1. The institution must host a meeting, at least annually, with representatives from recognized neighborhood and business associations within whose boundaries the institution is located. The purpose of the meeting is to discuss short term and long-range plans for campus building and development.

2. A process for meeting with representatives of recognized neighborhood and business associations within whose boundaries the institution is located, which provides for the following:

   a. The periodic review of the institution's services and activities and potential external impacts;

   b. An opportunity to review and comment upon the design of specific development proposals planned in the current or next growth phase; and

   c. An opportunity to be informed of all land use reviews the institution is applying for at least 30 days before they apply to the City. The institution must provide information on the types of activities, proposed size, and proposed location along with any proposed mitigation plan measures.

K. Design compatibility. The impact mitigation plan must include guidelines or standards that will guide the design review process on the campus. The guidelines or standards must include the following elements:

1. A set of design review guidelines and procedural thresholds to mitigate the potential aesthetic impacts of large scale institutional development upon surrounding non-institutional development and public right-of-ways. For each specific development project located near the campus boundaries or abutting a right-of-way, the applicant must demonstrate compliance with these design guidelines prior to the granting of a building permit. This will be processed through a Type II or a Type I design review procedure at the completion of schematic design. A Type II procedure must be followed if the impact mitigation plan's design guidelines take the form of subjective or qualitative statements. The institution may choose a Type I procedure if the design guidelines are objective standards;

2. Each building facade within 50 feet of a public right-of-way or pedestrian path or recreational trail (as shown in the Portland Comprehensive Plan Transportation Element) within or bordering the institutional campus must comply with design guidelines which address the following:

   a. All developments must create an environment friendly to pedestrians through the:

      (1) Orientation of main entrances to facilitate visibility and accessibility to pedestrians and transit patrons;

      (2) Treatment of ground floor development;

(3) Provision of pedestrian amenities including seating, informational and directional signs and lighting; and

(4) Treatment of open spaces and other landscaped areas.

b. All development located, in all or part, within 150 feet of a campus boundary abutting a residential or commercial zone must also be designed to smooth the transition between more intense, larger-scale institutional development and nearby residential and commercial areas through the:

(1) Treatment of campus gateways including their location, design and landscaping;

(2) Building design including proportions; building massing; type and color of exterior building materials; window treatment including number, size, location and degree of transparency; building setbacks and landscaping; and masking of roof-mounted mechanical equipment, loading docks and trash collection areas; and

(3) Design, landscaping and location of surface and structured parking.

3. A listing of any specific building design characteristics for which a blanket adjustment to zoning regulations is requested for current and future building projects must be included in the institution's design guidelines.

33.848.080 Institution Closure or Relocation.

A. Phase-down plan. Six months before commencement of an institution's closure or relocation, the institution must develop a phase-down plan. This plan will be reviewed through a Type III review process. To be approved the phase-down plan must meet the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones.

B. Plan components. The plan must have the following components:

1. The status and potential future of uses associated with the institution must be identified;

2. Approval will be based on continued constraint of impacts and use of mitigation measures contained within the institution's approved impact mitigation plan.

C. Regulations.

1. Uses in compliance with the residential standards and regulations of the IR zone may continue.

2. Other uses may be permitted to remain through the Type III review called for in Subsection A.

3. Uses permitted to remain are required to continue to meet institutional impact mitigation plan standards and requirements.

33.848.090 Implementation

After an impact mitigation plan has been approved, all development must comply with the plan's provisions and phased mitigation schedules as well as all other applicable provisions of this code, unless exempted by the plan. Projects will be reviewed for compliance with the approved impact mitigation plan through a Type II procedure. The project will be approved when it is found that the impacts of the proposed development in combination with all existing development on the campus will not exceed the levels mitigated for in the current growth phase. Design review of the project may also be required. When required the design review procedure may occur concurrently with the Type II procedure.

33.848.100 Amendment of an Impact Mitigation Plan

A change of occupancy for an industrial service or manufacturing and production use listed in an already approved impact plan's mission statement is processed through a Type II procedure. A use amendment to an approved impact mitigation plan's mission statement is reviewed through a Type III procedure. Other amendments to an approved impact mitigation plan are reviewed through a Type II procedure.

CHAPTER 33.850
STATEWIDE PLANNING GOAL EXCEPTIONS

Sections:
33.850.010 Purpose
33.850.020 Initiating a Statewide Planning Goal Exception
33.850.030 Procedure
33.850.040 Approval Criteria

33.850.010 Purpose
The Statewide Planning Goal exception process provides an opportunity for developments or actions which would otherwise not be allowed due to the application of a specific Statewide Planning Goal. This exception provides for the rare occurrence where the public interest will be better served by granting an exception to a Statewide Planning Goal than in applying the Goal. Statewide Planning Goal exceptions are allowed only for items listed in the Statewide Planning Goals.

33.850.020 Initiating a Statewide Planning Goal Exception
Legislative Statewide Planning Goal exceptions may be initiated by the Planning Director, the Planning Commission, or by City Council. Requests for a quasi-judicial Statewide Planning Goal exception may be initiated by an applicant, the Planning Director, the Planning Commission, or by City Council. Others may petition to the Planning Commission to consider a specific legislative Statewide Planning Goal exception. Initiations by a review body are made without prejudice towards the outcome. A discussion of quasi-judicial and legislative can be found in 33.700.070.

33.850.030 Procedure

A. Quasi-judicial Statewide Planning Goal exceptions are reviewed through a Type III procedure, and must be approved by City Council. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.

B. Legislative Statewide Planning Goal exceptions are processed through a legislative procedure. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.

33.850.040 Approval Criteria
A Statewide Planning Goal exception will be approved if it is found that the proposal meets State and any additional City approval criteria for the specific goal exception. The approval criteria are included in the appropriate chapters containing regulations which can be modified through a Statewide Planning Goal exception.

CHAPTER 33.855
ZONING MAP AMENDMENTS

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97.)

Sections:
33.855.010 Purpose
33.855.020 Initiating a Zoning Map Amendment
33.855.030 When a Comprehensive Plan Map Amendment Is also Required
33.855.040 Procedure
33.855.050 Approval Criteria for Base Zone Changes
33.855.060 Approval Criteria for Other Changes
33.855.070 Corrections to the Official Zoning Maps
33.855.080 Recently Annexed Areas

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.020 Initiating a Zoning Map Amendment

A. Quasi-Judicial. Requests for a zoning map amendment which are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic design districts, and the Design Commission may initiate amendments concerning design districts. The Planning Director may request amendments for initiation by the Planning Commission. Initiations by a review body are made without prejudice towards the outcome.

B. Legislative. Requests for zoning map amendments which are legislative may be initiated by the Planning Commission or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic design districts, and the Design Commission may initiate amendments concerning design districts. Others may request to the Planning Commission to initiate a legislative zoning map amendment. The Planning Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.030 When a Comprehensive Plan Map Amendment Is also Required

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy 10.7 in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

33.855.040 Procedure

A. Quasi-Judicial. Requests for zoning map amendments which are quasi-judicial are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.

B. Legislative. Requests for zoning map amendments which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

C. Mobile home park special notice. The applicant for a zoning map amendment which changes the zoning on a mobile home park must provide written notice by first class mail to each unit in the mobile home park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Compliance with the Comprehensive Plan Map. The zone change is to a corresponding zone of the Comprehensive Plan Map.

1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.

2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.

3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.2 must be met.

B. Adequate public services. Public services for water supply, transportation system structure and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, and proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services.

1. Adequacy of services applies only to the specific zone change site.

2. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands. Service demands may be determined based on a specific use or development proposal, if submitted. If a specific proposal is not submitted, determination is based on City service bureau demand projections for that zone or area which are then applied to the size

of the site. Adequacy of services is determined by the service bureaus, who apply the demand numbers to the actual and proposed services to the site and surrounding area.

3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan for the institution.

C. When the requested zone is IR, Institutional Residential. In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, and historical landmarks. Amendments to all of these except historical landmarks and the creation of plan districts are reviewed against the approval criteria stated in this section. Historical landmarks are reviewed as stated in Chapter 33.845, Historical Landmarks. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

A. Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means; and

B. The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans.

33.855.070 Corrections to the Official Zoning Maps

The Planning Director may initiate and approve a review following the Type I procedure for the types of corrections to the Official Zoning Maps listed below. If the Director determines that the map error is discretionary in nature, then the Director can initiate a Type II process.

A. Mapping errors. The correction may be made for mapping errors such as:

1. The application of an Open Space zone to lands in private ownership which are not in an open space use or not receiving special tax considerations because of their status as open space;

2. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;

3. The line on the map does not match the legal description or map shown or referenced in the ordinance which applied the designation; or

4. When there is a discrepancy between maps and there is clear legislative intent for where the line should be located.

B. Movement of the reference item for the map line. The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.

C. Land within the Urban Growth Boundary. The correction may be made when it involves the removal of the Natural Resource overlay zone from properties that are now within the Urban Growth Boundary.

33.855.080 Recently Annexed Areas

Areas annexed into the City from Multnomah County automatically receive comparable City zoning upon officially being incorporated into the City. Comparable zoning is shown in Table 855-1 and will apply to the area unless it is superseded by a special area study or a plan district.

Table 855-1
Assigned City Zoning for Multnomah County Zones

Multnomah County Zones	Assigned City Zoning
Base zones	
Areas with farm or residential zoning outside the UGB	RF + f
Areas with commercial zoning outside the UGB	CN2
CFU, F2, MUA-20, RR, SR, LR-40, R-40, LR-30, R-30, MUF-19, MUF-38	RF [1]
UF-10, UF-20 inside the UGB	[2]
RC inside the UGB	CN2
LR-20, R-20	R20
LR-10, R-10	R10
LR-7, R7	R7
LR-7.5	R7 + Glendoveer Plan District
LR-5	R5
MR-4, MR-3	R3[3]
HR-2, A-2	R2[3]
HR-1, A1B	R1[3]
BPO	CO2
LC, C4, SC	CN2
GC, EC, C2, NC, C3	CG
LM, M3, M4	EG1
GM, M2	IG2
HM, M1	IH
THR	RH + t
TMR	R3 + t[3]
TLR-5	R5 + t
TLC	CN2 + t
TNC	CS + t
TGC	CS + t
TO	CO2 + t
TLM	EG1 + t
Overlay zones	
SEC	p, c [4]
FH, FF, FW	not mapped; handled by Bureau of Buildings
NI	x
PD, RPD	not mapped; becomes an approved PUD
OP	not mapped
CS	if open space, then OS base zone; just the base zone otherwise
HP	d
LF	h
WRG	g, r, i, n [4]

Notes:

[1] The designation will be RF unless this land is in an approved subdivision at a density higher than RF or has been preplanned by an adopted City plan, in which case a higher density zone may be applied.

[2] Reviewed through a quasi-judicial review; initiated by the Director.

[3] Sites with a documented, approved office are CO1. Sites with a documented, approved retail or commercial use are CN1.

[4] The most appropriate overlay zone will be applied based on any approved City plans.

900s - GENERAL TERMS

33.900 List of Terms
33.910 Definitions
33.920 Descriptions of the Use Categories
33.930 Measurements

CHAPTER 33.900
LIST OF TERMS

(Added by Ord. No. 164264, effective 7/5/91. Amended by: Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98.)

Sections:
33.900.010 List of Terms

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route
Accessory Parking Facility
Accessory Recreational Vehicle *See Recreational Vehicle*
Accessory Structure
Accessory Use
Agriculture *See Chapter 33.920, Descriptions of the Use Categories*
Alteration *See Development-Related Definitions*
Alternative or Post Incarceration Facility
Applicant
Area of the Facade of a Building, how to measure *See Chapter 33.930, Measurements*
Arterial *See Transportation-Related Definitions*
Attached Duplex *See Residential Structure Types*
Attached House *See Residential Structure Types*
Attached Structure
Auto-Accommodating Development *See Development Types*
Auto-Related Uses
Average Slope, how to measure *See Chapter 33.930, Measurements*
Aviation And Surface Passenger Terminals *See Chapter 33.920, Descriptions of the Use Categories*
Basic Utilities *See Chapter 33.920, Descriptions of the Use Categories*
Block
Block Frontage
Building *See Development-Related Definitions*
Building Coverage
Building Line
Carpool
Cemetery
Certificate of Occupancy
Change of Use
City
Colleges *See Chapter 33.920, Descriptions of the Use Categories*
Commercial Outdoor Recreation *See Chapter 33.920, Descriptions of the Use Categories*
Commercial Parking *See Chapter 33.920, Descriptions of the Use Categories*
Community Service *See Chapter 33.920, Descriptions of the Use Categories*
Comprehensive Plan
Convenience Store
Corner Lot *See Lot*
Council
Crown Cover *See Environment-Related Definitions*
Daycare *See Chapter 33.920, Descriptions of the Use Categories*
Days
Density
Design Guidelines
Desired Character
Detention Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Develop *See Development-Related Definitions*
Development *See Development-Related Definitions*
Development-Related Definitions
- Alteration
- Building
- Develop
- Development
- Exterior Alteration

- Exterior Improvements
- New Development
- Structure

Development Types
- Auto Accommodating Development
- Pedestrian-Oriented Development

Director
Disabled Person
Disturbance Area *See Environment-Related Definitions*
Drainageway *See Environment-Related Definitions*
Drive-Through Facility
Driveway
Duplex *See Residential Structure Types*
Dwelling Unit *See Residential Structure Types*
Ecologically and Scientifically Significant Natural Areas *See Environment-Related Definitions*
Effective Radiated Power (ERP)
Environment-Related Definitions
- Crown Cover
- Disturbance Area
- Drainageway
- Ecologically and Scientifically Significant Natural Areas
- Fish and Wildlife Habitat Areas
- Flood Desynchronization
- Functional Values
- Identified Wetlands, Identified Streams
- Practicable
- Remediation
- Resource Enhancement
- Riparian Areas
- Significant Detrimental Impact
- Stream
- Stream Channel
- Top of Bank
- Uplands
- Water Bodies
- Wetland

Excavating or Filling
Exterior Alteration *See Development-Related Definitions*
Exterior Improvements *See Development-Related Definitions*
Exterior Display
Exterior Storage
Exterior Work Activities
Facade
Fish and Wildlife Habitat Areas *See Environment-Related Definitions*
Flag Lot *See Lot*
Flood Desynchronization *See Environment-Related Definitions*
Floor Area
Floor Area Ratio (FAR)
Fractions, how to measure *See Chapter 33.930, Measurements*
Functional Values *See Environment-Related Definitions*
Garage
Garage Wall Area, how to measure *See Chapter 33.930, Measurements*
Grade
Gross Building Area
Groundwater Sensitive Areas
Group Living *See Chapter 33.920, Descriptions of the Use Categories*
Group Living Structure *See Residential Structure Types*
Hazardous Substances
Height, how to measure *See Chapter 33.930, Measurements*
Helicopter Landing Facility (HLF)
- Private Helicopter Landing Facility
- Public Helicopter Landing Facility

Helicopter Approach-Departure Flight Path
Helicopter Trip
Historic Resource-Related Definitions
- ESEE Analysis
- Historic Context
- Historic Ensemble
- Historic Resource
- Historic Resources Inventory
- Historic Value
- Landmark

Home Occupation
House *See Residential Structure Types*
Household
Household Living *See Chapter 33.920, Descriptions of the Use Categories*
Houseboat Moorage *See Residential Structure Types*
Identified Wetlands, Identified Streams *See Environment-Related Definitions*
Industrial Service *See Chapter 33.920, Descriptions of the Use Categories*
Institutional Campus
Intensity
Kennel
Land Use Approval
Ldn.
Light Rail Line *See Transportation-Related Definitions*
Light Rail Alignment *See Transportation-Related Definitions*
Living Area
Loading Area
Long Term Parking
Long Term Bicycle Parking
Lot
- Corner Lot
- Flag Lot
- Through Lot

Lot Depth, how to measure *See Chapter 33.930, Measurements*

Lot Lines
- Front Lot Line
- Northern Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot Width, how to measure *See Chapter 33.930, Measurements*
Lot of Record
Major Event Entertainment *See Chapter 33.920, Descriptions of the Use Categories*
Major Remodeling
Main Entrance
Manufactured Home *See Residential Structure Types*
Manufacturing And Production *See Chapter 33.920, Descriptions of the Use Categories*
Marina
Mass Shelter
Mass Shelter Beds
Medical Centers *See Chapter 33.920, Descriptions of the Use Categories*
Mining *See Chapter 33.920, Descriptions of the Use Categories*
Mitigate
Mixed-Use
Mobile Home *See Residential Structure Types*
Mobile Home Park
Mobile Home Space
Motor Home *See Recreational Vehicle, under Vehicle Types*
Motor Vehicle *See Vehicle Types*
Multi-Dwelling Development *See Residential Structure Types*
Multi-Dwelling Structure *See Residential Structure Types*
Net Building Area
New Development *See Development-Related Definitions*
Noise Contour
Nonconforming Development
Nonconforming Residential Density
Nonconforming Situation
Nonconforming Use
Nondiscretionary Reviews
North-South Lot Dimension
Office *See Chapter 33.920, Descriptions of the Use Categories*
Operator
Owner
Ownership
Parcel *See Lot*
Parking Area
Parking Space
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*
Passenger Vehicle *See Vehicle Types*
Paved Area
Pedestrian-Oriented Development *See Development Types*
Person
Phased Development Plan
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*
Planned Unit Development
Plaza
Pollution Reduction Facility
Practicable *See Environment-Related Definitions*
Preferred Alternative Light Rail Alignment *See Transportation-Related Definitions*
Primary Structure
Primary Use
Project
Public Safety Facility
Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*
Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*
Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*
Rail Right-Of-Way *See Transportation-Related Definitions*
Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*
Recognized Organization
Recreational Vehicle *See Vehicle Types*
Recreational Vehicle Park
Recycling Drop-Off Center
Recycling Operation
Regional Attractor
Regulated Vegetation
Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*
Remediation *See Environment-Related Definitions*
Residential Facility
Residential Home
Residential Structure Types
- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Duplex
- Dwelling Unit
- Group Living Structure
- House
- Houseboat Moorage
- Mobile Home
- Multi-Dwelling Development
- Multi-Dwelling Structure

- Single Room Occupancy Housing (SRO)

Residential Trailer *See Residential Structure Types*
Resource Enhancement *See Environment-Related Definitions*
Retail Sales And Service *See Chapter 33.920, Descriptions of the Use Categories*
Review Body
Right-Of-Way *See Transportation-Related Definitions*
Riparian Areas *See Environment-Related Definitions*
River-Dependent
River-Related
Roadway *See Transportation-Related Definitions*
Scenic Corridor
Scenic Site
Scenic View
Scenic Viewpoint
Schools *See Chapter 33.920, Descriptions of the Use Categories*
School Site
Self-Service Storage *See Chapter 33.920, Descriptions of the Use Categories*
Setback Averaging, how to measure *See Chapter 33.930, Measurements*
Setback
- Front Setback
- Rear Setback
- Side Setback
- Street Setback
- Garage Entrance Setback

Shade
Shade Point
Shelter Beds *See Mass Shelter Beds*
Short Term Housing
Short Term Parking
Short Term Bicycle Parking
Sign-Related Definitions
- Awning sign
- Banner
- Directional sign
- Electronic message center
- Fascia sign
- Freestanding sign
- Lighting methods
- Marquee sign
- Monument Sign
- Moving parts
- Painted wall highlights
- Painted wall sign
- Permanent sign
- Pitched roof sign
- Portable sign
- Primary building walls
- Projecting sign
- Real estate sign
- Roof line
- Roof top sign
- Secondary building walls
- Sign
- Sign maintenance
- Sign repair
- Sign structure
- Structural alteration of a sign
- Temporary sign

Significant Detrimental Impact *See Environment-Related Definitions*
Single Room Occupancy Housing (SRO) *See Residential Structure Types*
Site
Site Frontage
Solar Feature
South or South-Facing Street *See Transportation-Related Definitions*
Stream *See Environment-Related Definitions*
Stream Channel *See Environment-Related Definitions*
Structure *See Development-Related Definitions*
Structured Parking
Superblock
Surface Parking
Through Lot *See Lot, under Parcel Types*
Top of Bank *See Environment-Related Definitions*
Tower
Tract
Transportation-Related Definitions
- Arterial
- Light Rail Line
- Light Rail Alignment
- Preferred Alternative Light Rail Alignment
- Rail Right-Of-Way
- Right-Of-Way
- Roadway
- Street
- Transit Street

Truck *See Vehicle Types*
Underground Parking
Uplands *See Environment-Related Definitions*
Utility Trailer *See Vehicle Types*
View Corridor
Vehicle Areas
Vehicle Repair *See Chapter 33.920, Descriptions of the Use Categories*
Vehicle Types
- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
  - Motor home
  - Accessory recreational vehicle
- Truck
  - Light Truck
  - Medium Truck
  - Heavy Truck
- Utility Trailer

Vision Clearance Area
Warehouse And Freight Movement *See Chapter 33.920, Descriptions of the Use Categories*
Waste Collection Areas
Waste-Related *See Chapter 33.920, Descriptions of the Use Categories*

Water Bodies *See Environment-Related Definitions*
Wetland *See Environment-Related Definitions*
Wholesale Sales *See Chapter 33.920, Descriptions of the Use Categories*

CHAPTER 33.910
DEFINITIONS

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98.)

Sections:

33.910.010 Defining Words
33.910.020 Use of Terms
33.910.030 Definitions

33.910.010 Defining Words

Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms

Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Accessible Route. A route that can be used by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories.

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, awnings, and other structures. See also Primary Structure.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Alteration. See Development-Related Definitions.

Alternative or Post Incarceration Facility. A Group Living use where the residents are on probation or parole.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arterial. See Transportation-Related Definitions.

Attached Duplex. See Residential Structure Types.

Attached House. See Residential Structure Types.

Attached Structure. Any structure that is attached to another structure by a common wall, by a roof, or by structural connections that allow pedestrian access to both structures. For example, decks or stairways are attached structures when they are connected to another structure. A garage may be attached to another structure by sharing a wall or by a breezeway. Structures connected by an "I" beam or similar connections are not considered attached.

Auto-Accommodating Development. See Development Types.

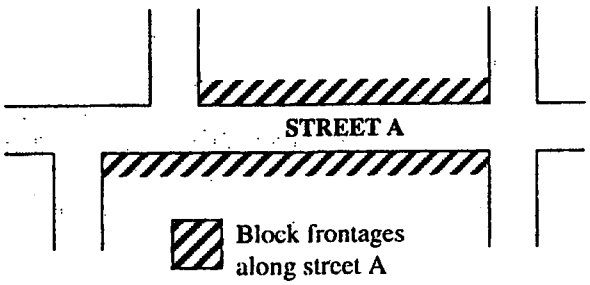
Auto-Related Uses. Uses in the Drive-up Vehicle Servicing, Vehicle Repair, and Commercial Parking Facilities categories described in Chapter 33.920, Descriptions of the Use Categories. [For comparisons, see Development Types.]

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets, rights-of-way, or water features.

Block Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts. See Figure 910-1.

Building. See Development-Related Definitions.

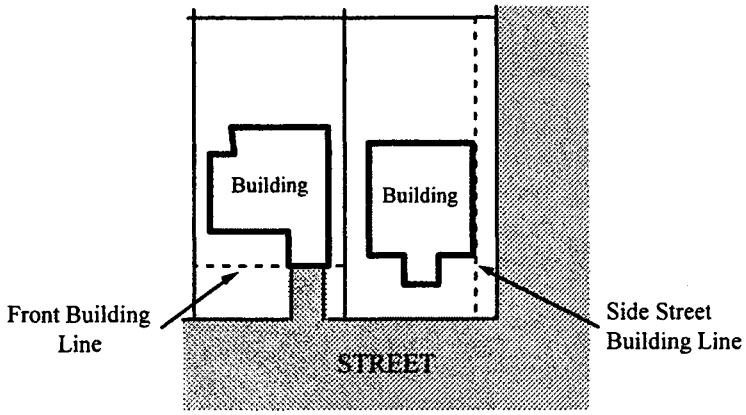
Figure 910-1
Block Frontage



Building Coverage. The area that is covered by buildings or other roofed structures, including eaves. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below.

Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-15.

Figure 910-15
Building Lines



Example of a front building line and a side street building line.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by the Bureau of Buildings at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site.

City. The City of Portland, Oregon.

Comprehensive Plan. The current adopted Comprehensive Plan of the City of Portland.

Convenience Store. Any retail grocery store that has all of the following characteristics:
- Is under 4,000 square feet in area;
- Requires a package store liquor license; and
- Is open more than 15 hours a day.

Corner Lot. See Lot.

Council. The City Council of Portland, Oregon.

Crown Cover. See Environment-Related Definitions

Days. Calendar days, unless specifically stated as working days.

Density. A measurement of the number of people or dwelling units in relationship to a specified amount of land. As used in this Title, density does not include land devoted to streets. Density is a measurement used generally for residential uses. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. See Development-Related Definitions.

Development. See Development-Related Definitions.

Development-Related Definitions

- **Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:
  - Changes to the facade of a building;
  - Changes to the interior of a building;
  - Increases or decreases in floor area of a building;
  - Changes to other structures on the site, or the development of new structures;
  - Changes to exterior improvements;
  - Changes to landscaping; and
  - Changes in the topography of the site.

  See also Structural alteration of a sign, under Sign-Related Definitions.

- **Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

- **Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.

- **Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

- **Exterior Alteration.** A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:
  - Changes to the facade of a building;
  - Increases or decreases in floor area that result in changes to the exterior of a building;
  - Changes to other structures on the site or the development of new structures;
  - Changes to exterior improvements;
  - Changes to landscaping; and
  - Changes in the topography of the site.

- **Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, natural geologic forms, or unimproved land. See also Development.

- **New Development.** Development of a site that was previously unimproved or that has had previously existing buildings demolished.

- **Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Development Types

- **Auto-Accomodating Development.** Development which is designed with an emphasis on customers who use autos to travel to the site, rather than those which have an emphasis on pedestrian customers. This type of development usually has more than the minimum required number of parking spaces. The main entrance is oriented to the parking area. In many cases, the building will have parking between the street and the building. Other typical characteristics are blank walls along much of the facade, more than one driveway, and a low percentage of the site covered by buildings. See also Pedestrian-Oriented Development.

- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site. See also Auto-Accommodating Development.

Director. The Director of the City of Portland Bureau of Planning, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance Area. See Environment-Related Definitions

Drainageway. See Environment-Related Definitions.

Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters.

Driveway. The area that provides vehicular access to a site. A driveway is the same width as the curb cut excluding any aprons or extensions of the curb cut. A driveway begins at the property line and extends into the site. Driveway does not include parking, maneuvering, or circulation areas in parking areas. See also Parking Area and Vehicle Areas.

Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Ecologically and Scientifically Significant Natural Areas. See Environment-Related Definitions.

Effective Radiated Power (ERP). A calculation of the amount of power emitted from a radio frequency antenna.

Environment-Related Definitions

- **Crown Cover.** The area directly beneath the crown and within dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

- **Disturbance Area.** An area which contains all temporary and permanent development, exterior improvements, and staging and storage areas on the site, both existing and proposed. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement and agricultural and pasture land is not included. For Section 33.430.150, Standards for Utility Lines, only the proposed development is included.

- **Drainageway.** An open linear depression, whether constructed or natural, which functions for the collection and drainage of surface water. It may be permanently or temporarily inundated.

- **Ecologically and Scientifically Significant Natural Areas.** Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

- **Fish and Wildlife Habitat Areas.** Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

- **Flood Desynchronization.** Modification of the timing of stormwater runoff from various parts of a watershed through water retention, detention, or other means which will result in a decrease in flood elevations.

- **Functional Values.** Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for *x* units of water draining *y* acres, and its ability to provide food and shelter for *z* varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

- **Identified Wetlands, Identified Streams.** Those streams and wetlands that are identified in the resource inventory and maps as being significant and in need of protection.

- **Practicable.** Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

- **Remediation.** The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

- **Resource Enhancement.** The modification of resources or functional values to improve the quality or quantity of the resource or functional values. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention, changes in water quantity or quality, or other improvements to resources or functional values. A resource enhancement project must result in no loss of any resource or functional values, and the gain of at least one.

- **Riparian Areas.** Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

- **Significant Detrimental Impact.** An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

- **Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:
  - The water itself, including any vegetation, aquatic life, or habitat;
  - Beds and banks below the high water level which may contain water, whether or not water is actually present;
  - The floodplain between the high water level of connected side channels;
  - Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
  - Stream-associated wetlands.

- **Stream Channel.** An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

- **Top of Bank.** The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

- **Uplands.** Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

- **Water Bodies.** Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds.

- **Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exterior Alteration. See Development-Related Definitions.

Exterior Improvements. See Development-Related Definitions.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Examples of uses that often have exterior display are car and boat sales, and plant nurseries. Exterior display does not include goods that are being stored or parked outside. It does not include damaged vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. See Exterior Work Activities and Exterior Storage.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; and other similar items. Examples are lumber yards, tool and equipment rental, bark chip and gravel sales, and the storage of goods used in manufacturing. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are included as exterior storage. The storage of motor vehicles which do not have any missing parts or damage that is visible from the outside of the vehicle is considered parking rather than exterior storage. The storage of motor vehicles that have minor dents or other minor defects in the body is also considered parking rather than storage if the motor vehicle is in working order. See Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Fish and Wildlife Habitat Areas. See Environment-Related Definitions.

Flag Lot. See Lot.

Flood Desynchronization. See Environment-Related Definitions.

Floor Area. The total floor area of the portion of a building that is above ground. Floor area is measured from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of way;
- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Functional Values. See Environment-Related Definitions

Garage. A covered structure intended to provide shelter for passenger vehicles that is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. It includes carports. A garage may be attached to or detached from another structure. See also Structured Parking.

Grade. The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building. This is the definition used in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)

Gross Building Area. The total floor area of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 50 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

Group Living Structure. See Residential Structure Types.

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals listed in Title III List of Lists: Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, published July, 1987, U.S. Environmental Protection Agency; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101.

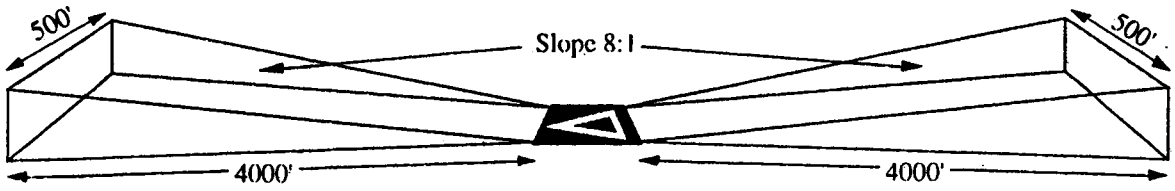
Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.

- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open for public use.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-2. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-2
Helicopter Approach-Departure Flight Paths



A landing pad with two approach-departure flight paths.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Historic Resource-Related Definitions

- **ESEE Analysis.** A type of analysis which is used to help determine if a historic or other environmental resources should be protected. The analysis examines competing values to determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values. For purposes of the ESEE analysis, historic preservation is considered to be an environmental value.

- **Historic Context.** The significant historic environment and background related to a historic resource that describes or explains the role played by that resource in the development of the city. This includes physical development, notable events, and other human activity.

- **Historic Ensemble.** A geographic grouping of historic resources that collectively have historic significance that is greater than the individual significance of any one resource in the group.

- **Historic Resource.** A structure or object that has historic significance. Historic Resources include:
  - Historic Landmarks, including those that are listed in the National Register of Historic Places;
  - Conservation Landmarks;
  - Conservation Districts;
  - Historic Districts, including those listed in the National Register of Historic Places;
  - Structures or objects which are identified as primary, secondary, or contributing to the historic significance of a Historic District or a Conservation District; and
  - Structures or objects which are included in the Historic Resources Inventory.

- **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and evaluation of historic resources. Information for each resource includes a photograph, the resource's age, the builder or architect, original owner, significant features, architectural style, and a ranking for significance. The inventory is continually updated. Should the owner of a property included in the inventory request that the property be dropped from the inventory, the property will be removed from the inventory unless the property is listed on the National Register of Historic Places, is located within a National Register Historic District, or the property has been approved to use a historic preservation incentive.

- **Historic Value.** A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

- **Landmark.** A designated Historic or Conservation landmark. Landmark designations may include buildings, portion of a buildings, sites, trees, statues, signs, or other objects or spaces that the City has recognized for their special historic, cultural, or architectural merit.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Household. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit; or one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than 5 additional persons, who live together in one dwelling unit.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams. See Environment-Related Definitions.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn. An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. See Transportation-Related Definitions.

Light Rail Alignment. See Transportation-Related Definitions.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches; and
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet.

Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

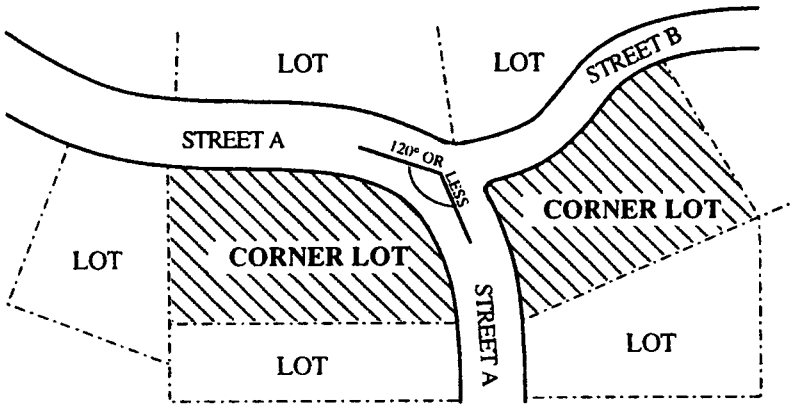
Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

Lot. A lot is a legally defined piece of land that is the result of subdividing **or** partitioning land. This definition includes the State definition of both lot, (result of subdividing), **and** parcel, (result of partitioning). See also, Ownership and Site.

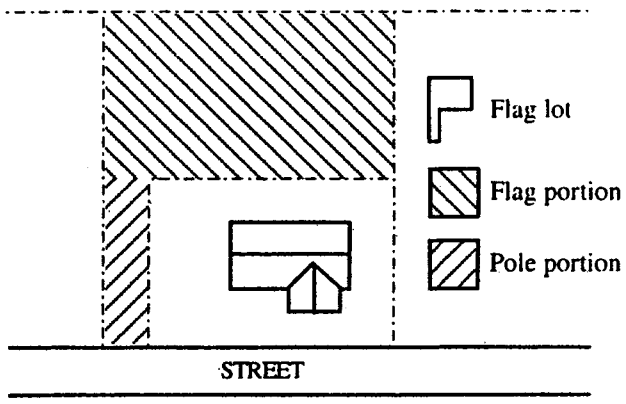
- **Corner Lot.** A lot that has frontage on more than one intersecting street. A street that curves with angles that are 120 degrees or less is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-9.

Figure 910-9
Corner Lots



- **Flag Lot.** A lot located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the street and is generally used for an access drive. There are two distinct parts to a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for two lots, but which has insufficient width to locate both lots on the street frontage. See Figure 910-10.

Figure 910-10
Flag Lot



- **Through Lot.** A lot that has frontage on two parallel or approximately parallel streets.

Lot Lines. The property lines along the edge of a lot or site.

- **Front Lot Line.** A lot line that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines which abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-3.

Figure 910-3
Front and Side Lot Lines

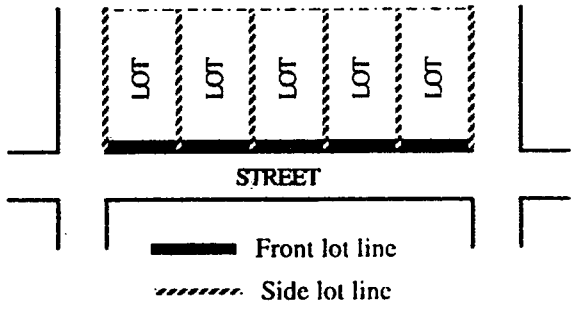
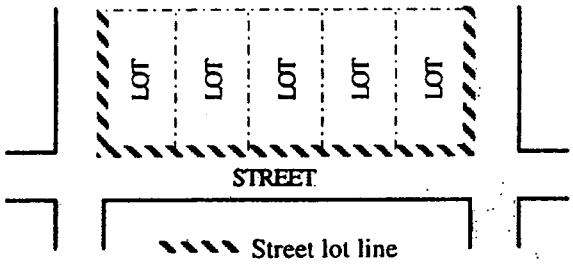


Figure 910-4
Street Lot Lines



For purposes of the solar access calculations, when the actual front lot line is curved, the front lot line is considered to be a straight line that connects the ends of the curve. For a flag lot, the front lot line is considered to be the lot line that is most parallel to and closest to the street, excluding the pole portion of the flag. See Figure 910-5.

- **Northern Lot Line.** For the purpose of the solar access calculations, the lot line that is the smallest angle from a line drawn east-west and intersecting the northernmost point of the lot, excluding the pole portion of a flag lot. If two sides of the lot are at equal angles from an east-west line, then the northern lot line is a line 10 feet in length within the lot parallel to the east-west line. See Figure 910-6.

Figure 910-5
Solar Front Lot Line

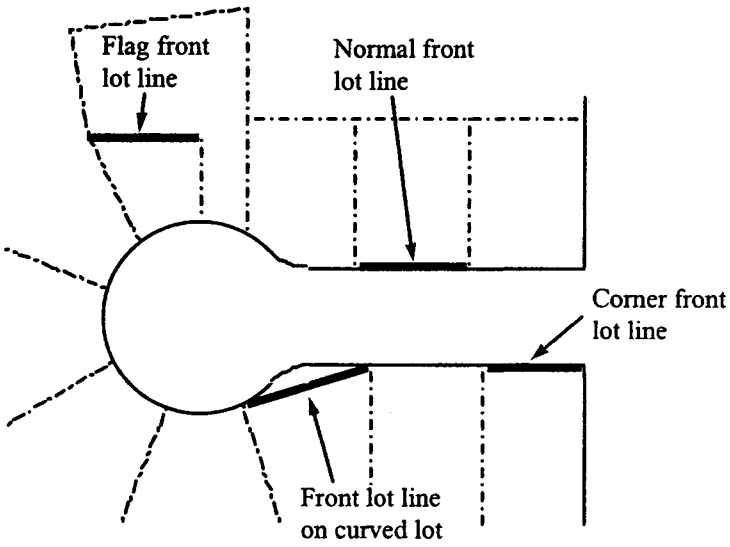
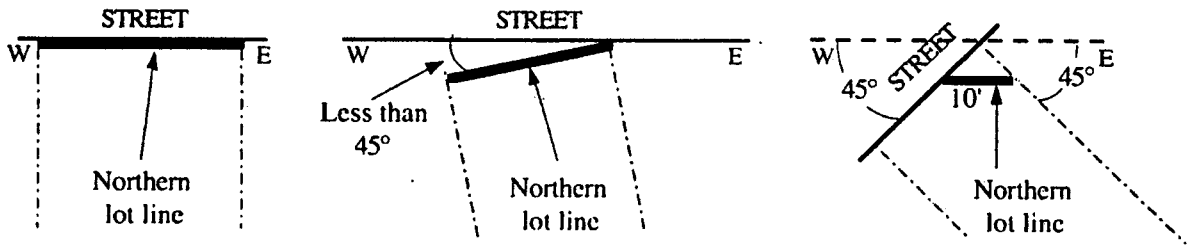


Figure 910-6
Northern Lot Lines



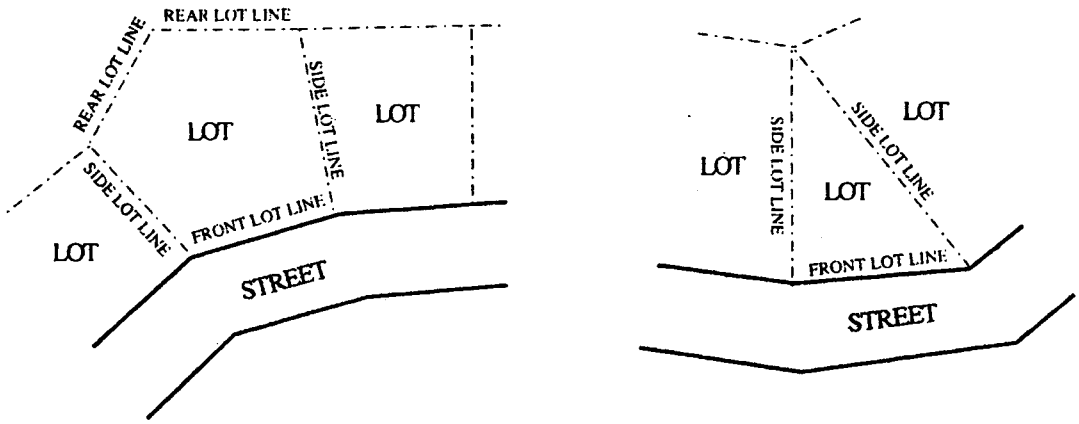
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-7.

- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-3.

- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-3 and 910-4.

- **Street Lot Line.** Any lot lines that abut a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-3 and 910-4.

Figure 910-7
Lot Lines on Irregular Lots



Lot of Record. A tract of land which was created and recorded before July 26, 1979; which met the dimensional requirements for new lots at the time it was created; and for which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder. This includes tracts created by subdivision or partition (lots), and those created through other methods.

Main Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Major Remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured Home. See Residential Structure Types.

Marina. A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

Mass Shelter. A structure that contains one or more open sleeping areas, or is divided only by non-permanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

Mass Shelter Beds. Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

Mitigate. To rectify, repair, or compensate for impacts which result from other actions.

Mixed-Use. The combination on a site of residential uses with commercial or industrial uses.

Mobile Home. See Residential Structure Types.

Mobile Home Park. Two or more mobile homes which are located on a single site for 30 days or more and intended for residential use. Mobile home park does not include sites where unoccupied mobile homes are offered for sale or lease. See also Recreational Vehicle Park.

Mobile Home Space. The area occupied by a mobile home and its accessory uses and structures in a mobile home park.

Motor Home. See Recreational Vehicle, under Vehicle Types.

Motor Vehicle. See Vehicle Types.

Multi-Dwelling Development. See Residential Structure Types.

Multi-Dwelling Structure. See Residential Structure Types.

Net Building Area. Gross building area, excluding parking areas.

New Development. See Development-Related Definitions.

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards. Nonconforming development includes development that is over a maximum allowed amount of floor area, as long as the development does not include an amount of floor area that is specifically prohibited by the current development standards.

Nonconforming Residential Density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

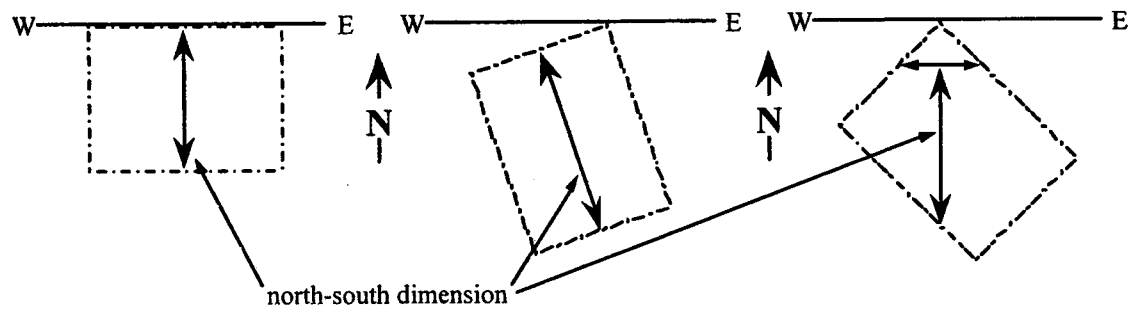
Nonconforming Situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of floor area of the use is now prohibited in the zone.

Nondiscretionary Reviews. A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

North-South Lot Dimension. For the purpose of the solar access regulations, the length of a line beginning at the midpoint of the northern lot line and extending in a southerly direction perpendicular to the northern lot line until it reaches a lot line. See Figure 910-8.

Figure 910-8
North-South Dimension of a Lot

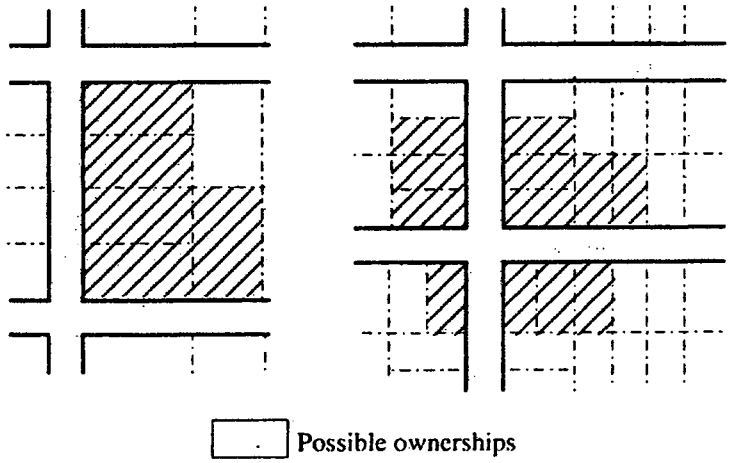


Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deedholder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-11. See also, Lot and Site.

Figure 910-11
Ownership



Parcel. See Lot.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to nonpassenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking Space. A space designed to provide standing area for a motor vehicle.

Passenger Vehicle. See Vehicle Types.

Paved Area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

Pedestrian-Oriented Development. See Development Types.

Person. Any person, partnership, association, or corporation.

Phased Development Plan. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Planned Unit Development. A type of development that is based on a comprehensive design that addresses the entire complex of land, structures, and uses as a single project. The design plan for the project functions as a substitute for the general site development regulations of the zoning on the site.

Pollution Reduction Facility. A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Preferred Alternative Light Rail Alignment. See Transportation-Related Definitions.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Project. An existing or proposed development.

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Rail Right-Of-Way. See Transportation-Related Definitions.

Recognized Organization. A neighborhood, community, business, or industrial association, or organization recognized or listed by the Office of Neighborhood Associations (ONA). Recognized organization also includes the ONA district offices.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Mobile Home Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Regulated Vegetation. Vegetation that is not exempt from the solar access regulations.

Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

Residential Structure Types

- **Accessory Dwelling Unit**. A second dwelling unit created on lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one other duplex (for a total of 4 dwelling units). The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling.

- **Attached House.** A dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.

- **Duplex.** A structure that contains two primary dwelling units on one lot. The units may share common walls or common floor/ceilings.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

- **Group Living Structure.** A structure that contains sleeping areas and at least one set of cooking and sanitary facilities that is used as a residence for Group Living uses.

- **House.** A detached dwelling unit located on its own lot.

- **Houseboat Moorage.** A facility which provides moorings for houseboats.

- **Mobile Home.** A dwelling unit constructed off of the site and which is not constructed to the standards of the uniform building code. Mobile homes include residential trailers and manufactured homes.

  - **Manufactured Home.** A manufactured home is a mobile home constructed in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976.

  - **Residential Trailer.** A mobile home which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.

- **Multi-Dwelling Development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. A multi-dwelling development project may include an existing single-dwelling detached building with 1 or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either 1 or more single-dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.

- **Multi-Dwelling Structure.** A structure that contains three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.

- **Single Room Occupancy Housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. See Environment-Related Definitions.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Planning Director, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. See Transportation-Related Definitions.

Riparian Areas. See Environment-Related Definitions.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development.

Roadway. See Transportation-Related Definitions.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has or formerly had a school use on it and that is owned by the entity that runs or ran the school.

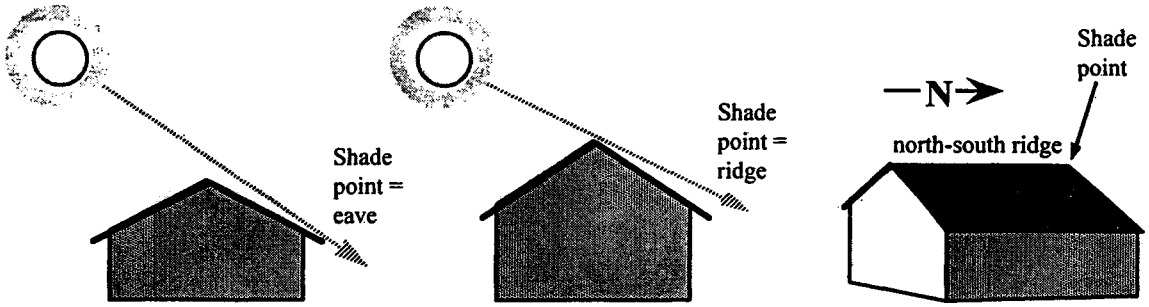
Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.

Shade. For the purposes of the solar access regulations, a shadow cast by the shade point of a structure or regulated vegetation.

Shade Point. For the purpose of the solar access regulations, the part of a structure or regulated vegetation that casts the longest shadow onto the adjacent northern lot(s) when the sun is at an altitude of 21.3 degrees and an azimuth ranging from 22.7 degrees east and west of true south. See Figure 910-12.

Figure 910-12
Shade Point



Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Housing. A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

Short Term Parking. Parking having a duration of four hours or less.

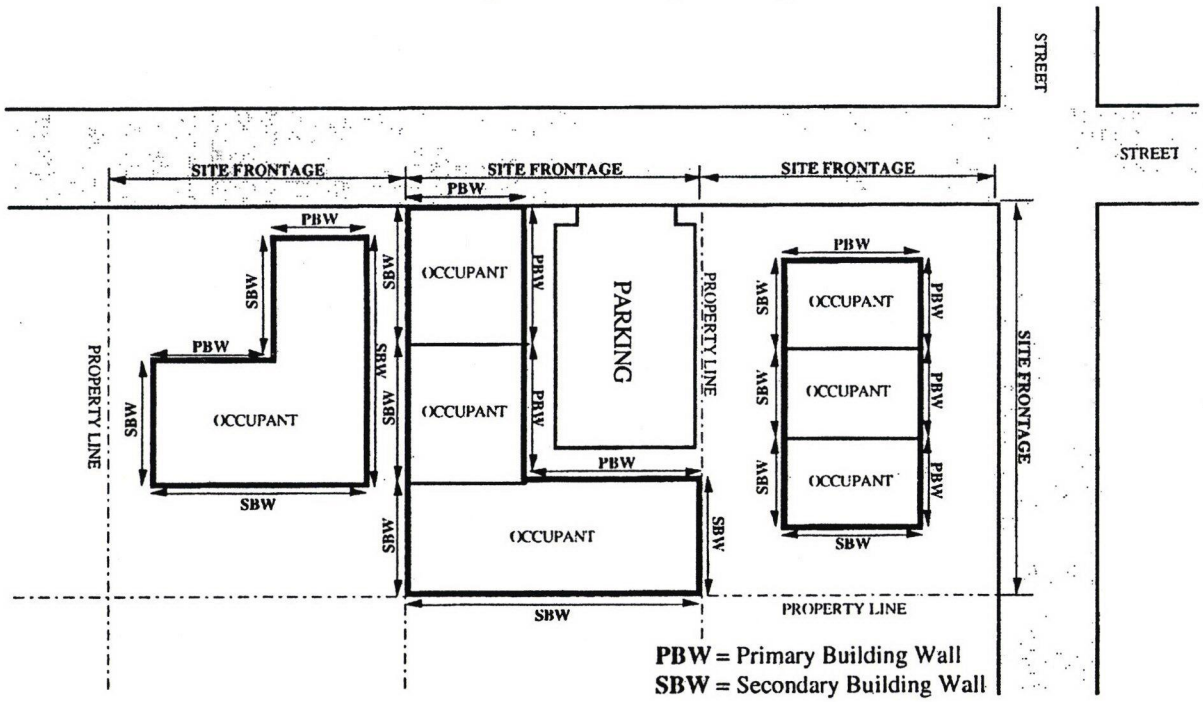
Sign-Related Definitions.

- **Awning sign.** A sign incorporated into or attached to an awning.
- **Banner.** A sign made of fabric or other nonrigid material with no enclosing framework.
- **Directional sign.** A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site.
- **Electronic message center.** A sign whose message is presented with lights that change electronically at intermittent intervals.
- **Fascia sign.** A single faced sign attached flush to a building.
- **Freestanding sign.** A sign on a frame, pole, or other support structure which is not attached to any building.
- **Lighting methods.**
  - Direct. Exposed lighting or neon tubes on the sign face.
  - Flashing. Lights which blink on and off randomly or in sequence.
  - Indirect. The light source is separate from the sign face or cabinet and is directed to shine onto the sign.
  - Internal. The light source is concealed within the sign.
- **Marquee sign.** A sign incorporated into or attached to a marquee or permanent canopy.
- **Monument Sign.** A freestanding sign where the base of the sign structure is on the ground or a maximum of 12 inches above the adjacent grade. The width of the top of the sign structure can be no more than 120 percent of the width of the base.
- **Moving parts.** Features or parts of a sign structure which through mechanical means are intended to have motion.
- **Painted wall highlights.** Painted areas which highlight a building's architectural or structural features.
- **Painted wall sign.** A sign applied to a building wall with paint and which has no sign structure.
- **Permanent sign.** A sign attached to a building, structure, or the ground in some manner which requires a permit from the Bureau of Buildings and which is made of materials intended for long term use.
- **Pitched roof sign.** A sign attached to a roof with a pitch of one-to-four or greater and placed parallel to the building wall.

- **Portable sign.** A movable sign which is not permanently attached to the ground or a building. Portable signs include A-boards, portable readerboards, and similar signs.

- **Primary building walls.** Exterior building walls that face a street and contain a public entrance to the occupant's premises. Primary building walls also include the wall of a tenant space that does not have street frontage, but that contains a public entrance and faces a parking area on the site. See Figure 910-13.

Figure 910-13
Primary and Secondary Building Walls



- **Projecting sign.** A sign attached to and projecting out from a building face or wall, generally at right angles to the building. Projecting signs include signs that are totally in the right-of-way, partially in the right-of-way, or fully on private property.

- **Real estate sign.** A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.

- **Roof line.** The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other projections.

- **Roof top sign.** A sign on a roof that has a pitch of less than one-to-four.

- **Secondary building walls.** Exterior building walls which are not classified as primary building walls. See Figure 910-13.

- **Sign.** Materials placed or constructed so they can be viewed from a right-of-way or another property, and which convey a message or image.

- **Sign maintenance.** Normal care needed to keep a sign functional, such as cleaning, painting, oiling, and changing of light bulbs.

- **Sign repair.** Fixing or replacement of broken or worn parts. Replacement includes comparable materials only. Repairs may be made with the sign in position or with the sign removed.

- **Sign structure.** A structure specifically intended for supporting or containing a sign.

- **Structural alteration of a sign.** Modification of the size, shape, or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, such as the replacement of wood parts with metal parts.

- **Temporary sign.** A sign not permanently attached to a building, structure, or the ground and that does not require a permit from the Bureau of Buildings.

Significant Detrimental Environmental Impact. See Environment-Related Definitions.

Single Room Occupancy Housing (SRO). See Residential Structure Types.

Site. An ownership except as follows:
- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site which abuts a street. See also, Block Frontage.

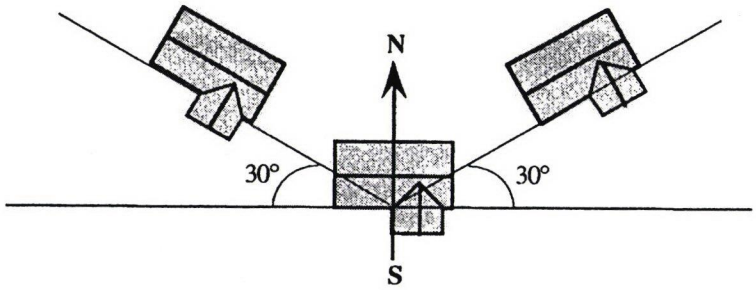
Solar Feature. A device or combination of devices or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, or generating electricity. Examples of a solar feature include: a solar greenhouse, solar panels, a solar hot water heater, and south-facing windows that contain a total of at least 20 square feet of glazing. Solar features may serve as a structural member of the structure. A south-facing wall without solar features is not a solar feature.

South or South-Facing. Unless otherwise stated in this code, south or south-facing refers to structures with faces within 30 degrees of true south. True south is 20 degrees east of magnetic south. See Figure 910-14.

Stream. See Environment-Related Definitions

Stream Channel. See Environment-Related Definitions

Figure 910-14
South or South-Facing



Street. See Transportation-Related Definitions.

Structure. See Development-Related Definitions.

Structured Parking. A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, mobile homes, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Superblock. A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross site area in private property of at least 75,000 square feet.

Surface Parking. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Through Lot. See Lot.

Top of Bank. See Environment-Related Definitions.

Tower. A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Tract. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, a lot of record, or a piece of land created through other methods.

Transportation-Related Definitions

- **Arterial.** Any street that is **not** a local service street according to the Arterial Streets Classifications Policies or Central City Transportation Management Plan. It includes regional trafficways and regional transitways, transit streets, major city traffic streets, district and neighborhood collectors, and traffic access routes.

- **Light Rail Line.** A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way. Existing and future light rail lines are designated on the Regional Transitways Map in the Arterial Streets Classification Policy. Low capacity, district level, or excursion rail transit service, such as a vintage trolley line, is not included.

- **Light Rail Alignment.** A street, or other public right-of-way, that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment.

- **Preferred Alternative Light Rail Alignment.** A street, or other public right-of-way, designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

- **Rail Right-Of-Way.** A public or private right-of-way, for the purpose of allowing rail travel.

- **Right-Of-Way.** A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

- **Roadway.** The portion of a street that is improved for motor vehicular travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

- **Street.** A public or private right-of-way that is intended for motor vehicle travel or for motor vehicle access to abutting property. Street includes all the area within the right-of-way, such as roadways, parking strips, and sidewalks. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset highway including their ramps.

- **Transit Street.** A street that is:
  - — A Major Transit Street or a Minor Transit Street, according to the Arterial Streets Classifications and Policies;
  - — A Major Transit Priority Street, a Transit Access Street, or an Alternative For Major Transit Priority Street in the Central City Transportation Management Plan; or
  - — A Regional Transitway not also classified as a Regional Trafficway, according to the Arterial Streets Classifications and Policies.

Truck. See Vehicle Types.

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking and Floor Area.

Uplands. See Environment-Related Definitions.

Utility Trailer. See Vehicle Types.

Vehicle Areas. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.

- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

  - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.

  - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.

- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.

  - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.

  - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

  - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.

- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

View Corridor. A view corridor is a three dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

Vision Clearance Area. Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety. See Diagram in Chapter 33.286, Signs.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. See Environment-Related Definitions.

Wetland. See Environment-Related Definitions.

CHAPTER 33.920
DESCRIPTIONS OF THE USE CATEGORIES

(Amended by: Ord. No. 165681, effective 7/15/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98.)

Sections:

Introduction to the Use Categories
- 33.920.010 Purpose
- 33.920.020 Category Titles
- 33.920.030 Classification of Uses

Residential Use Categories
- 33.920.100 Group Living
- 33.920.110 Household Living

Commercial Use Categories
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- 33.920.400 Basic Utilities
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- 33.920.450 Medical Centers
- 33.920.460 Parks And Open Areas
- 33.920.470 Religious Institutions
- 33.920.480 Schools

Other Use Categories
- 33.920.500 Agriculture
- 33.920.510 Aviation And Surface Passenger Terminals
- 33.920.520 Detention Facilities
- 33.920.530 Mining
- 33.920.540 Radio Frequency Transmission Facilities
- 33.920.550 Rail Lines And Utility Corridors

Introduction to the Use Categories

33.920.010 Purpose

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

33.920.020 Category Titles

The names of the use categories start with capital letters throughout this Title.

33.920.030 Classification of Uses

A. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B. below. Accessory uses are addressed in Subsection C. below.

2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
   - The description of the activity(ies) in relationship to the characteristics of each use category;
   - The relative amount of site or floor space and equipment devoted to the activity;
   - Relative amounts of sales from each activity;
   - The customer type for each activity;
   - The relative number of employees in each activity;
   - Hours of operation;
   - Building and site arrangement;
   - Vehicles used with the activity;
   - The relative number of vehicle trips generated by the activity;
   - Signs;
   - How the use advertises itself; and
   - Whether the activity would be likely to be found independent of the other activities on the site.

B. Developments with multiple primary uses. 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 cafe would be classified in the Retail Sales And Service 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.

C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.

D. Use of examples. The "Examples" subsection of each use category provides a list of examples of uses that are included 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 Retail Sales And Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales And Service category.

Residential Use Categories

33.920.100 Group Living

A. Characteristics. Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

C. Examples. Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically disabled, mentally retarded, or emotionally disturbed; some residential programs for drug and alcohol treatment; and alternative or post incarceration facilities.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters.

2. Lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period is classified as Household Living.

3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

33.920.110 Household Living

A. Characteristics. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Single Room Occupancy housing (SROs), that do not have totally self contained dwelling units are also included if at least two thirds of the units are rented on a monthly basis. SROs may have a common food preparation area, but meals are prepared individually by the residents. In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).

B. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

C. Examples. Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other structures with self-contained dwelling units. Examples also include living in SROs if the provisions are met regarding length of stay and separate meal preparation.

D. Exceptions.

1. Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category.

2. SROs that contain programs which include common dining are classified as Group Living.

3. Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses.

4. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.

Commercial Use Categories

33.920.200 Commercial Outdoor Recreation

A. Characteristics. Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.

B. Accessory Uses. Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.

C. Examples. Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, and marinas.

D. Exceptions.

1. Golf courses are classified as Parks And Open Space.

2. Uses which draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

33.920.210 Commercial Parking

A. Characteristics. Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.

B. Accessory Uses. In a parking structure only, accessory uses may include gasoline sales, car washing, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.

C. Examples. Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).

D. Exceptions.

1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.

2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 33.910, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

33.920.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (see 33.910, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, and Department of Environmental Quality vehicle emission test sites.

D. Exceptions.

1. Truck stops are classified as Industrial Service.

2. 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 use.

33.920.230 Major Event Entertainment

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.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

C. Examples. Examples include stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales And Service.

2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales And Service category.

3. Theaters, including drive-in theaters, are classified as Retail Sales And Service.

33.920.240 Office

A. Characteristics. Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical, or financial services.

B. Accessory uses. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

C. Examples. Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; TV and radio studios; medical and dental clinics, medical and dental labs; and blood-collection facilities.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.

2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

33.920.250 Retail Sales And Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationary, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; and animal grooming.

3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.

4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.

2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.

3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.

33.920.260 Self-Service Storage

A. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.

B. Accessory uses. Accessory uses may include living quarters for a resident manager or security and leasing offices. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

C. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.

D. Exceptions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse And Freight Movement category.

33.920.270 Vehicle Repair

A. Characteristics. Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

B Accessory Uses. Accessory uses may include offices, sales of parts, and vehicle storage.

C. Examples. Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.

D. Exceptions. Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

33.920.300 Industrial Service

A. Characteristics. Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

B. Accessory activities. Accessory activities may include offices, parking, storage, rail spur or lead lines, and docks.

C. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; 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; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

D. Exceptions.

1. Contractors and others who perform services off-site are included in the Office category, if major equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

33.920.310 Manufacturing And Production

A. Characteristics. Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

B. Accessory activities. Accessory activities may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleets, and caretaker's quarters. Living quarters, except for caretakers, are subject to the regulations for residential uses in the zone.

C. Examples. Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

D. Exceptions.

1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.

2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.

33.920.320 Railroad Yards

A. Characteristics. Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.

B. Accessory Uses. Accessory uses include offices, employee facilities, storage areas, and rail car maintenance and repair facilities.

33.920.330 Warehouse And Freight Movement

A. Characteristics. Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

B. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

C. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials;.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

2. Miniwarehouses are classified as Self-Service Storage uses.

33.920.340 Waste-Related

A. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses which collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material. Waste-Related uses also include uses which receive hazardous wastes from others and which are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.

B. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

C. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

D. Exceptions. Disposal of dirt, concrete, asphalt, and similar non-decomposable materials is considered a fill. See Chapter 33.830, Excavations and Fills, for more information.

33.920.350 Wholesale Sales

A. Characteristics. Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited. Products may be picked up on site or delivered to the customer.

B. Accessory uses. Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.

C. Examples. Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware.

D. Exceptions.

1. Firms that engage primarily in sales to the general public or on a membership basis are classified as Retail Sales And Service.

2. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.

Institutional Use Categories

33.920.400 Basic Utilities

A. Characteristics. Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.

B. Accessory uses. Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.

C. Examples. Examples include water and sewer pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; mass transit stops or turn arounds, light rail stations, transit centers, park-and-ride facilities for mass transit; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, park-and-ride facilities for mass transit; and public safety facilities, are classified as Community Services or Offices.

2. Utility offices where employees or customers are generally present are classified as Offices.

3. Bus and light rail barns are classified as Warehouse And Freight Movement.

4. Regional power lines and utility pipelines are classified as Rail Lines And Utility Corridors.

33.920.410 Colleges

A. Characteristics. This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.

B. Accessory Uses. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.

C. Examples. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.

D. Exceptions. Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services

A. Characteristics. Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.

B. Accessory uses. Accessory uses may include offices; meeting areas; food preparation areas; parking, health and therapy areas; daycare uses; and athletic facilities.

C. Examples. Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, police stations, fire stations, ambulance stations, drug and alcohol centers, social service facilities, mass shelters or short term housing when operated by a public or non-profit agency, vocational training for the physically or mentally disabled, crematoriums, columbariums, mausoleums, soup kitchens, and surplus food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.

2. Parks are in Parks And Open Areas.

3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.

4. Public safety facilities are classified as Basic Utilities.

33.920.430 Daycare

A. Characteristics. Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.

B. Accessory Uses. Accessory uses include offices, play areas, and parking.

C. Examples. Examples include preschools, nursery schools, latch key programs, and adult daycare programs.

D. Exceptions. Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include care given by a "family daycare" provider as defined by ORS 418.805 if the care is given to 12 or fewer children at any one time including the children of the provider. Family daycare is care regularly given in the family living quarters of the provider's home.

33.920.450 Medical Centers

A. Characteristics. Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.

B. Accessory uses. Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.

C. Examples. Examples include hospitals and medical complexes that include hospitals.

D. Exceptions.

1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

3. Urgency medical care clinics are classified as Retail Sales And Service.

33.920.460 Parks And Open Areas

A. Characteristics. Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

B. Accessory uses. Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, and parking.

C. Examples. Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and land used for grazing that is not part of a farm or ranch.

33.920.470 Religious Institutions

A. Characteristics. Religious Institutions are intended to primarily provide meeting areas for religious activities.

B. Accessory uses. Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days.

C. Examples. Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

A. Characteristics. This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

B. Accessory uses. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare.

C. Examples. Examples include public and private daytime schools, boarding schools and military academies.

D. Exceptions.

1. Preschools are classified as Daycare uses.

2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

33.920.500 Agriculture

A. Characteristics. Agriculture includes activities which raise, produce or keep plants or animals.

B. Accessory uses. Accessory uses include dwellings for proprietors and employees of the use, and animal training.

C. Examples. Examples include breeding or raising of fowl or other animals; dairy farms; stables;riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.

D. Exceptions.

1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.

2. Livestock auctions are classified as Wholesale Sales.

3. Plant nurseries which are oriented to retail sales are classified as Retail Sales And Service.

33.920.510 Aviation And Surface Passenger Terminals

A. Characteristics. Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service, regional rail service, and regional marine transportation.

B. Accessory uses. Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas.

C. Examples. Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, passenger docks for regional marine travel such as ocean-going cruise ships, air strips, seaplane facilities, and helicopter landing facilities.

D. Exceptions.

1. Bus and rail passenger stations for subregional service such as mass transit stops and park-and-ride facilities are classified as Basis Utilities.

2. Marine passenger docks for subregional marine travel such as Columbia River cruise ships, water taxis, or recreational boating; and other marine tie ups (such as the seawall between the Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent facilities. Marine passenger terminals that are accessory to marine freight terminals are classified as accessory facilities in the Warehouse And Freight Movement category.

3. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

33.920.520 Detention Facilities

A. Characteristics. Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by sworn officers, except when on an approved leave.

B. Accessory Uses. Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing activities.

C. Examples. Examples include prisons, jails, probation centers, and juvenile detention homes.

D. Exceptions. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by sworn officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by sworn officers, are also classified as Group Living.

33.920.530 Mining

A. Characteristics. Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.

B. Accessory uses. Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material

C. Examples. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

A. Characteristics. Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

B. Accessory Uses. Accessory use may include transmitter facility buildings.

C. Examples. Examples include broadcast towers, communication towers, and point to point microwave towers.

D. Exceptions.

1. Receive-only antenna are not included in this category.

2. Radio and television studios are classified in the Office category.

3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

33.920.550 Rail Lines And Utility Corridors

A. Characteristics. This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.

2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.

3. Light rail lines are not included.

4. Railroad yards are classified in the Railroad Yards category.

CHAPTER 33.930
MEASUREMENTS

Sections:

33.930.010 Purpose
33.930.020 Fractions
33.930.030 Measuring Distances
33.930.040 Measuring Distances on Maps
33.930.050 Measuring Height
33.930.060 Determining Average Slope
33.930.070 Determining the Area of the Facade of a Building
33.930.080 Determining the Plane of a Building Wall
33.930.090 Determining the Garage Wall Area
33.930.100 Measuring Lot Widths and Depths
33.930.110 Measuring Areas with Squares of Specified Dimensions
33.930.120 Setback Averaging
33.930.130 Measuring Tree Diameter

33.930.010 Purpose

This Chapter explains how measurements are made in the zoning code.

33.930.020 Fractions

When calculations result in fractions the results will be rounded as follows:

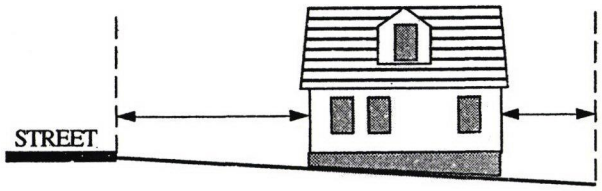
A. Minimum requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.

B. Maximum limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 3,000 square feet is applied to an 8,000 square foot site, the resulting fraction of 2.67 is rounded down to 2 allowed dwelling units.

33.930.030 Measuring Distances

A. Distances are measured horizontally. When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 930-1.

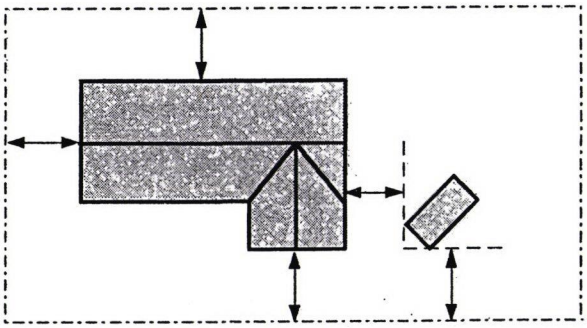
Figure 930-1
Horizontal Measurement



Distances are always measured horizontally.

B. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 930-2. Exceptions are stated in Subsection C , D., and E.

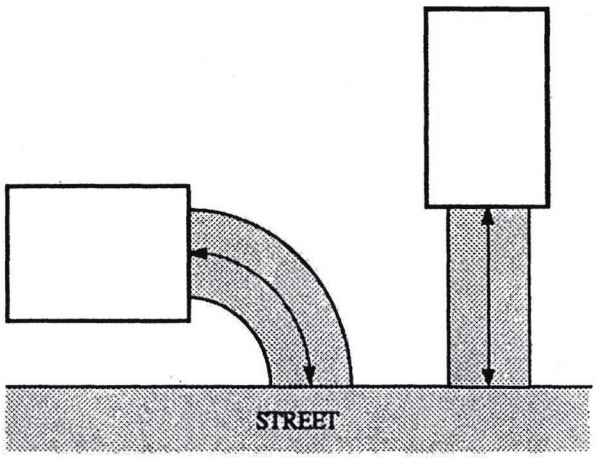
Figure 930-2
Closest Distance



Measurement is taken from the shortest distance between the points.

C. Measurements of vehicle travel areas. Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 930-3.

Figure 930-3
Measuring Vehicle Travel Areas

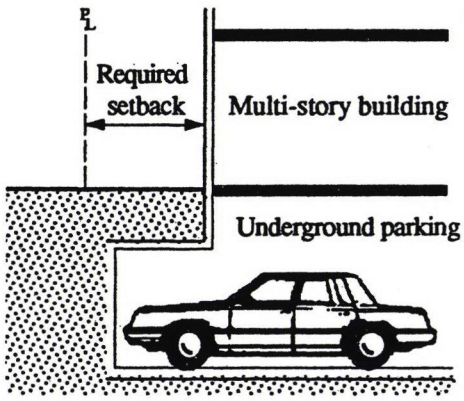


Measure down the middle of the travel area.

D. Measurements involving a structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 930-2 above, and the base zone chapters.

E. Underground structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 930-4.

Figure 930-4
Underground Structures



Measurements do not include underground structures

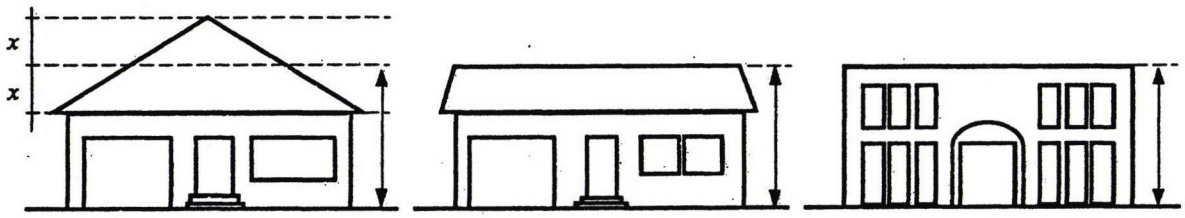
33.930.040 Measuring Distances on Maps

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Speciality Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs 1. or 2. below. The base point used is the method that yields the greater height of building. For a flat roof, the measurement is made to the top of the parapet, or if there is no parapet, to the highest point of the roof. The measurement is made to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof that has a roof pitch of 12 in 12 or less. For pitched or hipped roofs with a pitch steeper than 12 in 12, the measurement is to the highest point. For other roof shapes such as domed, vaulted, or pyramidal shapes, the measurement is to the highest point. See Figure 930-5. The height of a stepped or terraced building is the maximum height of any segment of the building.

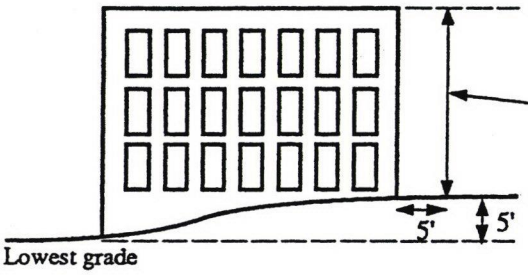
Figure 930-5
Measuring Height - Roof Types



1. Base point 1. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 930-6.

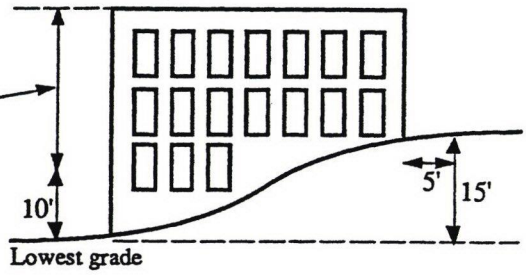
2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1. above, is more than 10 feet above lowest grade. See Figure 930-7.

Figure 930-6
Measuring Height - Base Point 1



When highest grade is 10 feet or less above the lowest grade, the base point is the elevation of the highest adjoining sidewalk or grade within a 5-foot horizontal distance.

Figure 930-7
Measuring Height - Base Point 2

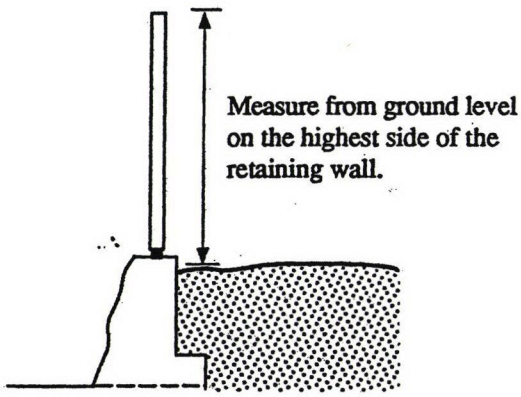


When highest grade is more than 10 feet above the lowest grade, the base point is the elevation 10 feet above the lowest grade.

B. Measuring height of other structures The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

1. Measuring height of retaining walls and fences. Retaining walls and fences on top of retaining walls are measured from the ground level on the higher side of the retaining wall. See Figure 930-8.

Figure 930-8
Measuring Height - Retaining Walls

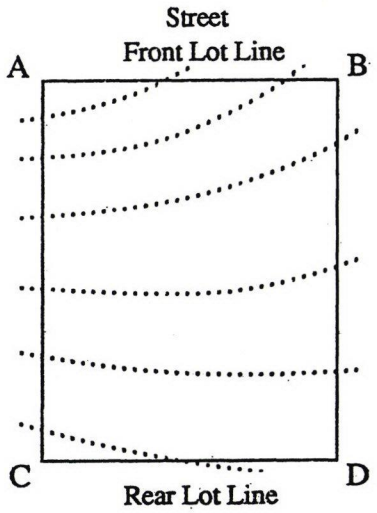


2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50 percent open, and from the ground to the top of the rails for all other situations.

33.930.060 Determining Average Slope

A. Average slope used. When calculating the slope of a lot an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 930-9.

Figure 930-9
Calculating Average Slope



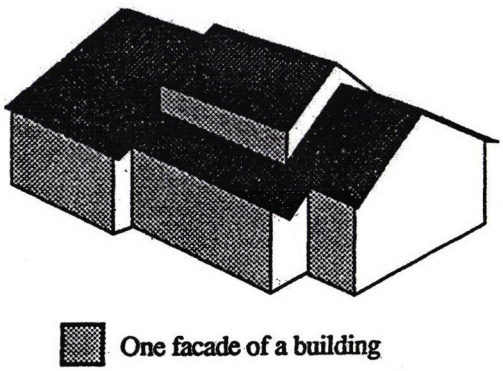
$$\frac{\text{Average elevation of front lot line} - \text{Average elevation of rear lot line}}{\text{Average distance between the front and rear lot lines}}$$

$$\frac{\left(\frac{A+B}{2}\right) - \left(\frac{C+D}{2}\right)}{\left(\frac{\text{Length of line AC} + \text{Length of line BD}}{2}\right)}$$

33.930.070 Determining the Area of the Facade of a Building

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area. See Figure 930-10.

Figure 930-10
Facade of a Building



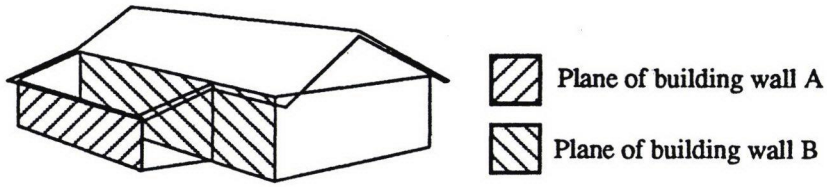
One facade of a building

33.930.080 Determining the Plane of a Building Wall

The purpose of this measurement system is to provide a way to calculate varying amounts of bulk on a particular side of a structure. The plane of a building wall is a plane that extends from the ground to the top of each wall of a structure. A structure with more than one wall along one facade (for example, rooms jutting out from the main structure or a structure where each floor is set back from the floor below) will have a different plane for each of the walls. The area of the plane is determined by calculating the area of the plane from the ground to the top of the wall. The plane does not include roof area.

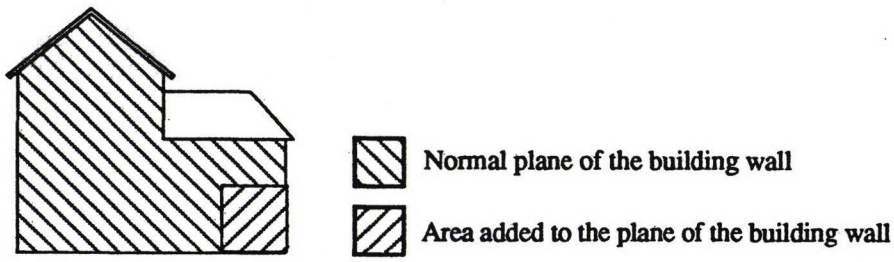
In situations where there is more than one wall along one facade, the bulk of the closer walls covers the bulk of walls that are farther back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 930-11. [There are special measurement rules for situations where the plane of the building wall is wider than portions of the wall below. See Figure 930-12 below.]

Figure 930-11
Plane of a Building Wall



Where the plane of a building wall contains portions that are wider than areas of the wall that are below it, the calculation of area is made using the wider dimension and extending the plane to the open area below. See Figure 930-12.

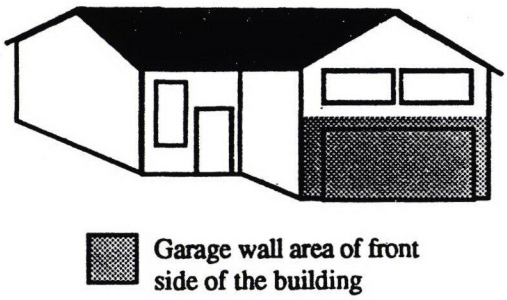
Figure 930-12
Additions to the Plane of a Building Wall



33.930.090 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage. See Figure 930-13.

Figure 930-13
Garage Wall Area



Garage wall area of front side of the building

33.930.100 Measuring Lot Widths and Depths

Lot widths and depths are measured from the midpoints of opposite lot lines. See Figures 930-14 and 930-15.

Figure 930-14
Measuring Lot Width

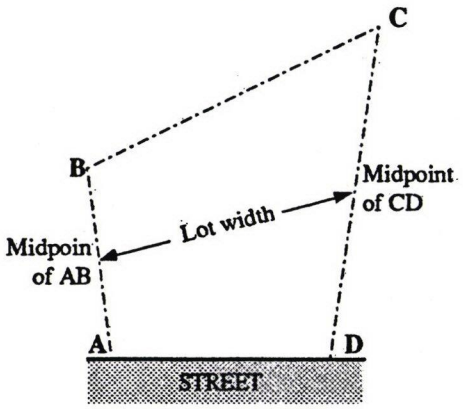
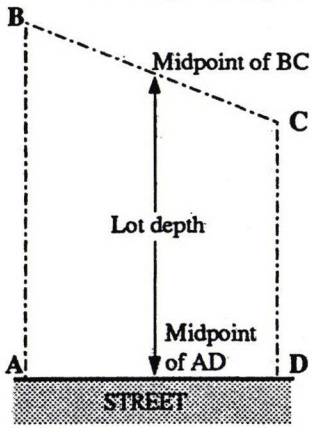


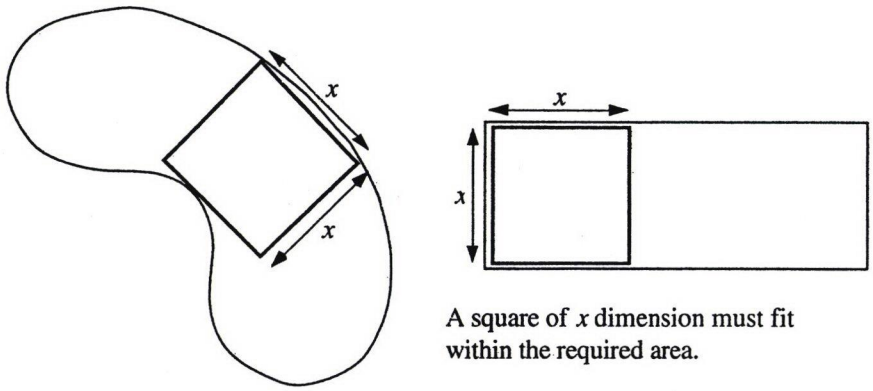
Figure 930-15
Measuring Lot Depth



33.930.110 Measuring Areas with Squares of Specified Dimensions

Required areas (for example, required usable outdoor areas in residential zones and the industrial zone lot standards) must be of a sufficient size and configuration so that a square measuring X by X can be placed totally within the required area. The dimensions of the square are stated in the base zone chapters. See Figure 930-16.

Figure 930-16
Using Squares With Specified Dimensions



A square of *x* dimension must fit within the required area.

33.930.120 Setback Averaging

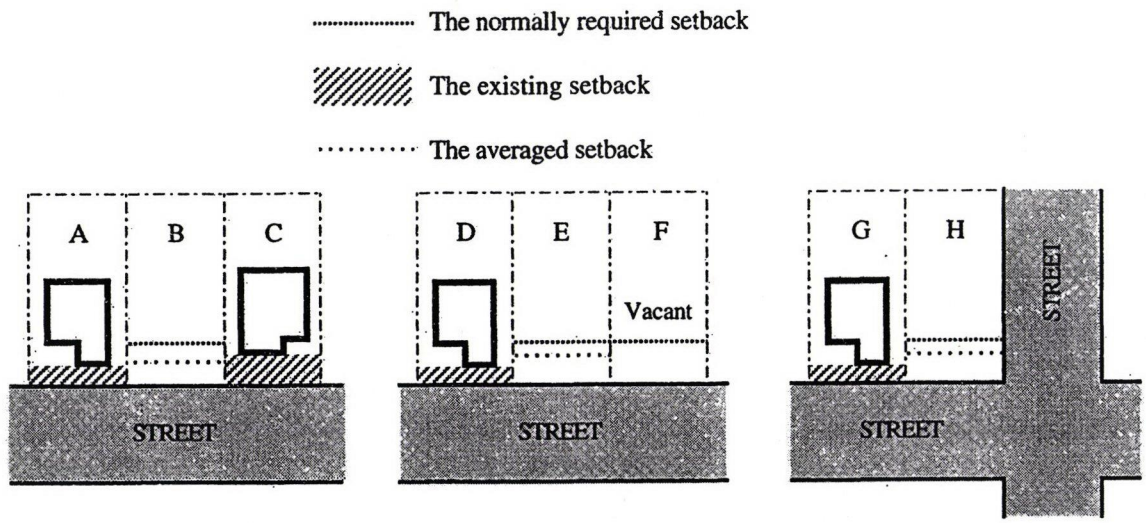
Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 930-17. The following rules apply in calculating the average:

A. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only garage entrance setbacks can be used to average a garage entrance setback.

B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.

C. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the nonvacant lot and the required setback for the zone.

Figure 930-17
Setback Averaging



Setback for lot B is the average of the existing setbacks for lots A and C.

Setback for lot E is the average of the existing setback for lot D and the required setback for lot F.

Setback for lot H is the average of the existing setback for lot G and the required setback for lot H along the same street.

33.930.130 Measuring Tree Diameter

(Added by Ordinance #168698, effective 4/17/95)

Tree diameter is measured at a height of 5 feet above the ground. Trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 5 feet, the trunk is measured at its most narrow point below the split.