Portland Zoning Code

January 1, 2003

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City of Portland Zoning Code

DATE OF THIS CODE: January 1, 2003

Including changes effective: June 30, 2002 – December 31, 2002

Effective Date	Project	Ordinance #
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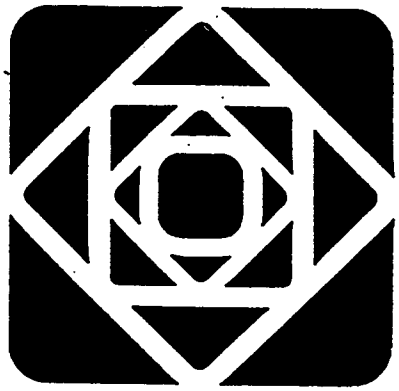
July 1, 2002	Land Division Code Rewrite (and corrections)	175965, 176333
July 31, 2002	Marquam Hill Plan District	176742
July 20, 2002	Historic Resources Code Amendments – Phase 1	176587
September 6, 2002	Willamette Title 3 – Water Quality – readoption	176784
December 14, 2002	Transportation System Plan	177028

Date Stamp – 1/1/03

For changes made prior to January 1, 2002 see 1/1/91, 1/1/93, 1/1/94, 1/1/95, 1/1/96, 1/1/97, 1/1/98, 1/1/99, 1/1/00, 1/1/01 and 1/1/02 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 The 1959 code has served us well, but over time it has become outdated and burdened by amendments.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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CN1	Neighborhood Commercial 1	33.130
CN2	Neighborhood Commercial 2	33.130
CO1	Office Commercial 1	33.130
CO2	Office Commercial 2	33.130
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CX	Central Commercial	33.130
EG1	General Employment 1	33.140
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EX	Central Employment	33.140
IG1	General Industrial 1	33.140
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INTRODUCTION

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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 nine groups, or series of chapters. The first series, called the Introduction, contains some basic information on the legal framework of the code and this guide on how to use the code. The eight remaining series are summarized below.

This code is used in conjunction with other City Titles; many service and technical requirements are contained in other Titles.

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.

Land Divisions and Planned Developments (600 series). The 600 series contains the regulations for dividing land and for Planned Developments. Within this series are four groups of chapters:

Chapters 33.605 through 33.615 address lot dimensions for all zones, and density for the single-dwelling zones and for the multi-dwelling zones when single-dwelling development is proposed.

Chapters 33.630 through 33.641 contain special regulations for lands subject to flood or landslide; the regulations for tree preservation, solar access, clearing and grading, phased plans and staged Final Plats, required recreation area, seeps and springs, traffic impact studies, and tracts and easements.

Chapters 33.651 through 33.654 are the regulations for services and utilities. These chapters are intended to tie together all of the requirements for services and utilities, many of which are found in other City Titles, manuals, and guides.

Chapters 33.660 through 33.664 include the information on reviews of each phase of a Land Division, including the procedure types and approval criteria. Chaper 33.665 addresses review of Planned Developments, Chapter 33.667 contains the regulations for Property Line Adjustments and Chapter 33.668 contains the regulations for amending an approved PUD.

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.

Determining the Land Division Regulations for a Specific Site
To determine the Land Division 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. This will tell you which chapters to look at in this Title; the 100s and 600s are organized by zone. The Zoning Map 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. All of these regulations will tell you what uses are allowed, what housing types may be considered, and what development regulations affect your site. Some of these development regulations will help you determine how to design your Land Division.

In the 600 series of chapters, you should first look in Chapters 33.605 through 33.615 for the zone of your site; these chapters contain the regulations on density and lot dimensions. Then review Chapters 33.630 through 33.641: Chapters 33.630, Tree Preservation, 33.635, Clearing and Grading, 33.636, Tracts and Easements, and 33.640, Seeps and Springs apply to all Land Divisions. Chapter 33.639, Solar Access applies to land divisions where single-dwelling detached development is proposed. Chapters 33.631 and 33.632 apply only to sites that may be subject to flood or landslide; City maps can help you determine if your land may be subject to these hazards. Chapters 33.633, Phased Plans and Staged Final Plats apply to proposals that include those elements, while Chapter 33.634 only applies to sites where a recreation area is required. A traffic impact study may be required as per 33.641. Chapter 33.638 includes the regulations for Planned Developments.

Chapters 33.651 through 33.654 contain the regulations for services that apply to land divisions. Finally, Chapters 33.660 through 33.667 will tell you what reviews are needed for your Land Division, Planned Development, or Property Line Adjustment, and what standards and approval criteria must be met for your request to be approved.

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

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

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

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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, environmental, and scenic resource overlay 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;

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

4. Proposals for park-and-ride facilities for mass transit.

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 33, Planning and Zoning. 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 Bureau of Planning 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

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

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; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02.)

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 and enhance public and private open, natural, and improved park and recreational 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;
- Preserving the capacity and water quality of the stormwater drainage system; and
- Providing pedestrian and bicycle transportation connections.

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	L/CU [6]
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.

6. Basic Utilities. This regulation applies to all parts of Table 100-1 that have note [6]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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 minimum and maximum setbacks are 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 110-7 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 one additional foot for each additional foot of fence height over 8 feet. A fence within 30 feet of a street lot line may not be more than 10 percent sight obscuring.

D. Reference to other regulations.

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

2. Fence materials regulated by other bureaus. Electrified fences are regulated by Section 26.04.150 of Title 26, Electrical Regulations. The use of barbed wire is regulated by the Police Bureau, under Title 14.

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 Title 32, Signs and Related Regulations.

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; Ord. No. 173533, effective 7/31/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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
33.110.212 Validation of Lots and Lots of Record
33.110.215 Height
33.110.220 Setbacks
33.110.225 Building Coverage
33.110.230 Main Entrances in R10 through R2.5 Zones
33.110.232 Street-Facing Facades in R10 through R2.5 Zones
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 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
33.110.282 Trees
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.

A. Use regulations. The use 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.

B. Development standards. The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to 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.

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.

5. Basic Utilities. This regulation applies to all parts of Table 110-1 that have note [5]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

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 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.

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	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
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.

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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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 used during a land division or Planned Development Review.

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.

C. Minimum density. The minimum density standards for the RF through R5 zones are in Section 33.610.100, Density Standards. The minimum density standards for the R2.5 zone are in Section 33.611.100, Density Standards.

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 & E)	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.E)	No	Yes	Yes	Yes	Yes	Yes
On transitional lots (See 33.110.240.H)	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
Attached Duplexes	Only in Planned Developments, See Chapter 33.638.					
Group structure	Only when in conjunction with an approved conditional use.					
Multi-dwelling structure	Only in Planned Developments, See Chapter 33.638					

Yes = allowed; No = prohibited.

33.110.212 Validation of Lots and Lots of Record

A. Purpose. The regulations of this section allow for development on lots and lots of record, but do not legitimize plots which were divided after subdivision and partitioning regulations were established. The regulations also allow development on lots which were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.

B. Lots. The regulations of this subsection apply to lots.

1. Lots created on or after July 26, 1979. Development that meets the regulations of this Title is allowed on lots, or combinations of lots, created on or after July 26, 1979.

2. Lots created before July 26, 1979. The following regulations apply to lots created before July 26, 1979:

   a. Development that meets the regulations of this Title is allowed on lots, or combinations of lots, that meet the minimum size requirements of Table 110-4, except in the West Portland Park subdivision. Development may be allowed on lots that do not meet the minimum size requirements of Table 110-4 through Validation Review; see Chapter 33.854.

   b. In the West Portland Park subdivision, development that meets the regulations of this Title is allowed on lots, or combinations of lots, that meet the minimum size requirements of Table 110-5. Development may be allowed on lots that do not meet the minimum size requirements of Table 110-5 through Validation Review; see Chapter 33.854.

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)	1 unit per 87,120 sq. ft. [2]	1 unit per 20,000 sq. ft. [2]	1 unit per 10,000 sq. ft. [2]	1 unit per 7,,000 sq. ft. [2]	1 unit per 5,000 sq. ft. [2]	1 unit per 5,000 sq. ft. [2]	1 unit per 2,500 sq. ft. [2]
Maximum Height (See 33.110.215)	30 ft. [3]	30 ft. [3]	30 ft. [3]	30 ft. [3]	30 ft. [3]	35 ft. [3]	35 ft. [3]
Minimum Setbacks							
- Front building setback	20 ft.	20 ft.	20 ft.	15 ft.	10 ft.	10 ft.	10 ft.
- Side building setback [4] [5] [9]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.[6]
- Rear building setback [4] [9]	10 ft.	10 ft.	10 ft.	5 ft.	5 ft.	5 ft.	5 ft.
- Garage entrance setback [4] [7] (See 33.110.220)	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.	18 ft.
Required Outdoor Area							
- Minimum area	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	250 sq. ft.	200 sq. ft.
- Minimum dimension [8] (See 33.110.235)	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	12 ft. x 12 ft.	10 ft. x 10 ft.

Notes:
[1] These standards may be superseded by the regulations of an overlay zone or plan district.
[2] See 33.610 and 33.611 for more information on calculating maximum density.
[3] Some lots may be subject to a different height standard. See 33.110.215.B.
[4] No setback is required from a lot line abutting an alley.
[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 33.110.250.E and the applicable front, side, or rear building setbacks.
[8] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.
[9] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.110.220.D.6.

Table 110-4
Minimum Dimensions for Valid Lots and Lots of Record

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

Table 110-5
Minimum Dimensions for Valid Lots and Lots of Record in West Portland Park

Standard	RF through R10	R7	R5
Lot Area	Same requirements as Table 110-4	7,000 sq. ft.	5,000 sq. ft.
Lot Width		No Minimum	No Minimum
Lot Depth		No Minimum	No Minimum

3. Lots reduced by condemnation or required dedication for right-of-way.

   a. Development that meets the regulations of this Title is allowed on lots, or combinations of lots, that did meet the minimum size requirements of Table 110-4 in the past, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way, except in the West Portland Park subdivision.

   b. In the West Portland Park subdivision, development that meets the regulations of this Title is allowed on lots, or combinations of lots, that did meet the minimum size requirements of Table 110-5 in the past, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

C. Lots of record. The regulations of this Subsection apply to lots of record.

1. Development that meets the regulations of this Title is allowed on lots of record, or combinations of lots of record, that meet the minimum size requirements of Table 110-4, except in the West Portland Park subdivision. Development may be allowed on lots of record that do not meet the minimum size requirements of Table 110-4 through Validation Review; see Chapter 33.854.

2. In the West Portland Park subdivision, development that meets the regulations of this Title is allowed on lots of record, or combinations of lots of record, that meet the minimum size requirements of Table 110-5. Development may be allowed on lots of record that do not meet the minimum size requirements of Table 110-5 through Validation Review, see 33.854.

3. Lots of record reduced by condemnation or required dedication for right-of-way.

   a. Development that meets the regulations of this Title is allowed on lots of record, or combinations of lots of record, that did meet the minimum size requirements of Table 110-4 in the past, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way, except in the West Portland Park subdivision.

   b. In the West Portland Park subdivision, development that meets the regulations of this Title is allowed on lots of record, or combinations of lots of record, that did meet the minimum size requirements of Table 110-5 in the past, but were reduced below one or more of those requirements solely because of condemnation or required dedication by a public agency for right-of-way.

D. Plots. Development is prohibited on plots that are not lots, lots of record, or tracts.

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.

1. Generally. 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.

2. Exception. The maximum height allowed for all structures is 1.2 times the width of the structure in the following situations:

   a. On lots in the R10 through R5 zones that do not meet the minimum lot width requirement of 33.610.200.D.1, and were created by a land division submitted after July 1, 2002; and

   b. On lots in the R2.5 zones that do not meet the minimum lot width requirement of 33.611.200.C.1, and were created by a land division submitted after July 1, 2002.

   For the purposes of this Paragraph, width is the length of the street-facing façade of the dwelling unit. See Figure 110-1. Modifications are allowed through Planned Development Review, see Chapter 33.638, Planned Development. Adjustments to this paragraph are prohibited.

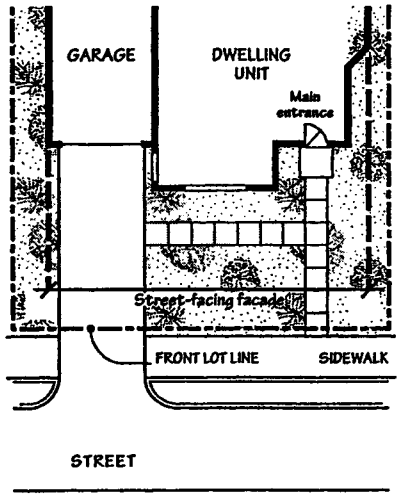
C. Exceptions to the maximum height.

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.

Figure 110-1
Width of Street-Facing Façade



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 features of a building such as eaves, chimneys, fire escapes, bay windows, and uncovered 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. Bays and bay windows extending into the setback also must meet the following requirements:

   a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

   b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

   c. Bays and bay windows must cantilever beyond the foundation of the building; and

   d. The bay may not include any doors.

2. Accessory structures. The setback standards for 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, garage entrance setback, and the setback of decks, balconies, and porches 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 building setback along the flag pole lot line to 3 feet. Eaves may be within 2 feet of the flag pole lot line. All other setback requirements remain the same.

3. Environmental zone. The front building setback may be reduced to zero where any portion of the site is in an environmental overlay zone.

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 110-2 and 110-3.

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 110-2 and 110-3.

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 110-2 and 110-3.

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 existing wall within the required setback is at least 60 percent of the width of the respective facade of the existing 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 110-4. 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.

6. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

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

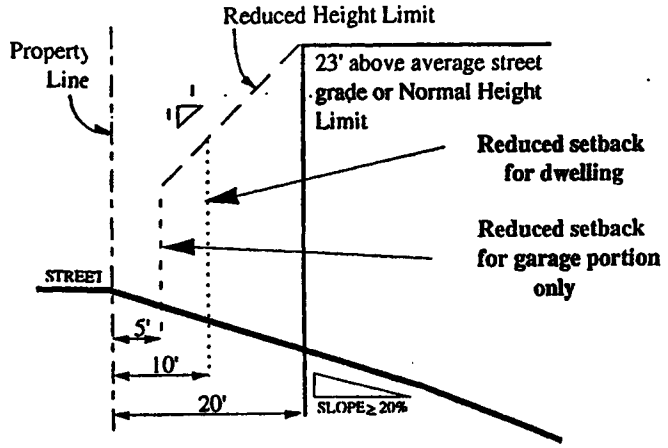


Figure 110-3
Exceptions To Front Building Setback
And Garage Entrance Setback—Uphill

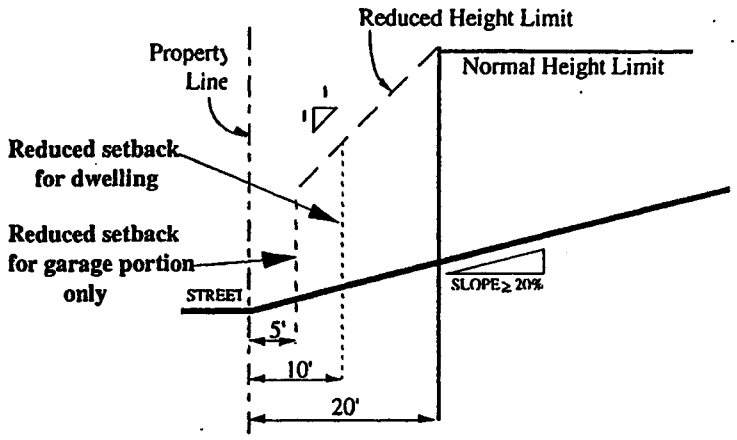
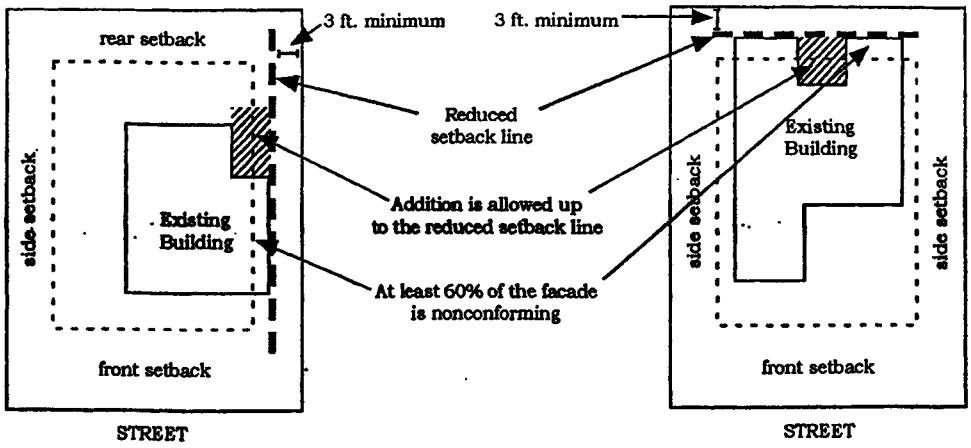


Figure 110-4
Established Building Lines



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.

B. Building coverage standards. The maximum combined building coverage allowed on a site for all covered structures is stated in Table 110-6.

Table 110-6
Maximum Building Coverage Allowed in the RF through R2.5 Zones

Lot Size	Maximum Building Coverage
Less than 2,500 sq. ft.	50% of lot area
2,500 sq. ft or more but less than 5,000 sq. ft.	1,250 sq. ft. + 40.04% of lot area over 2,500 sq. ft.
5,000 sq. ft. or more but less than 7,000 sq. ft.	2,250 sq. ft + 6.67% of lot area over 5,000 sq. ft.
7,000 sq. ft. or more but less than 10,000 sq. ft.	2,450 sq. ft. + 18.33% of lot area over 7,000 sq. ft.
10,000 sq. ft or more but less than 20,000 sq. ft.	3,000 sq. ft. + 20% of lot area over 10,000 sq. ft.
20,000 sq. ft. or more but less than 87,120 sq. ft.	5,000 sq. ft. + 5.53% of lot area over 20,000 sq. ft.
87,120 sq. ft. or more	8,712 sq. ft. + 10% of lot area over 87,120 sq. ft.

33.110.230 Main Entrances in R10 through R2.5 Zones

A. Purpose. These standards:

- Together with the street-facing façade and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

B. Where these standards apply.

1. The standards of Subsection C apply to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones;

2. The standard of Subsection D applies to the following:

   a. Attached houses on lots in the R10 through R5 zones that do not meet the minimum lot width requirement of 33.610.200.D.1, and were created by a land division submitted after July 1, 2002; and

   b. Attached houses on lots in the R2.5 zone that do not meet the minimum lot width requirement of 33.611.200.C.1, and were created by a land division submitted after July 1, 2002.

3. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;

4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards; and

5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

C. Location. At least one main entrance for each structure must:

1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

2. Either:

   a. Face the street. See Figure 110-5;

   b. Be at an angle of up to 45 degrees from the street; or

   c. Open onto a porch. See Figure 110-6. The porch must:

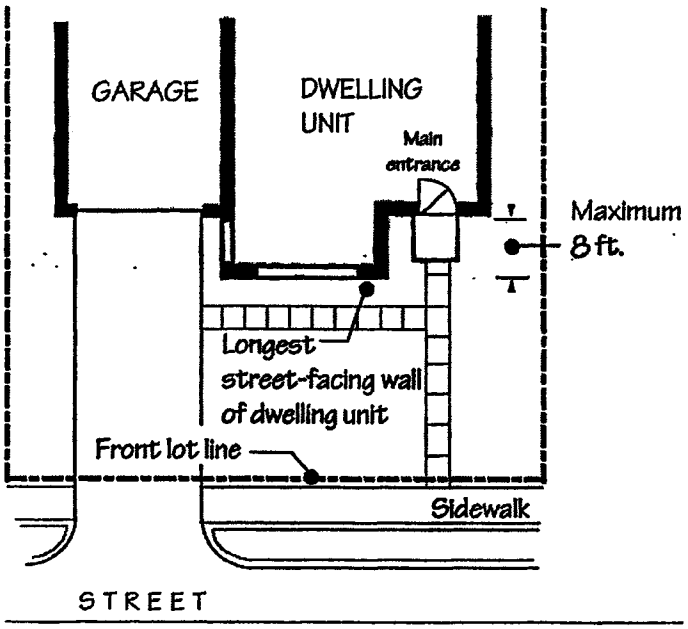
      (1) Be at least 25 square feet in area;

      (2) Have at least one entrance facing the street; and

      (3) Have a roof that is:

      - No more than 12 feet above the floor of the porch; and
      - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

Figure 110-5
Main Entrance Facing the Street



D. Distance from grade. The main entrance that meets Subsection .C, above, must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured along the foundation of the longest street-facing wall of the dwelling unit. See Figure 110-7. Modifications to this standard are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

Figure 110-6
Main Entrance Opening onto a Porch

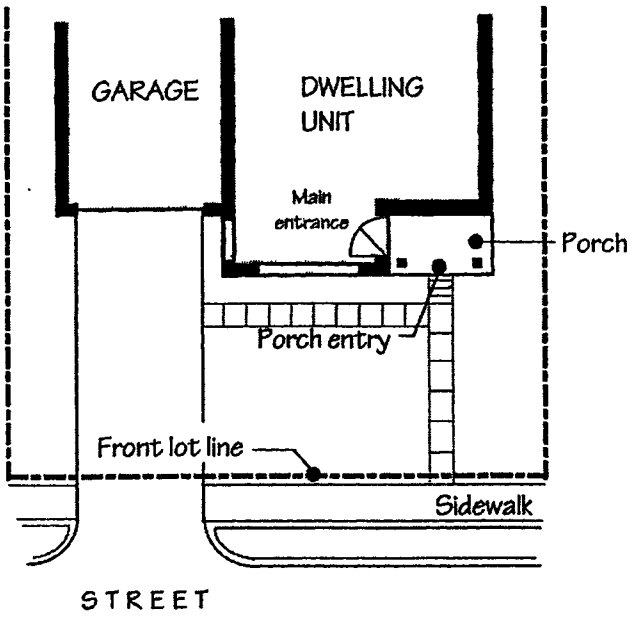
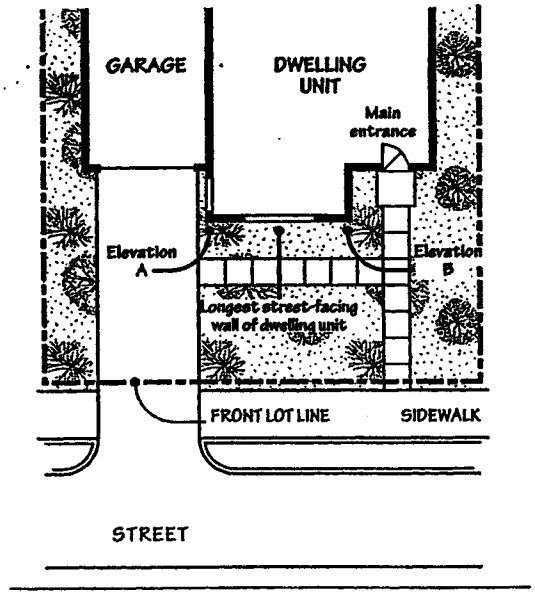


Figure 110-7
Calculation of Grade:
(Elevation A + Elevation B) / 2



33.110.232 Street-Facing Facades in R10 through R2.5 Zones

A. Purpose. This standard:

- Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
- Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
- Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

B. Where this standard applies. The standard of this section applies to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard. In addition, subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

C. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

33.110.235 Required Outdoor Areas

A. Purpose. The required outdoor areas standards assure opportunities in the single-dwelling zones for outdoor relaxation or recreation. The standards work with the maximum building coverage standards to ensure 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 boxes, 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 superseded 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 dimensions. Each attached house must be on a lot that complies with the lot dimension standards for new lots in the base zone stated in Chapter 33.610, Lots in RF through R5 Zones.

   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 110-8.

   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 Planned Development.

   d. Landscape standards. The following landscape standards must be met on lots in the R10 through R5 zones that do not meet the minimum lot width standard of 33.610.200.D.1, and were created by a land division submitted after July 1, 2002. Modification of these standards is allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

(1) All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

(2) Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios.

2. R2.5 zone.

a. Density and lot size. The density requirements of the base zone and the minimum lot dimension standard stated in Chapter 33.611, Lots in the R2.5 Zone, apply.

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 110-8.

d. Landscape standards. The following landscape standards must be met on lots in the R2.5 zone that do not meet the minimum lot width standard of 33.611.200.C.1, and were created by a land division submitted after July 1, 2002. Modification of these standards is allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited:

(1) All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and

(2) Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use, or for use by pedestrians. Examples include walkways, play areas, or patios.

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.

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.

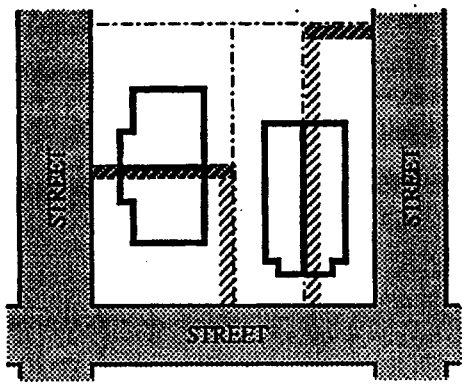
4. Additions. Additions to the house may be made, but the building must comply with the height, building setback, building coverage, and required outdoor area requirements of the base zone, overlay zone, or plan district.

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.

Figure 110-8
Side and Rear Setbacks on Corner 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

E. 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.

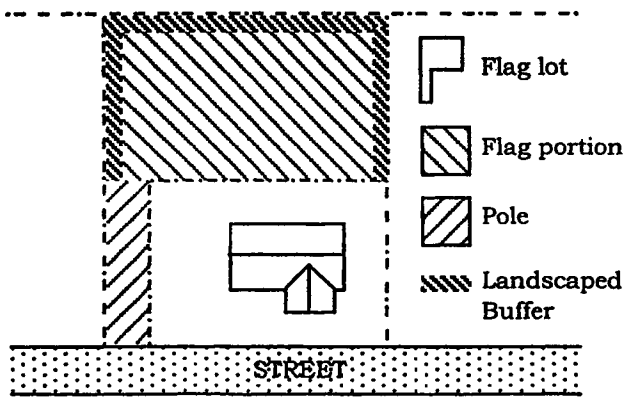
F. Flag lot development standards. The following standards apply to development on flag lots:

1. 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	10 feet

2. Landscaped buffer area. In the R7 through R5 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 110-9.

Figure 110-9
Flag Lot Description and Buffer



G. Planned development. See Chapter 33.638, Planned Developments.

H. 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 dimensions. Lots must comply with the lot dimension standard for new lots in the base zone listed in Chapters 33.610 and 33.611.

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 entire project, rather than to each individual lot.

I. 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 110-10. 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.

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.

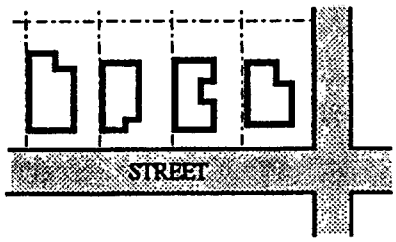
   a. Distance between houses. The minimum distance between all buildings in the development must be equal to twice the required side building setback standard of the base zone. A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.

   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 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.

Figure 110-10
Zero Lot Line Development



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 110-8. 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. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of subsections 33.130.215.B.2.a. through d.

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

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 110-8, 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 L3 landscaping standard of Table 110-5 and are exempt from the setback standard of Paragraph 4, above.

8. 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.

9. Pedestrian standards. The on-site pedestrian circulation system must meet the standards of Section 33.120.255, Pedestrian Standards.

Table 110-7
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]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District	10 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 Title 32, Signs and Related Regulations

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 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.

33.110.250 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 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 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. Front setback standard. Mechanical structures are not allowed in required front building setbacks.

   c. Side and rear setback standard. Mechanical structures are allowed in side and rear building setbacks if the following are met:

      (1) They are in a fully enclosed building; and

      (2) The building is no more than 6 feet high.

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. Sign regulations are in Title 32, Signs and Related Regulations.

   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.

      (1) Minor projection allowed. Uncovered decks, stairways, and wheelchair ramps that are more than 2-1/2 feet above the ground, and are attached to a building, may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line.

      (2) Full projection allowed. The following structures are allowed in required building setbacks, as follows:

         - Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks;

         - On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation are allowed in all building setbacks; and

         - Stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building are allowed in street setbacks.

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 and additional regulations for garages in Subsection E., below.

D. Building coverage for detached covered accessory structures.

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

2. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

E. Special standards for garages.

1. Purpose. These standards:

   - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
   - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
   - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
   - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
   - Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Existing detached garages.

   a. Rebuilding. A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. The garage walls may be up to 10 feet high, excluding the portion of the wall within a gable. The rebuilt garage is not required to comply with other standards of this chapter except for building height.

   b. Additions. An addition may be made to a detached garage that is nonconforming due to its location in a setback as follows:

      (1) The expanded garage complies with all other standards of this chapter; or

(2) The combined size of the existing foundation and the addition is no larger than 12 feet wide by 18 feet deep. The walls of the addition may be up to 10 feet high, excluding the portion of the wall within a gable. The expanded garage is not required to comply with other standards of this chapter except for building height.

3. Side and rear setbacks. In the R7, R5 and R2.5 zones, detached garages are allowed in the side and rear building setbacks 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 that do not exceed 24 feet by 24 feet;

   c. The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

   d. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

4. Length of street-facing garage wall.

   a. Where these regulations apply.

      (1) Generally. Unless exempted by Subparagraph E.4.b, below, the regulations of this Paragraph apply to garages accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones.

      (2) The standard of Subsubparagraph E.4.c(1), below, applies to garages on lots that were created by a land division submitted after July 1, 2002, and:

      - Are in the R10 through R5 zone and do not meet the minimum lot width standard of 33.610.200.D.1; or

      - Are in the R2.5 zone and do not meet the minimum lot width standard of 33.611.200.C.1.

      For these lots, modifications to the standards of this paragraph are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

      (3) The standards of Subsubparagraph E.4.c(1) and (2), below, apply to garages on all lots other than those described in E.4.a(2), above.

   b. Exemptions.

      (1) Garages that are accessory to development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this paragraph.

      (2) Garages in subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this paragraph.

(3) On corner lots, only one street-facing garage wall must meet the standards of this paragraph.

c. Standards.

(1) Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 110-11. For attached houses on lots described in E.4.a(2), above, this standard applies to the combined length of the street-facing façades of each unit. For all other lots and structures, the standards apply to the street-facing façade of each unit.

(2) Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 110-12.

- Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or

- A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

5. Street lot line setbacks.

a. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard. In addition, subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

b. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-13. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

c. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

(1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

(2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 110-14. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;

- The porch must have a solid roof; and

- The roof may not be more than 12 feet above the floor of the porch.

Figure 110-11
Length of Street-Facing Garage Wall

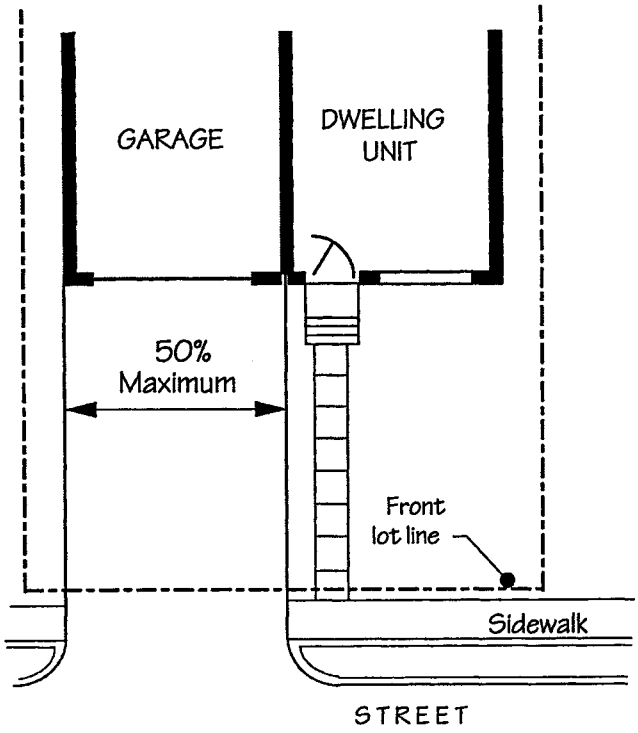


Figure 110-12
Length of Street-Facing Garage Wall Exception

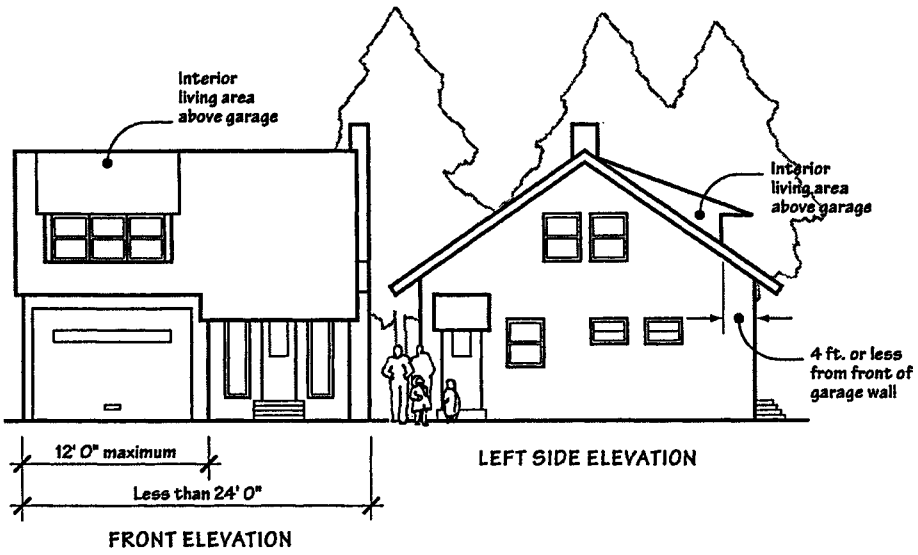


Figure 110-13
Street Lot Line Setback

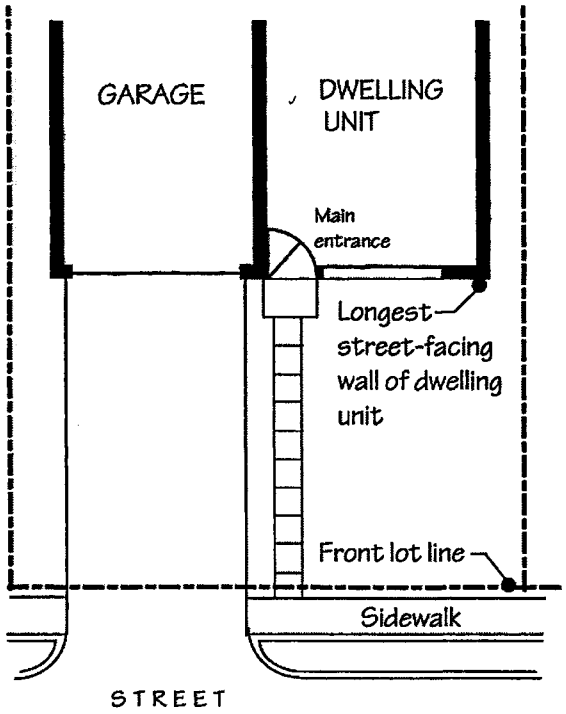
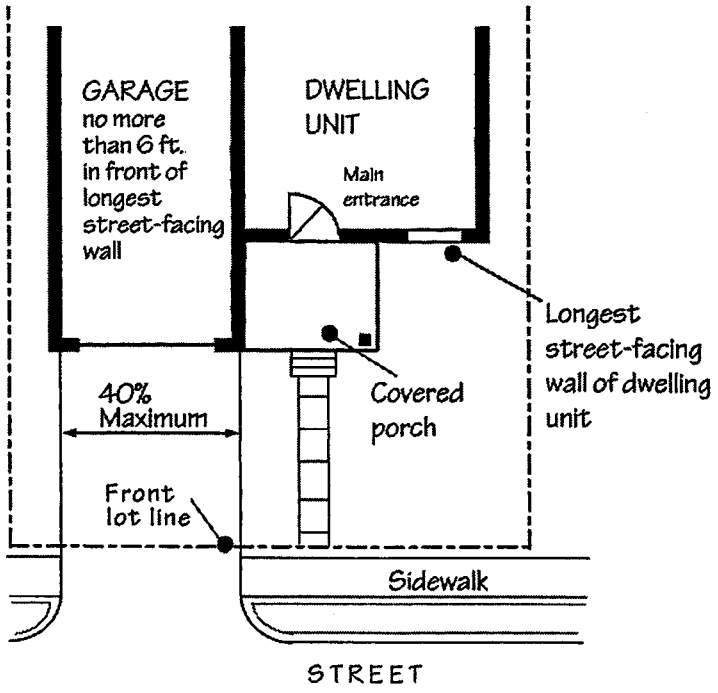


Figure 110-14
Garage Front Setback Exception



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

2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.

3. Not in building setbacks. 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 Development Services, for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated by Section 26.04.150 of Title 26, Electrical Regulations. The use of barbed wire is regulated by the Police Bureau, under Title 14.

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 24.55.200 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

A. Access to parking. Vehicle access to a lot must be from an alley under the following conditions. Modifications to this standard are allowed through Planned Development Review. See Chapter 33.638, Planned Development. Adjustments are prohibited.

1. The lot abuts an alley;

2. The lot was created by a land division submitted after July 1, 2002; and

3. The lot is either:

   a. The lot is in the R10 through R5 zones and does not meet the minimum lot width standard of 33.610.200.D.1; or

   b. The lot is in the R2.5 zone and does not meet the minimum lot width standard of 33.611.200.C.1.

B. Parking and loading. For all other parking and loading regulations, see Chapter 33.266, Parking and Loading.

33.110.280 Signs

The sign regulations are stated in Title 32, Signs and Related Regulations.

33.110.282 Trees

A. Purpose. The purpose of the tree standard is to maintain and add to Portland's tree canopy and to enhance the overall appearance of single-dwelling development. Trees are an integral aspect of the Portland landscape and add to the livability of Portland. They provide aesthetic and economic value to property owners and the community at large. Trees help to:

- reduce stormwater run-off by intercepting and transpiring precipitation;
- help to reduce summer temperatures by providing shade;
- buffer noise;
- stabilize slopes;
- provide oxygen;
- clean the air; and
- provide wind protection in winter.

B. Minimum tree standard. New development must meet the T1 standard of Chapter 33.248, Landscaping and Screening. Adjustments to this standard are prohibited.

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; Ord. No. 173533, effective 7/31/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

General
- 33.120.010 Purpose
- 33.120.020 List of the Multi-Dwelling Zones
- 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

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- 33.120.205 Density
- 33.120.210 Lot Size
- 33.120.215 Height
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- 33.120.225 Building Coverage
- 33.120.230 Building Length
- 33.120.231 Main Entrances
- 33.120.232 Street-Facing Facades
- 33.120.235 Landscaped Areas
- 33.120.237 Trees
- 33.120.240 Required Outdoor Areas
- 33.120.250 Screening
- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- 33.120.265 Amenity Bonuses
- 33.120.270 Alternative Development Options
- 33.120.275 Development Standards for Institutions
- 33.120.277 Development Standards for Institutional Campuses in the IR Zone
- 33.120.280 Accessory Structures
- 33.120.285 Fences
- 33.120.290 Demolitions
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- 33.120.300 Nonconforming Development
- 33.120.305 Parking and Loading
- 33.120.310 Signs
- 33.120.315 Street Trees

Supplemental Information
- Map 120-1 Park Block Frontage
- Maps 120-2 through 120-30 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.

A. Use regulations. The use 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.

B. Development standards. The six multi-dwelling zones are distinguished primarily by density and development standards. The development standards work together 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 Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit 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 and transit 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. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. 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 District Collector streets, Transit Access 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.

   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 net building area of the development. More than 20 percent of the net building area used for Retail Sales And Service, or Office is prohibited; and

(3) The site must be located within 1,000 feet of a Transit Station.

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. Central City plan district. Retail Sales And Service and Office uses in the RX zone within the Central City plan district are exempt from the regulations of this paragraph, and are instead subject to regulations in Chapter 33.510, Central City Plan District

c. Commercial uses in new multi-dwelling development. Adjustments to the regulations of this subparagraph are prohibited.

(1) Limited uses.

- If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;

- If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.

(2) Conditional uses.

- If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;

- If the entire site is within 500 feet of a Transit Station, up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.

d. Commercial uses in existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met. Adjustments to the regulations of this subparagraph are prohibited:

(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and

(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.

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 Schools uses are allowed by right up to 20 percent of the net building area; or on the ground floor of a multi-dwelling development, whichever is greater. If Community Service and Schools uses are proposed for more than the ground floor and are over 20 percent of the net building area, then 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 or conditional use master 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 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 or conditional use master plan; and

    e. Institutional Office uses allowed as primary uses. 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 approved impact mitigation plan or conditional use master plan.

        (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 approved impact mitigation plan or conditional use master plan.

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.

14. Basic Utilities. This regulation applies to all parts of Table 120-1 that have note [14]. Basic Utilities that serve a development site are accessory uses to the primary use being served. All other Basic Utilities are conditional uses.

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.

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/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [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	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [14]	L/CU [13, 14]	L/CU [14]
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/CU [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.

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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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
Attached Duplex (See 33.120.270.D)	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. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site which bring the site closer to conformance without coming all the way into conformance.

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 or FAR. Density or FAR may be transferred from one site to another subject to the following:

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

2. Maximum increase in density or FAR. In the 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 of the receiving site is prohibited.

3. Development standards. Buildings on sites receiving transferred density or FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by paragraph E.2 above.

4. General standards for transfers of density or FAR.

    a. Except for transfers from the sites of Landmarks, the transfers may be only between lots within a block or between lots that would be abutting except for a right-of-way.

    b. Density or FAR from the site of a Landmark may be transferred to any site allowed by Paragraph 5 below, within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark.

5. Zoning.

   a. RX Zone. In the RX Zone:

      (1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;

      (2) Transfer of density or FAR to sites on the Park Block frontages, shown on Map 120-1, are prohibited;

      (3) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.

   b. RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH.

   c. R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.

6. Covenants. The property owner must execute a covenant with the City that 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.

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 for the base zone listed in Chapter 33.612, Lots in Multi-Dwelling Zones. 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. 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 or lots of record does not meet the lot size standards in Chapter 33.612, Lots in Multi-Dwelling Zones, the ownership may be separated if all requirements of this paragraph are met. Such lots and lots of record are legal.

a. There is a primary use on at least one of the lots or lots of record, and the use has existed since December 31, 1980. If none of the lots or lots of record have a primary use, they may not be separated; and

b. Lots or lots of record with a primary use on at least one of 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 Chapter 33.612, Lots in Multi-Dwelling Zones, 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 Chapter 33.612, Lots in Multi-Dwelling Zones, if both of the following are met:

1. The development is proposed for a lot or lot of record. Development on plots 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.

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 [3,4,14]
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area [5,7]	1 unit per 2,500 sq. ft. of site area [5,7]	1 unit per 1,450 sq. ft. of site area [5,6,7]	1 unit per 1,000 sq. ft. of site area [7]	1 unit per 500 sq. ft. of site area [7]	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft. [8]	25/65 ft. [4,15]	100 ft.	75 ft. [4]
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. [17] - Garage entrance setback [10] (See 33.120.220)	10 ft. - - - [16] 5-14 ft. [9] 18 ft.	10 ft. - - - [16] 5-14 ft. [9] 18 ft.	3 ft. - - - [16] 5-14 ft. [9] 5/18 ft.[11]	0 ft. 0 ft.[16] 5-14 ft. [9] 5/18 ft.[11]	0 ft. 0 ft.[16] 0 ft. 5/18 ft.[11]	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
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.[12]	100 ft [12]	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 - Minimum dimension [13] Combined areas: - Minimum area - Minimum dimension [13] (See 33.120.240)	 48 sq. ft. 6 ft. x 6 ft. 500 sq. ft. 15 ft. x 15 ft.	 48 sq. ft. 6 ft. x 6 ft. 500 sq. ft. 15 ft. x 15 ft.	 48 sq. ft. 6 ft. x 6 ft. 500 sq. ft. 15 ft. x 15 ft.	 none none none none	 none none none none	 none 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] If maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
[6] If the site is less than 10,000 sq. ft. in area, the minimum density is 1 unit per 2,000 sq. ft.
[7] The minimum density standards do not apply to conversions of existing residential structures.
[8] The 25 foot height limit applies only to the portion of a structure within 10 feet of a front property line.
[9] See Table 120-4.

[10] The walls of the garage structure are subject to 33.120.280.E and the applicable front, side, or rear building setbacks. This setback also applies to structured parking that does not allow exiting in a forward motion.
[11] 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.
[12] The 100 ft. limit applies only to the portions of a building located within 30 feet of a street property line.
[13] The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.
[14] 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.
[15] 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.
[16] 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.
[17] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.120.220.B.1.c.

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.

33.120.220 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 specified in this section. Transit street setbacks apply only to buildings. Setbacks for parking areas are in Chapter 33.266.

1. Exceptions to the required minimum building setbacks.

   a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the front building setback and the setback of decks, balconies, and porches may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Environmental zone. The required front building setback may be reduced to zero where any portion of the site is in an environmental overlay zone.

   c. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

2. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. The building setbacks on a transit street or in a Pedestrian District are as follows:

   a. Measurement.

      (1) Where an existing building that meets the standards of this paragraph is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 120-1 and 120-2.

      (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all the buildings. See Figures 120-3 and 120-4.

   b. Standards. There are two standards. Subparagraphs B.2.c. and d. specify where each standard applies:

      (1) Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

      (2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback.

Figure 120-1
Alteration to Existing Building in Conformance with Maximum Setback Standard

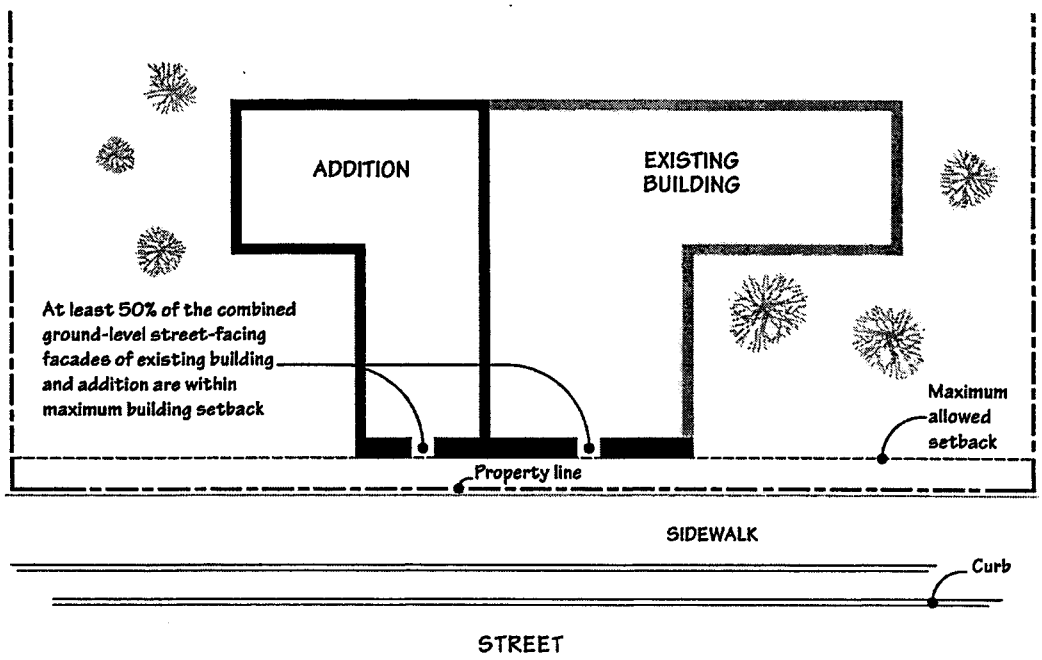
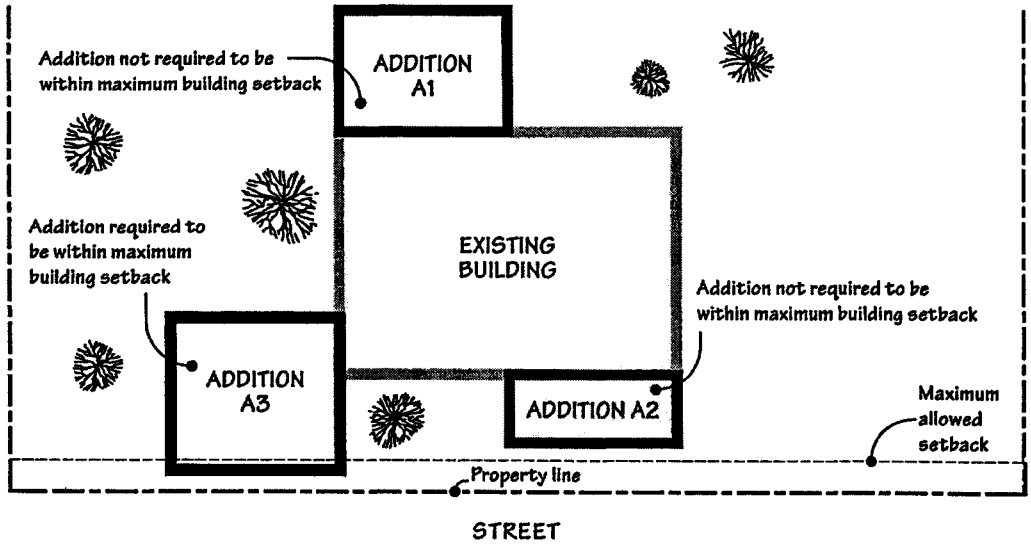


Figure 120-2
Alterations to Existing Building



Notes:
Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.
Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.
Addition A3. Because addition increases length of street facing facade, 100 percent of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 120-3
Calculating Maximum Building Setback When More Than One Building On Site

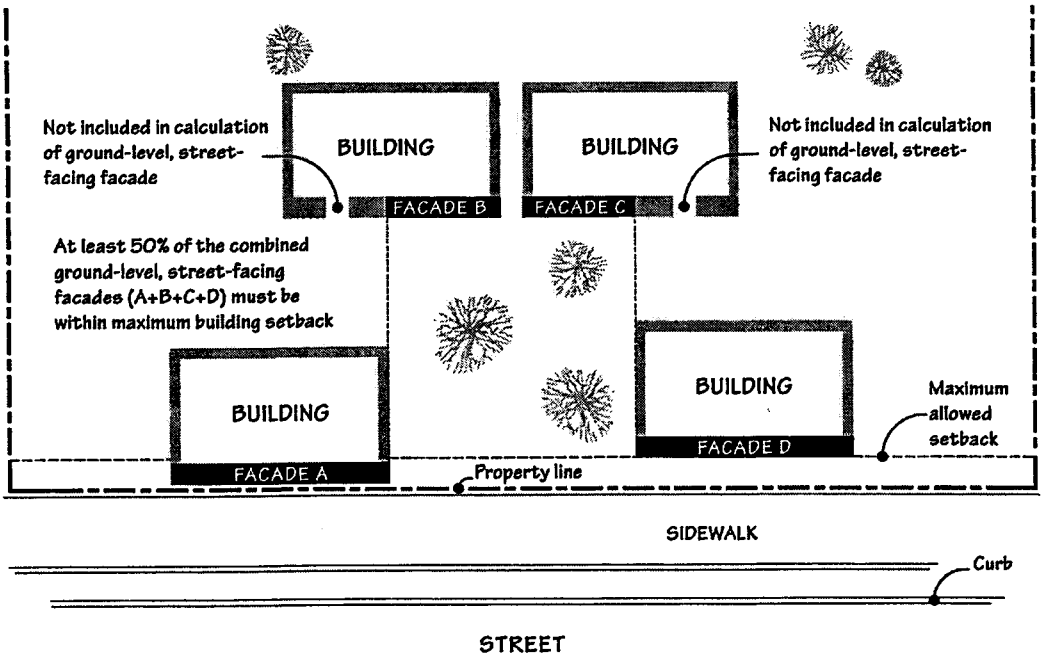
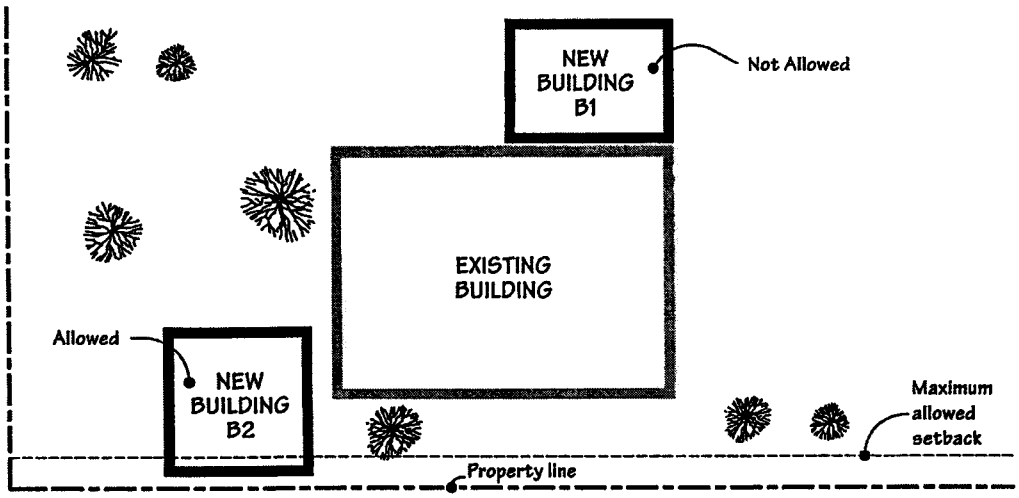


Figure 120-4
New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

c. Outside a Pedestrian District. Where the site is not in a Pedestrian District:

(1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;

(2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:

- Standard 1 must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;

- If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the street with the highest transit classification and the City Walkway;

(3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the street with the highest transit classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard;

d. In a Pedestrian District. Where the site is in a Pedestrian District:

(1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;

(2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, standard 1 must be met on the frontage of the transit street;

(3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;

(4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;

(5) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the street with the highest transit classification and any intersecting transit street:

- Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; and

- Standard 1 must be met on an intersecting transit street;

(6) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two of them are transit streets that do not intersect, the following standards must be met on the frontage of the street with the highest transit classification and one intersecting street:

- Standard 2 must be met on the frontage of the street with the highest transit classification. If both streets have the same transit classification, the applicant may choose on which street to meet the standard; and
- Standard 1 must be met on an intersecting street;

(7) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:

- Standard 2 must be met on the frontage of one street; and
- Standard 1 must be met on an intersecting street.

e. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.

C. Extensions into required building setbacks.

1. Minor features of a building, such as eaves, chimneys, fire escapes, bay windows, and uncovered 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. Bays and bay windows extending into the setback also must meet the following requirements:

   a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

   b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

   c. Bays and bay windows must cantilever beyond the foundation of the building; and

   d. The bay may not include any doors.

2. Accessory structures. The setback standards for 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 the portion of buildings located within 30 feet of a street lot line is stated in Table 120-3.

33.120.231 Main Entrances

A. Purpose. The main entrance standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

B. Where these standards apply. The standards of this section apply to houses, attached houses, manufactured homes, and duplexes in the multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards. In addition, subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

C. Location. At least one main entrance for each structure must:

1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

2. Either:

   a. Face the street. See Figure 120-5;

   b. Be at an angle of up to 45 degrees from the street; or

   c. Open onto a porch. See Figure 120-6. The porch must:

      (1) Be at least 25 square feet in area;

      (2) Have at least one entrance facing the street; and

      (3) Have a roof that is:

      - No more than 12 feet above the floor of the porch; and
      - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

33.120.232 Street-Facing Facades

A. Purpose. These standards:

- Together with the main entrance and garage standards, ensure that there is a visual connection between the living area of the residence and the street;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

B. Where these standards apply. The standards of this section apply to the street-facing facades of buildings that include any residential uses. The requirements of Paragraph B.1, below, apply to houses, attached houses, manufactured homes, and duplexes. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Paragraph B.1, below. The requirements of Paragraphs B.2 and B.3, below, apply to all other residential structures, including those that include more than one use. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.

1. Houses, attached houses, manufactured homes, and duplexes. At least 15 percent of the area of each façade that faces a street lot line must be windows or doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street property line. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

2. Other residential structures. At least 8 percent of the area of each facade that faces a street lot line must be windows.

3. 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.

Figure 120-5
Main Entrance Facing the Street

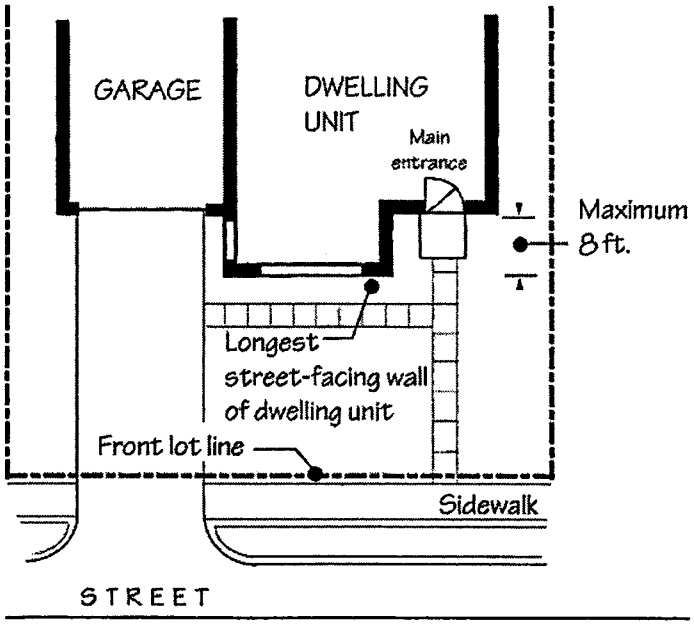
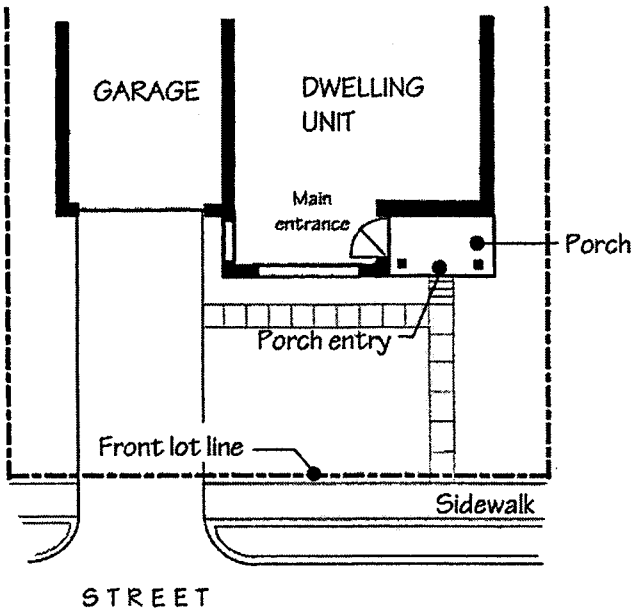


Figure 120-6
Main Entrance Opening Onto a Porch



33.120.235 Landscaped Areas

A. Purpose. The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the 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.

33.120.237 Trees

A. Purpose. The purpose of the tree standard is to maintain and add to Portland's tree canopy and enhance the overall appearance of single-dwelling development in multi-dwelling zones. Trees are an integral aspect of the Portland landscape and add to the livability of Portland. They provide aesthetic and economic value to property owners and the community at large. Trees help to:

- reduce stormwater run-off by intercepting and transpiring precipitation;
- help to reduce summer temperatures by providing shade;
- buffer noise;
- stabilize slopes;
- provide oxygen;
- clean the air; and
- provide wind protection in winter.

B. Minimum tree standard. New development must meet the T1 standard of Chapter 33.248, Landscaping and Screening. Multi-dwelling structures are exempt from this standard. Adjustments to this standard are prohibited. Trees provided to meet the requirements of Section 33.120.235, Landscaped Areas, may apply toward meeting this requirement.

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 by walls, fences, or vegetation that is at least 6 feet high and totally sight-obscuring. 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 boxes, 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 boxes, 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.

33.120.250 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 or improved right-of-way if there are no sidewalks. 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. Elevation changes and speed bumps must be at least 4 inches high.

   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 it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

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 5 or more units must provide for recycling collection areas as stated below:

A. Materials accepted. The recycling area must be set up to accept the following materials: newspapers, mixed waste paper, and at least three of the following items: glass containers (clear and green), corrugated cardboard, magazines, tin cans, and plastic bottles including milk jugs. A method of storing or containing the recyclable materials must be provided in the recycling area.

B. Size. For every 15 dwelling units, there must be a recycling area at least 7-1/2 feet by 6-1/2 feet. Recycling areas must be at least 8 feet high.

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. 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.

8. 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. See 33.612, Lots in Multi-Dwelling Zones, for lot size information.

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.

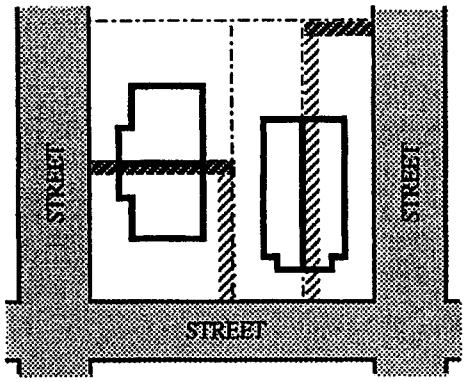
   c. Corner lots. On corner lots, either the rear setback or nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback. See Figure 120-7.

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 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.

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.

Figure 120-7
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

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 120-7.

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 Development. See Chapter 33.638, Planned Development.

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

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

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]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Setback Transit Street or Pedestrian District	10 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 Title 32, Signs and Related Regulations

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.

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. 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 C.2. 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 or an approved conditional use master 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 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 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 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. Front setback regulations. Mechanical structures are not allowed in a required front setback.

c. Side and rear setback regulations. Mechanical structures are allowed in side and rear building setbacks if the following are met:

(1) They are in a fully enclosed building; and

(2) The building is no more than 6 feet high.

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. Sign regulations are in Title 32, Signs and Related Regulations.

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.

(1) Minor projection allowed. Uncovered decks, stairways and wheelchair ramps that are more than 2-1/2 feet above the ground and are attached to a building, may extend into a required building setback up to 20 percent of the depth of the setback. However, they must be at least three feet from a lot line;

(2) Full projection allowed. The following structures are allowed in required building setbacks, as follows:

- Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks;

- On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation are allowed in all building setbacks; and

- Stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building are allowed in street setbacks.

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 and additional regulations for garages in Subsection E. below.

D. Building coverage for detached covered accessory structures.

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

2. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

E. Special standards for garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Existing detached garages.

a. Rebuilding. A detached garage that is nonconforming due to its location in a setback may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. The garage walls may be up to 10 feet high, excluding the portion of the wall within a gable. Except for building height, other standards of this chapter do not apply.

b. Additions. An addition may be made to a detached garage that is nonconforming due to its location in a setback as follows:

(1) The expanded garage meets all other standards of this chapter; or

(2) The combined size of the existing foundation and the addition is no larger than 12 feet wide by 18 feet deep. The walls of the addition may be up to 10 feet high, excluding the portion of the wall within a gable. Except for building height, other standards of this chapter do not apply.

3. Side and rear setbacks. In the R3 through RX zones, detached garages are allowed in the side and rear building setbacks 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 that do not exceed 24 feet by 24 feet;

c. The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable; and

d. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation.

4. Length of street-facing garage wall.

a. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added. Garages that are accessory to attached houses, development on flag lots, or development on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

b. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 120-8. On corner lots, only one street-facing garage wall must meet this standard.

c. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 120-9.

(1) Interior living area above the garage. The living area may be set back no more than 4 feet from the street-facing garage wall, or

(2) A covered balcony above the garage that is:

- At least the same length as the street-facing garage wall;
- At least 6 feet deep; and
- Accessible from the interior living area of the dwelling unit.

5. Street lot line setbacks.

a. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from this standard. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

b. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 120-10. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

c. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

(1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

(2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 120-11. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
- The porch must have a solid roof; and
- The roof may not be more than 12 feet above the floor of the porch.

Figure 120-8
Length of Street-Facing Garage Wall

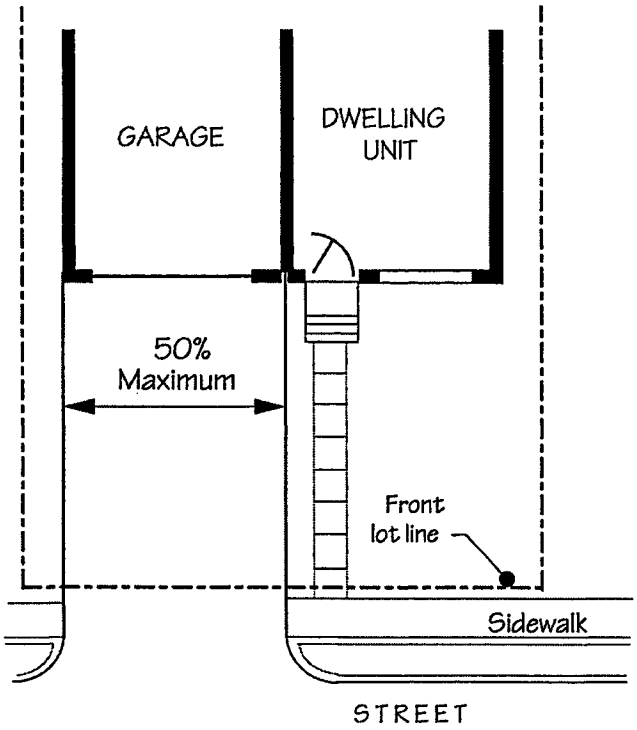


Figure 120-9
Length of Street-Facing Garage Wall Exception

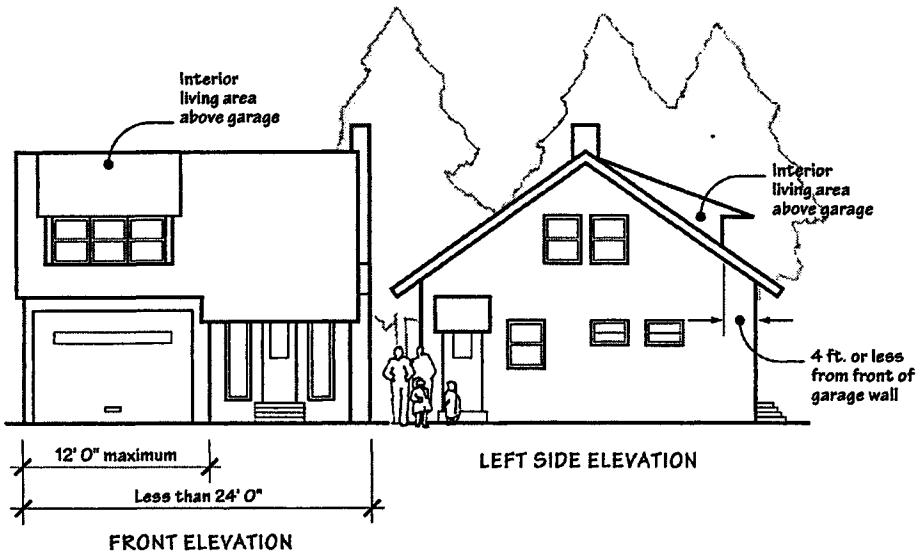


Figure 120-10
Street Lot Line Setback

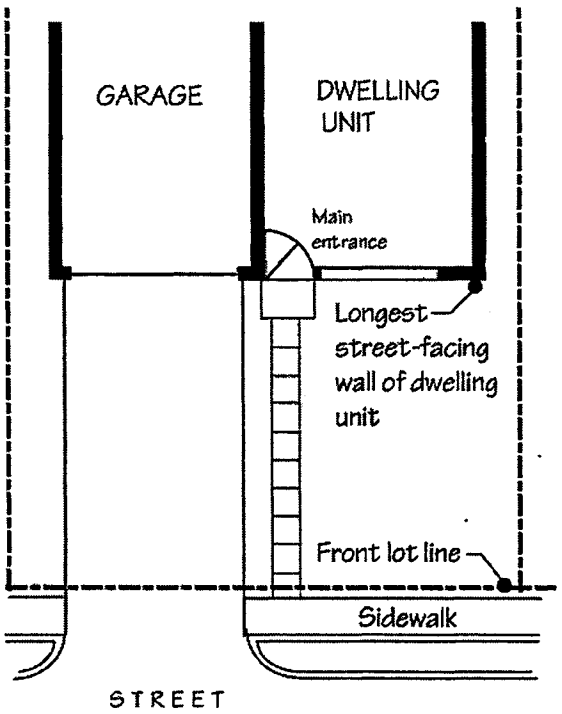
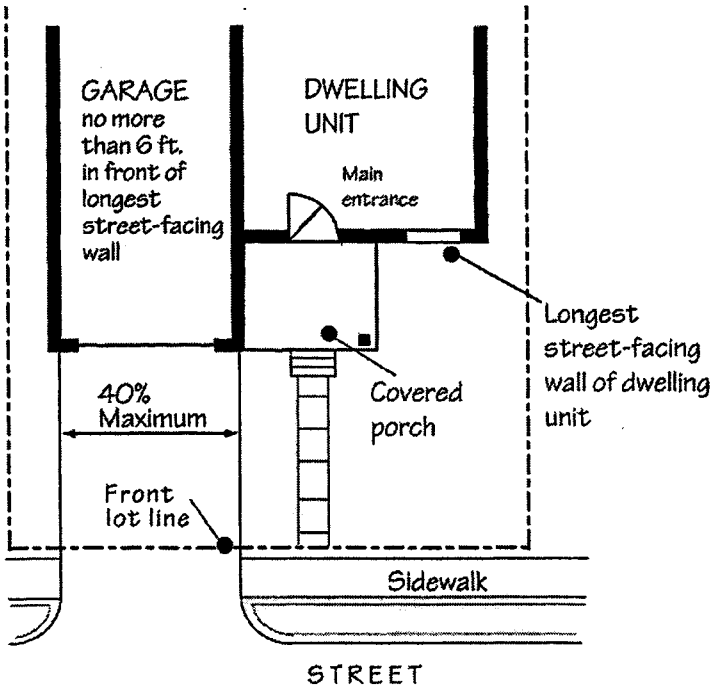


Figure 120-11
Garage Front Setback Exception



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. Street building setbacks.

   a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.

   b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.

2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.

3. Not in building setbacks. 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 Development Services, for fences over 6 feet in height.

2. Fence materials regulated by other bureaus. Electrified fences are regulated by Section 26.04.150 of Title 26, Electrical Regulations. The use of barbed wire is regulated by the Police Bureau, under Title 14.

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.

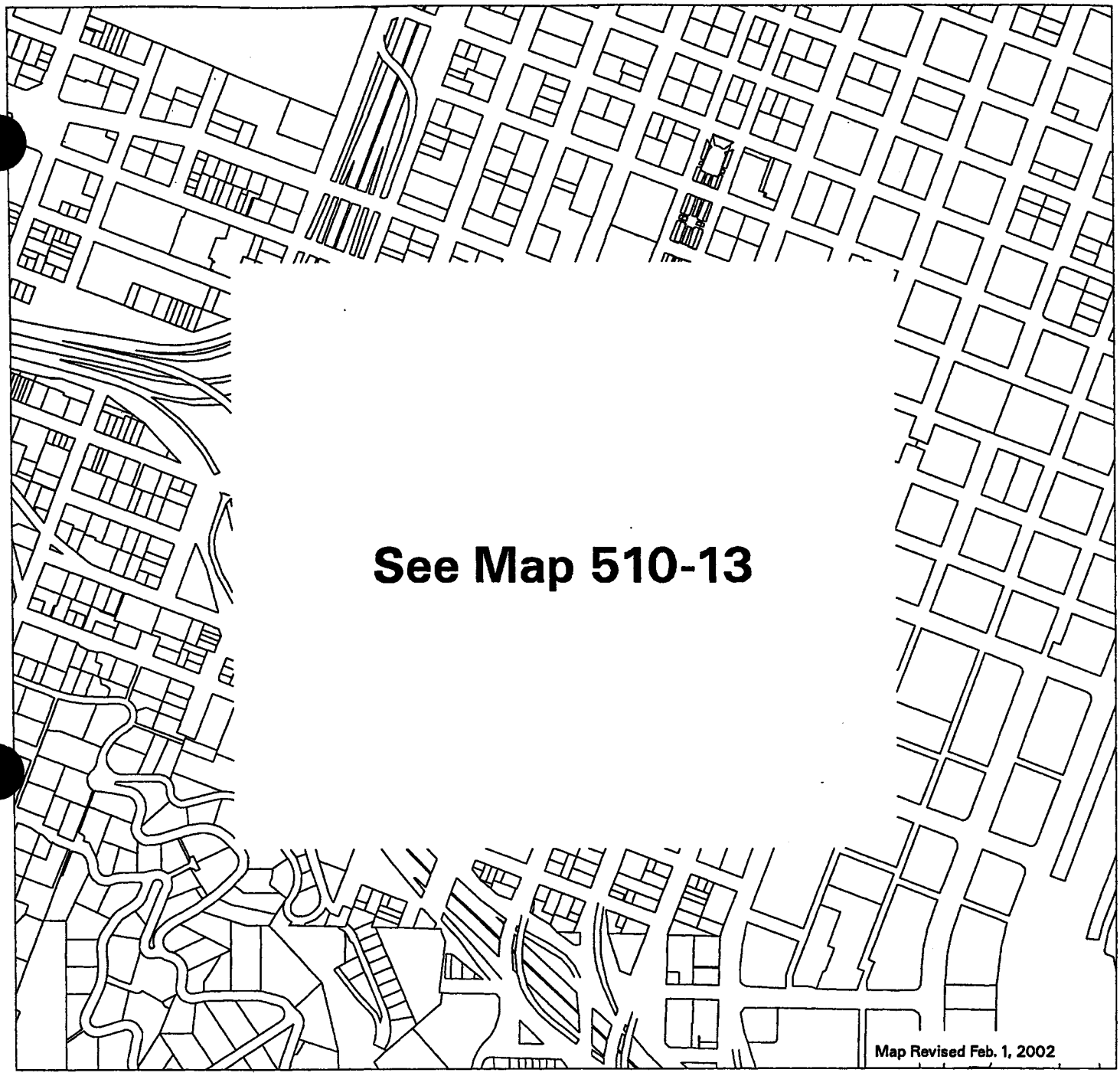
33.120.295 Excavations and Fills
Excavations and fills require a review and are subject to the regulations of Chapter 33.830, Excavations and Fills.

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 minimum required and maximum allowed number of auto parking spaces, required number of 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 Title 32, Signs and Related Regulations.

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

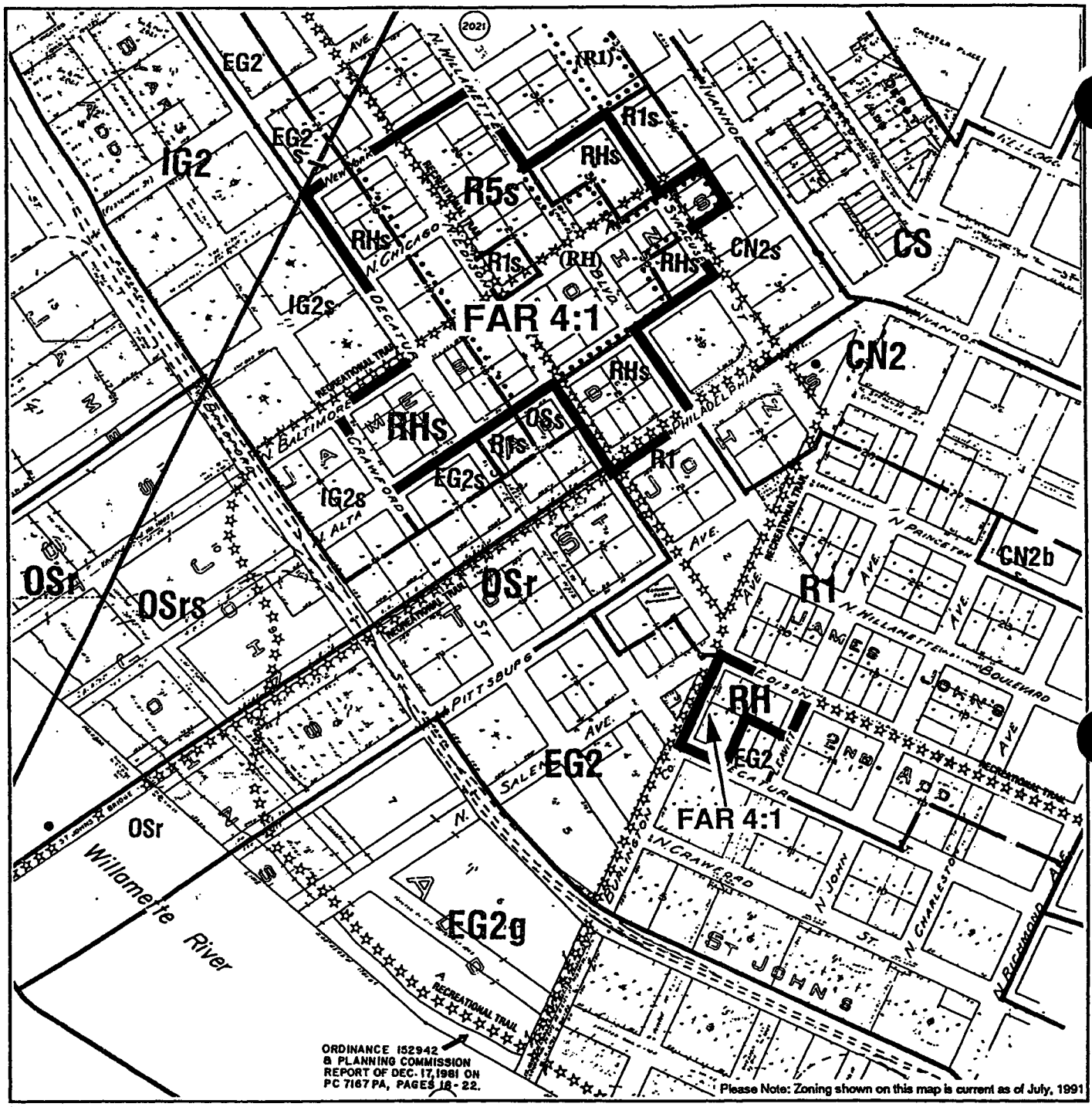
0' 450' 900'

Scale in Feet

Map 120-1

Park Block Frontages

Bureau of Planning • City of Portland, Oregon



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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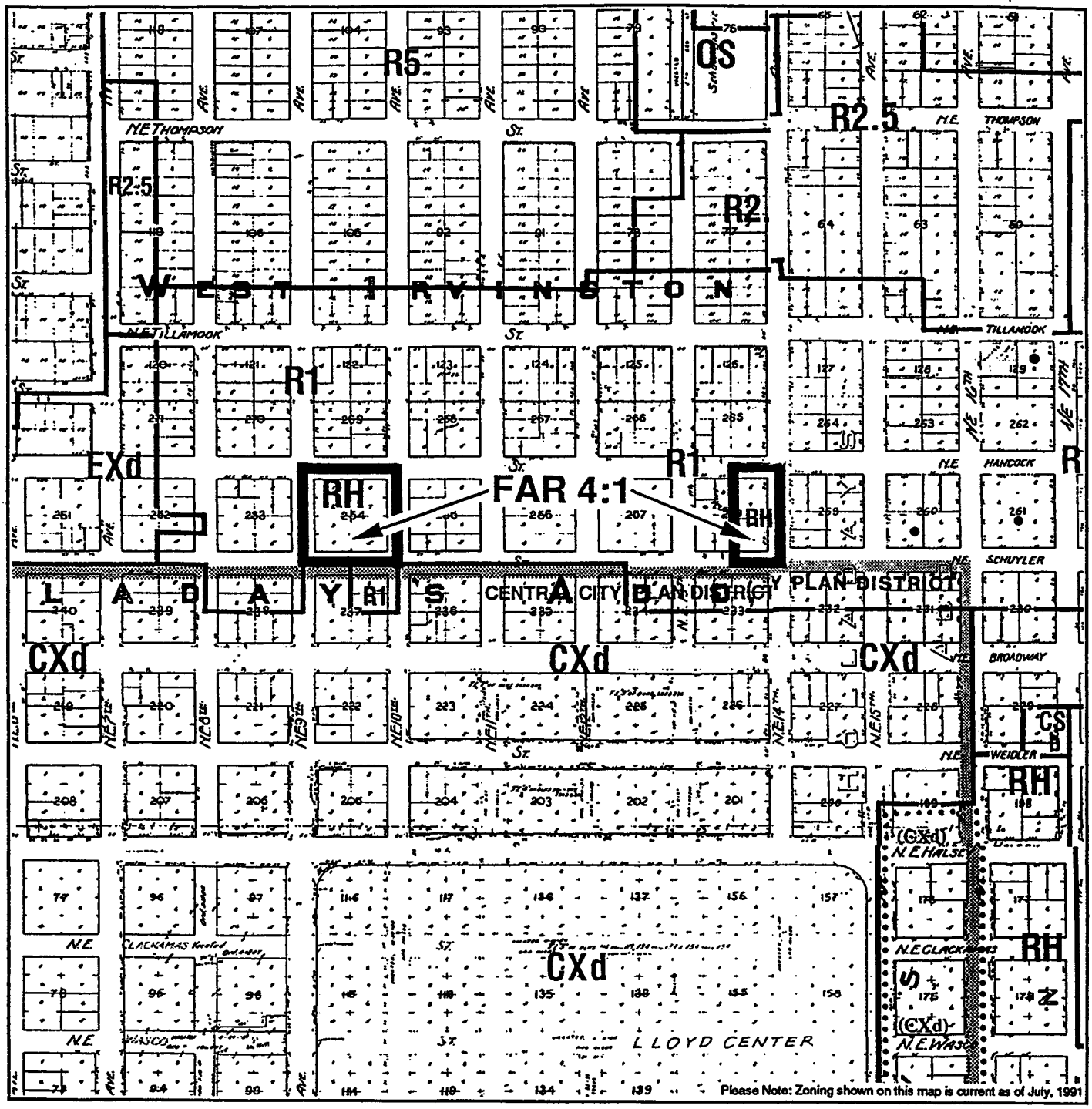

NORTH

0 200 400

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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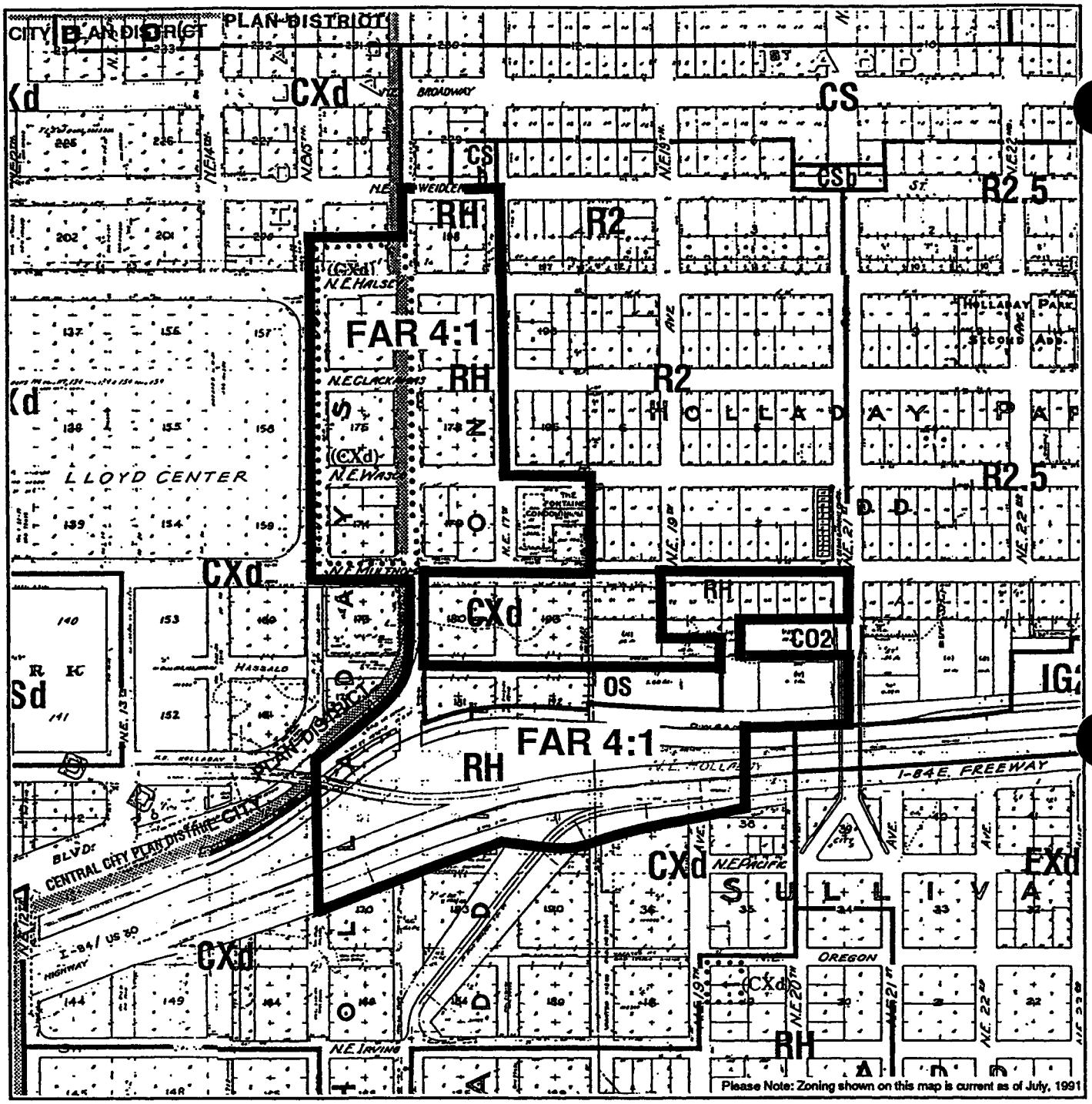


NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

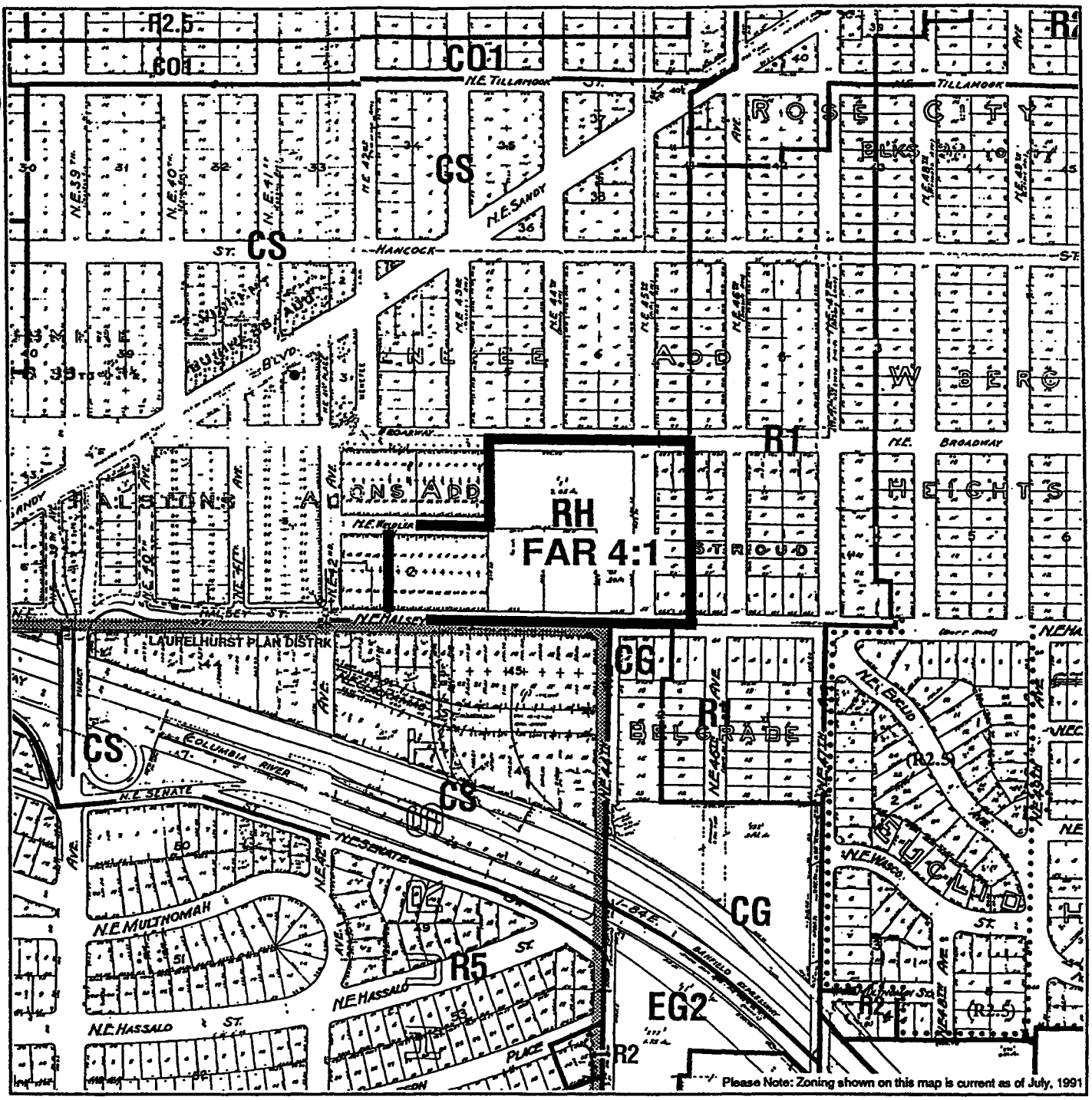
Map 120-4

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 2832, 2932

[See 33.120.205 and Table 120-3

Bureau of Planning • City of Portland, Oregon



NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

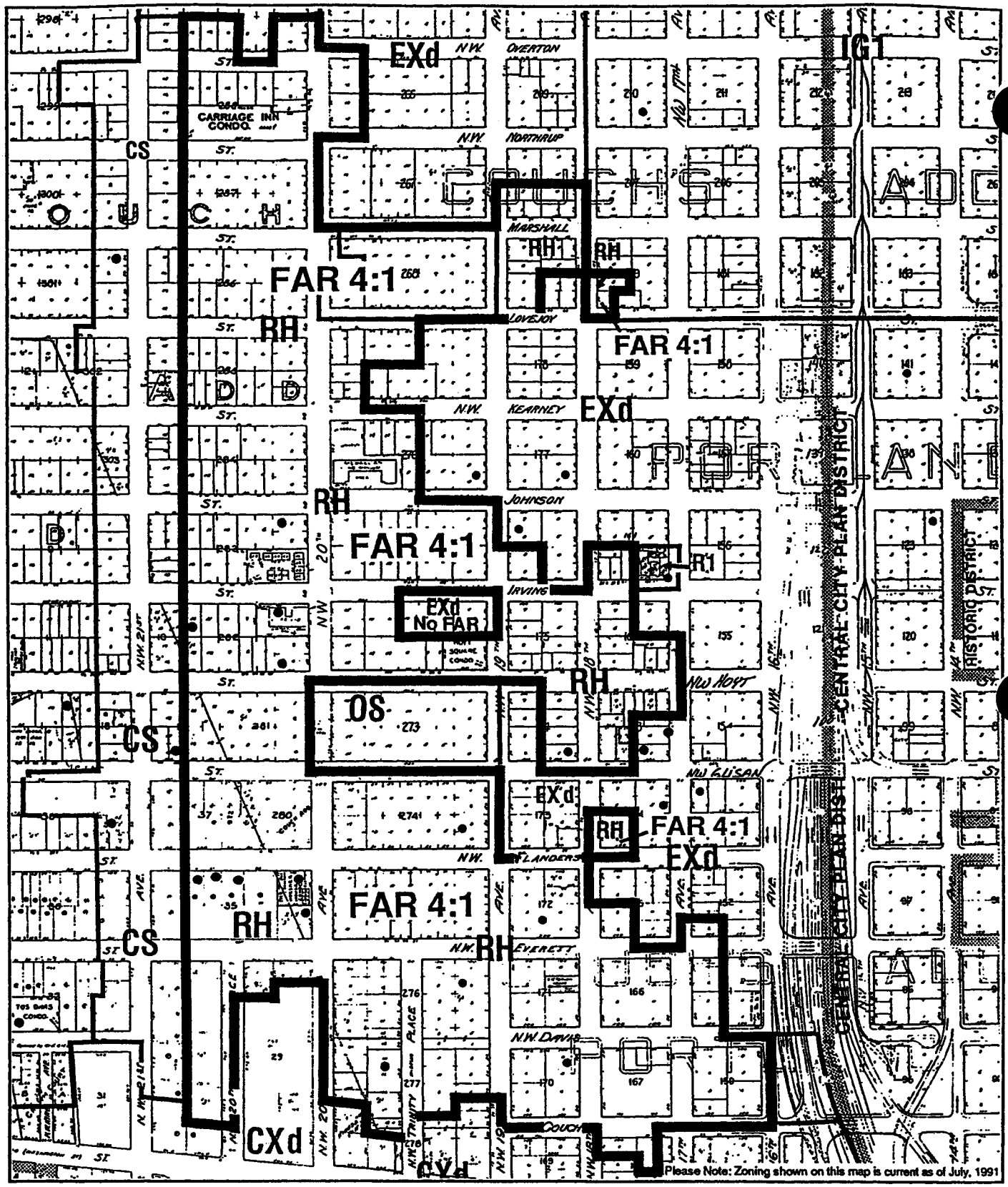
Map 120-5

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2835

[See 33.120.205 and Table 120-3]

Bureau of Planning • City of Portland, Oregon



NORTH

0 200 400

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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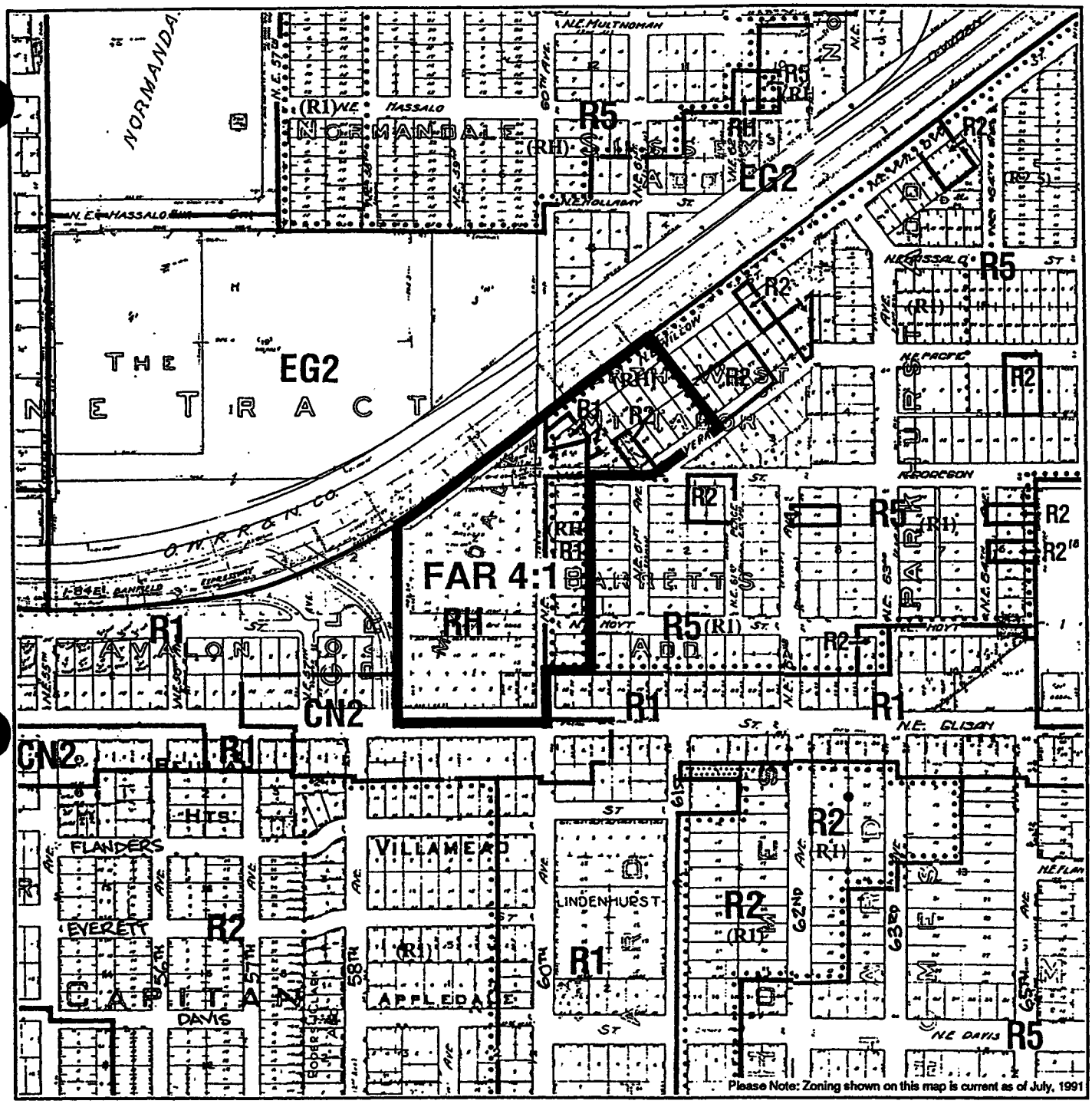

NORTH

0 200 400

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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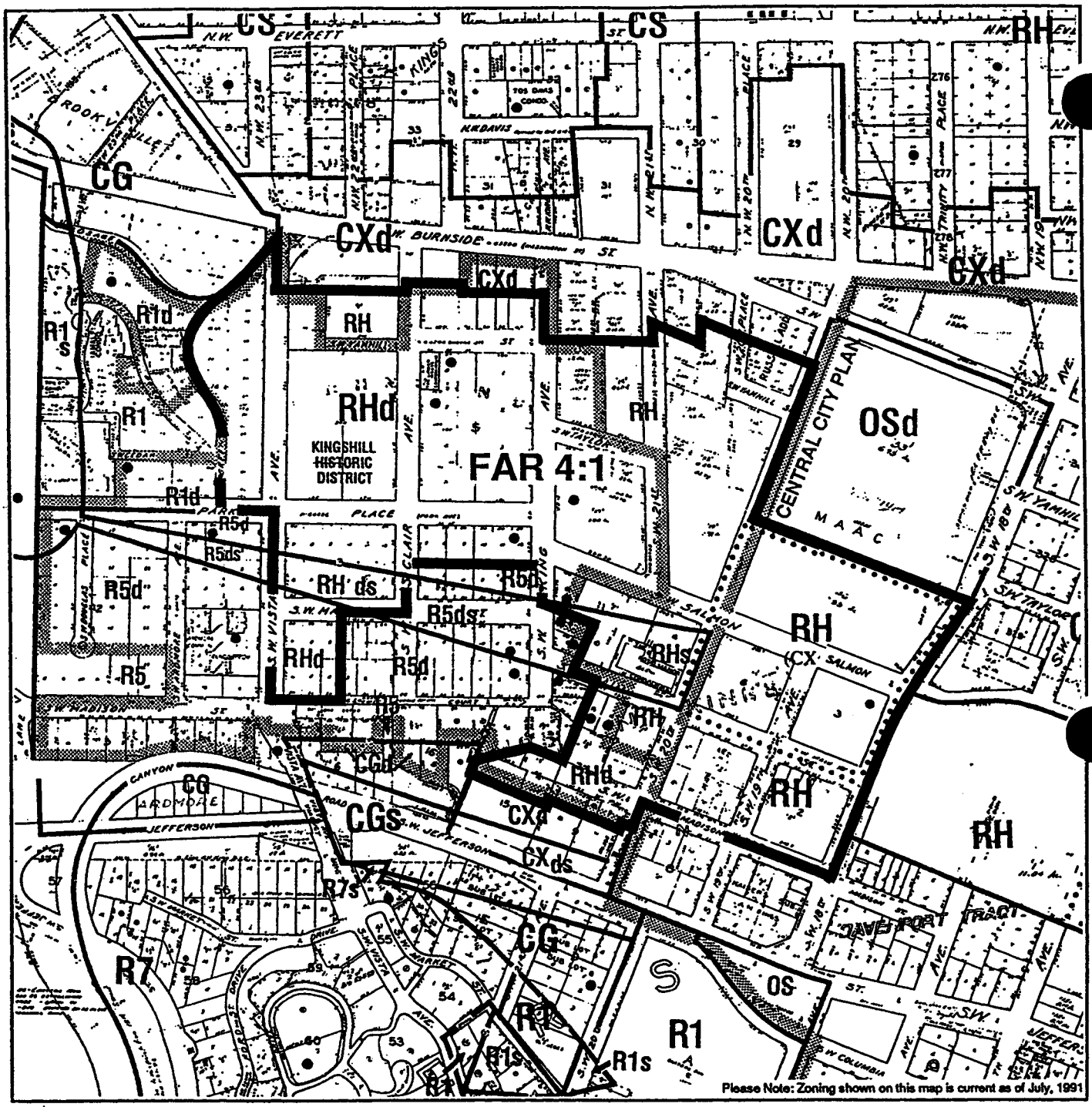

NORTH

0 200 400

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-

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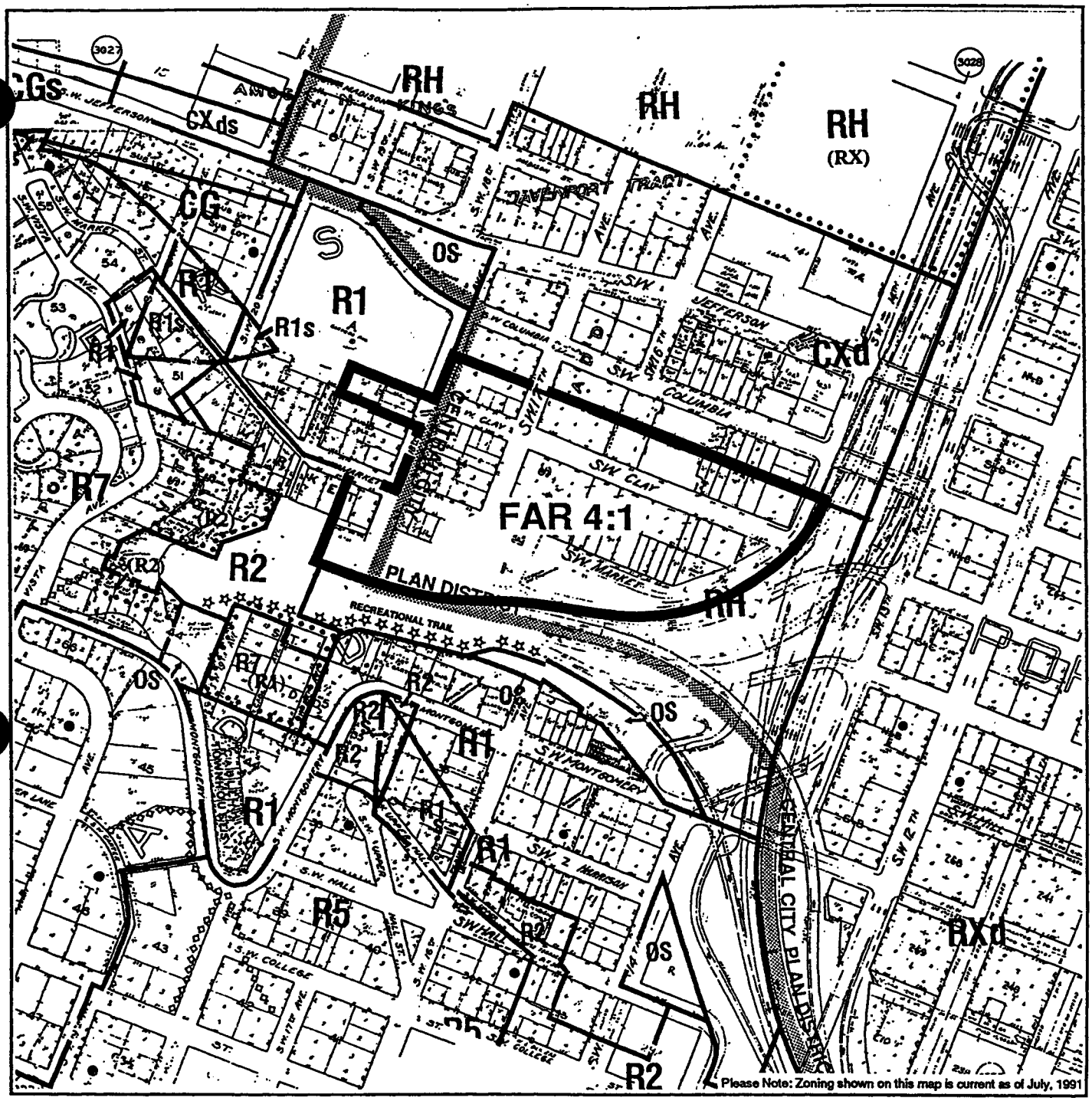

NORTH

0 200 400

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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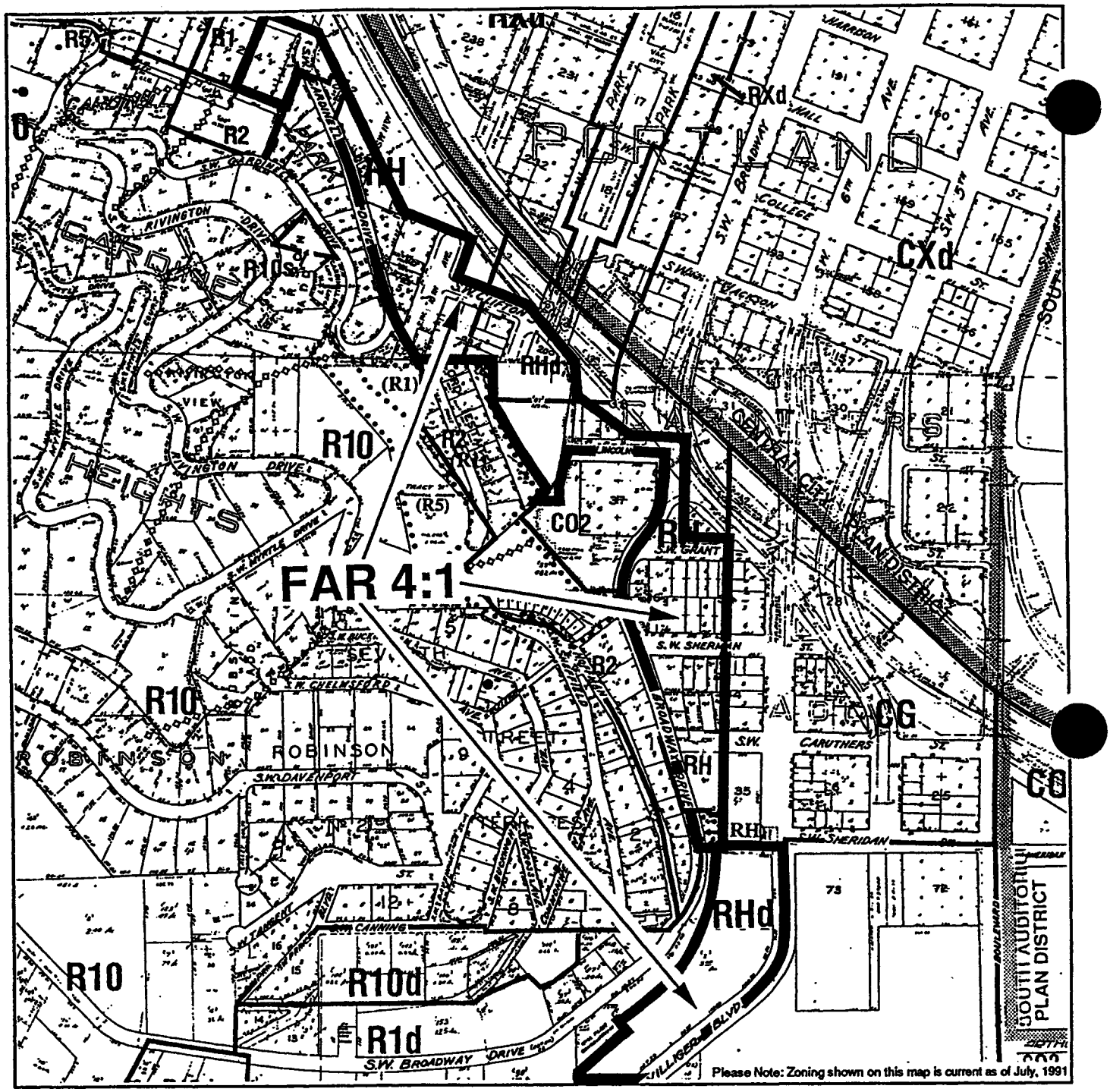


NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

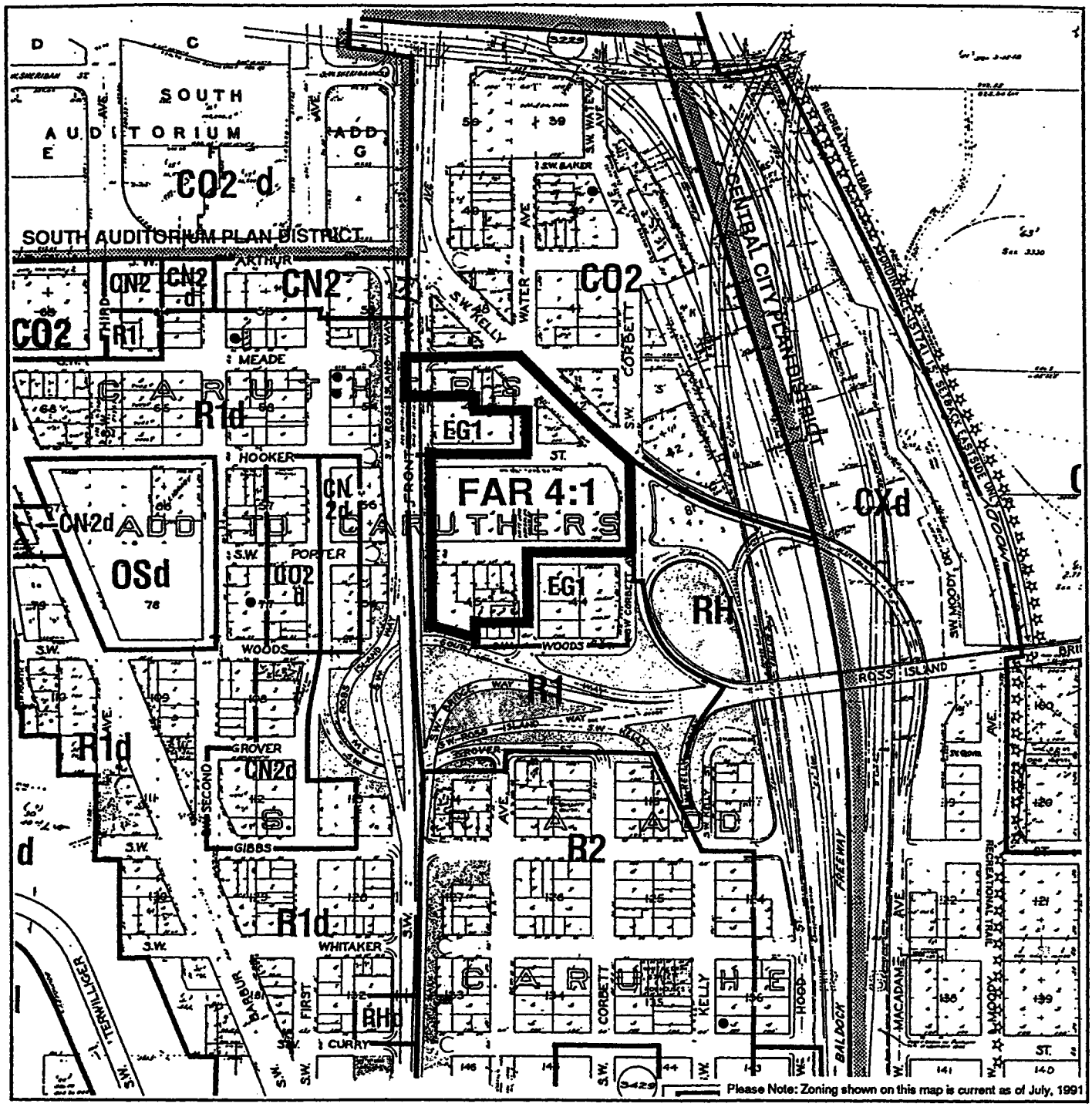
Map 120-10

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Sections: 3228, 3328

[See 33.120.205 and Table 120-

Bureau of Planning • City of Portland, Oregon



NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

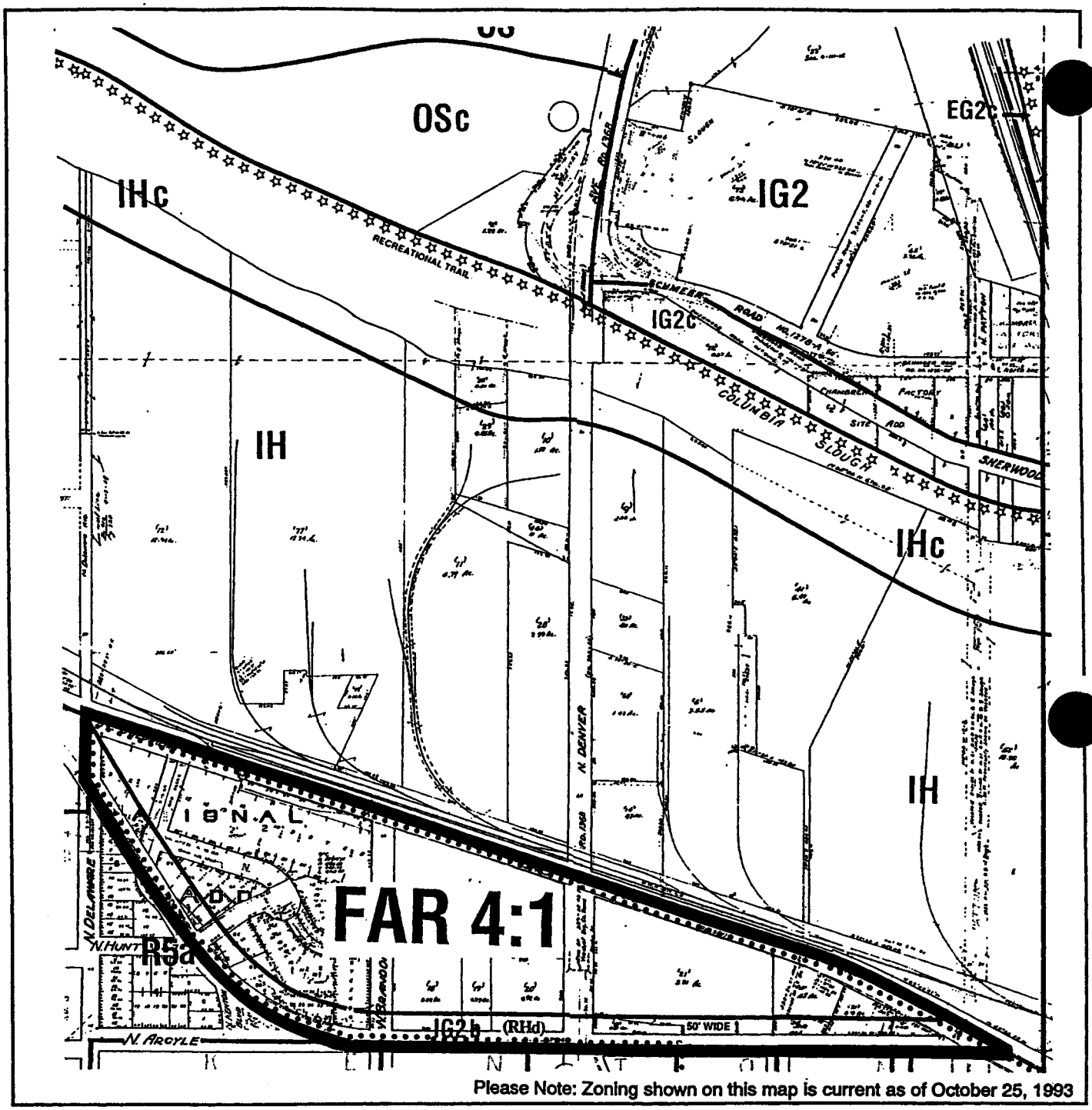
Map 120-11

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 3329

[See 33.120.205 and Table 120-3]

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

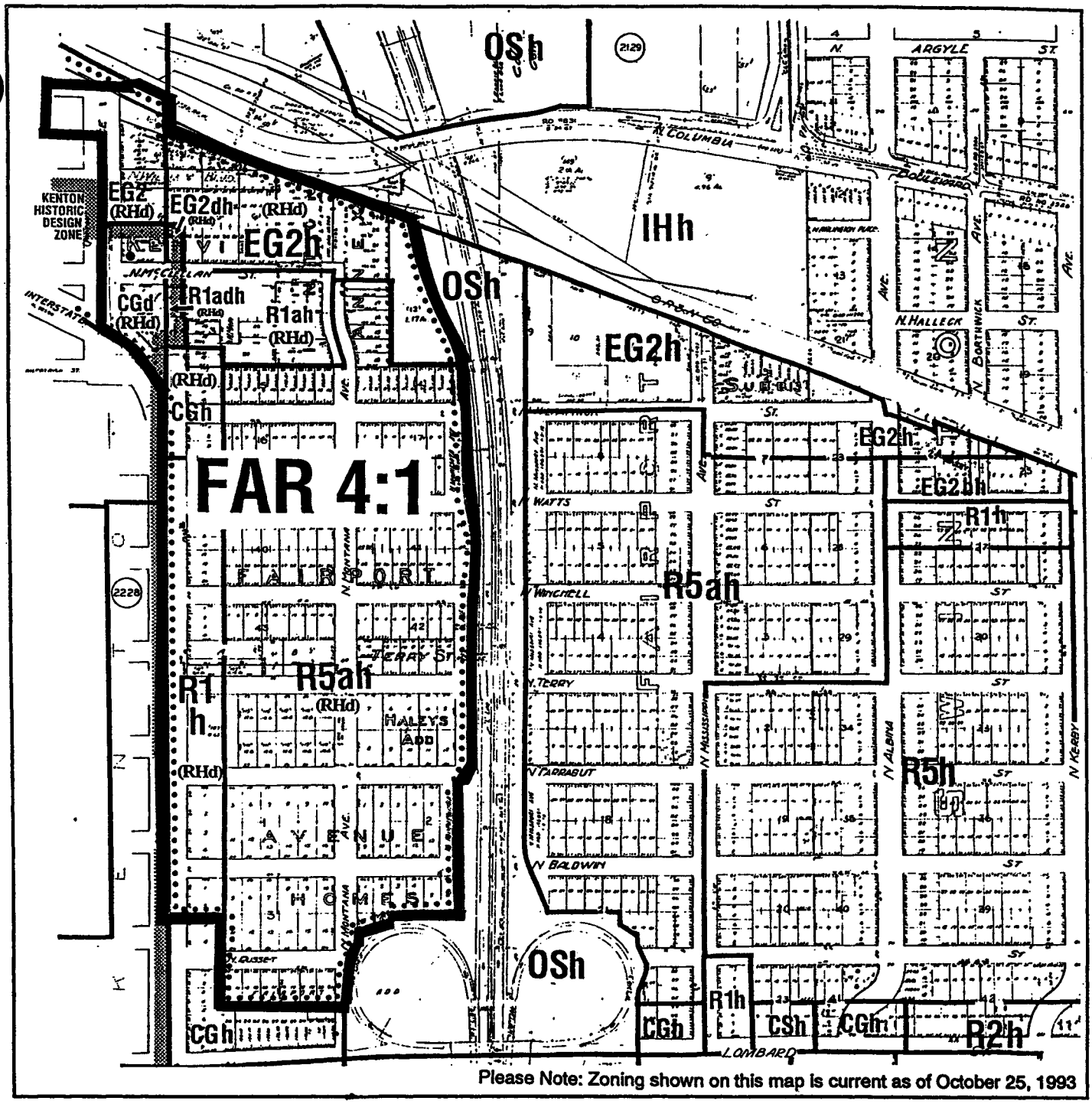
Map 120-12

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2128

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

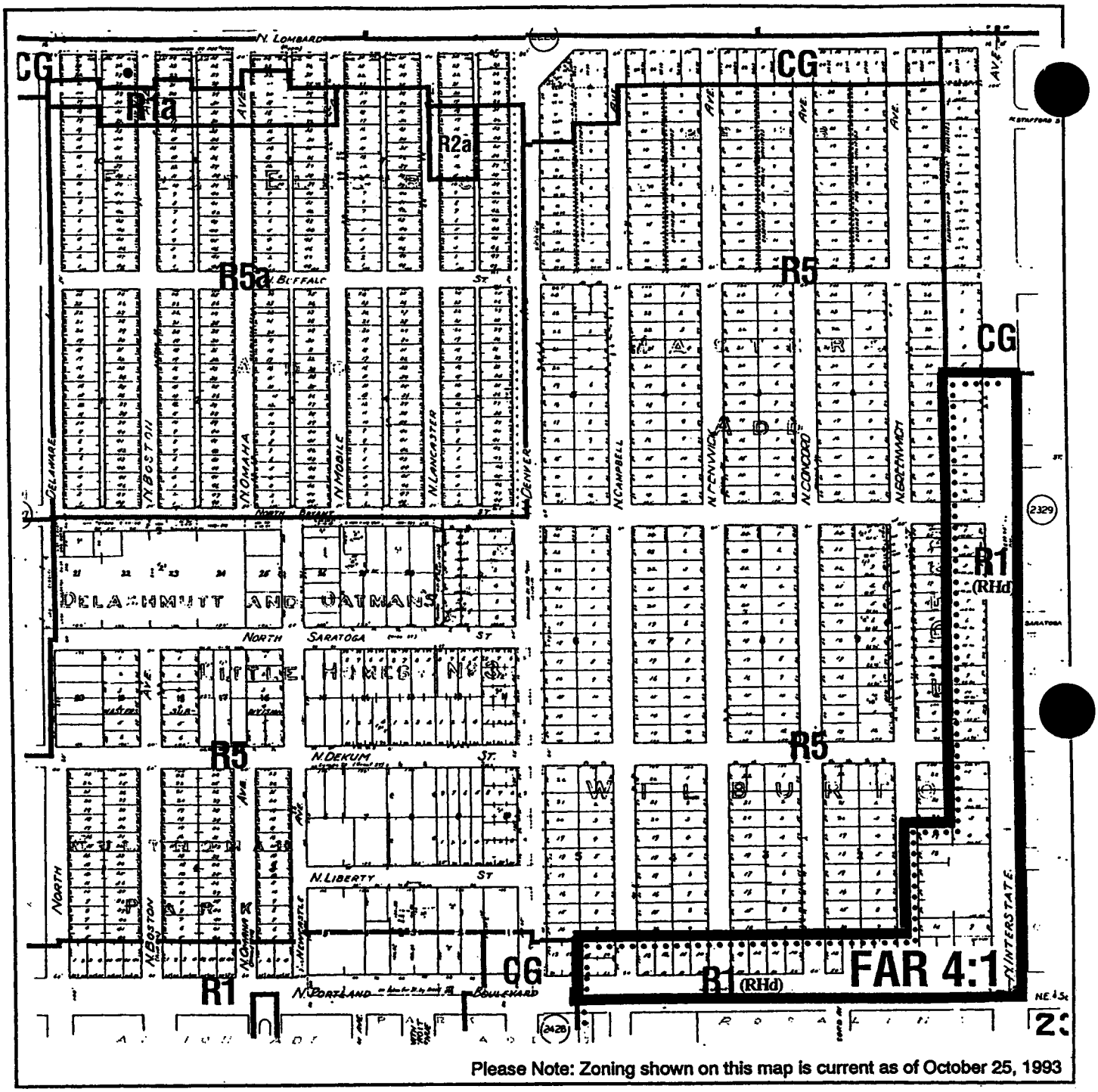
Map 120-13

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2229

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

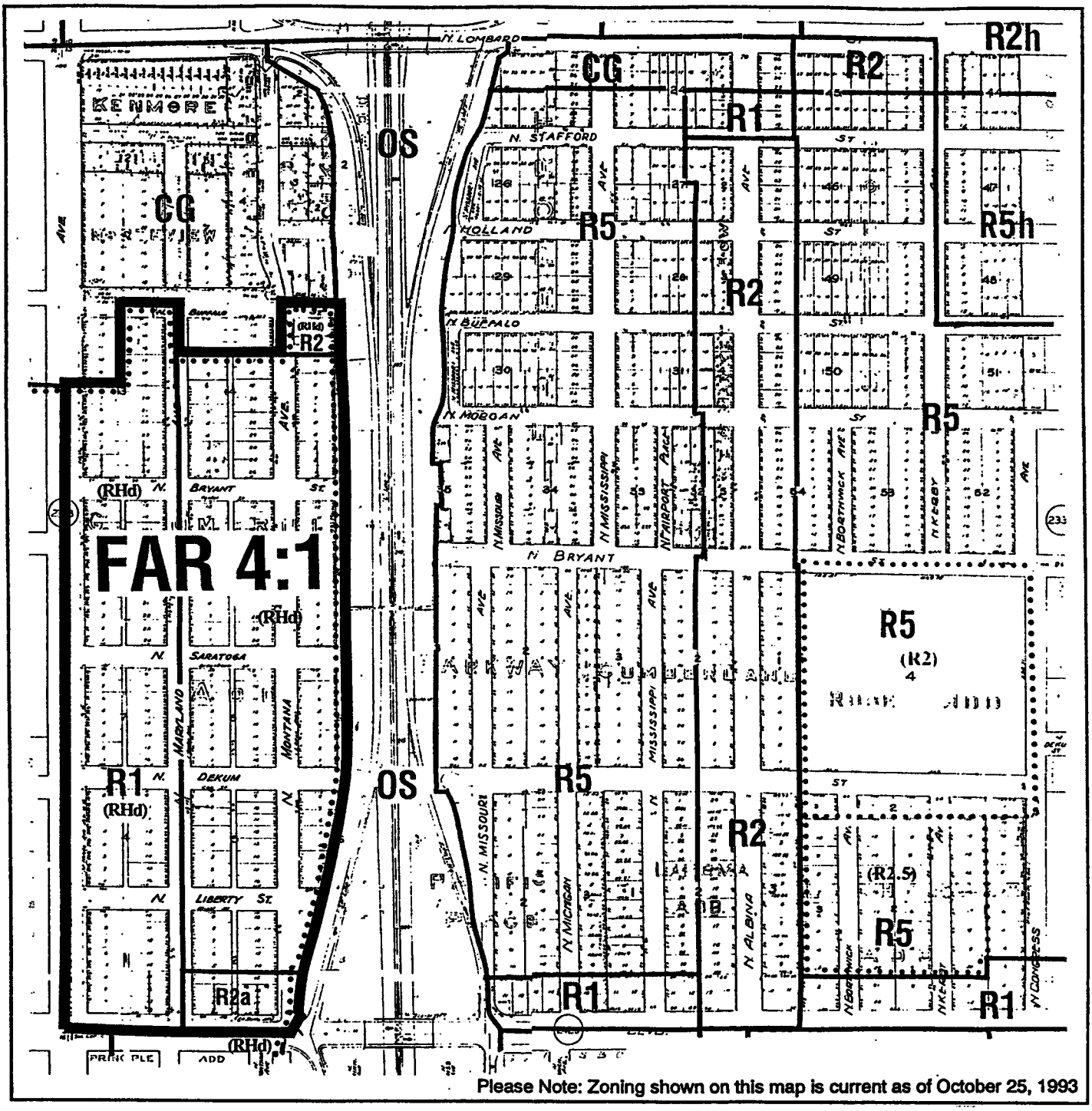
Map 120-14

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2328

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

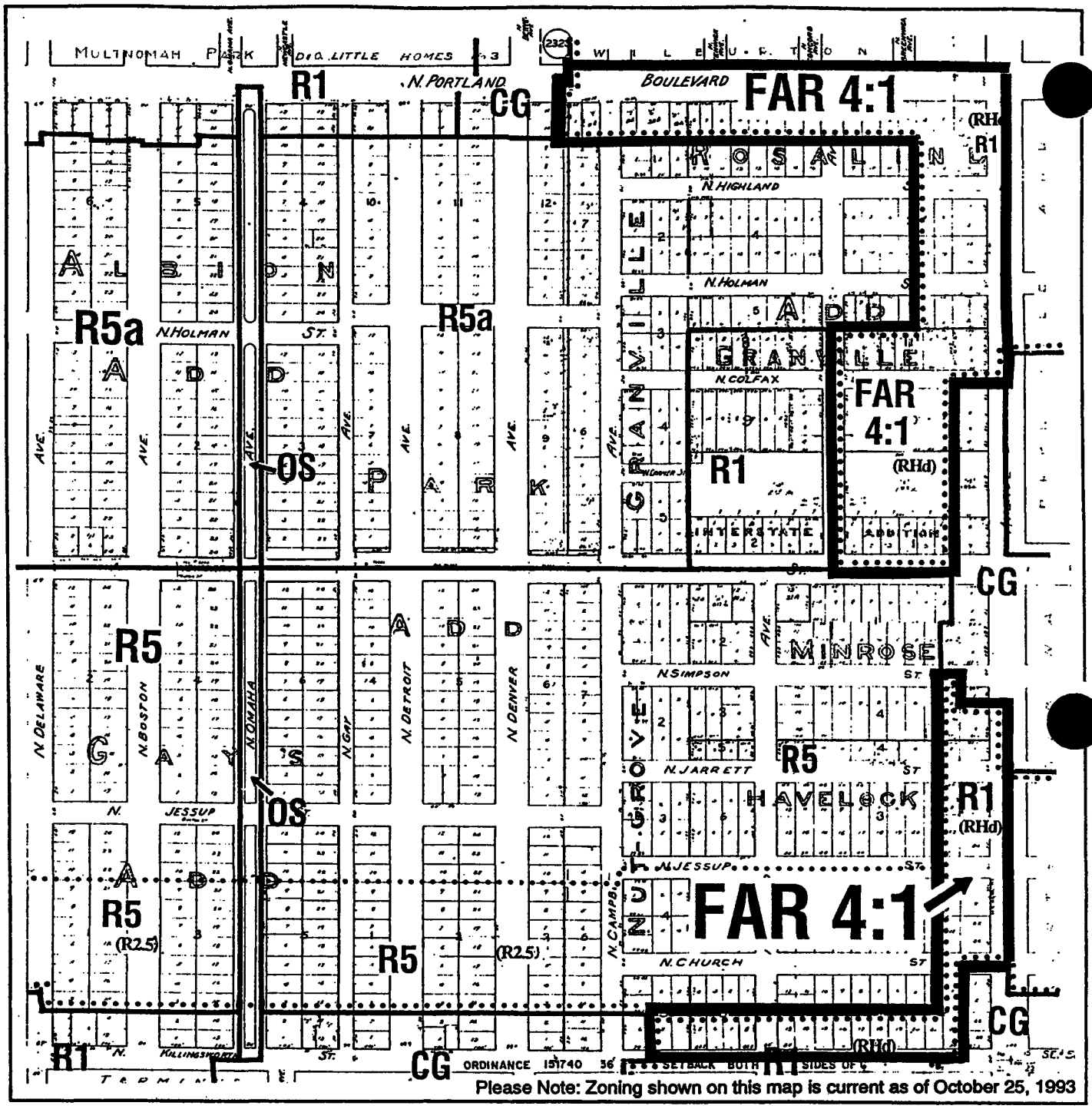
Map 120-15

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2329

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

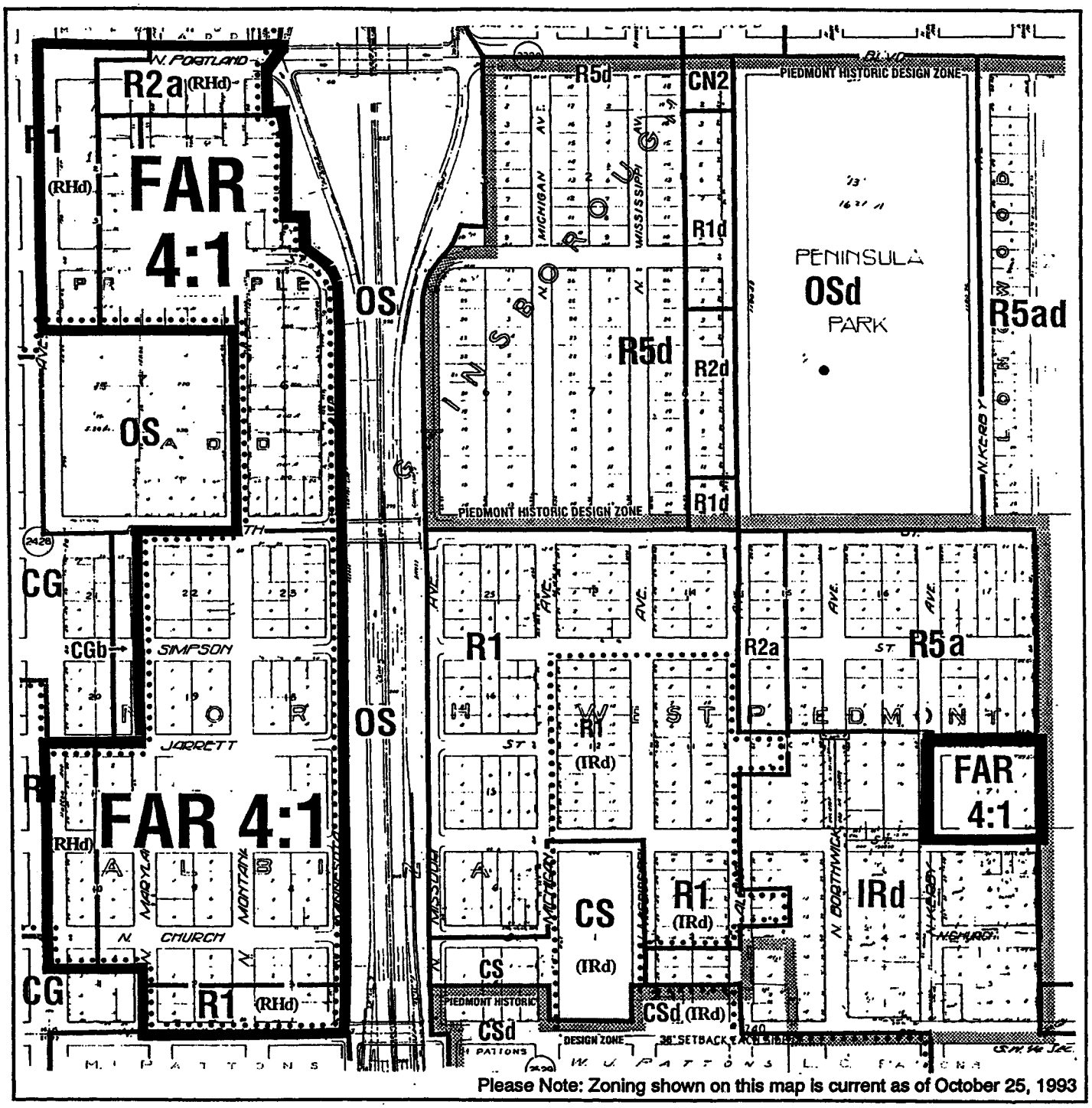
Map 120-16

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2428

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

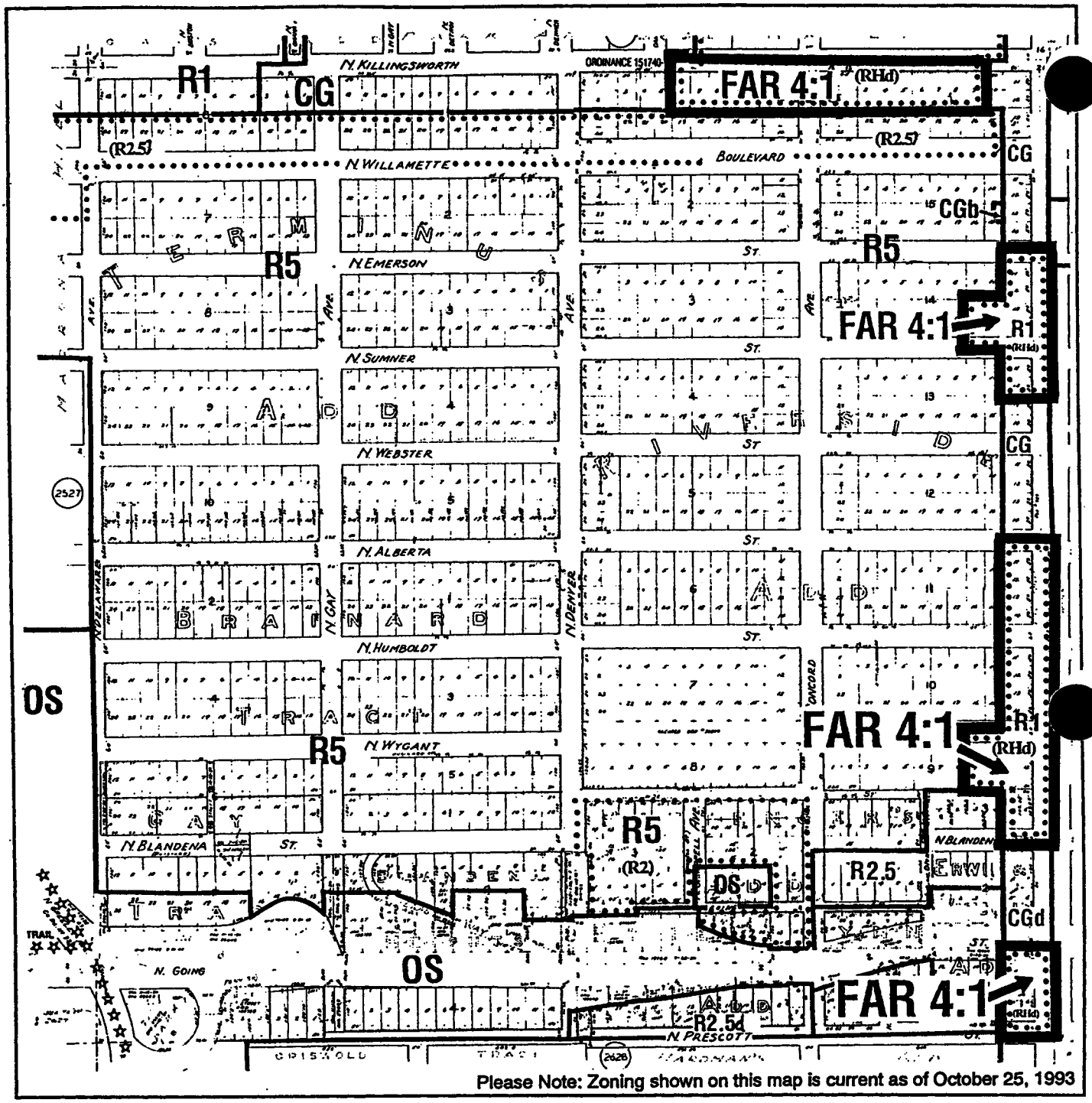
Map 120-17

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2429

Albina Community Plan

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

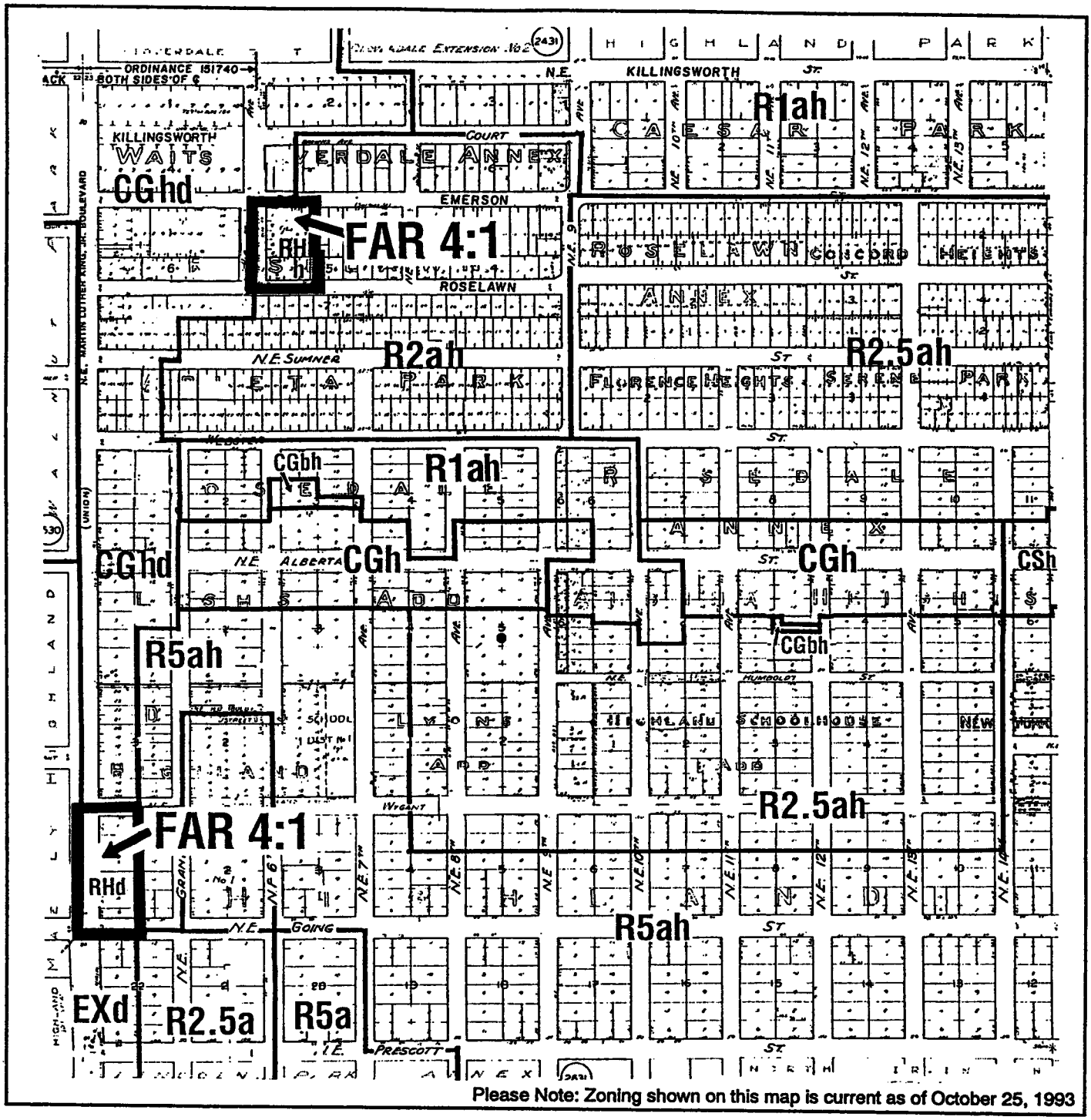
Map 120-18

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2528

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

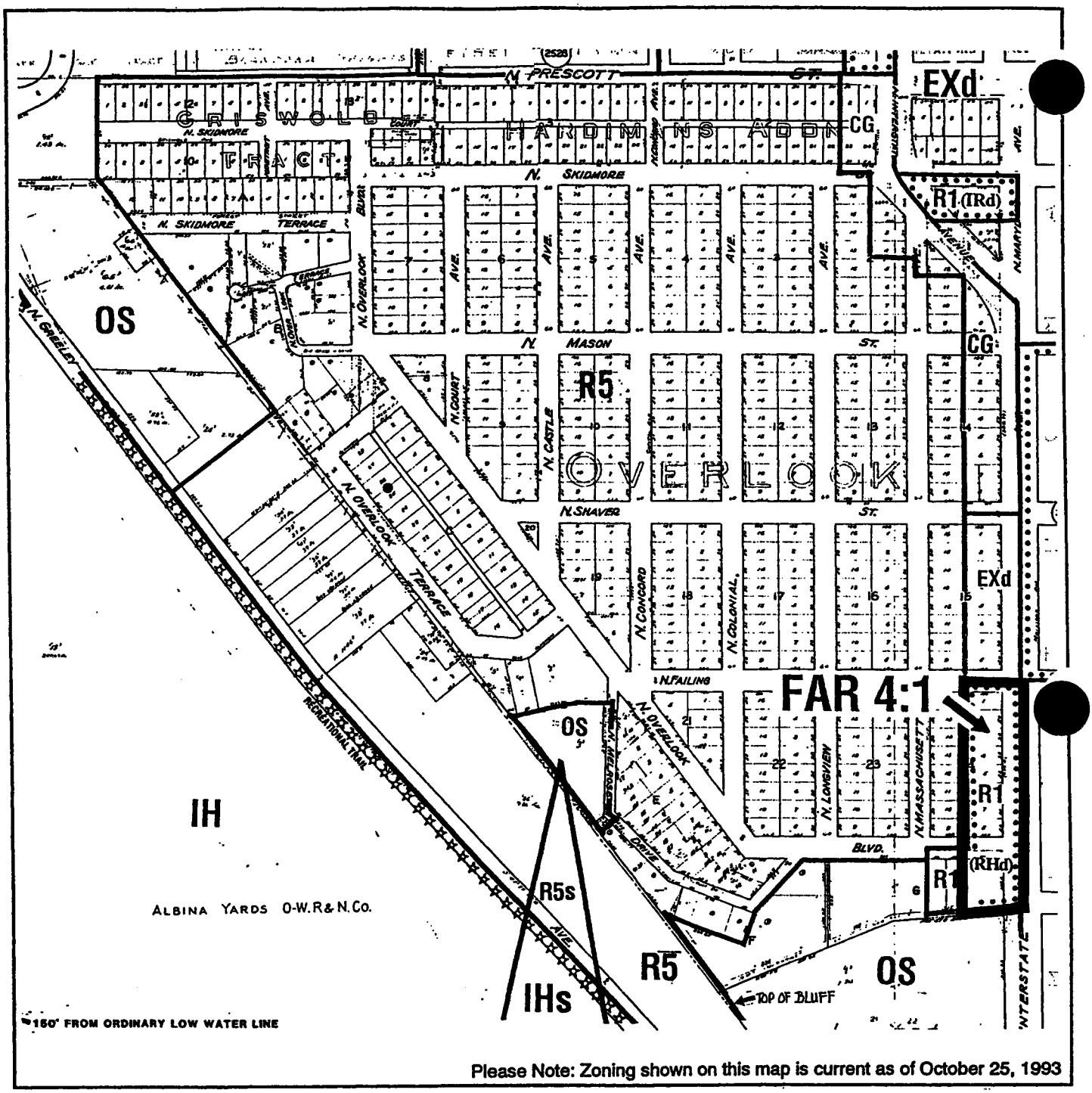
Map 120-19

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2531

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

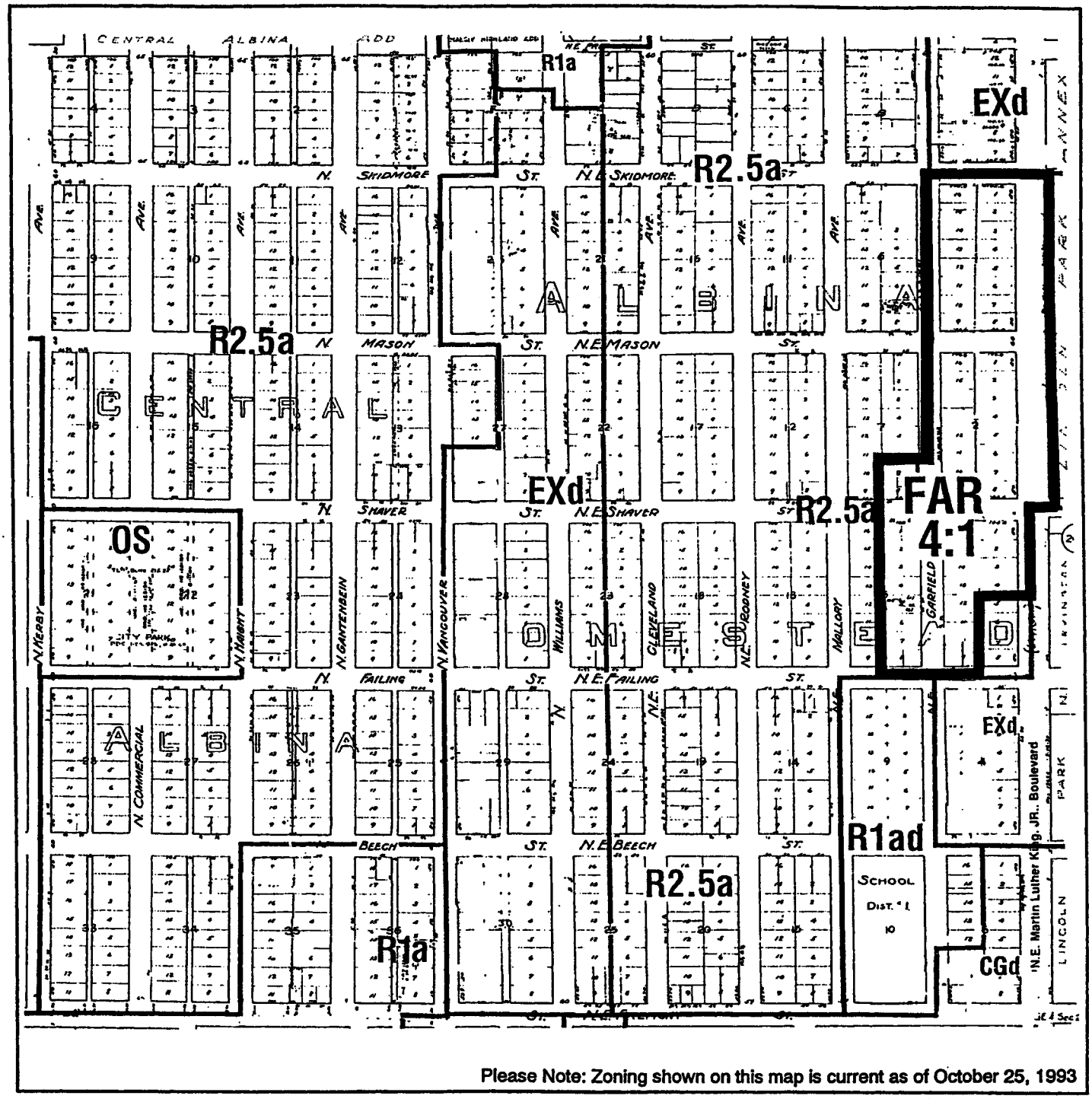
Map 120-20

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2628

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

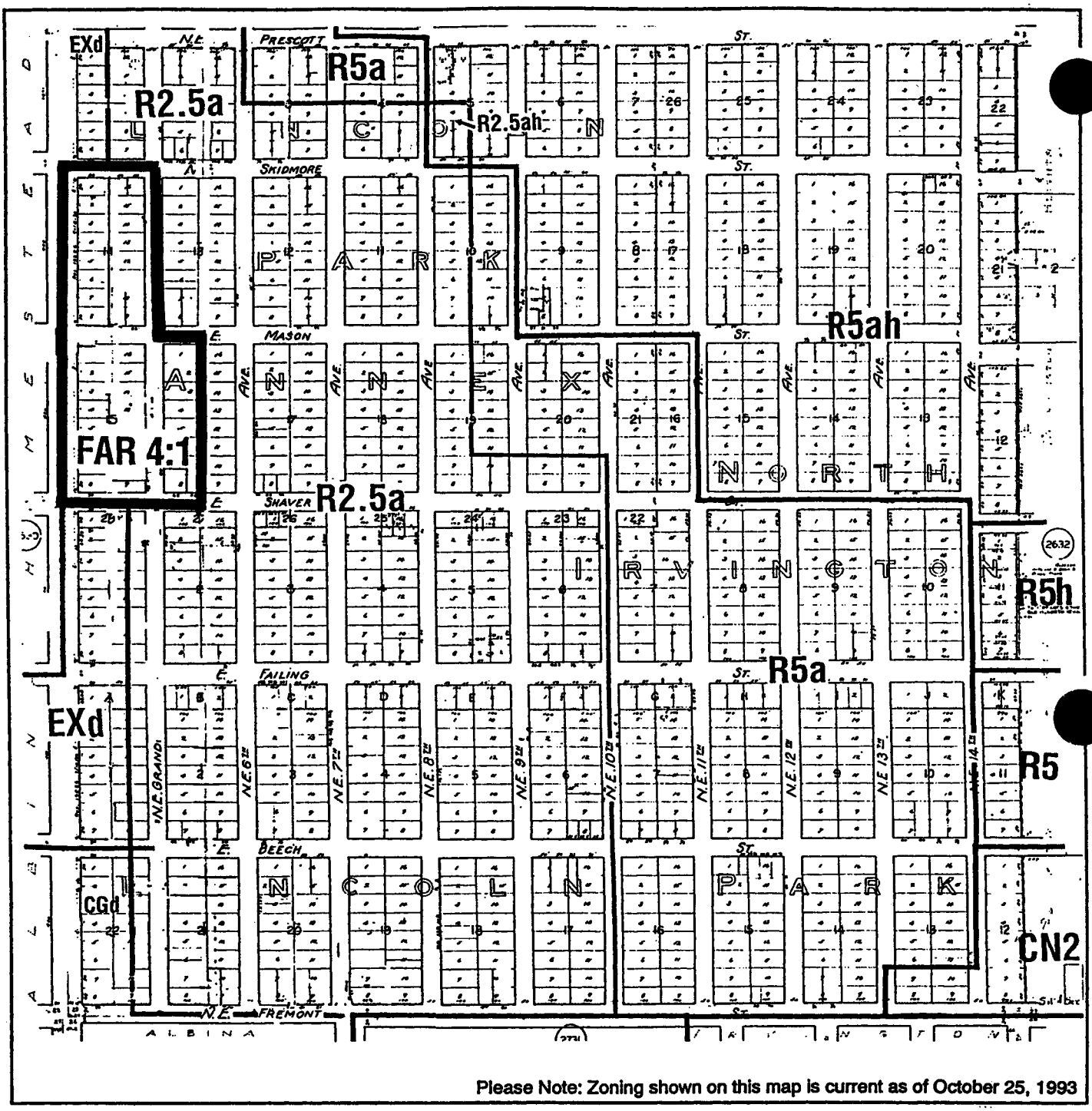
Map 120-21

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2630

Albina Community Plan

Bureau of Planning • City of Portland, Oregon



NORTH

0 200 400

Scale in Feet

Boundary of Existing/Potential RH-Zoned Area

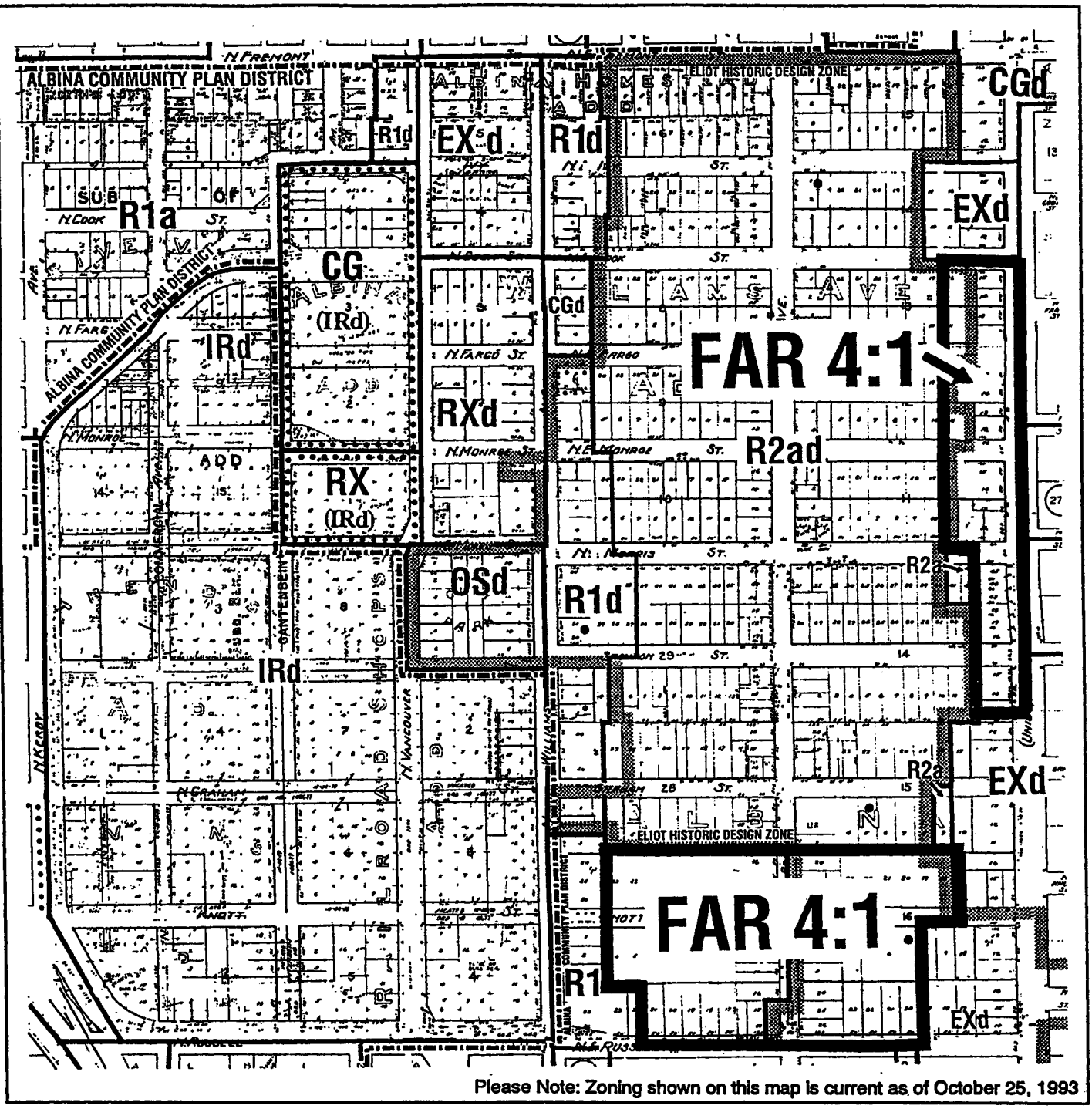
Map 120-22

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 2631

Albina Community Plan

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

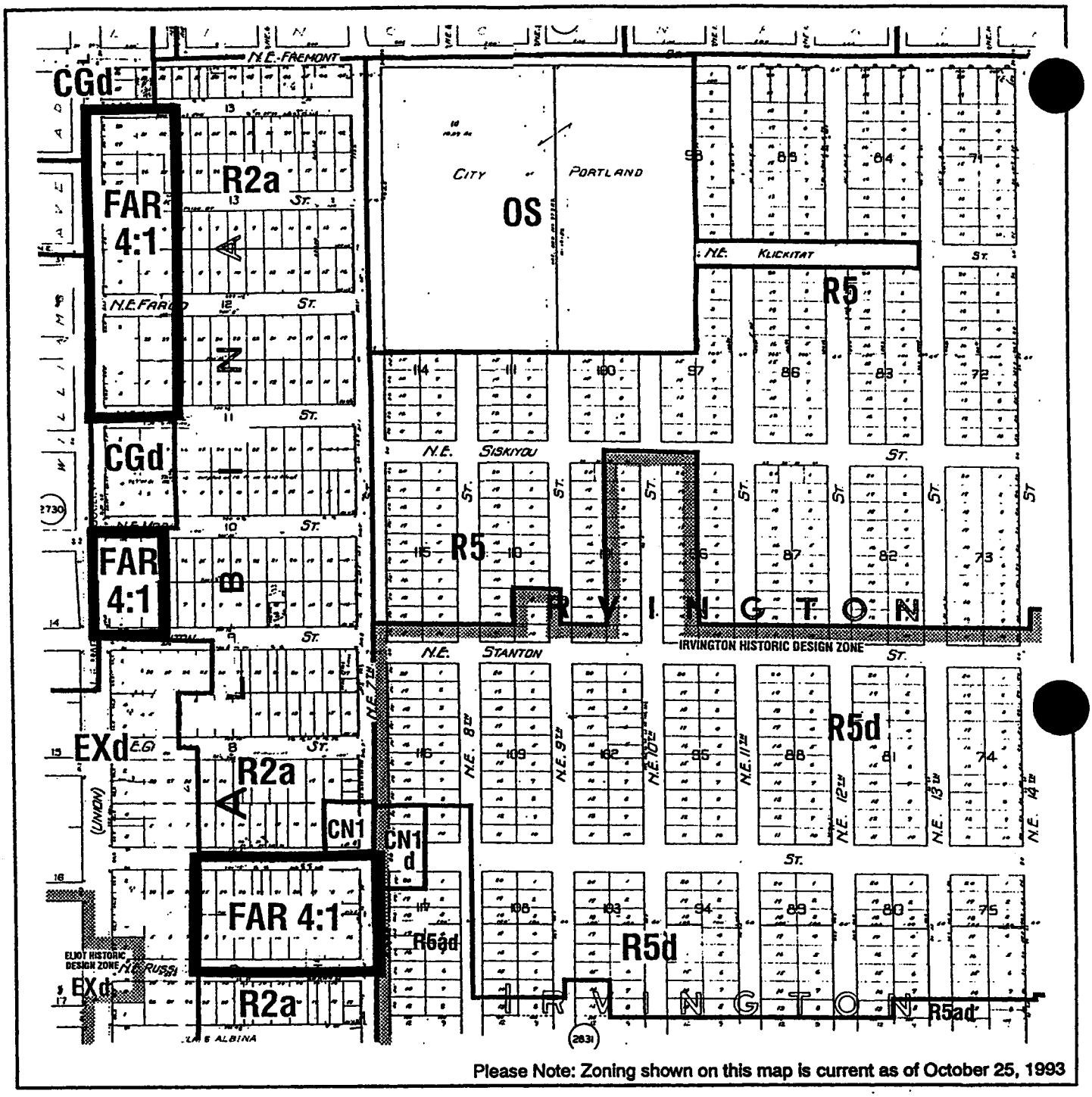
Map 120-23

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

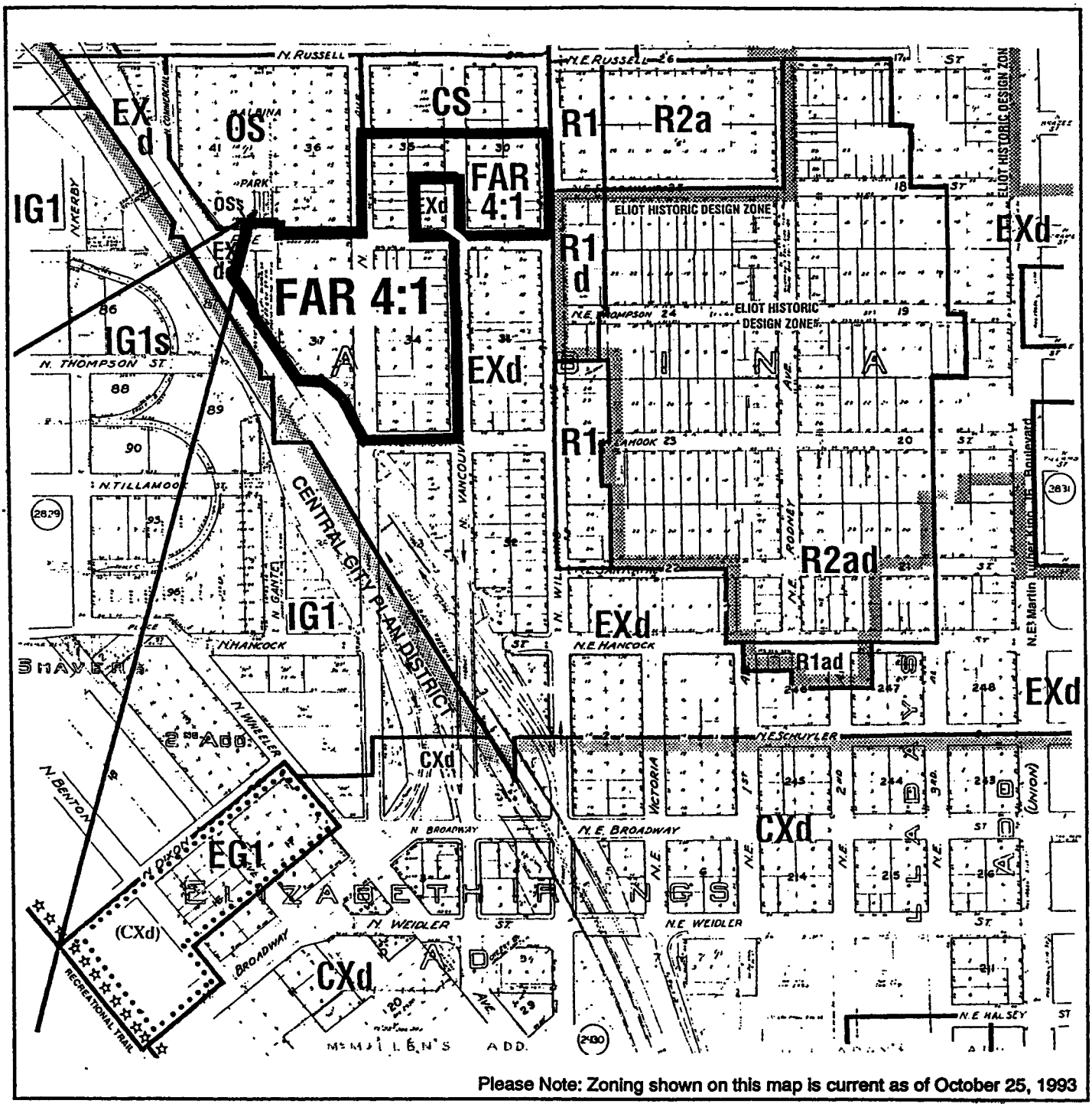
Map 120-24

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

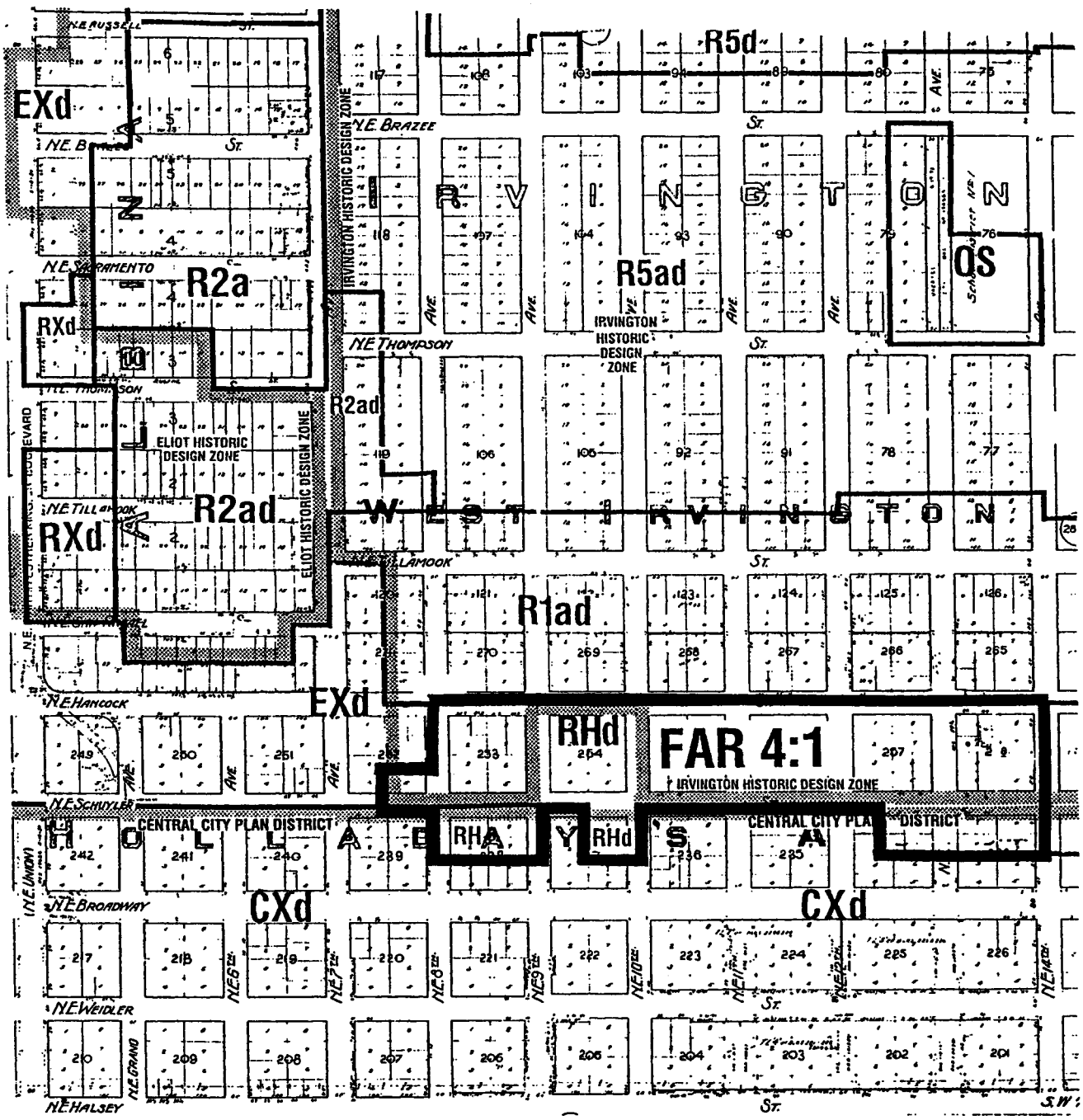
Map 120-25

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

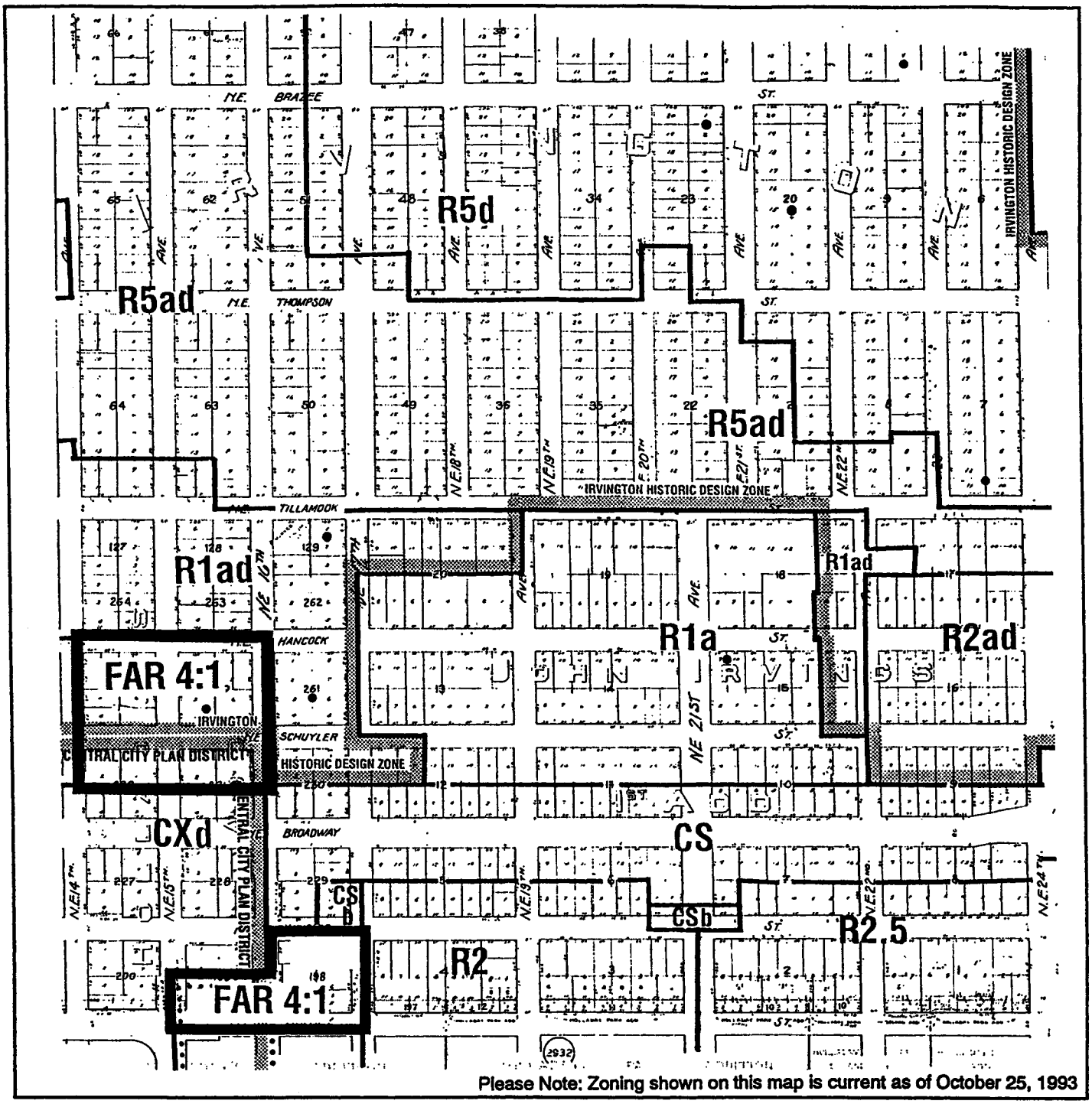
Map 120-26

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

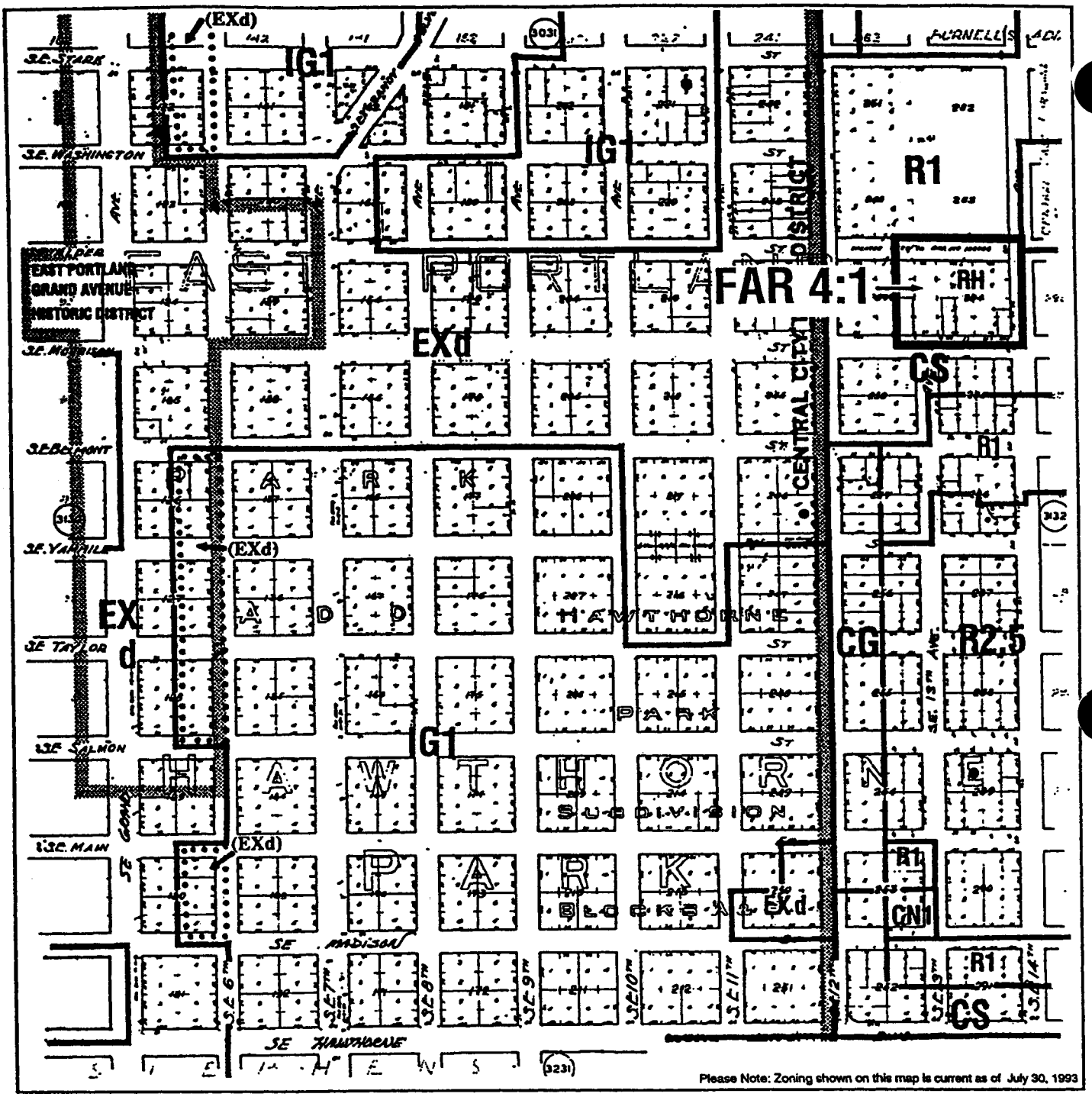
Map 120-27

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

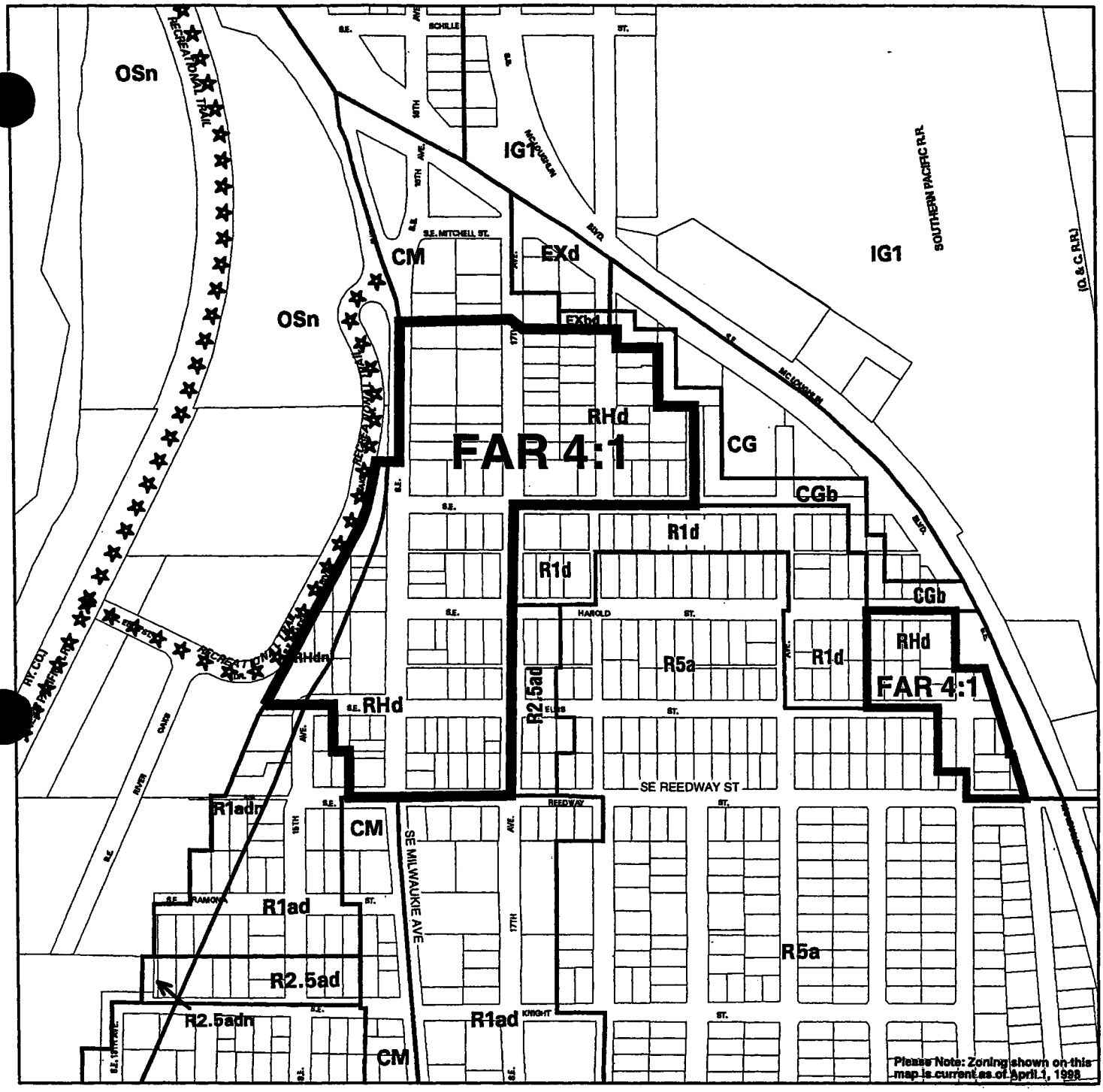
Map 120-28

Maximum Floor Area Ratio (FAR) in RH Zones

Quarter Section: 3131

[See 33.120.205 and Table 120-3

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

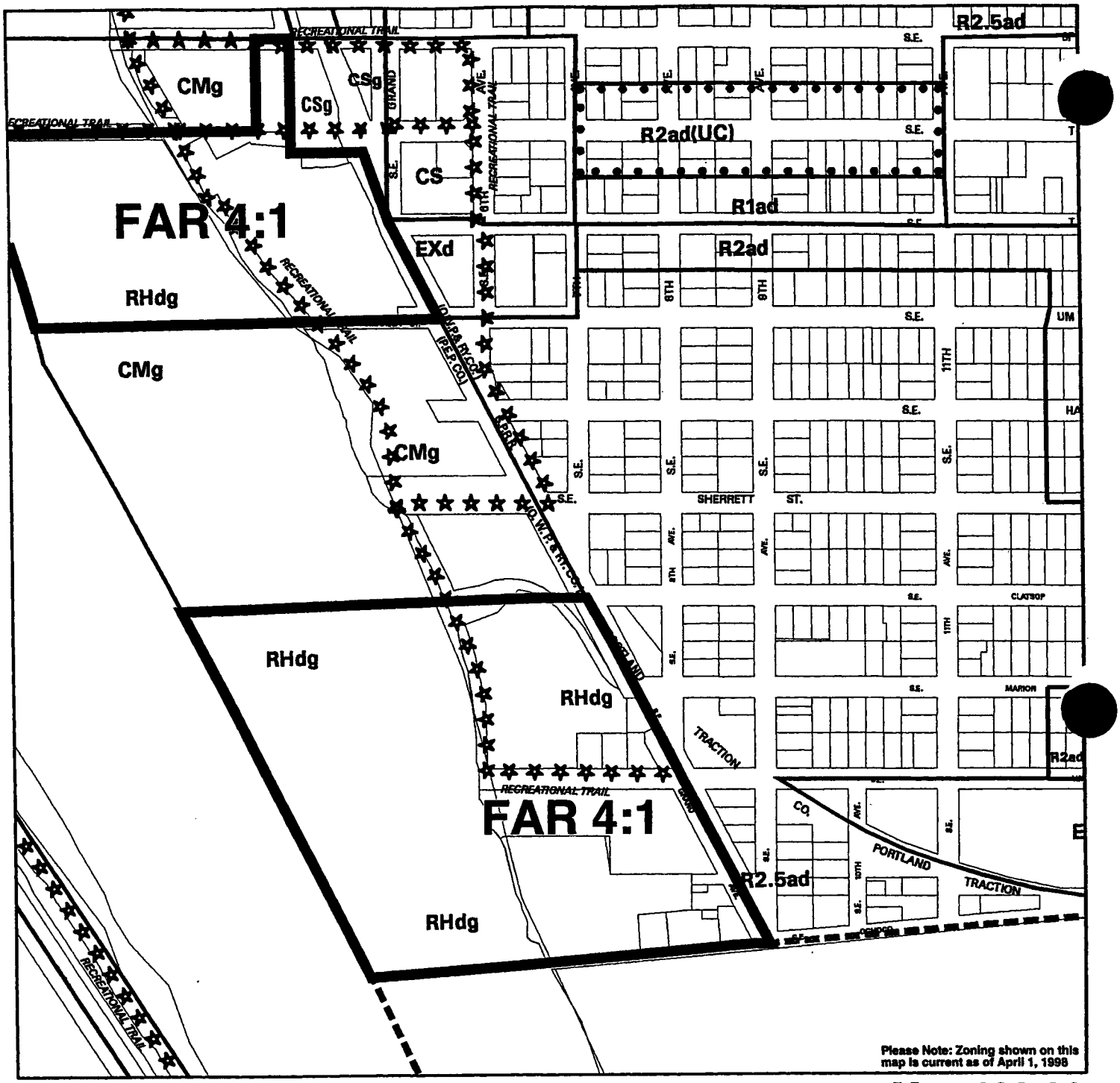
Map 120-29

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

Bureau of Planning • City of Portland, Oregon

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; Ord. No. 173533, effective 7/31/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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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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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 or in a Pedestrian District. 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. Development should be oriented to pedestrians along transit streets and in Pedestrian Districts.

D. **Office Commercial 2 zone.** The Office Commercial 2 (CO2) zone is a low and medium intensity office zone generally located on Major City Traffic Streets as designated by the Transportation Element of the Comprehensive Plan. 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 somewhat auto-accommodating. Where the site is adjacent to a transit street or in a Pedestrian District, development should be oriented to pedestrians. 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 on a single site. 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 is intended to 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 or in a Pedestrian District. 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 use is limited to 5,000 square feet of total floor area exclusive of parking area. These types of 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 of BDS 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 of BDS 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 uses 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 of BDS determines that the proposed use will not be able to comply with the off-site impact standards of Chapter 33.262, the Director of BDS 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, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation 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]. Except where plan district provisions supersede these regulations, Commercial Parking is an allowed use in the CS zone, and is a conditional use in the CG and CX zones. Within plan districts, there may be special regulations.

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]	CU [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 29, Property and Maintenance Regulations.

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 Chapter 33.613, Lots in Commercial Zones.

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 from Landmarks. Floor area ratios may be transferred from a site which contains a Landmark, as follows:

1. Maximum increase in FAR. 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;

2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;

3. Receiving site. The transfer must be to a site that is:

   a. Zoned C or EX; and

   b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark;

4. The property owner executes a covenant with the City that 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 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	0	10 ft.	10 ft.	10 ft.	0	0	5 ft.	0
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 [8]	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 Transit Street or Pedestrian District	None 10 ft.	None 10 ft.	None 10 ft.	None 10 ft.	10 ft. [5]	10 ft. [5]	None 10 ft.	None 10 ft.
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 Required	Yes	None Required	Yes	None Required	None Required	Yes	None Required

Notes:

[1] Plan district or overlay zone regulations may supersede 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] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.130.215.B.3.b.

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.

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.

B. Building setback standard. The required minimum and maximum building setbacks, if any, are stated in Table 130-3. The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.130.245 below, and for parking areas in Chapter 33.266.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. These setback standards apply to all zones outside the Central City plan district. Inside the Central City plan district, these standards apply to all zones except the CX zone. The maximum building setbacks on a transit street or in a Pedestrian District are as follows:

   a. Measurement.

      (1) Where an existing building that meets the standards of this paragraph is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 130-1 and 130-2.

      (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-3 and 130-4.

      (3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

         - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;

         - The porch must have at least one entrance facing the street; and

         - The porch must have a roof that is:

            - No more than 12 feet above the floor of the porch; and

            - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

Figure 130-1
Alteration to Existing Building in Conformance with Maximum Setback Standard

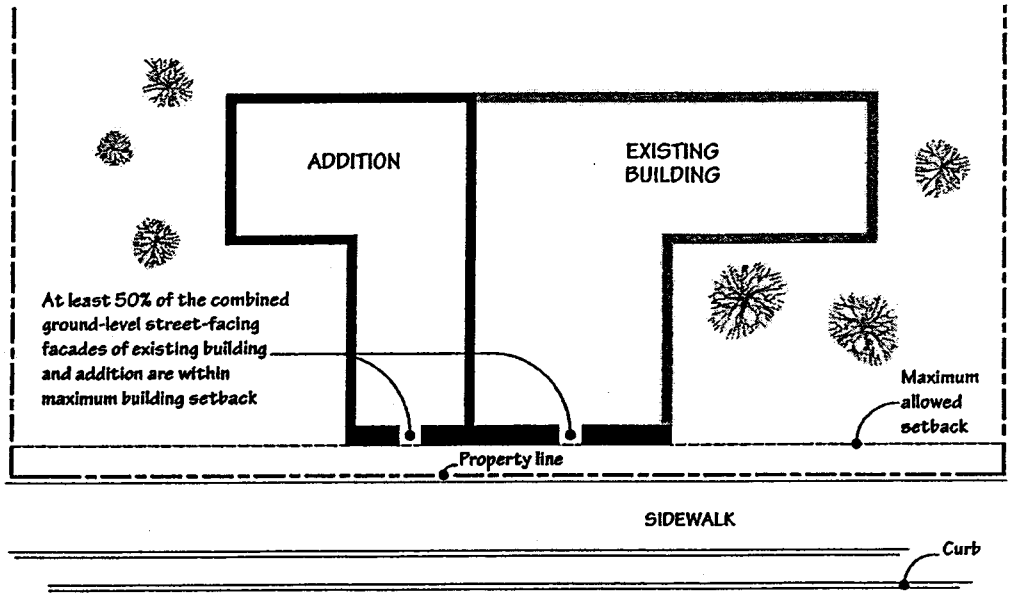
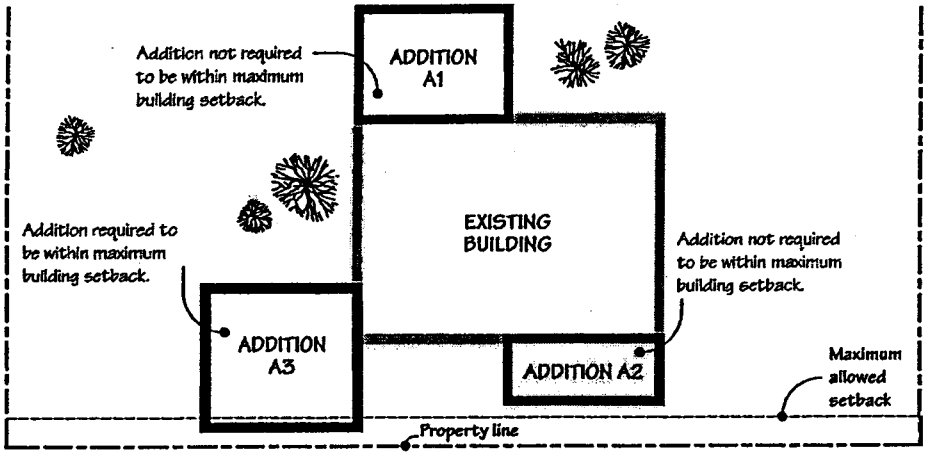


Figure 130-2
Alterations to Existing Building



Notes:
Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.
Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.
Addition A3. Because addition increases length of street-facing facade, 100 percent of addition must be within maximum setback until maximum setback standard for entire building is met.

Figure 130-3
Calculating Maximum Building Setback When More Than One Building On Site

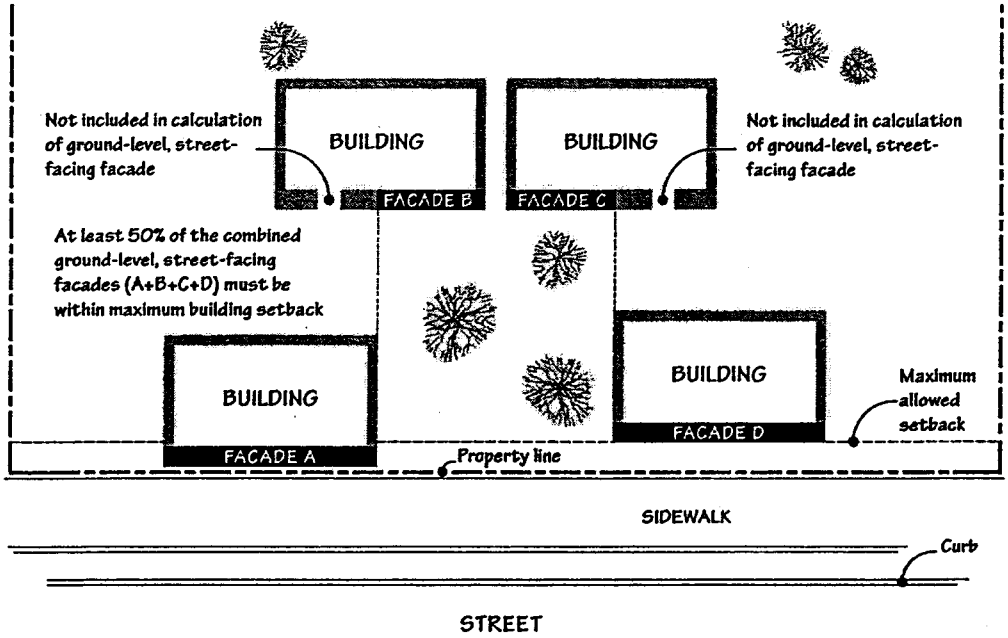
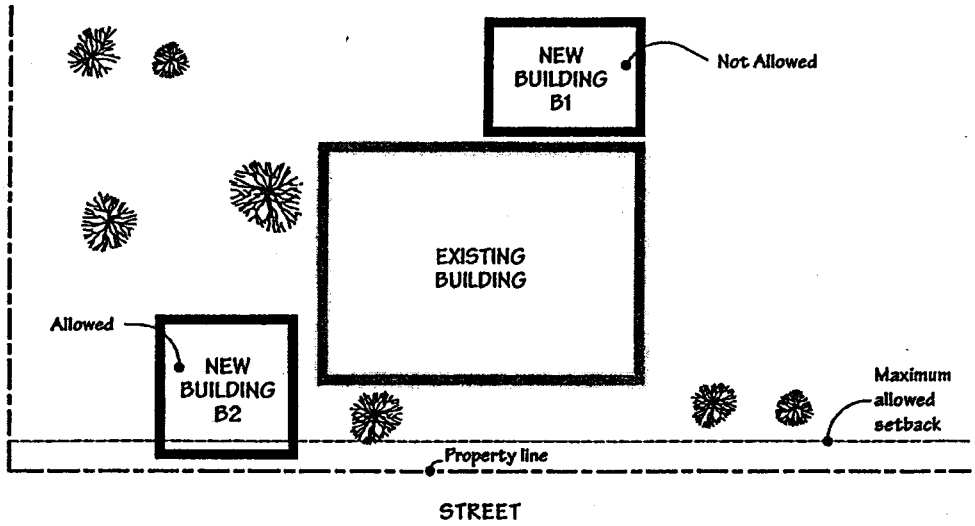


Figure 130-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

b. Standards. There are two standards. Subparagraphs B.2.c. and d. specify where each standard applies:

(1) Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

(2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback.

c. Outside a Pedestrian District. Where the site is not in a Pedestrian District:

(1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;

(2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:

- Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;

- If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the street with the highest transit classification and the City Walkway.

(3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the street with the highest transit classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose on which street to meet the standard.

d. In a Pedestrian District. Where the site is in a Pedestrian District:

(1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;

(2) One transit street and one non-intersecting non-transit street. Where the site is adjacent to one transit street and one non-intersecting non-transit street, Standard 1 must be met on the frontage of the transit street;

(3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;

(4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;

(5) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the street with the highest transit classification and any intersecting transit street;

- Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; and
- Standard 1 must be met on an intersecting transit street;

(6) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two of them are transit streets that do not intersect, the following standards must be met on the frontage of the street with the highest transit classification and one intersecting street;

- Standard 2 must be met on the frontage of the street with the highest transit classification. If both transit streets have the same highest classification, the applicant may choose on which street to meet the standard; and
- Standard 1 must be met on an intersecting street;

(7) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:

- Standard 2 must be met on the frontage of one street; and
- Standard 1 must be met on an intersecting street.

2. Exceptions to the building setbacks.

   a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced, but not increased, to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

   b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

3. 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 and provide connectivity within the site and to adjacent streets and uses.

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 130-3 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.c. and B.2.d., 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 unobstructed sidewalks on both sides. One of the following must be met:

         - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or

         - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.

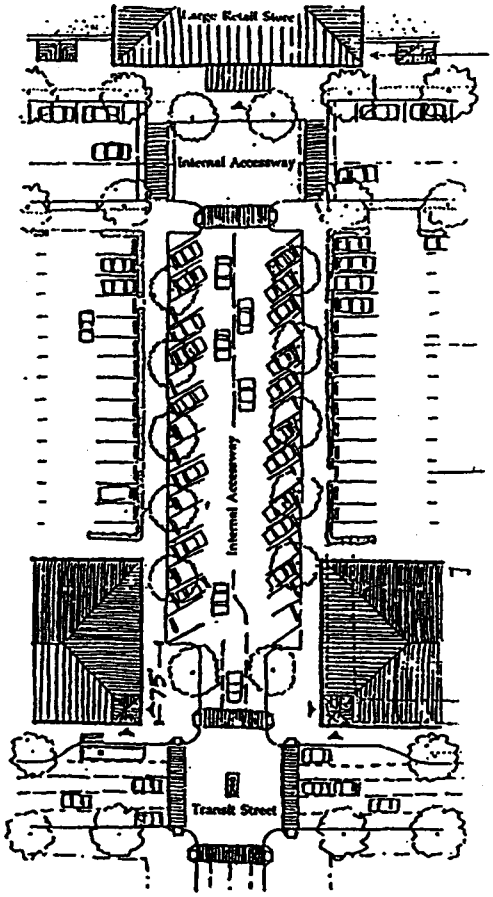
      (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

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

(6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

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 130-5
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. Bays and bay windows extending into the setback also must meet the following requirements:

(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

(3) Bays and bay windows must cantilever beyond the foundation of the building; and

(4) The bay may not include any doors.

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 one entrance on the street-facing façade of a building may fully extend into a street setback;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; 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 may fully extend into a required building setback.

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. Sign regulations are in Title 32, Signs and Related Regulations.

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.

33.130.227 Trees

A. Purpose. The purpose of the tree standard is to maintain and add to Portland's tree canopy and to enhance the overall appearance of single-dwelling development in commercial zones. Trees are an integral aspect of the Portland landscape and add to the livability of Portland. They provide aesthetic and economic value to property owners and the community at large. Trees help to:

- reduce stormwater run-off by intercepting and transpiring precipitation;
- help to reduce summer temperatures by providing shade;
- buffer noise;
- stabilize slopes;
- provide oxygen,
- clean the air; and
- provide wind protection in winter.

B. Minimum tree standard. New residential development must meet the T1 standard of Chapter 33.248, Landscaping and Screening. Multi-dwelling structures are exempt from this standard. Adjustments to this standard are prohibited. Trees provided to meet the requirements of Section 33.130.225, Landscaped Areas, may apply toward meeting this requirement.

C. Exception to minimum tree standard. Residential development is exempt from this standard when buildings cover 90 percent or more of the site.

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 lots with more than one street frontage, the general standard must be met on one street frontage only. The general standard must be met on the frontage of the street that has the highest transit street classification according to the Transportation Element of the Comprehensive Plan. If two or more streets have the same highest transit street classification, then the applicant may choose on which street to meet the general standard. On all other streets, 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, and does not apply to the walls of 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 Regional Arts and Culture Council 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 Regional Arts and Culture Council and must be approved by the Regional Arts and Culture Council. 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. 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 or improved right-of-way if there are no sidewalks. 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. Elevation changes and speed bumps must be at least 4 inches high.

   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 it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

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.

4. Area between a building and a street lot line. The land between a building and a street lot line 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 use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Applicability.

1. Generally. 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;

2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.

C. Location. For portions of a building within the maximum building setback, at least one main entrance for each tenant space must:

1. Be within 25 feet of the transit street;

2. Allow pedestrians to both enter and exit the building; and

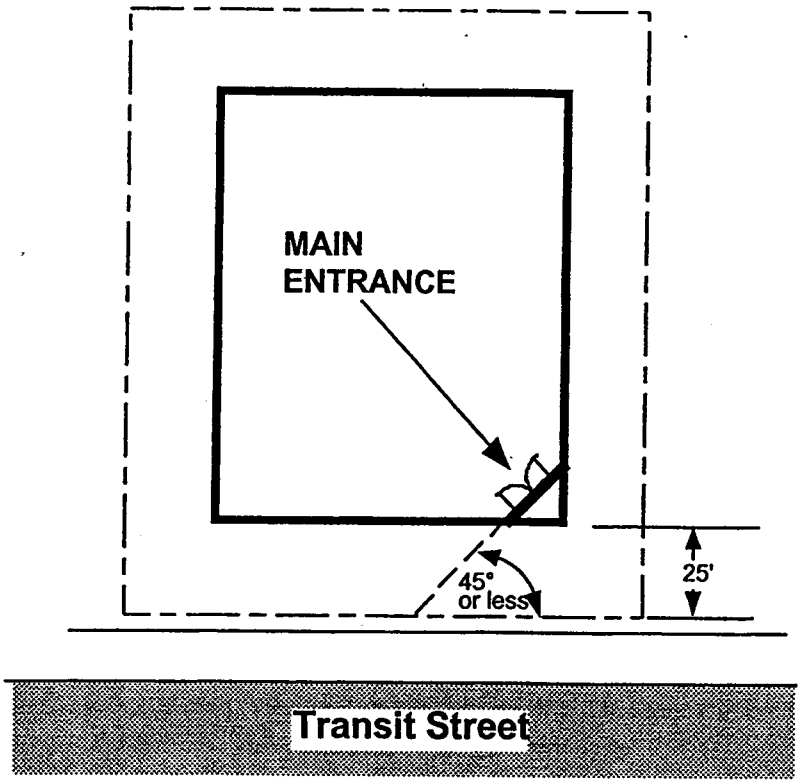
3. Either:

   a. Face the transit street; or

   b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-6, 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 130-6
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 work activities are prohibited in the commercial zones except for the sales of motor vehicle fuels, and car washes, which are allowed.

E. Other exterior activities. The following exterior activities are allowed in the commercial zones: outdoor eating areas, plant nurseries, entertainment and recreation uses that are commonly performed outside, and outdoor markets.

F. 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

A. Generally. Except as specified in this section, all development—residential, mixed-use, and nonresidential—must meet the other development standards for the zone such as height, setbacks, and building coverage.

B. Floor area ratio. 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.

C. Residential main entrance.

1. Purpose. These standards:
   - Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
   - Enhance public safety for residents and visitors and provide opportunities for community interaction;
   - Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
   - Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

2. Where these standards apply. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial zones. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each structure must:

   a. Be within 8 feet of the longest street-facing wall of the structure; and

   b. Either:

      (1) Face the street, See Figure 130-7;

(2) Be at an angle of up to 45 degrees from the street; or

(3) Open onto a porch. See Figure 130-8. The porch must:

- Be at least 25 square feet in area;
- Have at least one entrance facing the street; and
- Have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

Figure 130-7
Main Entrance Facing the Street

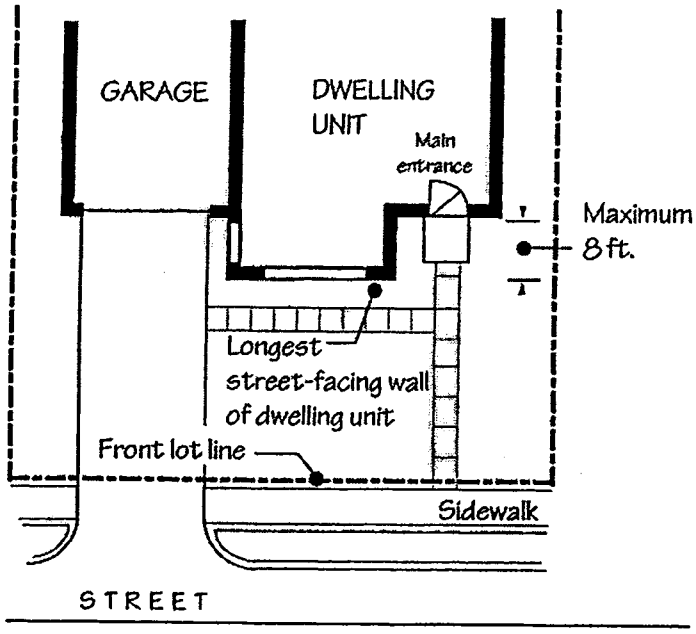
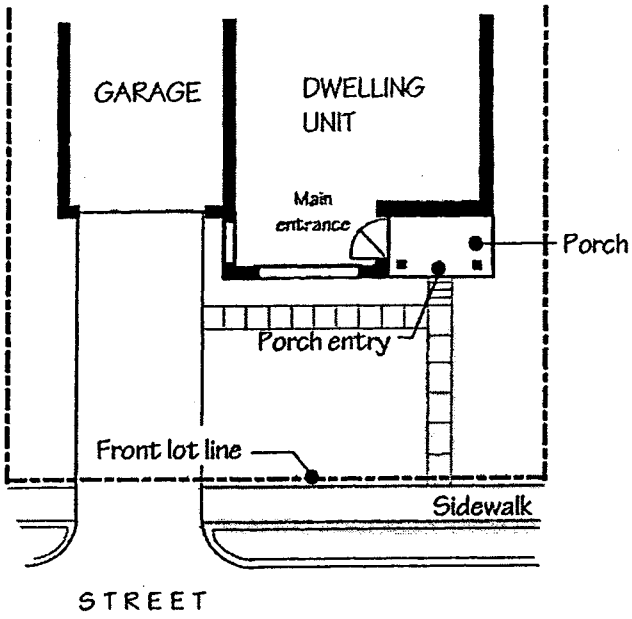


Figure 130-8
Main Entrance Opening Onto a Porch



D. Street-facing facades.

1. Purpose. This standard:
   - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
   - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
   - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, and duplexes in commercial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street lot line.

E. Garages.

1. Purpose. These standards:
   - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
   - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
   - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
   - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
   - Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Where these standards apply. The requirements of Paragraphs E.3 and E.4, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraph E.4, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall.

   a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 130-9. On corner lots, only one street-facing garage wall must meet this standard.

   b. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 130-10.

      (1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or

      (2) A covered balcony above the garage that is:

         - At least the same length as the street-facing garage wall;
         - At least 6 feet deep; and
         - Accessible from the interior living area of the dwelling unit.

4. Street lot line setbacks.

   a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-11. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

(1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

(2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-12. The porch must meet the following:

- The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
- The porch must have a solid roof; and
- The roof may not be more than 12 feet above the floor of the porch.

Figure 130-9
Length of Street Facing Garage Wall

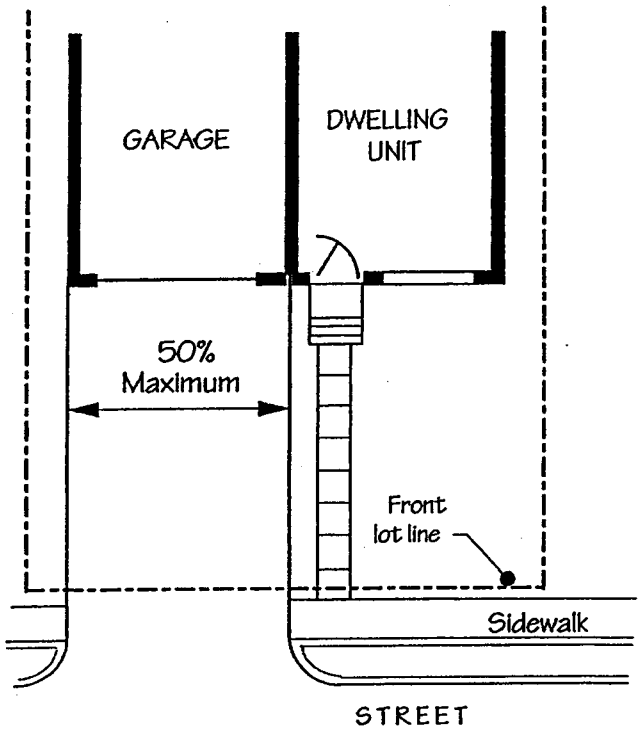


Figure 130-10
Length of Street-Facing Garage Wall Exception

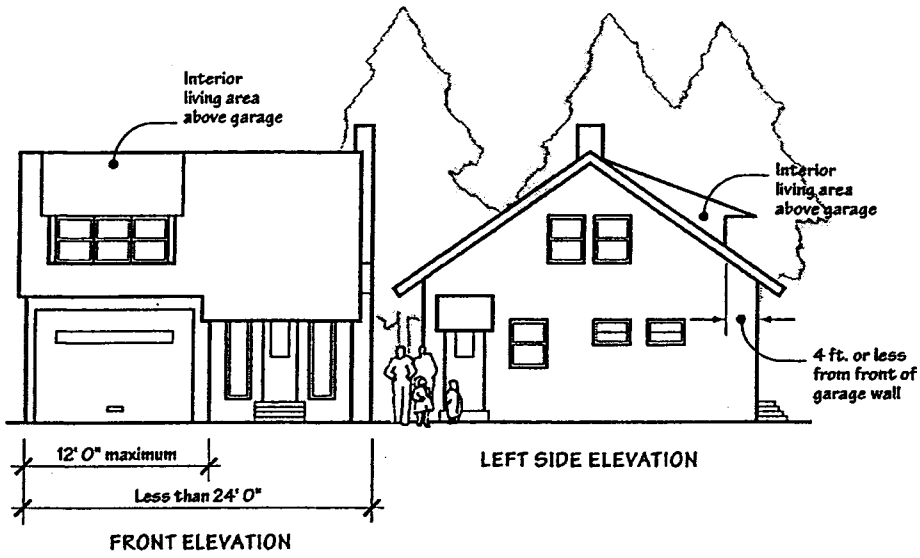


Figure 130-11
Street Lot Line Setback

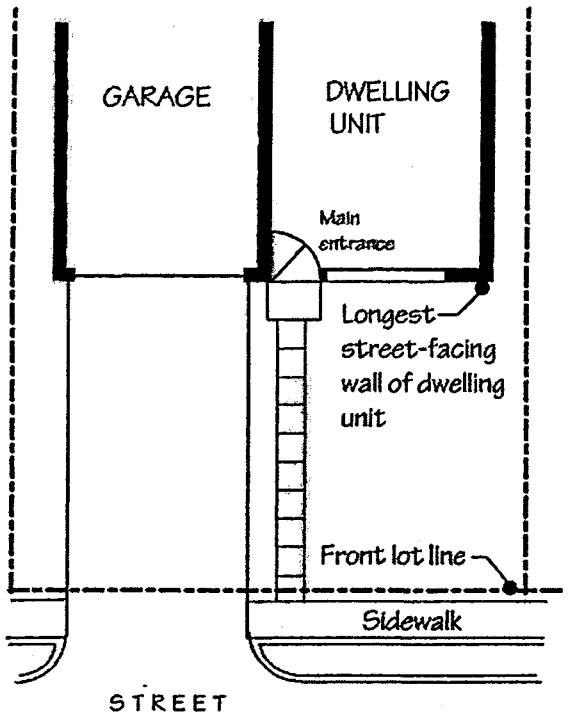
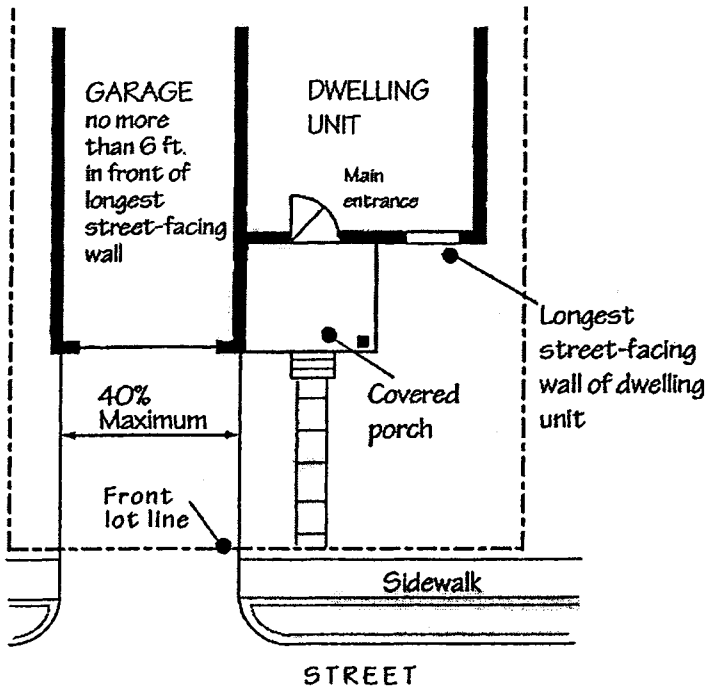


Figure 130-12
Garage Front Setback Exception



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 Transportation Element of the Comprehensive Plan. 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. CN1, CO1, CO2, CM, and CS zones. Drive-through facilities are prohibited in the CN1, CO1, CO2, CM and CS zones.

D. CX zone.

1. Outside of the Central City plan district. Outside of the Central City plan district, drive-through facilities are prohibited in the CX zone;

2. In the Central City plan district. In the Central City plan district, drive-through facilities are allowed in the CX zone but are prohibited in certain subdistricts.

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 Section 33.130.250, General Requirements for Residential and Mixed-Use Developments, for additional requirements for garages accessory to residential development.

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. Street building setbacks.

   a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.

   b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.

2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.

3. Not in building setbacks. 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 BDS 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 minimum required and maximum allowed number of auto parking spaces, minimum required number of 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 Title 32, Signs and Related Regulations.

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; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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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 commercial uses are 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/commercial 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 and commercial uses which need a central location. Residential uses are allowed, but 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 supersede 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. Household Living uses in I zones. This regulation applies to all parts of Table 140-1 that have note [1]. Household Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household Living in other structures is prohibited.

2. Group Living. This regulation applies to all parts of Table 140-1 that have note [2].

   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.

3. EG commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].

   a. Limited uses.

      (1) Office uses are allowed if the FAR is not more than 1:1 per site, except for historic landmarks. On sites with historic landmarks, the FAR may be up to 2:1.

      (2) Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 60,000 square feet or the FAR is not more than 1:1 per site, whichever is less, except for historic landmarks. On sites with historic landmarks, Retail Sales And Service uses are allowed if the floor area plus the exterior display and storage area is not more than 60,000 square feet or the FAR is not more than 2:1 per site, whichever is less.

   b. Conditional uses.

      (1) Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 60,000 square feet, or the FAR is more than 1:1, are a conditional use, except in historic landmarks. In historic landmarks, Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 per site, are a conditional use.

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].

   a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.

b. Conditional uses.

(1) More than one Retail Sales And Service or Office Use on a site is a conditional use.

(2) Any Retail Sales And Service or Office Use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited, except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 are prohibited.

5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].

a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office uses on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet or the FAR is more than 1:1 are prohibited except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 60,000 square feet or the FAR is more than 2:1 are prohibited.

6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].

a. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.

b. Conditional uses.

(1) More than four Retail Sales And Service or Office use on a site is a conditional use.

(2) Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 12,000 square feet or the FAR is more than 1:1 are prohibited except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the exterior display and storage is more than 25,000 square feet or the FAR is more than 2:1 are prohibited.

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 [1]	CU [1]	CU [1]
Group Living	CU	CU	L/CU [2]	N	N	N
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	L [3]	L [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	Y	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]	CU [15]
Self-Service Storage	Y	Y	L [7]	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 [8]	L/CU [8]	L/CU [8]
Institutional Categories						
Basic Utilities	Y/CU [12]	Y/CU [12]	Y/CU [12]	Y/CU [13]	Y/CU [13]	Y/CU [13]
Community Service	L [9]	L [9]	L [10]	L/CU [11]	L/CU [11]	L/CU [11]
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 [11]	L/CU [11]	L/CU [11]
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 [14]	L/CU [14]	CU	L/CU [14]	L/CU [14]	L/CU [14]
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.

7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [7]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.

8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [8]. 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 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.

9. Community Service uses in EG zones. This regulation applies to all parts of Table 140-1 that have a [9]. 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.

10. Community Service in the EX zone. This regulation applies to all parts of Table 140-1 that have a [10]. 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.

11. Community Service and Daycare limitations in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. 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.

12. Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have note [12]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.

13. Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have note [13]. 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.

14. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [14]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

15. Commercial Parking. This regulation applies to all parts of Table 140-1 that have note [15]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.

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 and protecting 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.

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.

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.

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 29, Property and Maintenance Regulations.

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

Lot size regulations are in Chapers 33.614 and 33.615.

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 140-3. 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 from Landmarks in the EX Zone. Floor area ratios may be transferred from a site zoned EX that contains a Landmark as follows:

1. Maximum increase in FAR. 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;

2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraph C.1 above;

3. Receiving site. The transfer must be to a site that is:

   a. Zoned C or EX; and

   b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and

4. The property owner executes a covenant with the City that 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 140-3
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)	5 ft.	25 ft.	0	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 [4]	0 to 14 ft. [2]	15 ft.	0 to 14 ft. [2]	0 to 14 ft. [2]	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
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 140-4.
[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] No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning. See 33.140.215.B.3.b.

Table 140-4
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.

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 140-3. 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. 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 140-3. The setback standards apply to all buildings and structures on the site except as specified in this section. 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. Setbacks are measured from the lot line.

2. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides. These setback standards apply to the EG1 and EX zones. Except as provided in Subsection C. below, the building setbacks on a transit street or in a Pedestrian District are as follows:

   a. Measurement.

      (1) Where an existing building that meets the standards of this paragraph is being altered, the standards of this paragraph apply to the ground level, street-facing façade of the entire building. See Figures 140-1 and 140-2.

(2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.

(3) For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:

- For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
- The porch must have at least one entrance facing the street; and
- The porch must have a roof that is:
  - No more than 12 feet above the floor of the porch; and
  - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

Figure 140-1
Alteration to Existing Building in Conformance with Maximum Setback Standard

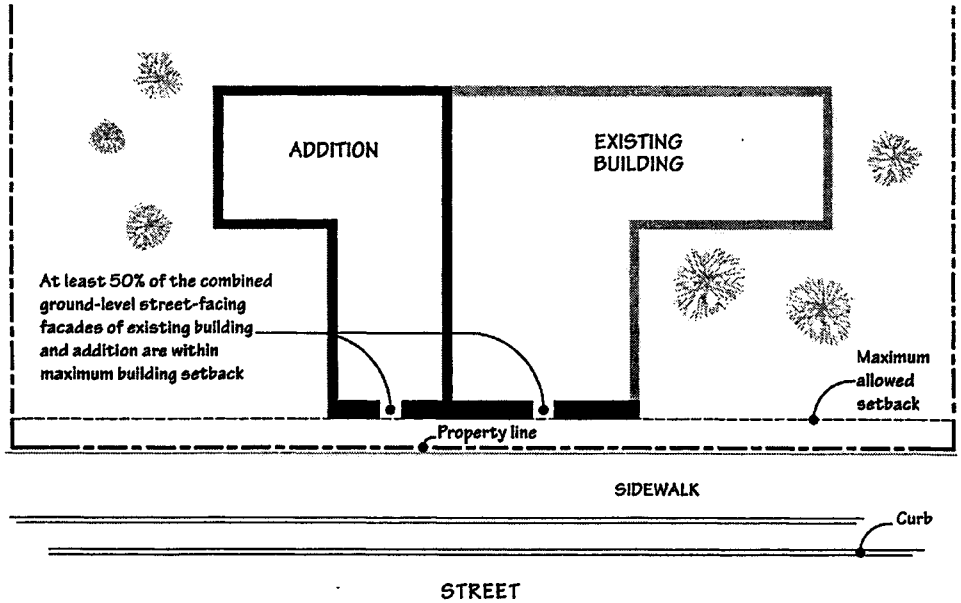
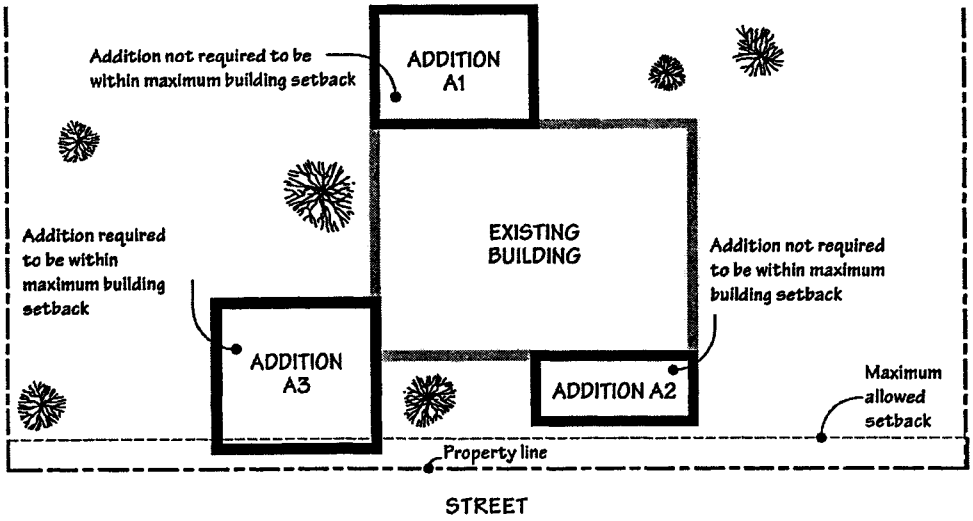


Figure 140-2
Alterations to Existing Building



Notes:
Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.
Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.
Addition A3. Because addition increases length of street facing facade, 100 percent of addition facade must be within maximum setback until maximum setback standard for entire building is met.

Figure 140-3
Calculating Maximum Building Setback When More Than One Building On Site

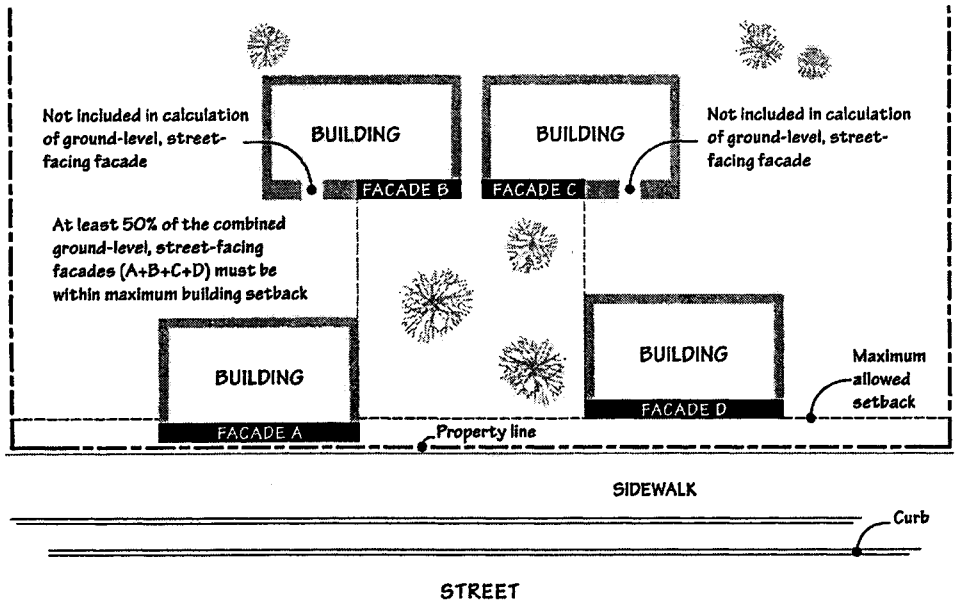
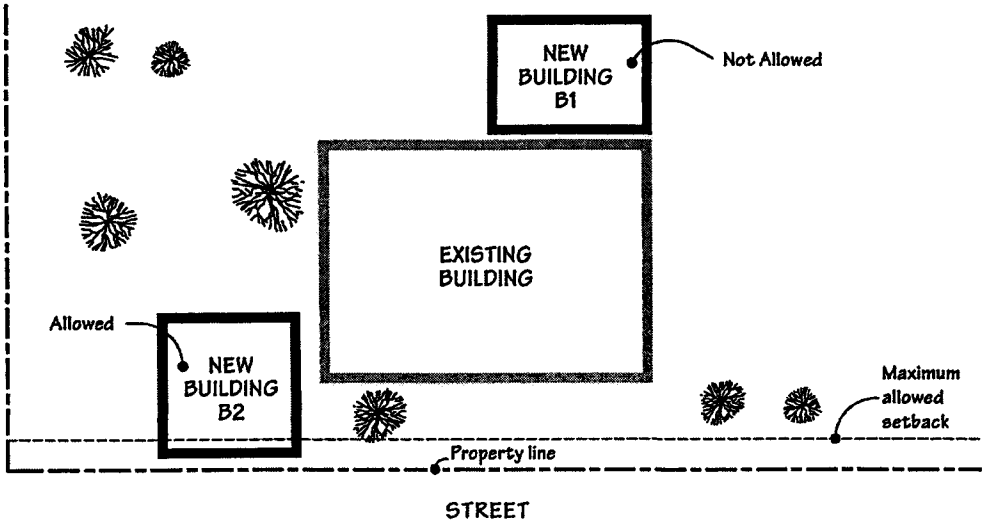


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:
New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.
New Building B2. Because building increases length of combined street-facing facade on the site, 100 percent of building facade must be within maximum setback until maximum setback standard for site is met.

b. Standards. There are two standards. Subparagraphs B.2.c. and d. specify where each standard applies:

(1) Standard 1: At least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

(2) Standard 2: 100 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

c. Outside a Pedestrian district. Where the site is not in a Pedestrian District:

(1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;

(2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:

- Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;

- If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;

(3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.

d. In a Pedestrian District. Where the site is in a Pedestrian District:

(1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;

(2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;

(3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;

(4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;

(5) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:

- Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and

- Standard 1 must be met on an intersecting transit street;

(6) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:

- Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and

- Standard 1 must be met on an intersecting street;

(7) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:

- Standard 2 must be met on the frontage of one street; and
- Standard 1 must be met on an intersecting street.

e. Exemption. Flag lots are exempt from the maximum setback standards of this paragraph.

3. Exceptions to the building setbacks.

a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.

b. Split zoning. Where a site is split between more than one base zone and a building is proposed that will cross an internal lot line that is also a zoning line, no setbacks are required from that lot line.

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 and provide connectivity within the site and to adjacent streets and uses.

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 140-3 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.c. and B.2.d., 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 unobstructed sidewalks on both sides. One of the following must be met:

- The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or

- The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.

(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 140-5, at the intersections of internal accessways that have parking; and

(6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

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.

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. Bays and bay windows extending into the setback also must meet the following requirements:

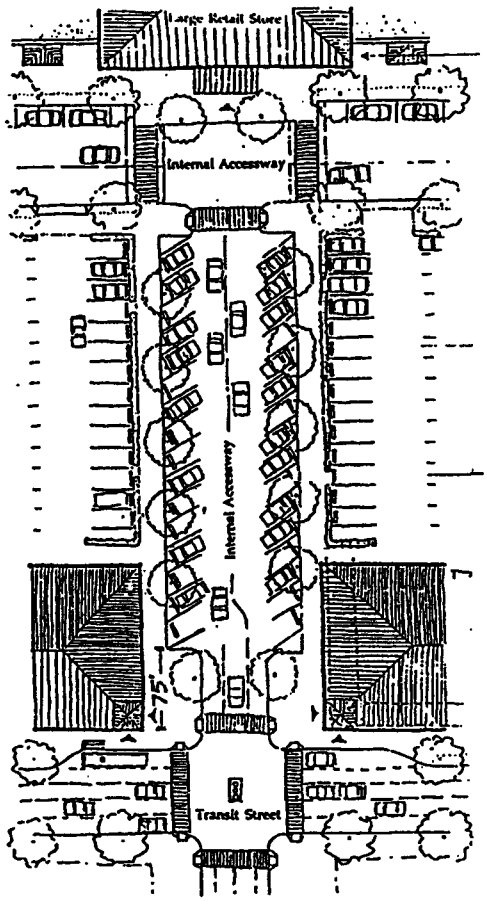
(1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;

(2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

(3) Bays and bay windows must cantilever beyond the foundation of the building; and

(4) The bay may not include any doors.

Figure 140-5
Internal Circulation System



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 one entrance on the street-facing façade of a building may fully extend into a street setback;

(3) Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; 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 may fully extend into a required building setback.

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. Sign regulations are in Title 32, Signs and Related Regulations.

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 140-3. 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 140-3. 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.

33.140.230 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 does not apply to the walls of 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 Regional Arts and Culture Council 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 Regional Arts and Culture Council and must be approved by the Regional Arts and Culture Council. 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 or improved right-of-way if there are no sidewalks. 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. Elevation changes and speed bumps must be at least 4 inches high.

   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 it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

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.

4. EG1 and EX zones. The land between a building and a street lot line 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.

33.140.242 Transit Street Main Entrance

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

B. Applicability.

1. Generally. 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;

2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes. must meet the standards of subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.

C. Location. For the portion of buildings that conform to the maximum building setback, at least one main entrance for each tenant space facing the transit street must:

1. Be within 25 feet of the transit street;

2. Allow pedestrians to both enter and exit the building; and

3. Either:

   a. Face the transit street; or

   b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6, 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 140-6.

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 140-6.

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 140-6.

E. Paving. All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Figure 140-6
Transit Street Main Entrance

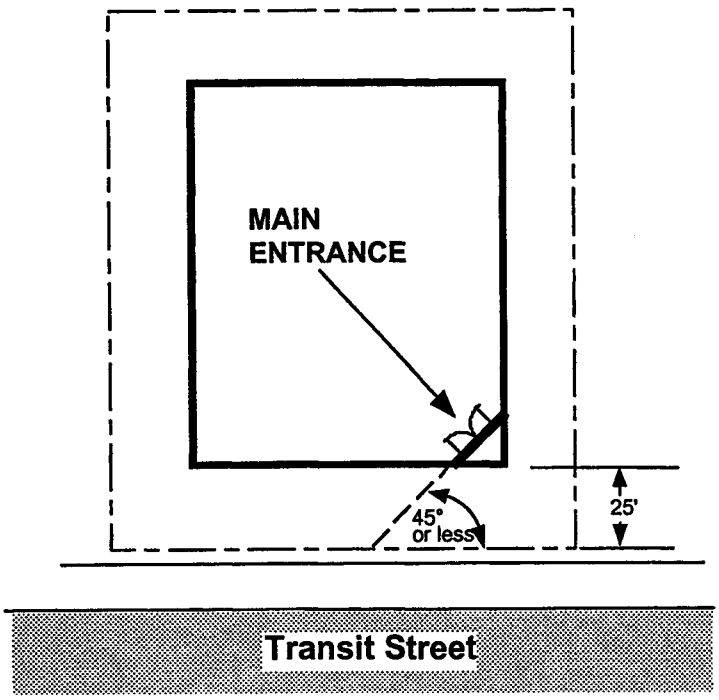


Table 140-6
Exterior Development Setbacks and Landscaping [1]

	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, 3]	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 only is required on the edge of the storage area.
[3] When the F2 + L2 option is used, the fence must be placed along the interior side of the landscaped area.

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 zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

33.140.255 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. EG and I zones. Drive-through facilities are allowed in the EG and I zones.

B. EX zone. Drive-through facilities are prohibited in the EX zone.

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 BDS 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:

A. Generally. Except as specified in this section, base zone development standards continue to apply;

B. Existing buildings. Residential uses in existing buildings have no density limit within the building;

C. New development. Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;

D. Residential main entrance.

1. Purpose. The main entrance standards serve several purposes:
   - The main entrance standards, together with the window and garage standards ensure that there is a physical and visual connection between the living area of the residence and the street;
   - They enhance public safety for residents and visitors and provide opportunities for community interaction;
   - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
   - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.

2. Where these standards apply. The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the employment and industrial zones. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Location. At least one main entrance for each dwelling unit must:

   a. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

   b. Either:

      (1) Face the street. See Figure 140-7;

      (2) Be at an angle of up to 45 degrees from the street; or

      [3] Open onto a porch. See Figure 140-8. The porch must:

         - Be at least 25 square feet in area;
         - Have at least one entrance facing the street; and
         - Have a roof that is:
            - No more than 12 feet above the floor of the porch; and
            - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

Figure 140-7
Main Entrance Facing the Street

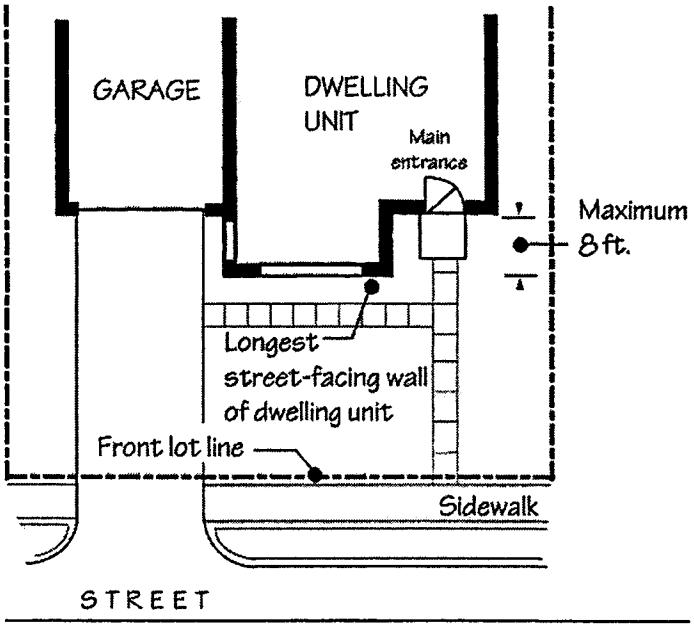
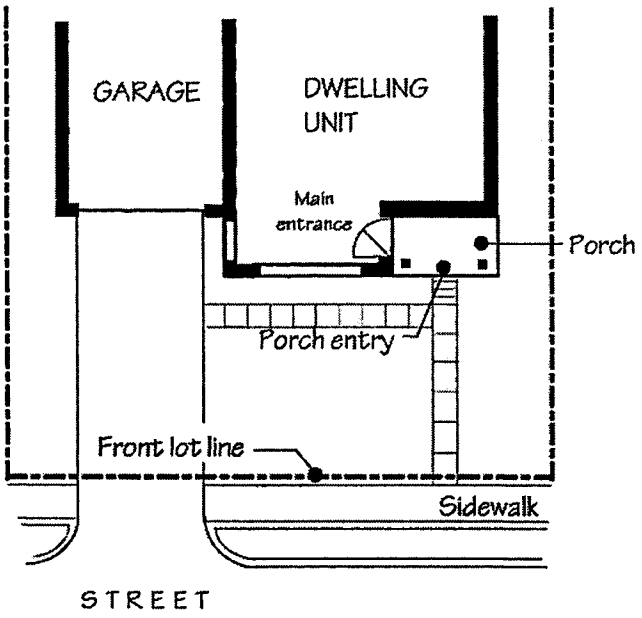


Figure 140-8
Main Entrance Opening Onto a Porch



E. Street-facing facades.

1. Purpose. The standard:
   - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
   - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
   - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, and duplexes in the Employment and Industrial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

3. The standard. At least 15 percent of the area of each façade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard, a door must be at the main entrance and facing a street lot line.

F. Garages.

1. Purpose. These standards:

   - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
   - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
   - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
   - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
   - Enhance public safety by preventing garages from blocking views of the street from inside the residence.

2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, manufactured homes, and duplexes. The requirements of Paragraph F.4, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall.

   a. Generally. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 140-9. On corner lots, only one street-facing garage wall must meet this standard.

   b. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 140-10.

      (1) Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or

      (2) A covered balcony above the garage that is:

         - At least the same length as the street-facing garage wall;
         - At least 6 feet deep; and
         - Accessible from the interior living area of the dwelling unit.

4. Street lot line setbacks.

   a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing façade on which the main entrance is located.

   b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

      (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and

      (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:

         - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
         - The porch must have a solid roof; and
         - The roof may not be more than 12 feet above the floor of the porch.

Figure 140-9
Length of Street-Facing Garage Wall

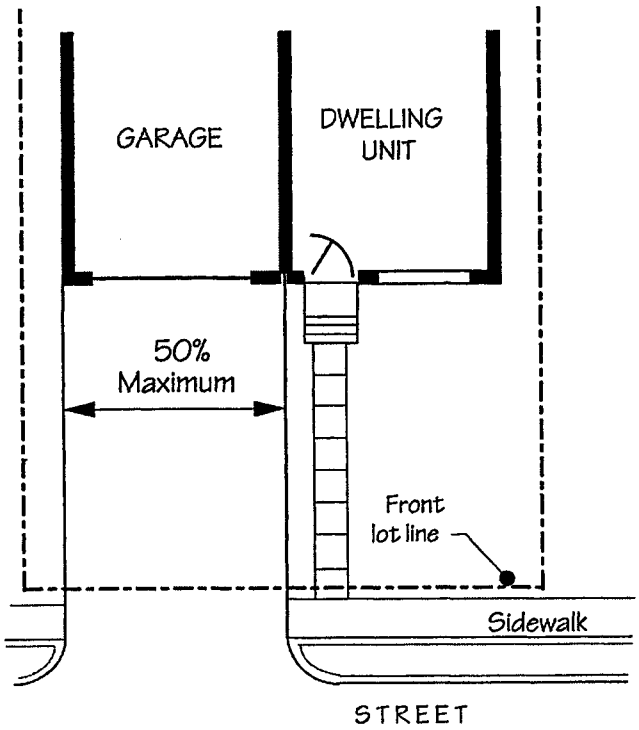


Figure 140-10
Length of Street-Facing Garage Wall Exception

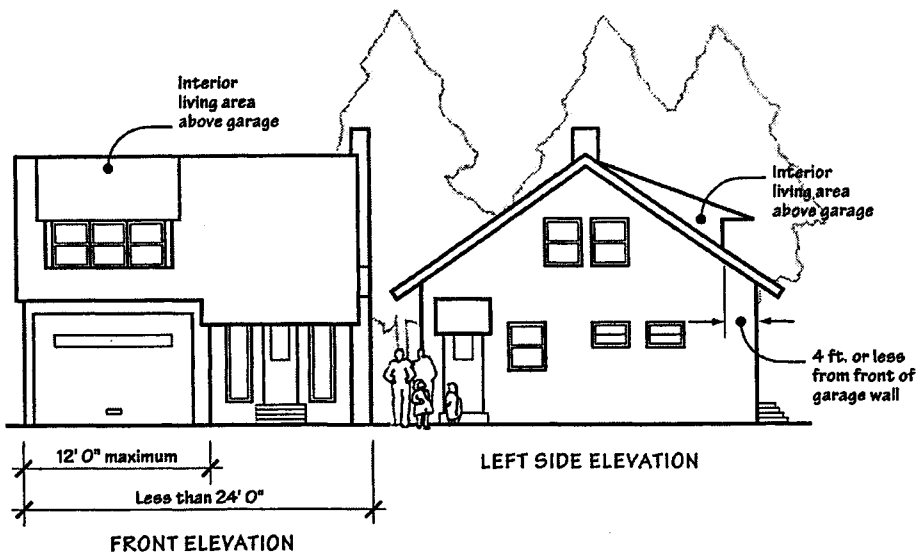


Figure 140-11
Street Lot Line Setback

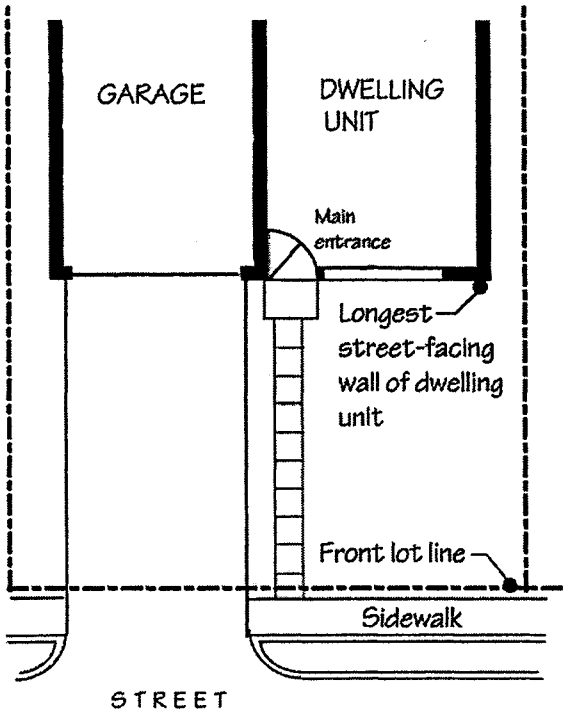
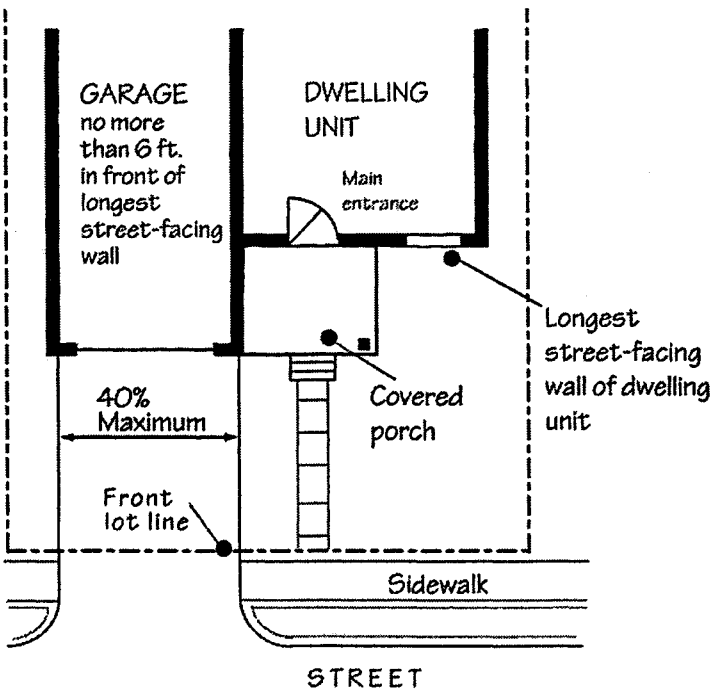


Figure 140-12
Garage Front Setback Exception



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 Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

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. Street building setbacks.

   a. Measured from front lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a front lot line.

   b. Measured from a side lot line. Fences up to 3-1/2 feet high are allowed in a required street building setback that is measured from a side lot line.

2. Side and rear building setbacks. Fences up to 8 feet high are allowed in required side or rear building setbacks except when the side or rear setback abuts a pedestrian connection. When the side or rear setback abuts a pedestrian connection, fences are limited to 3-1/2 feet in height.

3. Not in building setbacks. 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 BDS 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 minimum required and maximum allowed number of auto parking spaces, minimum required number of 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 Title 32, Signs and Related Regulations.

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.

200s - ADDITIONAL USE & DEVELOPMENT REGULATIONS

33.203 Accessory Home Occupations
33.205 Accessory Dwelling Units
33.209 Aviation
33.212 Bed and Breakfast Facilities
33.218 Community Design Standards
33.219 Convenience Stores
33.224 Drive-Through Facilities
33.229 Elderly and Disabled High Density Housing
33.236 Floating Structures
33.239 Group Living
33.243 Helicopter Landing Facilities
33.248 Landscaping and Screening
33.251 Manufactured Housing and Mobile Home Parks
33.254 Mining and Waste-Related
33.258 Nonconforming Situations
33.262 Off-Site Impacts
33.266 Parking and Loading
33.272 Public Recreational Trails
33.274 Radio Frequency Transmission Facilities
33.281 Schools and School Sites
33.284 Self-Service Storage
33.285 Short Term Housing and Mass Shelters
33.288 Special Street Setbacks
33.293 Superblocks
33.296 Temporary Activities

CHAPTER 33.203
ACCESSORY HOME OCCUPATIONS

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02.)

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 the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, 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 657A.440.

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 at any time. Home occupations that have customers coming to the site at any time are not allowed to have nonresident employees. For the purpose of this Chapter, the term "one 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. The term "one nonresident employee" does not allow employee shifts, with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time. 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. Outdoor activities.

1. All activities must be in completely enclosed structures.

2. Exterior storage or display of goods or equipment is prohibited.

B. 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. Vehicles. No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a light truck.

E. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

33.203.060 Type B Home Occupation Permit

A. Purpose. Permits for Type B home occupations must be obtained from OPDR 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 OPDR 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.

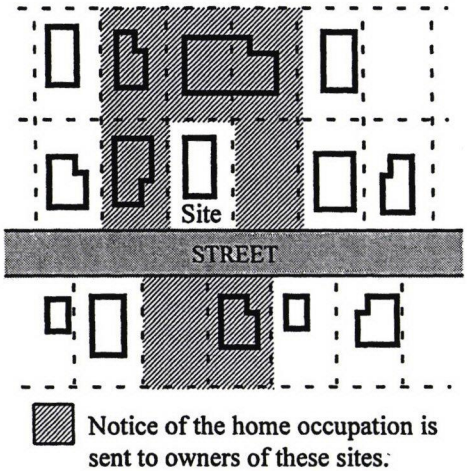
1. Purpose. The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.

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 OPDR 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; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.205.010 Purpose
33.205.020 Where These Regulations Apply
33.205.030 Design Standards
33.205.040 Density

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 development;
- 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.

   a. An accessory dwelling unit is prohibited on a site with a Type B home occupation.

   b. An accessory dwelling unit is allowed on a site with an approved Bed and Breakfast facility if the accessory dwelling unit meets the standards of Paragraph 33.815.040.B.1.

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 development 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.

33.205.040 Density
Accessory dwelling units are not included in the minimum or maximum density calculations for a site.

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

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01.)

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

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. The sign standards are stated in Title 32, Signs and Related Regulations.

D. Accessory dwelling units. Accessory dwelling units must meet all requirements of Chapter 33.205, Accessory Dwelling Units.

33.212.060 Conditional Use Review
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

(Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

CHAPTER 33.218
COMMUNITY DESIGN STANDARDS

(Added by Ord. No. 171589, effective 11/1/97. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 174325, effective 5/5/00; Ord. No. 175210, effective 1/26/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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. The following proposals are subject to the neighborhood contact requirement as specified in section 33.730.045, Neighborhood Contact Requirement. All of the steps in 33.730.045 must be completed before a building permit is requested.

1. Proposals that create more than three new dwelling units. Dwelling units are created:
   a. As part of new development;
   b. By adding net building area to existing development that increases the number of dwelling units;
   c. By conversion of existing net building area from non-residential to residential uses; and
   d. 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;
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.

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 subject to the neighborhood contact, as required by Paragraph C.2, above, a copy of both letters required by Subsection 33.730.045.B must be submitted.

Standards

33.218.100 Standards for Primary and Attached Accessory Structures in Single-Dwelling Zones

The standards of this section 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. 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 front onto 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, or as specified in subparagraph D.1.b, above.

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. For attached houses, a covered balcony on the same facade as the main entrance may be provided instead of a front porch. The covered portion of the balcony must be at least 48 square feet and a minimum of 8 feet wide. The floor of the covered balcony must be no more than 15 feet above grade, and 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 street-facing façade or 12 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

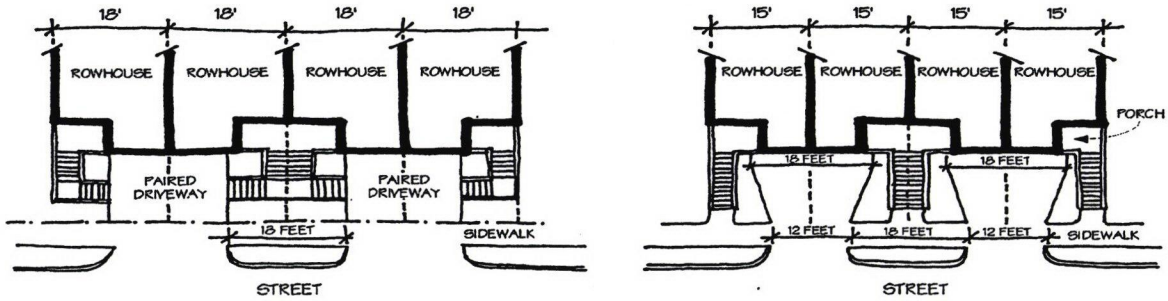
   d. There may be no more than two individual garage doors.

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. The standards of this subsection must be met on all building facades:

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.

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;

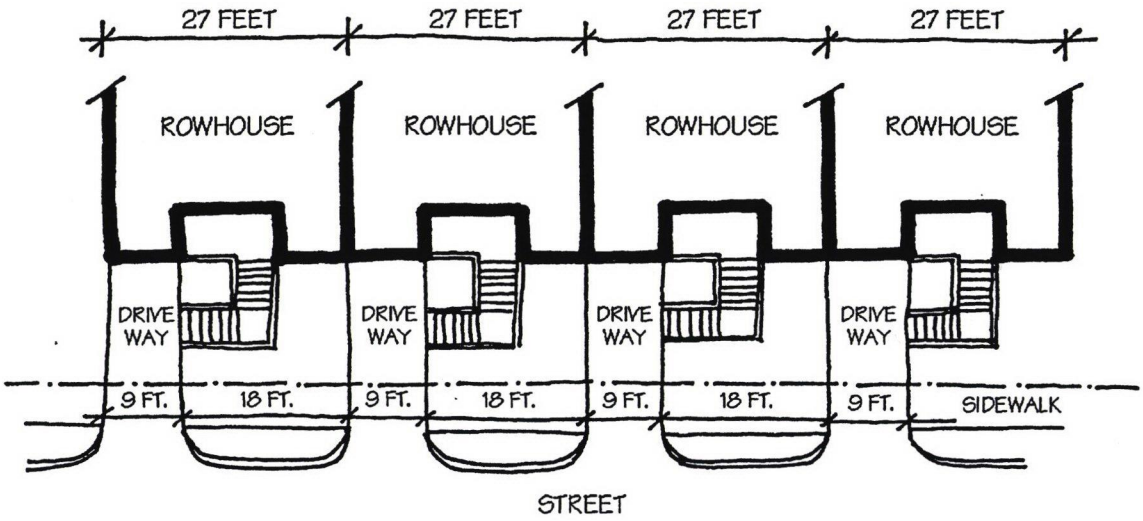
2. A porch roof with a gable end facing the street. The roof eaves of the porch must be the same height as the roof eaves of the building. The pitch of the porch roof must be between 6/12 and 12/12; or

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.

Figure 218-2
Single Driveways for Attached Houses



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 and Irvington. In the Irvington and Eliot 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. Proposals in the Kenton plan district are exempt from this standard:

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 on the same facade as the main entrance 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.

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 building frontage or 12 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.

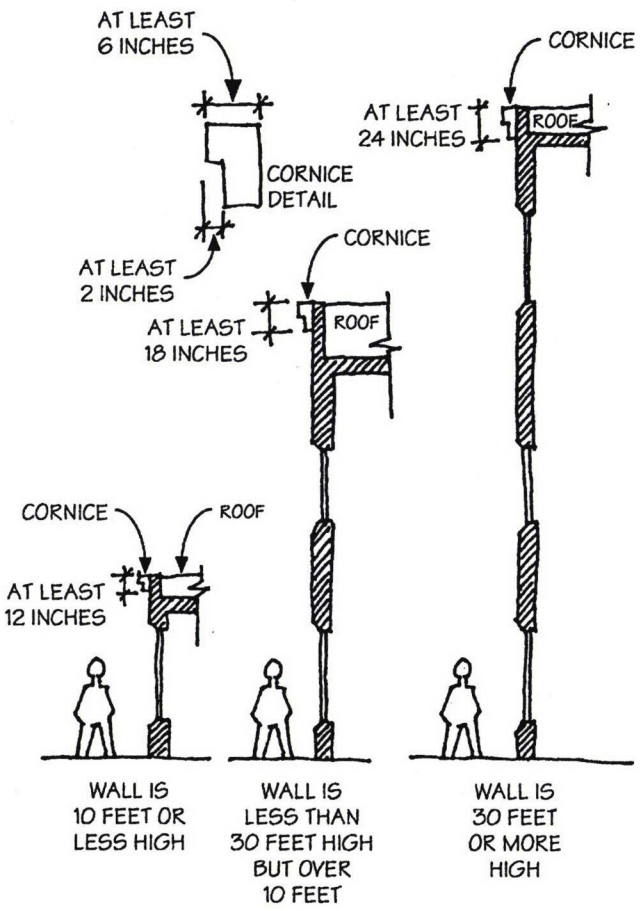
J. Exterior finish materials. The standards of this subsection must be met on all building facades:

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.

Figure 218-3
Two-Part Cornice



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 and Irvington. In the Eliot and Irvington 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. The standards of this subsection must be met on all building facades. 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. Where these standards apply. The standards of this subsection apply to detached, accessory structures that:

   a. Are more than 10 feet in height and at least one foot wide;

   b. Have a street-facing elevation more than 6 feet wide; or

   c. Have 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. The standards of this subsection must be met on all building facades. 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 City Walkway, 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. Proposals in the Hollywood and Kenton plan districts, the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone are exempt from this standard:

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. The sign standards are stated in Title 32, Signs and Related Regulations.

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. The standards of this subsection must be met on all building facades:

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. The sign standards are stated in Title 32, Signs and Related Regulations.

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 or City Walkway, 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. The standards of this subsection must be met on all building facades:

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

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02.)

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

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, OPDR, 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 Involvement.

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 OPDR 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 OPDR. 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

(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02.)

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.

1. Except as specified in Paragraph B.2, below, 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. Chapter 33.266 contains additional requirements regarding vehicle areas.

2. The site development standards of Sections 33.224.030 through 33.224.050 do not apply to drive-through facilities that do not involve any interactive service or communication with the customer.

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. Where allowed by Chapter 33.266, Parking and Loading, 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; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01.)

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 with special design and development standards in R3 through RH, C, IR, and EX zones. 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 and minimum parking requirements;
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 and EX zones. In the RH and EX zones, 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 and minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The lot is at least 10,000 square feet in area.

C. Commercial zones. In commercial zones, required parking may be reduced if all of the following are met:

1. The project complies with the development standards of the base zone, except for minimum parking requirements;
2. The project complies with the standards of this chapter; and
3. The site 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 Chapter 11 of the Oregon Structural Specialty Code.

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. OPDR 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; Ord. No. 174263, effective 4/15/00.)

Sections:

33.236.010 Purpose
33.236.015 Willamette River Restrictions
33.236.020 Allowed Uses
33.236.030 Houseboats
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.

33.236.015 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.

33.236.020 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. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a single dwelling use would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling use is allowed on the upland lot.

In the EG and I zones, houseboats and houseboat moorages are a conditional use.

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

(Amended by: Ord. No. 166786, effective 8/27/93; Ord. No. 167054, effective 10/25/93.)

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

The development standards of the base zone, overlay zone or plan district apply unless superseded 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

(Amended by: Ord. No. 175837, effective 9/7/01.)

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 OPDR. 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 OPDR.

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 OPDR 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 .060 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 OPDR 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

(Amended by: Ord. No. 165594, effective 7/8/92; Ord No. 166572, effective 6/25/93; Ord. No. 173533, effective 7/31/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02.)

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
33.248.065 Tree Preservation Plans
33.248.068 Tree Protection Requirements
33.248.070 Completion of Landscaping
33.248.080 Street Trees
33.248.090 Mitigation and Restoration Plantings

33.248.010 Purpose

The City recognizes the aesthetic, ecological, and economic value of landscaping and requires its use to:

- Preserve and enhance Portland's urban forest;
- Promote the reestablishment of vegetation in urban areas for aesthetic, health, and urban wildlife reasons;
- Reduce stormwater runoff pollution, temperature, and rate and volume of flow;
- 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

Subsections A. through H. 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 superseded. 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. Ground cover plants must fully cover the remainder of the landscaped area. See Figure 248-1.

   a. Where the area to be landscaped is less than 30 feet deep, the standard is one tree per 30 linear feet. Trees may be grouped.

   b. 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.

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, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area. See Figure 248-2.

Figure 248-1
L1 - General Landscaping

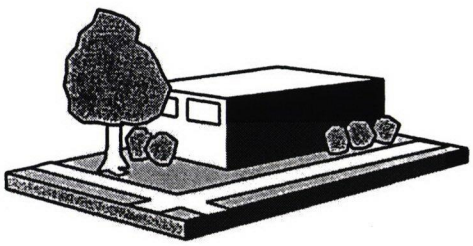
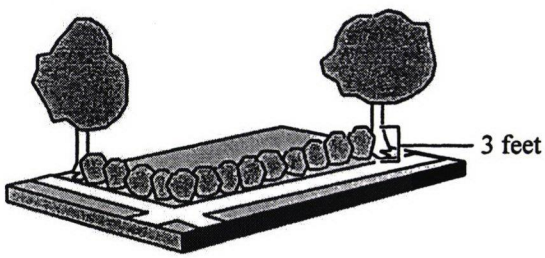


Figure 248-2
L2 - Low Screen Landscaping



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, any required or nonrequired screen, wall, or fence 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

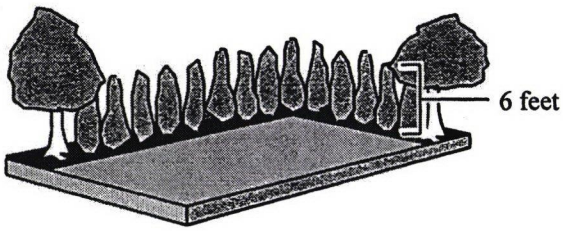
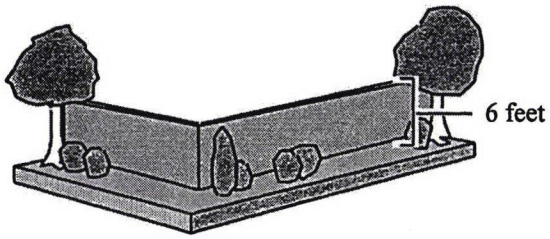


Figure 248-4
L4 - High Wall Landscaping

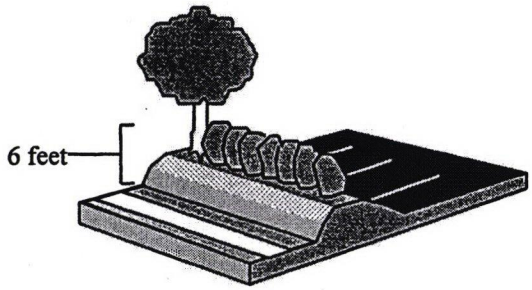


E. L5, high berm.

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

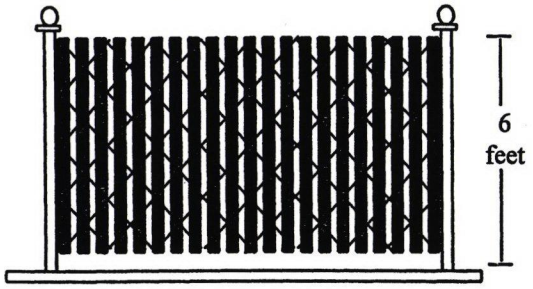
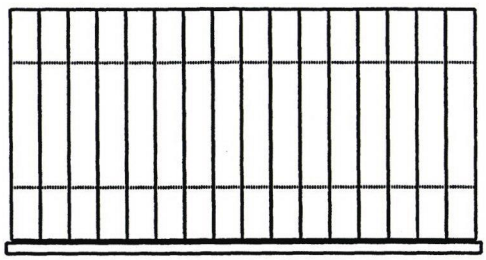


Figure 248-7
F2 - Totally Sight-Obscuring Fence



H. T1, Trees.

1. Intent. The T1 standard is a tree requirement for new residential development. It encourages the retention of trees, minimizes the impact of tree loss during development, and ensures a sustained tree canopy in Portland.

2. Tree requirement. This requirement may be met using any of the three options below. The applicant may choose to meet one or more of these options. Adjustments to this Subsection are prohibited. The options are:

   a. Tree preservation. At least 2 inches of existing tree diameter per 1,000 square feet of site area must be preserved. On lots that are 3,000 square feet or smaller, at least 3 inches of existing tree diameter must be preserved per lot. This standard may be met using trees on the lot and within 5 feet of the edges of the lot. Trees within public and private rights-of-way may not be used to meet this standard. When this option is used, a tree preservation plan is required.

   b. Tree planting. At least 2 inches of tree diameter per 1,000 square feet of site area must be planted. On lots that are 3,000 square feet or smaller, at least 3 inches of tree diameter must be planted per lot.

   c. Tree Fund. This option may be used where site characteristics or construction preferences do not support the preservation or planting options.

      (1) Fund use and administration. The Tree Fund fee is collected by the Office of Planning and Development Review and is administered by the Urban Forestry Division of the Bureau of Parks and Recreation. The funds collected will be used to plant trees on public or private property in the same watershed as the site.

      (2) Calculation of required fund contributions. Applicants must contribute the cost to purchase and plant trees, as set out in (3), below. The cost to purchase and plant trees will be adjusted annually as determined by the Urban Forester based on current market prices per inch for materials, labor, and maintenance.

      (3) Required fund contribution. The applicant must contribute the following to the Tree Fund before a building permit will be issued:

      - For lots with 3,000 square feet or more of area, the cost to purchase and plant at least 2 inches of tree diameter per 1,000 square feet of site area; or

      - For lots with less that 3,000 square feet of area, the cost to purchase and plant at least 3 inches of tree diameter per lot.

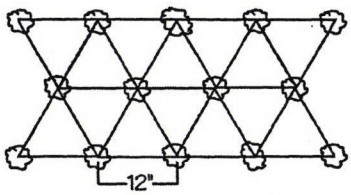
33.248.030 Plant Materials

A. Ground cover.

1. Ground cover required. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

2. Size and spacing. Ground cover plants other than grasses must be at least the four-inch pot size. Area planted in ground cover plants other than grass seed or sod must be planted at a rate of one per 12 inches on center, in triangular spacing (see Figure 248-8).

Figure 248-8
Ground Cover Planting on Twelve-Inch Centers



B. Shrubs. All shrubs must be of sufficient size and number to meet the required standards within 3 years of planting.

C. Trees. Trees may be broadleaf or conifers. Broadleaf trees at the time of planting must be fully branched. Broadleaf trees planted in residential zones must be a minimum of 1.5 inches in diameter. Broadleaf trees planted in all other zones must be a minimum of 3 inches in diameter. Conifer trees at the time of planting must be fully branched and a minimum of 6 feet in height. These minimum requirements do not apply to trees used for mitigation, remediation, or restoration.

D. 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 as specified in Section 33.248.065, and if the plants are not listed as prohibited on the Portland Plant List. When an existing tree is 3 to 12 inches in diameter, each 1 inch diameter counts as 1 inch toward meeting the tree requirements of a landscaping or tree standard. When an existing tree is more than 12 inches in diameter each 1 inch counts as 3 inches toward meeting the tree requirement of a landscaping or tree 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. Arborescent shrubs from the Portland Plant List may not be used to meet the tree requirement.

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 Director of OPDR or the City Forester as potentially damaging to sidewalks, roads, underground utilities, drainage improvements, foundations, etc.

E. 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.

F. 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. All required landscaping must be in-ground, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements. 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. Irrigation by hand. If the applicant chooses this option, an inspection will be required one year after final inspection 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.

E. Topping prohibited. Topping of trees required by this Title is prohibited; required trees must be allowed to grow in their natural form. This prohibition does not apply to pruning performed to remove a safety hazard, to remove dead or diseased material, or to avoid overhead utilities.

If a tree smaller than 8 inches in diameter is topped, it must be replaced in kind. If a tree 8 inches or larger in diameter is topped, the owner must have a certified arborist develop and carry out a 5-year pruning schedule.

33.248.050 Landscaped Areas on Corner Lots
All landscaped areas on corner lots must meet the vision clearance standards of Section 16.70.800 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.

33.248.065 Tree Preservation Plans

A. When a tree preservation plan is required. A tree preservation plan must be submitted and approved when existing trees are used to meet a landscape or tree standard.

B. Elements of a tree preservation plan. A tree preservation plan includes both a site plan and a written statement. All of the following elements must be included:

1. A written statement that the trees to be preserved are healthy; and

2. A site plan that is drawn to scale and shows:

   a. All trees to be preserved on the site, their species and diameter;

   b. The location of water, sewer, and other utility easements;

   c. The location of dry wells and soakage trenches; and

   d. How the requirements of Section 33.248.068, Tree Protection Requirements, are met.

C. Alternative tree preservation plans. If the requirements of Section 33.248.068, below, cannot be met, an alternative tree preservation plan may be submitted by a certified arborist or landscape architect. The alternative tree preservation plan must show alternative means for tree protection and preservation, and include a statement by the arborist or architect that the plan provides the same level of protection as the requirements of Section 33.248.068.

33.248.068 Tree Protection Requirements

A. Where these requirements apply. These requirements apply to all trees shown on a tree preservation plan.

B. Construction fencing. A construction fence must be placed around each tree at the edge of the root protection zone. The fence must be placed before construction starts and remain in place until construction is complete. The fence must meet one of the following:

1. The fence must be 6 foot high orange plastic and be secured to the ground with 8-foot metal posts, or

2. The fence must be 6 foot high steel on concrete blocks.

C. Development limitations. Within the root protection zone of each tree, the following development is not allowed:

1. New buildings;
2. Grade change or cut and fill during or after construction;
3. New impervious surfaces;
4. Utility or drainage field placement;
5. Staging or storage of materials and equipment during construction; and
6. Vehicle maneuvering areas during construction.

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. All required landscaping must be installed prior to final inspection.

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
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 OPDR.

CHAPTER 33.251
MANUFACTURED HOMES AND MOBILE HOME PARKS

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02.)

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

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

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. Vehicle and pedestrian circulation and parking.

1. Vehicle 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 and Office of Transportation.

2. Pedestrian circulation.

   a. A pedestrian circulation system must connect each space with the internal street or driveway system, to other areas of the site, such as parking areas, recreational areas, and to adjacent streets.

   b. The pedestrian circulation system must be at least 6 feet wide and hard-surfaced. Where the pedestrian system crosses driveways or parking areas, it 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. Elevation changes and speed bumps must be at least 4 inches high.

   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, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.

   d. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by residents.

3. 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

(Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 177028, effective 12/14/02.)

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 340.110, 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 Freight Districts, as designated in the Transportation Element of the Comprehensive Plan.

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 streets or Major City Traffic Streets when near the site. The traffic study must include information on proposed access points, hours of operation, types of vehicles, and number 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 mosquitoes.

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 Bureau of Environmental Services and BDS 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; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

33.258.010 Purpose
33.258.030 Types of Nonconforming Situations
33.258.035 Where These Regulations Apply
33.258.037 Documenting Conforming Development
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.

33.258.037. Documenting Conforming Development
Sites with nonconforming development must come into compliance with certain development standards in some situations, as required by Paragraph 33.258.070.D.2. To streamline the permitting process, applicants may request that sites that are in compliance be certified by BDS as in compliance with the development standards listed in Paragraph 33.258.070.D.2.

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 of BDS will determine if the evidence is satisfactory. The Director of BDS 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. Examples of expansion of floor area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of floor area occupied by a nonconforming use within an existing building.

Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines 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 as they existed two years before the use became nonconforming.

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, when proposed within the property lines as they existed two years before the use became nonconforming, 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 property lines as they existed two years before the use became nonconforming, is prohibited.

Figure 258-1
Area of Possible Expansion - OS and R Zones

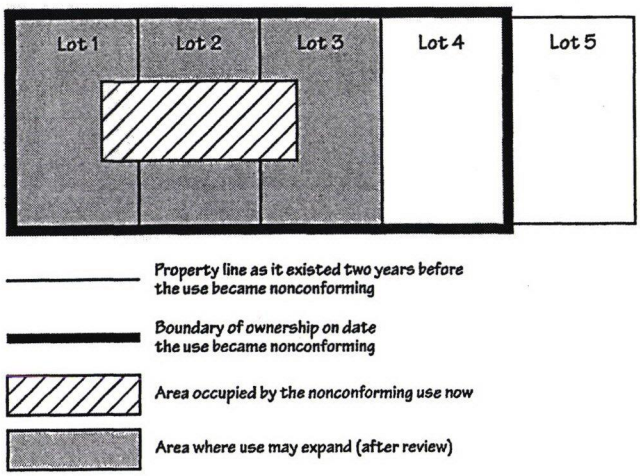
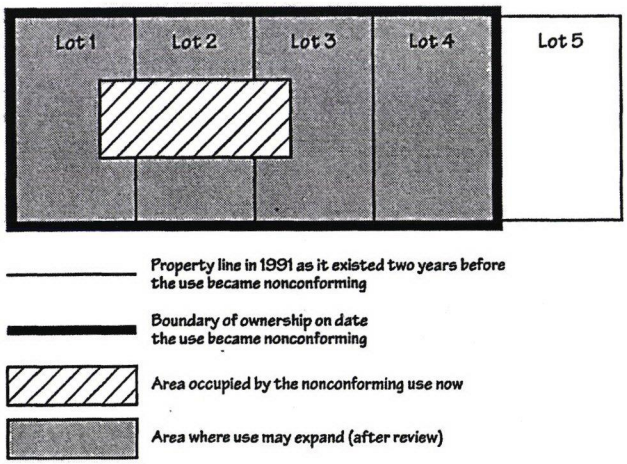


Figure 258-2
Area of Possible Expansion - C, E, and I Zones



2. C, E, and I zones. The standards stated below apply to all nonconforming uses in C, E, and I zones.

   a. Except as allowed by Subparagraph C.2.b, below, expansions of floor area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, 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. In I zones, expansions of floor area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:

      (1) The expansion will not increase the floor area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the floor area by more than 500 square feet over the floor area that existed when the use became nonconforming may be requested through a nonconforming situation review;

      (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and

      (3) The addition of new dwelling units is prohibited.

   c. In I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.

   d. Expansion of floor area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:

      (1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; 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.

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.

   a. Sites that exceed maximum residential density standard. On sites that exceed the maximum residential density standards, 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.

   b. Sites where the minimum residential density standard is not met. On sites where the minimum residential density standard is not met, changes may be made that bring the site closer into conformance with the minimum residential density standard. There may not be a net decrease in the number of dwelling units, and the building may not move further out of compliance with the base zone development standards.

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 that 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 pedestrian standards that apply to the site;

   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. See Subsection 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001;

   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 that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a. Thresholds triggering compliance. The standards of Subparagraph D.2.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) The value of the proposed alterations, as determined by BDS, is 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 pedestrian standards that apply to the site;

(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. See Subsection 33.730.130.D, Expiration of adjustments approved prior to March 16, 2001;

(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. Area of required improvements.

(1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.

(2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:

- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
  - The term of the lease. There must be at least one year remaining on the ground lease; and
  - A legal description of the boundaries of the lease.
- The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;
- The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
- Screening is not required along the boundaries of ground leases that are interior to the site.

d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

(1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. 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 D.2.b, above.

(2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. Where this option is chosen, the following must be met:

- Before a building permit is issued, the applicant must submit the following to BDS:
  - A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.

- A covenant executed by the property owner that meets the requirements of Section 33.700.060. The covenant must identify development on the site that does not meet the standards listed in subparagraph D.2.b, and require the owner to bring that development fully into compliance with this Title. The covenant will also specify the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1.

- The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than $25,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.

- By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance as specified in Section 33.258.037, Documenting Conforming Development. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.

- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.

Table 258-1
Compliance Periods for Option 2

Square footage of site	Compliance period
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

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, detached garages in residential zones are subject to the provisions for 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 or allowed parking spaces, this subsection applies:

1. Minimum required parking spaces. 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.

2. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area restriped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking and Loading, are met.

G. Nonconforming signs. The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

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 of BDS 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

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

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 174743, effective 7/21/00; Ord. No. 176469, effective 7/1/02.)

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 the R, C and OS zones 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 supersede 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. The odor threshold is the point at which an odor may just be detected

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

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 of OPDR 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; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

33.266.010 Introduction
Motor Vehicle Parking
33.266.100 General Regulations
33.266.110 Minimum Required Parking Spaces
33.266.115 Maximum Allowed 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
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Loading
33.266.300 Purpose
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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 facility in the Basic Utilities 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. Calculations of amounts of required and allowed parking.

1. When computing parking spaces based on floor area, areas used for parking are not counted.

2. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.3., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. For joint use parking, see Paragraph 33.266.110.B., below.

3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.

4. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.

5. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.

D. 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.

E. Proximity of parking to use. Required parking spaces for residential uses must be located on the site of the use or within a tract owned in common by all the owners of the properties that will use the tract. 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.

F. 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.

G. Curb cuts. Curb cuts and access restrictions are regulated by the Office of Transportation.

33.266.110 Minimum 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. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. 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. Minimum number of parking spaces required.

1. The minimum 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 superseded by other portions of the City Code.

2. 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 BDS as part of a building or zoning 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.

3. Exceptions for sites well served by transit. There is no minimum parking requirement for sites located less than 500 feet from a transit street with 20-minute peak hour bus, streetcar, or light rail service. Peak hour service is measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. Applicants requesting this exception must provide a map identifying the site and TriMet schedules for all transit routes within 500 feet of the site.

4. 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.

5. 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 and visible from 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. The owner must record a public access easement that allows public access to the plaza;

(2) A bench or other sitting area with at least 5 linear feet of seating;

(3) A shelter or other weather protection. The shelter must cover at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; 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.

6. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.

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
Minimum Required and Maximum Allowed Parking Spaces By Zone [1]

Zone	Requirement
OS, RF - RH, IR, CN2, CO2, CG, EG, I	Minimum is Standard A in Table 266-2. Maximum is Standard B in Table 266-2.
EX	Minimum – None, except: Household Living: minimum of 0 for1 to 3 units, 1 per 2 units for four+ units, and SROs exempt.. Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of floor area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of floor area. 3) General office – Maximum is 1 per 400 sq. ft. of floor area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of floor area.
CN1	Minimum – None. Maximum of 1 space per 2,500 sq. ft. of site area.
CM, CS, RX, CX, CO1	Minimum – None. Maximum is Standard B in Table 266-2.

[1] Regulations in a plan district or overlay zone may supersede the standards of this table.

33.266.115 Maximum Allowed Parking Spaces

A. Purpose. Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.

The maximum ratios in this section vary with the use the parking is accessory to and with the location of the use. These maximums will accommodate most auto trips to a site based on typical peak parking demand for each use. Areas that are zoned for more intense development or are easily reached by alternative modes of transportation have lower maximums than areas where less intense development is anticipated or where transit service is less frequent. In particular, higher maximums are appropriate in areas that are more than a 1/4 mile walk from a frequently served bus stop or more than a 1/2 mile walk from a frequently served Transit Station.

Table 266-2
Parking Spaces by Use
(Refer to Table 266-1 to determine which standard applies.)

Use Categories	Specific Uses	Standard A	Standard B
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	None
Group Living		1 per 4 residents	None
Commercial Categories			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
	Restaurants and bars	1 per 250 sq. ft. of floor area	1 per 63 sq. ft. of floor area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of floor area	1 per 185 sq. ft. of floor area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of floor area	1 per 294 sq. ft. of floor area
	Medical/Dental office	1 per 500 sq. ft. of floor area	1 per 204 sq. ft. of floor area
Quick Vehicle Servicing		1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
Vehicle Repair		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
Commercial Parking		Not applicable	None
Self-Service Storage		[2]	[2]
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review	1 per 5 seats or per CU review
Industrial Categories			
Manufacturing And Production		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
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 3,500 sq. ft. of floor area thereafter [1]	1 per 500 sq. ft. of floor area for the first 3,000 sq. ft. of floor area and then 1 per 2,500 sq. ft. of floor area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of floor area [1]	1 per 500 sq. ft. of floor area
Waste-Related		Per CU review	Per CU review

Use Categories	Specific Uses	Standard A	Standard B
Institutional Categories			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of floor area	1 per 196 sq. ft. of floor area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, junior high	1 per classroom	1.5 per classroom
	High school	7 per classroom	10.5 per classroom
Medical Centers		1 per 500 sq. ft. of floor area; or per CU review or Impact Mitigation Plan approval	1 per 204 sq. ft. of floor area; or per CU review or Impact Mitigation Plan
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	1 per 400 sq. ft. of floor area exclusive of dormitories, plus 1 per 2.6 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area	1 per 67 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of floor area	1 per 330 sq. ft. of floor area
Other Categories			
Agriculture		None, or per CU review	None, or per CU review
Aviation		Per CU review	Per CU review
Detention Facilities		Per CU review	Per CU review
Aggregate Extraction		Per CU review	Per CU review
Radio Frequency Transmission Facilities	Unmanned facilities operating at or below 1000 watts ERP	None	None
	All Other Facilities	2 per site	None
Rail Lines & Utility Corridors		None	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] Minimum of 1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings. Maximum of 2 per resident manager's facility, 5 per leasing office, 1 per 67 leasable storage spaces in multi-story buildings.

B. Maximum number of parking spaces allowed. Regulations in a plan district or overlay zone may supersede the regulations in this subsection.

1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:

   a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in subparagraph B.1.b, below;

   b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour bus or streetcar service and more than 1/2 mile from a Transit Station with 20-minute peak-hour light rail service, the maximum number of parking spaces

allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. Peak hour service is measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. Applicants requesting this exception must provide a map identifying the site and all bus stops and Transit Stations within 1/2 mile of the site and TriMet schedules for all transit routes within 1/2 mile of the site.

2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:

   a. Generally. There is no maximum number of parking spaces, except as provided in subparagraph B.2.b, below;

   b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.

3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both B.3.a. and b. are met, and either B.3.c. or d. is met:

   a. The site is at least eight acres in area;

   b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and

   c. At least 700 of the accessory parking spaces are in a structure; or

   d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

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 C.1 above. A non-required parking space is allowed within the first 10 feet from a front lot line or in a required front setback if it is in a driveway immediately behind a required parking space (See Figure 266-1, Non-Required Parking). On a corner lot, where the driveway is

in the required side setback, a non-required space is allowed within the first 10 feet from the side street lot line or in the required side setback if it is in a driveway immediately behind a required parking space.

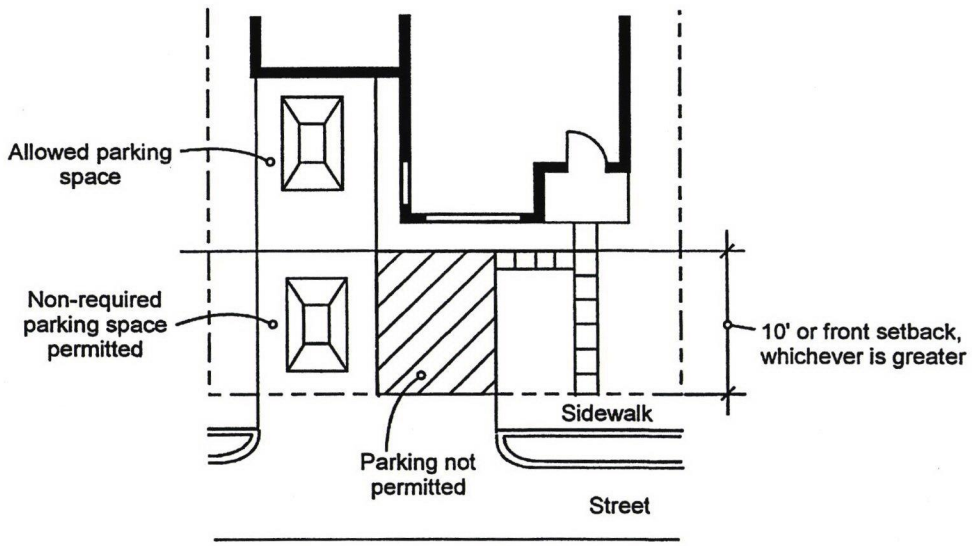
3. Front yard restrictions. In the single-dwelling zones, no more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In the multi-dwelling, C, E, and I zones, no more than 20 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. 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 or used for vehicle areas. See Figure 266-2. As an exception to the area limitations in this paragraph, a lot is allowed at least a 9-foot wide vehicle 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 BDS 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
Non-Required Parking



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, provide for the effective management of stormwater runoff from vehicle areas, and 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;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle 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 of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.

2. Building setbacks for structures that contain vehicle areas. Structures that contain vehicle areas are subject to the building setbacks of the base zone. However, structures that contain vehicle areas where there is no forward ingress and egress from the street are subject to the garage entrance setback of 18 feet.

3. 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.

Figure 266-2
Parking Area Limitation

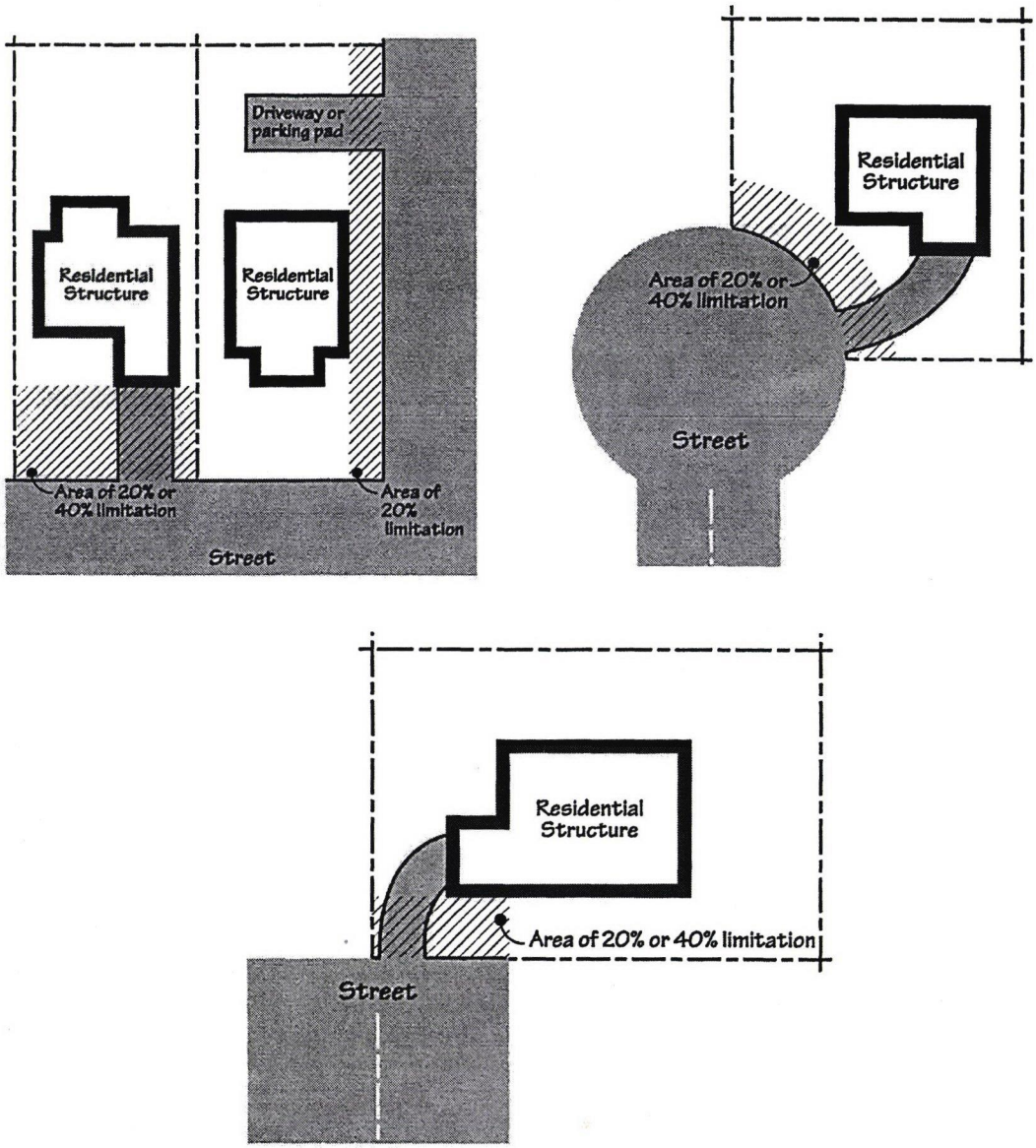


Table 266-3
Location of Vehicle Areas [1]

Zone	General Standard	Exception for Through Lots and Sites with Three Frontages	Exception for Full-Block Sites
OS, RF - R2, EG2, I	No restrictions.		
R1, RH, IR, CN, CO, CG, EG1	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
CM, CS	Prohibited between a building and any street. [2]	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.
RX, CX, EX	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:
[1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.
[2] Existing Development: Where the vehicle area exists, and an existing building is being expanded, the location of vehicle area between the building and any street is not allowed, rather than prohibited.

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. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

E. Stormwater management. Stormwater runoff from parking lots is regulated by the Bureau of Environmental Services. See Chapter 17.38, Drainage and Water Quality, and the City's Stormwater Management Manual, which contain requirements for managing stormwater in parking lot landscaping.

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. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.

3. Parking for disabled persons. The Bureau of Development Services regulates the following disabled person parking standards and access standards through the Oregon Structural Specialty 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, as follows:

a. 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, as shown in Figure 266-3;

b. Landscaping must be ground cover plants; and

c. The landscaped area counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

5. Large parking areas in R, C, E, and IR zones. In the R, C, E, and IR zones, where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:

a. Internal access ways must divide the parking area into smaller areas that are no greater than 55,000 square feet;

b. These accessways must connect to the adjacent street at least every 250 feet; and

c. Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:

- The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or

- The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.

d. The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

6. 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 266-4
Minimum Parking Space and Aisle Dimensions [1,2]

Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	22 ft. 6 in.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	20 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	20 ft.	17 ft. 6 in.
90°	8 ft. 6 in.	8 ft. 6 in.	20 ft.	20 ft.	16 ft.

Notes:
[1] See Figure 266-4.
[2] Dimensions of parking spaces for the disabled are regulated by the Uniform Building Code. See Section 33.266.130.F.3.

G. Parking area setbacks and landscaping.

1. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening, except plant materials specified for parking lot landscaping in Subsection 33.266.130.H, below. Trees and shrubs must be fully protected from potential damage by vehicles.

2. Setbacks and perimeter landscaping.

a. Where these regulations apply. The regulations of this paragraph apply where a surface parking area abuts a lot line. The setback and perimeter landscaping requirements also apply to any portion of a structured parking area where the parking area is within 4 feet of adjacent grade and there is no roof over it. The perimeter landscaping requirements also apply to parking area driveways. For stacked parking areas, see Section 33.266.140, below.

b. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Lot lines lying within shared driveways are exempt from setback and perimeter landscaping requirements.

Figure 266-3
Landscaped area at front of parking space.

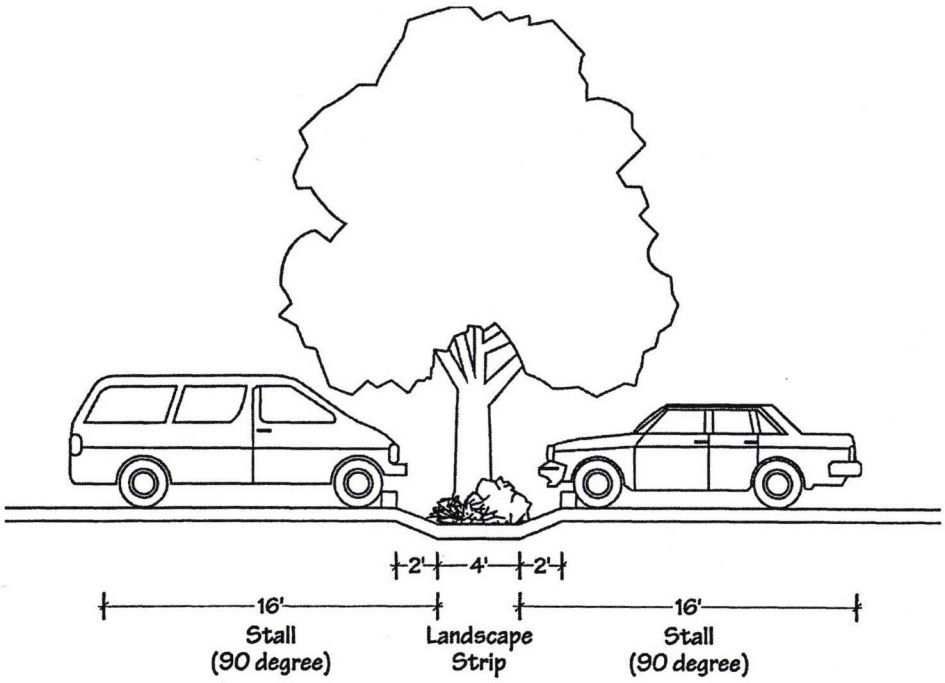
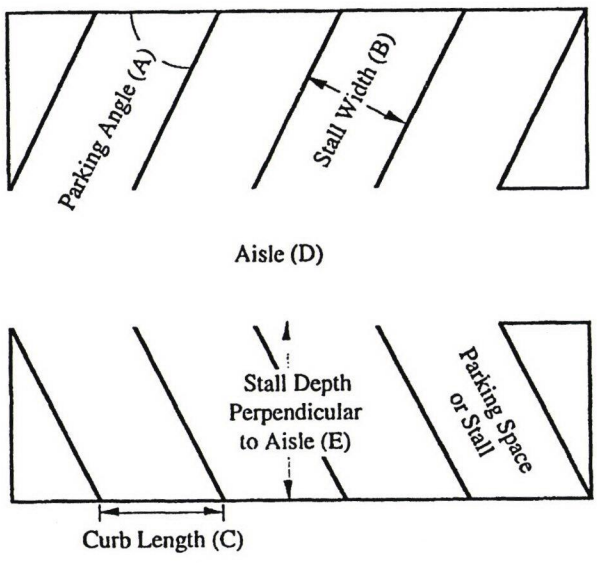


Figure 266-4
Parking Dimension Factors



c. Perimeter landscaping.

(1) Surface parking abutting streets, and C, E, and I zones. Where a surface parking area abuts a street lot line, or a C, E, or I zone lot line, the required setbacks must be landscaped. The landscaping must meet the low-screen landscaping standards of Subparagraph 33.266.130.H.3.c, below, and must be adjacent to the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.

(2) Surface parking abutting OS and R zones. Where a surface parking area abuts an OS or R zone lot line, the required setbacks must be landscaped. The landscaping must meet the high screen landscape standards of Subparagraph 33.266.130.H.3.d, below, and must be adjacent to the parking area and driveway.

Table 266-5
Minimum Parking Area Setbacks

Location	**All zones except EG2 and IG2**	**EG2, IG2**
Lot line abutting street	5 ft	10 ft.
Lot line abutting a C, E, or I zone lot line	5 ft.	5 ft.
Lot line abutting a OS or R zone lot line	5 ft.	10 ft.

3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.

a. Amount of interior landscaping required. The amount of landscaping required is as follows:

(1) In OS, R, and C zones. In OS, R, and C zones, interior landscaping must be provided for sites where there is more than 3,000 square feet of parking and loading areas on the entire site, not including driveways and perimeter landscaped areas. At least 10 percent of the parking and loading area, not including driveway area, must be landscaped;

(2) In E and I zones. In E and I zones, interior landscaping must be provided for sites where there is more than 3,000 square feet of parking area on the entire site, not including loading areas, driveways and perimeter landscaped areas. At least 10 percent of the parking area, not including driveways and loading area, must be landscaped.

Where a driveway leading to a truck loading area is within or adjacent to the parking area, or where a truck maneuvering area is within or adjacent to the parking area, the area used to calculate the amount of landscaping required is modified as follows. See Figure 266-5.

- Where an aisle is used for one-way traffic, and is also used for truck access to a loading area or is also used for truck maneuvering area, no more than 16 feet of the aisle width is included in the calculations;

- Where an aisle is used for two-way traffic, and is also used for truck access to a loading area or is also used for truck maneuvering area, no more than 20 feet of the aisle width is included in the calculations.

b. The landscape materials must meet the general standards of Subsection 33.266.130.H, below.

c. The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading area.

d. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line.

e. Exception for existing parking lots. Where compliance with Subparagraph G.3.a, above, would result in the loss of existing required parking spaces, the amount of parking required is reduced by the amount needed to accommodate the minimum landscaping required.

f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:

(1) Option 1: Landscape strips.

- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls, as shown in Figure 266-6.

- Where the front portions of parking stalls are landscaped as allowed by Subparagraph F.4, the landscaped portion of the parking stall must be added to the landscape strip, widening the strip to at least six feet for one row of parking stalls and at least eight feet for two rows of stalls, as shown in Figure 266-6.

(2) Option 2: Other landscape patterns.

- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking. See Figure 266-7.

- Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line. See Figure 266-7.

g. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of five feet. See Figure 266-8.

Figure 266-5
Calculating the amount of required landscaping in the Employment and Industrial zones

The pictured aisles are used both for truck access to a loading area and vehicle access to a parking area. For one-way aisles, no more than 16 feet of aisle width is used to calculate the required landscaping. For two-way aisles, no more than 20 feet of aisle width is used to calculate the required landscaping.

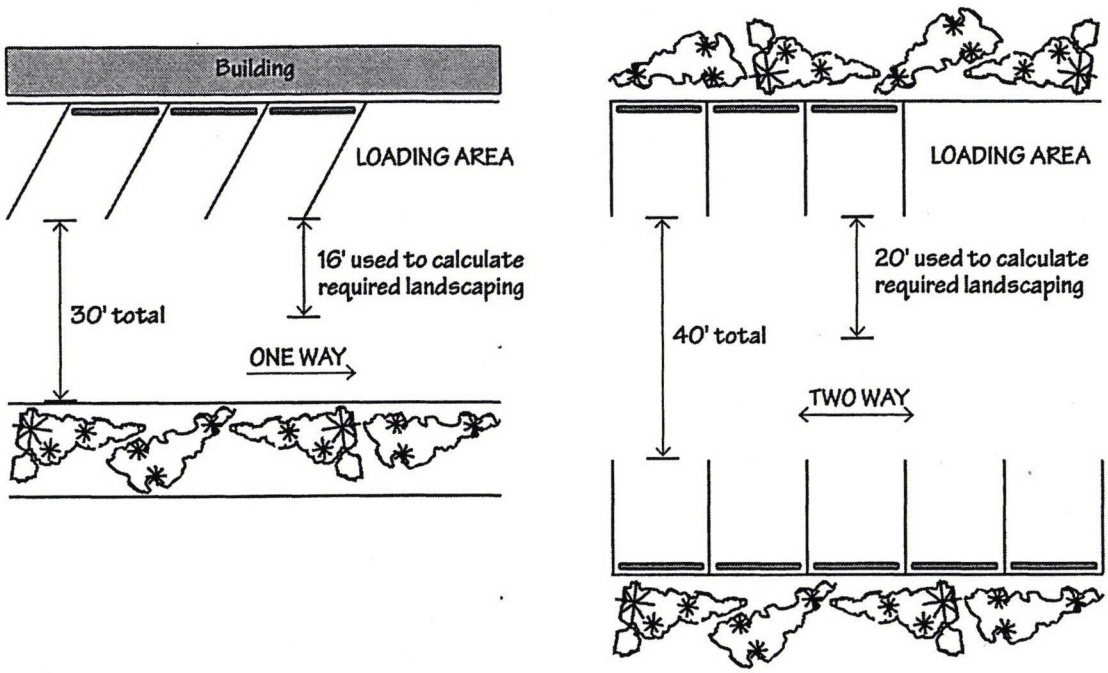


Figure 266-6
Landscape Strips

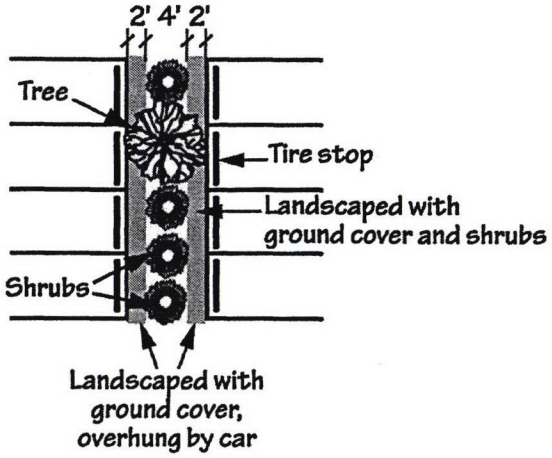


Figure 266-7
Other Landscape Patterns

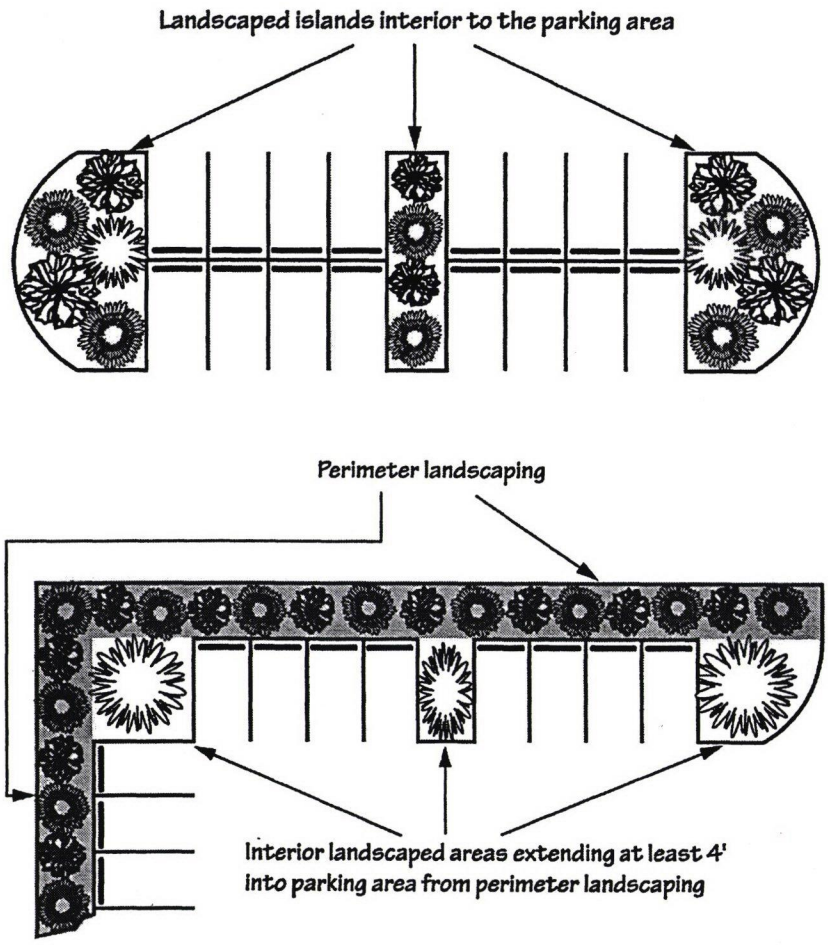
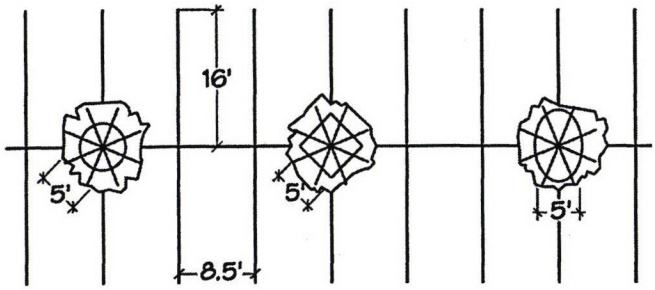


Figure 266-8
Individual Tree-Planting Spaces



H. Required landscape materials for parking lot landscaping. Landscape materials for parking lot interior and perimeter landscaping must be provided as follows:

1. All landscaping. Plants listed as nuisance or prohibited plants on the Portland Plant List are prohibited in all parking area landscaping.

2. Trees.

   a. Trees required. At least one tree must be provided for every 120 square feet of required landscape area. Existing trees may be used to meet this standard. If existing trees are retained, each tree 6 inches or less in diameter counts as one tree. Each tree more than 6 inches and up to 9 inches in diameter counts as two trees. Each additional 3-inch diameter increment above 9 inches counts as one tree

   b. Size of trees. Trees in residential zones must meet the tree size standards of Chapter 33.248, Landscaping and Screening. In non-residential zones, trees must meet the standards of Chapter 33.248, except for trees on the Parking Lot Tree List. The Parking Lot Tree List is maintained by the City Forester in consultation with the Bureau of Environmental Services and the Urban Forestry Commission. Trees on the Parking Lot Tree List must be fully branched and meet one of the following tree size standards:

      (1) Broadleaf trees must be at least 2 caliper inches at the time of planting; or

      (2) Conifer trees must be at least 5 feet tall at the time of planting.

   c. Trees must be dispersed throughout the parking area to provide shade for the parking area. Some trees may be grouped, but the groups must be dispersed.

   d. Types of trees. At least 20 percent of the trees planted must be evergreen trees. Plants listed as arborescent shrubs on the Portland Plant List may not be used to meet the tree requirement.

3. Shrubs.

   a. Shrubs required. At least one shrub must be provided for every 30 square feet of required landscape area.

   b. Size. Shrubs must be at least the one-gallon container size.

c. Low screen landscaping. Where a low screen is required by Subparagraph G.2.c, above, one of the following standards must be met:

(1) Shrubs. Enough shrubs are required to form a continuous screen at least three feet high. Where the required landscaped area is five feet or less in width, the shrubs used to form the screen are also counted towards meeting the requirement of H.3.a, above. If the required landscaped area is more than 5 feet in width, the screening shrubs are required in addition to the shrubs required by H.3.a, above; or

(2) Masonry wall. A three-foot high masonry wall is required, in addition to the shrubs required by H.3.a, above. The wall must provide a solid screen, except that the wall may be perforated or have voids at the base that allow stormwater runoff to pass through. When the landscaped area is along street lot lines, the masonry wall is to be placed along the interior side of the landscaped area.

d. High screen landscaping. Where a high screen is required by Subparagraph G.2.c, above, one of the following standards must be met:

(1) Shrubs. Enough shrubs are required to form a continuous screen at least six feet high. Where the required landscaped area is five feet or less in width, the shrubs used to form the screen are also counted towards meeting the requirement of H.3.a, above. If the required landscaped area is more than 5 feet in width, the screening shrubs are required in addition to the shrubs required by H.3.a, above; or

(2) Masonry wall. A six-foot high masonry wall is required, in addition to the shrubs required by H.3.a, above. The wall must provide a solid screen, except that the wall may be perforated or have voids at the base that allow stormwater runoff to pass through. When the landscaped area is along street lot lines, the masonry wall is to be placed along the interior side of the landscaped area.

4. Ground cover.

a. Ground cover required. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Paths made of paving stones, flagstones, bricks, pavement, or similar materials may provide access across landscaped areas, but the surface area of impermeable materials does not count toward the required landscaped area.

b. Size and spacing. Ground cover plantings must meet the requirements of Chapter 33.248, Landscaping and Screening.

c. Type. If grasses are planted, the species must be selected from the "Grass Seed Mix" exhibit in the Bureau of Environmental Services' Stormwater Management Manual.

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 parking 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 or stored 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 Section 29.20.010 of Title 29, Property and Maintenance Regulations.

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.

1. 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.

2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. There are no bicycle parking requirements for accessory uses. However, if the required number of spaces for the primary uses is based on net building area, the net building area of accessory uses is included with the primary uses in the calculation. For example, a Manufacturing and Production use of 45,000 square feet with 15,000 square feet of accessory Office use would have a bicycle parking requirement of 4 spaces, based on 60,000 square feet of net building area. If the primary use is not listed in Table 266-6, no bicycle parking is required for the accessory use.

3. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for the individual primary uses.

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.

      (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.

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
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
	Park and ride	10, or 5 per acre	None
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.

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 300 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.

7. Use of required parking spaces. Required bicycle parking spaces must be available for residents, customers, or employees of the use.

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.

D. Forward motion. Loading facilities must be designed so that vehicles enter and exit the site in a forward motion.

E. Paving. In order to control dust and mud, all loading areas must be paved.

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

CHAPTER 33.269
PLANNED UNIT DEVELOPMENTS

(Amended by: Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. No. 174263, effective 4/15/00. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

CHAPTER 33.272
PUBLIC RECREATIONAL TRAILS

(Amended by: Ord. No. 166835, effective 5/23/95; Ord. No. 174263, effectie 4/15/00.)

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 the Director of Portland Parks and Recreation 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; Ord. No. 174263, effective 4/15/00.)

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 or 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 or 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 Area 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/vf	364/vf
	> 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/vf	572/vf
	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 or R zones or 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. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

CHAPTER 33.281
SCHOOLS AND SCHOOL SITES

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02.)

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 superseded 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 superseded 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 superseded 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 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.

1. When there is a conditional use review, the size and design of the bus loading area is determined as part of the conditional use review.

2. When there is no conditional use review, the bus loading area must meet the standards of Section 33.266.310, Loading Standards, except for landscaped setbacks. Bus loading areas are required to comply with the landscaped setbacks for parking areas, not loading areas.

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 OPDR 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 the high screen landscaping of Section 33.266.130.H.3.d is normally required, a 20-foot deep area with the low screen landscaping of Section 33.266.130.H.3.c 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 superseded 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. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01.)

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, except as specified in 33.285.040.B.1.

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.

   The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

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. The regulations for signs are stated in Title 32, Signs and Related Regulations.

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 the Portland Office of Neighborhood Involvement 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; Ord. No. 173186, effective 4/23/99 Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; deleted by Ord. No. 175204, effective 3/1/01. Regulations moved to Title 32, Signs and Related Regulations.)

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

(Amended by: Ord. No. 165417, effective 6/5/92; Ord. No. 166702, effective 7/30/93. Deleted by Ord. Nos. 175965 and 176333, effective 7/1/02.)

CHAPTER 33.293
SUPERBLOCKS

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord. No. 177028, effective 12/14/02.)

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

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

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, at least 12 feet wide, and unobstructed.

   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. The owner must record a public access easement that allows public access to the walkways.

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
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; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01.)

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. Use of existing house or mobile home during construction. An existing house or a mobile home may be used temporarily for a residence while a permanent residence is being constructed. The existing house or mobile home may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or mobile home must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or 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 transportation improvements, are subject to the regulations below.

   a. Length of project. Except as provided in subparagraph b. below, only projects that last three years or less are allowed as temporary activities. Projects that last over three years are subject to the regulations for permanent uses. Adjustments to the three year time period are prohibited.

   b. Overlay zones. Projects located within an Environmental or River Natural 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. Community relations. For project staging areas that last more than one year, the public agency must designate a community relations representative for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.

f. 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.

g. 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 Subparagraph c., Dust, mud, and erosion control, and f., 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, are allowed 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.f.) 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, are allowed 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, are allowed 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. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.

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 –g, i, n, q, or r
33.445 Historic Resource Protection Overlay Zone
33.450 Light Rail Transit Station Zone – t
33.455 Main Street Node Overlay Zone – j
33.460 Main Street Corridor Overlay Zone – m
33.470 Portland International Airport Noise Impact Zone – x
33.480 Scenic Resource Zone – s

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

CHAPTER 33.400
AIRCRAFT LANDING ZONE

(Amended by: Ord. No. 176469, effective 7/1/02.)

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 Development Services 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; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

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, IR, C, E, or I 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. 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.

B. Creation of an accessory dwelling unit. Chapter 33.205, Accessory Dwelling Units, contains regulations that allow for the creation of accessory dwelling units. In the ADD zone, an accessory dwelling unit may also be created through:

1. Addition of new square footage to a house, attached house, or manufactured home;

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. If a land division is required or requested, the design review process must be concurrent with the land division. Design review must be approved in order for the land division to be approved. The development will be judged against the Community Design Guidelines.

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. 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. The proposed development must meet all other development standards for attached housing projects in the R2.5 zone; and

4. 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.

   c. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.

   d. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

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. The proposed development must meet all other development standards of the base zone, overlay zone, and plan district;

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. The standards of Subsection 33.110.240.F, Flag lot development standards and all base zone regulations must be met, unless otherwise stated in this section;

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, minimum front lot line 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.

3. Land Division. If the proposal requires, or the applicant requests, a land division, the application for the land division must show how the Community Design Standards are met. If the Community Design Standards cannot be met or the applicant chooses not to meet the Community Design Standards, design review is required. When design review is required, the design review process must be concurrent with the land division. The Community Design Standards must be met or design review must be approved in order for the land division to be approved.

4. Changes to a design approved concurrently with a land division. If the design of the proposed development was reviewed concurrently with the land division through design review, changes to the design of the proposed development after final plat approval must be reviewed through design review. If the proposed development met the Community Design Standards concurrently with the land division, changes to the design of the proposal after final plat approval must continue to meet the Community Design Standards, or must be reviewed through design review. Concurrent land division review is not required to change the design of the proposed development after final plat approval.

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 or Conditional Use Master 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 or Conditional Use Master 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);

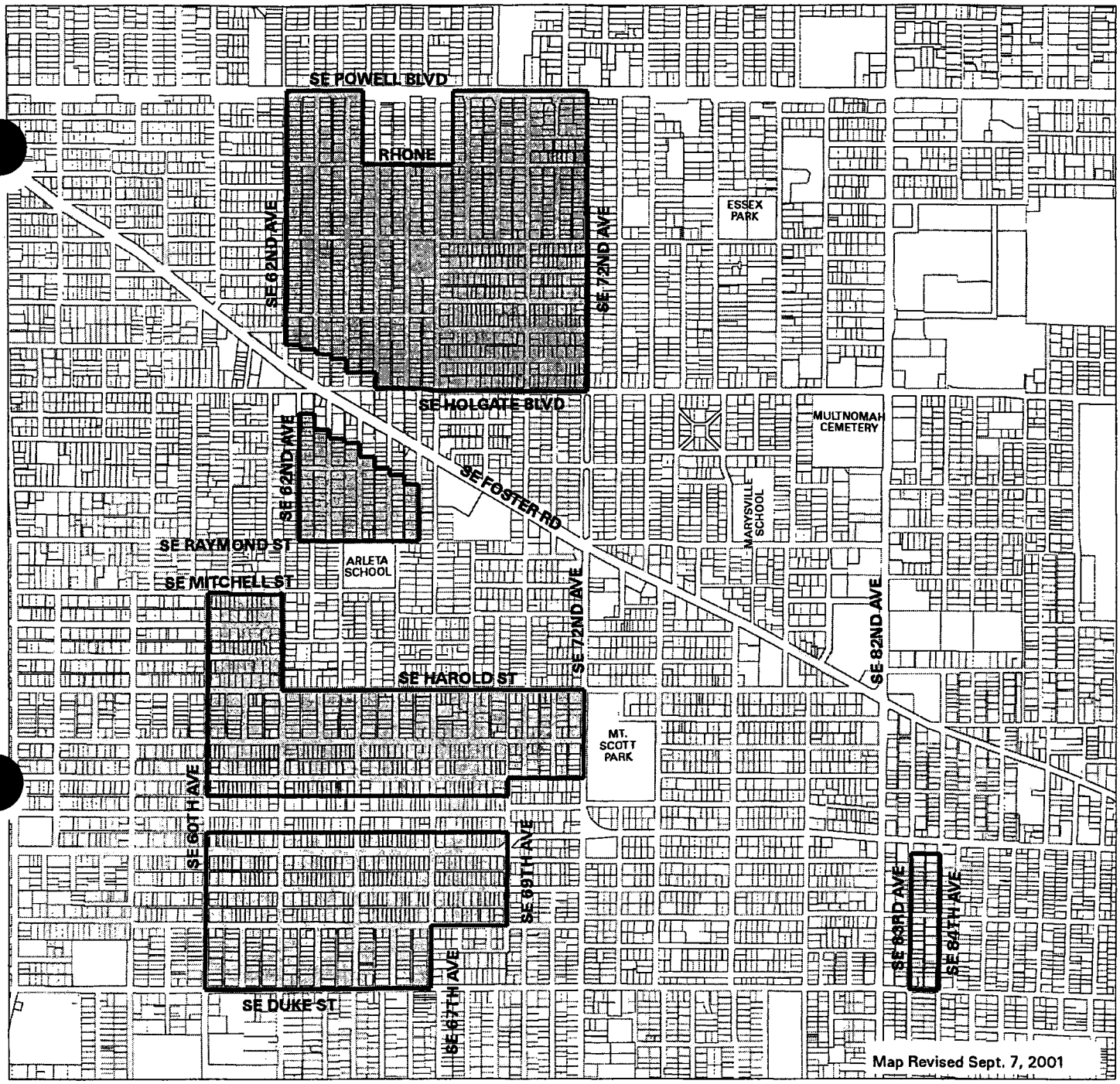
   b. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

   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' 975' 1950'

Scale in Feet

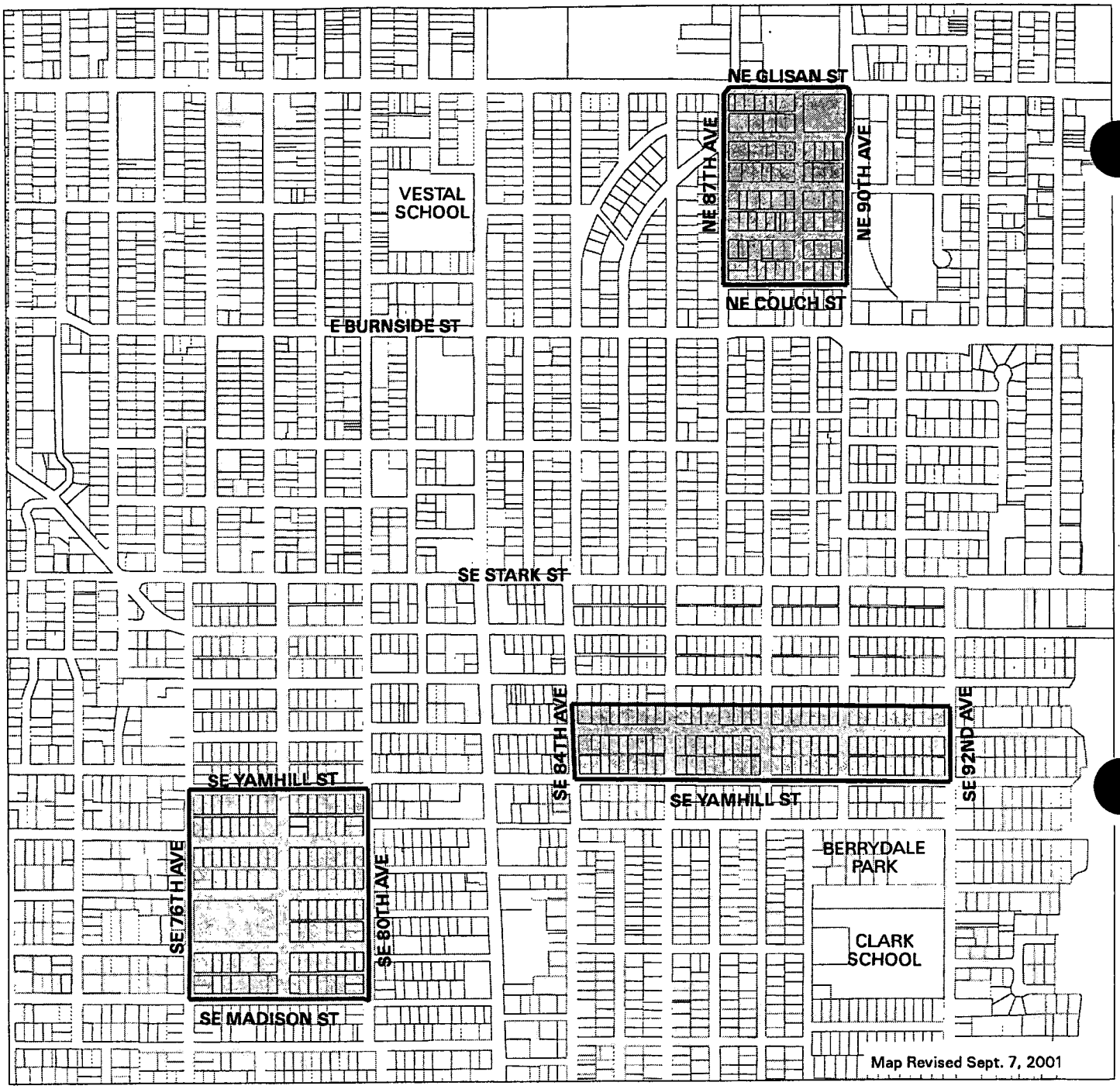
Accessory Units Allowed

Map 405-1

Areas Where Detached Accessory Units Are Allowed

Map 1 of 3

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 600′ 1200′

Scale in Feet

Accessory Units Allowed

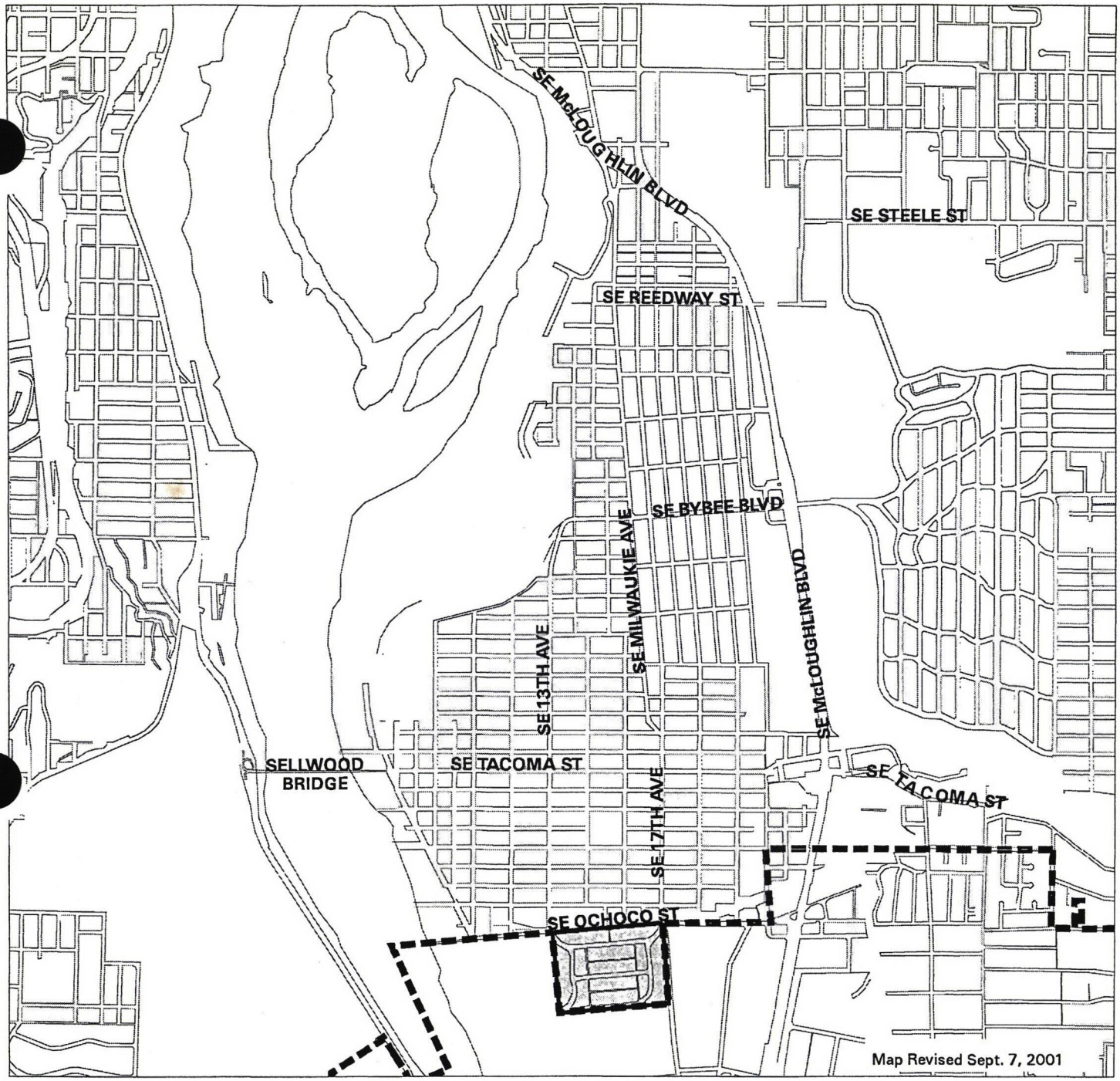
Map 405-1

Areas Where Detached Accessory Units Are Allowed

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 1500′ 3000′

Scale in Feet

City Boundary

Accessory Units Allowed

Map 405-1

Areas Where Detached Accessory Units Are Allowed

Map 3 of 3

Bureau of Planning • City of Portland, Oregon

1-1-2003

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; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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 Transportation Element of the Comprehensive Plan. For commercial zones, the street should be a Local Service Traffic 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.

B. 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 lot lines 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

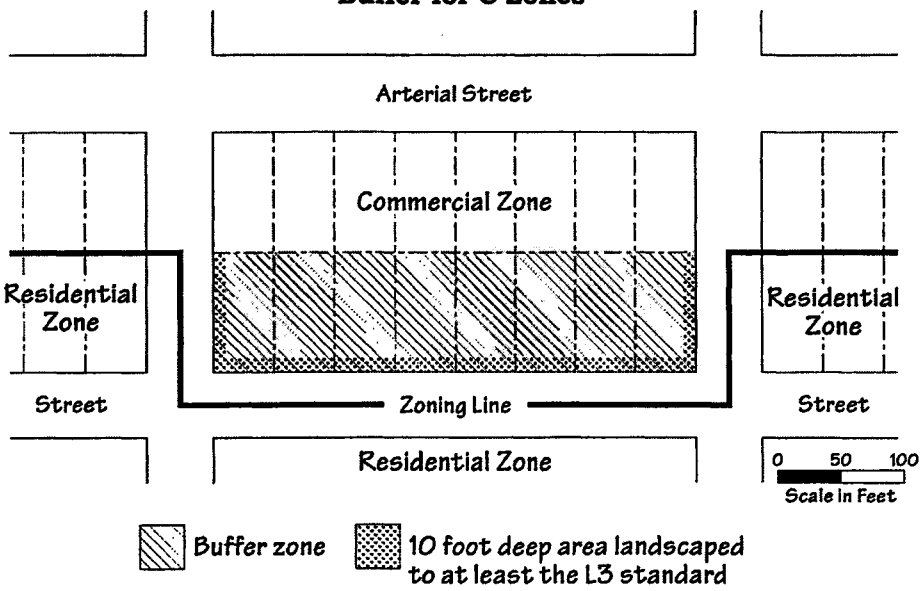
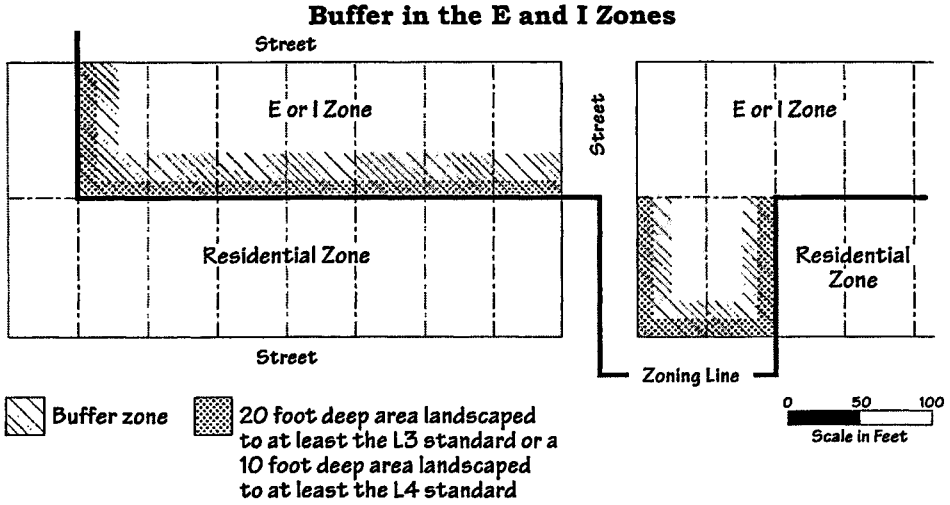


Figure 410-2
Buffer in the E and I Zones



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
The sign standards are stated in Title 32, Signs and Related Regulations.

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 of BDS determines that the proposed use or development may not meet the off-site impact standards, the Director of BDS 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; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No.176742, effective 7/31/02.)

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;

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;

J. Floating structures, except individual houseboats; and

K. In the Marquam Hill plan district, proposals to develop or improve formal open area required by Chapter 33.555. This includes designating existing open areas as formal open 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. Alterations to residential structures in RF through R1 zones, where the alterations are valued at $10,000 or less;

E. Skylights;

F. Development associated with Rail Lines And Utility Corridors uses;

G. Exterior activities and development for Agriculture uses;

H. Modifications to a structure to meet the Americans With Disabilities Act's requirements in C, E, and I zones;

I. Development associated with Parks and Open Areas uses that do not require a conditional use review;

J. Proposals where a building or sign permit is not required;

K. In the IR zone, development in conformance with an approved Conditional Use Master Plan;

L. Parking lot landscaping that meets the development standards of this Title;

M. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the equipment, measured from the edges of the roof or top of parapet;

N. Radio frequency transmission facilities operating at 100 watts ERP or less 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.

O. Exterior alterations to existing development and construction of detached accessory structures within the Sellwood-Moreland Design District;

P. Houseboats; and

Q. Within the Marquam Hill Design District:

1. Additions of floor area less than 25,000 square feet;

2. Alterations that affect less than 50 percent of the area of a façade where the area affected is also less than 3,000 square feet;

3. Exterior improvements less than 5,000 square feet, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; and

4. Landscaping not associated with formal open areas.

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 and 420-5 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. The standards for signs are stated in Title 32, Signs and related Regulations. 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. A Design Overlay Zone;

2. The Albina Community plan district shown on Map 505-1; or

3. An Alternative Design Density Overlay Zone and a Design Overlay Zone, and the proposal is not taking advantage of the provisions of Chapter 33.405, Alternative Design Density Overlay Zone. Proposals taking advantage of the provisions of Chapter 33.405 are regulated by Section 33.405.090.

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 [1]

Zones	**Maximum Limit—New Floor Area**
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 or Conditional Use Master 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. [2]
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.
[2] 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. In the Central City plan district. See Map 420-1;

B. For proposals that do not include any residential uses in the following Design Overlay Zones:

1. The portion of the South Auditorium plan district outside the Central City plan district. See Map 420-1;

2. The Macadam design district. See Map 420-2; and

3. The Terwilliger design district. See Map 420-3; and

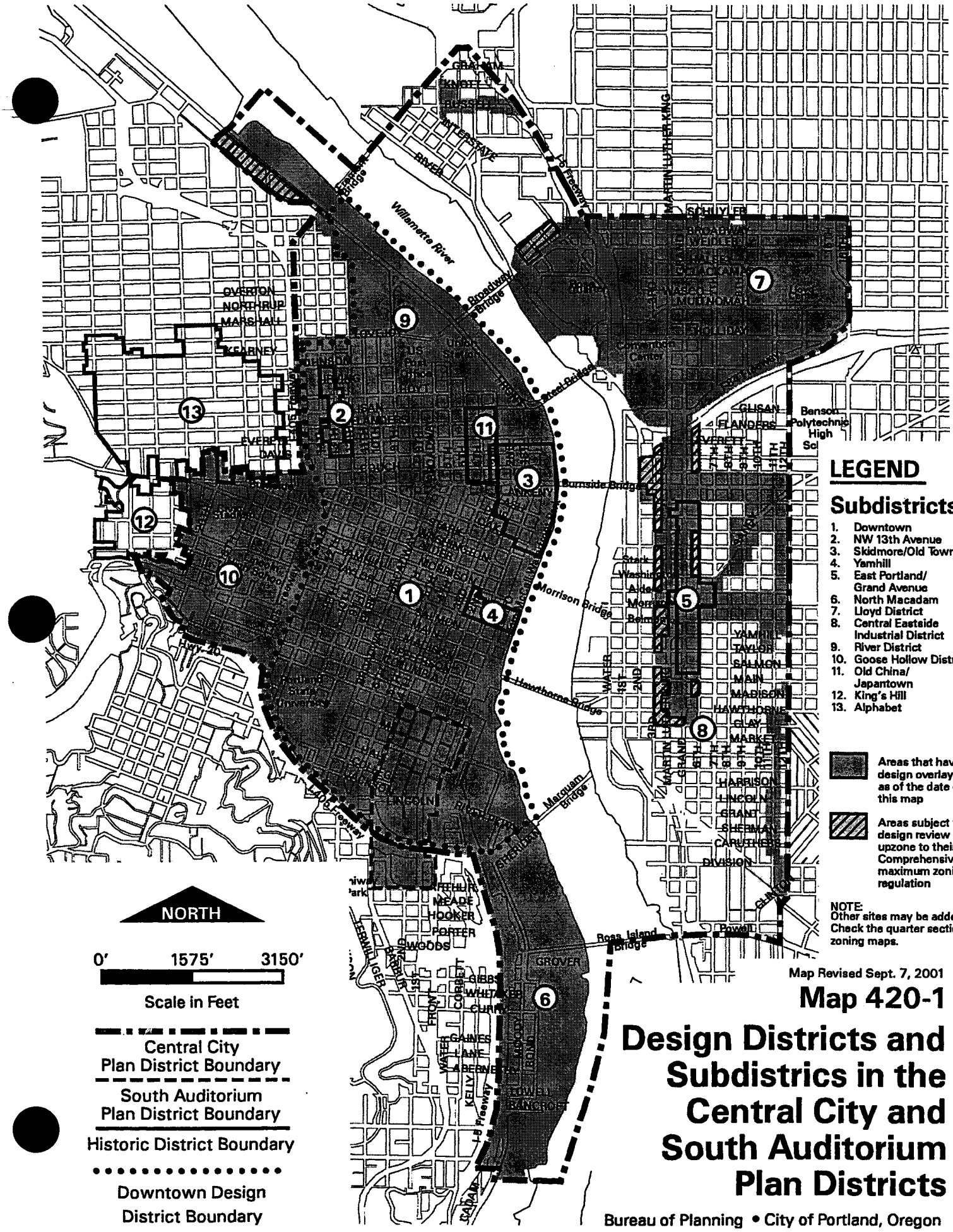
4. The Marquam Hill design district. See Map 420-5;

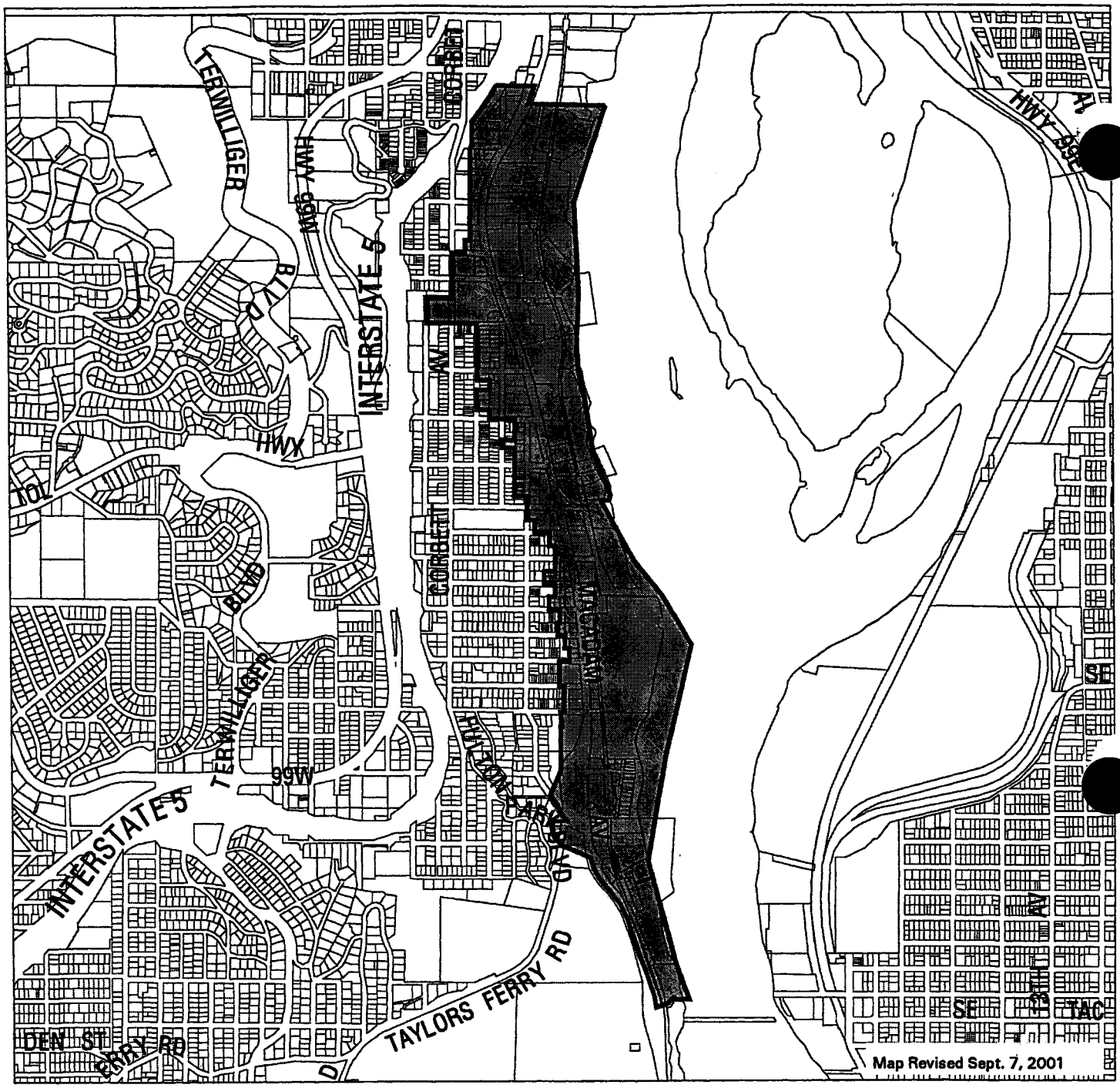
C. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

D. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use;

E. For non-residential development in the RF through R1 zones; and

F. If the proposal uses Section 33.405.050, Bonus Density for Design Review.


LEGEND
Subdistricts:
1. Downtown
2. NW 13th Avenue
3. Skidmore/Old Town
4. Yamhill
5. East Portland/ Grand Avenue
6. North Macadam
7. Lloyd District
8. Central Eastside Industrial District
9. River District
10. Goose Hollow District
11. Old China/ Japantown
12. King's Hill
13. Alphabet
Areas that have the design overlay zone as of the date of this map
Areas subject to design review if upzone to their Comprehensive Plan maximum zoning regulation
NOTE: Other sites may be added. Check the quarter section zoning maps.
NORTH
0' 1575' 3150'
Scale in Feet
Central City Plan District Boundary
South Auditorium Plan District Boundary
Historic District Boundary
Downtown Design District Boundary
Willamette River
Broadway Bridge
Steel Bridge
Burnside Bridge
Morrison Bridge
Hawthorne Bridge
Marquam Bridge
Ross Island Bridge
Fremont Bridge
Interstate Bridge
I-5 Freeway
I-405 Freeway
I-84 Freeway
Hwy 26
Portland State University
Lloyd Center
Convention Center
Benson Polytechnic High Sch
Map Revised Sept. 7, 2001
Map 420-1
Design Districts and Subdistrics in the Central City and South Auditorium Plan Districts
Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1125′ 2250′

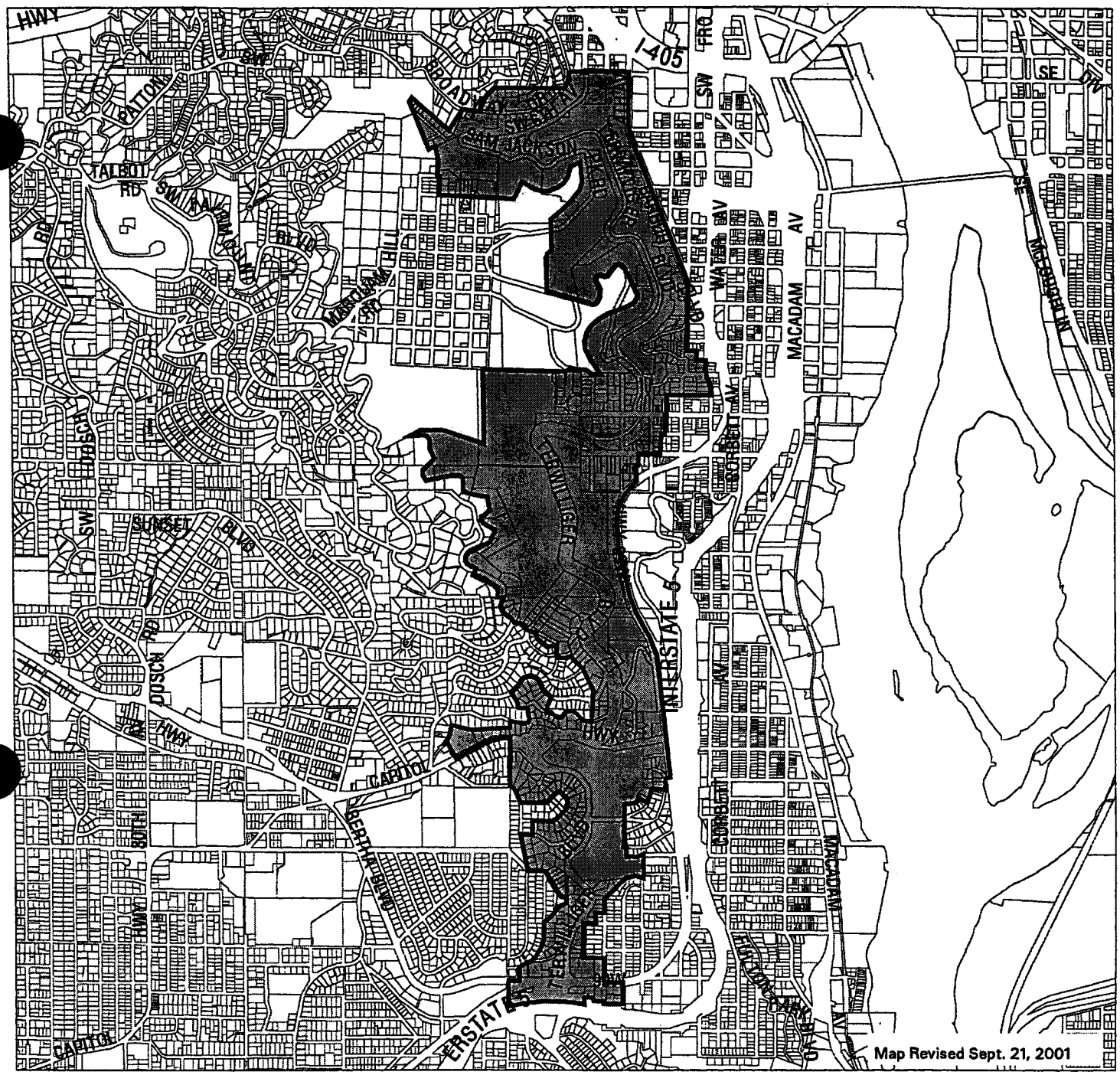
Scale in Feet

Design District Boundary

Map 420-2

Macadam Design District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1500′ 3000′

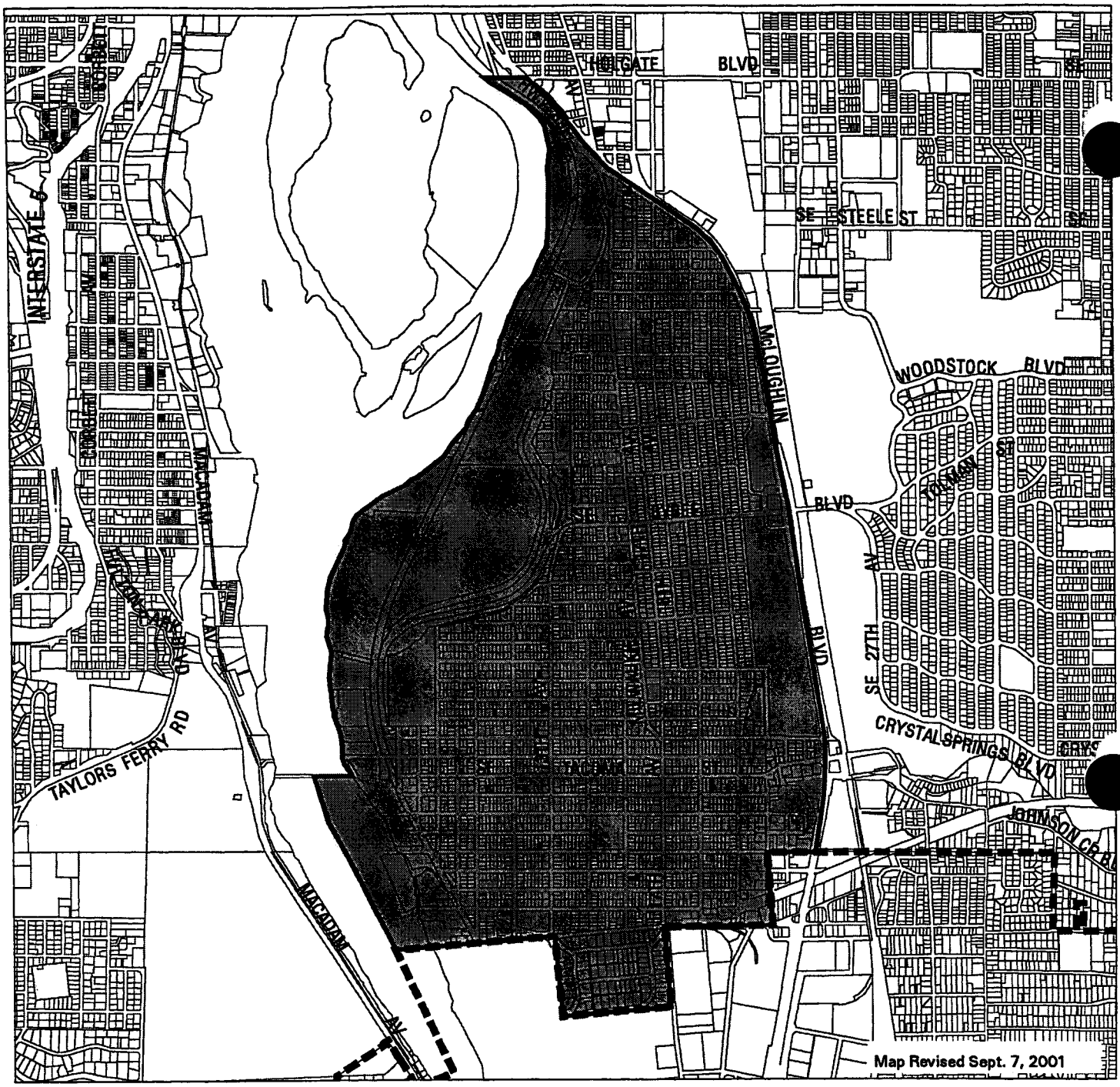
Scale in Feet

Design District Boundary

Map 420-3

Terwilliger Design District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1500' 3000'

Scale in Feet

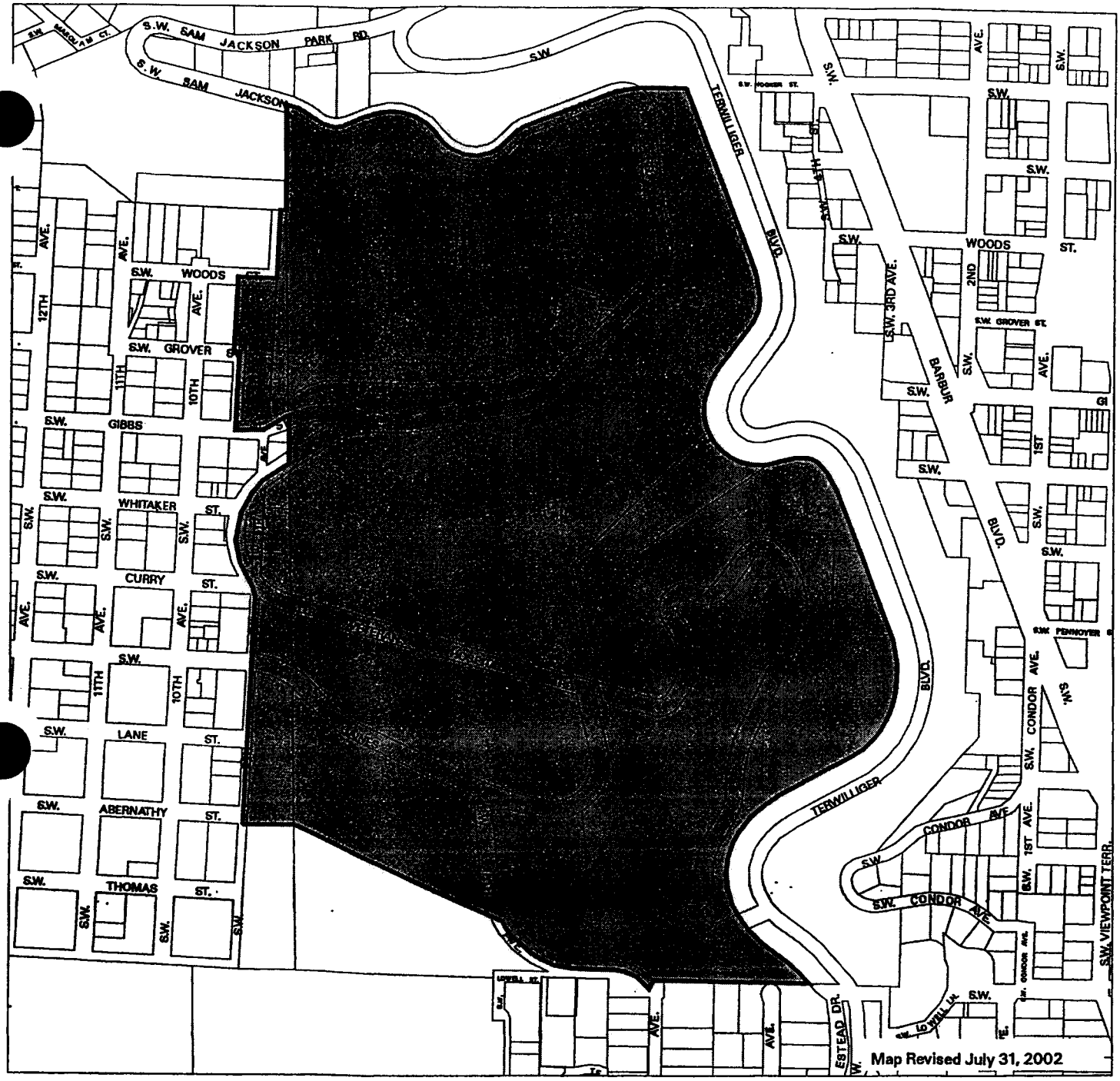
Design District Boundary

Map 420-4

Sellwood-Moreland Design District

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 375′ 750′

Scale in Feet

Design District Boundary

Map 420-5

Marquam Hill Design District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.430
ENVIRONMENTAL ZONES

(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effectuve 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

General
33.430.010 Purpose
33.430.015 Purpose of the Environmental Protection Zone
33.430.017 Purpose of the Environmental Conservation Zone
33.430.020 Environmental Reports
33.430.030 Relationship To Other Environmental Regulations
33.430.040 Overlay Zones and Map Symbols
33.430.050 Subareas of Environmental Zones
33.430.060 Where These Regulations Apply
33.430.070 When These Regulations Apply
33.430.080 Items Exempt From These Regulations
33.430.090 Prohibitions
Development Standards
33.430.110 Purpose
33.430.120 Procedure
33.430.130 Permit Application Requirements
33.430.140 General Development Standards
33.430.150 Standards For Utility Lines
33.430.160 Standards For Land Divisions and Planned Developments
33.430.170 Standards For Resource Enhancement Projects
Environmental Review
33.430.210 Purpose
33.430.220 When Review is Required
33.430.230 Procedure
33.430.240 Supplemental Application Requirements
33.430.250 Approval Criteria
33.430.260 Use of Performance Guarantees
33.430.270 Special Evaluation by a Trained Professional
33.430.280 Modification of Base Zone Development Standards
Natural Resource Management Plans
33.430.310 Purpose
33.430.320 Scope
33.430.330 Procedure
33.430.340 Components
33.430.350 Approval Criteria for Adoption and Amendment
Notice and Review Procedure
33.430.410 Purpose
33.430.420 When These Regulations Apply
33.430.430 Procedure
Map 430-1 Balch creek Watershed Protection Plan Area
Map 430-2 Columbia Corridor Industrial and Environmental Mapping Project Area
Map 430-3 East Buttes, Terraces and Wetlands Conservation Plan Area
Map 430-4 Fanno Creek and Tributaries Conservation Plan Area
Map 430-5 Johnson Creek Basin Protection Plan Area
Map 430-6 Northwest Hills Natural Areas Protection Plan Area

Map 430-7 Skyline West Resource Protection Plan Area
Map 430-8 Southwest Hills Resource Protection Plan Area
Map 430-9 East Columbia Neighborhood Natural Resources Management Plan Area
Map 430-10 Smith and Bybee Lakes Natural Resources Management Plan Area
Map 430-11 Forest Park Natural Resources Management Plan Area
Map 430-12 Peninsula One Natural Resources Management Plan Area

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

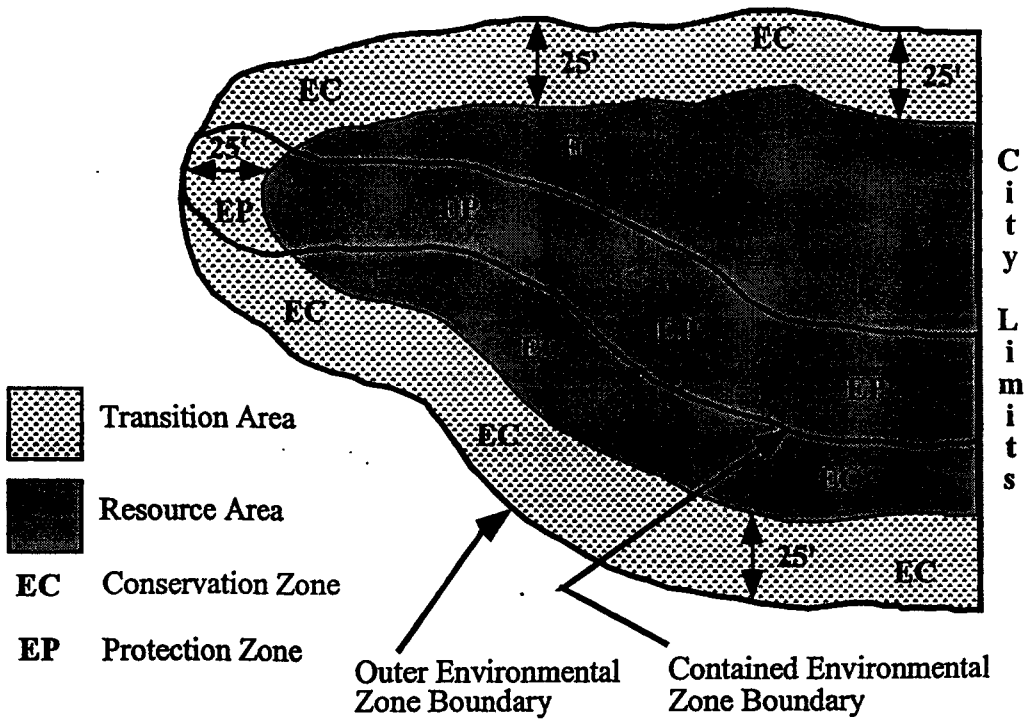
resource area. The transition area is measured as the first 25 feet inward from an environmental zone boundary. The remaining area is the resource area. See Figure 430-1. The following are three exceptions:

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. The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the resource area from the number listed in 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 private 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 the upgrade of existing public utility lines is no greater than 15 feet wide;

C. The utility construction does not occur within a stream channel, identified wetland, or water body;

D. Disturbance areas must be planted with native species listed in the Portland Plant List according to the following densities:

1. Three different native shrub species are required at a minimum 1 gallon size or bare root, planted at a density of 3 plants per 10 square feet;

2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and

3. Below the top-of-bank on slopes greater than 30 percent or in riprap areas, live stakes, ½ to 1½ inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in Chapter 18 of the United States Department of Agriculture Engineering Field Handbook (entitled Soil Bioengineering for Upland Slope Protection and Erosion Reduction, October 1992).

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 and Planned Developments
The following standards apply to land divisions and Planned Developments in the environmental overlay 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 environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization; and

C. The total amount of disturbance area allowed within the resource area of the environmental conservation zone is either the amount listed in Table 430-3 or 1 acre, whichever is less, minus the amount of area outside the resource area;

Table 430-3
Maximum Disturbance Area for a Land Division Allowed Within the Resource Area

	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

D. Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;

E. The combined total diameter of trees cut may not exceed 225 inches per dwelling unit. Trees that are less than 6 inches in diameter and trees listed on the Portland Nuisance Plant List or the Prohibited Plant List are exempt from this standard and may be removed.

F. The standards of Subsections 33.430.140.B, C, and H through P must be met.

G. 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;

H. Right-of-way and roadway widths do not exceed the maximums listed in Table 430-4; and

I. Utility construction must meet the standards of Section 33.430.150.

Table 430-4
Maximum Right-of-way and Roadway Widths

Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E and I	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E and I	Dead-end	40 feet	28 feet

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 Director of OPDR 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 of OPDR 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 impacts on the identified resources and functional values of the site; and

(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, outfalls, utilities, land divisions, and Planned Developments. 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, outfalls, utilities, land divisions, and Planned Developments;

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;

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, outfalls, and utilities;

a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and

c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.

4. Land divisions and Planned Developments:

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 must be in environmental resource tracts;

b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and

c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.

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 Director of OPDR 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 Director of OPDR 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 of OPDR 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 after the application is deemed complete by the Office of Planning and Development Review. 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 of OPDR 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;

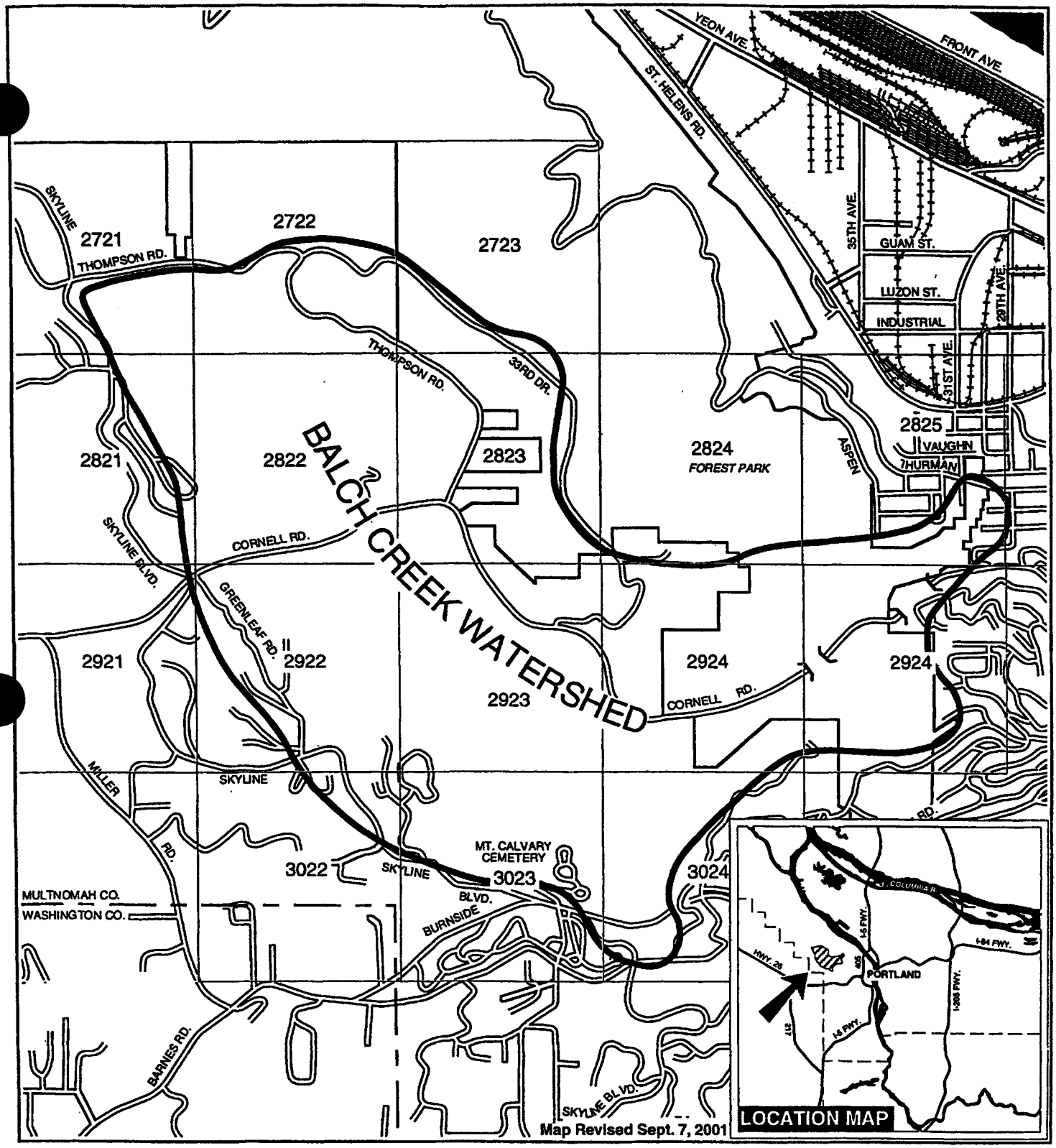
3. A copy of the site plan; and

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 of OPDR 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 of OPDR 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 of OPDR 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.



NORTH

0 1,000 2,000

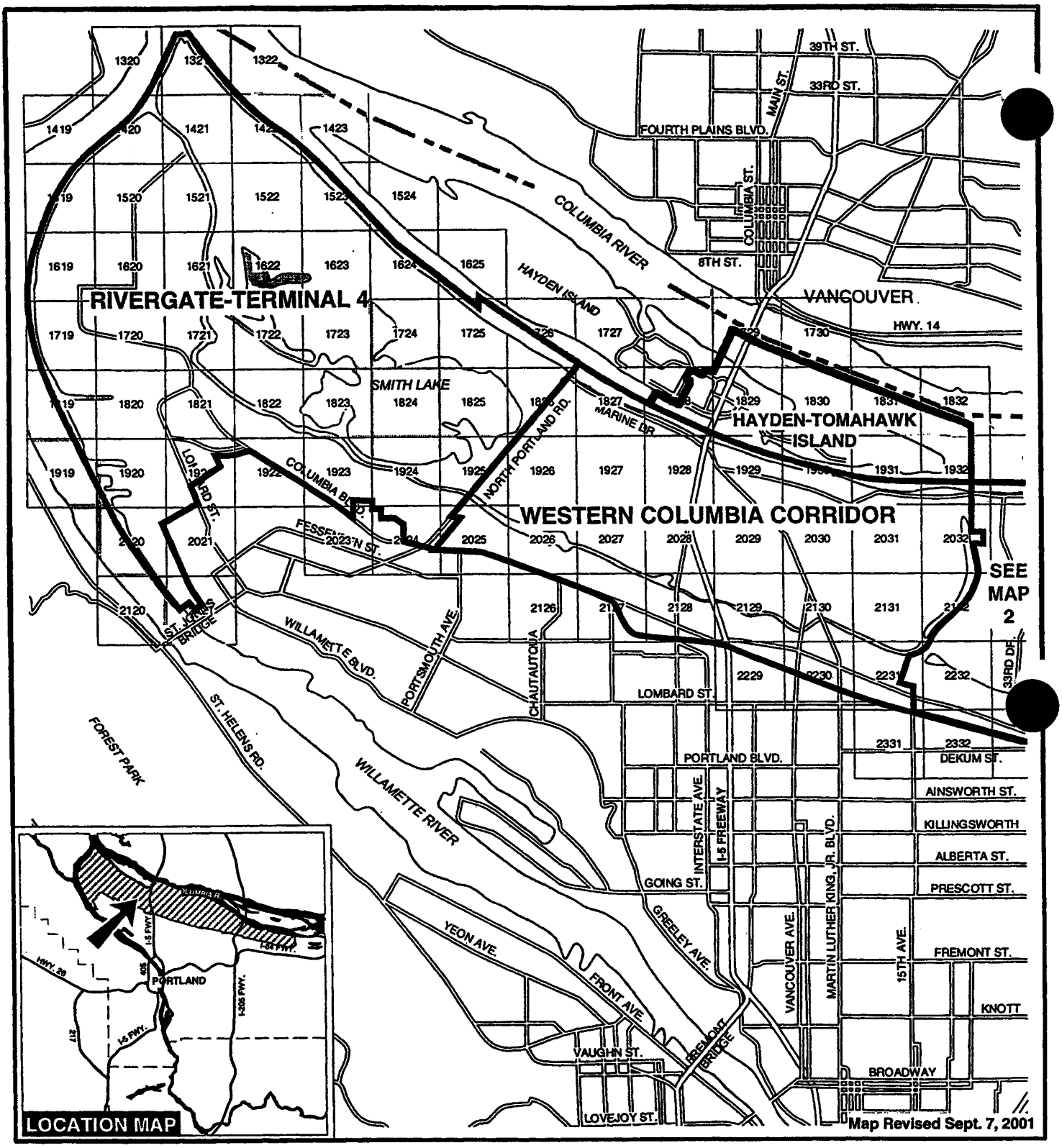
Scale (Feet)

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



Map 430-2

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 1 of 2

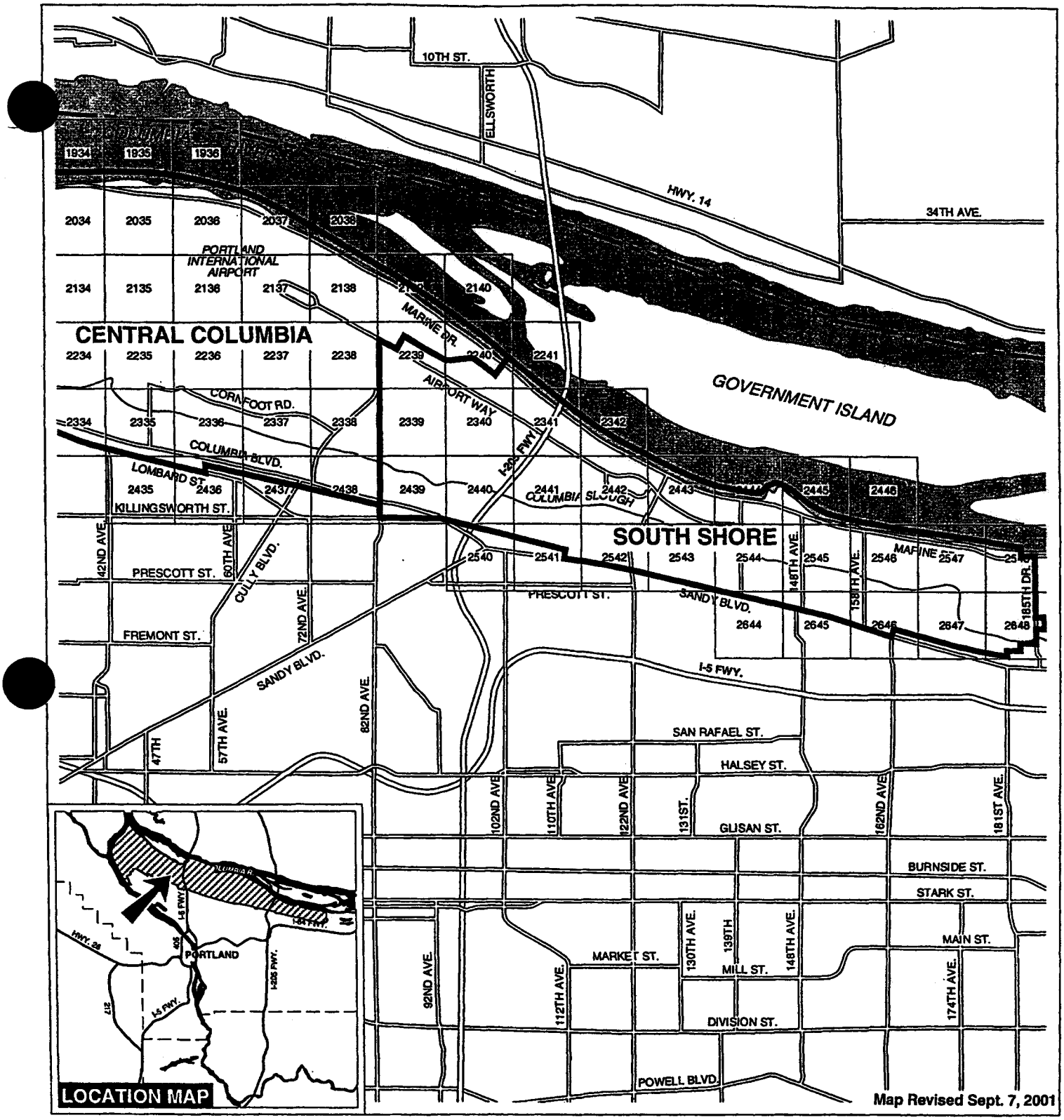
NORTH

0 2,000 4,000

Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Bureau of Planning • City of Portland, Oregon



NORTH

0 2,000 4,000

Scale (Feet)

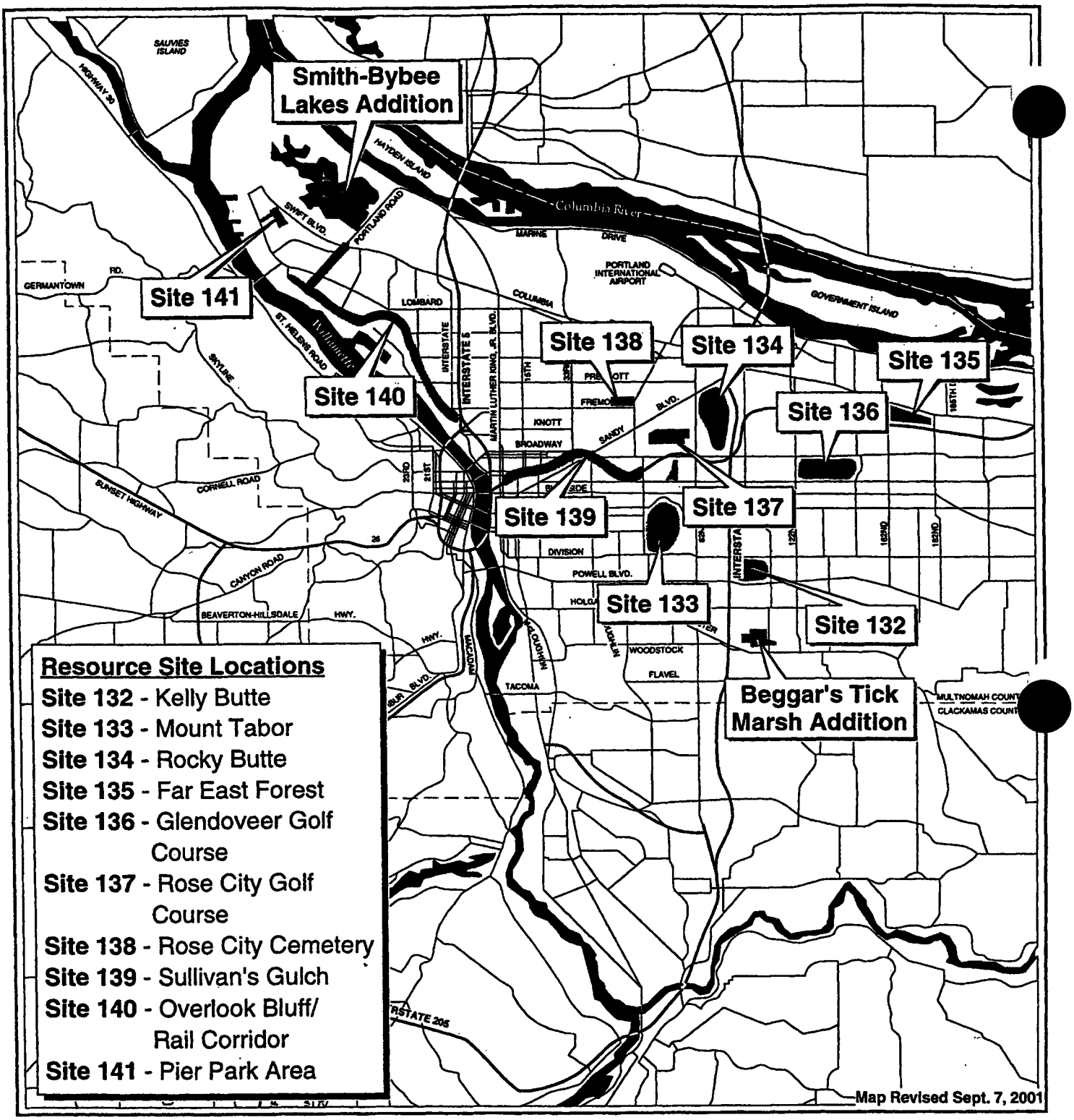
MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-2

Columbia Corridor Industrial and Environmental Mapping Project Area

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



Resource Site Locations

- **Site 132** - Kelly Butte
- **Site 133** - Mount Tabor
- **Site 134** - Rocky Butte
- **Site 135** - Far East Forest
- **Site 136** - Glendoveer Golf Course
- **Site 137** - Rose City Golf Course
- **Site 138** - Rose City Cemetery
- **Site 139** - Sullivan's Gulch
- **Site 140** - Overlook Bluff/ Rail Corridor
- **Site 141** - Pier Park Area

NORTH

0 0.5 1

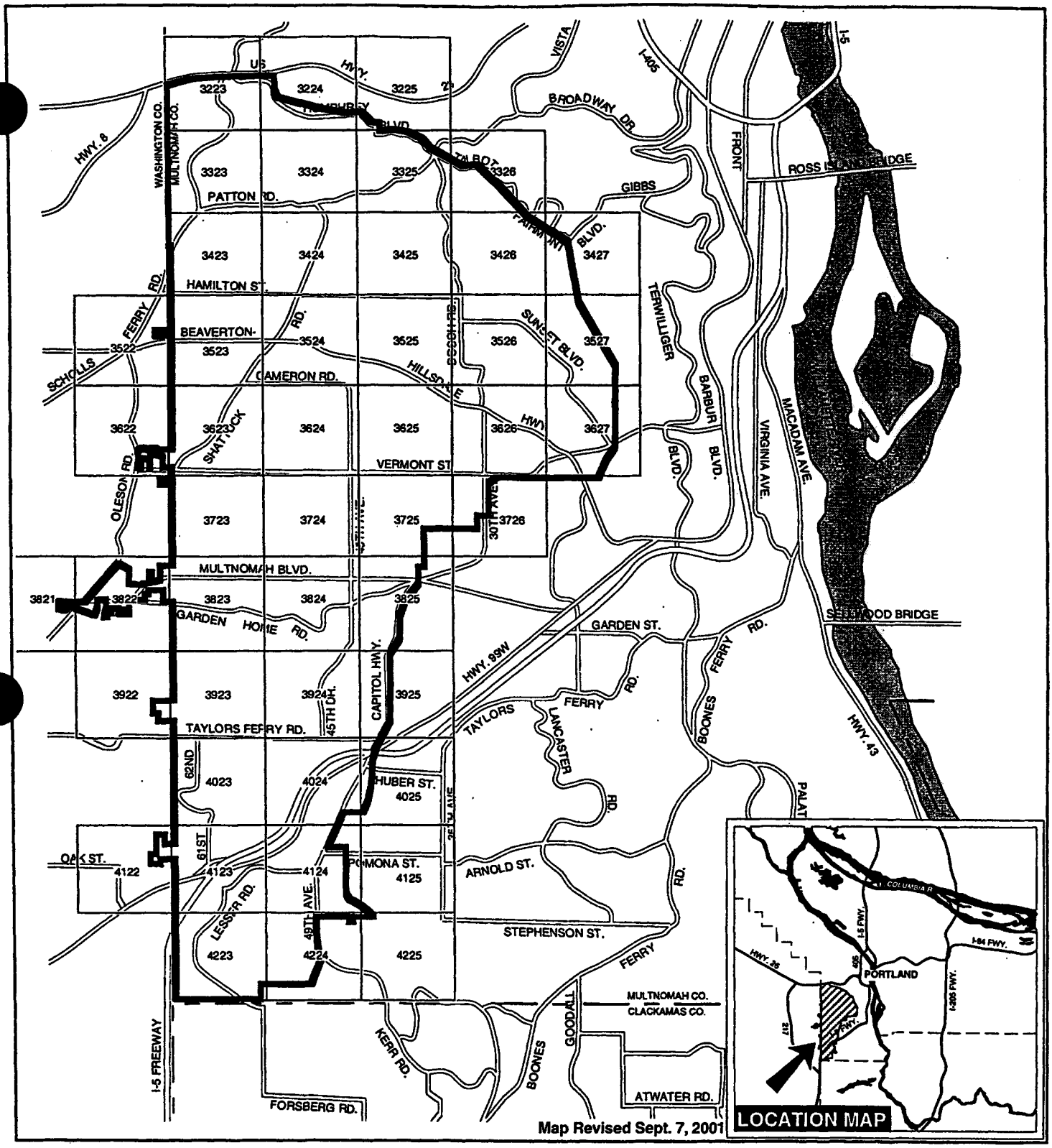
Scale in Miles

Plan Areas

Map 430-3

East Buttes, Terraces and Wetlands Conservation Plan Area

Bureau of Planning • City of Portland, Oregon



NORTH

0 2,000 4,000

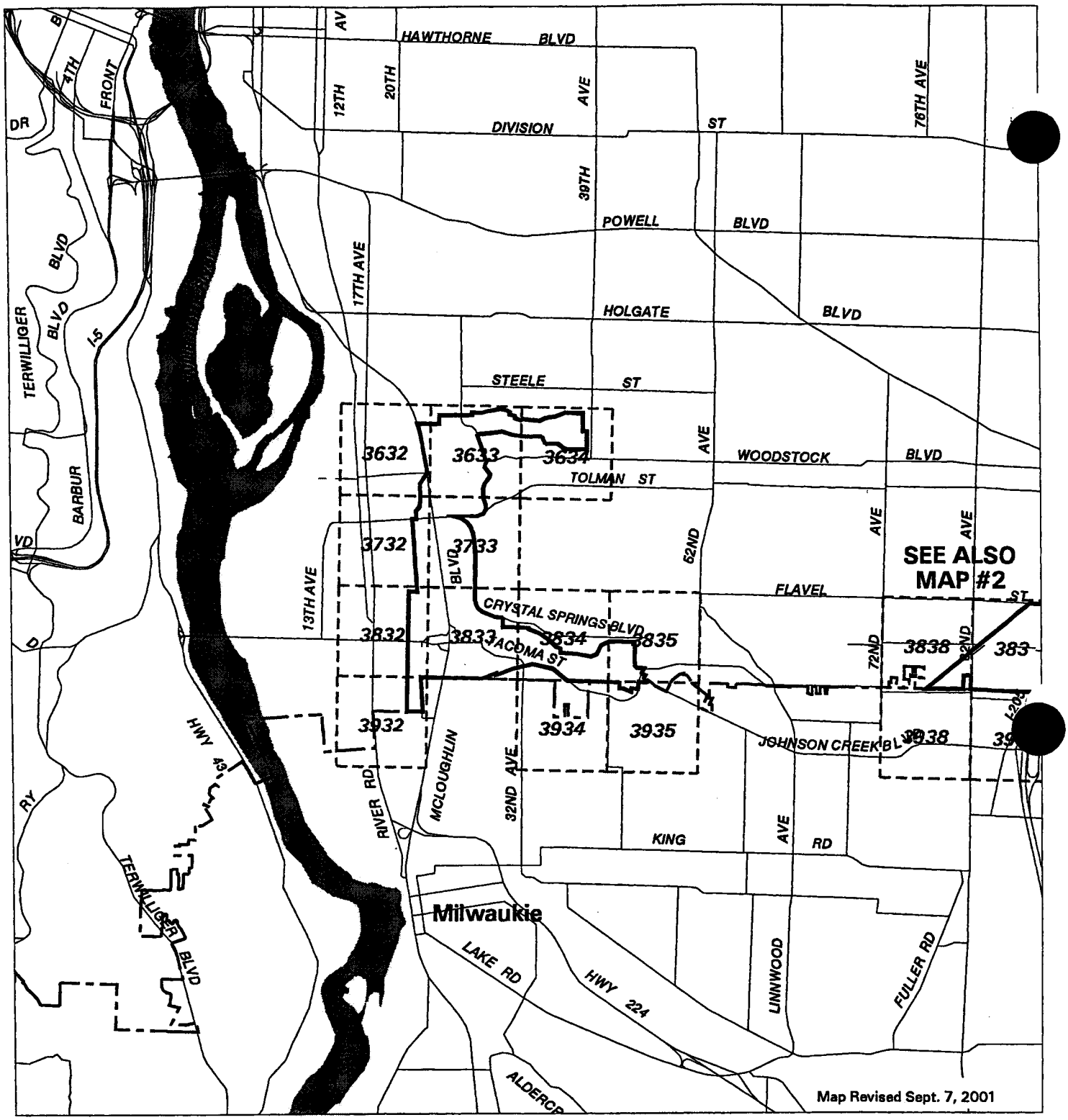
Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-4

Fanno Creek and Tributaries Conservation Plan Area

Bureau of Planning • City of Portland, Oregon



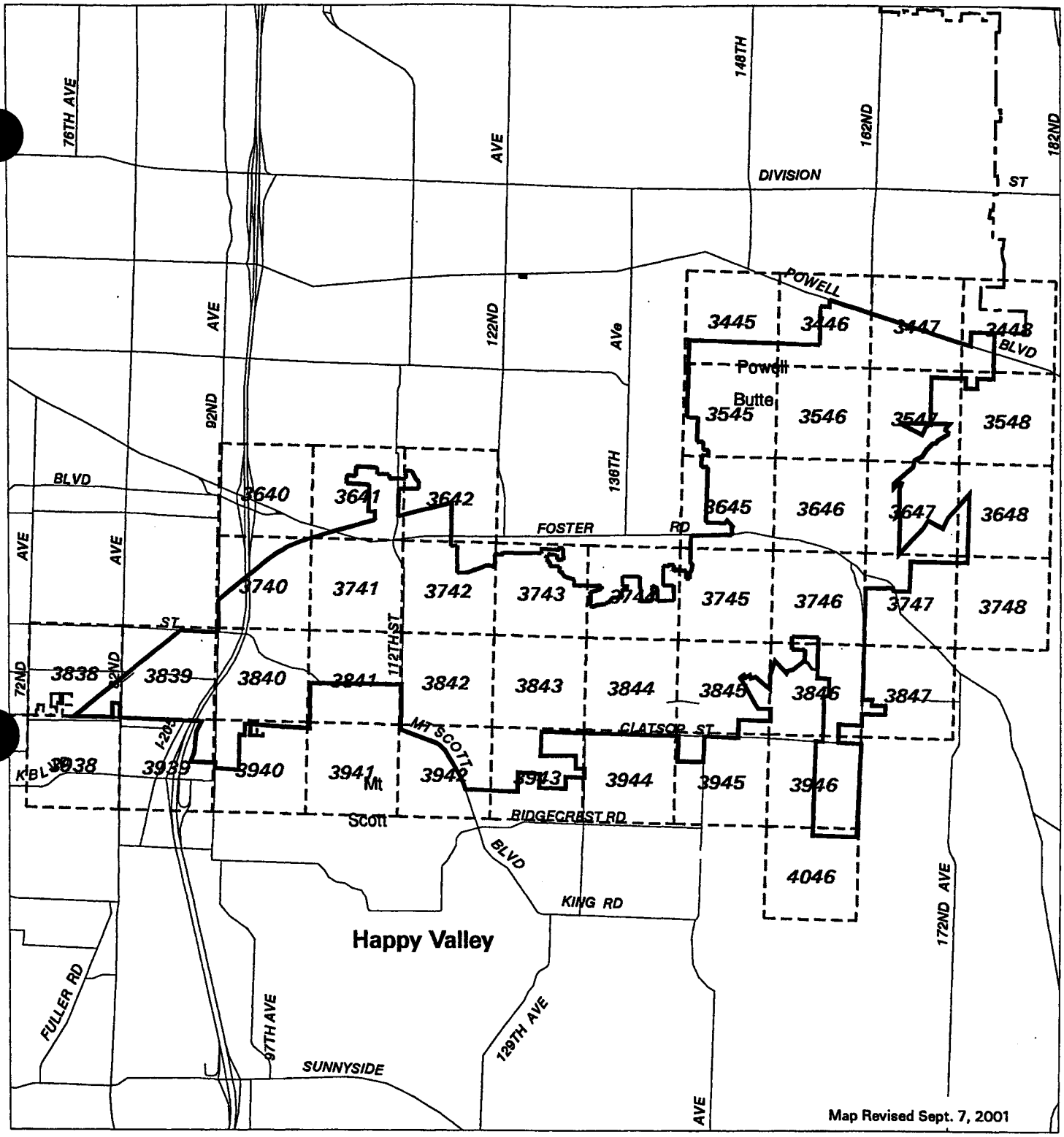
NORTH

0′ 3000′ 6000′

Scale in Feet

Map 430-5
Johnson Creek Basin Protection Plan Area
Map 1 of 2

Bureau of Planning • City of Portland, Oregon



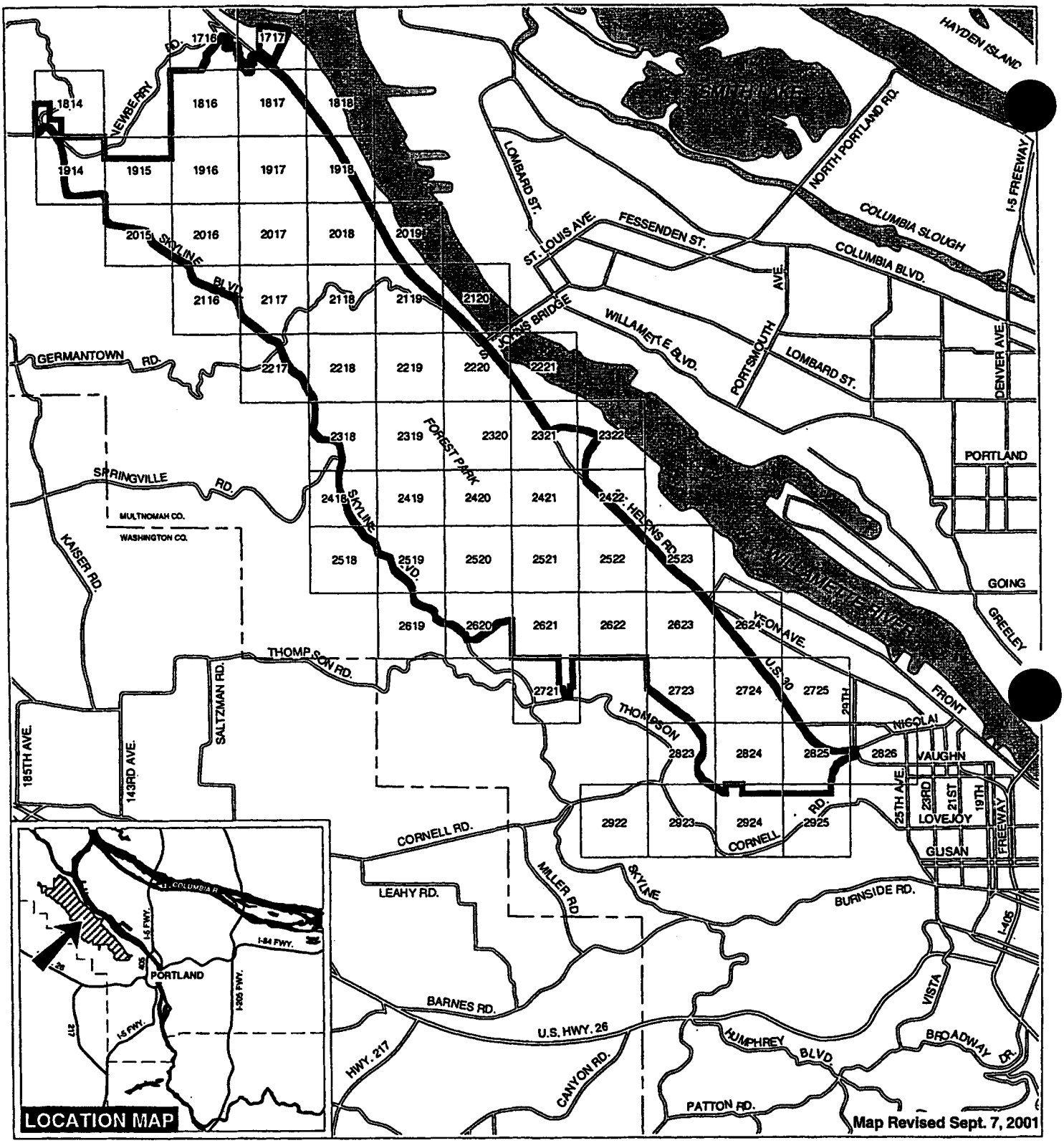
NORTH

0' 3000' 6000'

Scale in Feet

Map 430-5
Johnson Creek Basin Protection Plan Area
Map 2 of 2

Bureau of Planning • City of Portland, Oregon



Map Revised Sept. 7, 2001

NORTH

0 2,000 4,000

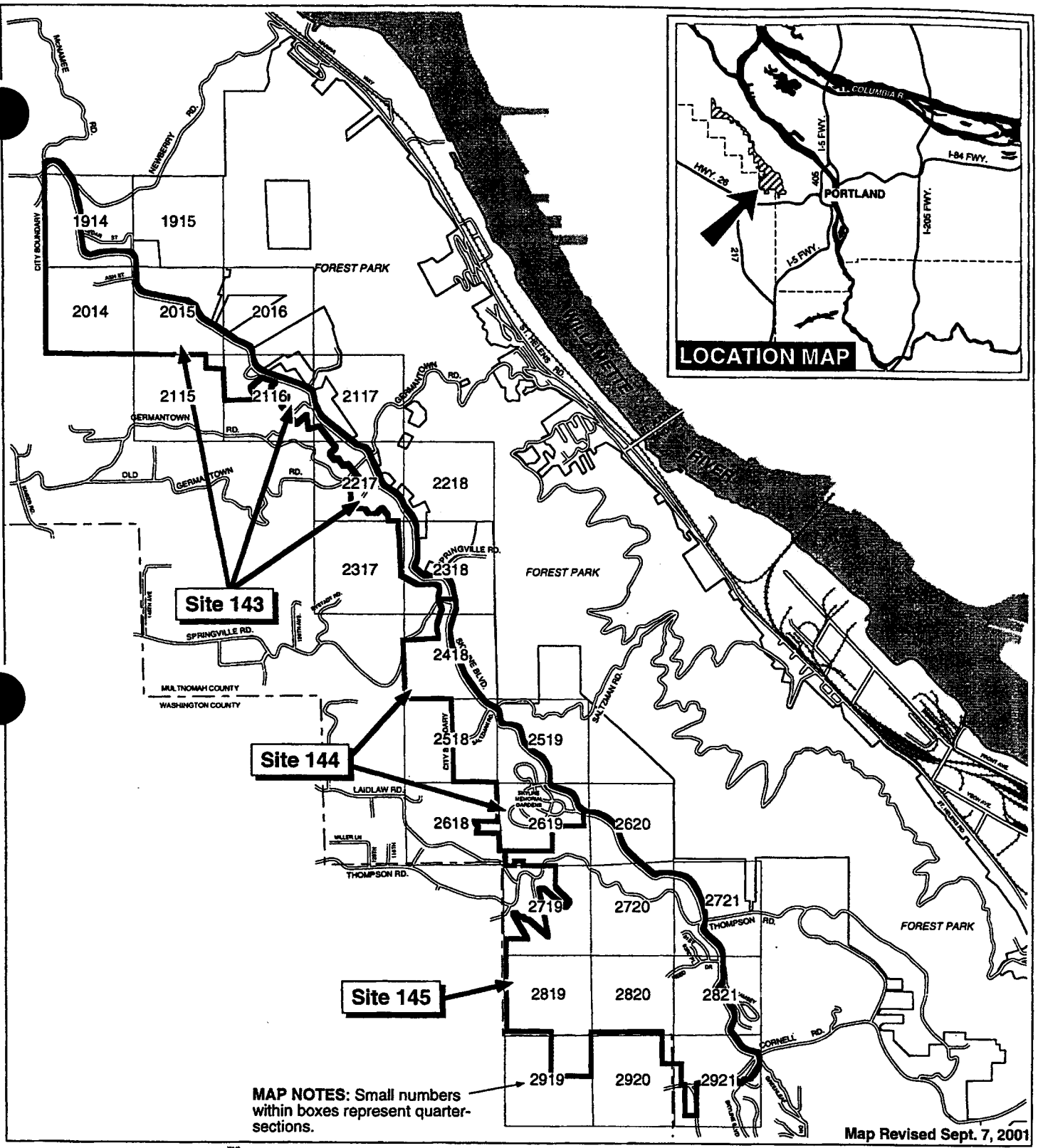
Scale (Feet)

MAP NOTES: Small numbers within boxes represent quarter-sections.

Map 430-6

Northwest Hills Natural Areas Protection Plan Area

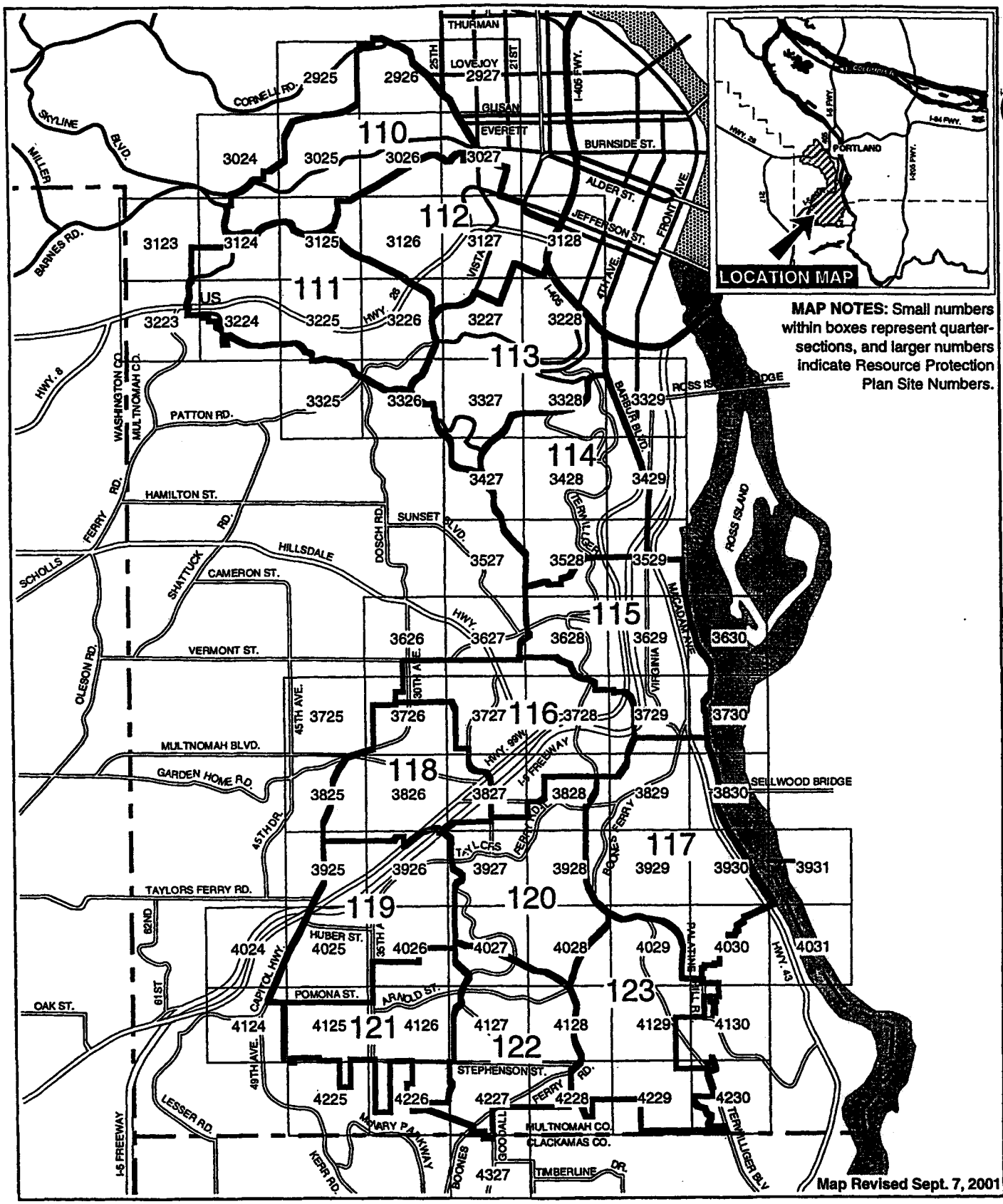
Bureau of Planning • City of Portland, Oregon



Map 430-7

Skyline-West Resource Protection Plan Area

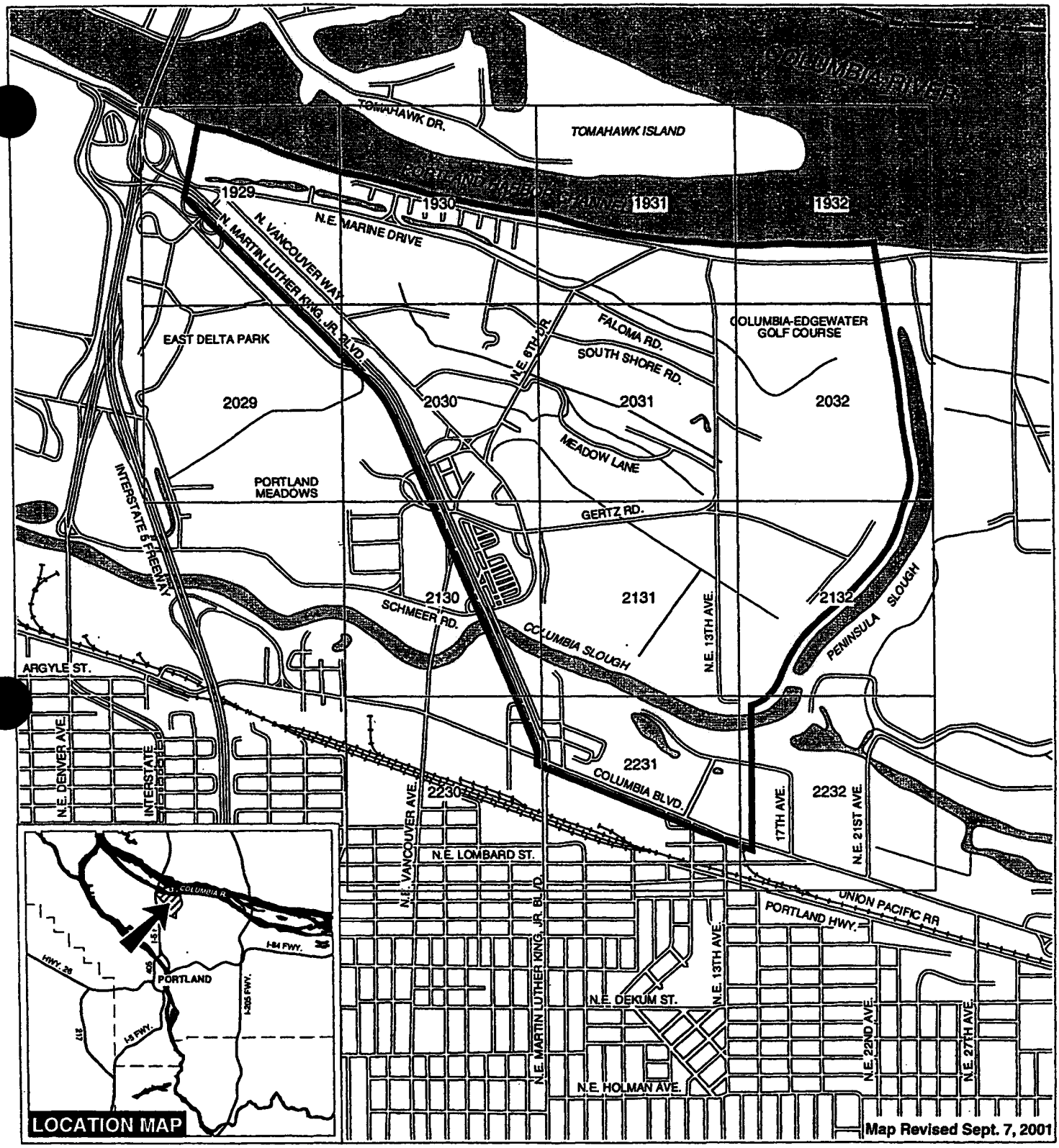
Bureau of Planning • City of Portland, Oregon



Map 430-8

Southwest Hills Resource Protection Plan Area

Bureau of Planning • City of Portland, Oregon



NORTH

0 1,000 2,000

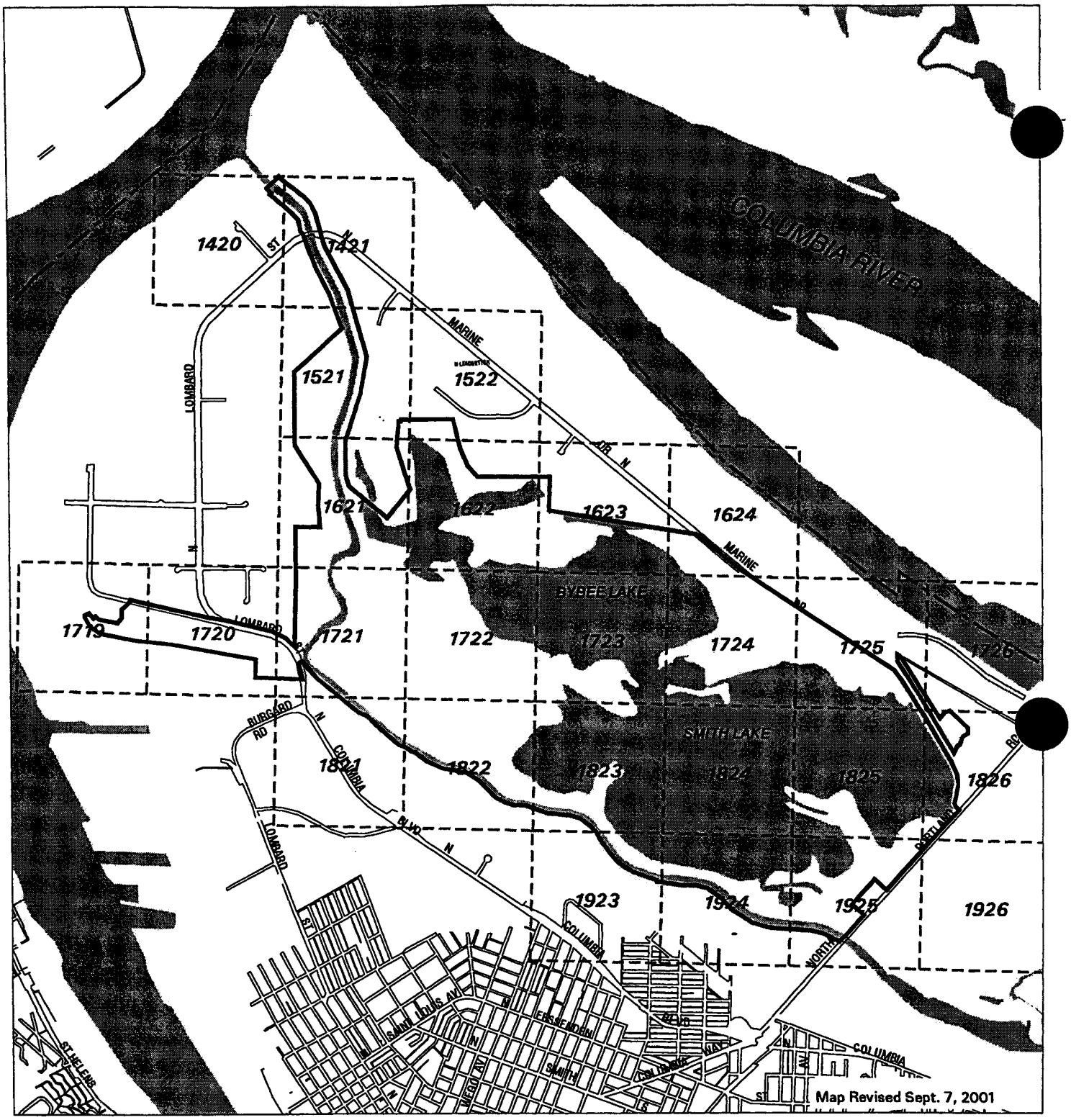
Scale (Feet)

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



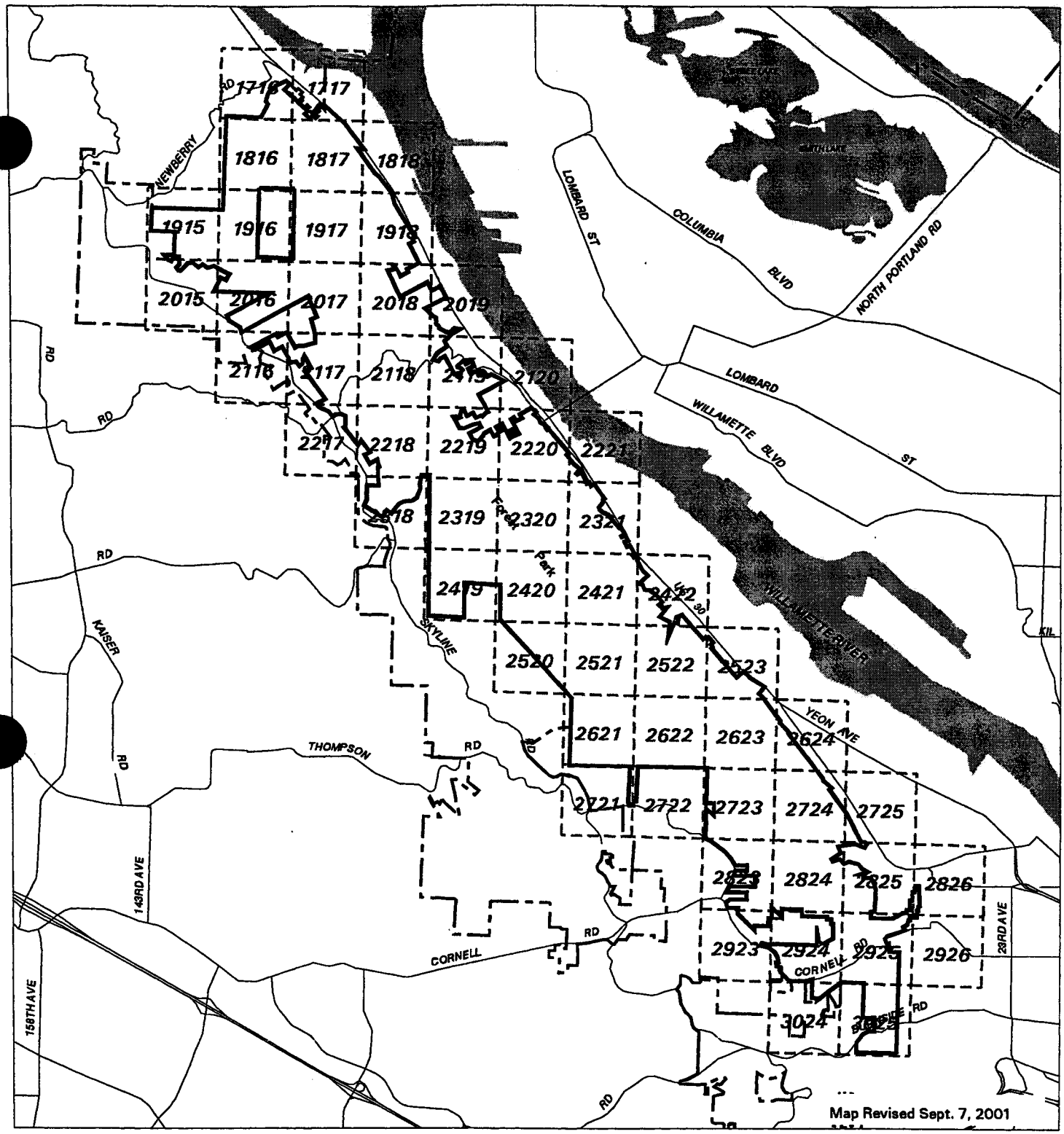
NORTH

0′ 2100′ 4200′

Scale in Feet

Map 430-10
Smith and Bybee Lakes Natural Resource Management Plan Area

Bureau of Planning • City of Portland, Oregon



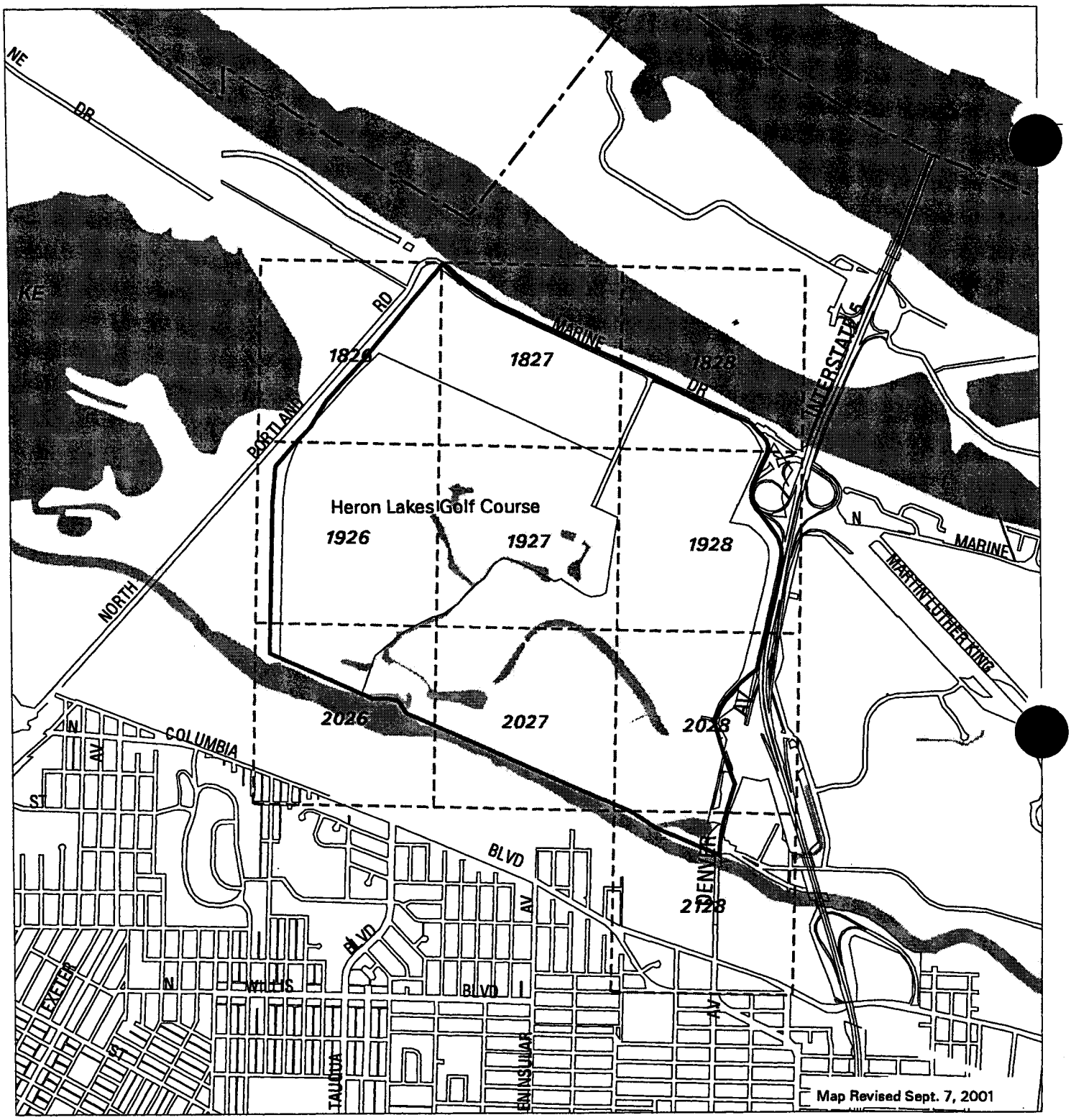
NORTH

0' 3900' 7800'

Scale in Feet

Map 430-11
Forest Park
Natural Resource Management Plan Area

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1500' 3000'

Scale in Feet

Map 430-12
Peninsula One
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. Amended by: Ord. No. 176469, effective 7/1/02.)

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 Metro'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 OVERLAY ZONES

(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02.)

Sections:

General
33.440.010 Purpose
33.440.030 Greenway Overlay Zones
33.440.050 Relationship to State and Federal Reviews
33.440.060 Sunset Provision
Use Regulations
33.440.100 Use-Related Restrictions
Development Regulations
33.440.200 Application of the Development Standards
33.440.210 Development in the 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
33.440.345 Supplemental Application Requirements
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; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from

development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

33.440.030 Greenway Overlay Zones

A. Purpose. The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.

1. River Natural. The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.

2. 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.

3. 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.

4. 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.

5. River Water Quality. The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.

B. Where these regulations apply. The regulations of this chapter apply 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, River Industrial, or River Water Quality overlay zones except that the area within the interior of Ross and Hardtack Islands which is presently subject to the Ross Island Management Plan will not be subject to the regulations of this chapter during such time as the Ross Island Management Plan remains in effect. In addition, the public trail standards of Section 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.

C. Removal or remediation of hazardous substances. For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.

D. 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
River Water quality	q

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.

33.440.060 Sunset Provision
The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

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, River Industrial, and River Water Quality 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.B. 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.

4. River Water Quality zone. In the River Water Quality zone, use restrictions apply only within the greenway setback. Primary uses that are river-dependent or river-related are allowed and do not need to comply with Section 33.440.345, Supplemental Application Requirements or the approval criteria of

subsection 33.440.350.G. Primary uses that are not river-dependent or river-related may be allowed if they are approved through greenway review. Existing uses that change to a non-river dependent or non-river related use are subject to greenway review.

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.

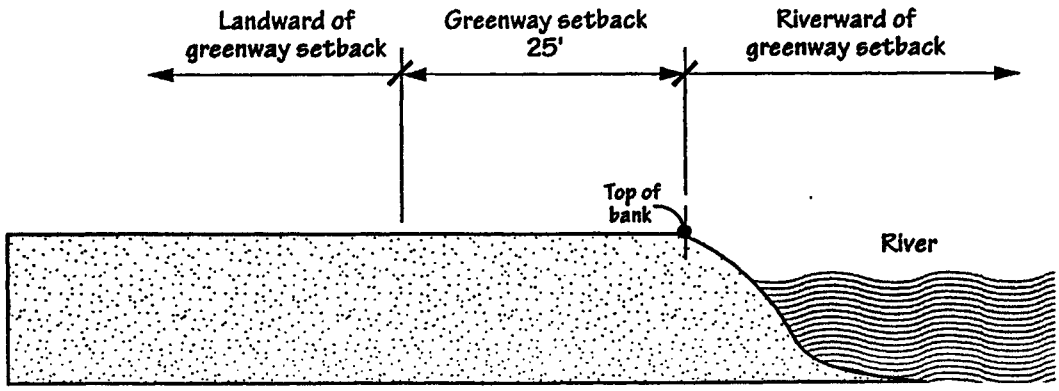
33.440.210 Development in the Greenway Setback

A. General. The requirements of this section focus 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 areas.

1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

Figure 440-1
Greenway Setback



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.

3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

Figure 440-2
Greenway Setback in the River Water Quality Zone

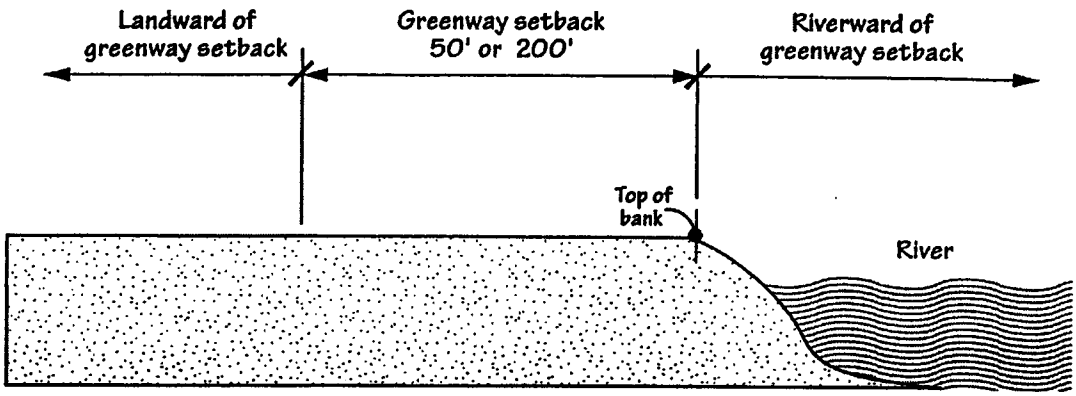


Table 440-1
Setbacks for River Water Quality Zone

Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
≥ 25% for 150 feet or more [2]	200 feet

[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%

[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the *uphill* direction from the protected water feature.

C. Development regulations.

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.

2. Development within the greenway setback. Development, exterior alterations, excavations, or fills within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.

3. Development riverward of the greenway setback. Riverward of the greenway setback, development, exterior alterations, excavations, or fills that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require 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 and River Water Quality zones. Recreational trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality 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 Situations. 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, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. 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;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

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 440-3, 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. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the requirements of Section 33.440.345, Supplemental Application Requirements, and the approval criteria of subsection 33.440.350.G.

C. 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;

D. Changes to the interior of a building where there are no exterior alterations;

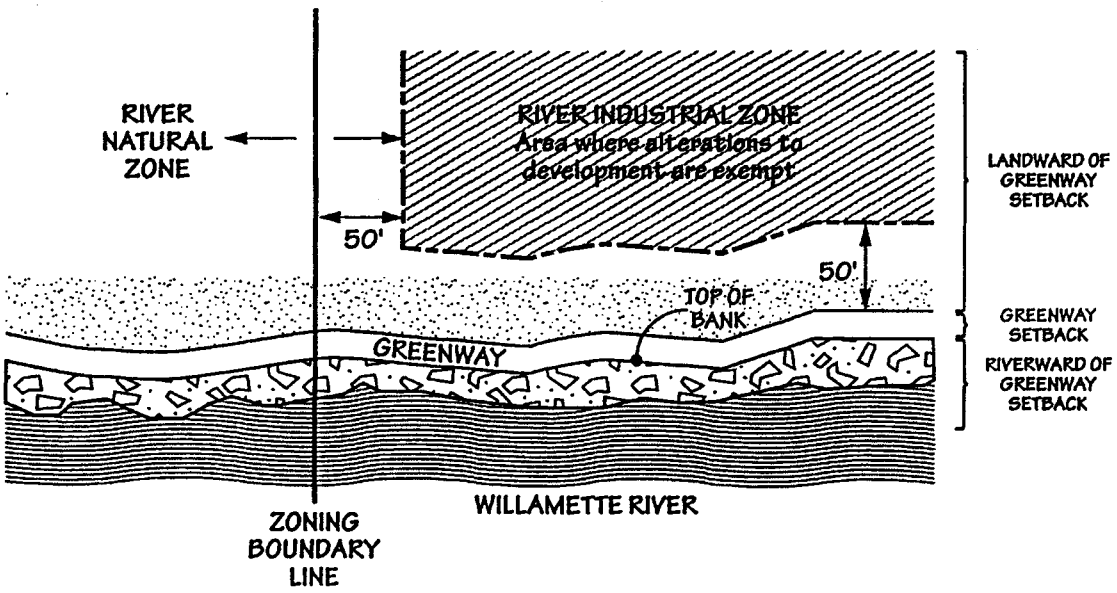
E. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Public Recreational Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;

F. 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;

G. Excavations and fills under 50 cubic yards;

H. The normal maintenance and repair necessary for an existing development;

Figure 440-3
Exemptions from Greenway Review



I. Dredging, channel maintenance, and the removal of gravel from rivers;

J. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;

K. 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;

L. Signs;

M. Removal of vegetation identified as nuisance plants on the Portland Plant List; and

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 Section 33.440.360, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.
OPDR 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.

33.440.345 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060, Application Requirements, the following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:

A. Supplemental site plans. One copy of each plan must be at a scale of at least one inch to 100 feet. Site plans must show existing conditions, proposed development, construction management, and mitigation in the setback.

1. An existing conditions site plan, showing the following:

   a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;

   b. The top of bank and the setback area;

   c. Distribution outline of shrubs and ground covers with a list of most abundant species;

   d. Trees identified by species, including the location of the drip line;

e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;

f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;

g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and

h. Stormwater management facilities.

2. A development proposal site plan including:

a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;

b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and

c. Areas where existing topography and vegetation will be left undisturbed.

3. A construction management site plan including:

a. Areas that will be disturbed, including equipment maneuvering areas;

b. Location of site access and egress;

c. Equipment and material staging and stockpile areas;

d. Erosion control measures; and

e. A tree preservation plan that meets the standards of Section 33.248.065.

4. A mitigation or remediation plan including:

a. Detailed plans or drawings describing any proposed mitigation or remediation activities;

b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;

c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;

d. Water bodies to be created, including depth; and

e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.

B. Narrative. The following written narratives are required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:

   a. Identification, by characteristics and quantity, of the functional values found on the site;

   b. Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and

   c. Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.

2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction equipment will be controlled, and describe how trees will be protected in conformance with Section 33.248.065, and erosion controlled in conformance with Title 10, Erosion and Sediment Control Regulations.

3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:

   a. A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:

      (1) Significant detrimental impacts must be avoided where practicable;

      (2) Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:

         - The mitigation must be on the construction site, and must enhance the same kind of resource.

         - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.

   b. Functional values to be restored, created, or enhanced on the mitigation or remediation site

   c. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;

   d. Construction timetables;

e. Operations and maintenance practices;

f. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.440.350 Approval Criteria
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 that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. For all greenway reviews. The Willamette Greenway design guidelines must be met for all greenway reviews.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. Development within the River Water Quality overlay zone setback. If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the following approval criteria must be met:

1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:

a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;

c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;

d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of subsection 33.440.350.H; and

f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

2. Public safety facilities. For public safety facilities, the applicant's impact evaluation must demonstrate that all of the following are met:

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

c. All significant detrimental impacts on functional values will be offset through a mitigation plan;

d. The mitigation plan meets the requirements of subsection 33.440.350.H; and

e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

a. There will be no significant detrimental impact on functional values;

b. There will be a significant improvement of at least one functional value; and

c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.

4. Public recreational facilities. 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:

a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;

c. The public benefits of the proposal outweigh all significant detrimental impacts;

d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the Portland Plant List;

e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;

f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of subsection 33.440.350.H; and

g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:

   a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;

   b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area that other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

   c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;

   d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the Portland Plant list;

   e. All significant detrimental impacts on functional values will be offset through mitigation;

   f. The mitigation plan meets the requirements of subsection 33.440.350.H;

   g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and

   h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.

H. Mitigation or remediation plans. Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:

1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:

   a. On site and as close as practicable to the area of disturbance;

   b. Within the same watershed as the proposed use or development; and

   c. Within the Portland city limits.

2. The applicant owns the mitigation or remediation 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 or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;

3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with subsection 33.248.090.E and includes the following elements:

a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;

b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and

c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

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;

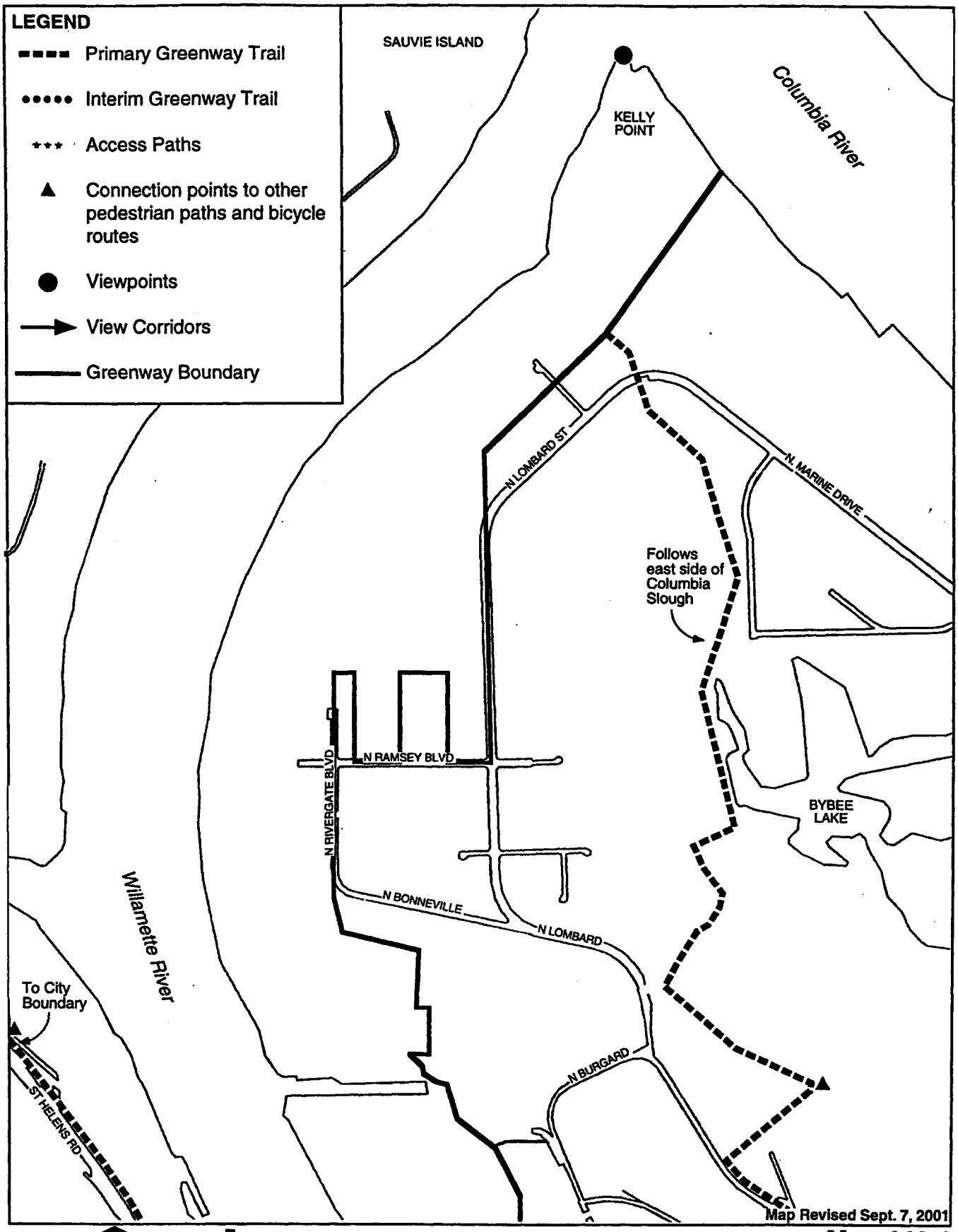
5. The intensification of existing uses or change in use must be limited, to the greatest possible degree, so that such lands will remain compatible with the preservation of the natural, scenic, historical, and recreational qualities of such lands;

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 that 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

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Scale in Feet

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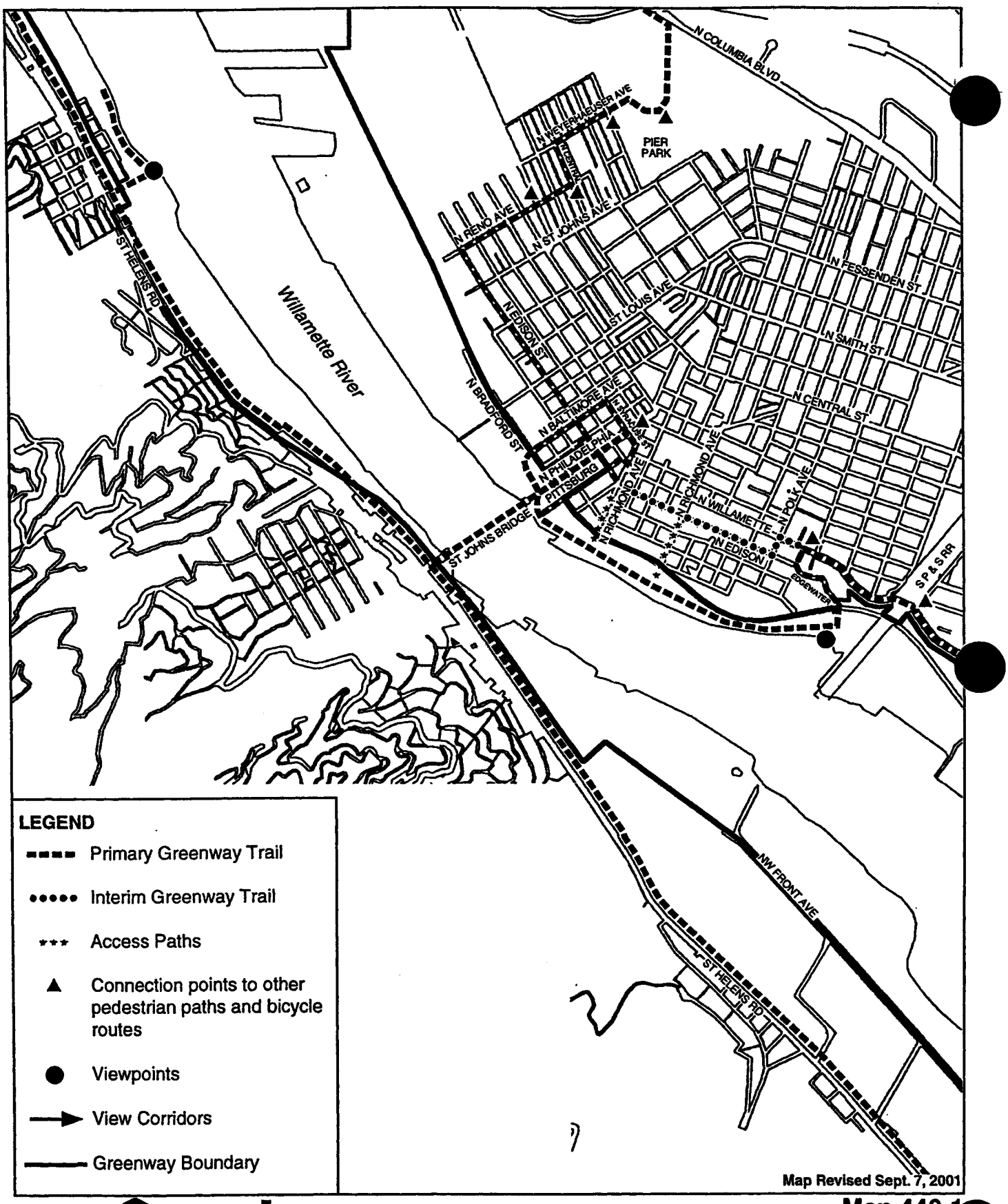
Map 440-1

Willamette Greenway Public Access Map

Map 1 of 5

Bureau of Planning • City of Portland, Oregon



Map 440-1

Willamette Greenway Public Access Map

Map 2 of 5

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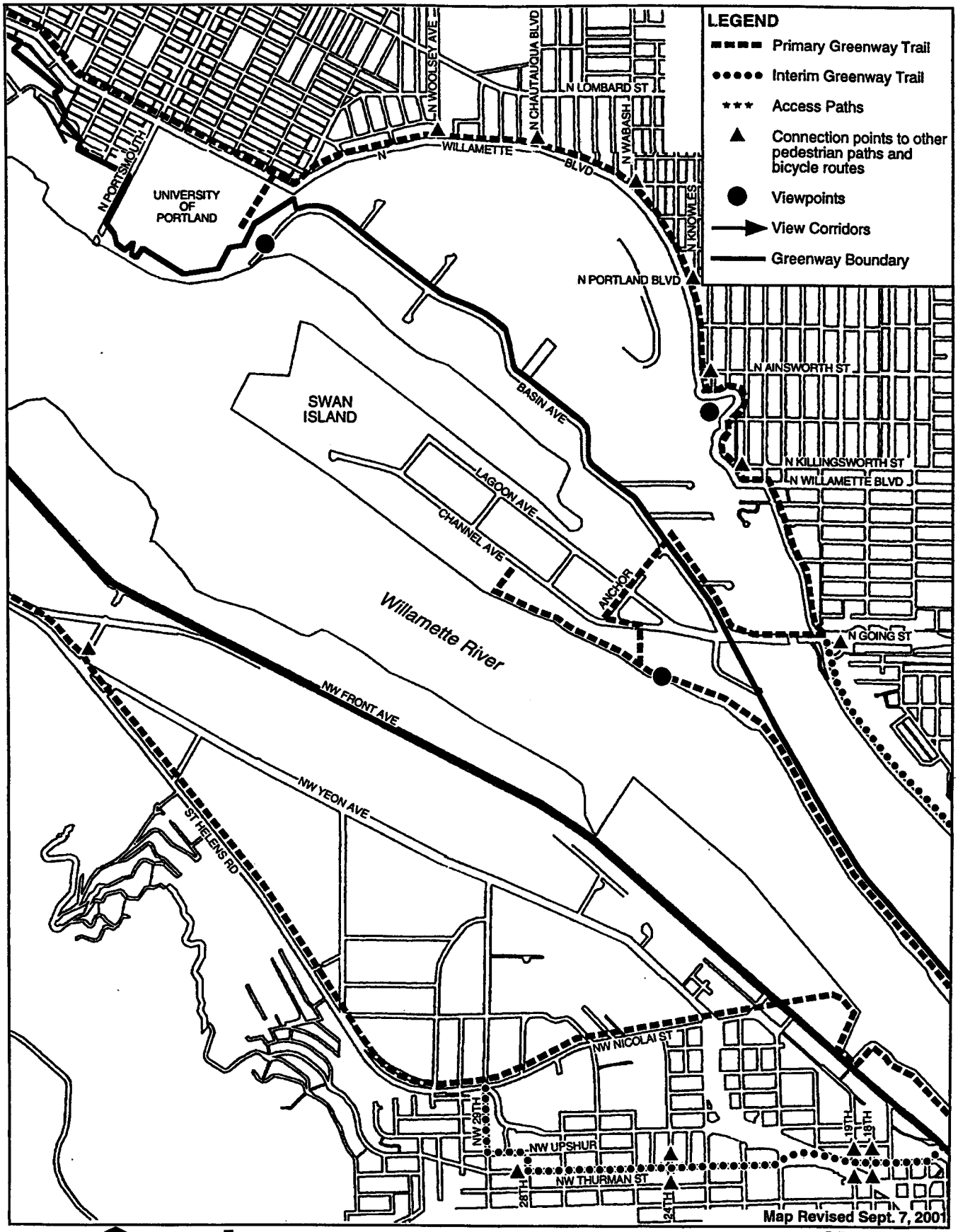

NORTH

0' 1000' 2000'

Scale in Feet

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Map 440-1

Willamette Greenway Public Access Map

Map 3 of 5

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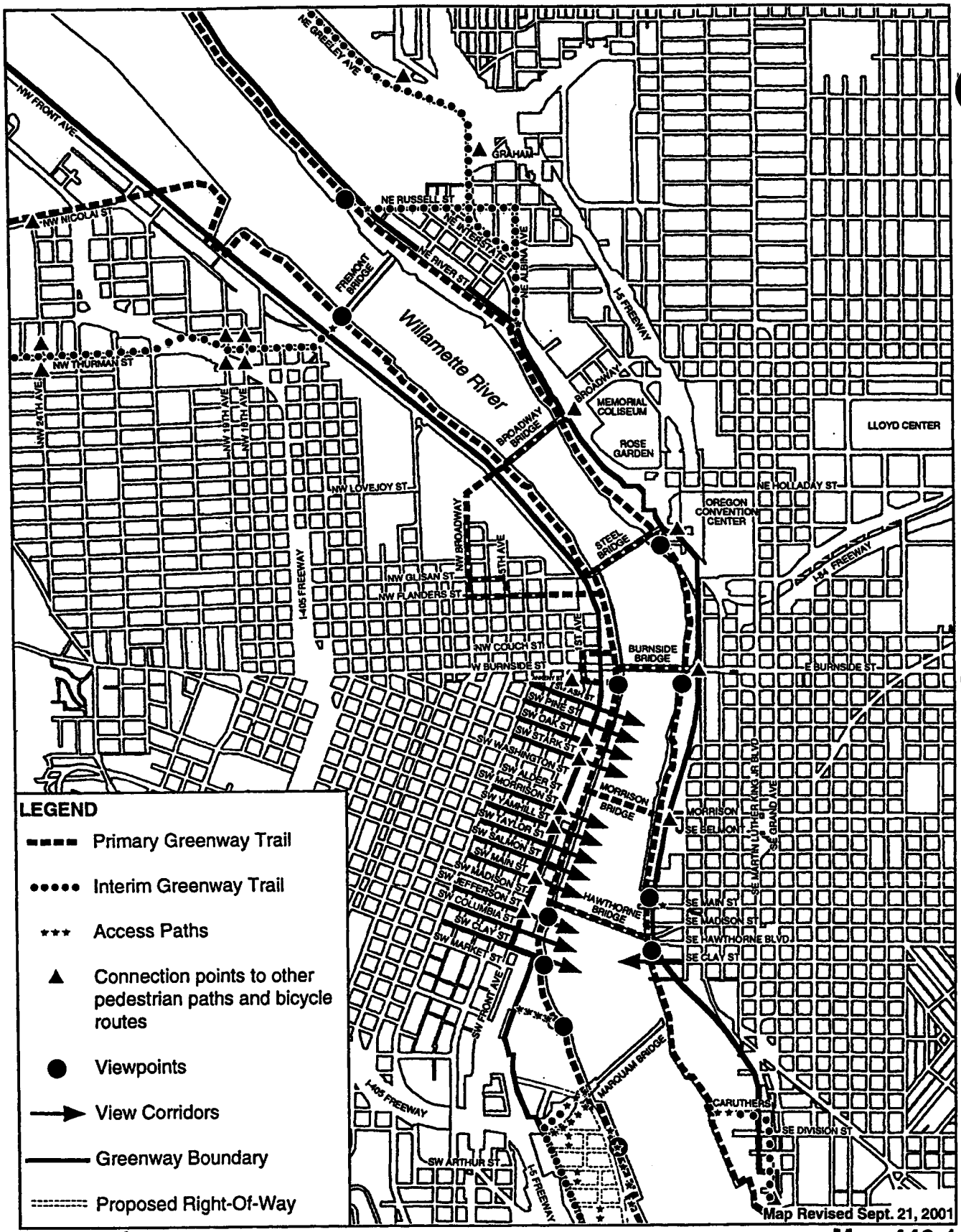
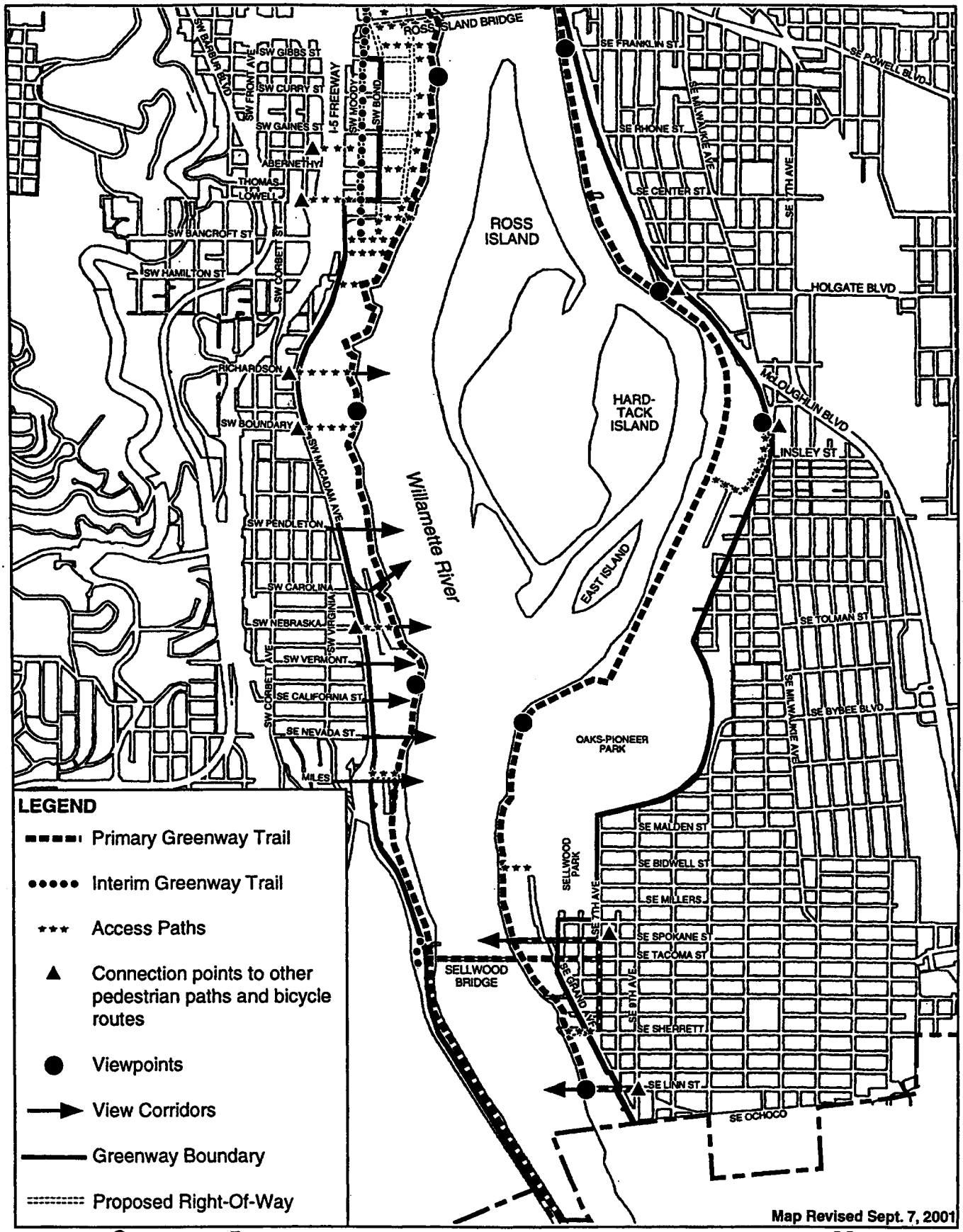


Map 440-1

Willamette Greenway Public Access Map

Map 4 of 5

Bureau of Planning • City of Portland, Oregon



Map 440-1

Willamette Greenway Public Access Map

Map 5 of 5

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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; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02.)

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General

33.445.010 Purpose
This chapter protects certain historic resources in the region and preserves significant parts of the region'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 the region. The regulations foster pride among the region'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
Sections 33.445.010 through .810 apply to all historic resources. Sections 33.445.100 through .150 apply to Historic Landmarks, including those within Historic Districts and Conservation Districts. Sections 33.445.200 through .240 apply to Conservation Landmarks, including those within Historic Districts and Conservation Districts. Sections 33.445.300 through .330 apply to historic resources in Historic Districts. Sections 33.445.400 through .430 apply to historic resources in Conservation Districts. Sections 33.445.500 through .520 apply to historic resources listed in the City's Historic Resource Inventory.

33.445.030 Types of Historic Resource Designations and Map Symbols

A. Historic Landmark. This type of resource may be an individual structure, site, tree, landscape, or other object that is of historic or cultural significance. A Historic Landmark generally derives its significance from at least two of the following:

- The importance of its designer, previous owners, or builder in local, state, or national history;
- The quality of its architecture or landscaping;
- The fact that it is one of a few remaining examples of a building type that is of significance in local, state, or national history;
- Association with a significant cultural or ethnic group; or
- The role it has played in shaping local, state, or national history.

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the resource's designation.

B. Conservation Landmark. This type of resource may be an individual structure, site, tree, landscape, or other object that is of historical or cultural interest at the local or neighborhood level. Conservation Landmarks are examples of developments that have helped create the character of the region's districts and neighborhoods. A Conservation Landmark generally derives its significance from at least two of the following:

- The importance of its designer, previous owners, or builder in local, state, or national history;
- The quality of its architecture or landscaping;
- The fact that it is one of a few remaining examples of a building type that is of significance in the neighborhood's history;
- Association with a significant cultural or ethnic group; or
- The role it has played in creating the historic character of the area where it is located.

Information supporting a specific resource's designation is found in the City's Historic Resource Inventory or the local evaluation done in support of the resource's designation.

C. Historic District. This type of resource is a collection of individual resources that is of historical or cultural significance at the local, state, or national level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory, its National Register nomination, or the local evaluation done in support of the district's designation.

D. Conservation District. This type of resource is a collection of individual resources that is of historical or cultural significance at the local or neighborhood level. Information supporting a specific district's designation is found in the City's Historic Resource Inventory or the local evaluation done in support of the district's designation.

E. Historic Resource Inventory Listing. This type of resource is listed in the City's Historic Resource Inventory. The Inventory is a catalogue of historic resources that may be eligible for landmark or district designation. Most resources listed in the Inventory are given a ranking of I, II, or III; some are unranked. Rank I and II resources may be eligible for listing in the National Register; Rank I resources are given the highest priority for listing. Rank III resources may be eligible for listing in the National Register as part of a Historic District.

F. Map symbols. Boundaries of Historic Districts and Conservation Districts are shown on the Official Zoning Maps. Historic Landmarks and Conservation Landmarks are also shown on the Official Zoning Maps.

33.445.040 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are reviewed and approved by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic design review, which is required for some alterations to historic resources. Historic design review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.050 Modifications that Enhance Historic Resources

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, 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 33.846.070, Modifications Considered During Historic Design Review. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic design review may be requested through the adjustment process.

33.445.060 Notice of Building and Housing Code Violations
When the Office of Planning and Development Review declares a Historic Landmark or Conservation 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 to pursue public or private acquisition and restoration of the landmark.

Historic Landmarks

33.445.100 Designation of a Historic Landmark
Historic Landmarks may be designated by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Historic Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.110 Removal of a Historic Landmark Designation

A. Requests for removal. Removal of a resource's designation as a local Historic Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.

B. Removal after destruction. If the resource is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed.

C. Removal after demolition. If the resource is demolished or relocated, after approval of demolition through demolition review or after demolition delay or demolition delay extension review, its Historic Landmark designation is automatically removed.

33.445.120 Historic Preservation Incentives for Historic Landmarks
Historic Landmarks are eligible to use historic preservation incentives. See Section 33.445.610. Historic Landmarks are also eligible for the preservation agreement detailed in Section 33.445.600.

33.445.130 Relocation of a Historic Landmark
When a Historic Landmark is relocated, the receiving site is subject to Section 33.846.060, Historic Design Review. If the applicant wishes to retain the Historic Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review. The Historic Landmark designation is automatically removed from the

sending site; see Section 33.855.075, Automatic Map Amendments For Historic Resources. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.140 Alterations to a Historic Landmark
Alterations to a Historic Landmark require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic design review for a Historic Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic design review. Some modifications to site-related development standards may be reviewed as part of the historic design review process; see Section 33.445.050:

1. Exterior alteration;

2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark;

3. Change of façade color when:

   a. Façade color or material is specifically listed in the Historic Resources Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value; or

   b. Other proposed alterations to the landmark require review and the proposed alterations include a change of façade color; or

   c. Façade color has been specifically approved through historic design review.

4. Exterior signs;

5. Alteration of an interior space when that interior space is designated as a Historic Landmark;

6. Proposals using any of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and

7. 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.

B. Exempt from historic design review.

1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;

2. Changes that do not require a building, site, zoning, 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 Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

3. Changes in landscaping unless the landscaping is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark;

4. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

5. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence; and

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet.

33.445.150 Demolition of a Historic Landmark
Demolition of a Historic Landmark requires one of three types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. When demolition review is required. Unless exempted by Subsection D, below, demolition of a Historic Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Historic Landmark. A permit for demolition will not be issued before the decision in a demolition review is final.

B. When demolition delay extension review is required. Unless addressed by Subsection A, above, or exempted by Subsection D, below, demolition of a Historic Landmark that is individually listed in the National Register of Historic Places is subject to demolition delay extension review. A demolition permit will be issued as follows:

1. 120 days after the date the Director of OPDR determines that the application is complete, if the decision in the demolition delay extension review is final and the review body did not extend the demolition delay period;

2. When the decision in the demolition delay extension review is final, if it is at least 120 days after the date the Director of OPDR determines that the application is complete, and the review body did not extend the demolition delay period; or

3. At the end of the extended demolition delay period.

C. When demolition delay review is required. Unless addressed by Subsections A or B, above, or exempted by Subsection D, below, all Historic Landmarks are subject to demolition delay review;

D. Exempt from demolition review, demolition delay extension review, and demolition delay review. The following are exempt from demolition review, demolition delay extension review, and demolition delay review:

1. Demolition of Historic Landmarks required to be demolished because:

   a. The Office of Planning and Development Review requires the demolition 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 Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of detached accessory structures no larger than 300 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark.

Conservation Landmarks

33.445.200 Designation of a Conservation Landmark

Conservation Landmarks may be designated by the Historic Landmark Commission through a legislative procedure or through a quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Conservation Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.210 Removal of a Conservation Landmark Designation

A. Requests for removal. Removal of a resource's designation as a Conservation Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.

B. Removal after destruction. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed.

C. Removal after demolition. If the resource is demolished or relocated, after either approval of demolition through demolition review or after demolition delay or demolition delay extension review, its Conservation Landmark designation is automatically removed.

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Conservation Landmarks are eligible to use historic preservation incentives. See Section 33.445.610. Conservation Landmarks are also eligible for the preservation agreement detailed in Section 33.445.600.

33.445.230 Alterations to a Conservation Landmark
Alterations to Conservation Landmarks require historic design review to ensure the landmark's historic value is considered prior to or during the development process.

A. When historic design review for a Conservation Landmark is required. Unless exempted by Subsection B, below, the following proposals are subject to historic design review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alteration;

2. Exterior alteration of an accessory structure, landscape element, or other historic feature that is identified in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the historic value of the Conservation Landmark;

3. Exterior signs;

4. Alteration of an interior space when that interior space is designated as a Conservation Landmark;

5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and

6. 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.

B. Exempt from historic design review.

1. Construction of a 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;

2. Changes that do not require a building, site, zoning, 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 Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory or Conservation Landmark nomination as an attribute that contributes to the resource's historic value;

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence; and

5. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet.

33.445.240 Demolition of a Conservation Landmark
Demolition of a Conservation Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Conservation Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Conservation Landmark. A permit for demolition will not be issued before the decision in a demolition review is final.

B. When demolition delay review is required. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Conservation Landmarks are subject to demolition delay review.

C. Exempt from demolition review and demolition delay review. The following are exempt from demolition review and demolition delay review. Demolition of Conservation Landmarks required to be demolished because:

1. The Office of Planning and Development Review requires the demolition 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 Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Districts

33.445.300 Designation of a Historic District
Historic Districts may be designated by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Historic District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Historic District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.310 Removal of a Historic District Designation
Removal of a resource's designation as a local Historic District requires a historic designation removal review.

33.445.315 Preservation Agreements in Historic Districts
Historic resources in Historic Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.320 Development and Alterations in a Historic District
Building a new structure or altering an existing structure in a Historic District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Historic District. Unless exempted by Section 33.445.320.B, below, the following proposals in a Historic District are subject to historic design review:

1. Exterior alteration of a primary structure;

2. Building a new structure;

3. Exterior signs;

4. 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;

5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and

6. 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.

B. Exempt from historic design review.

1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;

2. Changes that do not require a building, site, zoning, 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 Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;

5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards; and

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet.

33.445.330 Demolition of Historic Resources in a Historic District
Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Historic District are subject to the regulations of Section 33.445.240. Demolition of other historic resources within a Historic District requires one of three types of review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. When demolition review is required. Unless exempted by Subsection D, below, demolition of a historic resource in a Historic District is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource. A permit for demolition will not be issued before the decision in a demolition review is final.

B. When demolition delay extension review is required. Unless exempted by Subsection D, below, demolition of a structure in a Historic District that was classified as contributing in the analysis done in support of a Historic District's creation is subject to demolition delay extension review. A demolition permit will be issued as follows:

1. 120 days after the date the Director of OPDR determines that the application is complete, if the decision in the demolition delay extension review is final and the review body did not extend the demolition delay period;

2. When the decision in the demolition delay extension review is final, if it is at least 120 days after the date the Director of OPDR determines that the application is complete, and the review body did not extend the demolition delay period; or

3. At the end of the extended demolition delay period.

C. When demolition delay review is required. Unless addressed by Subsections A or B, above, or exempted by Subsection D, below, all structures in Historic Districts are subject to demolition delay review.

D. Exempt from demolition review, demolition delay extension review, and demolition delay review. The following are exempt from demolition review, demolition delay extension review, and demolition delay review:

1. Historic resources in Historic Districts required to be demolished because:

   a. The Office of Planning and Development Review requires demolition 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 Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of a structure that was classified as noncontributing in the analysis done in support of a Historic District's creation.

Conservation Districts

33.445.400 Designation of a Conservation District
Conservation Districts may be designated by the Historic Landmark Commission through a legislative procedure or may be designated through a quasi-judicial procedure.

A. Designation by Historic Landmark Commission. Conservation District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.

B. Quasi-judicial designation. Conservation District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.410 Removal of a Conservation District Designation
Removal of a resource's designation as a Conservation District requires a historic designation removal review.

33.445.415 Preservation Agreements in Conservation Districts
Historic resources in Conservation Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.420 Development and Alterations in a Conservation District
Building a new structure or altering an existing structure in a Conservation District requires historic design review. Historic design review ensures the resource's historic value is considered prior to or during the development process.

A. When historic design review is required in a Conservation District. Unless exempted by Section 33.445.420.B., below, the following proposals in a Conservation District are subject to historic design review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:

1. Exterior alteration of a primary structure;
2. Building a new structure;
3. Exterior signs;
4. 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;
5. Proposals using one of the provisions of the a, Alternative Design Density Overlay Zone, specified in Sections 33.405.040 through .080; and
6. 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.

B. Exempt from historic design review.

1. Construction of a detached accessory structure with 300 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line;

2. Changes that do not require a building, site, zoning, 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 Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

3. Normal repair and maintenance other than change of facade color where exterior material or color is specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;

4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence; and

5. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards; and

6. Rooftop mechanical equipment that is added to the roof of an existing building if the building is at least 45 feet tall and the mechanical equipment is set back at least 4 feet for every 1 foot of height of the mechanical equipment, measured from the edges of the roof or top of parapet.

33.445.430 Demolition of Historic Resources in a Conservation District
Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Conservation District are subject to the regulations of Section 33.445.240. Demolition of other historic resources in a Conservation District requires one of two types of review to ensure the resource's historic value is considered prior to or during the development process. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. When demolition review is required. Unless exempted by Subsection C, below, demolition of a historic resource in a Conservation District is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource. A permit for demolition will not be issued before the decision in a demolition review is final.

B. When demolition delay review is required. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all primary structures in Conservation Districts are subject to demolition delay review.

C. Exempt from demolition review and demolition delay review. The following are exempt from demolition review and demolition delay review:

1. Historic resources in Conservation Districts required to be demolished because:

   a. The Office of Planning and Development Review requires demolition 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 Section 29.40.030 of Title 29, Property Maintenance Regulations; or

   b. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

2. Demolition of a structure that was classified as noncontributing in the analysis done in support of a Conservation District's creation.

Historic Resource Inventory Listing

33.445.500 Listing in the Historic Resource Inventory

A historic resource may be listed in the City's Historic Resource Inventory by the Historic Landmarks Commission as the result of an area planning study reviewed through a legislative procedure. Consent of the owner of the resource is required.

33.445.510 Removal of Historic Resource Inventory Listing

A. Automatic removal of listing in the Historic Resource Inventory. When a resource listed in the City's Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.

B. Requests for removal. A resource listed in the City's Historic Resource Inventory will be removed from the Inventory if the owner sends a written request to the Office of Planning and Development Review. The resource will be removed from the Inventory on the date that the Office of Planning and Development Review receives the request.

C. Removal after demolition. When a resource listed in the City's Historic Resource Inventory is demolished, after either approval of demolition through demolition review or after demolition delay or demolition delay extension review, its listing in the Inventory is automatically removed.

33.445.515 Preservation Agreements for Resources Listed in the Historic Resource Inventory

Resources listed in the Historic Resource Inventory are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.520 Demolition of Resources Listed in the Historic Resource Inventory

A. When demolition review is required. Unless exempted by Subsection C, below, demolition of a resource listed on the Historic Resource Inventory is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource. A permit for demolition will not be issued before the decision in a demolition review is final.

B. When demolition delay review is required. Unless addressed by Subsection A, above, or exempted by Subsection C, below, Rank I, II, or III resources listed in the City's Historic Resource Inventory are subject to demolition delay review.

C. Exempt from demolition review and demolition delay review. Rank I, II, or III resources listed in the City's Historic Resource Inventory that are required to be demolished because of the following are exempt from demolition review and demolition delay review:

1. The Office of Planning and Development Review requires demolition 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 Section 29.40.030 of Title 29, Property Maintenance Regulations; or

2. The Code Hearings Office requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Preservation Agreements and Historic Preservation Incentives

33.445.600 Preservation Agreements

A. Purpose. Preservation agreements increase the potential for historic resources to be used, protected, renovated, and preserved. They provide a mechanism for owners to commit to good stewardship of their historic resources.

B. Eligibility for preservation agreements. All historic resources are eligible to use the preservation agreement described in this Section.

C. Covenant. Owners who wish to enter into a preservation agreement must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:

1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish the historic resource unless the City approves the demolition or relocation through demolition review;

2. State that the owner agrees that the historic resource may be relocated only if the City approves the relocation through the following reviews:

   a. Sending site. The sending site is subject to Section 33.846.080, Demolition Review; and

   b. Receiving site. The receiving site is subject to both Section 33.846.060, Historic Design Review and Section 33.846.030, Historic Designation Review; and

3. Meet the requirements of Section 33.700.060, Covenants with the City.

33.445.610 Historic Preservation Incentives

A. Purpose. Historic preservation incentives increase the potential for Historic Landmarks and Conservation Landmarks to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of Historic Landmarks and Conservation Landmarks because they provide flexibility and economic opportunities.

B. Eligibility for historic preservation incentives. Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsections C and D if the requirements of Subsection E are met.

C. Incentives allowed without a historic preservation incentive review. The incentives in this subsection are allowed without a historic preservation incentive review if the requirements of Subsection E are met. 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 and Employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.

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 only if the expansion is approved through historic design review.

3. Additional density in Multi-Dwelling zones. Landmarks located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. 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 only if the expansion is approved through historic design review.

4. Daycare in residential zones. Daycare is an allowed use in landmarks in residential zones.

D. Incentives allowed with a historic preservation incentive review. The incentives in this subsection are allowed with a historic preservation incentive review if the requirements of Subsection E are met. The incentives are:

1. Nonresidential uses in the RX zone. In the RX zone, up to 100 percent of the floor area of a landmark may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production, except on sites which front on the Park Blocks frontages shown on Map 510-12.

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.

E. Requirements for all historic preservation incentives. Proposals to use historic preservation incentives must meet the following requirements. Adjustments to this subsection are prohibited.

1. Renovation required. The historic resource must have been renovated or a renovation plan must be approved through historic design review. The renovation plan must include the following:

   a. Historical background that briefly describes the people and events associated with the resource, including its period(s) of significance;

b. Physical description of all significant architectural, landscape, and site features, and their condition; and

c. Prioritized list of work items with general cost estimates and approximate timeline for the work, to be completed within 3 years of final approval of historic design review.

2. Covenant. The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:

a. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and

b. Meet the requirements of Section 33.700.060, Covenants with the City.

Community Design Standards

33.445.700 Purpose

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. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic design review.

33.445.710 When Community Design Standards May Be Used.

Unless excluded by Section 33.445.720, 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 historic design review.

33.445.720 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. For institutional uses in residential zones, except when 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;

D. If the site is in a Historic District or the proposal is for alteration to a Historic Landmark; and

E. If the proposal uses Section 33.405.050, Bonus Density for Design Review.

Demolition Reviews

33.445.800 Types of Reviews.
There are three types of review that may be required before a historic resource is demolished. Other sections of this chapter describe when each review is required. The types of review are:

A. Demolition Delay Review. See Section 33.445.810;

B. Demolition Delay Extension Review. See Section 33.846.090; and

C. Demolition Review. See Section 33.846.080;

33.445.810 Demolition Delay Review.

A. Purpose. Demolition delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage.

B. Procedure for Demolition Delay Review. Demolition delay review is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of OPDR and are final.

1. Application. The applicant must submit an application for a demolition permit.

2. Notice of application.

   a. Posting notice on the site. Within 14 days of applying for a demolition permit, 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:

      - The statement, "Structure to be demolished;"
      - 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;"
      - The address of the structure proposed for demolition;
      - The name, address, and telephone number of the owner or the party acting as an agent for the owner;
      - The date of the posting; and
      - A statement that a demolition permit may be issued 120 days after application was made for demolition, and the date that the permit will be issued.

      (3) Removal of the posted notice. The posted notice must not be removed until the demolition permit is issued. The posted notice must be removed within 30 days of the issuance of the demolition permit.

   b. Mailed notice.

      (1) Notice to recognized associations. Within 14 days of receiving the application for a demolition permit, the Director of OPDR 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. If the proposal is to demolish a resource in a

1-1-2003

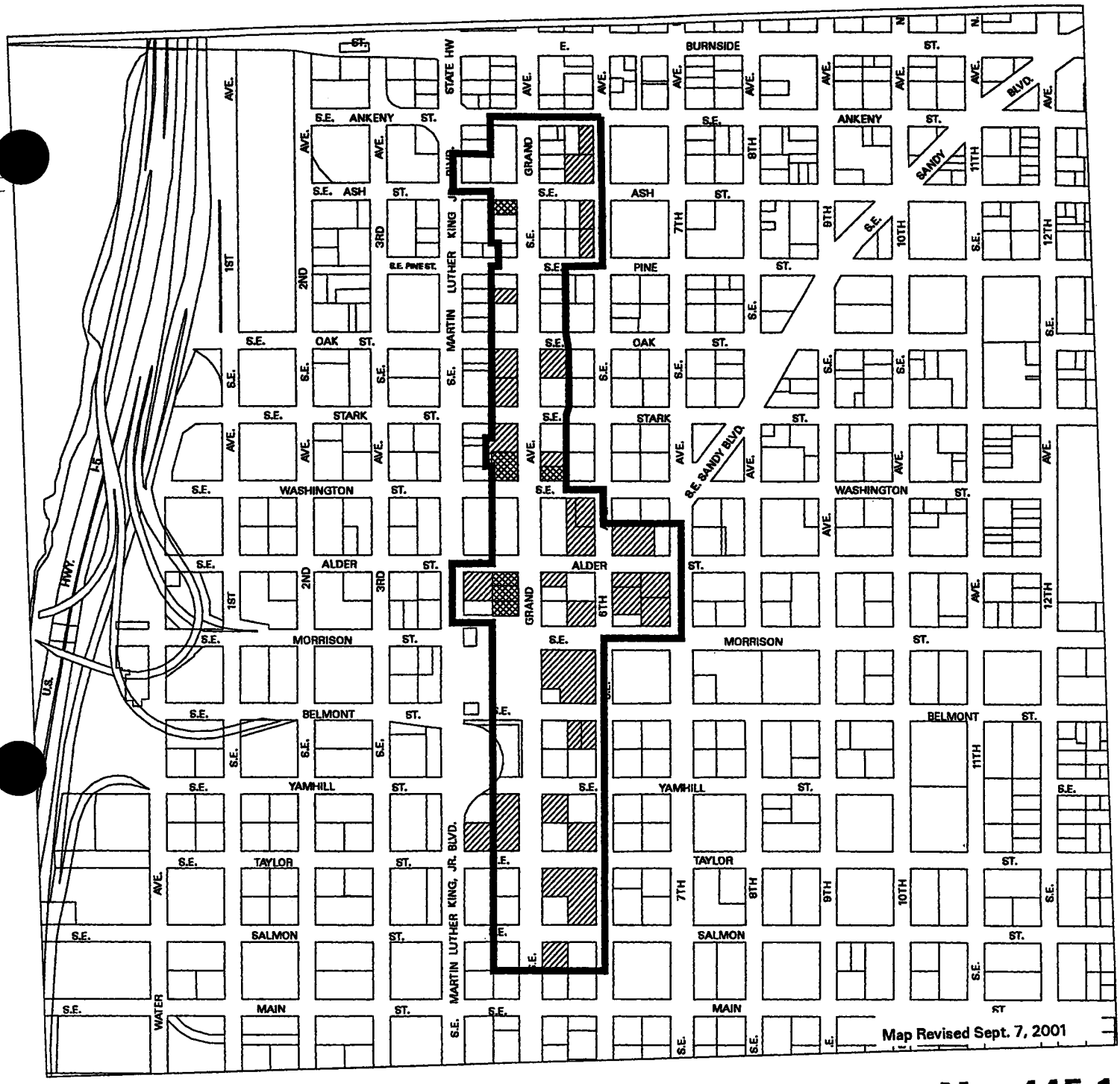
Conservation District or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subparagraph B.1.b, above.

(2) Notice to other interested parties. The Director of OPDR will maintain a subscription service for organizations and individuals who wish to be notified of applications for demolition of historic resources subject to demolition delay review. There is a fee for this notification service. Within 14 days of receiving the application for a demolition permit, the Director of OPDR will mail a notice of the proposed demolition to all subscribers. The notice will include the same information as in Subparagraph B.1.b, above.

3. Decision. The Director of OPDR will issue the demolition permit 120 days after receiving the application if the following requirements have been met:

   a. Photographic documentation. The applicant must submit photographs of the features of the resource that were identified when the resource was nominated, designated, placed within a Historic District or Conservation District, or placed on the Historic Resource Inventory. OPDR will retain a copy of the documentation for the purpose of public information.

   b. Response to offers of relocation or salvage. The applicant must submit a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.



Map 445-1

NORTH

0' 375' 750'

Scale in Feet

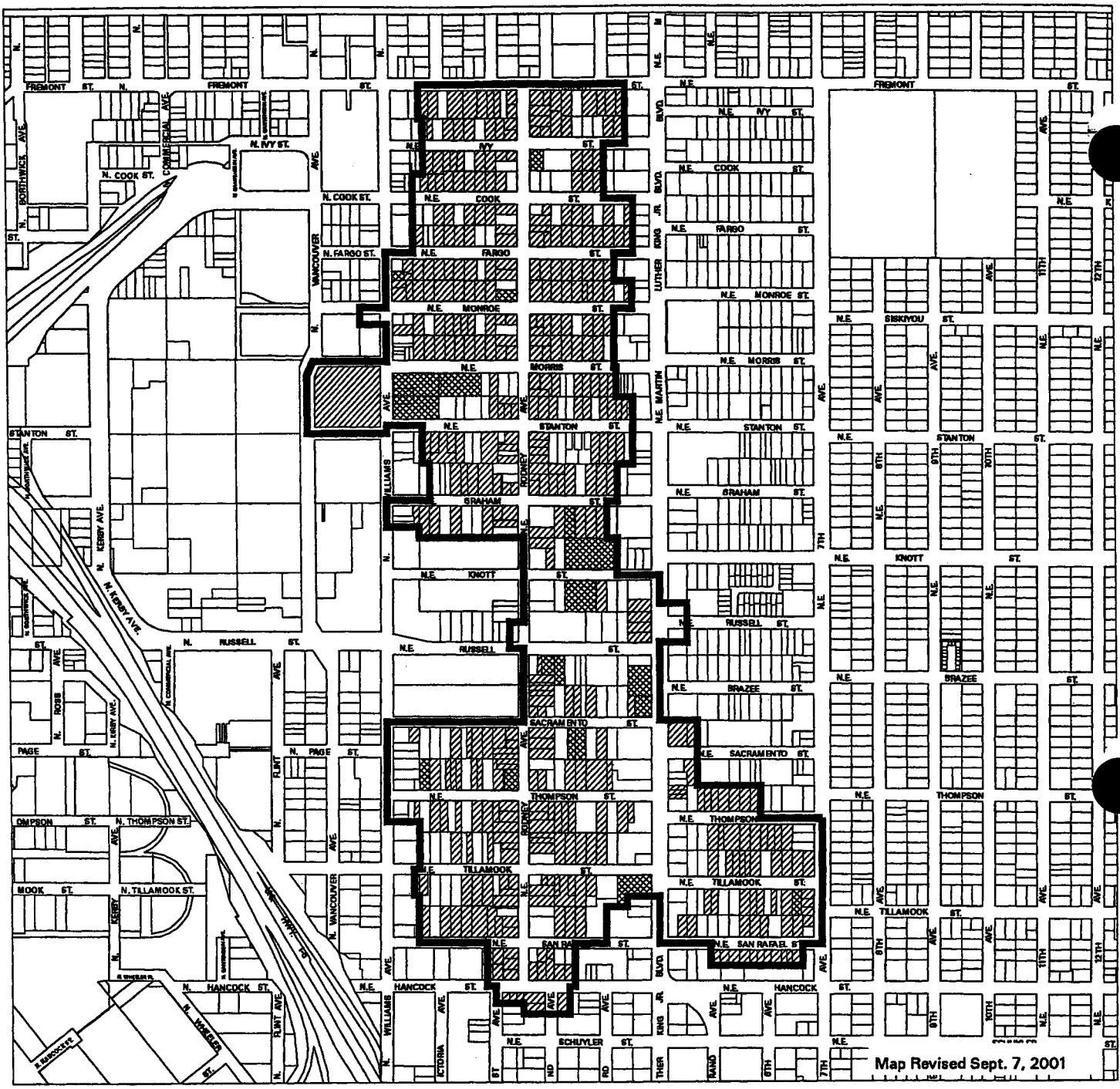
District Boundary

Historic

Contributing

East Portland/Grand Avenue Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 525' 1050'

Scale in Feet

District Boundary

Historic

Contributing

Map 445-2

Eliot Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

Scale in Feet

District Boundary

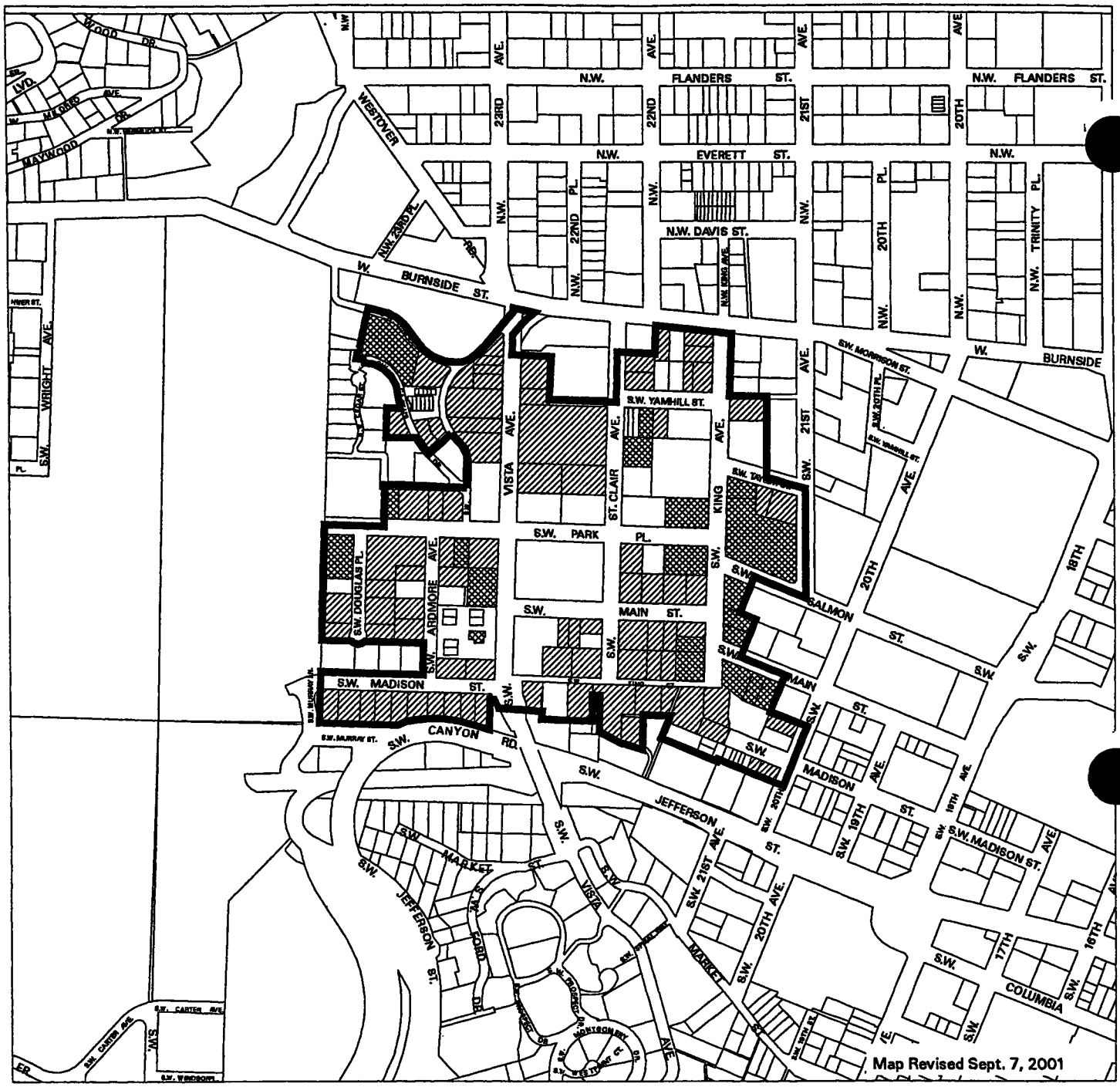
Historic

Contributing

Map 445-3

Kenton Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

Scale in Feet

District Boundary

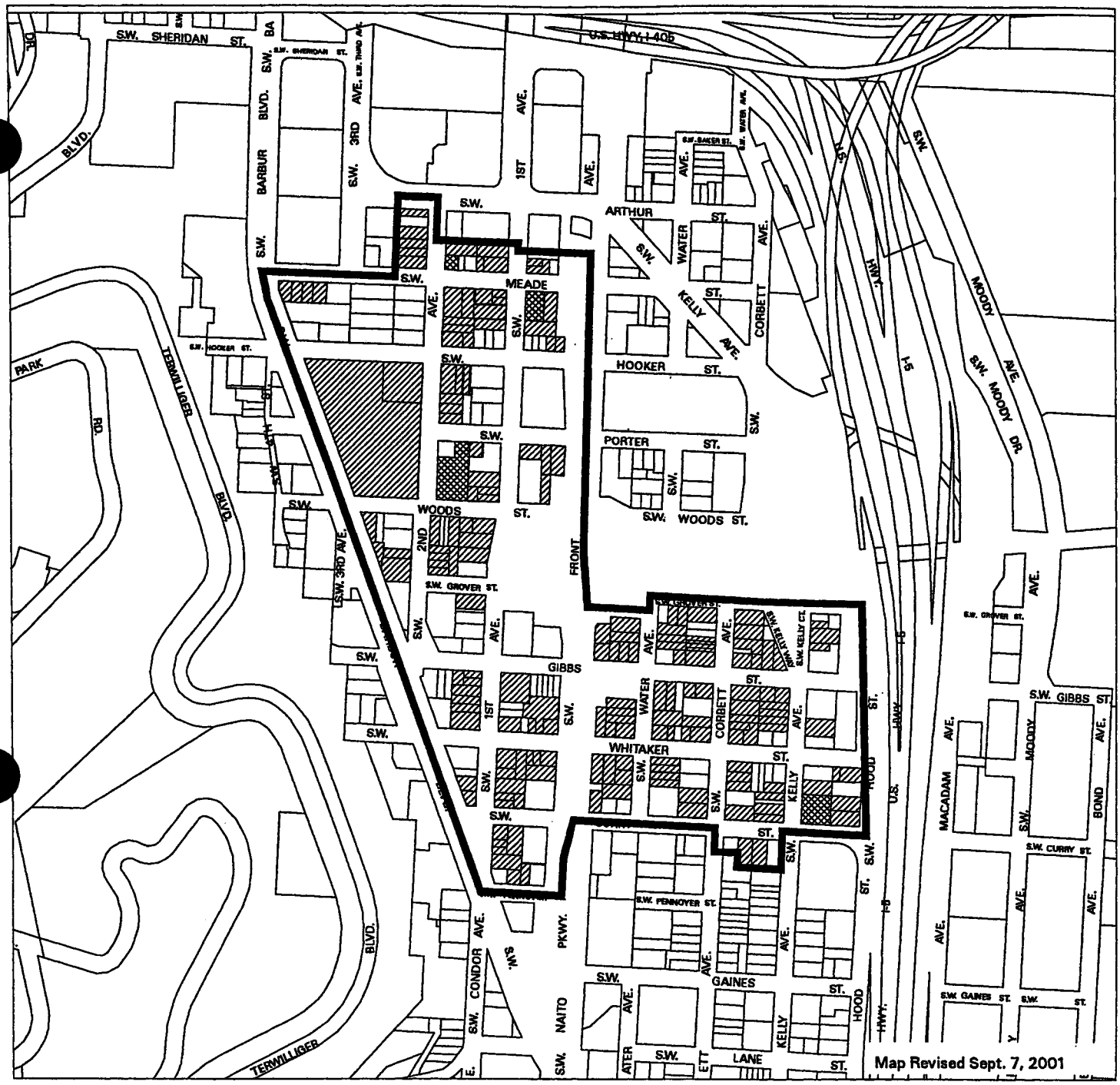
Historic

Contributing

Map 445-4

King's Hill Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

Scale in Feet

District Boundary

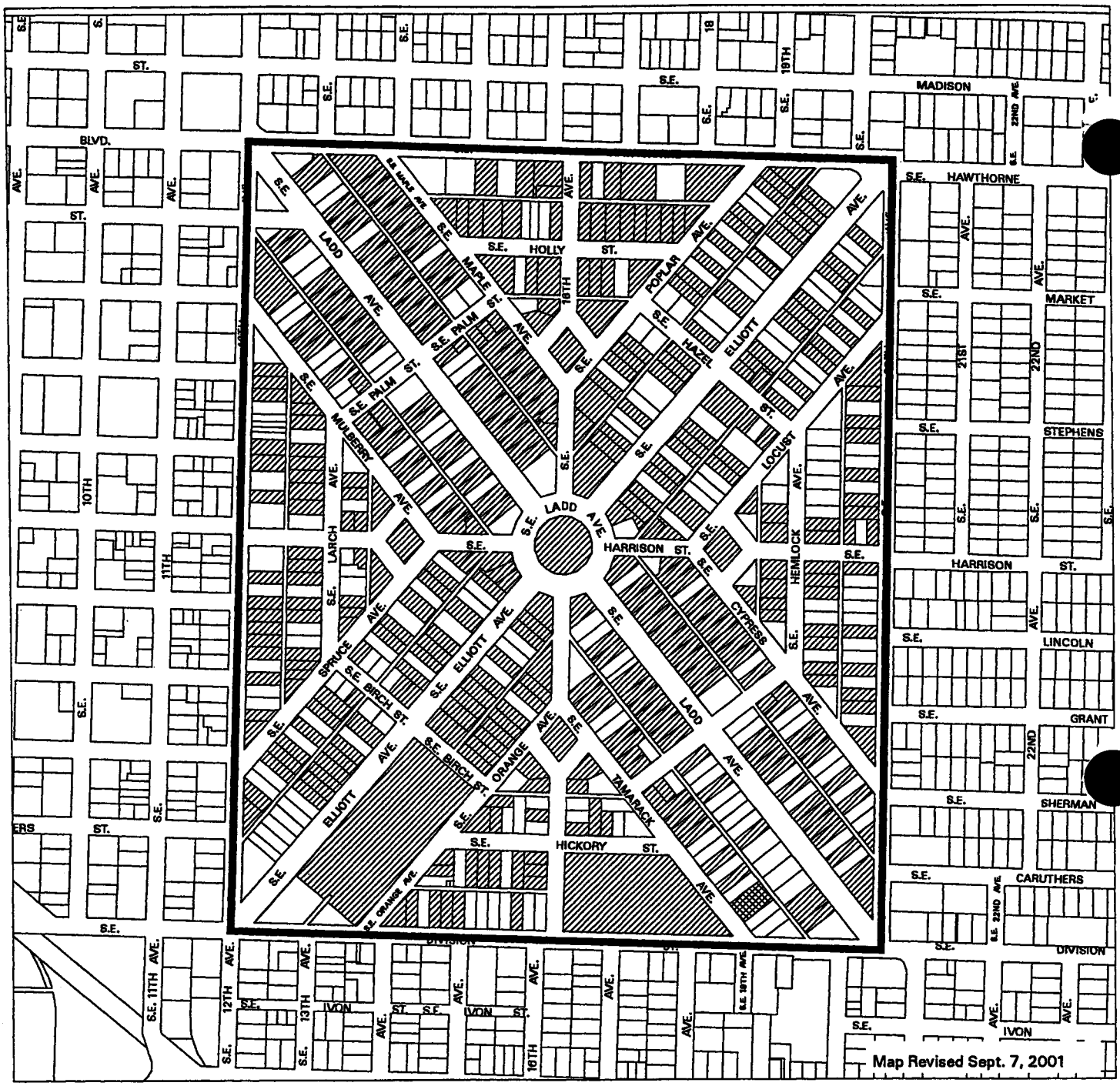
Historic

Contributing

Map 445-5

South Portland Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 375′ 750′

Scale in Feet

District Boundary

Historic

Contributing

Map 445-6

Ladd's Addition Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 525′ 1050′

Scale in Feet

District Boundary

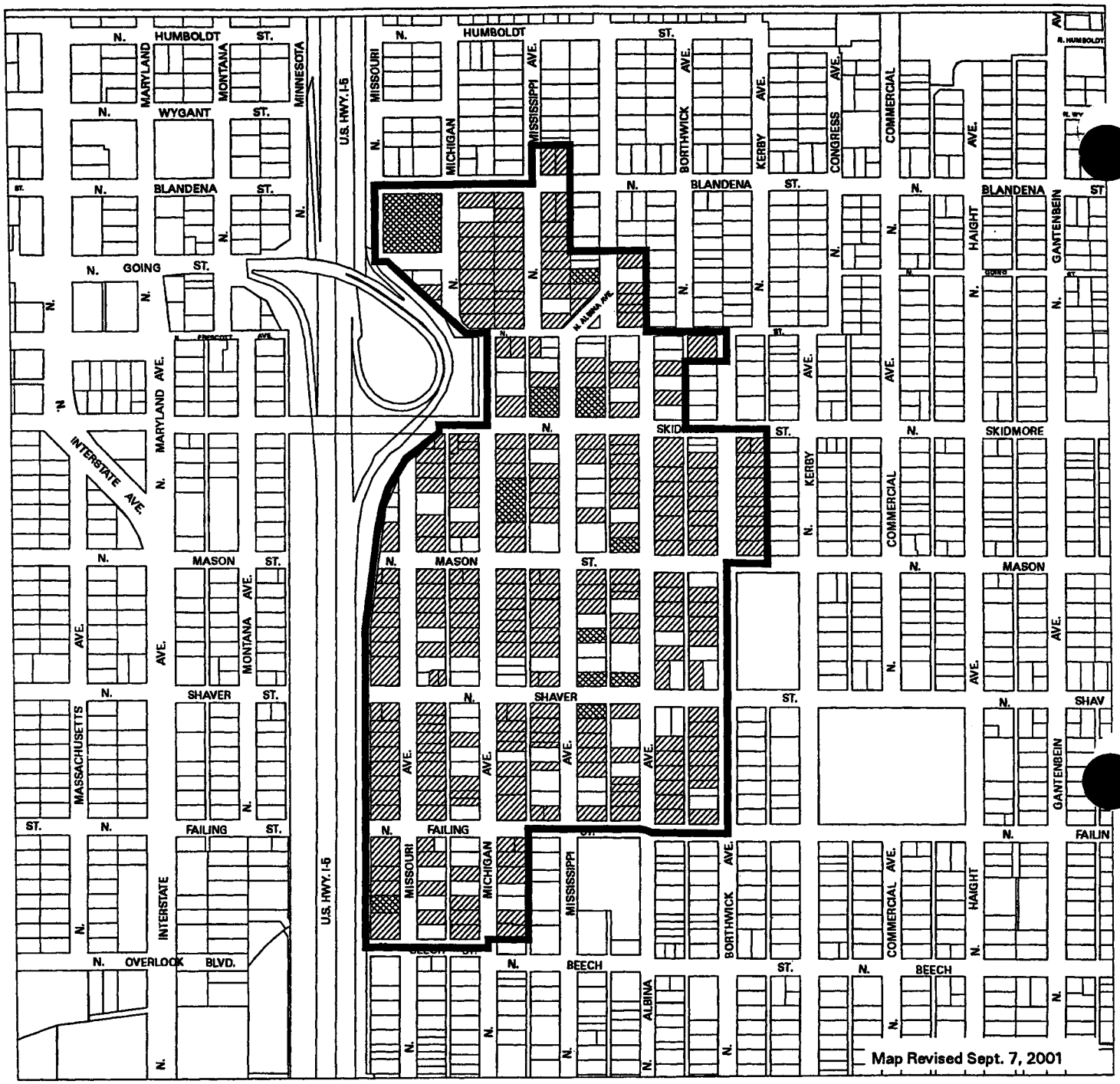
Historic

Contributing

Map 445-7

Irvington Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

Scale in Feet

District Boundary

Historic

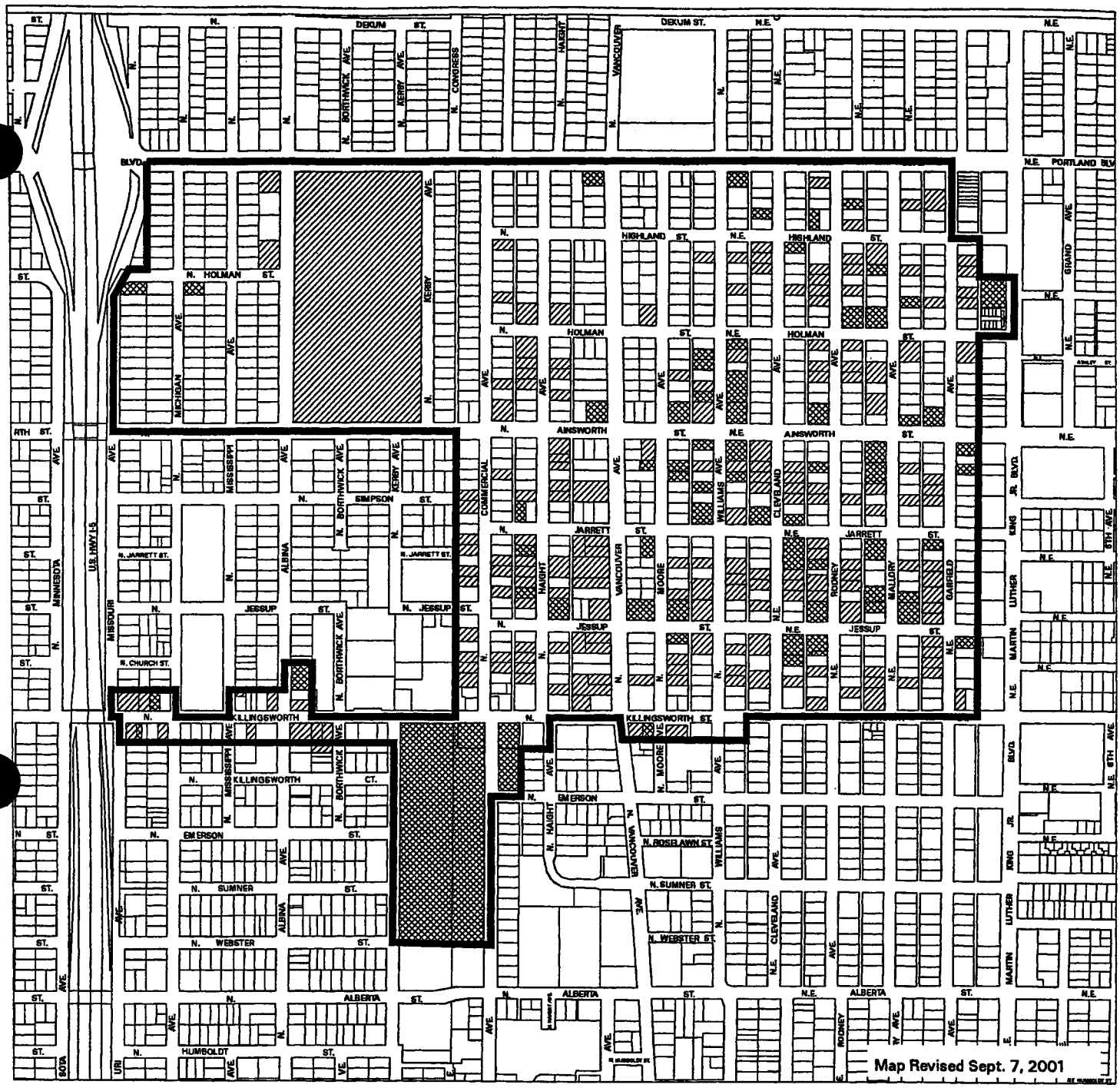
Contributing

Map 445-8

Mississippi Conservation District

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0' 525' 1050'

Scale in Feet

District Boundary

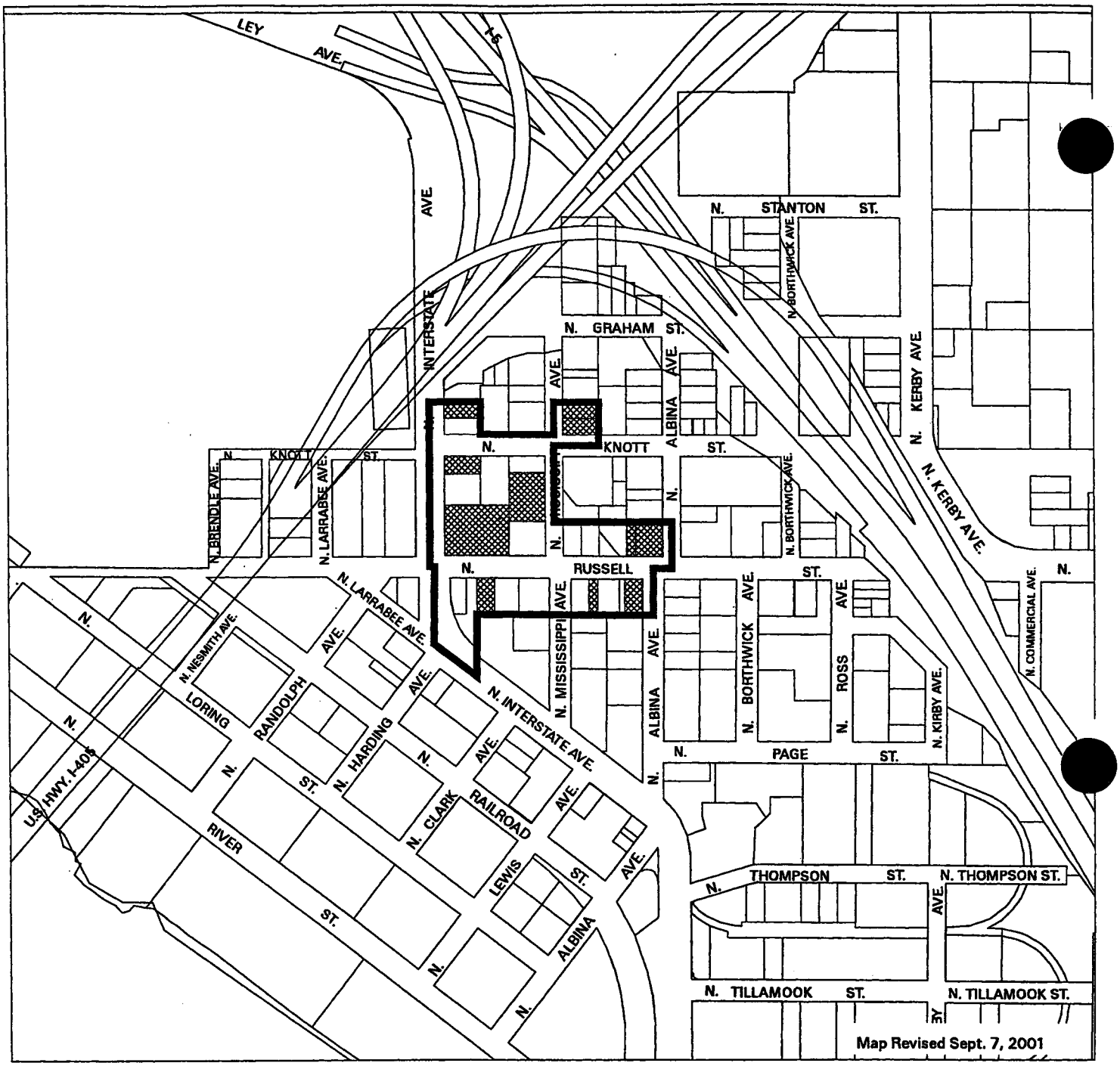
Historic

Contributing

Map 445-9

Piedmont Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 300′ 600′

Scale in Feet

District Boundary

Historic

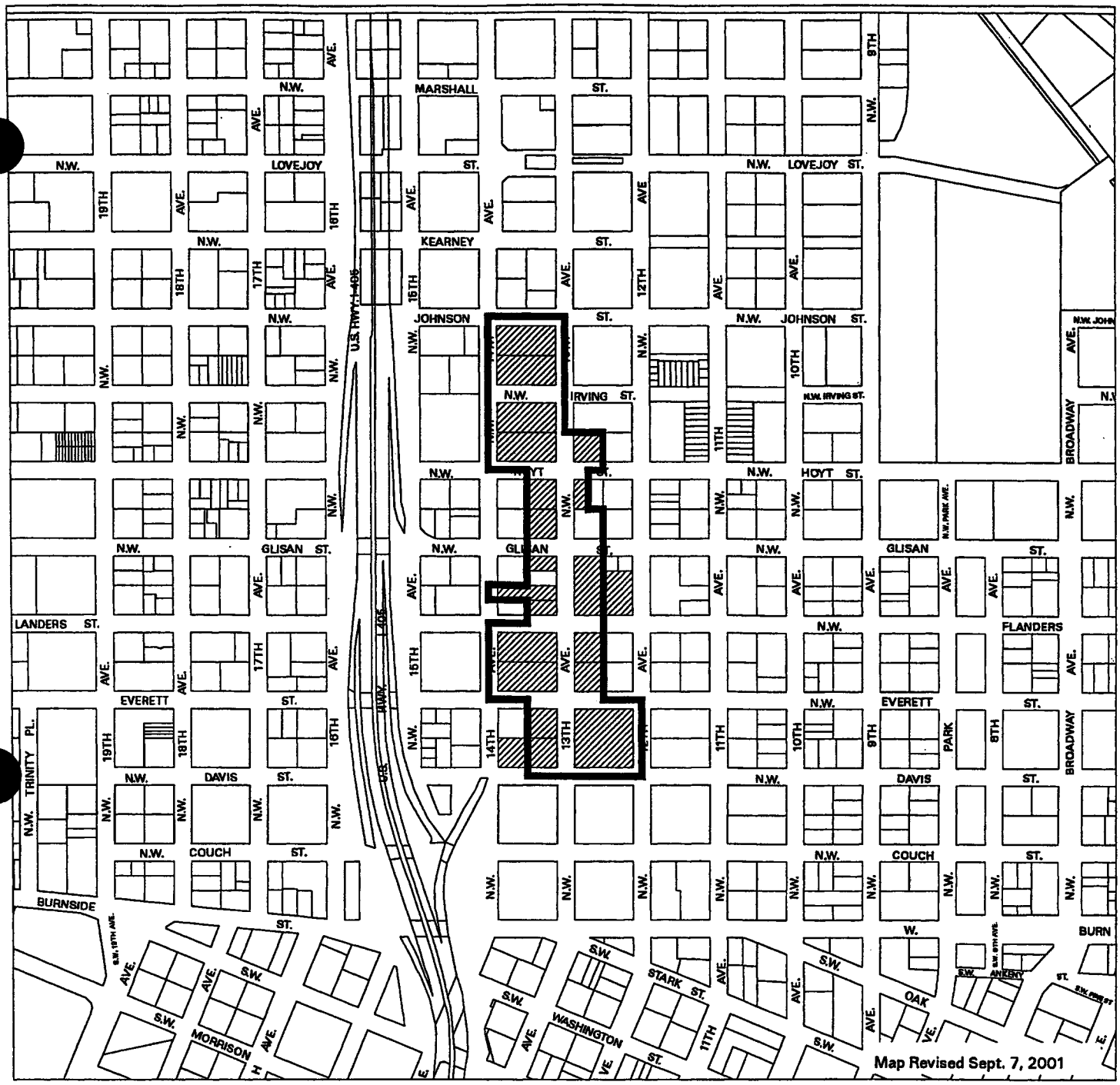
Contributing

Map 445-10

Russell Street Conservation District

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 375′ 750′

Scale in Feet

District Boundary

Historic

Contributing

Map 445-11

Thirteenth Avenue Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

Scale in Feet

District Boundary

Historic

Contributing

Map 445-12

Skidmore Fountain/Old Town Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 375′ 750′

Scale in Feet

District Boundary

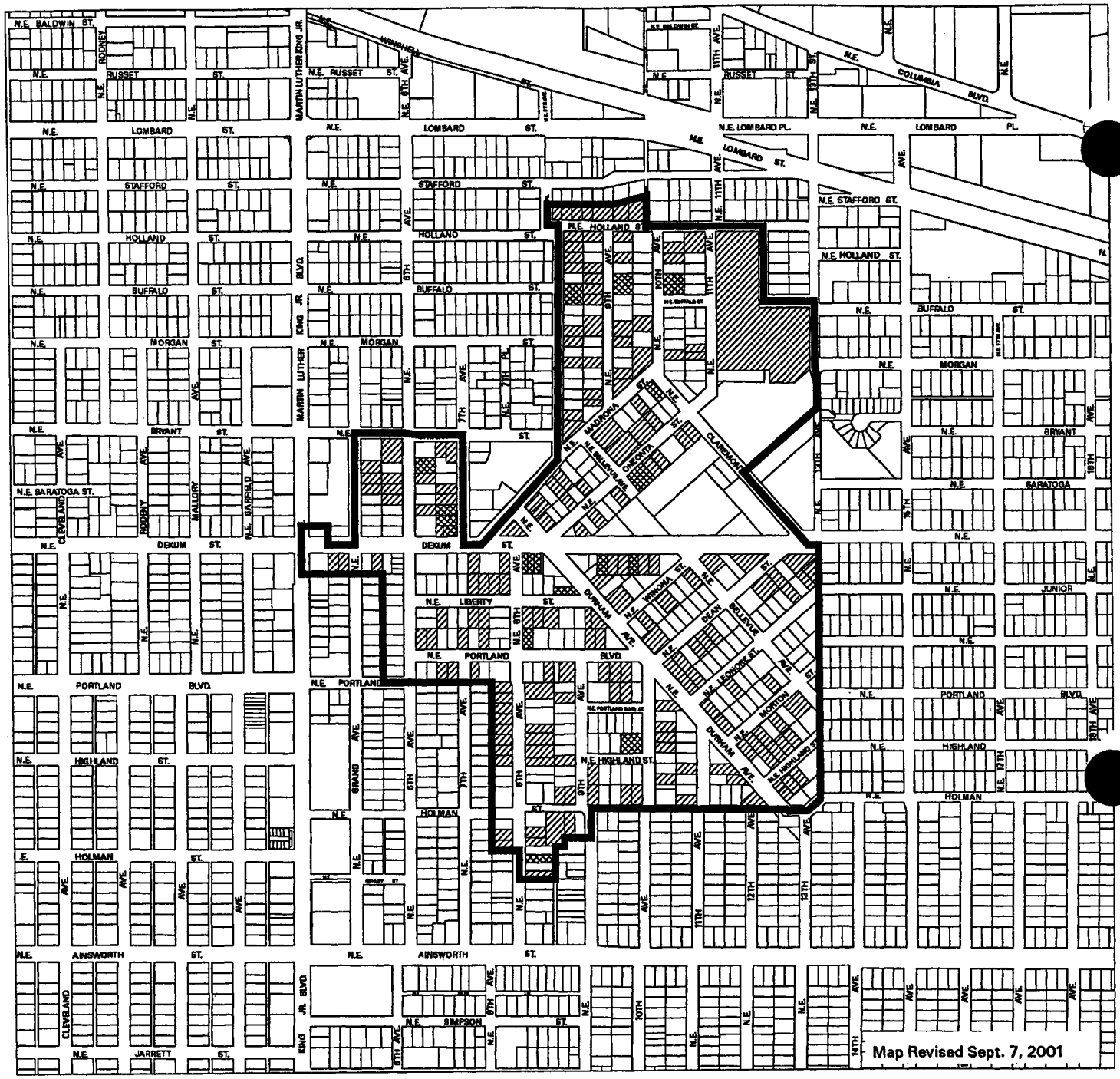
Historic

Contributing

Map 445-13

Yamhill Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 525′ 1050′

Scale in Feet

District Boundary

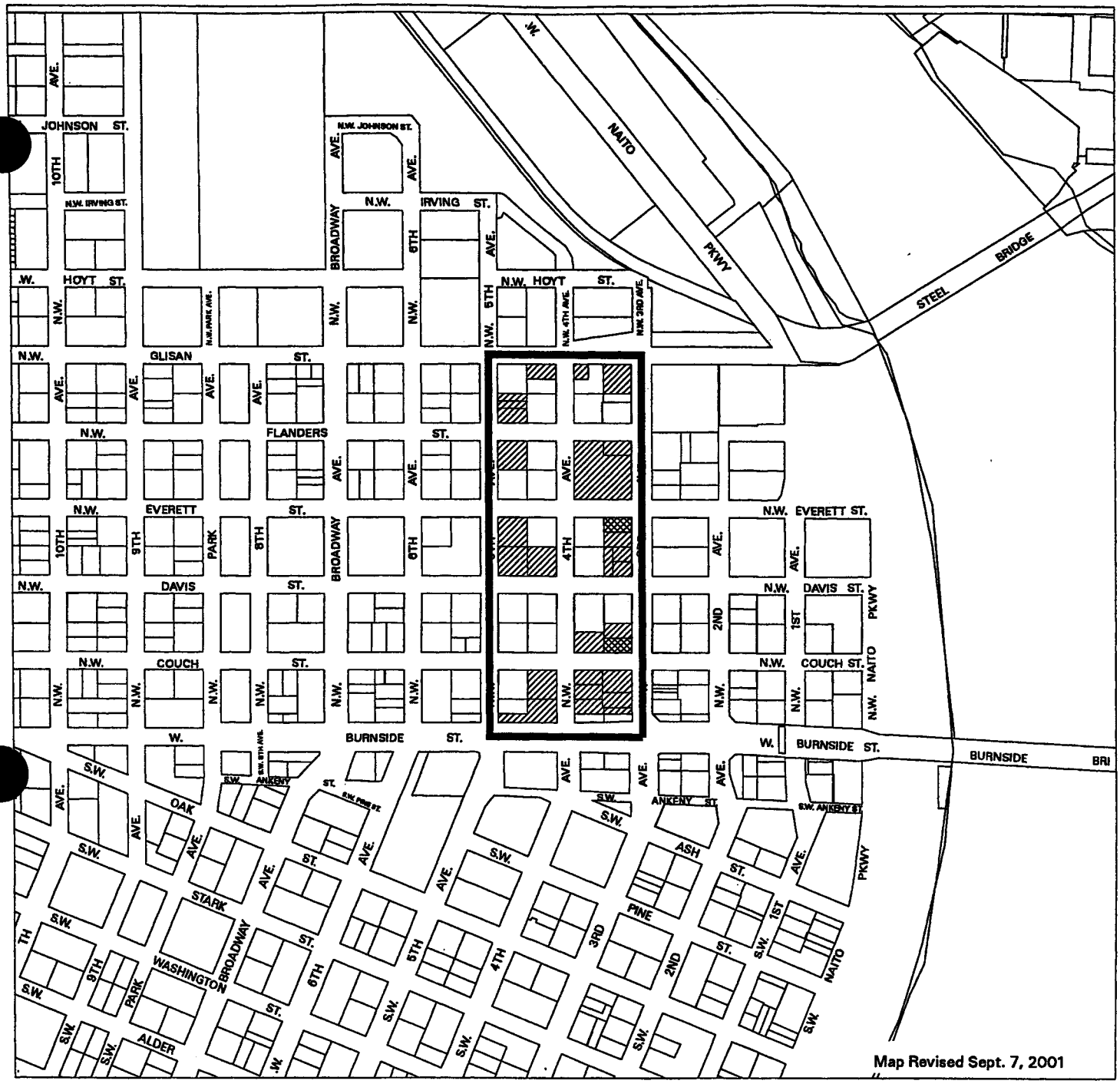
Historic

Contributing

Map 445-14

Woodlawn Conservation District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 375′ 750′

Scale in Feet

District Boundary

Historic

Contributing

Map 445-15

New China/Japantown Historic District

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 375′ 750′

Scale in Feet

District Boundary

Historic

Contributing

Map 445-16

Alphabet Historic District

Bureau of Planning • City of Portland, Oregon



Map 445-17

NORTH

0' 225' 450'

Scale in Feet

District Boundary

Historic

Contributing

Kenton Commercial Historic District

Bureau of Planning • City of Portland, Oregon

1-1-2003

CHAPTER 33.450
LIGHT RAIL TRANSIT STATION ZONE

(Amended by: Ord. No. 167464, effective 4/15/94; Ord. No. 169763, effective 3/25/96; Ord. No. 174263, effective 4/15/00.)

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.

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
MAIN STREET NODE OVERLAY ZONE

(Added by Ord. No. 174325, effective 5/5/00)
(Previously, Interim Resource Protection Zone, added by Ord. No. 163697, effective 1/1/91, deleted by Ord. No. 171219, effective 7/1/97.)

Sections:

33.455.010 Purpose
33.455.020 Short Name and Map Symbol
33.455.030 Where These Regulations Apply
33.455.040 Maximum Building Height
33.455.050 Maximum Floor Area Ratio
33.455.060 Transition Between Residential and Commercial Zones
33.455.070 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone
33.455.080 Building Facades facing Sandy Boulevard
33.455.090 Required Design Review

33.355.010 Purpose.
These regulations encourage a mix of residential, commercial, and employment opportunities within identified centers of activity along Sandy Boulevard. The zone allows for efficient use of land at increased densities for the mutual reinforcement of public investments and private development. Allowing additional height and floor area for all uses encourages transit-supportive densities and a mix of uses and activities.

33.455.020 Short Name and Map Symbol.
The Main Street Node Overlay Zone is also referred to as the j zone, and is shown on the Official Zoning Maps with a "j" map symbol.

33.455.030 Where These Regulations Apply. The regulations of this chapter apply to sites zoned CS or EX that are in the Main Street Node Overlay Zone.

33.455.040 Maximum Building Height.
The maximum allowed building height is 65 feet except as specified in Subsection 33.455.060.B. Adjustments to maximum building height are prohibited.

33.455.050 Maximum Floor Area Ratio
The maximum floor area ratio is 4:1.

33.455.060 Transition Between Residential and Commercial Zones

A. **Purpose.** These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.

B. Height limits for sites abutting or across the street from a RF-R1 zones. Sites in commercial zones abutting or across the street from RF through R1 zones have special height limits that create a transition to the residential zone. The height limits are as follows:

1. Sites abutting RF - R1 zones. Sites abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. See Figure 455-1. These height limits are:

   a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.

   b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.

2. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though R1, the maximum building height is the same as the residential zone. See Figure 455-2.

C. Lot lines across the street and within 50 feet of a RF-R2.5 zone. Sites in commercial zones across the street and within 50 feet of RF through R2.5 zones must meet the following:

1. Along frontages that face RF through R2.5 zones there must be a 5 foot deep landscaped area which complies with at least the L2 standard as stated in Chapter 33.248, Landscaping and Screening. If all frontages at the site are within 50 feet of RF through R2.5 zones, then one frontage is exempt from this standard.

2. Building façades facing residential zones must include windows. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

Figure 455-1
Height imits on sites abutting RF - R1 zones

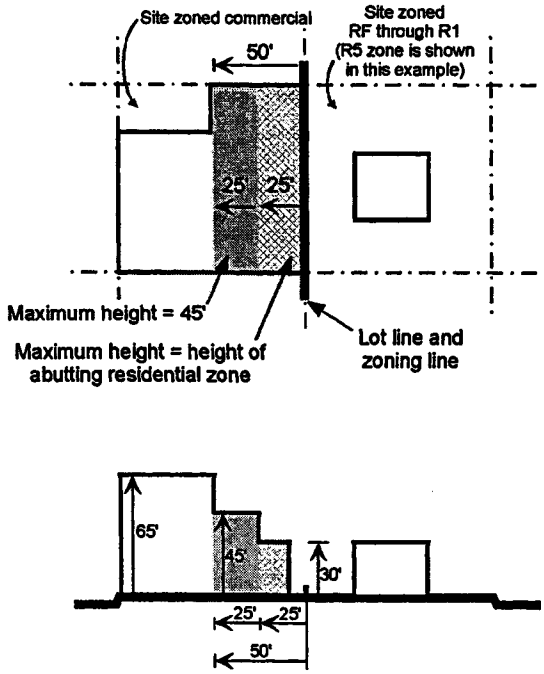
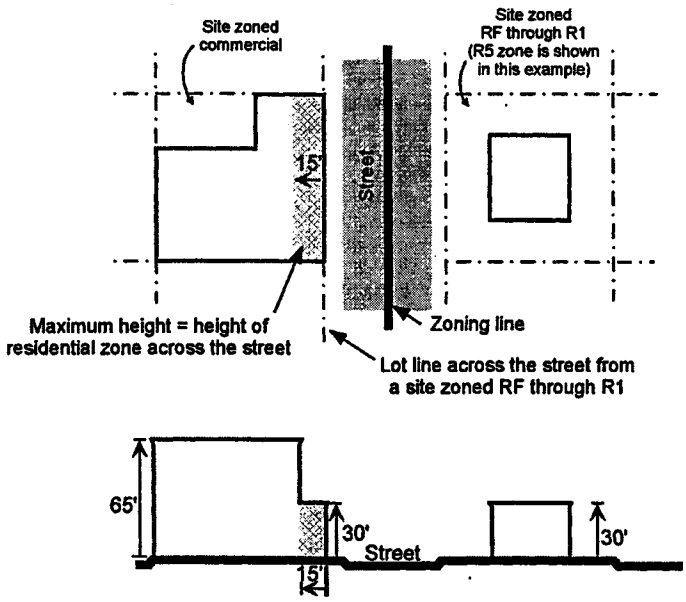


Figure 455-2
Height limits on sites across a street from zones RF - R1 zones



33.455.070 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone

A. Purpose. These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites with diagonal frontages along Sandy Boulevard flexibility in site design.

B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard in the CS zone.

C. On-site location of vehicle areas. Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

33.455.080 Building Facades Facing Sandy Boulevard

A. Purpose. These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

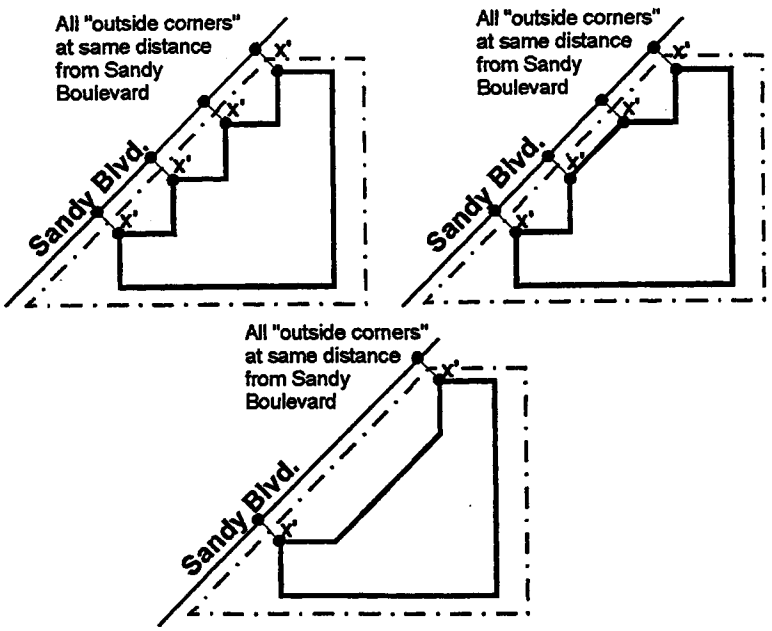
B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard.

C. Building facades facing Sandy Boulevard. The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:

1. Parallel to Sandy Boulevard; or

2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 455-3.

Figure 455-3
Examples of building facades facing Sandy Boulevard



33.455.090 Required Design Review

A. Purpose. These regulations ensure design quality and an attractive pedestrian-friendly character in the areas planned for urban scale development in the Main Street Node overlay. The regulations are also intended to promote a relationship between new development and older buildings that contribute to the personality of Sandy Boulevard.

B. Where these regulations apply. These regulations apply to sites in commercial zones.

C. When design review is required. Design review is required for new development and exterior alterations.

D. 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 Subsection E, below, proposals that are within the limits of Table 455-1 may use the Community Design Standards as an alternative to design review.

E. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

1. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan; and

2. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use.

Table 455-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
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 [2]**
All except IR	•Alterations to the street-facing façade that affect less than 50 percent of the area of the façade, regardless of the square footage of the area affected; and •Alterations to the street-facing façade that affect less than 1,500 sq. ft. of the façade, regardless of the percentage of the façade affected.
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential uses.
[2] Alterations to the street-facing façade that affect 50 percent or more of the area of the façade and 1,500 sq. ft. or more of the façade, must go through design review.

CHAPTER 33.460
MAIN STREET CORRIDOR OVERLAY ZONE

(Added by Ord. No. 174325, effective 5/5/00.)
(Previously, Natural Resource Zone, repealed by Ord. No. 163770, effective 2/8/91, and replaced by Chapter 33.435, Future Urban Zone.)

Sections:

33.460.010 Purpose
33.460.020 Short Name and Map Symbol
33.460.030 Where These Regulations Apply
33.460.040 Maximum Building Height
33.460.050 Building Coverage
33.460.060 Transition Between Residential and Commercial Zones
33.460.070 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone
33.460.080 Building Facades Facing Sandy Boulevard
33.460.090 Required Design Review

33.460.010 Purpose

These regulations encourage higher density residential uses by allowing greater building heights, reducing required building coverage for residential development; and allowing more flexibility in site design. The intent of the zone is to provide transit-supportive levels of residential uses, in addition to commercial uses along the Sandy Boulevard main street, between centers of commercial and mixed-use activity.

33.460.020 Short Name and Map Symbol

The Main Street Corridor Overlay Zone is also referred to as the m zone, and is shown on the Official Zoning Maps with an "m" map symbol.

33.460.030 Where These Regulations Apply

The regulations of this chapter apply to sites zoned CS or CG that are in the Main Street Corridor Overlay Zone.

33.460.040 Bonus Building Height

Bonus building height up to 65 feet is allowed as stated in Subsections A and B, except as provided in Subsection 33.460.060.B:

A. Additions to existing buildings. Where floor area that is in residential uses is added to an existing building, the portion of the building containing residential uses may extend above the height limit. However, the maximum height allowed for the entire building is 65 feet.

B. New buildings. Where at least 25 percent of the floor area of a new building is in residential uses, the maximum building height is 65 feet.

33.460.050 Building Coverage

On sites in the CS zone, where 100 percent of the floor area of a building is in residential uses, the minimum building coverage is reduced to 40 percent.

33.460.060 Transition Between Residential and Commercial Zones

A. Purpose. These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.

B. Height Limits for sites abutting or across the street from RF - R1 zones. Sites in commercial zones abutting or across the street from RF through R1 zones have special height limits that create a transition to the residential zone. These height limits are as follows:

1. Sites abutting RF - R1 zones. Properties abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. (See Figure 460-1.) These height limits are:

   a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.

   b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.

2. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line facing a site zoned RF though R1, the maximum building height is the same as the residential zone. (See Figure 460-2.)

Figure 460-1
Height limits on sites abutting RF - R1 zones

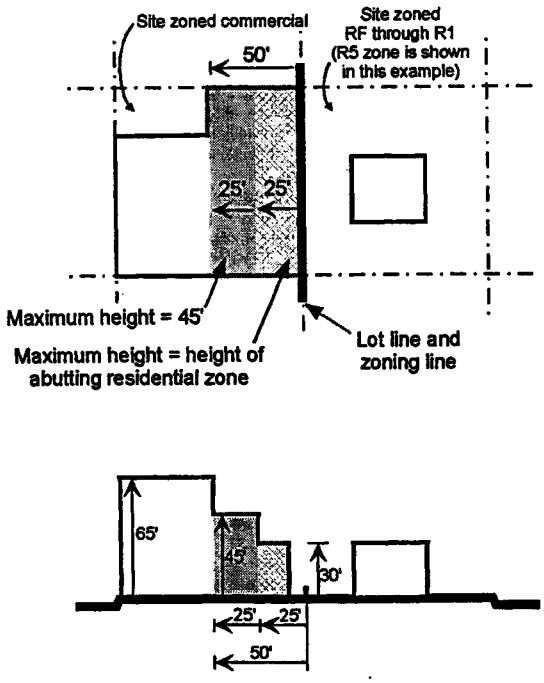
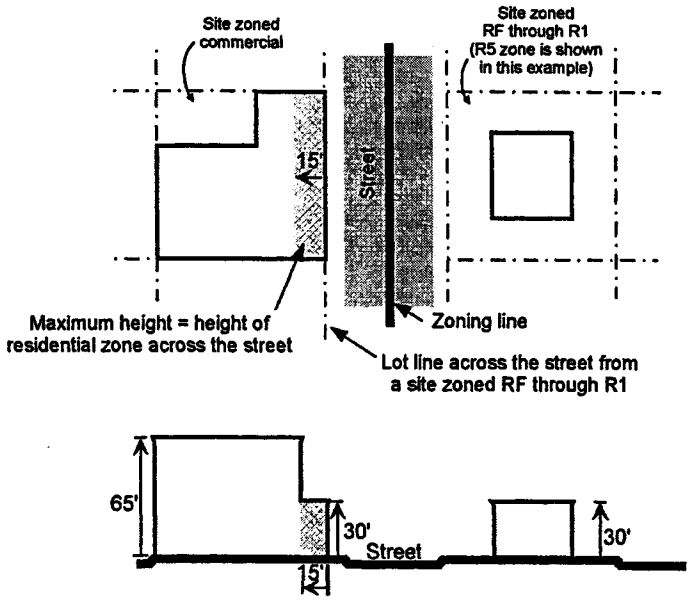


Figure 460-2
Height limits on sites across a street from RF - R1 zones



C. Lot lines across the street and within 50 feet of a RF – R2.5 zone. Sites across the street and within 50 feet of RF through R2.5 zones must meet the following:

1. Along frontages that face RF through R2.5 zones, there must be a 5 foot deep landscaped area, which complies with at least the L2 standard as stated in Chapter 33.248, Landscaping and Screening. If all frontages of the site are within 50 feet of RF through R2.5 zones, then one frontage is exempt from this standard.

2. Building facades facing residential zones must include windows. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.460.070 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone

A. Purpose. These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites with diagonal frontages along Sandy Boulevard flexibility in site design.

B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard in the CS zone.

C. On-site location of vehicle areas. Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

33.460.080 Building Facades Facing Sandy Boulevard

A. Purpose. These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

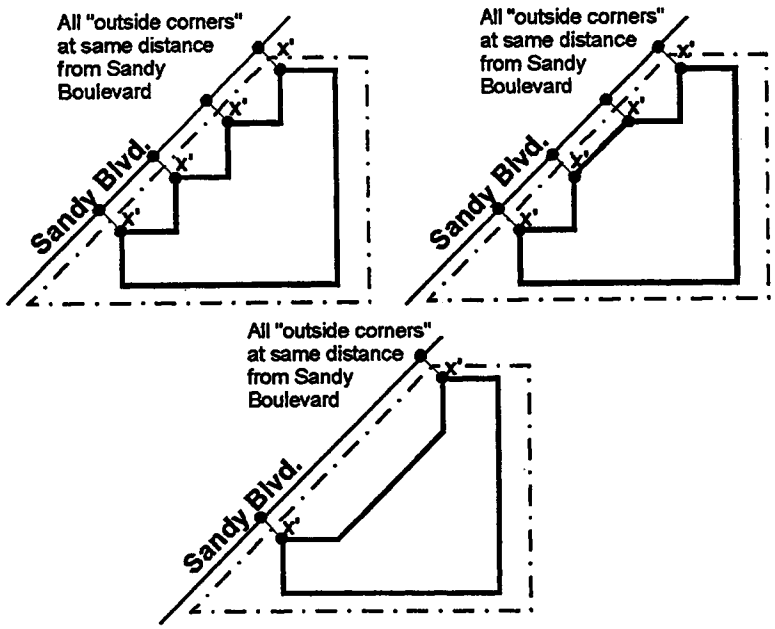
B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard.

C. Building facades facing Sandy Boulevard. The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:

1. Parallel to Sandy Boulevard; or

2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 460-3.

Figure 460-3
Examples of building facades facing Sandy Boulevard



33.460.090 Required Design Review

A. Purpose. These regulations ensure design quality and an attractive pedestrian-friendly character in the areas planned for urban scale development in the Main Street Corridor overlay. The regulations are also intended to promote a relationship between new development and older buildings that contribute to the personality of Sandy Boulevard.

B. Where these regulations apply. These regulations apply to sites in commercial zones.

C. When design review is required. Design review is required for new development and exterior alterations.

D. 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 Subsection E, below, proposals that are within the limits of Table 460-1 may use the Community Design Standards as an alternative to design review.

E. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

1. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan; and

2. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use.

Table 460-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
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 [2]**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, 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.
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential uses.
[2] 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.

CHAPTER 33.470
PORTLAND INTERNATIONAL AIRPORT NOISE IMPACT ZONE

(Amended by: Ord. No. 164244, effective 7/1/91; Ord. No. 165376, effective 5/29/92; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02.)

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

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 Development Services 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 Director of OPDR. 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

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 Development Services 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 Development Services 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.

CHAPTER 33.480
SCENIC RESOURCE ZONE

(Amended 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; Ord. No. 173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

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. The entire required street setback 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 entire area 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 sign standards are stated in Title 32, Signs and Related Regulations.

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 that are 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;

(6) The tree is at least 6 and up to 9 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the front setback (or first 20 feet if no setback has been established) by a tree listed in the Scenic Resources Protection Plan; or

(7) The tree is more than 9 and up to 12 inches in diameter and does not meet any of the other standards of this subparagraph, but is replaced within the front setback (or first 20 feet if no setback has been established) with landscaping that meets one of the following options:

- Option A: The tree is replaced by 3 trees listed in the Scenic Resources Protection Plan: or

- Option B: The tree is replaced by 2 trees and 1 plant listed in the Scenic Resources Protection Plan.

h. Replacement landscape material. The size of replacement landscape material required by Subsections B.2.g(6) and (7), above, is as follows:

(1) Trees: Broadleaf trees must be at least 2 inches in diameter at the time of planting. Conifer trees must be at least 5 feet in height at the time of planting.

(2) Other plants. Other plants must be in a least a five gallon container or the equivalent in ball and burlap.

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.

33.480.050 Tree Removal Review
Trees that do not qualify for removal under Subsection 33.480.040.B.2.g, above, may be removed if approved through tree review as provided in Chapter 33.853, Tree Review. Tree removal in areas with an Environmental overlay zone is subject to environmental review rather than tree review.

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
33.508 CascadeStation/Portland International Center (CS/PIC) 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
33.531 Guild's Lake Industrial Sanctuary Plan District
33.533 Healy Heights Plan District
33.534 Hillsdale Plan District
33.536 Hollywood Plan District
33.537 Johnson Creek Basin Plan District
33.538 Kenton Plan District
33.540 Laurelhurst-Eastmoreland Plan District
33.550 Macadam Plan District
33.555 Marquam Hill Plan District
33.560 North Cully Plan District
33.562 Northwest Plan District
33.563 Northwest Hills Plan District
33.564 Portland International Raceway Plan District
33.565 Powell Boulevard Plan District
33.570 Rocky Butte Plan District
33.580 South Auditorium Plan District
33.585 Swan Island Plan District

A list of symbols that appear on the Official Zoning Maps and their corresponding Zoning Code chapters is contained in the front of the Zoning Code, following the Table of Contents, under "Index of Symbols on the Official Zoning Maps".

CHAPTER 33.500
PLAN DISTRICTS IN GENERAL

(Amended by: Ord. No. 167650, effective 6/10/94.)

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 6/10/94; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02.)

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 Transportation Element of the Comprehensive Plan, 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 an arterial; or

   b. Access must be from a Local Service Traffic Street which is within 150 feet of the intersection with a street designated as an arterial; and

5. Signs. The sign standards are stated in Title 32, Signs and Related Regulations.

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 [1]	
Zones	**Maximum Limit—New Floor Area**
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. [2]
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential use.
[2] 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

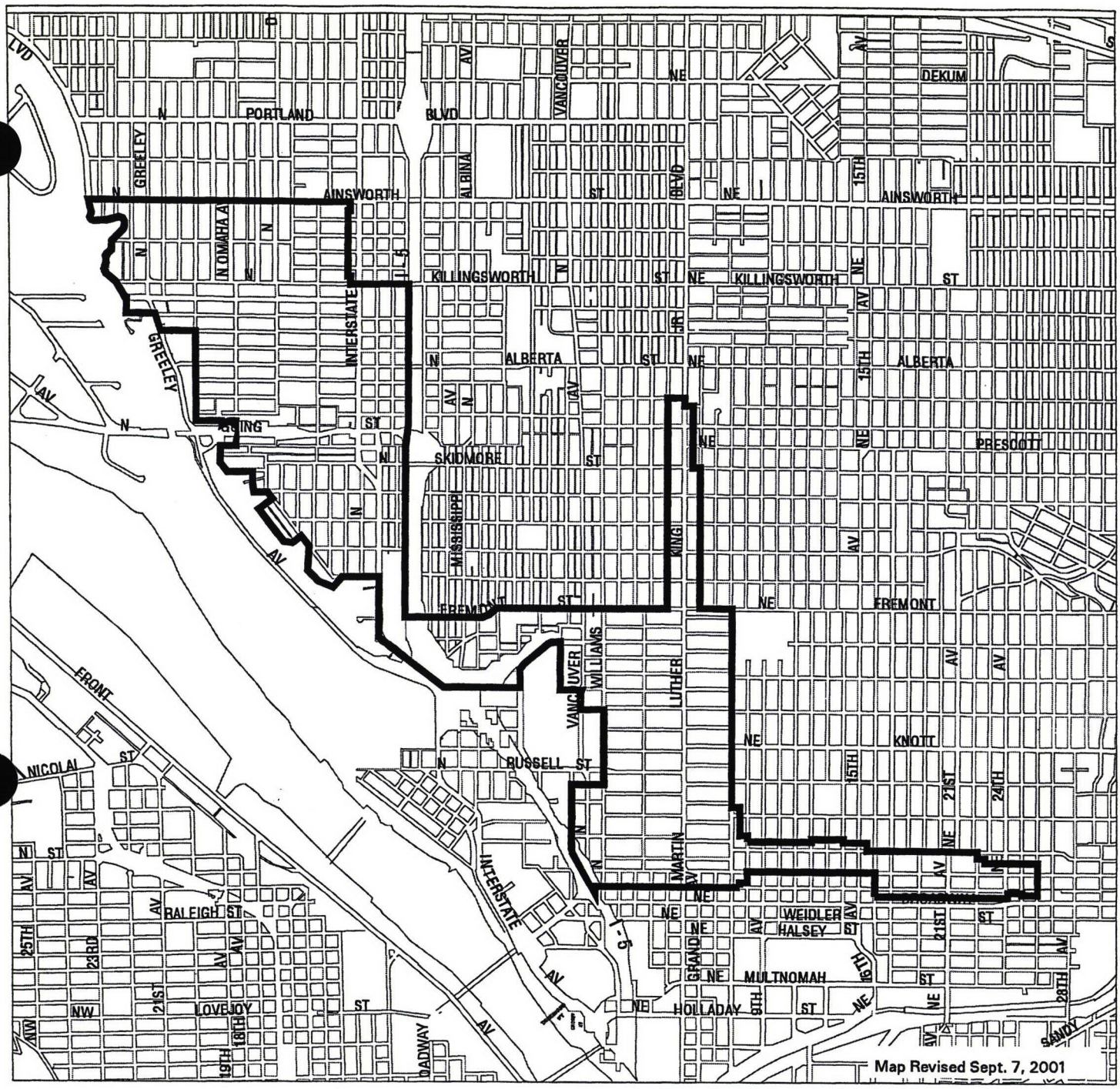
The Community Design Standards may not be used as an alternative to design review as follows:

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, unless the nonconforming use is a residential use;

C. For non-residential development in the RF through R1 zones; and

D. For historic resources, unless allowed by Chapter 33.445, Historic Resource Protection Overlay Zone.



NORTH

0′ 1800′ 3600′

Scale in Feet

Plan District Boundary

Map 505-1

Albina Community Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.508
CASCADE STATION/PORTLAND INTERNATIONAL CENTER (CS/PIC) PLAN DISTRICT

(Added by Ord. No. 173131, effective 2/27/99. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175022, effective 10/25/00; Ord. No. 176469, effective 7/1/02.)

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Map 508-2 Areas Where Environmental Transition Area is 0 Feet

General

33.508.010 Purpose

The Cascade Station/Portland International Center (CS/PIC) plan district regulations encourage the development of a commercially viable mix of transit-supportive and pedestrian-sensitive office, hotel, entertainment, retail and industrial employment centers while protecting significant environmental and cultural features of the area. The

development of these uses on an intense scale fosters a vibrant, mixed-use environment served by two major regional transportation facilities: the Portland International Airport and the Airport Light Rail.

All uses and activities allowed within the plan district complement and serve ongoing airport operations and related airport service uses both within and outside plan district boundaries. These regulations also minimize or eliminate conflicts with airport operations and related uses.

The plan district's proximity to the Columbia Slough and the Columbia Slough Trail are recognized by inclusion of special development guidelines and bicycle-pedestrian connections. The plan district regulations also protect significant identified environmental and open space resources within the plan district consistent with the requirements of airport operations, while maintaining or enhancing the capacity of public and private infrastructure within and serving the district.

The plan district has two distinct areas: Subdistricts A and B:

Subdistrict A is served with two light rail stations and is a vibrant mixed-use commercial area with strong urban design features, formal open space and pedestrian activity.

The remainder of the plan district, which is Subdistrict B, allows a wide range of employment opportunities. The primary development objective in this area is to encourage a wide range of industrial and related uses, including services related to the Airport and other business and service/employment opportunities compatible with existing and future airport operations and related uses in the area. The addition of airport-related service uses and activities as allowed uses serves and strengthens the Portland International Airport as the primary air transportation hub within the region.

33.508.020 Where These Regulations Apply

The regulations of this chapter apply to the Cascade Station/Portland International Center plan district. The boundaries of the plan district are shown on Map 508-1 at the end of this chapter and on the Official Zoning Maps. The two subdistricts (A and B) are also shown on Map 508-1.

33.508.040 Special Definitions

These definitions are used only in the CS/PIC plan district.

Lot. In this plan district, a lot includes both "lot" as defined in Chapter 33.910, Definitions, and "lease lot." A lease lot is a parcel of land that is created as a result of a ground lease or sublease and which is clearly defined by a metes and bounds legal description and is a recorded document in the public record. References to lot lines, lot area, percentage of lot, and so on, are based on this definition of lot, but otherwise have the same meanings as in Chapter 33.910.

Story. A single floor of activity—other than parking—in a building. A story is not defined by a particular height.

33.508.050 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 and approved by the Bureau of Development Services 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 Stormwater Management Manual. The application form and Stormwater Management Manual are available from the Development Services Center.

Use Regulations

33.508.110 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 in the area, such as the nearby City well fields. 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:

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, except retail gas stations and tanks for the exclusive use of on-site fleet vehicles or car-rental fleets.

4. Primary and secondary metal industries that manufacture, produce, smelt or refine ferrous and non-ferrous metals, unless specifically stated in Subsection C., below.

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 CS/PIC 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; and

5. Other similar uses as may be determined by the Director of BDS to pose a high potential risk to the ground and surface water resources.

33.508.120 Additional Allowed Uses

A. Subdistrict A. The following additional uses are allowed in Subdistrict A, up to the maximums allowed in Table 508-1:

1. Exhibition and meeting areas, if built in conjunction with a hotel;

2. Office Uses;

3. Hotels, motels and theatres;

4. Other Retail Sales and Service Uses, up to 60,000 square feet of floor area for each use per story, and up to the maximums allowed in Table 508-1. A single use may occupy more than 60,000 square feet of floor area within a building, but may not occupy more than 60,000 square feet on any story; and

5. Quick Vehicle Servicing.

B. Subdistrict B. The following additional uses are allowed in Subdistrict B, up to the maximums allowed in Table 508-1:

1. In the IG2 zone, the following additional uses are allowed:

   a. Office Uses;

   b. Aviation and Surface Passenger Terminals, except parking for passengers; and

   c. Car rental facilities including operations, service, storage and refueling facilities.

2. In the EG2 zone, the following additional uses are allowed:

   a. Office uses; and

   b. Retail Sales and Service Uses.

33.508.130 Additional Prohibited Uses

A. In plan district. The following uses are prohibited in the plan district:

1. Household Living;
2. Group Living;
3. Self Service Storage;
4. Commercial Outdoor Recreation;
5. Community Service;
6. Schools;
7. Medical Centers;
8. Religious Institutions;
9. Vehicle Repair; and
10. Detention Facilities.

B. Subdistrict A. In Subdistrict A, the following uses are prohibited:

1. Vehicle Repair Uses;
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; and
3. Commercial Parking.

C. Subdistrict B. In Subdistrict B, the following uses are prohibited:

1. Quick Vehicle Servicing; and
2. Parking for passengers using Aviation and Surface Passenger Terminals.

33.508.140 Use Regulations in the Park Blocks
All uses in the Park Blocks are subject to the use regulations of Chapter 33.100, Open Space Zone. See Section 33.508.215, Limitations on Development in the Park Blocks and Section 33.508.290, Open Space Plan.

Development and Design Standards

33.508.200 Purpose

These development standards help to foster mixed-use development within the plan district, particularly near the two light rail stations. Light rail and transit access help to ensure that the plan district will serve as a hub of activity and an important international gateway to Portland. An urban character with a street pattern oriented to pedestrians is also an important objective for the district, particularly adjacent to the light rail stations.

A significant constraint on development in this plan district is potential future traffic congestion on the roads and interstate freeway surrounding the site, especially during the evening peak hour. To address this constraint, and to take advantage of the site's two light rail stations and its high level of regional accessibility, the square footage limitations in this chapter are linked to development capacity by square footage, and trip generation.

33.508.210 Prohibited Development in Subdistrict A

The following regulations apply to Subdistrict A:

A. Exterior display and storage. Exterior display and exterior storage are prohibited. Outdoor seating for restaurants, delis and pedestrian-oriented accessory uses, such as flower, food or drink stands, are exempt from this prohibition.

B. Drive-through facilities. Drive-through facilities are prohibited within 200 feet of a light rail station platform. Direct vehicular access to these facilities, including stacking lane entrances, from NE Cascades Parkway is prohibited.

C. Quick Vehicle Service. Quick Vehicle Service facilities are prohibited in the following locations:

1. Within 155 feet of the Park Blocks;
2. South of NE Cascades Parkway; and
3. East of NE Mt. Hood Avenue.

33.508.215 Limitations on Development in Park Blocks

In order to preserve the sense of openness and views within the Park Blocks, but still allow for restrooms, utility sheds, and other such structures, not more than 500 square feet of total floor area may be built within the Park Blocks, shown on Figure 508-1.

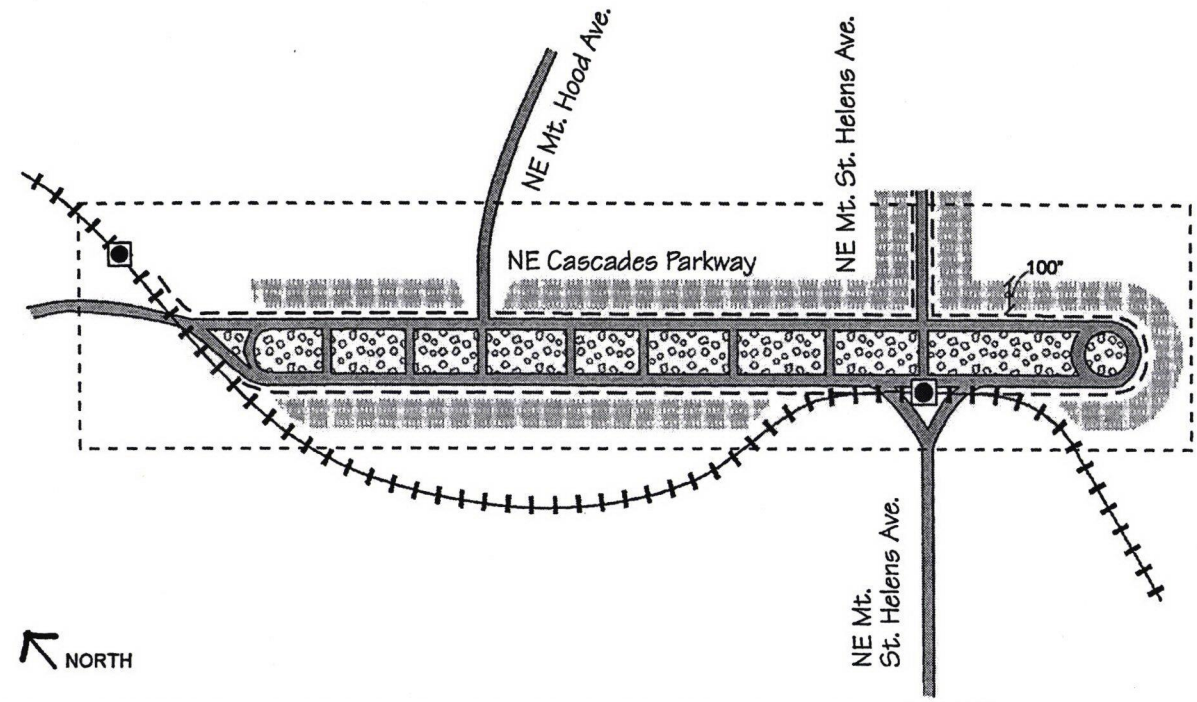


Figure 508-1

Park Blocks and Build-To Line Area

33.508.220 Maximum Square Footage/Transportation Capacity

A. Purpose. Development in the plan district is limited by both transportation constraints and opportunities: the potential for traffic congestion on nearby streets and freeways, and the two light rail stations within the plan district. To achieve the desired character of the plan district, and to encourage transit use, this section limits the amount and type of development allowed in the district. The limits are tied to the amount of vehicle traffic generated by the various uses, with the focus on the evening peak traffic times. Applicants must use one of the three options in this section that are based on square footage allowed within the trip capacity of the plan district.

The regulations of this section ensure that development will not overburden infrastructure, while creating a market incentive to encourage transit use and to choose a mix of complementary uses that maximize the potential for on-site local trips and spread auto trips throughout the day.

B. Options. Generally, an applicant may choose any one of the three options described in this section. However, once an applicant uses Option 2 in a subdistrict, all other applicants in that subdistrict may choose only between Options 2 and 3; Option 1 may not be used by other applicants. Once an applicant uses Option 3 in either subdistrict, all other applicants in the plan district must use Option 3. The Development Services Center maintains records of which options have been used.

C. Option 1. The maximum square footage allowed for each use is shown in Table 508-1. The maximum square footage allowed is the total of existing square footage, square footage for which building permits have been issued, and proposed square footage. The maximum square footage does not include floor area used for parking. No traffic capacity analysis is required for proposals within these limits. In addition, no transportation improvements, beyond the basic public infrastructure, are required for proposals within these limits.

Table 508-1
Maximum Square Footage or Acreage Allowed by Use

Use	Maximum Square Footage or Acreage Allowed	
	Subdistrict A	Subdistrict B
Office; Major Event Entertainment [1], Daycare, Colleges	1,325,000 sq. ft.	304,000 sq. ft
Quick Vehicle Servicing	1 facility, with up to 12 fueling positions[2]	- - -
Hotel, Major Event Entertainment [1]	1,200 rooms	260 rooms
Retail Sales and Service, including Restaurants	400,000 sq. ft.	30,000 sq. ft.
Theaters	24 screens	- - -
Industrial Uses	- - -	1,756,000 sq. ft.
Car Rental facilities (including operations, service storage and refueling facilities); Aviation and Surface Passenger Terminals; Commercial Parking	- - -	100 acres of land (No maximum limit on building square footage)
All other uses	No maximum	No maximum

Notes:
[1] Conference facilities, such as exhibition and meeting areas, are classified as Major Event Entertainment Uses. In this plan district, they are allowed only if built in conjunction with a hotel (see 33.508.120.A). If the floor area devoted to these uses is less than 20,000 square feet, it is considered accessory to the hotel, and is regulated by this plan district as a hotel, so there is no maximum square footage. If, however, the floor area is 20,000 square feet or more, it is regulated the same as Office Uses, and is subject to the same maximum square footage as office uses.
[2] Fueling positions are the maximum number of vehicles that can be fueled simultaneously. Therefore, 12 fueling positions would allow 12 cars to fuel at one time. For example, if each pump had two fueling areas/nozzles (one each side), there could be up to 6 pumps.

D. Option 2.

1. Purpose. This option allows for flexibility but sets an upper limit on each use to ensure a mixture of uses to continue to encourage a high level of non-auto internal trips within the plan district. This option allows there to be an increase in one use if there is a proportionate decrease in another use. This option is an administrative review, with objective standards.

2. Method for calculating new maximum limitation. Where an applicant proposes to exceed the limits in Table 508-1, Table 508-2 may be used. Table 508-2 shows an Upper Limit percentage that allows uses to exceed the maximum limits in Table 508-1 by a certain amount, as long as there are trips remaining in the relevant Subdistrict. The method for calculating outbound trip generation and new maximum limits is shown in Table 508-2. The maximum square footage and trips is based on the total of existing square footage, square footage for which building permits have been issued, and proposed square footage. The maximum square footage does not include floor area used for parking.

3. Minimum square footage. The limitations of Table 508-1 may not be exceeded if it will result in a use having:

   a. Less than 50 percent of the maximum square footage for that use in Table 508-1; or

   b. Less than 50 percent of the trip allocation for that use in Table 508-2.

4. Under this option, transferring trips between the Subdistricts A and B is prohibited.

5. When this option is used, the applicant will submit information that the requirements of this Subsection are met. The Director of BDS will review the information, and use it to prepare a worksheet showing the remaining trips allowed for each use in each subdistrict. No transportation improvements, beyond the basic public infrastructure, are required for proposals using this option.

E. Option 3.

1. Purpose. This option allows an applicant more flexibility that Option 2; but is more complex to use. In addition to the preparation of a Transportation Impact Analysis, this option requires a quasi-judicial review.

2. Method for determining new maximum limitation. An applicant may exceed the maximum limits in both Tables 508-1 and 508-2, or use different calculation methods or trip generation rates than those in Table 508-2 by requesting approval of a Transportation Impact Analysis (TIA). The TIA must include the elements listed in Subparagraph E.2.a, below, and must meet the approval criteria in Subparagraph E.2.c, below.

   a. Elements of Transportation Impact Analysis (TIA):

      (1) Description of proposed development;

      (2) Delineation of the study area, and rationale for the delineation;

(3) Description of existing uses and conditions in the study area;

(4) Traffic forecasts and distribution;

(5) Primary traffic access routes to and from the study area;

(6) Proposed mitigation measures, including transportation system management, transportation demand management, and needed roadway improvements on or for local roads and State highways; and

(7) Evaluation of:

- Impacts on street function, capacity and level of service;
- Impacts on on-street parking;
- Access requirements;
- Impacts on transit operations and movements;
- Impacts on pedestrian and bicycle routes and safety; and
- Impacts on the immediate and adjacent neighborhoods.

b. Review Procedure. CS/PIC plan district Traffic Impact Analysis is processed through a Type II procedure.

c. Approval Criteria for a Transportation Impact Analysis (TIA). The TIA will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

(1) The development is consistent with the purpose of the CS/PIC plan district;

(2) The transportation system is capable of supporting the proposed development in addition to the existing uses in the area, as shown by the TIA;

(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, public dedication and improvement or private street improvements, intersection improvements, and transit stop improvements; 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, if development is phased, will be available at each phase of the development is completed.

Table 508-2
Trip Adjustment Calculations
(Trips: PM Peak Hour Outbound Trips)

Use	Maximum Square Footage (Table 508-1)	Trip Allocation	Trip Generation Rate	Upper Limit Allowed (square footage or trips)
Subdistrict A				
Office; Major Event Entertainment, Daycare, Colleges	1,325,000 sq. ft.	1,113	0.84 per 1,000 sq. ft.	110%
Hotel	1200 rooms	264	0.22 per room	150%
Retail Sales and Service, including Restaurants	400,000 sq. ft.	452	1.13 per 1000 sq. ft.	125%
Quick Vehicle Servicing	12 fueling positions	64	5.32 per fueling position	none
Theaters	24 screens	195	8.11 per screen	110%
Total Trips Allowed from Subdistrict A		2,088		
Subdistrict B				
Office; Major Event Entertainment, Daycare	304,000 sq. ft.	255	0.84 per 1,000 sq. ft.	110%
Hotel	260 rooms	57	0.22 per room	150%
Retail Sales and Service, including Restaurants	30,000 sq. ft.	34	1.13 per 1000 sq. ft.	125%
Industrial Uses	1,756,000 sq. ft.	457	0.26 per 1000 sq. ft.	110%
Car Rental facilities (including operations, service storage and refueling facilities); Aviation and Surface Passenger Terminals; Commercial Parking	100 acres	457 for Car Rental 166 for other airport uses	Per Airport Master Plan	No upward adjustment allowed for this use
Total Trips Allowed from Subdistrict B		1,426		
Total Trips Allowed from plan district		3,514		

33.508.230 Subdistrict A

A. Purpose. These provisions ensure that the location and scale of buildings, parking and circulation areas within Subdistrict A provide a convenient and attractive environment for pedestrians and transit users while fostering an urban environment within the plan district as a whole.

B. Where these regulations apply. The regulations of Subsection C apply to all development in Subdistrict A of the plan district. The regulations of Subsection D apply to development in the Build-To Line Area shown on Figure 508-1. The regulations of Subsection E apply to development in the East Station Area shown on Figure 508-2.

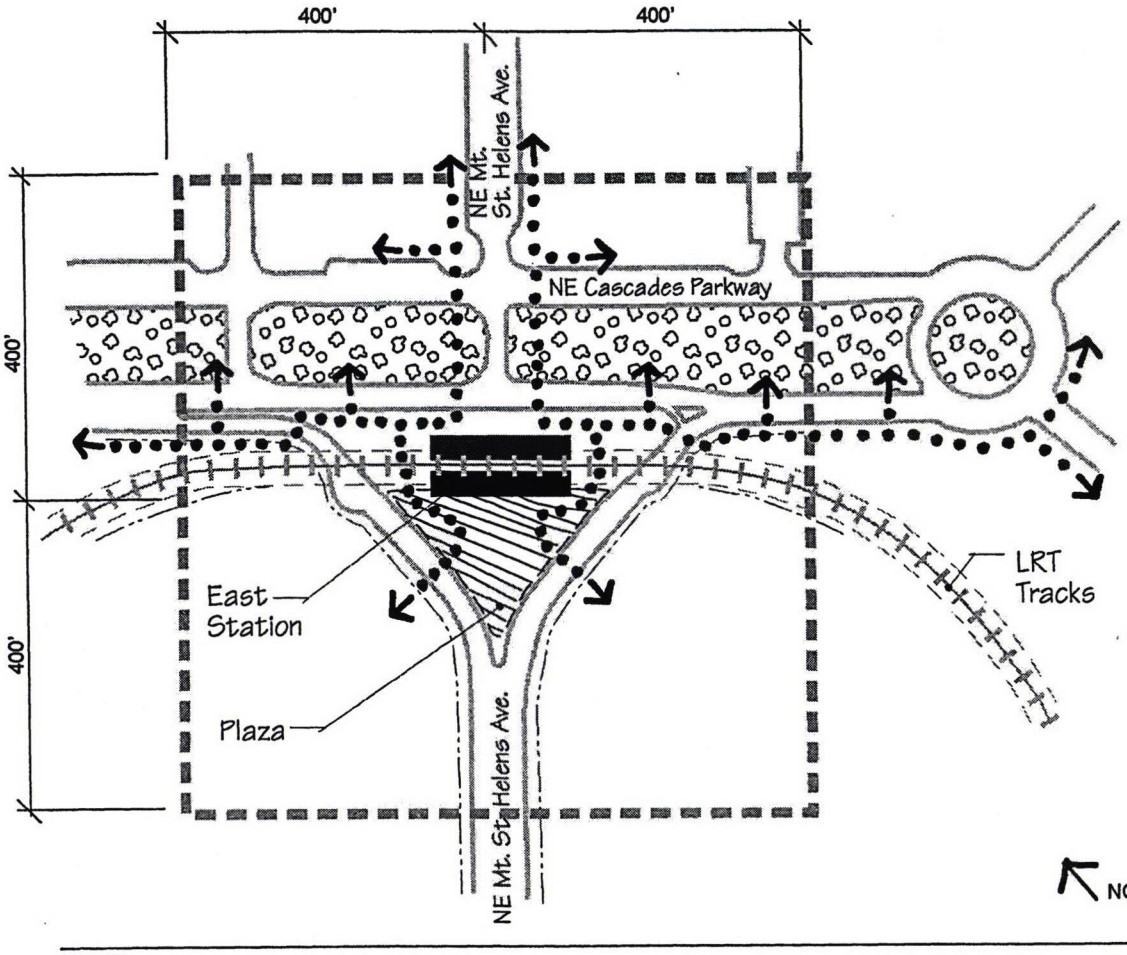


Figure 508-2
East Station Area

C. All areas of Subdistrict A. All development in Subdistrict A of the plan district must meet the following:

1. Building height.

   a. Where all of the floor area is in Office uses, the building must have at least two stories and be at least 25 feet high;

   b. Where there is more than one use in the building, the building must have at least two stories and be at least 25 feet high;

   c. Where all of the floor area is in a single use other than Office or Retail Sales And Service uses, the building must be at least 25 feet high;

d. Where all of the floor area is in Retail Sales And Service uses, the following must be met:

(1) Buildings at the east Terminus of the Park Blocks must be at least 25 feet high. See Figure 508-5;

(2) Buildings at the north Terminus of the portion of NE Mt. St. Helens Avenue north of the Park Blocks must be at least 18 feet high. See Figure 508-5;

(3) Buildings at all other locations must be at least 18 feet high.

2. Ground Floor Windows.

a. Purpose. 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 amount of window area. This standard must be met along all exterior walls on the ground level which face a street lot line. Windows must be at least 40 percent of the length and 20 percent of the ground level wall area. Ground level walls include all exterior wall areas up to 9 feet above the finished grade.

c. Qualifying window features.

(1) Generally. 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 3 feet above the adjacent exterior grade.

(2) Hotel uses. Hotel room windows may be used to meet this standard along private streets. The bottom of the windows must be no more than 3 feet above the adjacent exterior grade.

d. Exceptions. Where all of the floor area is in Quick Vehicle Service uses or Convention and Conference Facilities, the regulations of this paragraph do not have to be met.

3. Awning at main entrance. There must be an awning or other projection from the building at the main entrance to provide weather protection. The awning or other projection must:

a. Cover at least 48 square feet;

b. Be at least 6 feet back from the curb; and

c. Project at least 6 feet out from the building face. If the sidewalk is too narrow to allow both this provision and C.3.b to be met, the awning or other projection must project to a line 6 feet back from the curb.

Other awnings or projections are encouraged, but are not required to meet this standard.

4. Landscaping.

a. Required landscaping. Other than landscaping required for parking lots, no landscaping is required.

b. Parking lot landscaping. Parking lot landscape requirements are in Chapter 33.266, Parking and Loading.

c. Allowed landscaping materials.

(1) Purpose. Plant selection is an especially important component of the CS/PIC plan district. Because the plan district is near the runways of Portland International Airport and existing natural features and ecosystems (such as the Columbia Slough), bird strikes are a significant hazard to aircraft. In an effort to reduce this hazard, the CS/PIC Plant List in Section 33.508.500 provides a selection of plant materials which may be used in the plan district. These plants were selected because they do not attract wildlife; they do not provide attractive roosting habitat for species posing a threat to aviation safety and are generally non-seeding or non-fruiting.

(2) All landscaping must use only plants listed in Section 33.508.500, CS/PIC Plant List. In addition, landscaping must not contain plants on the City of Portland's Prohibited or Nuisance Plant Lists.

D. Build-To Line Area. Buildings on lots with frontage on public or private streets within the Build-To Line Area shown on Figure 508-1 must meet the regulations of this Subsection.

1. Building location.

a. Purpose. These standards require buildings to be built around the Park Blocks and along the portion of NE Mt. St. Helens Avenue north of the Park Blocks. The Park Blocks and the adjacent Build-To-Line Area are the focal points of the plan district, and the intent is to focus development in these areas. In addition, these regulations foster an active pedestrian environment within the first 75 feet from NE Cascades Parkway and the portion of NE Mt. St. Helens Avenue north of the Park Blocks where buildings are located close to the street and there are limited gaps between buildings.

b. Where these regulations apply. The regulations of this paragraph apply to development on lots where the frontage within the Build-To Line Area is more than 62 feet long.

c. Setbacks.

(1) Minimum setback. The minimum building setback is 2 feet. The setback area must be paved with sidewalk materials to create an expanded sidewalk area;

(2) Maximum setback. For at least 80 percent of the length of the frontage of the lot, there must be a building wall within 6 feet of the front lot line, except where a pedestrian amenity area is provided. The pedestrian amenity area may be up to 500 square feet or may be up to 20 feet deep, measured from the front lot line.

(3) Buildings with more than one frontage within the Build-To Line Area. Buildings with more than one frontage within the Build-To Line Area are subject to the following:

- Where one frontage is on NE Cascades Parkway and one frontage is on the portion of NE Mt. St. Helens Avenue north of the Park Blocks, the standards of D.1.c(1) and (2) must be met on both frontages.

- Where only one frontage is on NE Cascades Parkway or the portion of NE Mt. St. Helens Avenue north of the Park Blocks, the standards of D.1.c(1) and (2) must be met on the NE Cascades Parkway or NE Mt. St. Helens frontage. On the other frontage or frontages, the following must be met:

  - Minimum setback. The standard of D.1.c(1) must be met;

  - Maximum setback. For at least 75 feet, measured along the frontage of the lot, there must be a building wall within 6 feet of the front lot line, except where a pedestrian amenity area is provided. The pedestrian amenity area may be up to 500 square feet or may be up to 20 feet deep, measured from the front lot line.

2. Location of parking.

a. Structured parking. If any portion of a building is within the Build-To Line Area, and there is parking on the ground floor, the following must be met:

(1) Purpose. These standards ensure that the ground level of buildings in the Build-To Line Area contain active uses to support the pedestrian character of the area.

(2) The parking may not be in the portion of the building closest to the street lot line; there must be a use other than parking between the parking and the street lot line.

(3) On corner lots, the parking may not be in the portion of the building closest to either street lot line. There must be a use other than parking between the parking and the both street lot lines.

b. Surface parking.

(1) Required setback. Surface parking area must be set back at least 12 feet from street lot lines. Parking lot landscaping may be located within 12 feet of street lot lines.

(2) Frontage limitation. Where surface parking areas are adjacent to a street lot line, the following must be met. Surface parking is considered to be adjacent to a street lot line, regardless of setback, when there is no building between the street lot line and the parking area:

- No more than 62 feet of the frontage, measured along the street lot line, may be used for surface parking areas; and
- The 62 feet of frontage includes adjacent surface parking areas, driveways, and other areas for vehicle parking and maneuvering, where those areas also are adjacent to the street lot line. These areas must be separated by buildings.
- Exception. The triangular lots shown on Figure 508-5 are not subject to this limitation.

3. Building entrances.

a. Main entrance. Buildings must have a main entrance facing a street. Main entrances must either face the street, or be at an angle of up to 45 degrees from the street, measured from the street lot line, as shown in Figure 508-3. If there is more than one street frontage, the entrance must face streets in the following order of priority, from highest to lowest:

(1) NE Cascades Parkway;

(2) The portion of NE Mt. St. Helens Avenue north of the Park Blocks;

(3) Type P streets;

(4) Type S and Type A streets;

b. Entrances to tenant spaces. Where there are exterior entrances to individual tenant spaces, those entrances must meet the regulations of this paragraph. The requirements of this subparagraph are in addition to the requirements of subparagraph D.3.a, above.

Tenant entrances must either face the street, or be at an angle of up to 45 degrees from the street, measured from the street lot line, as shown in Figure 508-3. If it is possible for the entrance to face more than one street, the entrance should face streets in the following order of priority, from highest to lowest:

(1) NE Cascades Parkway

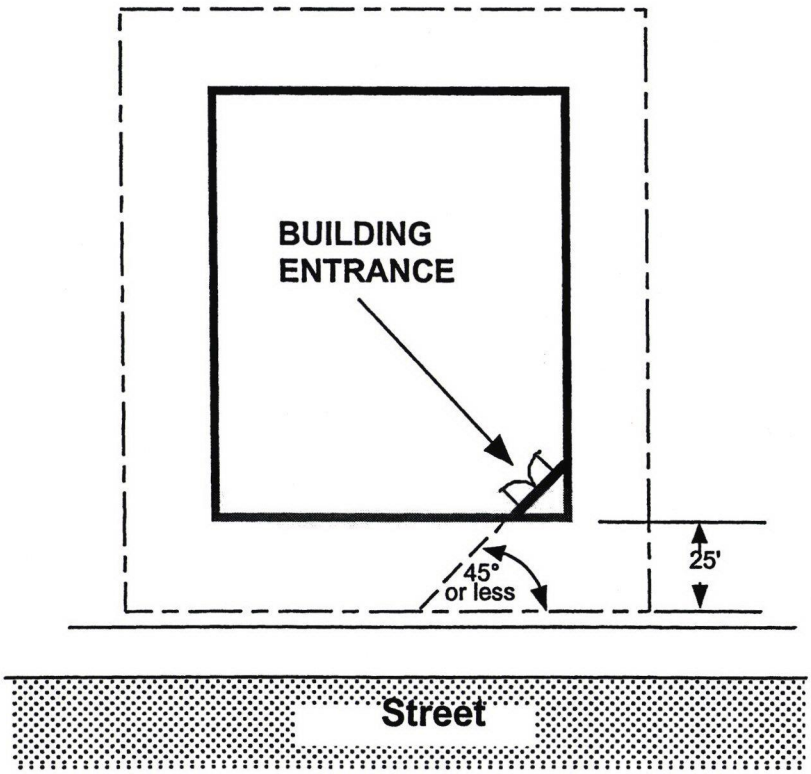
(2) The portion of NE Mt. St. Helens Avenue north of the Park Blocks;

(3) Type P streets.

(4) Type S and Type A streets

c. Unlocked during regular business hours. Entrances required to meet the standards of this paragraph must be unlocked during regular business hours.

Figure 508-3
Building Entrances



E. Within Station Area. All development within the East Station Area, shown on Figure 508-2, must meet the regulations of this Subsection.

1. Purpose. The East Station Area is a key area of the plan district, because of the location of the eastern light rail station which provides the gateway into the site for light rail transit riders, and its alignment with NE Mt. St. Helens Avenue through the Park Blocks. The East Station Area includes a portion of the Park Blocks system and should emphasize the connection between the light rail transit station and the portion of NE Mt. St. Helens Avenue north of the Park Blocks. Landscape features and pedestrian improvements should address the triangular form of the plaza south of the station, and the north-south axis from the station to the portion of NE Mt. St. Helens Avenue north of the Park Blocks through the Park Blocks as well.

A pedestrian oriented plaza south of the light rail transit station should be designed in a manner that will make the East light rail station a focal point of the area. The plaza should be designed so that it is attractive to pedestrians and allows them easy access to the commercial and transit services in the area. The area south of the East Station may include a limited amount of area for vehicle area or parking area to serve retail uses in the station.

The design of the plaza should include seating areas, pedestrian-scaled lighting fixtures, decorative paving patterns and color, distinctive trees and shrubs, and a focal features such as a theme fountain or flag pavilion. Pedestrian path location and design should provide north-south and east-west connectivity, as illustrated in Figure 508-2.

2. Pedestrian connections. Pedestrian connections from the east and west ends of the light rail platform must provide for pedestrian movements to the Park Block pedestrian network, to the lots to the south, and towards the portion of NE Mt. St. Helens Avenue north of the Park Blocks. The connections must be in the general location shown on Figure 508-2.

3. Sidewalks. Sidewalks within 200 feet of the light rail platform must be at least 12 feet wide.

4. Pedestrian plaza. A central, pedestrian plaza must be built in the area between the East Station and NE Mt. St. Helens Avenue. The plaza should be designed with the types of pedestrian amenities described in the purpose statement of this Subsection.

5. Parking limitations. In order to create a pedestrian-friendly area around the light rail station, parking is prohibited between buildings and NE Mt. St. Helens Avenue.

33.508.240 Subdistrict B

The regulations of this section apply to all development in Subdistrict B of the plan district.

A. Setbacks. There are no minimum setbacks.

B. Awning at main entrance. There must be an awning or other projection from the building at the main entrance to provide weather protection. The awning or other projection must:

1. Cover at least 48 square feet;

2. Be at least 6 feet back from the curb; and

3. Project at least 6 feet out from the building face. If the sidewalk is too narrow to allow both this provision and B.2 to be met, the awning or other projection must project to a line 6 feet back from the curb.

Other awnings or projections are encouraged, but are not required to meet this standard.

C. Landscaping.

1. Required landscaped area. The minimum landscaped area is 7.5 percent.

2. Parking lot landscaping. Parking lot landscape requirements are in Chaper 33.266, Parking and Loading.

3. Allowed landscaping materials.

   a. Purpose. Plant selection is an especially important component of the CS/PIC plan district. Because the plan district is near the runways of Portland International Airport and existing natural features and ecosystems (such as the Columbia Slough), bird strikes are a significant hazard to aircraft. In an effort to reduce this hazard, the CS/PIC Plant List in Section 33.508.500 provides a selection of plant materials which must be used in the plan district. These plants were selected because they do not attract wildlife; they do not provide attractive roosting habitat for species posing a threat to aviation safety and are generally non-seeding or non-fruiting.

   b. All landscaping must use only plants listed in Section 33.508.500, CS/PIC Plant List. In addition, landscaping must not contain plants on the City of Portland's Prohibited or Nuisance Plant Lists.

33.508.260 Parking

A. Purpose. In Subdistrict A, on-street parking is encouraged on both public and private streets, to reduce the size of parking lots and to provide a buffer between pedestrians and moving cars. There is no required parking, which helps to encourage shared parking. Shared parking is encouraged to promote an active, mixed-use development and reduce the total number of off-street parking spaces required. Adjacent uses with different peak parking utilization periods can share parking areas and allow more efficient use of parking areas throughout the day.

B. Minimum required parking. There are no minimum parking requirements in the plan district.

C. Maximum allowed parking.

1. Subdistrict A. The following regulations apply in Subdistrict A:

   a. Structured parking. The maximum allowed parking for parking in structures is in Chapter 33.266, Parking and Loading.

   b. Surface parking.

      (1) Office Uses and Retail Sales and Service Uses. Parking on surface lots for Office Uses and Retail Sales and Service Uses is limited to the maximum ratios in Table 508-3.

      (2) Fleet, carpool, and rental car parking. There is no maximum for parking on surface lots for fleet, carpool, and rental car parking.

(3) Other uses. Maximum allowed parking on surface lots for other uses is in Chapter 33.266, Parking and Loading.

2. Subdistrict B. The maximum parking allowed in Subdistrict B is in Chapter 33.266, Parking and Loading.

Table 508-3
Subdistrict A
Surface Parking: Maximum Allowed Parking

Use	Maximum Allowed Parking
Office	1 space per 294 sq. ft. of floor area
Retail Sales and Service, except Hotels, Motels, Restaurants, and Theaters	1 space per 220 sq. ft. of floor area
Hotels, Motels (1)	1.5 spaces per room
Restaurant	1 space per 58 sq. ft. of floor area
Theaters	0.4 spaces per seat

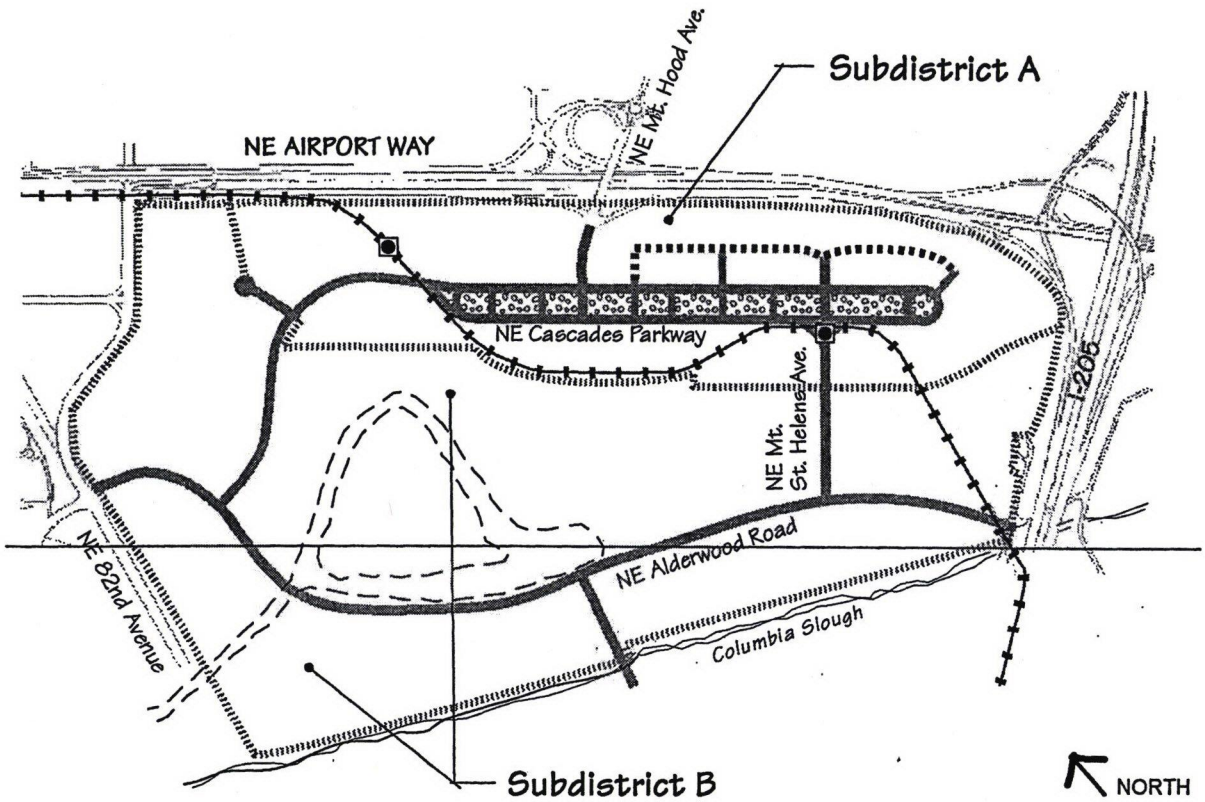
[1] When there are accessory uses in Hotels and Motels, parking is based on the square footage of the accessory uses. To determine the ratio, find the use category in this table. For example, a restaurant inside a hotel would be limited to 1 parking space per 58 square feet of floor area. This parking would be in addition to that allowed for the hotel.

33.508.267 Signs
The sign regulations are stated in Title 32, Signs and Related Regulations.

33.508.270 Sumps, Septic Tanks, and On-Site Disposal Systems
New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary or industrial are prohibited. All on-site storm water must be disposed of into a system approved by the Bureau of Environmental Services.

33.508.275 Basic Public Infrastructure
The public streets and open spaces shown in Figure 508-4 are the basic public infrastructure in the plan district, and are required. The streets must be dedicated to the public. Included are the overpass connection over Airport Way, the NE Cascades Parkway couplet, the Park Blocks, Mt. St. Helens Avenue, Mt. Hood Avenue, and three traffic signals.

There also is the potential for a future public street connecting NE Cascades Parkway and Alderwood Road, located to the west of NE Mt. Hood Avenue.



LRT Station
Subdistrict Boundary
Public Streets
Park Blocks
Location to be Determined

Figure 508-4

Basic Public Infrastructure

33.508.280 Street Requirements in Subdistrict A
The requirements in this section apply to all streets in Subdistrict A.

A. Location of streets.

1. Public streets. The locations for public streets are shown on Figure 508-4.

2. Private streets.

   a. Generally. The approximate locations for most private streets are shown on Figure 508-5; streets shown must be located within 50 feet of the location shown, measured centerline to centerline.

   b. Exception. The private streets shown on Figure 508-5 as "location to be determined" do not have to be located at the location shown.

3. Streets that intersect NE Cascades Parkway. All streets that intersect NE Cascades Parkway must meet the following:

   a. Minimum interval. Streets must be at least 190 feet from other streets and driveways that intersect NE Cascades Parkway, measured from the edges of the streets; and

   b. Maximum interval. Streets must be located so as to allow all streets that intersect NE Cascades Parkway to be a maximum of 530 feet apart, measured from the edges of the streets. A particular street may be more or less than 530 feet from another, but the location cannot preclude this requirement being met for the entire NE Cascades Parkway.

B. Design of streets. There are three types of streets in the plan district: Type P, Type S, and Type A. The design requirements for each type are as follows:

1. Type P streets. Type P streets must meet the following requirements:

   a. Sidewalks. Sidewalks are required on both sides of the street as follows. See Figure 508-6;

      (1) Within the Build-To Line Area, the sidewalks must be at least 12 feet wide.

      (2) Outside the Build-To Line Area, the following must be met:

         - Generally. Sidewalks adjacent to a building or within 200 feet of the East Station light rail platform must be at least 12 feet wide.

         - Exception. Where a sidewalk abuts or runs through a parking area, and is more than 200 feet from the East Station light rail platform, it must be at least 6 feet wide, although wider sidewalks are encouraged. Sidewalks may have to be wider in some places to accommodate both the required street trees and the requirements of the Americans With Disabilities Act (ADA).

   b. Street trees. Street trees must be planted adjacent to the street and must meet the following:

      (1) Spacing. The trees must be spaced from 20 to 40 feet, on-center, depending on the species, canopy size, specific site considerations, and requirements for landscaping on lots adjacent to the street. Where trees are required on adjacent lots, the trees on the lot and the street trees should be offset to create a triangular spacing pattern.

      (2) Tree wells. Trees must be planted in the center of tree wells. Street trees must be surrounded by an unpaved area that is at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a grate approved by the City.

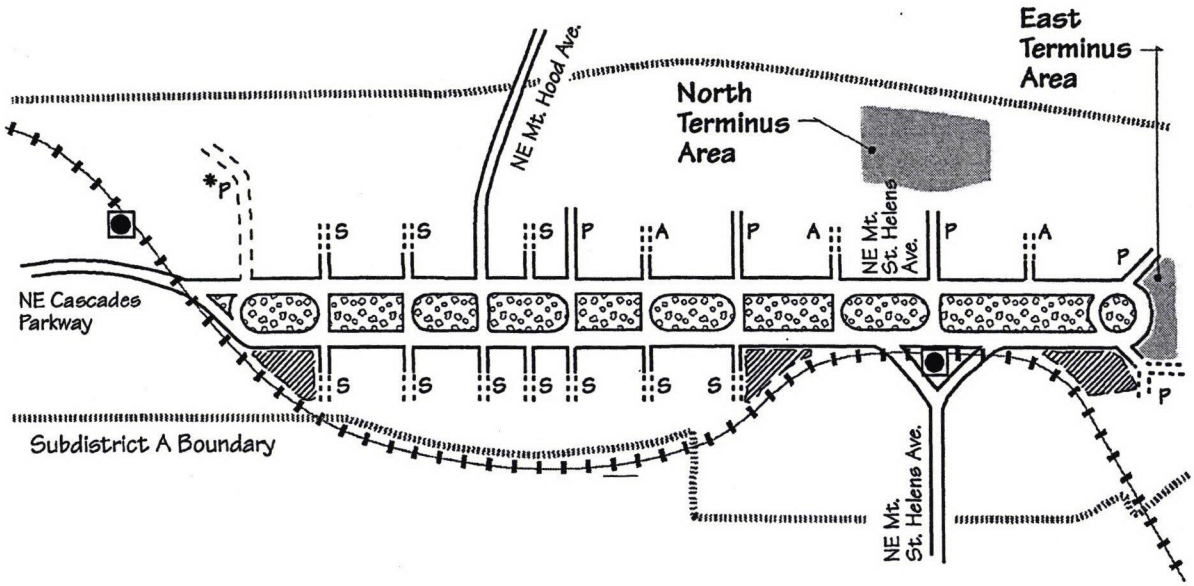


Figure 508-5

Streets, Triangle Lots, East Terminus and North Terminus

2. Type S streets. Type S streets within the Build-To Line Area must be built to the following. The applicant may choose to meet the standards for Type P streets instead of the standards of this paragraph. These requirements provide for flexibility in development of sites, pedestrian access to buildings, and trees and landscaping that are visible to vehicle traffic on the NE Cascades Parkway couplet. See Figure 508-7:

   a. Maximum width. Maximum width of travel lanes is 26 feet, with two 13-foot wide travel lanes.

   b. Landscaping and sidewalks required. Landscaping and sidewalks are required as specified in this subparagraph. The applicant must choose one of the options below:

      (1) Option A. A sidewalk at least 8 feet wide is required on one side of the street, and a landscaped area at least 4 feet wide is required on the other side. The landscaped area must be planted with either two

high shrubs or three low shrubs per 400 square feet of landscaped area. Shrubs may be grouped. Ground cover plants must fully cover the remainder of the landscaped area.

- On streets to the north of NE Cascades Parkway, landscaping must be on the west side of the street, and the sidewalk must be on the east side of the street.

- On streets to the south of NE Cascades Parkway, landscaping must be on the east side of the street, and the sidewalk must be on the west side of street.

(2) Option B. A sidewalk at least 10 feet wide is required on one side of the street, with street trees as required for Type P streets.

- On streets to the north of NE Cascades Parkway, the sidewalk and street trees must be on the west side of the street.

- On streets to the south of NE Cascades Parkway, the sidewalk and street trees must be on the east side of the street.

(3) Option C. A sidewalk at least 8 feet wide is required on one side of the street, and an area at least 25 feet by 25 feet with at least 4 trees is required on the other side. The 25-foot by 25-foot area must be at the corner of NE Cascades Parkway.

- On streets to the north of NE Cascades Parkway, the 25-foot by 25-foot area must be on the west side of the street, and the sidewalk must be on the east side of the street.

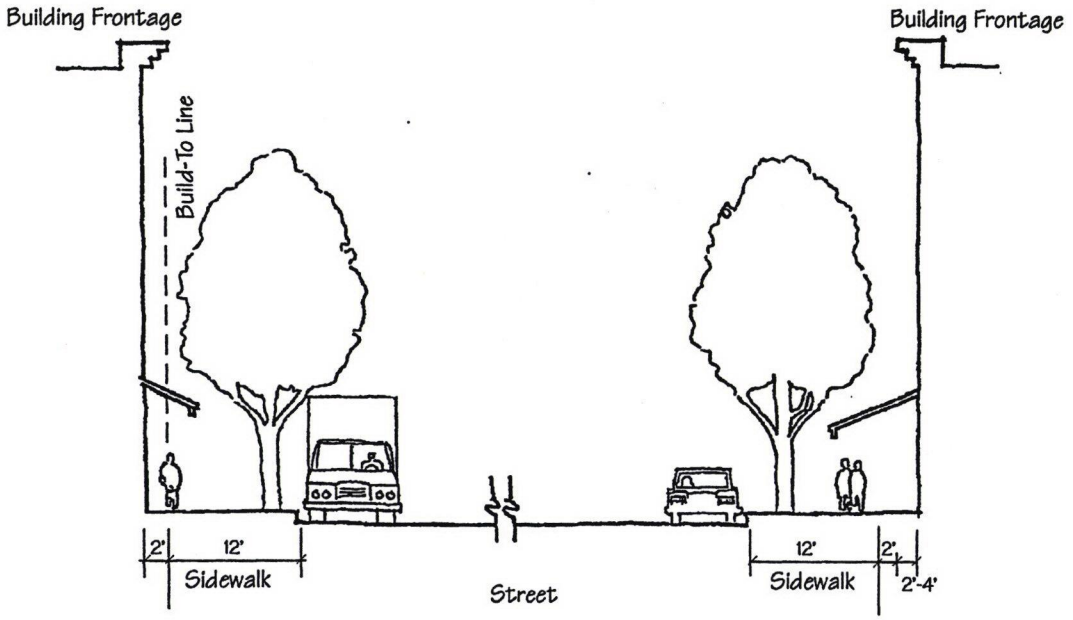
- On streets to the south of NE Cascades Parkway, the 25-foot by 25-foot area must be on the east side of the street, and the sidewalk must be on the west side of street.

3. Type A streets. Type A streets within the Build-To Line Area must meet the following. The applicant may choose to meet the standards for Type P streets instead of the standards of this paragraph. See Figure 508-8:

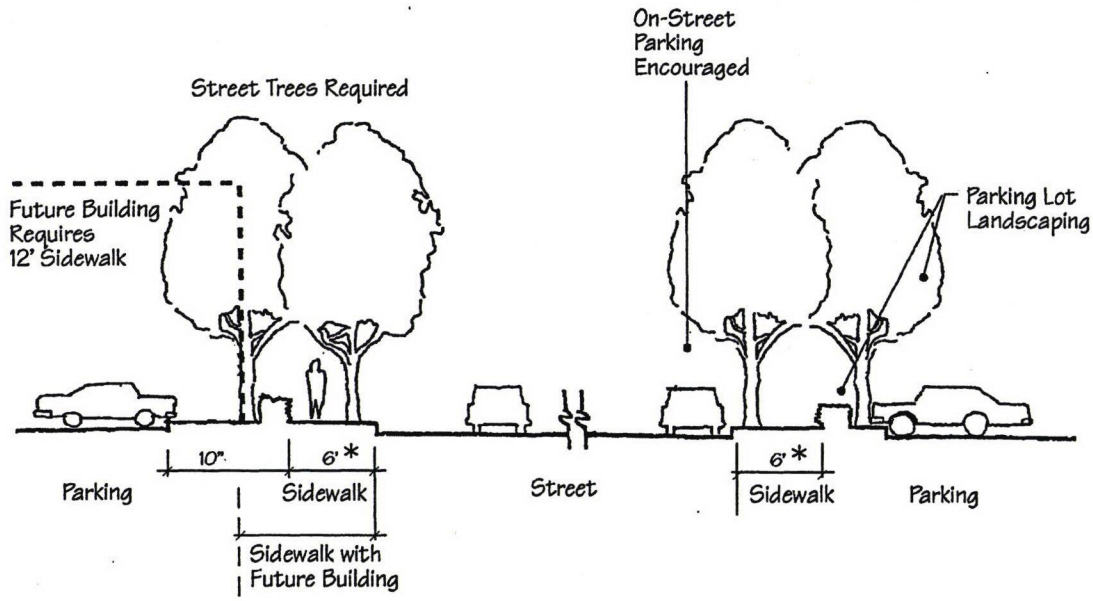
   a. Maximum width. The maximum width for all Type A streets is 84 feet, measured from the outside edges of required improvements. The maximum width of the vehicle lanes is 24 feet.

   b. Parking required. Parking is required on both sides of the street.

   c. Sidewalks required. Sidewalks are required on both sides of the street. The sidewalks must be at least 12 feet wide, with street trees as required for Type P streets.



Type P Street Within Build-To Line Area



Type P Street Outside the Build-To Line Area

* Walk may need to be wider to accommodate street trees.

Figure 508-6

Type P Streets Within and Outside the Build-To Line Area

C. Additional requirements.

1. Street lighting. Light standards on public streets must meet city specifications. Light standards on private streets and in the Park Blocks must be no taller than 20 feet. All lights must direct light downward so as to not directly illuminate the sky.

2. Street entries to NE Cascades Parkway. Street entries to NE Cascades Parkway must be an at-grade entry, with no driveway apron or grade change. The entry must have the same appearance and materials as the public street, including curb returns, except that the entry itself must be of a different material. The material, which must be concrete or another durable material that contrasts with asphaltic concrete paving, must be placed in the approximate location of the pedestrian crosswalk. On street entries within 200 feet of a light rail station, the paving material used at the entry must continue the same paving material and texture found within the East or West Station area.

3. Public access easement on private streets. Private streets must be within a public access easement that assures free public access at all times.

4. Driveways. Driveways are not allowed to intersect NE Cascades Parkway and the portion of NE Mt. St. Helens Avenue north of the Park Blocks except when providing access to the triangular lots shown on Figure 508-5.

33.508.290 Open Space Plan

A. Park Blocks.

1. Purpose. The Park Blocks are both the primary open space of the plan district and the focus of development in Subdistrict A. These open spaces will provide visitors and employees with leisure and recreational opportunities as well as a pleasant visual environment. The Park Blocks open the site to views of Mt. Hood and link the two transit station areas with a grand urban space in the tradition of Portland's downtown Park Blocks. The location of the Cascade Station Park Blocks is shown on Figures 508-1 and 508-8.

2. Park Blocks required. The Park Blocks are part of the basic public infrastructure in Subdistrict A, and are required.

3. Uses and development. Uses and development in the Park Blocks are regulated by Section 33.508.140, Use Regulations in the Park Blocks, and Section 33.508.215, Limitations on Development.

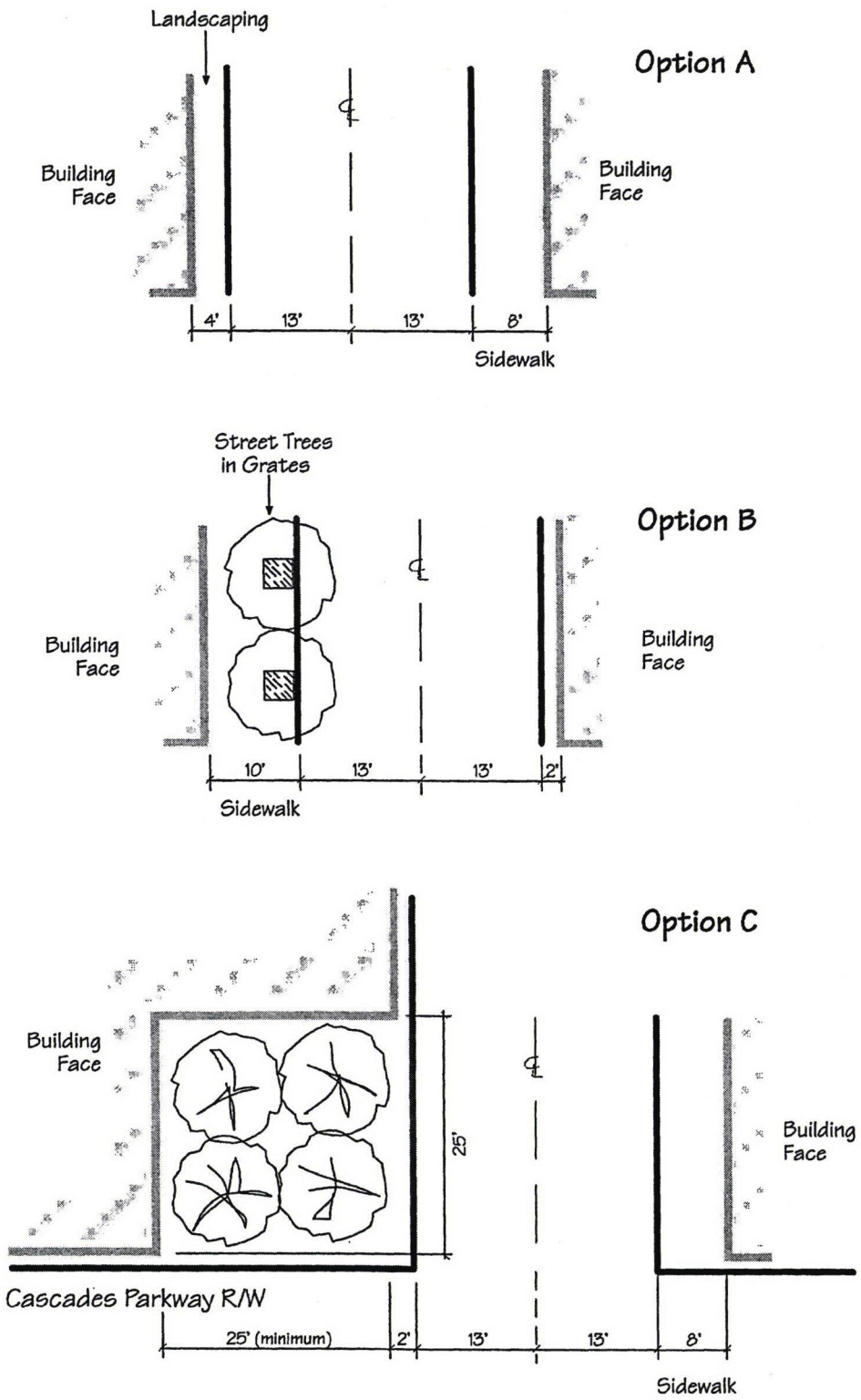


Figure 508-7

Type S Streets Within Build-To Line Area

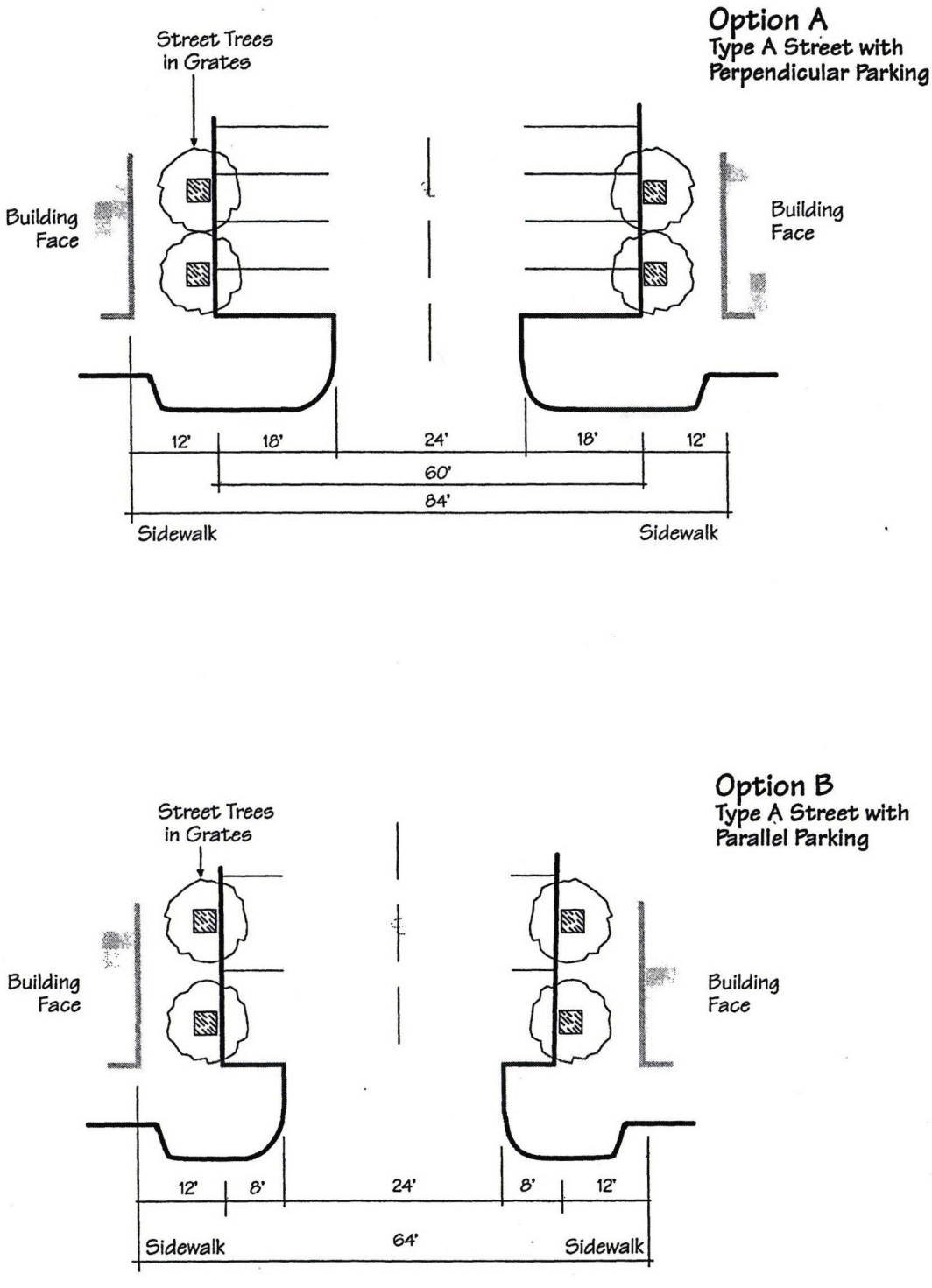


Figure 508-8

Type A Streets Within Build-To Line Area

B. Pedestrian and bicycle circulation system.

1. Purpose. The Columbia Slough Trail, shown on Figure 508-9, is a significant open space resource as well as a means of pedestrian and bicycle access. Trails in this area run along the Columbia Slough and provide an inviting environment to run, walk, or bike. Bike routes (bike lanes and signed routes) must work in an integrated way with this existing resource to form an extended network of trails.

2. Public recreational trail requirements. All sites designated on Figure 508-9 as an off-road public recreational trail must meet the requirements of this Subsection. Figure 508-9 illustrates the general location of the CS/PIC Bicycle and Pedestrian system, which provides for additional off-road trails and connections to the Columbia Slough Trail.

   If the trail is located within an Environmental Overlay zone, the trail must also comply with the requirements in Sections 33.508.300 through .340.

   a. Trail requirement. Prior to occupancy of any new building on a lot containing a trail designation, the owner must make the full trail improvement. The trail location and construction specifications must be shown on the site plans when a building permit is requested.

   b. Trail and easement location.

      (1) In Environmental Overlay Zones the following must be met:

      - If a trail or easement exist on an adjacent site, the trail and easement must connect to them;

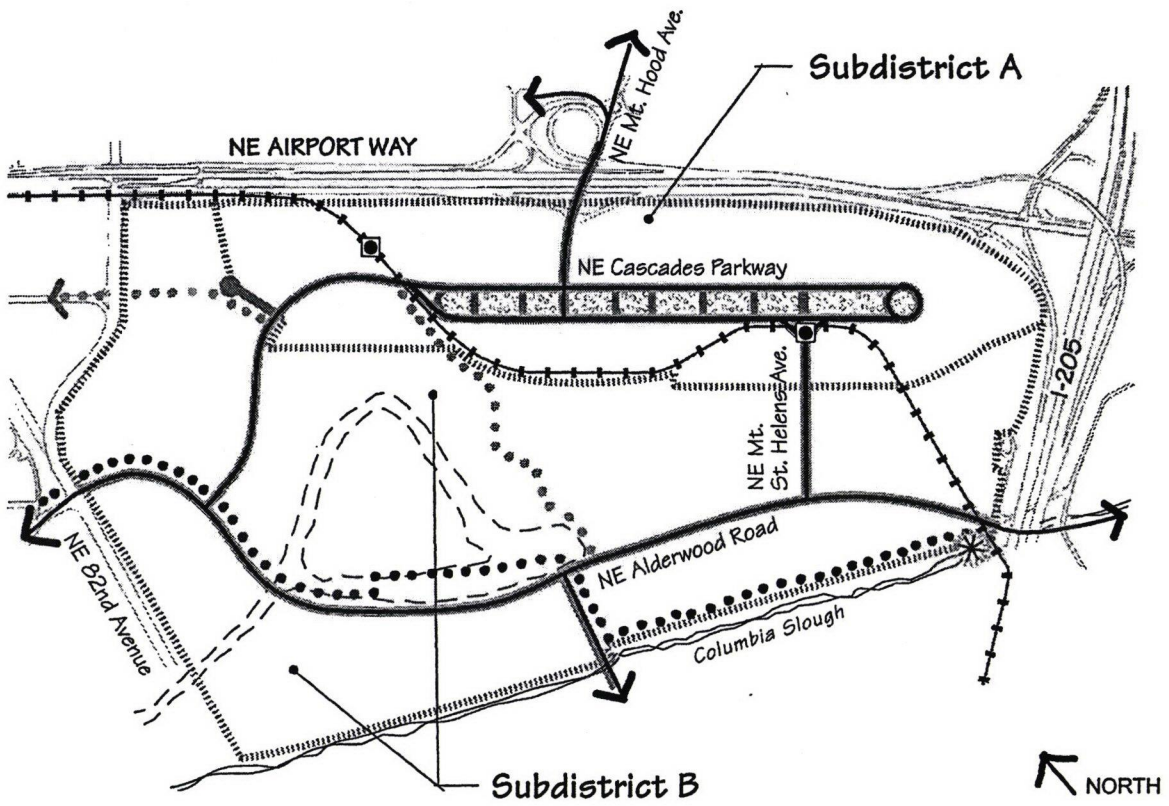
      - If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone.

      (2) Outside of Environmental Overlay Zones the trail route must be as generally shown on Figure 508-9.

33.508.295 Cultural Resource Protection

Archaeological evidence has confirmed that American Indians used the plan district area prior to entry of EuroAmericans to the Portland area. Before 1999 this plan district was part of the Columbia South Shore plan district, and all confirmation testing required by that plan district was completed before this plan district was created. As a result, there are no regulations in this plan district that relate to protection of cultural resources.

Although the zoning code does not address new discoveries of cultural resources found during project construction, applicants should be aware of state and federal regulations that apply to such discoveries.



LTR Station
Subdistrict Boundary
Park Blocks
40-Mile Loop Trail
Sidewalk/Bike Lanes within Right-of-Way
Potential Locations for Off-Road Pedestrian/Bicycle Trail
Potential Trailhead Location

Figure 508-9

Bicycle and Pedestrian Circulation Plan

Environmental Zones

33.508.300 Purpose

The purpose of the environmental regulations in the CS/PIC plan district is to:

- Protect inventoried significant natural resources and their functional values in the CS/PIC 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.

33.508.305 Where These Regulations Apply

The regulations of Sections 33.508.305 through 33.508.340 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 within the CS/PIC plan district.

33.508.310 Overlay Zones

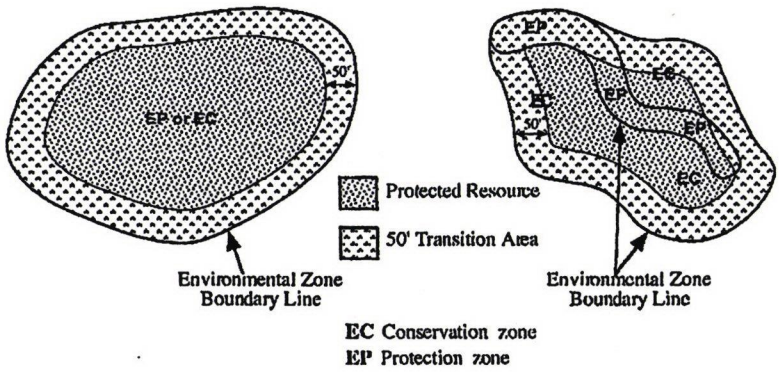
A. General. Natural resources values in the District have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.

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 CS/PIC Plan District. Each environmental zone in the CS/PIC plan district 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 508-2. Figure 508-10 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 508-10
Environmental Zone Subareas



33.508.312 Items Subject to These Regulations
Unless exempted in Section 33.508.314, the following are subject to the regulations of Sections 33.508.300 through 33.508.340:

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.

33.508.314 Items Exempt From These Regulations
The following are exempt from the development standards and required reviews stated in this section:

A. Sale or lease 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.

33.508.320 Use Regulations

A. Permitted uses. The following uses and activities are allowed if they comply with the development standards of Section 33.508.330:

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 lots;

   f. Water quality monitoring facilities;

   g. Construction of the Columbia South Shore Slough Trail or trails shown on Figure 508-9, CS/PIC Pedestrian and Bicycle Plan;

   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 or on Figure 508-9, CS/PIC Pedestrian and Bicycle Circulation Plan.

B. Review required. The following uses are allowed if they comply with the development standards of Section 33.508.330 and subject to review, as set out in Section 33.508.340. However, overhead and underground utilities that are subject to review because they do not meet the requirements of 33.508.330.B.9 are exempt from that standard:

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 or Figure 508-9, CS/PIC Bicycle and Pedestrian Circulation Plan;

   i. Other drainageway activities or facilities for stormwater conveyance, including flood control structures;

   j. Light rail transit corridors; and

   k. Overhead and underground utilities except sewer connections to individual lots.

2. In the protected resource:

   a. Planting native vegetation if not required;

   b. Overhead and underground utilities except sewer connections to individual lots; and

   c. Recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan, or Figure 508-9, CS/PIC Bicycle and Pedestrian Circulation Plan.

C. Prohibited. All other uses and development are prohibited.

33.508.330 Development Standards

A. Except for temporary uses, land uses and activities on lots or lease areas 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, not be classified as prohibited or nuisance plants, and be listed in Section 33.508.500, CS/PIC Plant List.

2. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet.

3. The remaining area must be planted with native groundcover using a minimum of four-inch pots at a density of 8 plants per ten square feet.

4. Below the top-of-bank on slopes greater than 30 percent or in riprap areas, live stakes, ½ to 1½ inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in Chapter 18 of the United States Department of Agriculture Engineering Field Handbook (entitled Soil Bioengineering for Upland Slope Protection and Erosion Reduction, October 1992.

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, not be classified as prohibited or nuisance plants, and be listed in section 33.508.500, CS/PIC Plant List.

   b. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet.

   c. The remaining area must be planted with native groundcover using a minimum of four-inch pots at a density of 8 plants per ten square feet.

   d. Below the top-of-bank on slopes greater than 30 percent or in riprap areas, live stakes, ½ to 1½ inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in Chapter 18 of the United States Department of Agriculture Engineering Field Handbook (entitled Soil Bioengineering for Upland Slope Protection and Erosion Reduction, October 1992.

   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, not be classified as prohibited or nuisance plants, and be listed in Section 33.508.500, CS/PIC Plant List.

   b. Planting must cover 90 percent of the ground within one year or two growing seasons after replanting.

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 or forbs 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 or forbs 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 Oregon Department of Fish and Wildlife 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.

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 lots and stormwater outfalls, cannot affect more than a 10-foot-wide corridor across the resource for private utility connections and a 15-foot-wide corridor for public utilities. 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 and light rail transit corridors 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 CS/PIC 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.

33.508.340 CS/PIC 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 CS/PIC 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 33.508.295 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 EC 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 EC 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 or the Cascade Station/Portland International Center 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 33.508.330.

   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; light rail transit corridors in an environmental zone; or overhead utilities, underground utilities, or recreation or trail facilities identified in the Columbia South Shore Slough Trail Master Plan or trails shown on Figure 508-9, CS/PIC Pedestrian and Bicycle 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; 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.

   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 33.508.330.

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 or Figure 508-9, the CS/PIC Pedestrian and Bicycle Circulation 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 33.508.330.

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.

33.508.500 CS/PIC Plant List

Landscaping within the plan district must use only plants listed in this section. In addition, landscaping must not contain plants on the City of Portland's Prohibited or Nuisance Plant Lists.

A. Parking Lot and Deciduous Shade Trees

Acer circinaum	Vine Maple
Acer rubrum 'Variety'	Red Maple (many varieties available)
Carpinus betulus	European Hornbeam
Fagus sylvatica 'Riversii'	Rivers Beech (Restrict use in height critical areas)
Fraxinus americana 'Autumn Purple'	Autumn Purple Ash (Restrict use in height critical areas)
Fraxinus pennsylvania 'Variety'	Green Ashs (Seedless varieties only)
Ginkgo biloba	Ginkgo (males only)
Gleditsia tricanthos	Thornless Honeylocust (may require use of a root barrier)
Liquidambar styraciflua 'Rotundiloba'	Rotundiloba Sweetgum (Fruitless)
Platanus acerifolia	London Planetree (Restrict use in height critical areas)
Pyrus 'Variety'	Non-Fruiting Flowering Pear
Quercus coccinea	Scarlet Oak (Restrict use in height critical areas)
Quercus frainetto 'Schmidt'	Forest Green Oak
Quercus garryana	Oregon White Oak (from local genetic stock—not California origin)
Quercus rubra	Northern Red Oak (Restrict use in height critical areas)
Tillia sp. 'Variety'	Linden

B. Evergreen Trees

Chamaecyparis obtusa 'Gracilis'	Slender Hinoki Cypress
Cryptomeria japonica	Japanese Cryptomeria (dwarf varieties)
Juniperus spp.	Hollywood and Skyrocket
Metasequoia glyptostroboides	Dawn Redwood
Pinus nigra	Austrian Black Pine
Pinus ponderosa	Ponderosa Pine

C. Ornamental Trees

Acer buergeranum	Trident Maple
Acer campestre	Hedge Maple
Acer ginnala	Amur Maple
Acer griseum	Paperbark Maple
Acer palmatum	Japanese Maple
Corylopsis glabrescens	Fragrant Winterhazel
Fagus sylvatica 'Tricolor'	Tricolor European Beech
Magnolia sculangiana 'Variety'	Saucer Magnolia varieties
Malus 'Spring Snow'	Spring Snow Crabapple
Oxydendron arboreum	Sourwood
Parrotia perisica	Persian Parrotia
Prunus sp. 'Variety'	Non-fruiting Flowering Cherries
Prunus sp. 'Variety'	Non-fruiting Ornamental Pears

D. Shrubs

Abelia x grandiflora 'Prostrata'	Prostrate Glossy Abelia
Aucuba japonica 'Nana'	Dwarf Japanese Aucuba
Azalea	Azaleas (native azalea recommended)
Berberis thunbergii 'Crimson Pygmy'	Crimson Pygmy Barberry (do not use in large masses)
Berberis thunbergii 'Atropurpurea'	Red Leaf Japanese Barberry (do not use in large masses)
Berberis verruculosa	Warty Barberry (do not use in large masses)
Buxus sp.	Boxwoods
Ceanothus sp.	Wild Lilac (hardy varieties only)
Chamaecyparis obtusa 'Nana Lutea'	Dwarf Lutea Hinoki Cypress
Chamaecyparis obtusa 'Nana Gracilis'	Dwarf Gracilis Hinoki Cypress
Continus coggygria	Smoke Tree
Cornus stolinifera 'Lelsey'	Kelsey Dwarf Dogwood
Daphne sp.	Daphne
Enkianthus campanulatus	Redvein Enkianthus
Erica	Heath
Euonymus sp.	Euonymus
Forsythia sp.	Forsythia
Hemerocallis hybrid	Day Lilly
Hydrangea sp.	Hydrangea
Juniperus 'Variety'	Juniper
Kerria japonica	Kerria
Leucothue fontanesiana	Drooping Leucothue
Pinus mugo mughus	Mugo Pine (dwarf only)
Potentilla fruticosa	Bush Cinquefoil
Prunus laurocerasus 'Otto Luyken'	Otto Luyken Laurel
Rhododendron	Dwarf (or Low Growing) Rhododendrons
Rhus typhinia 'Laciniata'	Cut Leaf sumac
Rosa Hybred Ornamentals	Rose (Ornamental varieties with low rose hip production only, no native varieties)

Salix purpurea 'Nana'	Dwarf Alaskan Blue Willow
Skimmia japonica	Japanese Skimmia (male only)
Taxus baccatta 'Variety'	Yew
Viburnum davidii	David Viburnum

E. Ornamental Grasses

Festuca ovina 'Glauca'	Blue Sheep Fescue
Ophiopogon japonicus 'Nanus'	Dwarf Mondo Grass
Pennisetum alopecuroides 'Hameln'	Hameln Dwarf Fountain Grass

Other Ornamental grasses with colored or variegated foliage that do not produce forage seeds

F. Groundcovers

Ajuga repens	Carpet Bugle
Arctostaphylos uva-ursi 'Massachusetts'	Massachusetts Kinnikinick
Calluna vulgaris	Heather
Euonymus fortunei	Wintercreeper Euonymus
Genista pilosa	Pilosa Broom
Iberis sempervirens	Evergreen Candytuft
Juniperas horizontalis 'Variety'	Juniper
Pachysandra terminalis	Japanese Spurge
Paxistima canbyi	Canby

G. Water Quality/Drainage Feature Areas

Acer circinatum	Vine Maple
Acer macrophyllum	Bigleaf Maple (Restrict use in height critical areas)
Alnus rubra	Red Alder (Limit mass planting, Restrict use in height critical areas)
Aster sp.	Aster (Native species)
Brodiaea coronaria	Harvest Brodiaea
Brodiaea howellii	Howell's Brodiaea
Brodiaea hyancintha	Hyacinth Brodiaea
Bromus carinatus	California Brome Grass
Bromus sitchensis	Alaska Brome
Bromus vulgaris	Columbia Brome
Carex sp.	Sedges (natives only)
Cornus stolonifera	Creek Dogwood
Crataegus suksdorfii	Black Hawthorne
Elocharis sp.	Creeping Spike Rush
Elymus glaucus	Blue Wildrye
Euonymous occidentalis	Western Wahoo
Festuca occidentalis	Western Fescue
Festuca rubra	Red Fescue
Festuca subulata	Bearded Fescue
Festuca subulifera	Coast Range Fescue
Fraxinus latifolia	Oregon Ash (Restrict use in height critical areas)
Glyceria occidentalis	Western Mannagrass
Holodiscus discolor	Oceanspray
Juncus sp.	Rushes (natives only)
Poa compressa	Canada Bluegrass
Poa grayana	Gray's Bluegrass
Poa howellii	Howell's Bluegrass

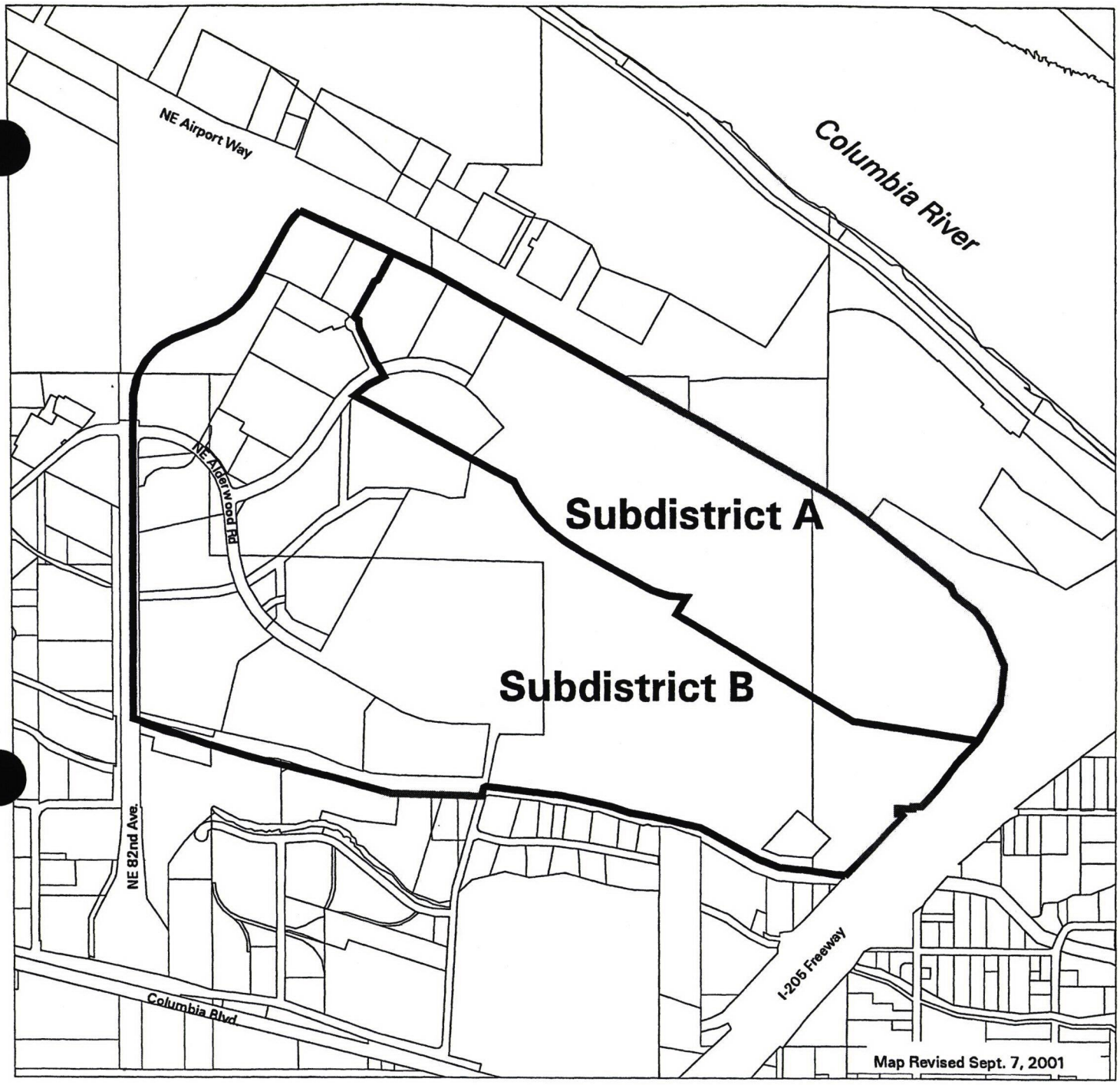
Polystichum munitum	Sword Fern (other ferns as appropriate for planting circumstances)
Populus trichocarpa	Black Cottonwood (Restrict use in height critical areas)
Potentilla anserina pacifica	Silverweed
Quercus garryana	Oregon White Oak (from local genetic stock—not California origin)
Salix Fluviatilis	Columbia River Willow
Salix lasiandra	Pacific Willow
Salix rigida	Rigid Willow
Salix piperi	Piper's Willow
Salix scouleriana	Scouler's Willow
Salix sessilifolia	Soft-leaved Willow
Salix sitchensis	Sitka Willow
Scirpus microcarpus	Small-fruited Bulrush
Spiraea douglasii	Douglas Spiraea
Symphoricarpos alba	Snowberry (limit masses)

Versatile, Low Maintenance Biofilter/Water Quality Turf Mixtures

H. Turf Grass. Versatile Turf Mixtures that meet the requirements of the Port of Portland Wildlife Hazard Management Plan (ability to be maintained at a 6"-8" height with little or no seed production).

I. Vines

Clematis armandii	Evergreen Clematis
Clematis 'Ornamental Deciduous' Varieties (vitalba and ligusticifolia not allowed)	Flowing Clematis
Partenocissus tricuspidata	Boston Ivy
Jasminum sp.	Jasmine



NORTH

0′ 825′ 1650′

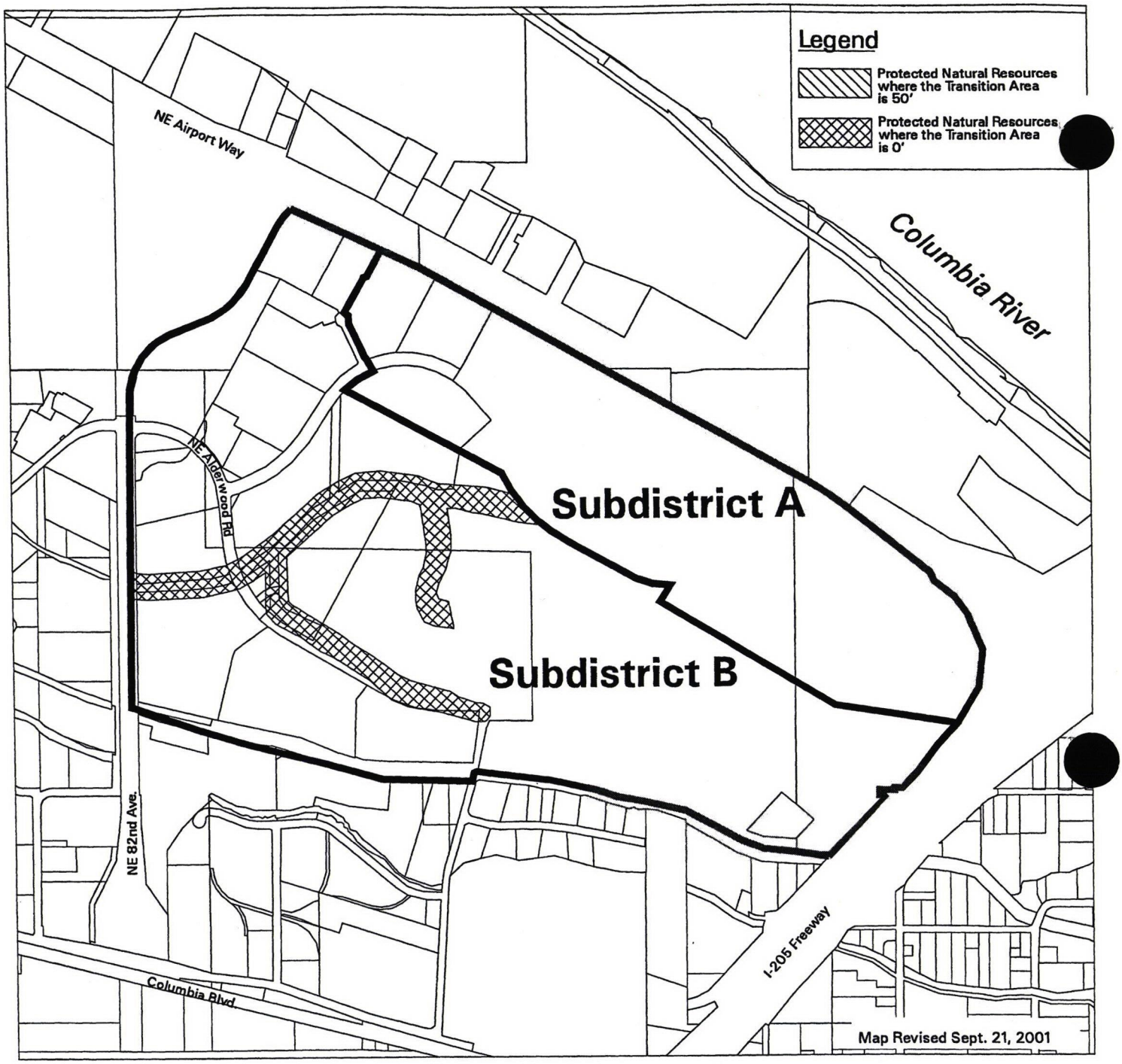
Scale in Feet

Plan District / Subdistrict Boundaries

Map 508-1

Cascade Station / Portland International Center Plan District

Bureau of Planning • City of Portland, Oregon



NORTH

0' 825' 1650'

Scale in Feet

Plan District / Subdistrict Boundaries

Map 508-2

Cascade Station / Portland International Center

Areas where Environmental Transition Area is 0 Feet

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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; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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Map 510-8 Core and Parking Sectors
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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 Central City Transportation Management Plan. The Central City plan district implements portions of these plans by adding code provisions that 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 uses, 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.

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

A. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.

B. Conditional uses.

1. More than one Retail Sales And Service or Office use on a site is a conditional use.

2. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited, except in historic landmarks. In historic landmarks, Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 25,000 square feet or the FAR is more than 2:1 are prohibited.

3. Office uses where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Office uses where the floor area is more than 60,000 square feet or the FAR is more than 1:1 are

prohibited, except in historic landmarks. In historic landmarks, Office uses where the floor area is more than 60,000 square feet or the FAR is more than 2:1 are prohibited.

33.510.114 Exemptions for Portland State University

A. Development by Portland State University within the University District, is exempt from the Conditional Use requirements of Section 33.815.070, Sites with Split Zoning;

B. Development by Portland State University within the University District is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

33.510.115 Additional Uses Allowed in the Open Space Zone

A. Purpose. Additional uses are allowed on certain sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. In some cases, more intense activities are appropriate when the open space site is located near a Transit Station. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in some urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

B. Additional uses allowed. The following uses are allowed on sites in the OS zone that are also shown on Map 510-10:

1. One Retail Sales And Service use such as flower, food and drink stands, and other similiar pedestrian-oriented uses, per site is allowed. The floor area of the use may be up to 2,500 square feet, but no larger than 5 percent of the area of the site.

2. Parking that is totally below grade and existed as of February 9, 2000; and

3. Major Event Entertainment and Commercial Outdoor Recreation uses that comply with the standards of Chapter 33.262, Off-Site Impacts, are allowed on sites that:

   a. Are at least 5 acres in area;

   b. Are within 500 feet of a Transit Station;

   c. Have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;

   d. Have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and

e. If the site is not managed by the owner, have an Operating Agreement that is approved by City Council.

C. Good Neighbor Agreement

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.

2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.

3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator.

   a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4, below.

   b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:

      (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;

      (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:

         - The notice must be mailed at least 14 days before the date of the meeting;

         - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and

         - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.

   c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:

      (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the

neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;

(2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;

(3) Additional meetings. Additional meetings may be held.

d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

(1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b(2), above;

(2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;

(3) The names and addresses of those who attended the meeting;

(4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;

(5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;

(6) A copy of the notice of City Council hearing required by C.3.e(1), below; and

(7) The names and addresses of all those to whom the notice of City Council hearing was mailed.

e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:

(1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;

(2) The notice must also be published in a recognized newspaper;

(3) The notice must be mailed at least 14 days before the hearing; and

(4) The notice must contain at least the following information:

- The date, time, and place of the City Council hearing;
- A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
- The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
- A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3 of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4 of the Zoning Code;
- A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
- An explanation of the local decision-making process for making this decision, as described in this Section of the Zoning Code;
- An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
- A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.

f. Notice of City Council decision. The City Auditor 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 City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:

a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;

b. Event limitations;

c. Noise management;

d. Box Office hours of operation;

e. Litter management;

f. Lighting;

g. Communications, including a process for receiving, recording, and responding to community comments;

h. Alcohol management;

i. Security;

j. Hours of operation including those for set-up and take-down;

k. Community use of the site;

l. Motorized events;

m. Oversight committee;

n. Enforcement of the Good Neighbor Agreement;

o. Exceptions to the Good Neighbor Agreement;

p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and

q. Effective date, term of the agreement, and date of expiration.

D. Comprehensive Transportation Management Plan

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.

2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.

3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator

   a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4, below.

   b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations

within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.

c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b, above, is mailed.

The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required by Paragraph D.4. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

(1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b, above;

(2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;

(3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;

(4) A copy of the notice of City Council hearing required by Subparagraph D.3.d below; and

(5) The names and addresses of all those to whom the notice of City Council hearing was mailed.

d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:

(1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;

(2) The notice must also be published in a recognized newspaper;

(3) The notice must be mailed at least 14 days before the hearing; and

(4) The notice must contain at least the following information:

- The date, time, and place of the City Council hearing;
- A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c(3);

- The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan ;

- A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3 of the Zoning Code, and has included the elements in the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4 of the Zoning Code;

- A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;.

- An explanation of the local decision-making process for making this decision, as described in this Section of the Zoning Code;

- An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;

- A statement that all information 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

- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.

e. Notice of City Council decision. The City Auditor 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 City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:

   a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;

   b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and

   c. Proposed mitigation measures.

33.510.116 Retail Sales And Service Uses for Specified Sites in the EX Zone

A. Purpose. Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.

B. Limitation. On sites in the EX zone within the area shown on Map 510-11, Retail Sales And Service uses are allowed up to 40,000 square feet of floor area for each use. Retail Sales And Service uses larger than 40,000 square feet of floor area for each use are prohibited.

33.510.117 Retail Sales And Service and Office Uses in the RX Zone

A. Purpose. The provisions of this section enhance the residential character of the RX zone and improve the economic viability of residential development by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.

B. Where these regulations apply. The regulations of this section apply to sites in the RX zone, except in the area shown on Map 510-14, and supersede the regulations of the base zone. Sites in the area shown on Map 510-14 are subject to the regulations of Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea, not those of this section.

The regulations of Paragraph D.2 apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3 apply to sites that are on the Park Block frontages. The Park Block frontages are shown on Map 510-13.

C. Adjustments prohibited. Adjustments to the regulations of this section are prohibited.

D. Retail Sales And Service and Office uses in the RX zone.

1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

2. Sites not on Park Block frontages. On sites that are not on the Park Block frontages, shown on Map 510-13, the following regulations apply:

   a. New multi-dwelling development.

      (1) Limited uses.

      - If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;

      - If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.

(2) Conditional uses.

- If any portion of the Retail Sales And Service or Office uses is not on the ground floor, more than 20 and up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;

- If the entire site is within 500 feet of a Transit Station, more than 20 and up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.

b. Conversion of existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met:

(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and

(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.

3. Sites on Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-13, the following regulations apply:

a. New multi-dwelling development. Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;

b. Conversion of existing multi-dwelling development. Conversion of existing multi-dwelling development to Retail Sales And Service and Office uses is prohibited.

33.510.118 Use Regulations for Specified Sites in the West End Subarea

A. Purpose. Provisions within this section are intended to encourage an infill pattern of development in the portion of the West End Subarea shown on Map 510-14. This infill strategy preserves the Central Residential zone while encouraging a wider range of nonresidential uses. These provisions limit redevelopment pressure on existing housing.

B. Where these regulations apply. The regulations of this section apply to sites in the area shown on Map 510-14, and supersede the regulations of the base zone. Minimum residential densities must be met only where specified in this section. The regulations of subsection D apply to Type C sites. Where the site, or a portion of the site, occupies a full block, the regulations of Subsection E apply to the full-block portion of the site. Portions of the site that are not part of the full block must meet the regulations for sites that are less than a full block. The regulations of subsections F, G, and H apply where the site occupies less than one full block.

C. Adjustments prohibited. Adjustments to the regulations of this section are prohibited.

D. Demolition on Type C sites. Demolition on Type C sites as shown on Map 510-14, is subject to subsection 33.510.242.C.

E. Full-block sites. Where the site, or a portion of the site, occupies a full block, at least 50 percent of all net floor area on the full block portion of the site must be in Household Living uses, and the minimum residential density requirement of the RX Zone must be met. The net floor area that is not in Household Living uses is regulated as specified in Subsection F, with all percentages of allowed development based on the floor area in nonresidential use, not the total floor area on the block.

F. Type A sites. On Type A sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare Uses. Up to 100 percent of the net floor area may be in Household Living, Retail Sales And Service, Office, Schools, Parks And Open Areas, Colleges, Medical Centers, Religious Institutions, and Daycare uses;

2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;

3. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the net floor area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the net floor area in Basic Utilities and Community Service uses is a conditional use;

4. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274;

5. Commercial Parking is subject to Central City Parking Review;

6. Rail Lines And Utility Corridors are a conditional use;

7. Uses and amounts of uses not specifically listed in this subsection are prohibited.

G. Type B sites. On Type B sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living uses. Up to 100 percent of the net floor area may be in Household Living uses;

2. Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net floor area may be in Schools, Colleges, Medical Centers, Religious Institutions, Parks And Open Areas, and Daycare uses if the requirements of Subsection I are met;

3. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239;

4. Retail Sales And Service and Office uses:

   a. Up to 125 percent of the net floor area that existed on the site on January 1, 2002 may be in Retail Sales And Service or Office uses if the requirements of Paragraphs I.2 and 3 are met. The applicant must document the amount of floor area that existed on the site on January 1, 2002;

   b. More than 125 percent of the net floor area that existed on the site on January 1, 2002 in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.122 and the requirements of Subsection I. Only the square footage above 125 percent is a conditional use, and only the square footage above 125 percent must meet the requirements of Paragraph I.1.

5. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the net floor area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the net floor area in Basic Utilities and Community Service uses is a conditional use;

6. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.

7. Commercial Parking is subject to Central City Parking Review.

8. Rail Lines And Utility Corridors are a conditional use;

9. Uses and amounts of uses not specifically listed in this subsection are prohibited.

H. Type C sites. On Type C sites, as shown on Map 510-14, where the site occupies less than one full block, the following use regulations apply:

1. Household Living, Parks And Open Areas, and Daycare uses. Up to 100 percent of the net floor area may be in Household Living, Parks And Open Areas, and Daycare uses.

2. Group Living. Group Living for up to 15 residents is allowed. Group Living for more than 15 residents is a conditional use. See Chapter 33.239.

3. Retail Sales And Service and Office uses:

   a. Up to 20 percent of the floor area may be in Retail Sales And Service and Office uses;

   b. More than 20 percent and up to 40 percent of the floor area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110; and

   c. If all portions of the site are within 500 feet of a Transit Station, more than 20 percent and up to 50 percent of the floor area in Retail Sales And Service and Office uses is a conditional use, subject to the approval criteria of 33.815.110;

d. Up to 100 percent of the floor area may be in Retail Sales And Service or Office uses if the requirements of Subsections I and J are met.

4. Up to 100 percent of the floor area may be in College, Religious Institution, Medical Center, and School uses if the requirements of Subsections I and J are met.

5. Basic Utilities and Community Service uses:

   a. Up to 20 percent of the floor area may be in Basic Utilities and Community Service uses; and

   b. More than 20 percent of the floor area in Basic Utilities and Community Service uses is a conditional use;

6. Radio Frequency Transmission Facilities. Some Radio Frequency Transmission Facilities are allowed by right, while others are conditional uses. See Chapter 33.274.

7. Commercial Parking is subject to Central City Parking Review.

8. Rail Lines And Utility Corridors are a conditional use;

9. Uses and amounts of uses not specifically listed in this subsection are prohibited.

I. Development standards. The development standards of this subsection must be met when required by subsections G or H.

1. Mixed-use character. The following formula is used to determine the maximum square footage of non-residential development allowed on the site:

   (Residential net floor area developed in the area shown on Map 510-14 since January 1, 2002) minus (Non-residential net floor area developed in the area shown on Map 510-14 since January 1, 2002) equals the maximum non-residential net floor area allowed on the site. Net floor area is considered to be "developed" when an occupancy permit has been issued.

   If the result of the calculation is zero or a negative number, no non-residential net floor area is allowed on the site;

2. No surface parking. Surface parking on the site is prohibited. All existing surface parking on the site must be removed as part of the proposal; and

3. Active ground floor uses. The proposed development must meet the requirements of Section 33.510.225, Ground Floor Active Uses. Parking is not allowed in portions of a building that are required to meet this standard.

J. Housing mitigation. The standards of this subsection must be met when required by subsection H. The applicant must mitigate for the lost housing using one of the three methods in this subsection:

1. Method 1: Replace the housing as part of the proposed development, as follows.

   a. The development proposed for the site must include at least the same number of dwelling units as existed on the site on January 1, 2002;

b. The development proposed for the site must include at least the same amount of square footage in residential use as existed on the site on January 1, 2002; and

c. There must be a covenant for the dwelling units and square footage used to meet this provision; the covenant must meet the requirements of Paragraph J.4;

2. Method 2: Donate another site for residential development, as follows.

a. The donated site must be at least 5,000 square feet in area, or at least half the size of the area of the site proposed for development, whichever is larger;

b. The donated site must be within the Central City plan district and west of the Willamette River; and

c. The site must be donated to the Portland Development Commission (PDC). PDC will ensure that the donated site is developed to replace both the number of dwelling units and the residential square footage lost through the proposal. PDC will also ensure that the dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years;

3. Method 3: Ensure preservation of existing affordable housing, as follows:

a. For each dwelling unit that existed on the site on January 1, 2002, two existing dwelling units must be preserved as specified in this paragraph;

b. The units to be preserved must be in the West End subarea of the Downtown subdistrict; and

c. There must be a covenant for the dwelling units used to meet this provision; the covenant must meet the requirements of Paragraph J.4;

4. Dwelling unit preservation and affordability. Where required by this subsection, the property owner must submit a letter from the Portland Development Commission (PDC) certifying the following. The letter must be included with the development application, except for situations described in Subsection 33.510.118.D, where the letter must be included with the application for a demolition permit.

a. That the owner has executed a covenant with the City that complies with the requirements of Section 33.700.060;

b. That the covenant ensures that:

(1) The dwelling units will be affordable to households earning less than 60 percent of median family income for the region, and that the units will remain so for at least 60 years; and

(2) The dwelling units will be preserved for at least 60 years.

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.

1. Generally. 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.

2. Goose Hollow. The minimum floor area ratio for all sites in the Goose Hollow subdistricts is 1 to 1.

3. Specified sites in the West End Subarea. In the area shown on Map 510-14, the following regulations apply:

   a. Maximum. The maximum floor area ratio is 6 to 1. If at least 33 percent of floor area is in residential use, the maximum floor area ratio is 9 to 1.

   b. Minimum. The minimum floor area ratio is 2 to 1.

C. Limit on increased floor area.

1. Generally. In situations where FAR increases are allowed, whether by transfers of floor area or bonus floor area options, increases more than 3 to 1 above those shown on Map 510-2 are prohibited, except as allowed in subparagraph C.2;

2. In the portion of the West End subarea that is not shown on Map 510-14, the following applies. In situations where FAR increases are allowed, there is no maximum on the amount of bonus floor area that may be earned. However, the total floor area on a site, including bonus floor area and transferred floor area, may not be more than 12 to 1. Adjustments 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.

F. Transfer of residential floor area.

1. Purpose. Transfer of floor area ratio potential from sites occupied by residential development is allowed in order to reduce market pressure for removal of existing housing.

2. Allowable floor area transfers.

a. The owners of qualifying sites may transfer 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 transferred to a site is limited to that allowed by 33.510.200.C.

c. The sending residential 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 housing in conformance with the standards of this subsection. The covenant must meet the requirements of 33.700.060.

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 F. below or by 33.510.210.D., E., or F.

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 Ground Floor Active Use standard 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.

F. Height standard for housing on specified sites in the West End subarea. In the area shown on Map 510-14, building heights 175 feet higher than shown on Map 510-3 are allowed if all the floor area constructed above the limits shown on Map 510-3 is used exclusively for housing.

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 Regional Arts and Culture Council. 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 Regional Arts and Culture Council. The Regional Arts and Culture Council 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 Regional Arts and Culture Council.

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 Regional Arts and Culture Council. The Design Commission will recommend appropriate locations prior to the Regional Arts and Culture Council 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.

10. Eco-roof bonus option. Eco-roofs are encouraged in the Central City because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES). Proposals that include eco-roofs receive bonus floor area. A proposal may not earn bonus floor area for both the eco-roof option and the rooftop gardens option; only one of these options may be used.

a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:

(1) Where the total area of eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.

(2) Where the total area of eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.

(3) Where the total area of eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.

b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.

c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060.

11. Large dwelling unit bonus option. In the West End subarea, new development with dwelling units larger than 750 square feet receive bonus floor area. Where a dwelling unit is larger than 750 square feet, each square foot over 750 square feet earns a bonus of one square foot. For example, if a building includes one 700 square foot unit, one 900 square foot unit, and one 950 square foot unit, a bonus of 350 square feet will be earned. To qualify for this

bonus option, the property owner must execute a covenant with the City ensuring that the units used for bonuses will not be reduced in size. The covenant must comply with the requirements of Section 33.700.060.

12. Middle-income housing bonus option. Housing for middle-income residents receives bonus floor area. For each square foot of floor area certified by the Portland Development Commission, three square feet of bonus floor area is earned. To qualify for this bonus, the proposed development must meet all of the following requirements:

    a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) certifying that at least 30 percent of new dwelling units in the proposed development will be affordable to those earning no more than 150 percent of the area median family income;

    b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. This covenant must ensure that:

        (1) Rental units used for this bonus will remain affordable to those earning no more than 150 percent of the area median family income for at least 60 years after an occupancy permit is issued; and

        (2) Units for sale used for this bonus will be initially sold at a price that is affordable to those earning no more than 150 percent of area median family income.

    c. Residential portions of mixed-use projects using this bonus must be completed and receive an occupancy permit in advance of or at the same time as an occupancy permit for any nonresidential portion of the project.

13. Small development site option. In the West End subarea, developments on small development sites receive floor area bonuses. To qualify for this bonus, the development site must be 15,000 square feet or less. The development site is all of the lots, lots of record, and plots proposed for the development, including accessory uses. Lots, lots of record, and plots that are under the same ownership, and that are vacant or used for surface parking, and that abut those proposed for the development are included in the development site.

    The amount of the bonus varies with the size of the development site, as follows:

    a. Where the development site up to 5,000 square feet, the FAR is increased by 1.5;

    b. Where the development site is larger than 5,000 square feet and up to 10,000 square feet, the FAR is increased by 1.0;

    c. Where the development site is larger than 10,000 square feet and up to 15,000 square feet, the FAR is increased by 0.5.

14. Affordable Housing Replacement Fund bonus option. Contributors to the Affordable Housing Replacement Fund (AHRF) receive floor area bonuses. For each $10 in 1990 dollars contributed to the AHRF, one square foot of bonus floor area is earned, up to a maximum of two square feet per square foot of site area. To qualify for this bonus, the following requirements must be met:

a. The applicant must submit with the development application a letter from the Portland Development Commission (PDC) documenting the amount, in current year and 1990 dollars, that has been contributed to the AHRF;

b. The bonus floor area may be used only in the Central City plan district.

c. The Affordable Housing Replacement Fund is to be collected and administered by the Portland Development Commission (PDC). The funds collected may be used only within the Central City plan district, either for acquisition, rehabilitation, remodeling or construction of housing affordable to those households earning no more than 60 percent of area median income.

15. Below-grade parking bonus option. In the West End subarea, where parking on the site is located below grade, a bonus of two additional square feet of floor area is earned for each square foot of below-grade parking. To qualify for this bonus, the following requirements must be met:

a. Except as allowed by subparagraph C.15.c, all parking on the site must be below grade. This includes both commercial and accessory parking;

b. Where accessory parking is off-site, it must be below grade; and

c. One parking space per 5,000 square feet of site area may be on the ground floor of the building if both the parking spaces and any vehicles parked there are completely screened from all adjacent rights-of-way. These spaces do not qualify for bonus floor area.

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 floor area bonuses and transfers listed in Paragraph D.1, below. The amount of bonus height awarded is specified in Paragraphs D.2 and D.3, below.

1. The height bonus allowed is based on the following:

a. The floor area bonus options of Subsection 33.510.210.C, above;

b. The transfer of floor area from sites occupied by SROs, as allowed by Subsection 33.510.200.E; and

c. The transfer of floor area from sites of Historic Landmarks, as allowed by the regulations of the base zones.

2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:

a. 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.

b. 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.

c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.

3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:

a. For achieving bonus floor area of at least 40,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.

b. For achieving bonus floor area of at least 80,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.

c. For achieving bonus floor area of 120,000 square feet or more, a height bonus of 45 feet is earned.

E. Bonus height option for housing.

1. Generally. In the bonus height areas, building heights may be allowed to be greater than shown on Map 510-3 if the bonus height is for housing.

2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D, above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D, above, must be used exclusively for housing, and may not be used to qualify for the residential floor area bonus option in Subsection C.1, above.

3. Approval Criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height may be approved if the review body finds that the applicant has shown that all of the following criteria have been met:

a. The increased height will not violate an established view corridor;

b. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in R zoned lands;

c. If the site is shown on Map 510-3 as eligible for the Open Space (OS) performance standard, the project must meet the performance standards of Subsection 33.510.205.E;

d. If the site is on a block adjacent to the Yamhill or Skidmore Fountain/Old Town Historic Districts, the project must meet the performance standards of Subsection 33.510.205.D; and

e. The increased height will result in a project that better meets the applicable design guidelines.

F. Bonus height option for high ceilings in the West End. In the West End subarea, proposals where any of the residential floor-to-ceiling heights exceed 8 feet receive bonus height. Each floor that has a ceiling height of more than 8 feet may receive up to four feet of bonus height; for each foot of floor-to-ceiling height over 8 feet, an additional foot of height is allowed above that shown on Map 510-3. To be eligible for this bonus, the floors where this bonus is earned must be in residential use, and at least 75 percent of ceiling square footage must qualify for the bonus that is being sought.

For example, the height bonus for a ten story, totally residential building where 3 floors have 10-foot ceilings (3x2=6), two floors have 12-foot ceilings (2x4=8), two floors have 14-foot ceilings (2x4=8) and three floors have 8-foot ceilings (3x0=0), the height bonus allowed would be 22 feet.

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.

33.510.221 Required Windows Above the Ground Floor

A. Purpose. Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.

B. Where this regulation applies. The regulation of this section applies to sites shown on Map 510-12.

1. In the River District, the regulation applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.

2. In the West End, the regulation applies to the portion of a site within 200 feet of a streetcar alignment.

C. Standard. Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

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.

33.510.224 Mechanical Equipment along the Portland Streetcar Alignment

A. Purpose. These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.

B. Where these regulations apply. The regulations of this section apply to sites shown on Map 510-11.

C. Screening and enclosure.

1. If mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows:

   a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants;

   b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants; or

   c. All other mechanical equipment must be within a building that is completely enclosed on all sides;

2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or plants.

D. Noise. The Portland Noise Control Office regulates noise. Noise control regulations can be found in other Titles of the Portland City Code.

33.510.225 Ground Floor Active Uses

A. Purpose. The ground floor active use 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 uses include but are not limited to: lobbies, retail, residential, commercial, and office.

B. Sites and development subject to the ground floor active use standard. Ground floor active 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. Ground floor active use 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 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 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 BDS; 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 ground floor active uses 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 ground floor active 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.

E. Parking restriction near a streetcar alignment.

1. Purpose. This provision is intended to encourage a transit-supportive, pedestrian-oriented environment adjacent to a streetcar that is safe, active with uses, and comfortable for residents, visitors, and others.

2. Regulation. In the River District subdistrict and in the West End subarea, on the portion of a site within 100 feet of a streetcar alignment (Map 510-12), parking is not allowed in the portions of a building that are required to meet the ground floor active use standard of subsection C., above.

33.510.226 Minimum Active Floor Area

A. Purpose. This requirement ensures that development within one block of a streetcar alignment supports City goals to decrease reliance on automobile travel and increase opportunities for housing and employment, by requiring a transit-supportive level of activity and intensity.

B. Where this regulation applies. The regulations of this section apply to sites shown on Map 510-7 at the end of this chapter.

C. Standard. On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Only those balconies that serve only residential uses and are at least 48 square feet in area and at least 6 feet long and 6 feet wide are included in active floor area. The active uses are:

1. Household or Group Living;
2. Retail Sales And Service;
3. Office;
4. Manufacturing And Production;
5. Industrial Service;
6. Community Service;
7. Schools;
8. Colleges;
9. Medical Centers;
10. Religious Institutions; and
11. Daycare.

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. In the River District subdistrict, drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar 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.

C. Demolition on Type C sites. If an applicant requests a demolition permit for a Type C site as shown on Map 510-14, and proposes development that requires compliance with subsections 33.510.118.I. or J., a conditional use, or a Central City Parking Review (CCPR), the application for a demolition permit must include documentation that the requirements of those subsections are met, or that the required land use review has been approved.

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 sites 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. Sites where at least one-half the site area is in industrial use are exempt from the open area requirement. However, changes resulting in more than one-half of the site area being in nonindustrial uses 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 wastewater 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.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

The sign standards are stated in Title 32, Signs and Related Regulations.

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, River District sectors

2 and 3, Central Eastside, and Lower Albina, there are maximums only for parking created in conjunction with office uses. 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
Prohibited	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. There are no 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 net building 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. Parking created to serve residential uses may be operated as either accessory or commercial parking, with the following limitations. Parking spaces may be used only as follows:

      (1) For parking by residents of the units the parking was created in conjunction with;

(2) Rented, on a monthly basis only, to residents of the plan district; and

(3) Where the residential uses are part of a mixed-use project that includes at least 25,000 square feet of non-residential uses, the parking spaces may be used for short-term parking between 7:00 AM and 6:00 PM.

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 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.

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 January 8, 1996, 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 Director of BDS 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 through g, 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.

f. West End subarea. Undedicated General parking spaces removed from a surface parking lot in the West End subarea will not automatically be added to the Parking Reserve if they are relocated as allowed by this subparagraph. Undedicated General parking spaces may be relocated if all elements listed in this subparagraph are met. Adjustments to this subparagraph are prohibited. The Undedicated General spaces may be relocated in a structure and continue to be operated as Undedicated General parking. Central City Parking Review is required for the structure where the parking spaces are relocated.

(1) The parking spaces to be removed are Undedicated General parking on a surface parking lot in the West End subarea;

(2) The parking spaces will be relocated in a structure within the West End subarea. Spaces that are not relocated in a structure within five years of their removal from a surface parking lot will be added to the Parking Reserve and will not be available for Undedicated General parking. Where a CCPR has been approved for the relocated spaces, those spaces will not be added to the Parking Reserve unless the spaces are not built and the CCPR expires.;

(3) The owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the spaces on the surface lots will not be used for parking after the date the structure with the relocated parking is occupied.

(4) Since February 1, 2002, the total number of spaces relocated under the provisions of this subparagraph, plus the spaces requested, does not exceed 750 spaces. The number of spaces relocated includes:

- Spaces that have been relocated into structures; and
- Spaces that have been approved through a Central City Parking Review that is not expired.

(5) No more than 250 Undedicated General parking spaces may be relocated to any single structure.

(6) Structures containing any relocated Undedicated General parking must meet the Ground Floor Active Use area standard of subsection 33.510.225.C.

g. Residential redevelopment. 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. For each parking space removed that meets all elements of this subparagraph, a maximum of 1.5 spaces may be replaced on the development site as specified in this subparagraph. The spaces will still be considered Undedicated General Parking. The elements are:

(1) The development site includes Undedicated General Parking on a surface parking lot. The development site is all of the lots, lots of record, and plots proposed for the development, including accessory uses. Lots, lots of record, and plots that are under the same ownership, and that are vacant or used for surface parking, and that abut those proposed for the development, are included in the development site;

(2) The parking spaces are Undedicated General Parking on a surface parking lot;

(3) The proposed redevelopment will remove all surface parking from the development site;

(4) All of the Undedicated General Parking will be within the development site, in a structure, and below grade;

(5) Since February 1, 2002, the total number of parking spaces added under the provisions of this subparagraph, plus the spaces requested to be added, does not exceed 400 spaces. The added spaces are those

built in addition to those that exist on the site. Example: 100 Undedicated General spaces are removed from a surface parking lot and, under the provisions of this subparagraph, 150 Undedicated General Parking spaces are included in the proposed development. The result is that 50 Undedicated General Parking spaces are added, and count against the limit of 400 spaces; and

(6) The proposed redevelopment will meet minimum density requirements for the RX zone.

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, Ground Floor Active Uses.

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 Ground Floor Active Use standard 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.

9. Parking in a building in the West End subarea. In the West End subarea, parking on the ground floor of a building is not allowed unless the requirements of this paragraph are met. Ground level includes any area less than 9 feet above grade that is not below grade. Where parking occupies more than 50 percent of the gross building area of a structure, the regulations of G.5, above, also must be met.

   One parking space per 5,000 square feet of site area may be on the ground floor of a building if one of the following standards is met:

   a. The parking spaces and any vehicles parked in the spaces must be completely screened from all adjacent rights-of-way; or

   b. The parking spaces must be at least 20 feet from all property lines.

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 supersede 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 July 8, 1996, 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 Director of BDS 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 supersedes previous approvals and conditions of Conditional Uses, Downtown Development Reviews, and Revocable Permits for parking on the parking lot. It does not automatically supersede 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 centerline 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
- Armstrong Red Maple
- Tschonoskii Crabapple

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
- Green Beech
- Copper Beech
- 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 January 8, 1996, 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 Director of BDS 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, Ground Floor Active Uses; 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 Ground Floor Active Use standard 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, Lower Albina Subdistrict, Central Eastside Subdistrict , and River District Sectors 1 and 2.
The regulations of this Section apply in the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, 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.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.

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 510-11 **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.			

Table 510-12 **In the Goose Hollow Subdistrict, Lower Albina Subdistrict, Central Eastside Subdistrict, and River District Sectors 1 and 2** **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	Central Eastside 1, 4, 5 and 6	Goose Hollow	Lower Albina	River District 2	River District 1
2.5	3.4	2.0	2.5	2.5	3.4 [1]

[1] The maximum ratio for Preservation Parking in River District 1 is 4.1.

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 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 lot size.

      (1) In the Goose Hollow Subdistrict, Central Eastside Sectors 2 and 3, and River District Sectors 1 and 2, 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.

      (2) In the Lower Albina Subdistrict and Central Eastside Sectors 1, 4, 5, and 6, 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 the 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, 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 January 8, 1996, must be renewed every 5 years. Undedicated General Parking as specified in Subsection D, above, is exempt from this requirement. In Lower Albina, Central Eastside Sectors 1, 4, 5, and 6 and River District Sectors 1 and 2, surface parking lots crated 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 Director of BDS may initiate reconsideration as set out in Section 33.700.040, Reconsideration of Land Use Approvals.

   d. Parking spaces removed from a surface parking lot may be replaced in a structure within the same parking sector and remain Growth Parking, if all of the following are met:

      (1) The surface parking lot must be located in River District Sector 1;

      (2) The parking spaces are Growth Parking;

      (3) The surface parking lot must be within or adjacent to a Willamette Greenway Overlay Zone;

      (4) The application for a building permit for the parking spaces must include a performance guarantee for removal of the asphalt and other paving materials. The performance guarantee must meet the requirements of Section 33.700.050, Performance Guarantees.

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, Ground Floor Active Uses; 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 Ground Floor Active Use standard 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 North Macadam Subdistrict.
The regulations of this Section apply to the North Macadam Subdistrict 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 January 8, 1996, 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 Director of BDS 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, Ground Floor Active Uses; 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 Ground Floor Active Use standard 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 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.

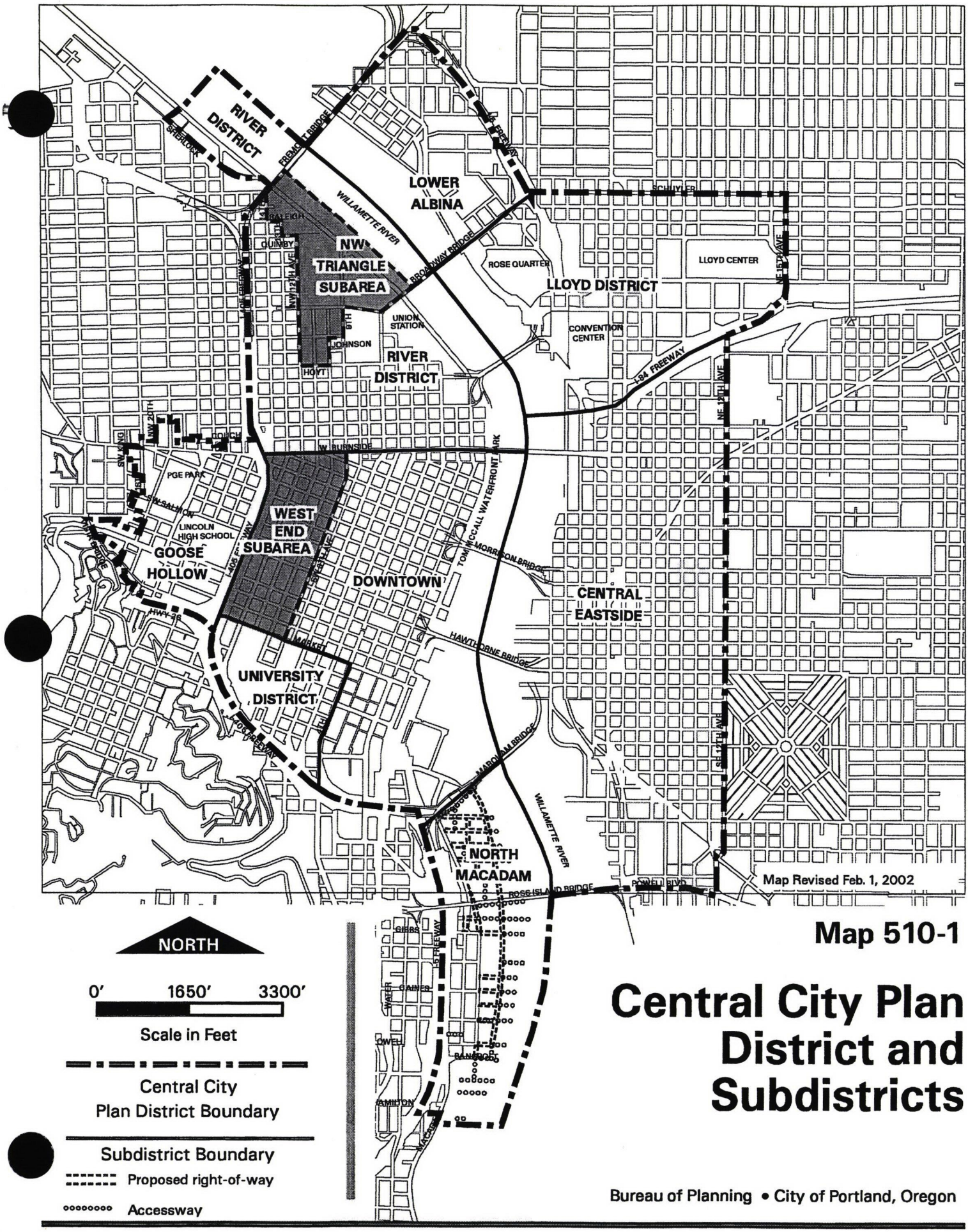
g. Placing vending carts in surface parking lots is allowed without CCPR review, but design review may be required. Spaces occupied by such carts are not considered a decrease as specified in Subparagraph G.3.d, above. The spaces may be returned to parking use without review.

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.

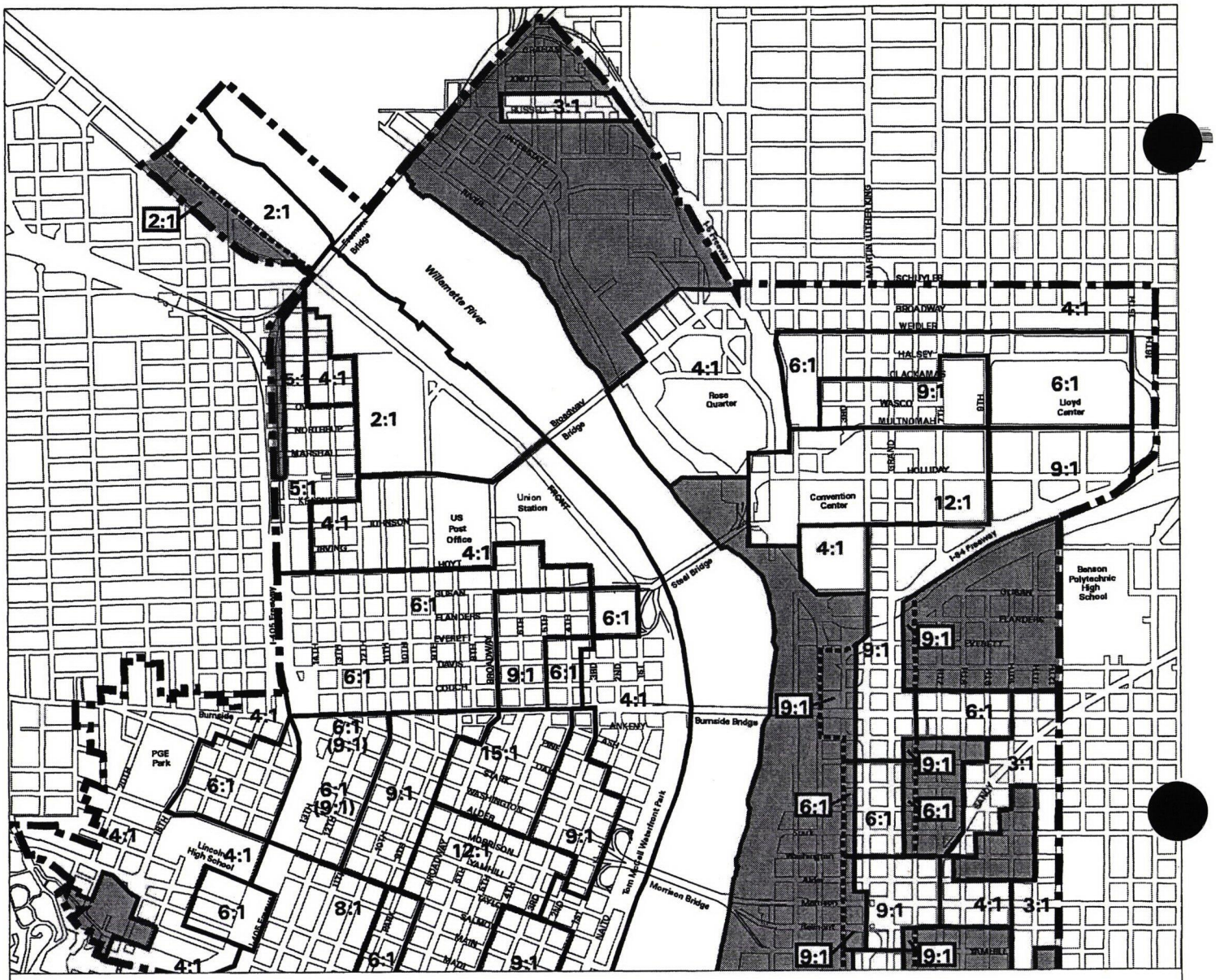
6. If the parking was operating as accessory parking to residential or hotel uses, it is Residential/Hotel Parking.



Map 510-1

Central City Plan District and Subdistricts

Bureau of Planning • City of Portland, Oregon



LEGEND

- X = Gross sq. ft. of building
- Y = Square ft. of site
- X:Y Maximum FAR
- (X:Y) Maximum Residential FAR (33.510.118)
- [X:Y] Allowable FAR when rezoned to EX

Area where Floor Area Ratio (FAR) is determined by Base Zone

FAR area boundary

Boundary of allowable FAR when rezone to EX

Map Revised Feb. 1, 2002

NORTH

0′ 1275′ 2550′

Scale in Feet

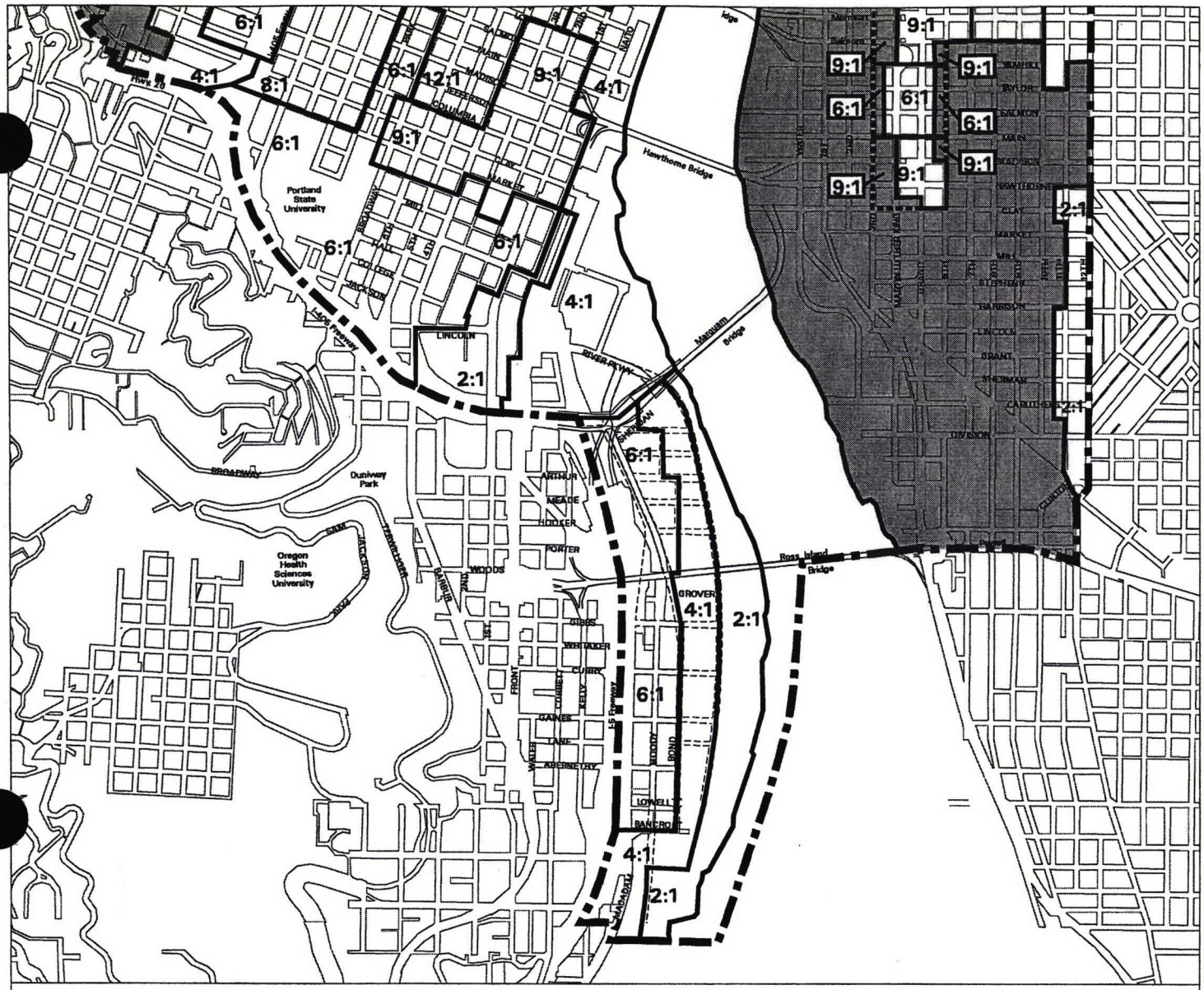
Central City Plan District Boundary

Map 510-2

Floor Area Ratios

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- **X** = Gross sq. ft. of building
- **Y** = Square ft. of site
- **X:Y** Maximum FAR
- **(X:Y)** Maximum Residential FAR (33.510.118)
- **[X:Y]** Allowable FAR when rezoned to EX

- Area where Floor Area Ratio (FAR) is determined by Base Zone
- FAR area boundary
- Boundary of allowable FAR when rezone to EX

Map Revised Feb. 1, 2002

NORTH

0′ 1275′ 2550′

Scale in Feet

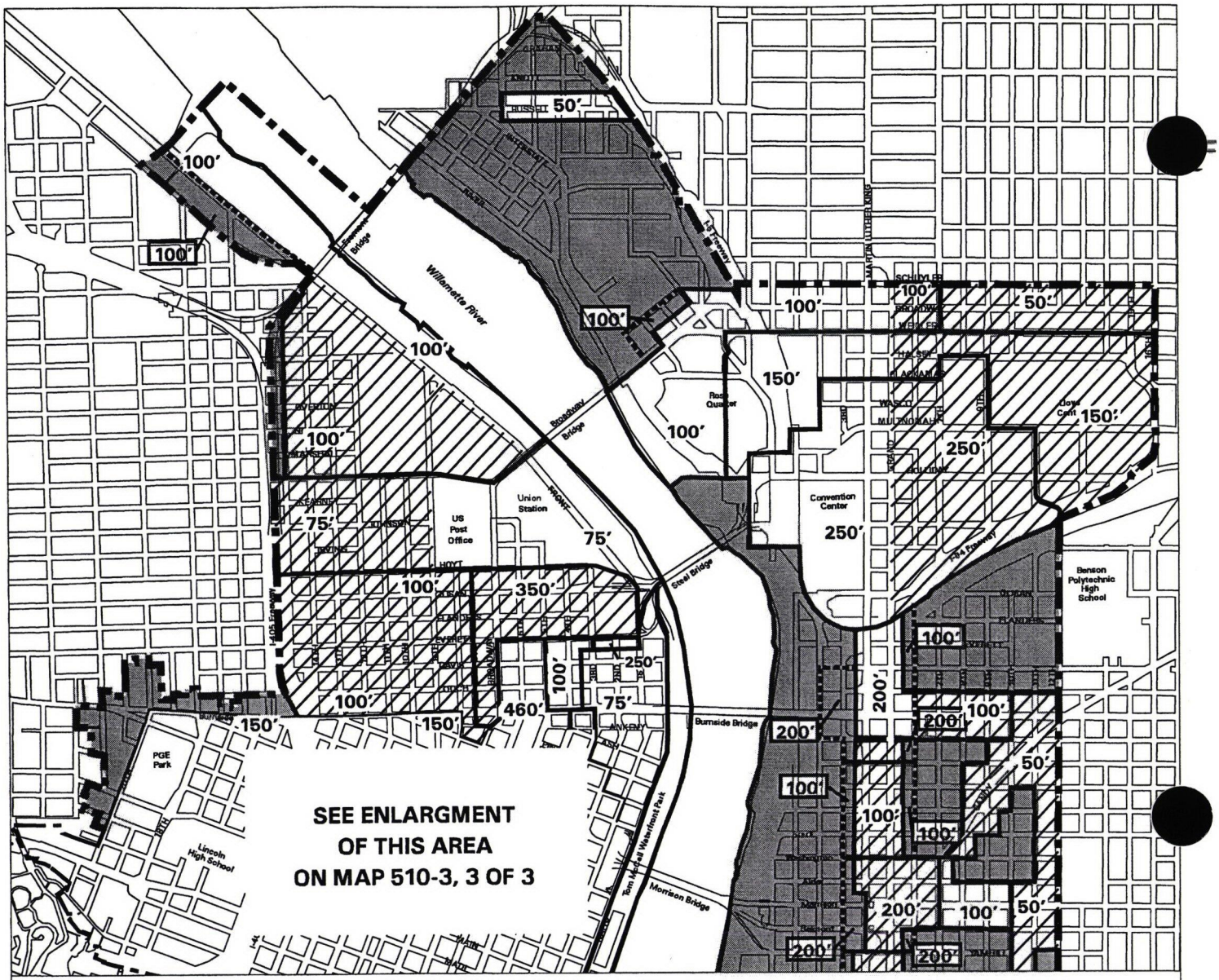
Central City
Plan District Boundary

Map 510-2

Floor Area Ratios

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1275′ 2550′

Scale in Feet

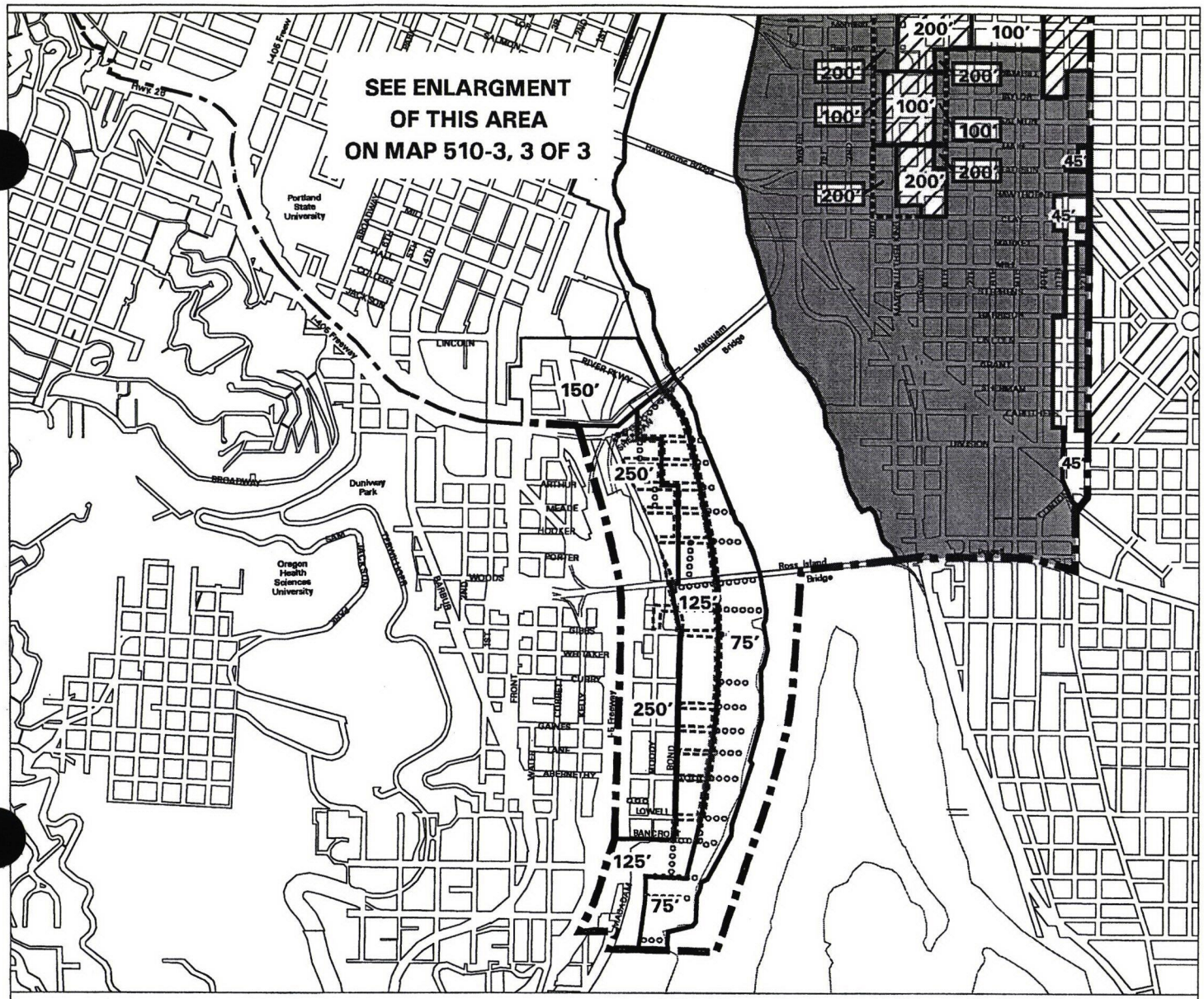
Central City
Plan District Boundary

Map 510-3

Maximum Heights

Map 1 of 3

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1275' 2550'

Scale in Feet

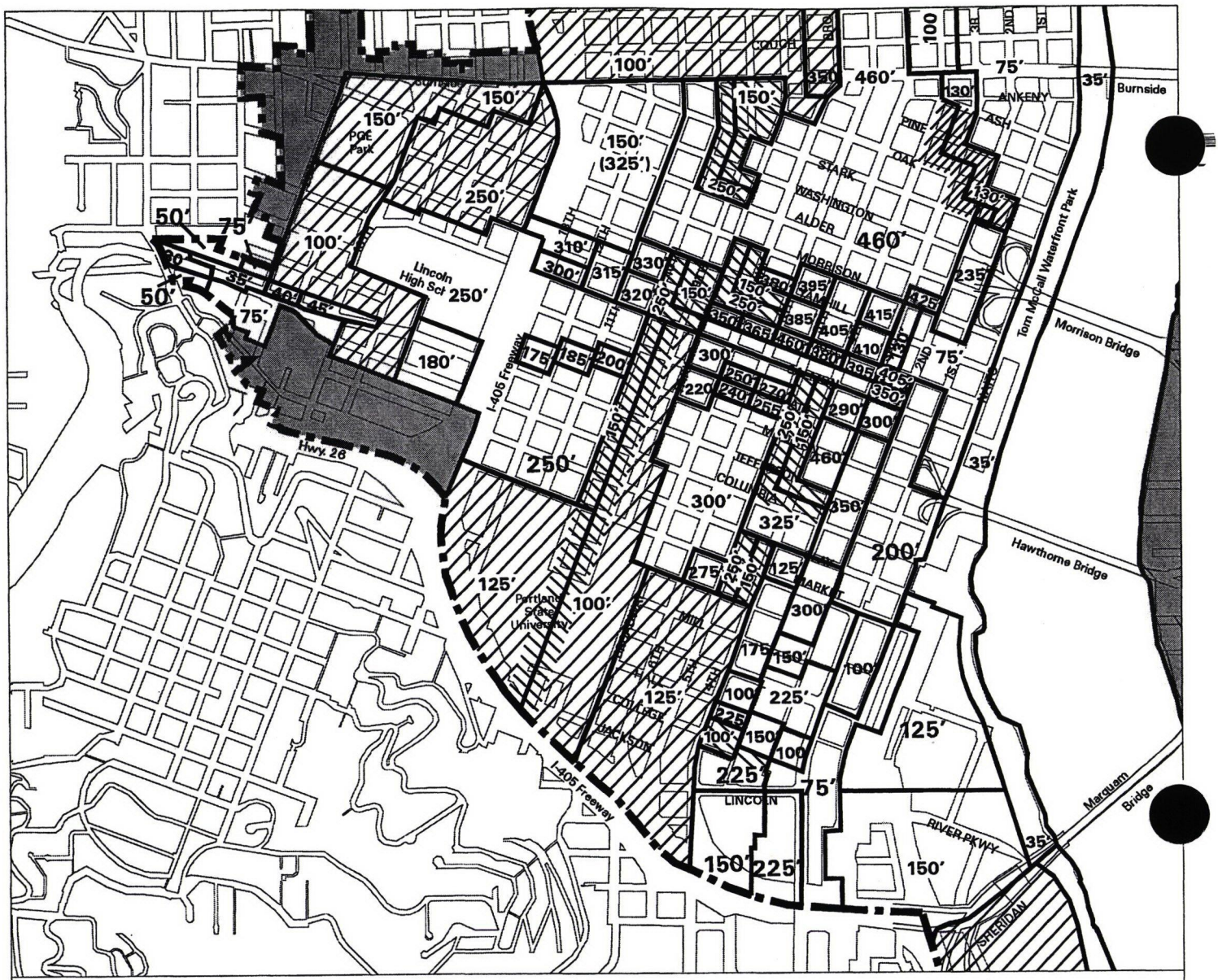
Central City
Plan District Boundary

Map 510-3

Maximum Heights

Map 2 of 3

Bureau of Planning • City of Portland, Oregon



LEGEND

- Area where maximum height is determined by Base Zone
- Area eligible for height bonuses
- Maximum heights area boundary
- 100′ Maximum building height
- Area eligible for OS (Open Space) performance standards
- Area eligible for historic step-down exception
- (325′) Allowable height for residential (33.510.205.F)

Map Revised Feb. 1, 2002

NORTH

0′ 900′ 1800′

Scale in Feet

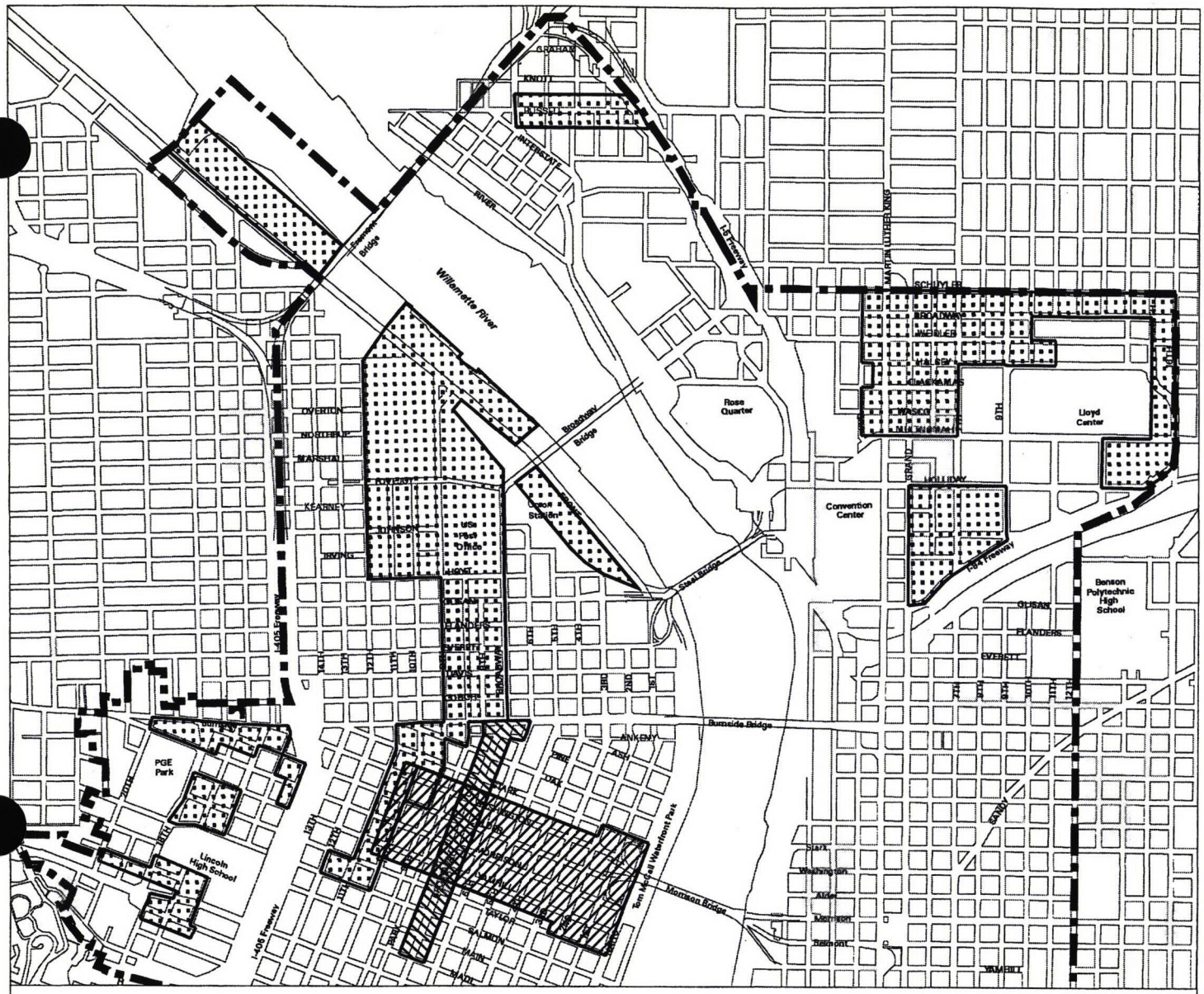
Central City
Plan District Boundary

Map 510-3

Maximum Heights

Map 3 of 3

Bureau of Planning • City of Portland, Oregon



LEGEND

- Residential bonus target area
- Retail use bonus target area
- Theaters on Broadway bonus target area
- Proposed right-of-way
- Accessway

Map Revised Sept. 7, 2001

NORTH

0′ 1275′ 2550′

Scale in Feet

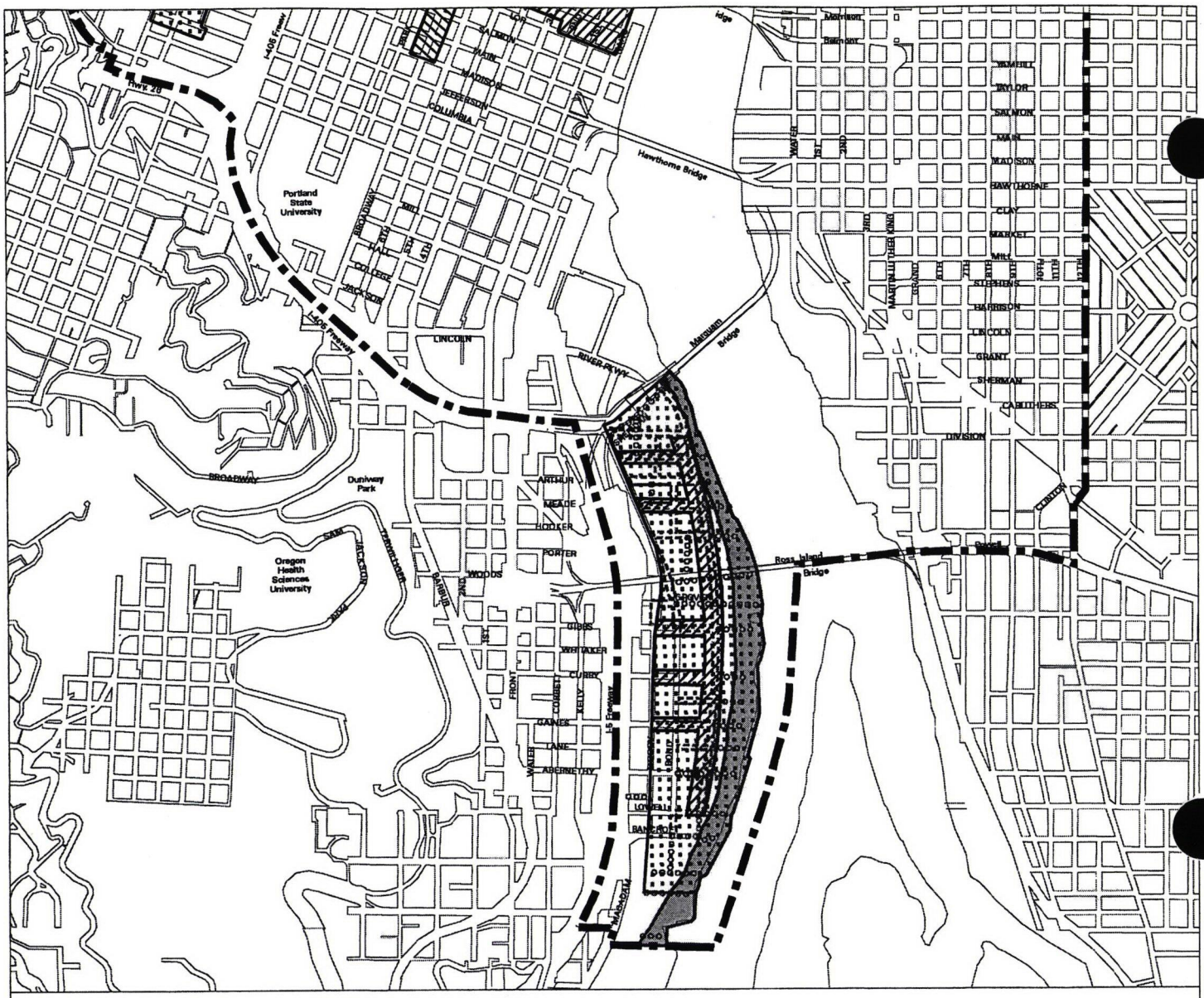
Central City Plan District Boundary

Map 510-4

Bonus Options Target Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- Residential bonus target area
- Retail use bonus target area
- Theaters on Broadway bonus target area
- Greenway bonus target area
- Proposed right-of-way
- Accessway

Map Revised Sept. 7, 2001

NORTH

0′ 1275′ 2550′

Scale in Feet

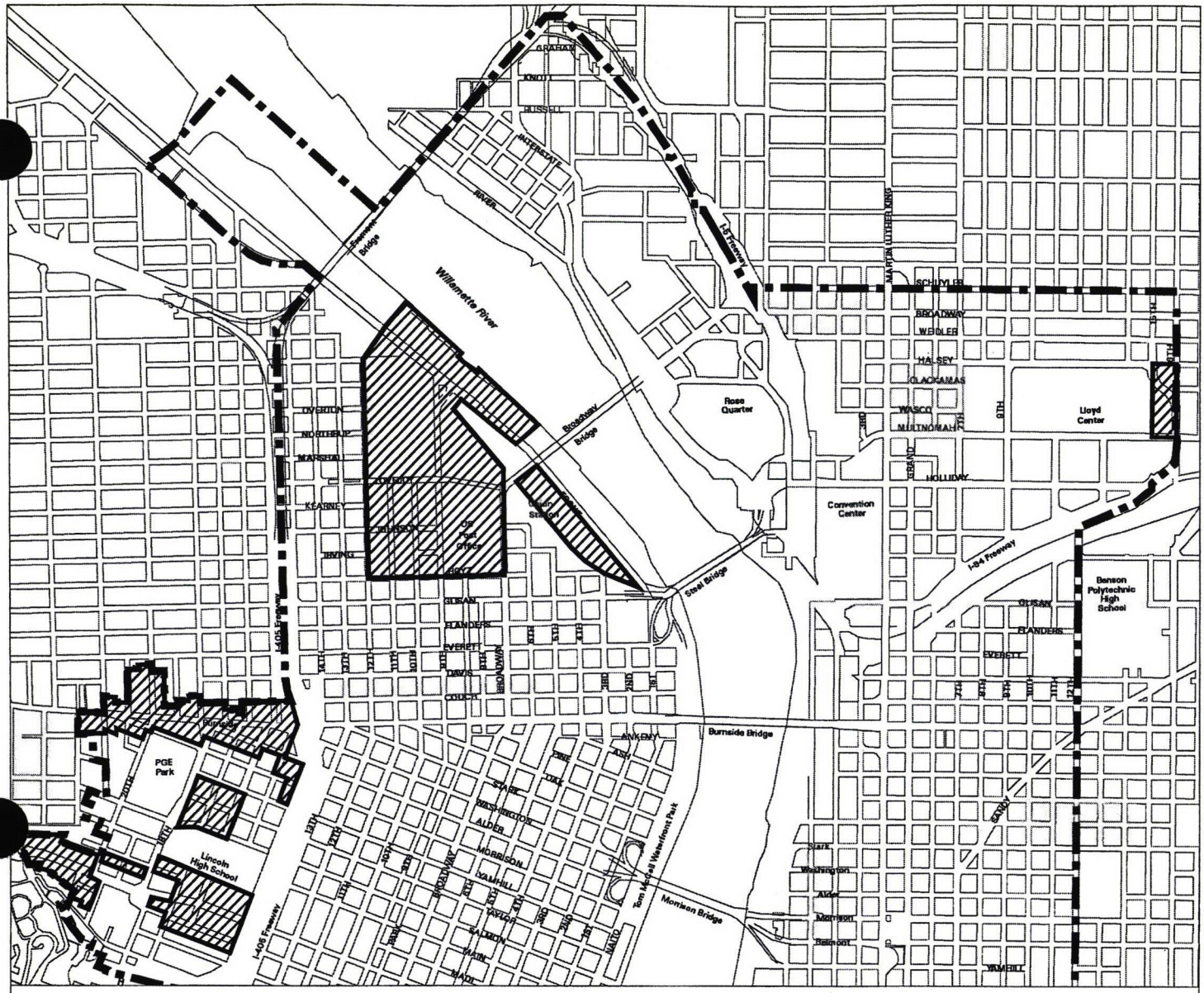
Central City Plan District Boundary

Map 510-4

Bonus Options Target Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1275′ 2550′

Scale in Feet

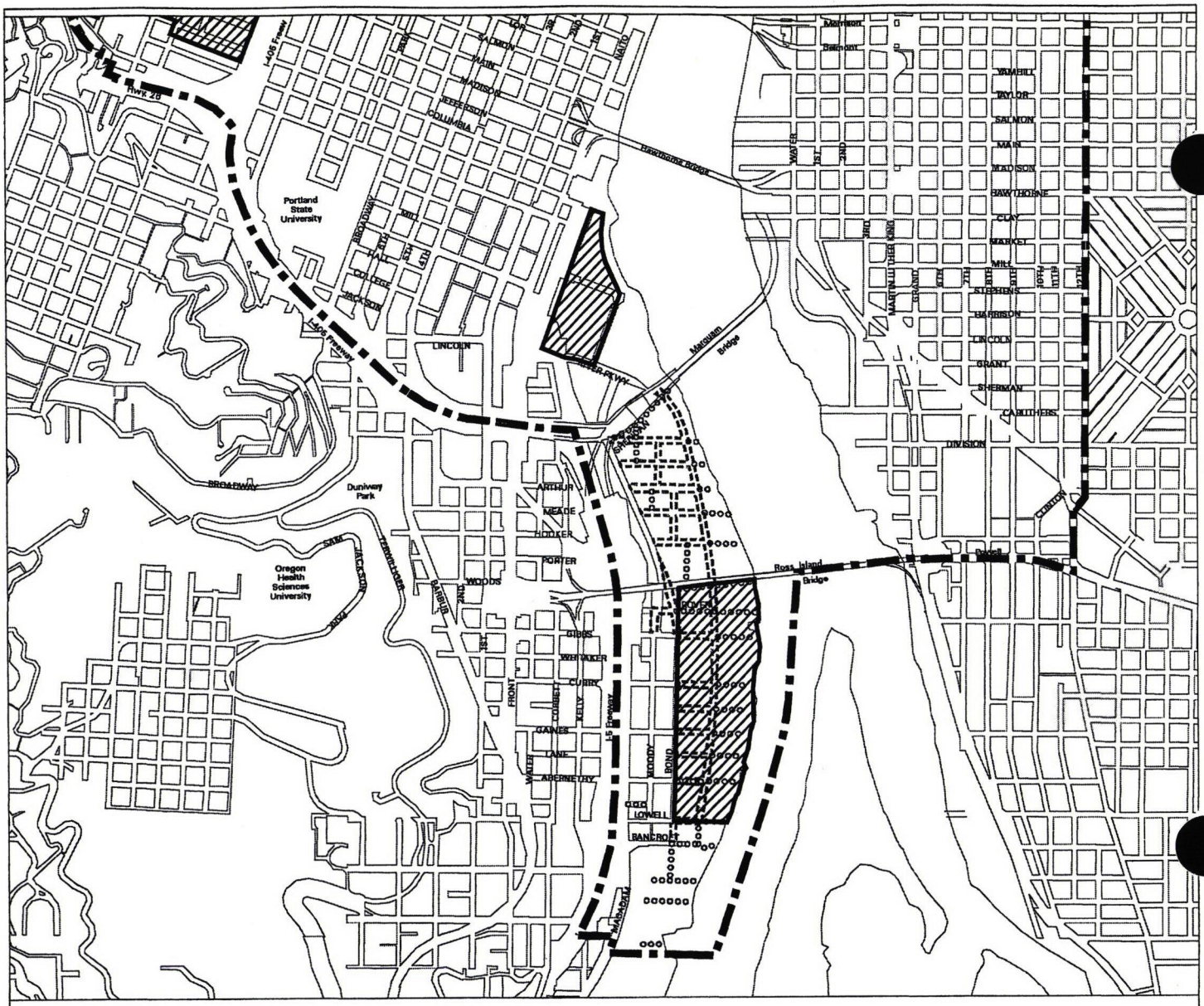
Central City
Plan District Boundary

Map 510-5

Required Residential Development Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- Required residential development area
- Proposed right-of-way
- Accessway

Map Revised Sept. 7, 2001

NORTH

0′ 1275′ 2550′

Scale in Feet

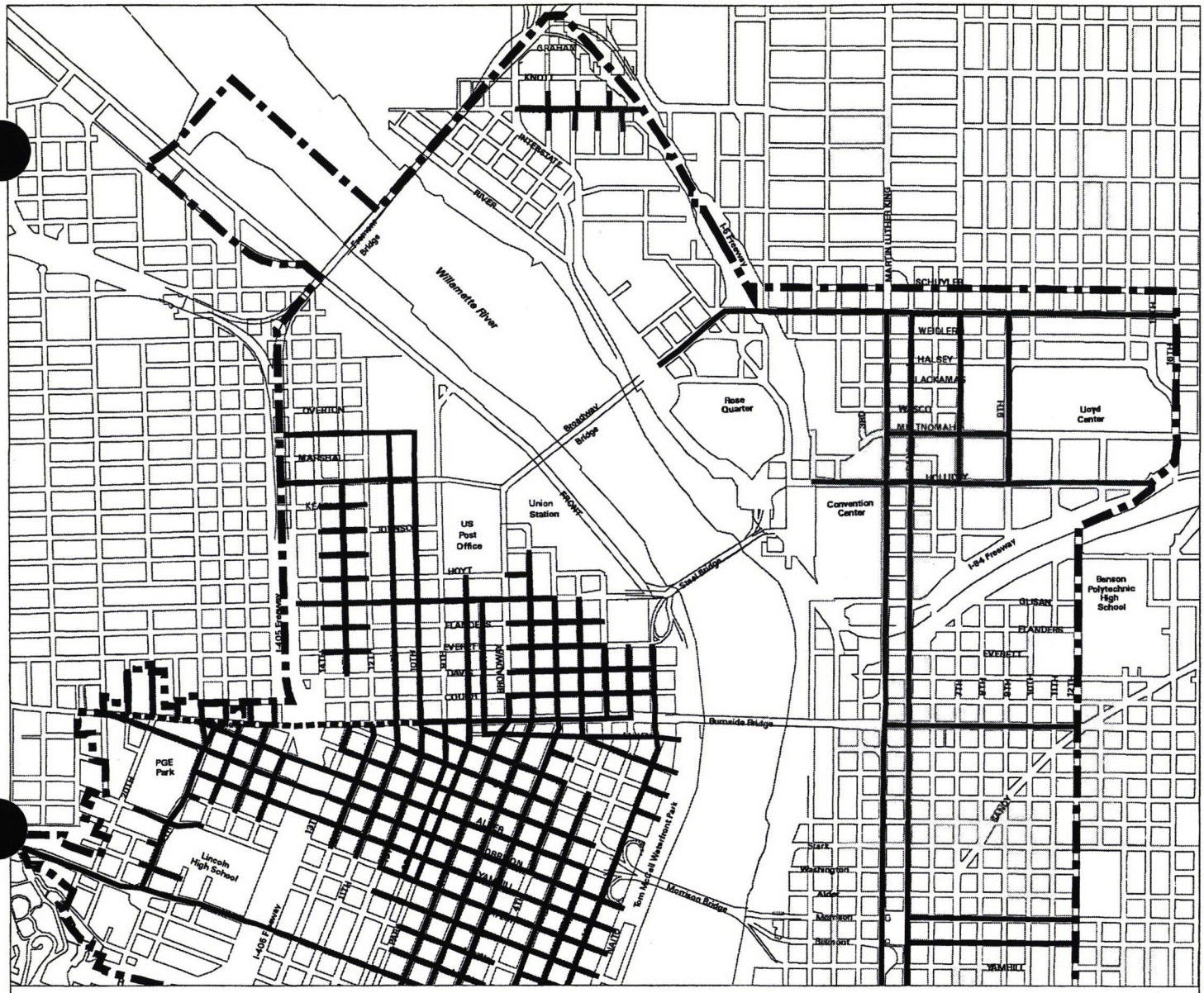
Central City
Plan District Boundary

Map 510-5

Required Residential Development Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

Required building lines

Special required building lines

Map Revised Sept. 7, 2001

NORTH

0′ 1275′ 2550′

Scale in Feet

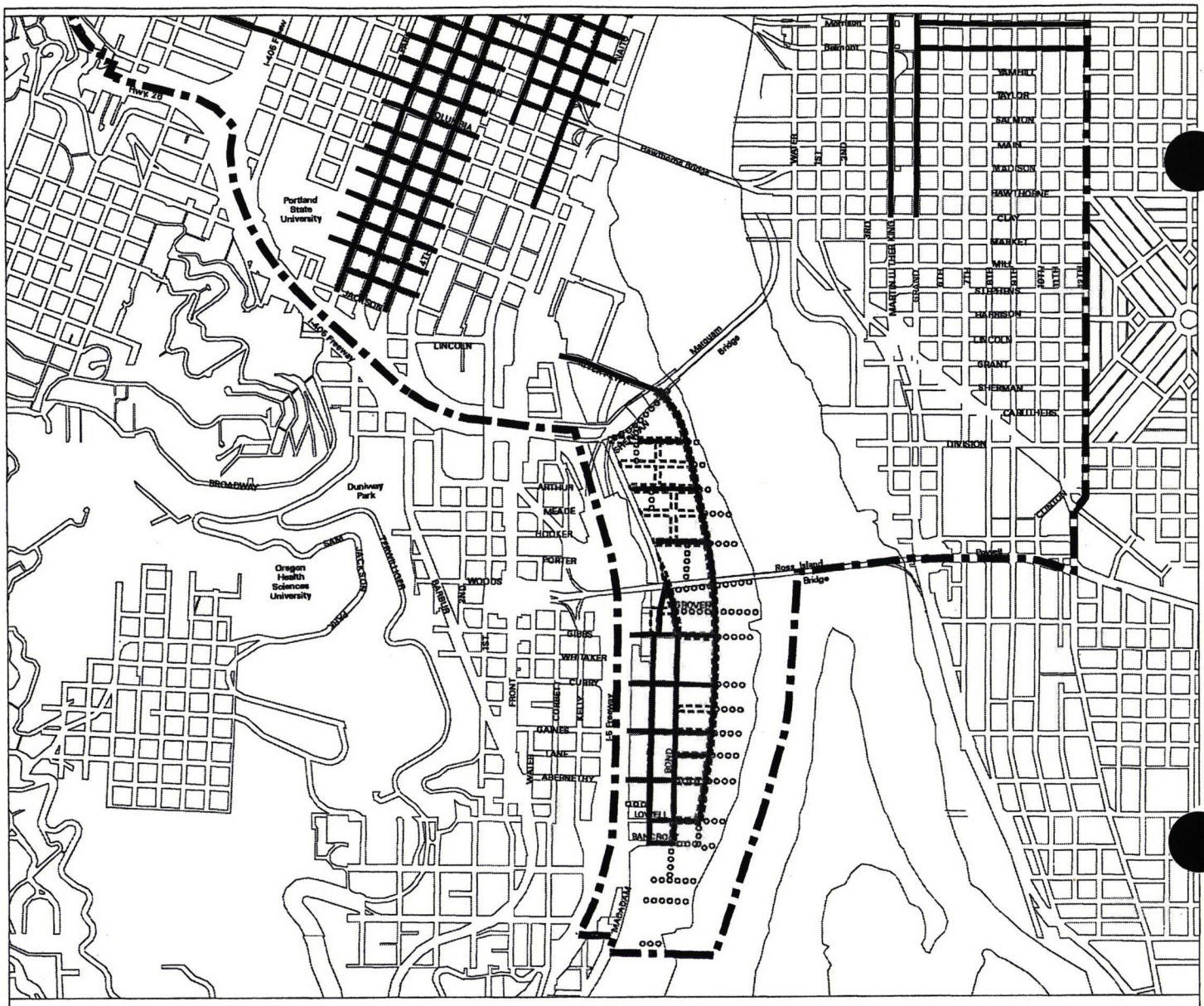
Central City
Plan District Boundary

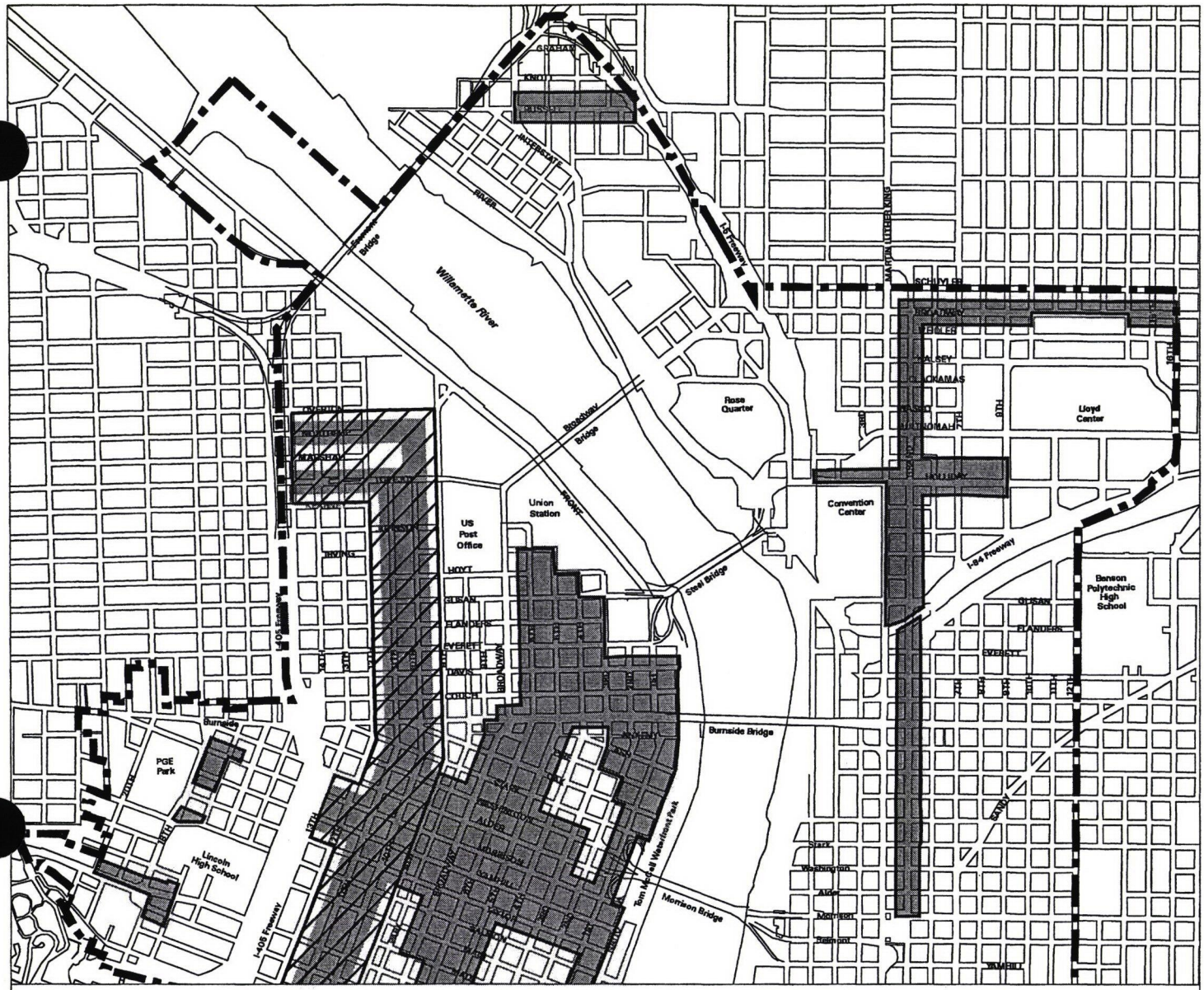
Map 510-6

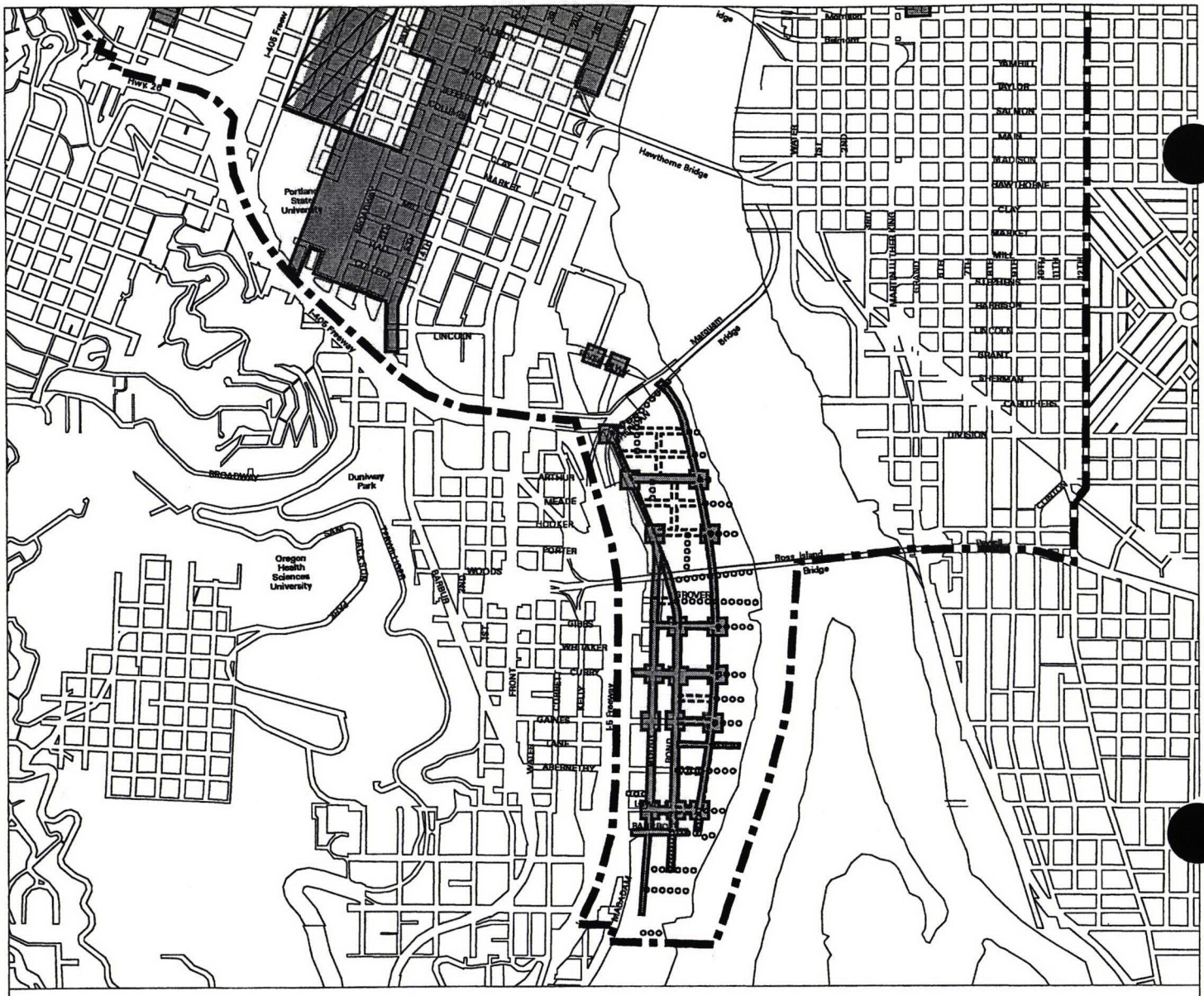
Required Building Lines

Map 1 of 2

Bureau of Planning • City of Portland, Oregon


Portland State University
Oregon Health Sciences University
Dunthway Park
Marquam Bridge
Ross Island Bridge
Harbor Drive
Arthur
Meade
Hooker
Porter
Woods
Gibbs
Whitaker
Curry
Corbett
Kelly
Gaines
Lane
Abernethy
Lowell
Bancroft
Marquam
Broadway
Lincoln
Columbia
Jackson
Front
Water
1st
2nd
Main
Madison
Hawthorne
Clay
Market
Harrison
Lincoln
Grant
Sherman
Caruthers
Division
Clinton
Taylor
Salmon
Martin Luther King
Grand
Jefferson
Yamhill
Morrison
Belmont
Burnside
Couch
Everett
Glisan
Hoyt
Pettygrove
Flanders
Davis
Northrup
Thurman
Vaughn
Wilson
Lovejoy
Raleigh
Johnson
Kearney
Irving
Overton


Willamette River
Broadway Bridge
Steel Bridge
Burnside Bridge
Morrison Bridge
Tom McCall Waterfront Park
Union Station
US Post Office
Convention Center
Rose Quarter
Lloyd Center
Benson Polytechnic High School
Lincoln High School
PGE Park
I-405 Freeway
I-84 Freeway
I-5 Freeway
MARTIN LUTHER KING
GRAHAM
KNOTT
INTERSTATE
SCHUYLER
BROADWAY
WEIDLER
HALSEY
OKANAMAH
MULTNOMAH
WASHINGTON
IRVING
HOYT
GLISAN
FLANDERS
EVERETT
DAVIS
COUCH
BURNSIDE
ANKENY
ASH
STARK
OAK
TAYLOR
MADISON
MADISON
MADISON



LEGEND

- Ground floor active use
- Minimum active floor area
- Proposed right-of-way
- Accessway

Map Revised Feb. 1, 2002

NORTH

0′ 1275′ 2550′

Scale in Feet

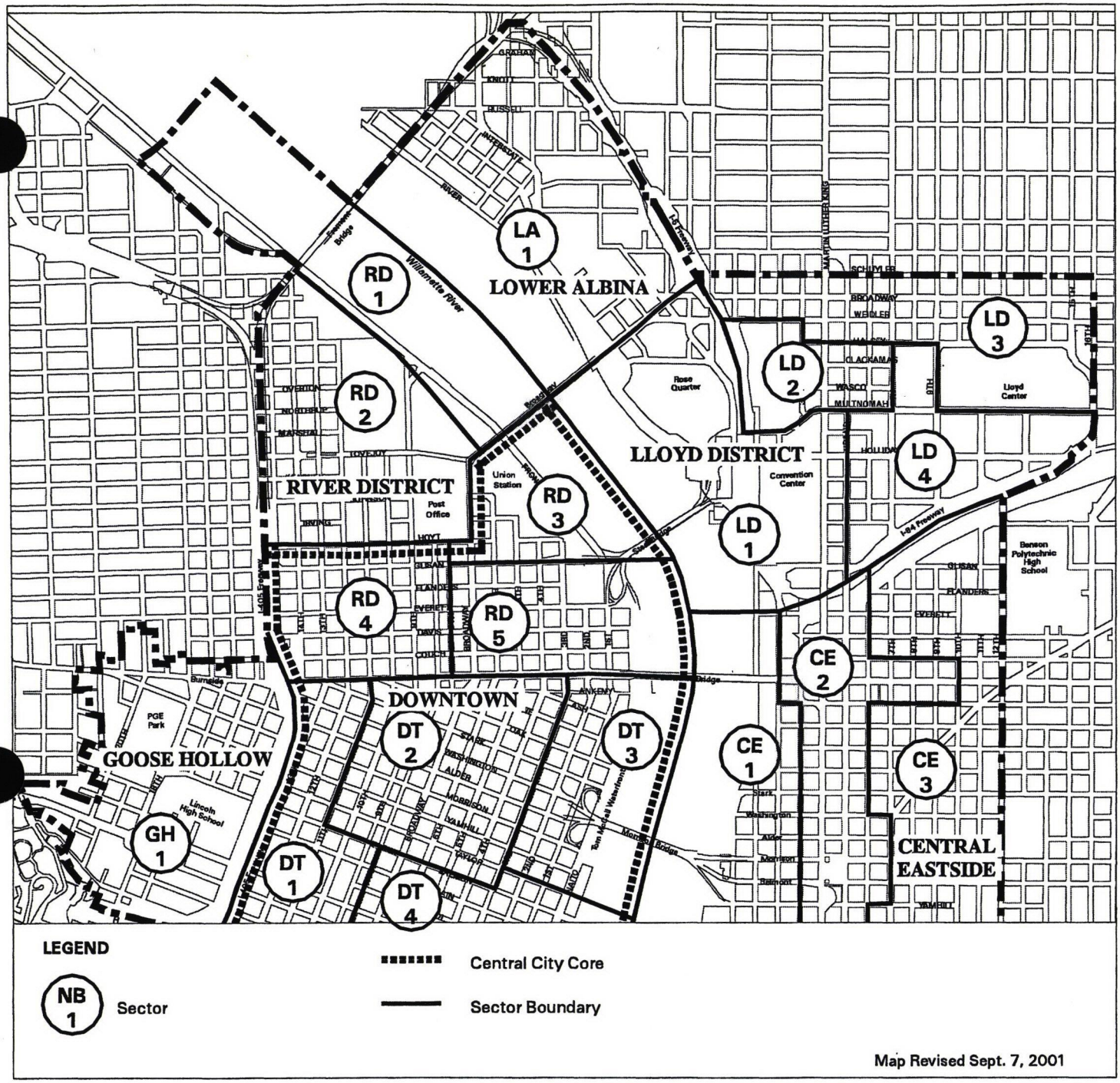
Central City
Plan District Boundary

Map 510-7

Active Use Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1275′ 2550′

Scale in Feet

Central City
Plan District Boundary

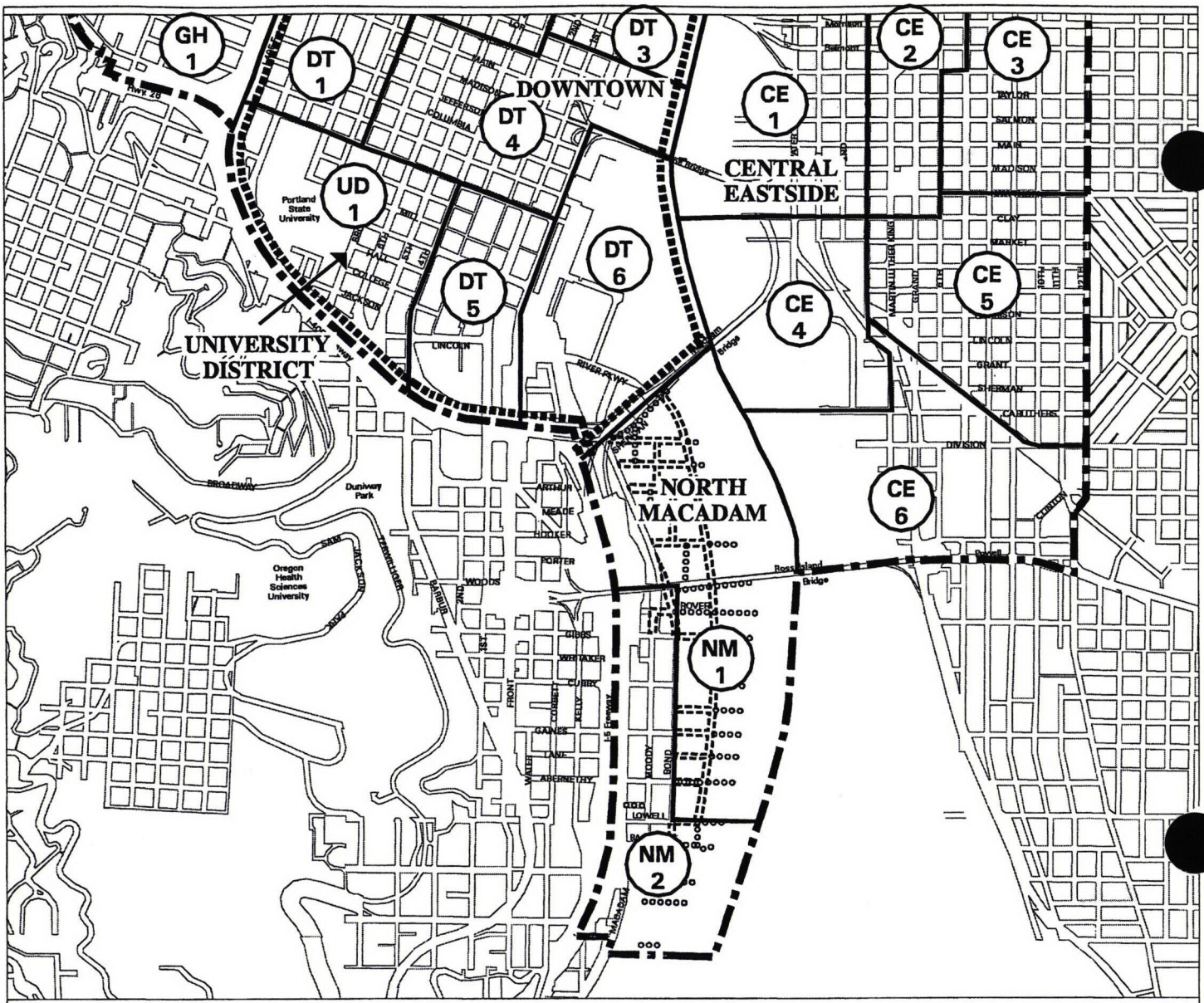
Map 510-8

Core and Parking Sectors

Map 1 of 2

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 1275′ 2550′

Scale in Feet

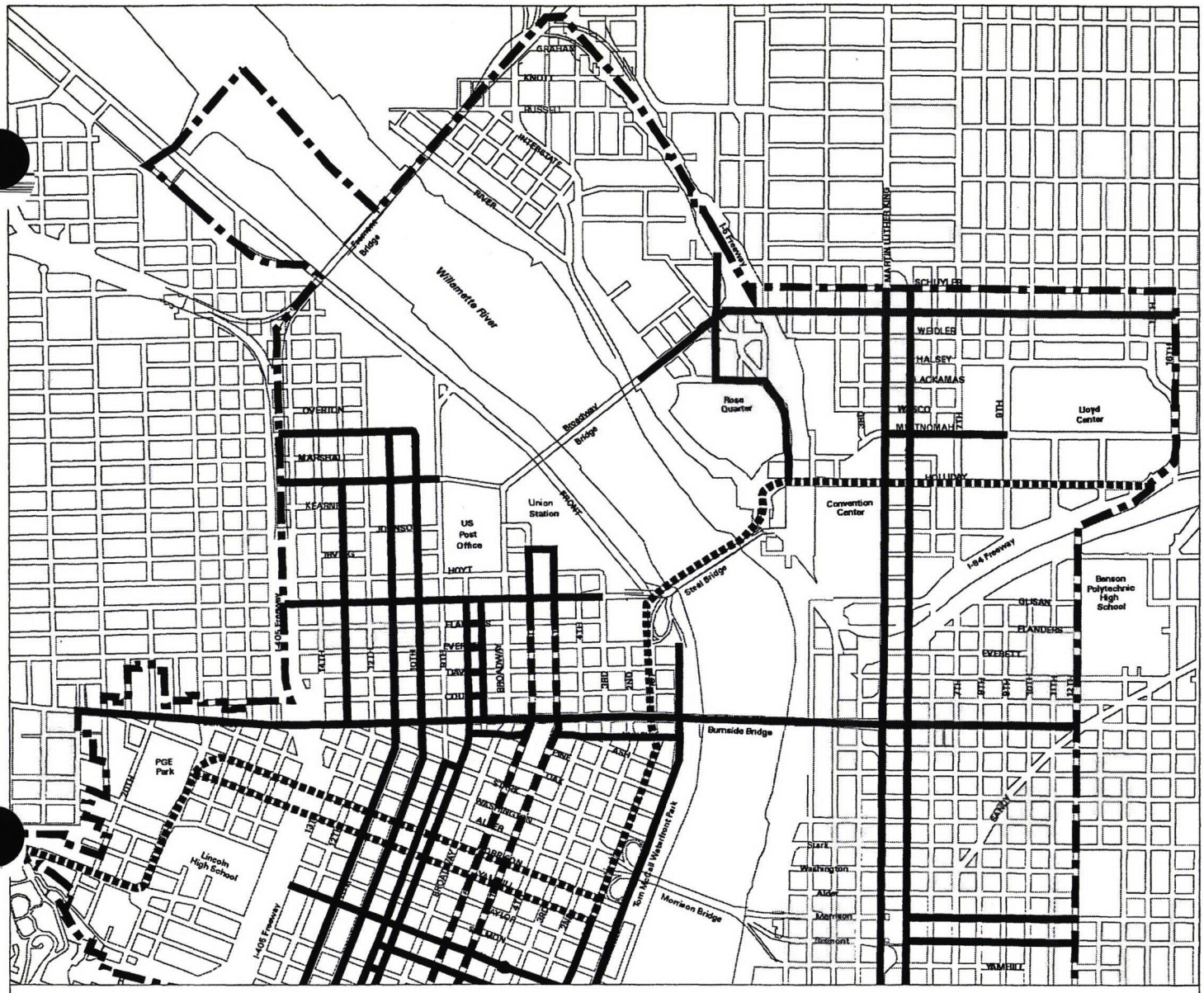
Central City
Plan District Boundary

Map 510-8

Core and Parking Sectors

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- Streets where access to parking is prohibited.
- Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review
- Streets where access to parking will not be approved except when granted under adjustment procedures.

Map Revised Dec. 14, 2002

NORTH

0' 1275' 2550'

Scale in Feet

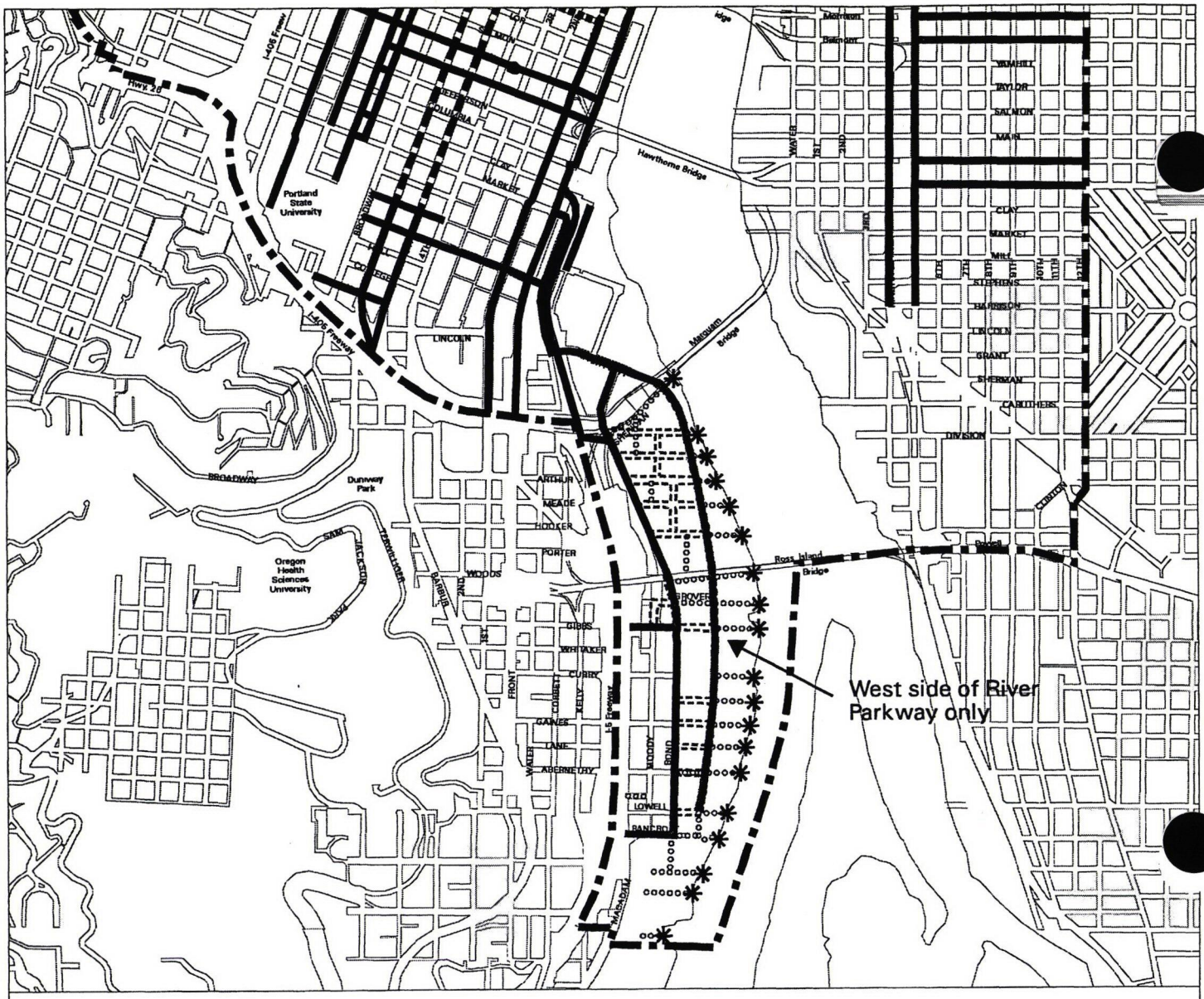
Central City
Plan District Boundary

Map 510-9

Parking Access Restricted Streets

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

- Streets where access to parking is prohibited.
- Streets where access to parking will not be approved within 75' except when granted through Central City Parking Review
- Streets where access to parking will not be approved except when granted under adjustment procedures.
- * Access to parking is not allowed for 100' from the edge of the Greenway setback.
- Proposed right-of-way
- Accessway

Map Revised Dec. 14, 2002

NORTH

0' 1275' 2550'

Scale in Feet

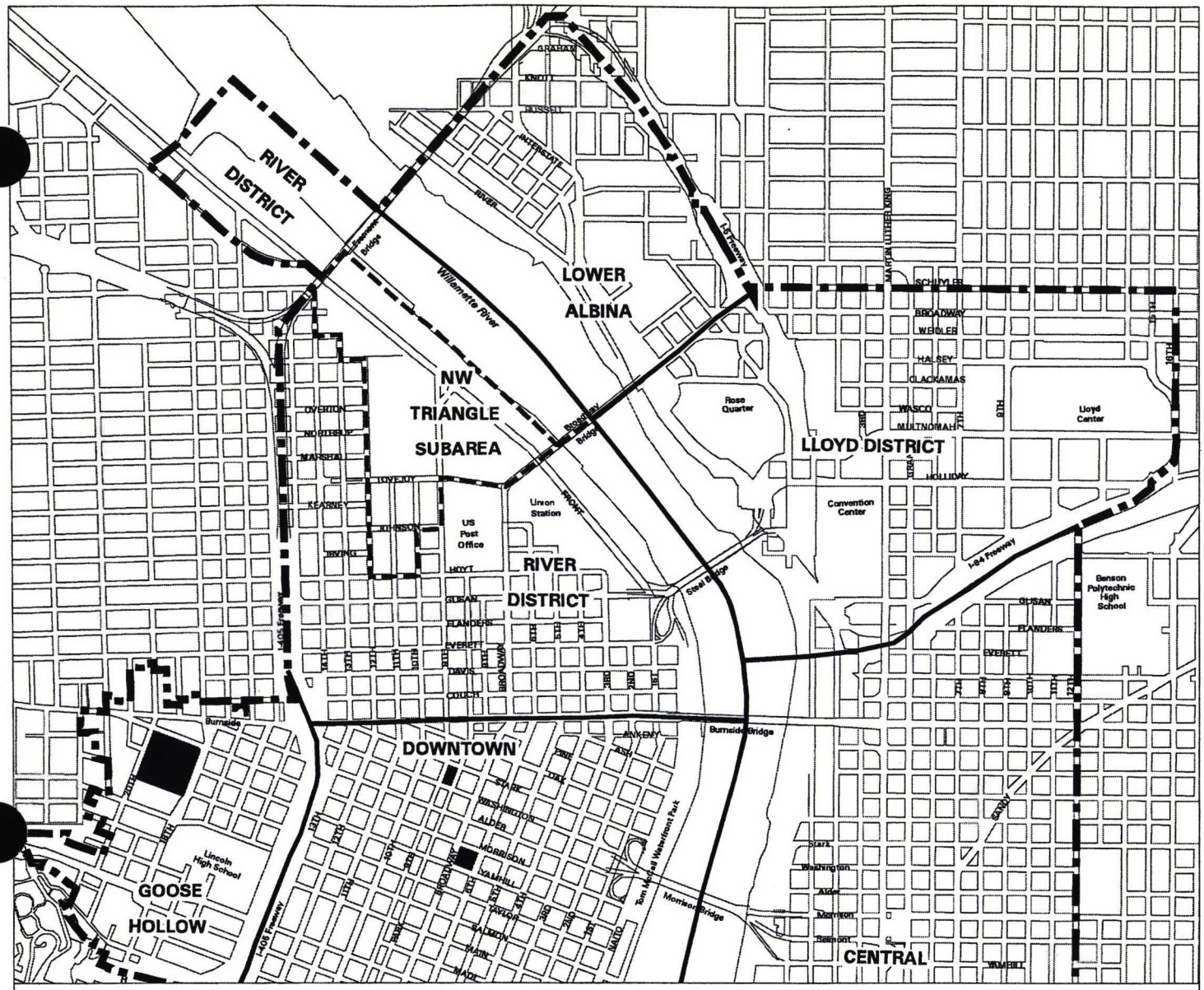
Central City
Plan District Boundary

Map 510-9

Parking Access Restricted Streets

Map 2 of 2

Bureau of Planning • City of Portland, Ore.



LEGEND

OS Sites Where Additional Uses Are Allowed

Map Revised Sept. 7, 2001

NORTH

0′ 1275′ 2550′

Scale in Feet

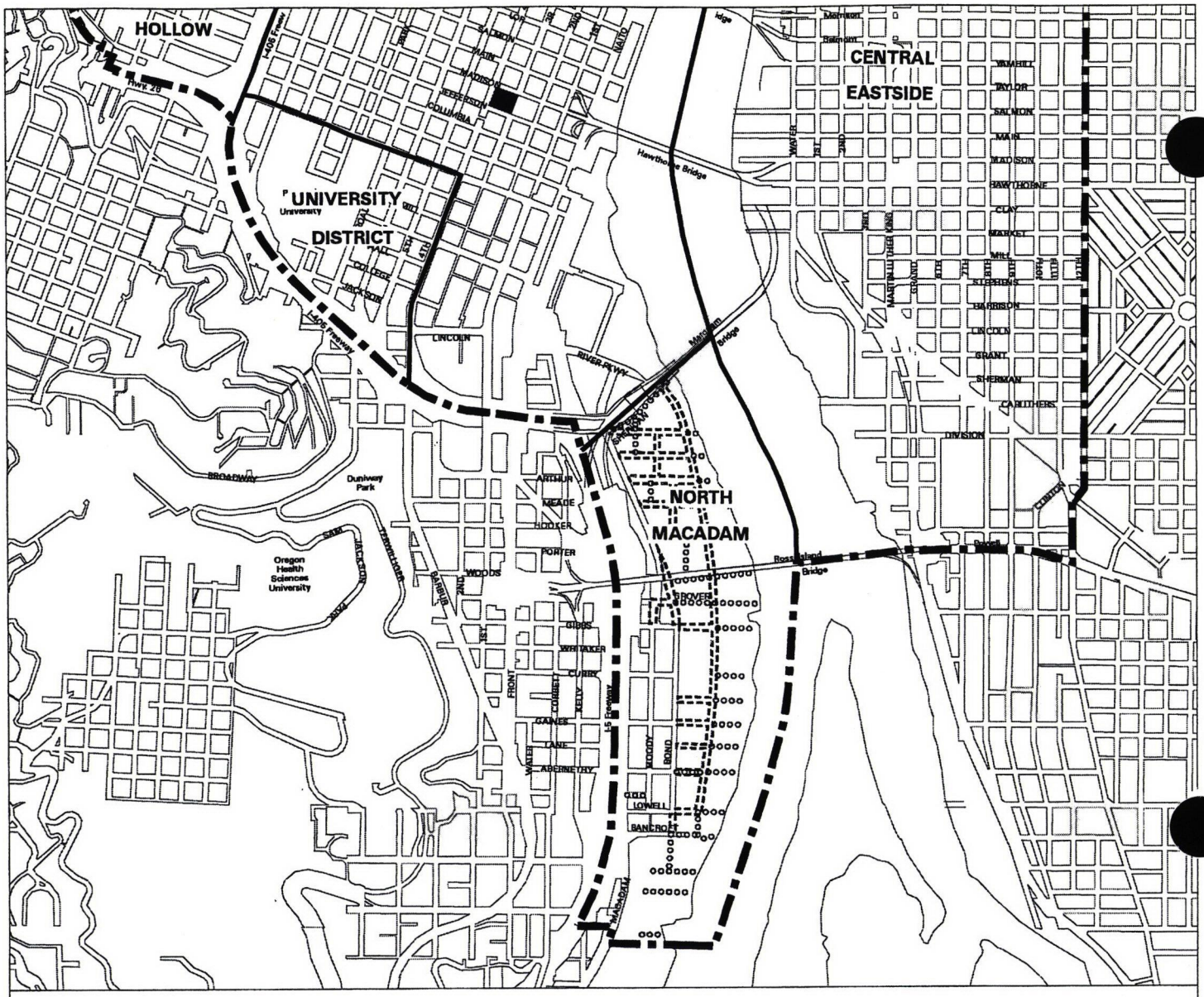
Central City Plan District Boundary

Map 510-10

Areas Where Additional Uses are Allowed in the OS Zone

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1275' 2550'

Scale in Feet

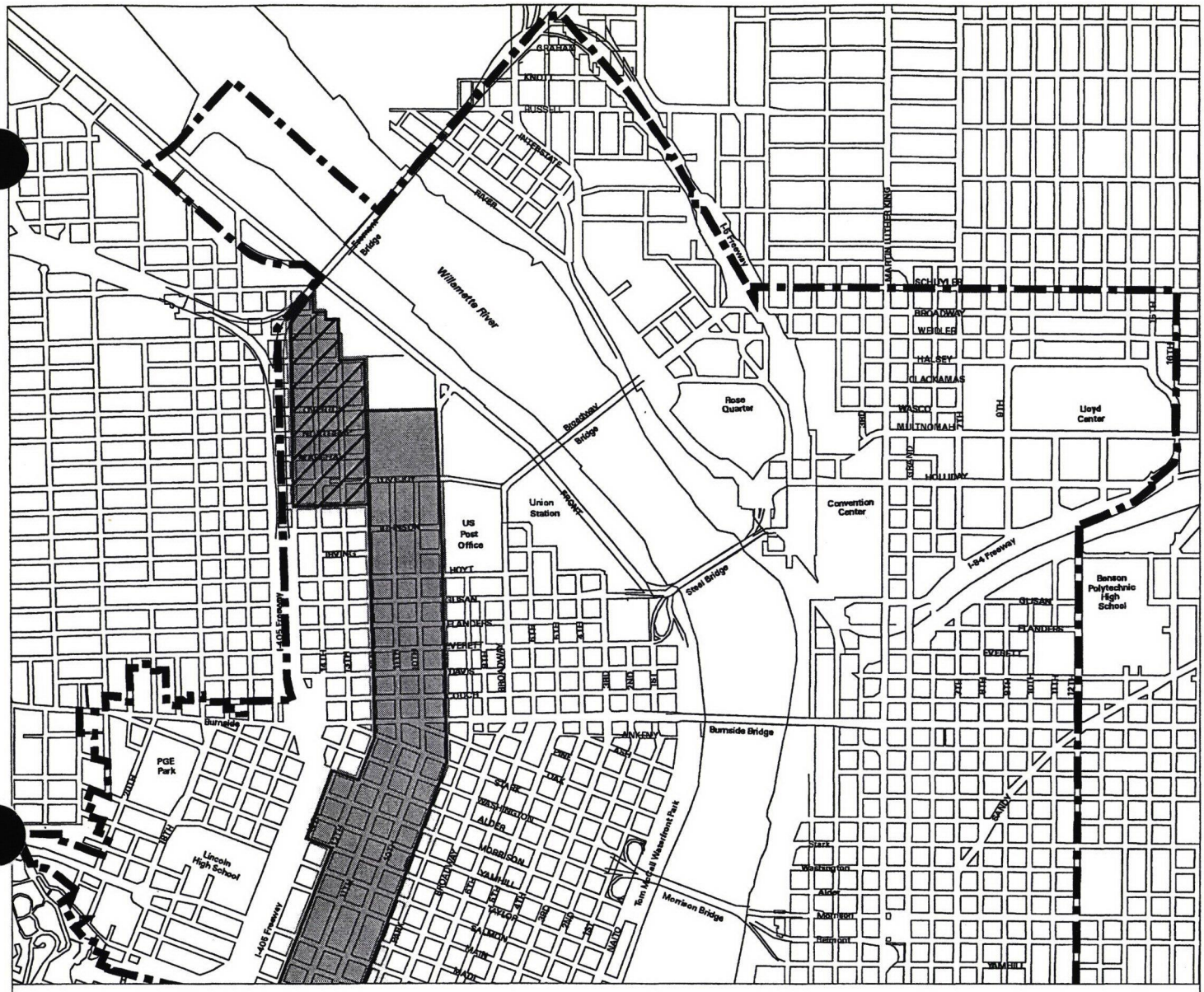
Central City Plan District Boundary

Map 510-10

Areas Where Additional Uses are Allowed in the OS Zone

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

Areas where mechanical equipment must be screened (33.510.221)

Areas where size of Retail Sales And Service uses is limited (33.510.116).

Map Revised Feb. 1, 2002

NORTH

0′ 1275′ 2550′

Scale in Feet

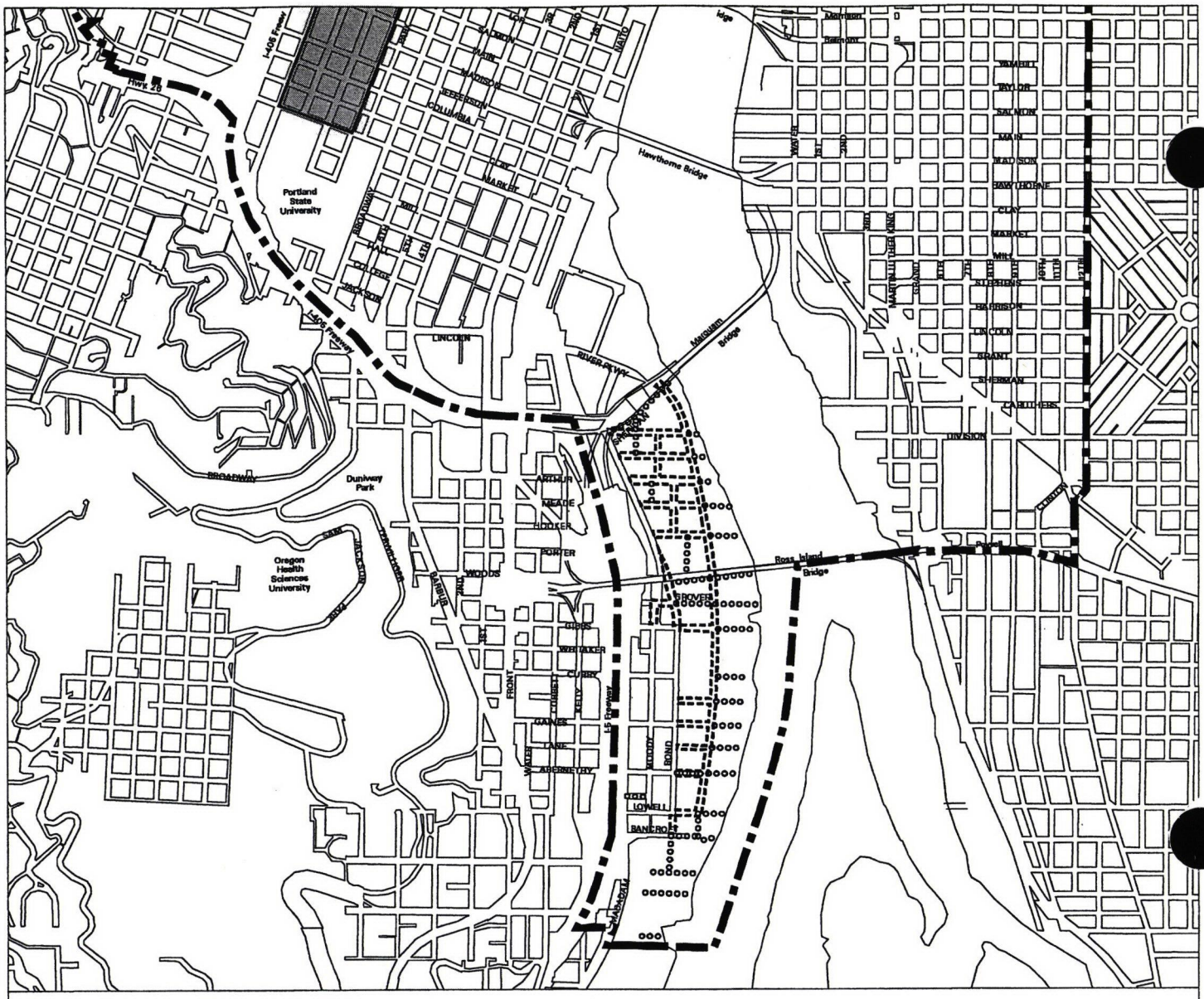
Central City Plan District Boundary

Map 510-11

Special Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



LEGEND

Areas where mechanical equipment must be screened (33.510.221)

Areas where size of Retail Sales And Service uses is limited (33.510.116).

Proposed right-of-way

Accessway

Map Revised Feb. 1, 2002

NORTH

0′ 1275′ 2550′

Scale in Feet

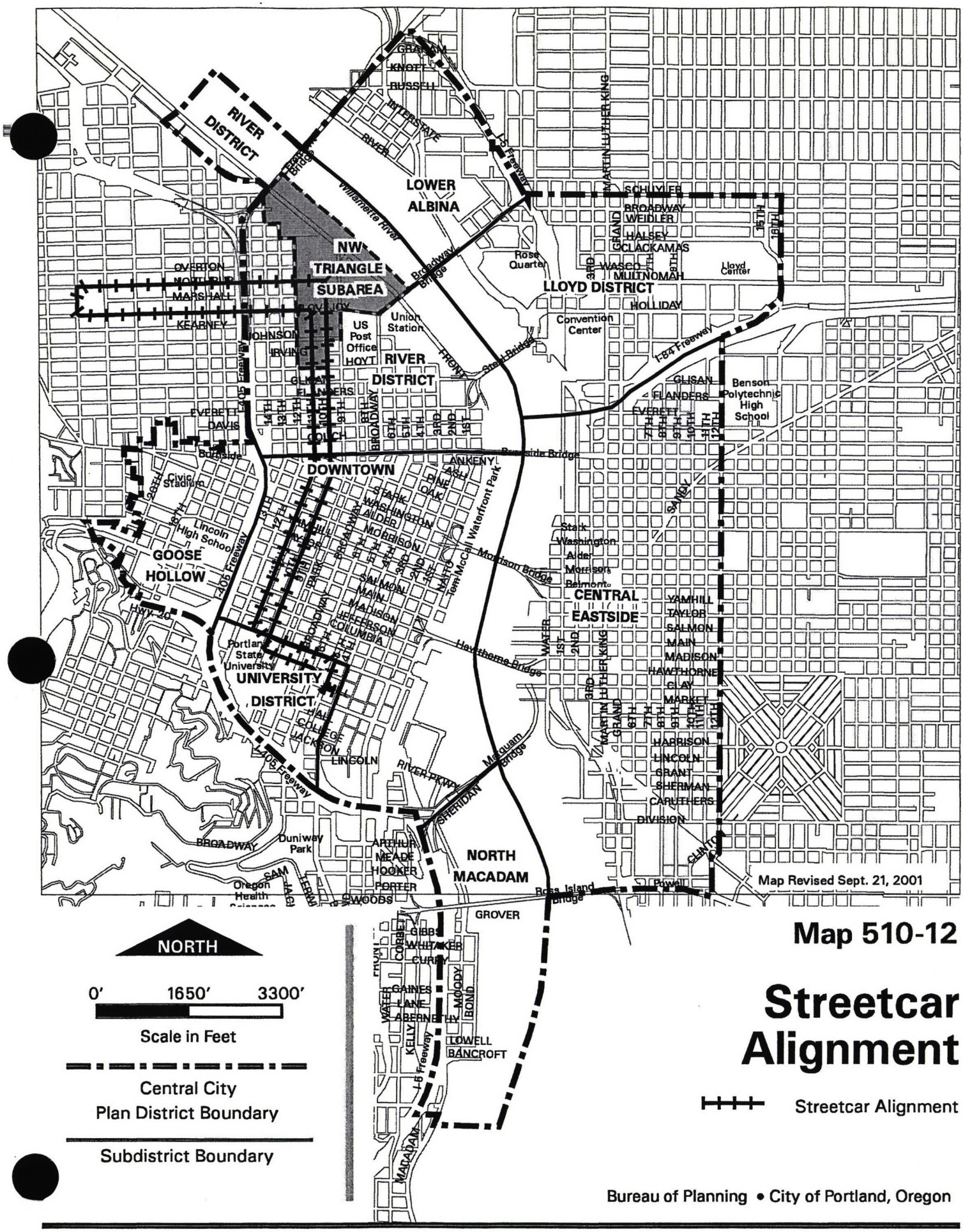
Central City
Plan District Boundary

Map 510-11

Special Areas

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

0' 1650' 3300'

Scale in Feet

Central City Plan District Boundary

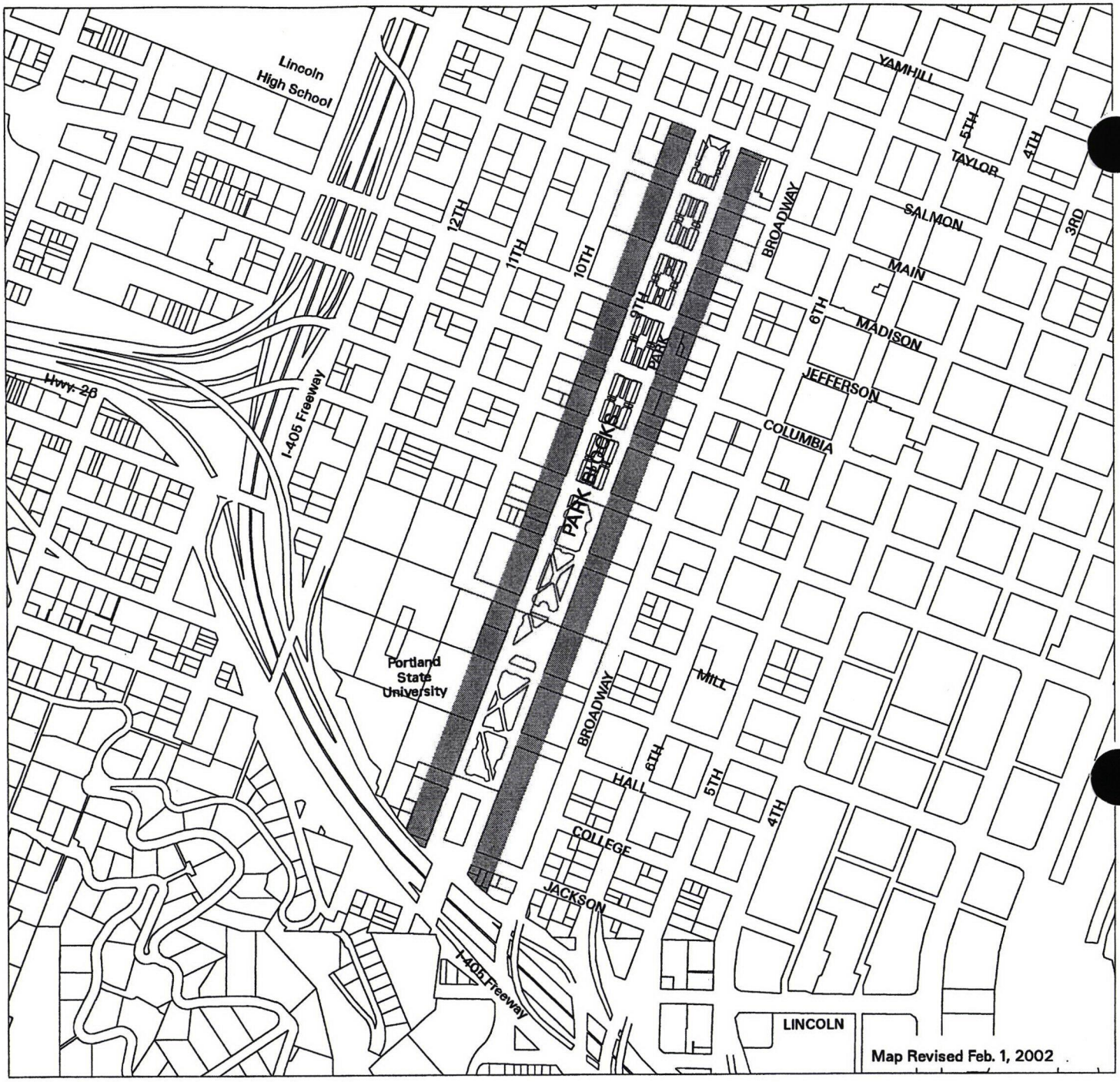
Subdistrict Boundary

Map 510-12

Streetcar Alignment

Streetcar Alignment

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 450′ 900′

Scale in Feet

Park Block Frontage

Map 510-13

Park Block Frontages

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 225′ 450′

Scale in Feet

Central City
Plan District Boundary

Area Boundary

Map 510-14

Areas Where Additional Uses May Be Allowed in the RX Zone

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; Ord. No. 173259, effective 5/14/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

Sections:

General
33.515.010 Purpose
33.515.020 Where the Regulations Apply
33.515.025 Relationship Among Subdistrict Regulations
33.515.030 On-Site Containment
Use Regulations
33.515.100 Uses Involving Hazardous Substances
33.515.110 Uses in the Industrial Business Opportunity Subdistrict
33.515.120 Commercial Uses
33.515.130 Additional Conditional Uses
Development Standards
33.515.200 Streetscape Standards
33.515.205 Airport Way Streetscape
33.515.210 Airport Way Landscaping
33.515.215 Marine Drive Streetscape
33.515.220 Office Use Floor Area Limitation
33.515.225 Transfer of Floor Area
33.515.230 View Corridors
33.515.235 Rooftops
33.515.240 Exterior Display
33.515.245 Signs
33.515.250 Excavations and Fills
33.515.255 Sumps, Septic Tanks, and On-Site Disposal Systems
33.515.257 Pedestrian Standards
33.515.260 Public Recreational Trails
33.515.262 Cultural Resource Protection
Environmental Zones
33.515.265 Purpose
33.515.268 Where These Regulations Apply
33.515.270 Overlay Zones
33.515.272 Items Subject to These Regulations
33.515.274 Items Exempt From These Regulations
33.515.276 Use Regulations
33.515.278 Development Standards
33.515.280 Columbia South Shore Environmental Review
Map 515-1 Columbia South Shore Plan District and Subdistricts
Map 515-2 Columbia South Shore Streetscape Standards
Map 515-3 Maximum Building Heights
Map 515-4 Columbia South Shore Slough Trail
Map 515-5 Environmental Transition Areas
Map 515-6 Areas of Cultural Interest in Columbia South Shore
Map 515-7 Areas Where Confirmation Testing is Required

General

33.515.010 Purpose

The Columbia South Shore plan district regulations encourage the development of the Columbia South Shore as an industrial employment center that 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 and approved by the Bureau of Water Works 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 Stormwater Management Manual. The application form and Stormwater Management Manual are available from the Development Services 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 Director of OPDR 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 33.815.125. 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.

33.515.120 Commercial Uses

A. Retail Sales And Service uses in the EG2 zone are limited to 25,000 square feet or less of floor area plus exterior display or storage 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 of floor area plus exterior display or storage 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 of floor area plus exterior display or storage without a conditional use review, in lieu of the four separate uses. Retail Sales And Service uses where the floor area plus exterior display or storage exceed 60,000 square feet are prohibited.

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 that has floor area plus exterior display and storage area 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 that have floor area plus exterior display and storage area 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.

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 and Landscape

A. Purpose. Streetscape and landscape 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 that provides public views from the street right-of-way and the adjacent recreational trail. The roadway is elevated on a levee 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 the portions of sites within 200 feet south of the Marine Drive right-of-way. The affected areas are shown on Map 515-2 at the end of this chapter.

C. Streetscape standards.

1. Building heights. Within 200 feet south of the Marine Drive right-of-way, building height limits 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.

2. Building setbacks. Buildings must be set back at least 10 feet from the tree row required by Paragraphs D.1 and D.4, below. Locating buildings away from Marine Drive is encouraged.

3. Fences. Fences are prohibited between the toe of the Marine Drive slope and the tree row required by Paragraphs D.1 and D.4, below.

D. Landscape standards. Generally, a continuous landscaping treatment is required, as shown in Figures 515-1 through 515-3. The continuous landscaping must include a row of trees, flowering shrubs, and ground cover, as specified below. In two locations, as identified in Subparagraph D.4, below, a clustered landscape treatment is allowed as an alternative.

1. Tree row. A row of trees meeting the following standards is required:

   a. Location. As shown in Figure 515-2, a row of trees must be planted between development and the toe of the Marine Drive slope. The tree row must be at least 25 feet south of the toe of the slope.

   b. Spacing. The trees must be spaced 15 feet on center.

   c. Species. The trees must be one of the following species: Black Hawthorne (crataegus douglasii suksdorfii), Bitter Cherry (prunus emarginata), Sitka Willow (salix sitchensis), or Columbia River Willow (salix fluviatilis). Willows are prohibited adjacent to the 40-Mile recreational trail.

2. Additional tree row on corner sites. On corner sites, where another street intersects Marine Drive, a row of trees is required paralleling the non-Marine Drive frontage of the site. The row of trees must be planted 12 feet interior from the toe of the cross-street embankment. The row must begin at the tree row required by Paragraph D.1, above, and extend at least 100 feet south from that point. This tree row must consist of Scarlet Sentinel Maples (acer rubrum 'Scarlet Sentinel') planted on 25-foot centers.

3. Flowering shrubs.

   a. Generally. Except as provided in D.3.b and D.4, below, flowing shrubs must be planted in clusters as follows:

(1) Location. As shown in Figure 515-2, the clusters of shrubs required by this paragraph must be planted no more than 12 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope.

(2) Number. One cluster of flowering shrubs is required by each 100 feet or fraction thereof of site frontage on Marine Drive. Each cluster must consist of six shrubs of the same plant species.

(3) Species. The shrubs must be one or more of 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 Oregon Grape (berberis aquifolium), Red Current (ribes sanguineum), Red Elderberry (sambucus cerulea), or Pacafic Ninebark (physocarpus capitatus).

b. Recreational trail. Where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, the following standards must be met, rather than the standards of Subparagraph D.3.a, above. See Figure 515-3:

(1) Location and spacing. A row of flowering shrubs must be planted no more than 5 feet to the north of the tree row required by Paragraph D.1, above, and at least 20 feet south of the toe of the Marine Drive slope. Shrubs in this row must be planted on seven and a half foot centers and staggered with the adjacent tree row.

(2) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

(3) Size. The shrubs must be of a size that will grow to 6 feet of height within 3 years of planting.

Figure 515-1

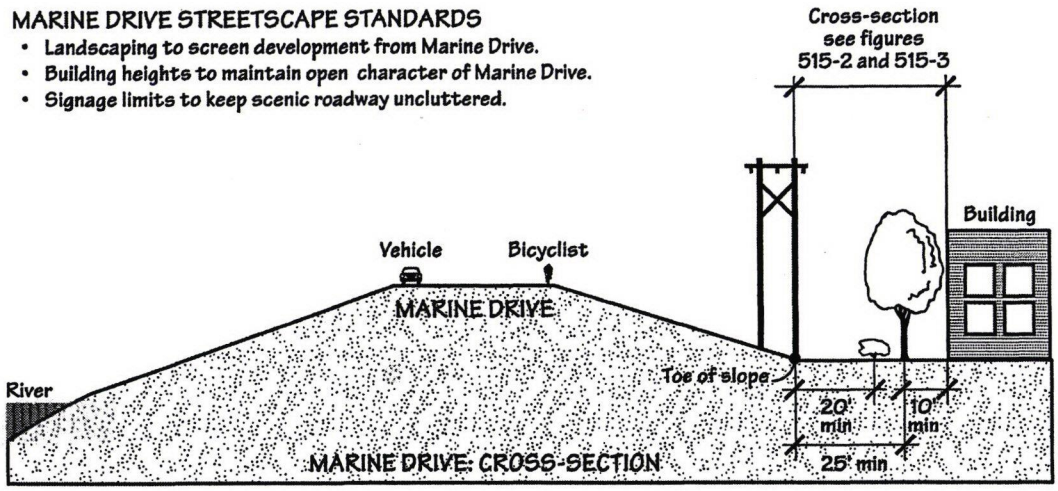


Figure 515-2
Landscape Standards
(No Recreational Trail)

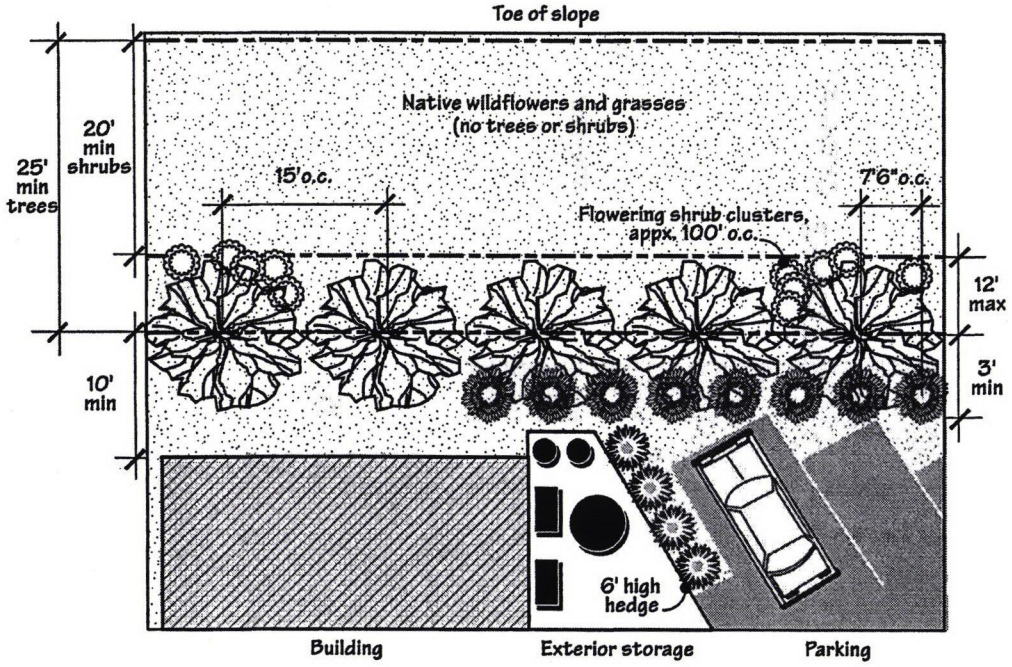
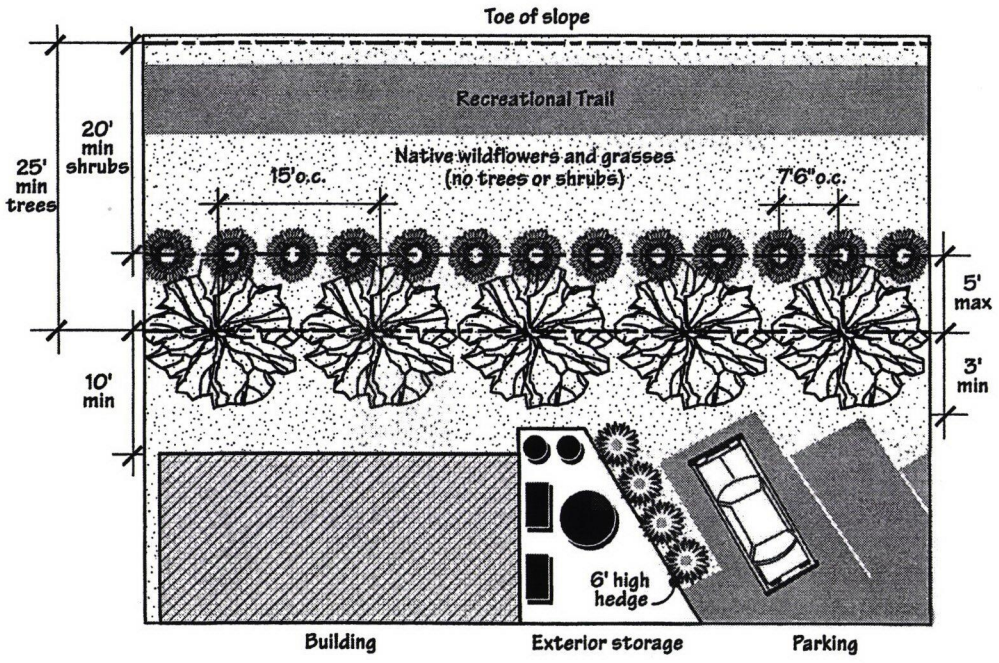


Figure 515-3
Landscape Standards
(Recreational Trail)



4. Entryway locations along Marine Drive. At two entryway locations along Marine Drive, the applicant may choose to meet either the standards of Paragraphs D.1 through D.3, above, or the alternative standards of this paragraph. The entryway locations are between Interstate 205 and NE 122nd Avenue, and between NE 174th Avenue and NE 185th Avenue. The alternative standards, as shown in Figure 515-4, are:

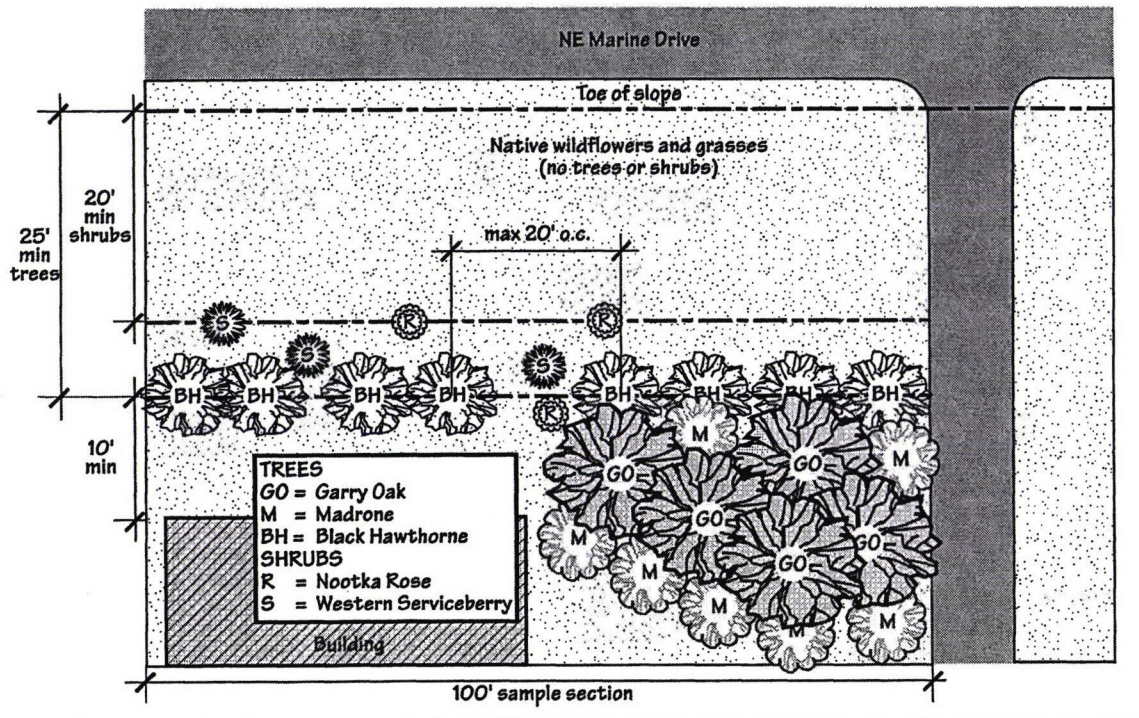
   a. Number. For each 100 feet or fraction thereof of site frontage on Marine Drive, 20 trees and 6 shrubs must be provided.

   b. Spacing. Trees must cover the Marine Drive frontage of the site, with a maximum spacing of 20 feet.

   c. Location. Trees must be at least 25 feet from the toe of the Marine Drive slope. Shrubs must be at least 20 feet from the toe of the Marine Drive slope.

   d. Species. 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.

Figure 515-4
Clustered Landscaping Example



5. Ground cover.

   a. Next to toe of slope. The area between the trees and shrubs required by Paragraphs D.1 through D.4, above, and the toe of the Marine Drive slope must be planted with a combination of wildflowers and grasses that grow to less than 3 feet in height. The wildflowers and grasses must cover 90 percent of the ground, exclusive of recreational trails, within one year or two growing seasons after planting. Wildflower and grass species must be from the Portland Plant List.

   b. 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.

6. 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 Subparagraph D.3.a, above. The shrubs must be planted at least 20 feet from the toe of the Marine Drive slope.

E. Landscape standards for parking lots and storage areas. Vehicle areas and exterior storage areas may be located within 3 feet of the tree row required by Paragraph D.1, above. Instead of meeting the perimeter landscaping standards of Chapter 33.266, one of the following standards must be met:

1. No recreational trail. Except as provided in Paragraph E.3, below, where a site does not include the recreational trail, a row of shrubs is required. See Figure 515-2. The shrubs must meet the following:

   a. Location. The row of shrubs must be within 5 feet of the tree row required by Paragraph D.1, above, and be staggered with the tree row.

   b. Spacing. The shrubs must be planted on seven and a half foot centers.

   c. Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

2. Recreational trail. Except as provided in Paragraph E.3, below, where a site includes the recreational trail, and the recreational trail is both south of Marine Drive and below the grade of the road, no additional landscaping is required. However, the shrubs required by Subparagraph D.3.b, above, must be between the recreational trail and the tree row required by Paragraph D.1, above. See Figure 515-3.

3. Entryway locations along Marine Drive. Where the site is in one of the entryway locations specified in Paragraph D.4, above, the applicant may choose between two sets of Marine Drive landscape standards.

   a. If the applicant chooses to meet the standards of Paragraphs D.1 through D.3, above, the standards for parking lots and exterior storage areas in Paragraphs E.1 or E.2 must be met.

   b. If the applicant chooses to meet the standards of Paragraph D.4, a row of shrubs must be planted that meets the following:

(1) Location. The row of shrubs must be planted within 5 feet of the north edge of the parking or exterior storage area;

(2) Spacing. The shrubs must be planted on seven and a half foot centers; and

(3) Species. The shrubs must be one of the species listed in Subparagraph D.3.a, above.

F. Nonconforming landscaping. Some sites along Marine Drive have a double row of trees, which was required by previous regulations. Some of these trees are within 25 feet of the toe of the Marine Drive slope. There also may be shrubs within 20 feet of the toe of the slope.

If trees and shrubs that are nonconforming because of their location are removed, they must be replaced as follows:

1. Trees. Each tree removed must be replaced. The replacement tree must be of the species listed in Paragraph D.1, and must be planted in a location that meets the requirements of Paragraph D.1.

2. Shrubs. Each shrub removed must be replaced. The replacement shrub must be of the species listed in Paragraph D.3, and must be planted in a location that meets the requirements of Paragraph D.3.

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 land division or Planned Development, a transfer of floor area within and between lots in the land division or Planned Development 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 submitted to the Office of Planning and Development Review 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

The sign standards are stated in Title 32, Signs and Related Regulations.

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 disposal or disposal of industrial process water are prohibited. All on-site storm water and wastewater treatment and disposal systems must be disposed of into a system approved by the Bureau of Environmental Services and the Office of Planning and Development Review.

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. Portland 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 Portland 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

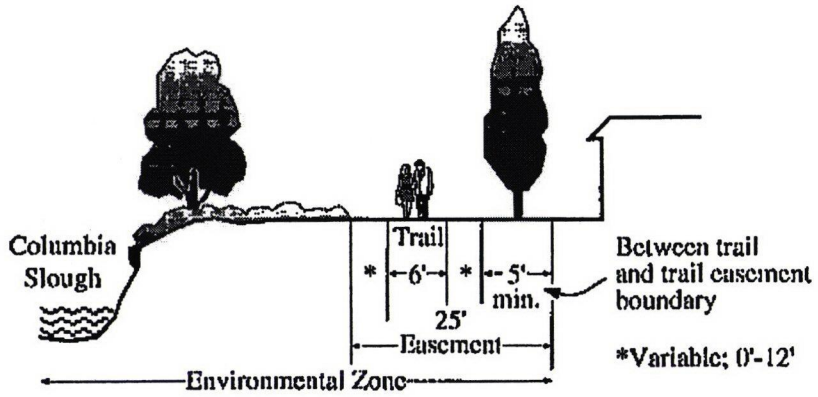
- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone. See Figure 515-5.

(2) In all other zones: The trail route must be as shown on the Official Zoning Maps.

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.

Figure 515-5
Columbia South Shore Slough Trail and Easement Location



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

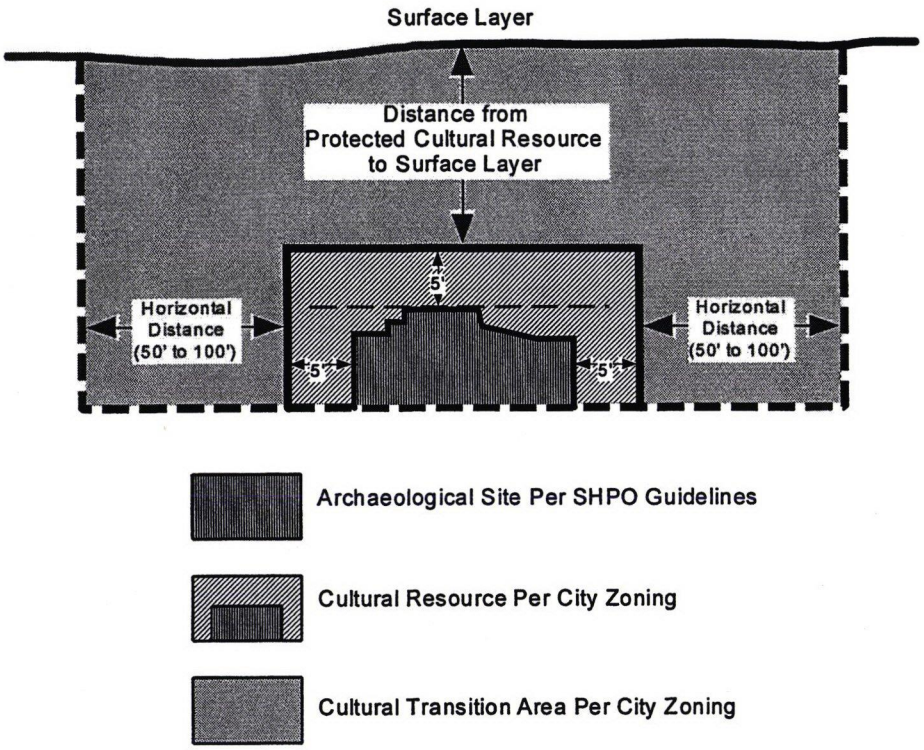
   b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.

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 OPDR. 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

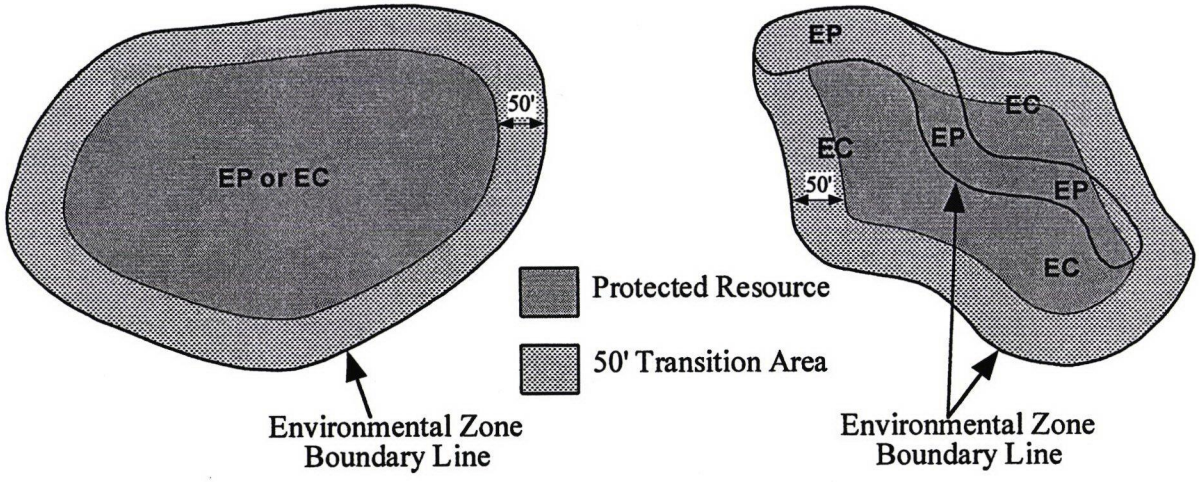
A. General. Natural resource values in the district have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.

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 first 50 feet inward from the environmental zone boundary, 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 divisions.

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, land divisions, 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 Chapter 33.614 and chapter 33.615. All other new lots must meet the minimum size and shape requirements of Chapter 33.614 and Chapter 33.615, 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 that 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 $25,000. However, the cost of required changes is limited to 10 percent of the value of the proposed alterations.

    b. Unpaved exterior areas. Unpaved exterior improvements must comply fully with development standards at the time of development on the site. However, the cost of required changes is limited to 10 percent of the value of the proposed alterations.

    c. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:

    a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;

    b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and

    c. In all zones, at least half of the open area must be in common ownership.

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.

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

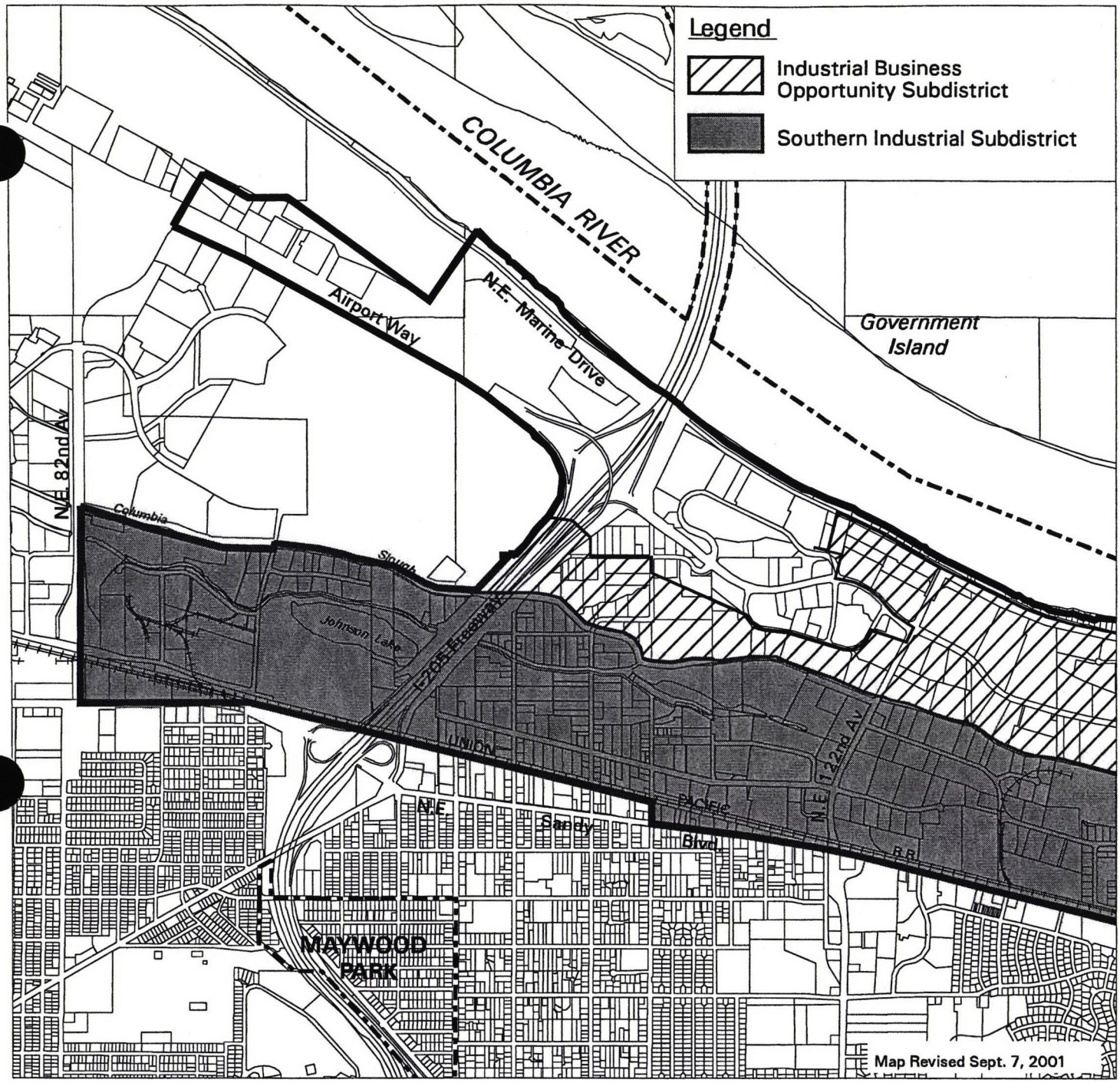
(4) All detrimental impacts on resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore for the site on which the use or activity is taking place will be replaced at the mitigation site.

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.



NORTH

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Scale in Feet

Plan District / Subdistrict Boundaries

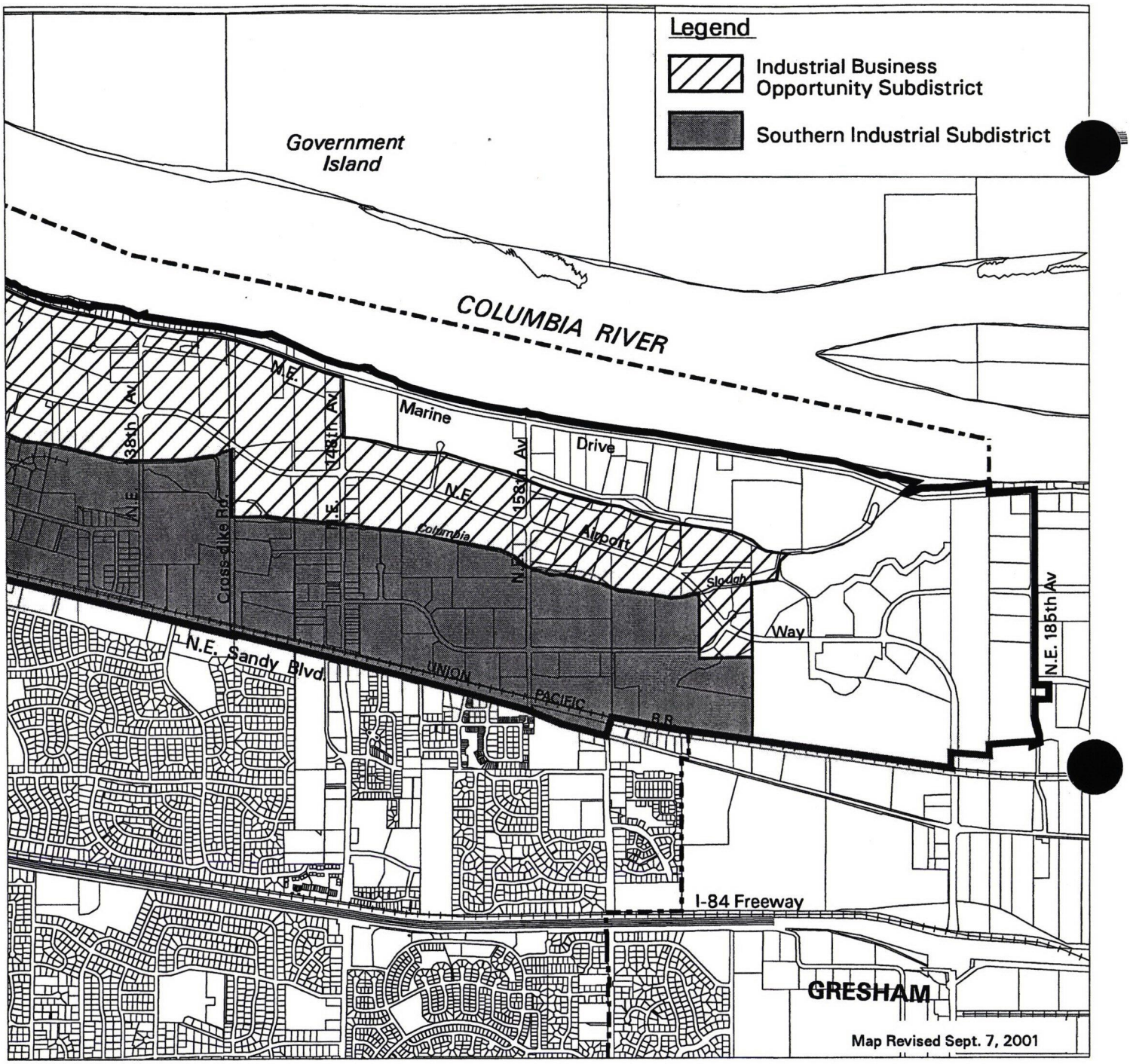
City Boundary

Map 515-1

Columbia South Shore
Plan District and Subdistricts

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

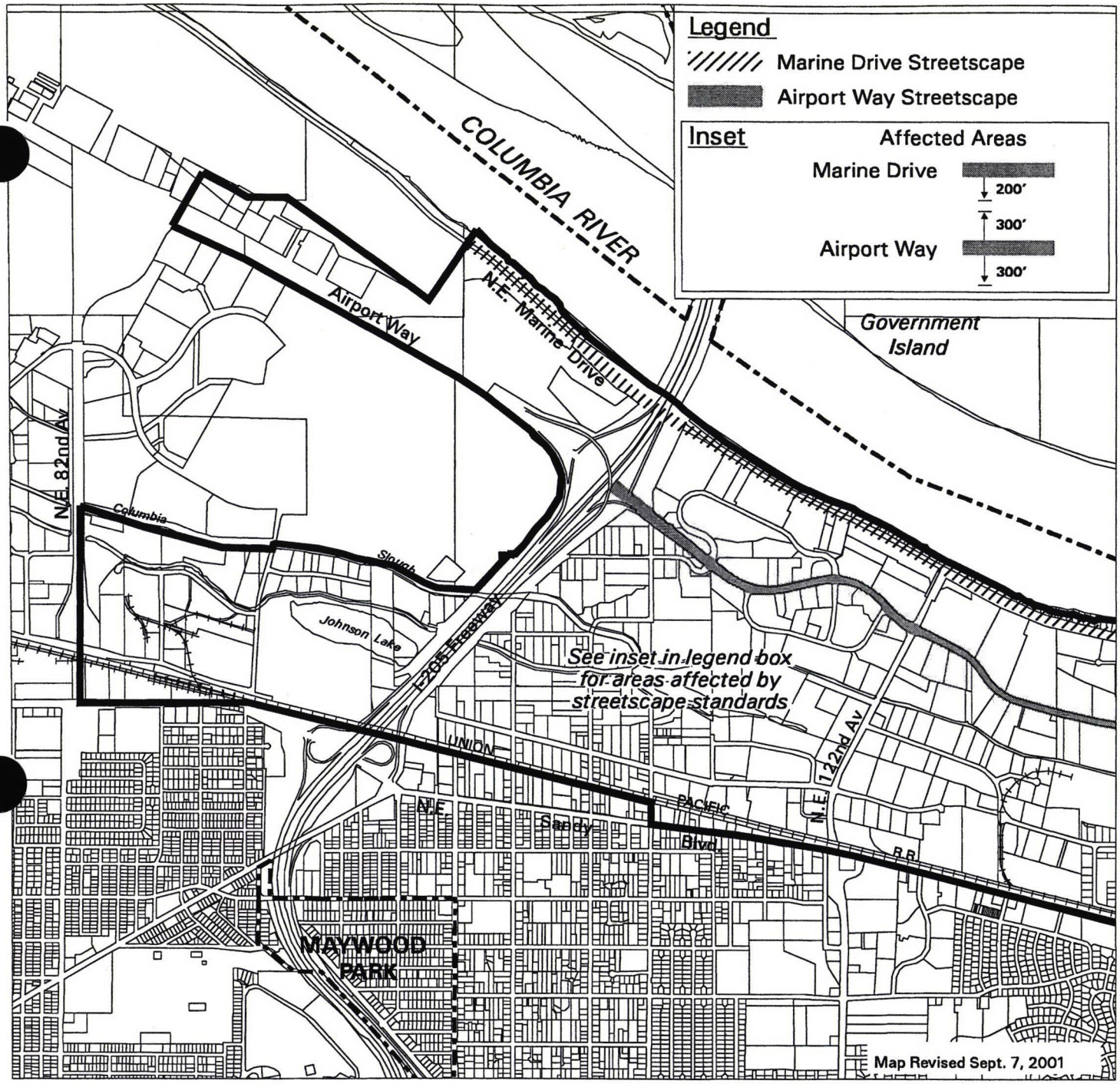
City Boundary

Map 515-1

Columbia South Shore
Plan District and Subdistricts

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

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Scale in Feet

Plan District / Subdistrict Boundaries

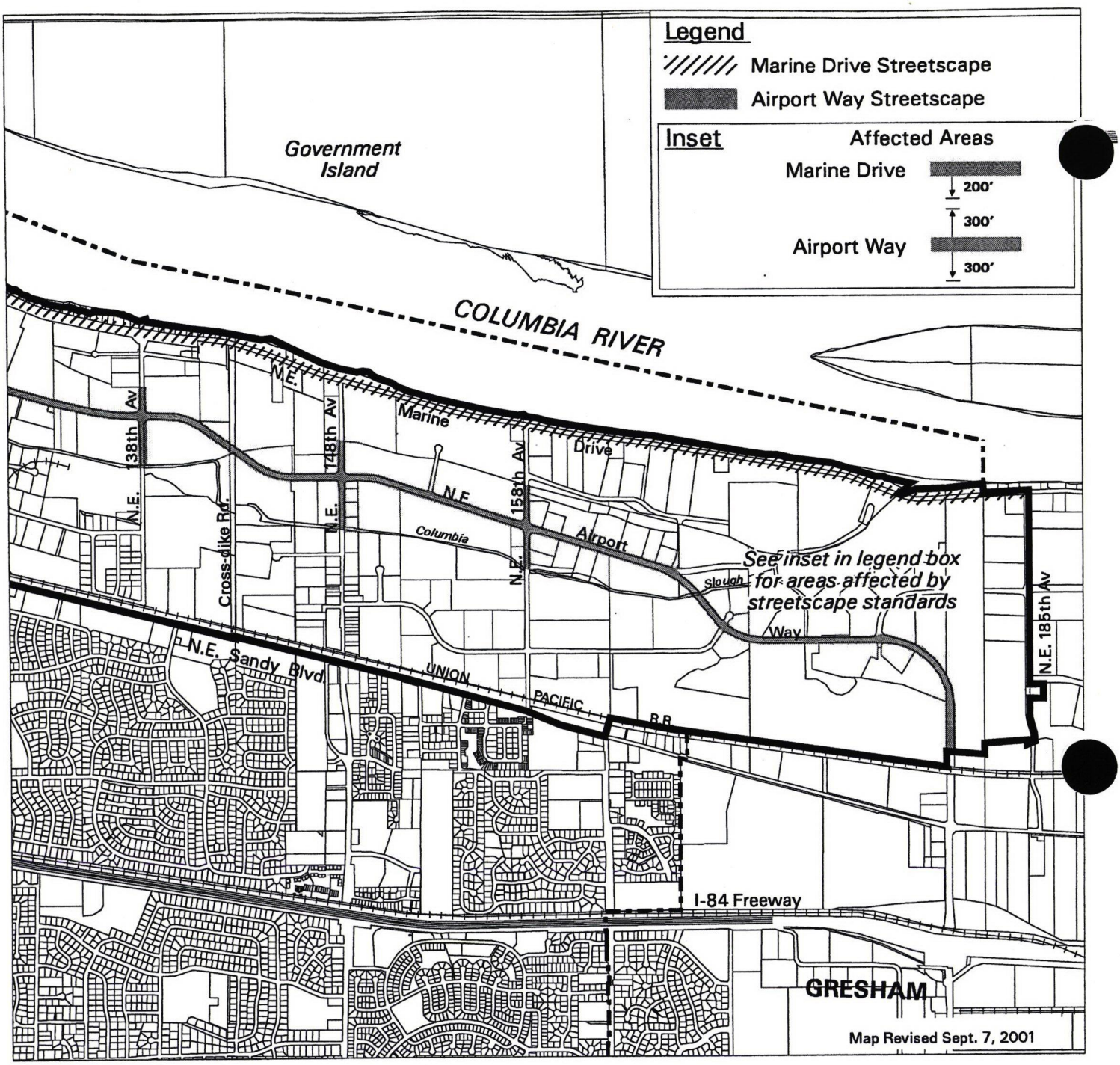
City Boundary

Map 515-2

Columbia South Shore
Steetscape Standards

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

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Scale in Feet

Plan District / Subdistrict Boundaries

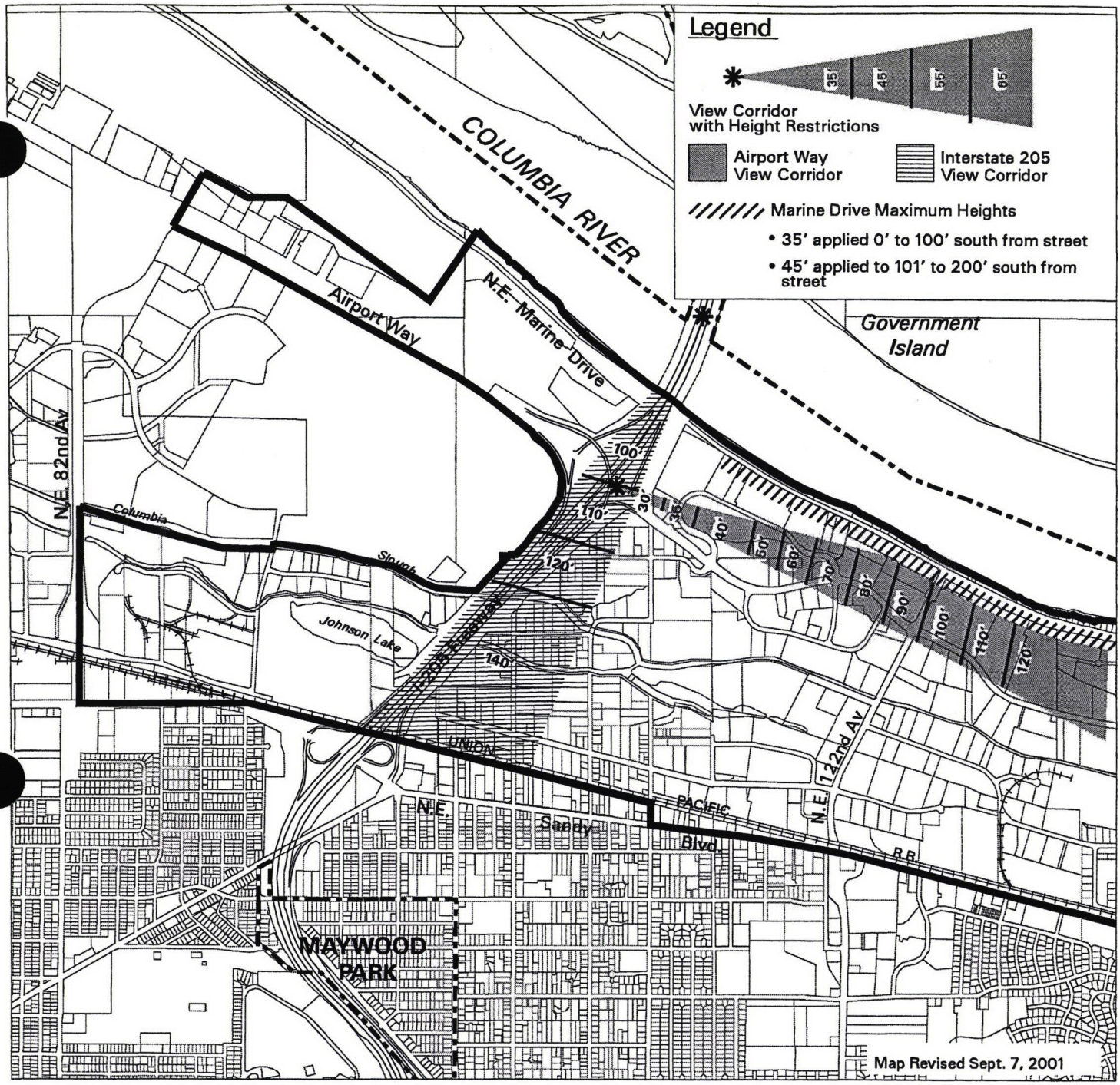
City Boundary

Map 515-2

Columbia South Shore
Steetscape Standards

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

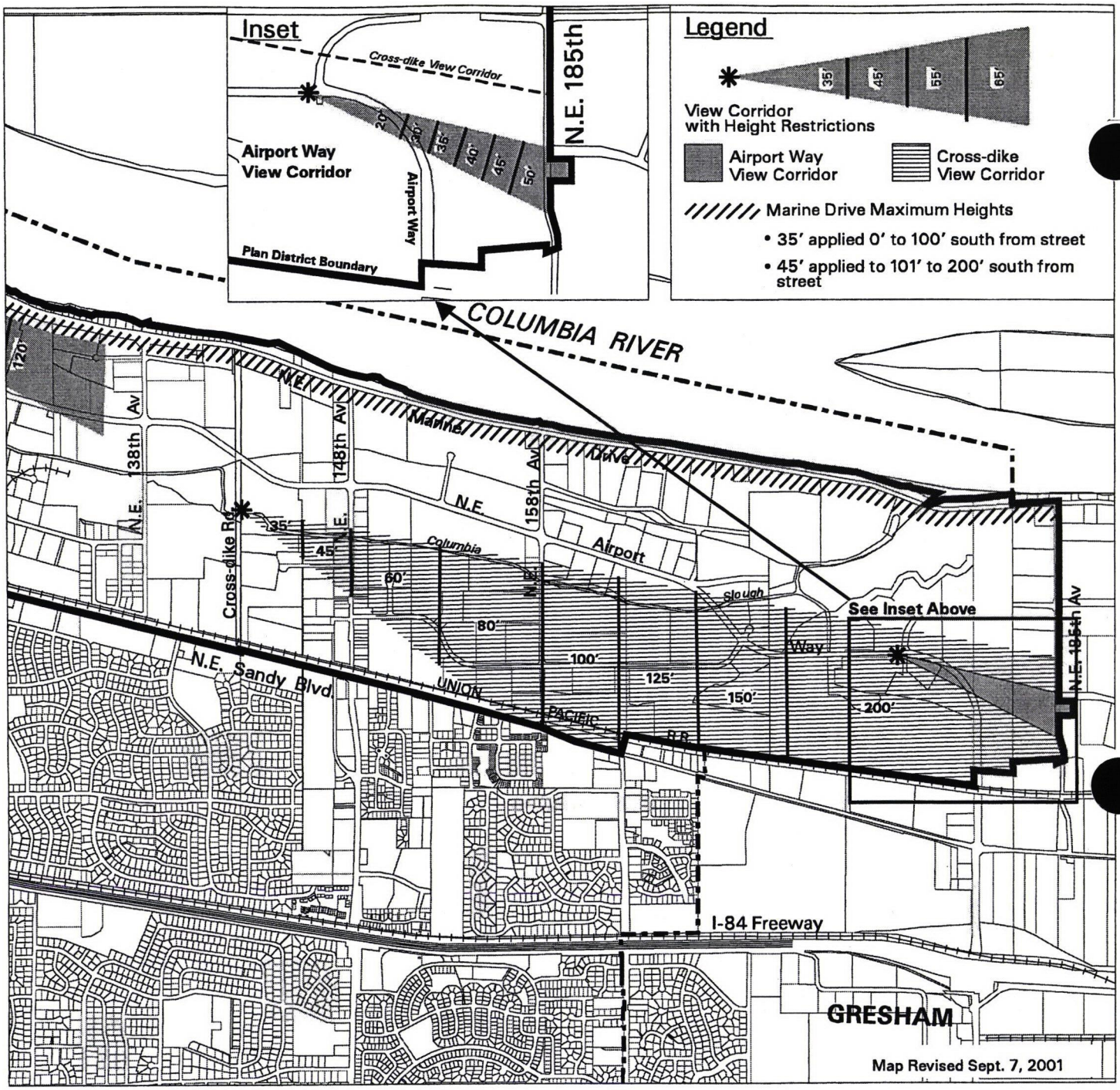
City Boundary

Map 515-3

Columbia South Shore
Maximum Building Heights

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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0' 1012.5' 2025'

Scale in Feet

Plan District / Subdistrict Boundaries

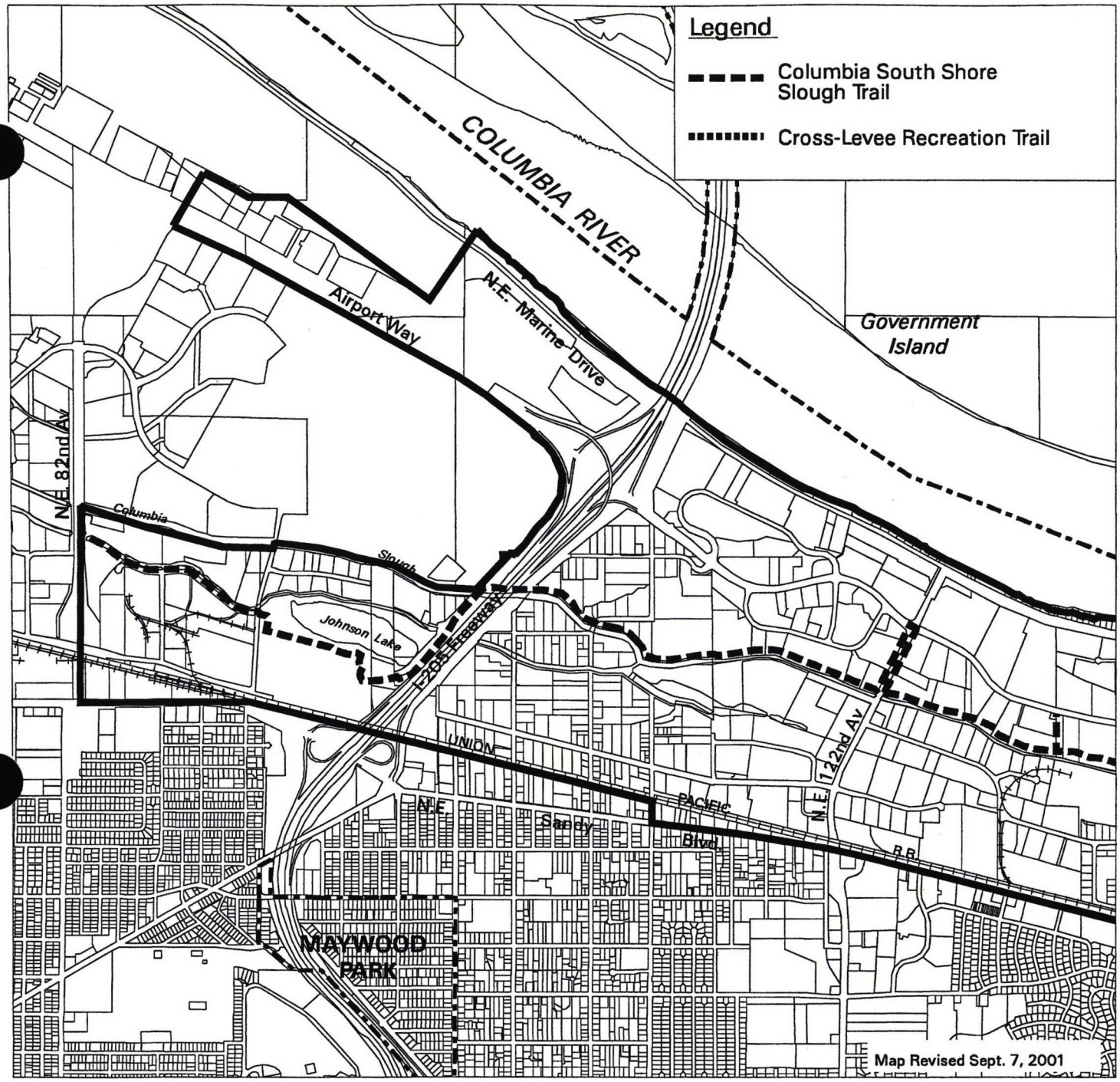
City Boundary

Map 515-3

Columbia South Shore
Maximum Building Heights

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

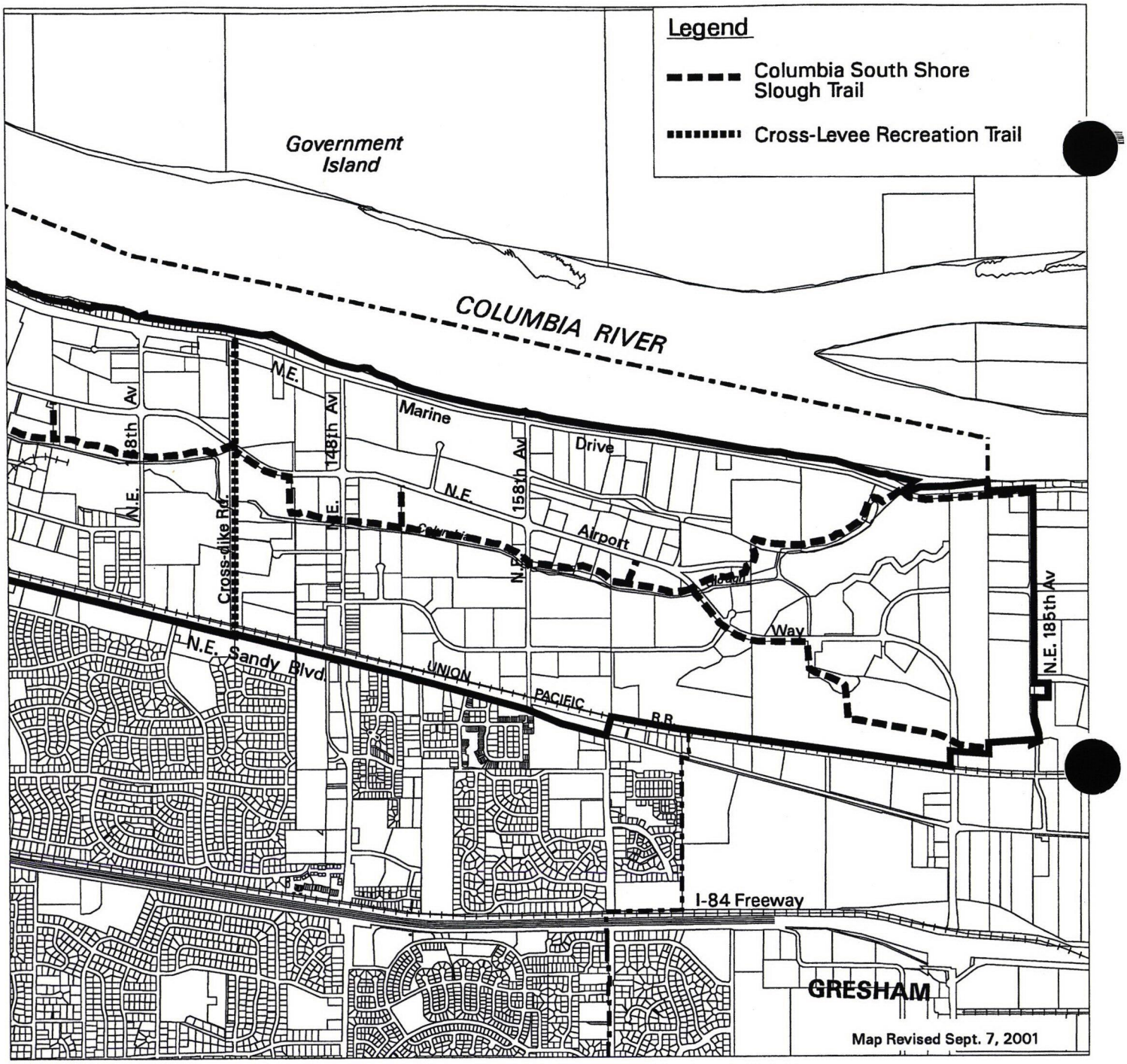
City Boundary

Map 515-4

Columbia South Shore Slough Trail

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

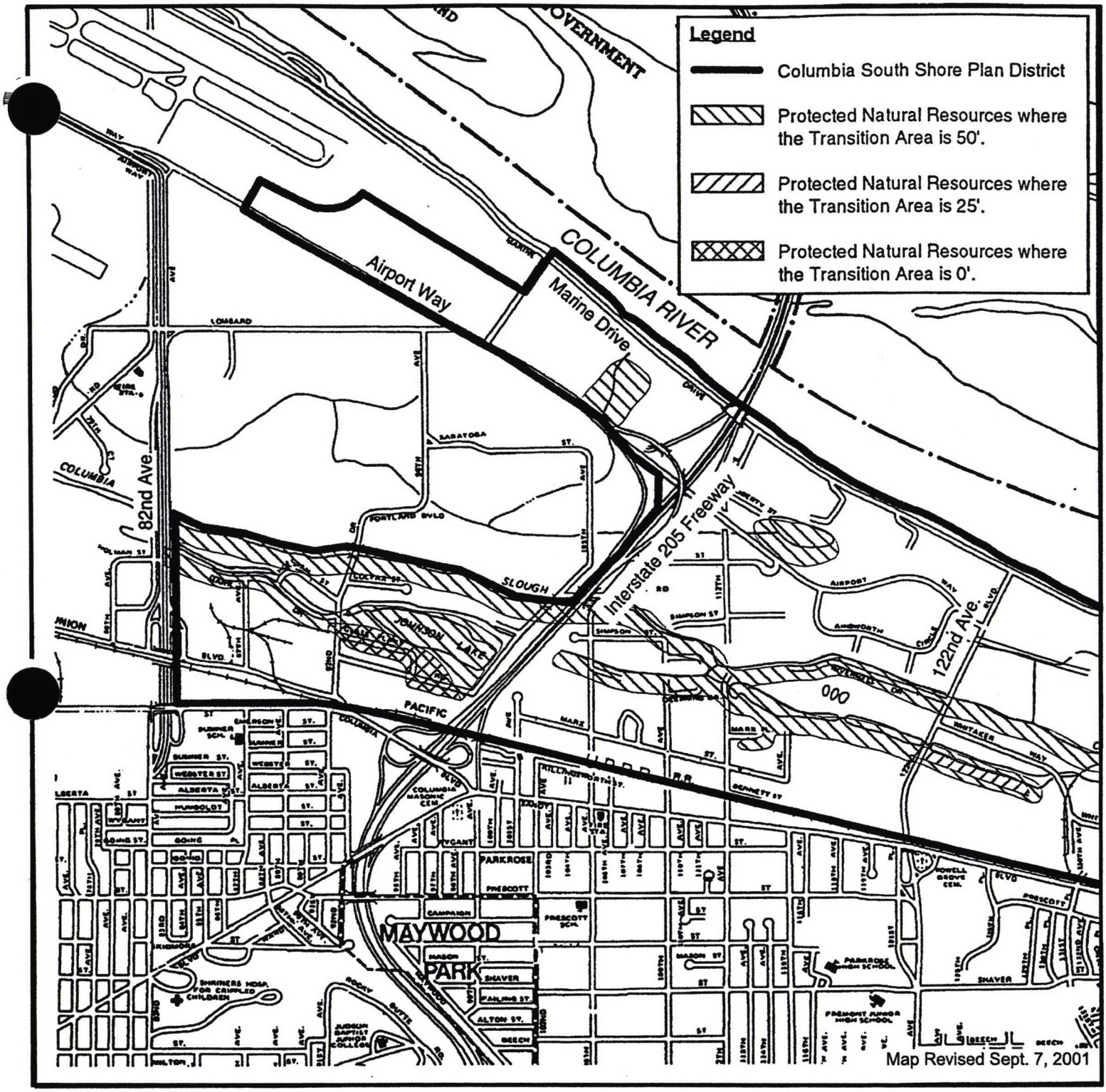
City Boundary

Map 515-4

Columbia South Shore Slough Trail

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

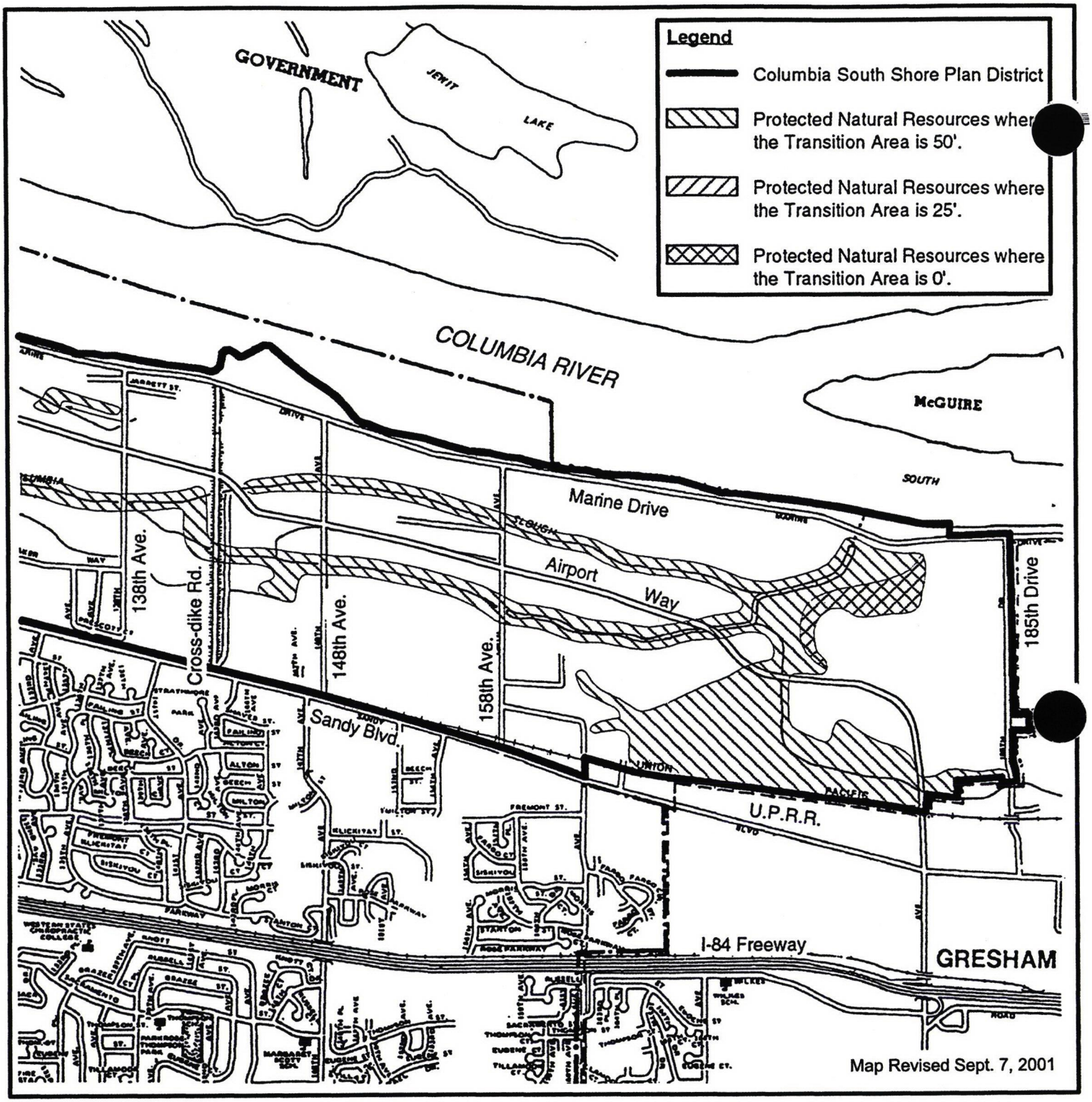
Columbia South Shore Plan District Boundary

Map 515-5

Environmental Transition Areas

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

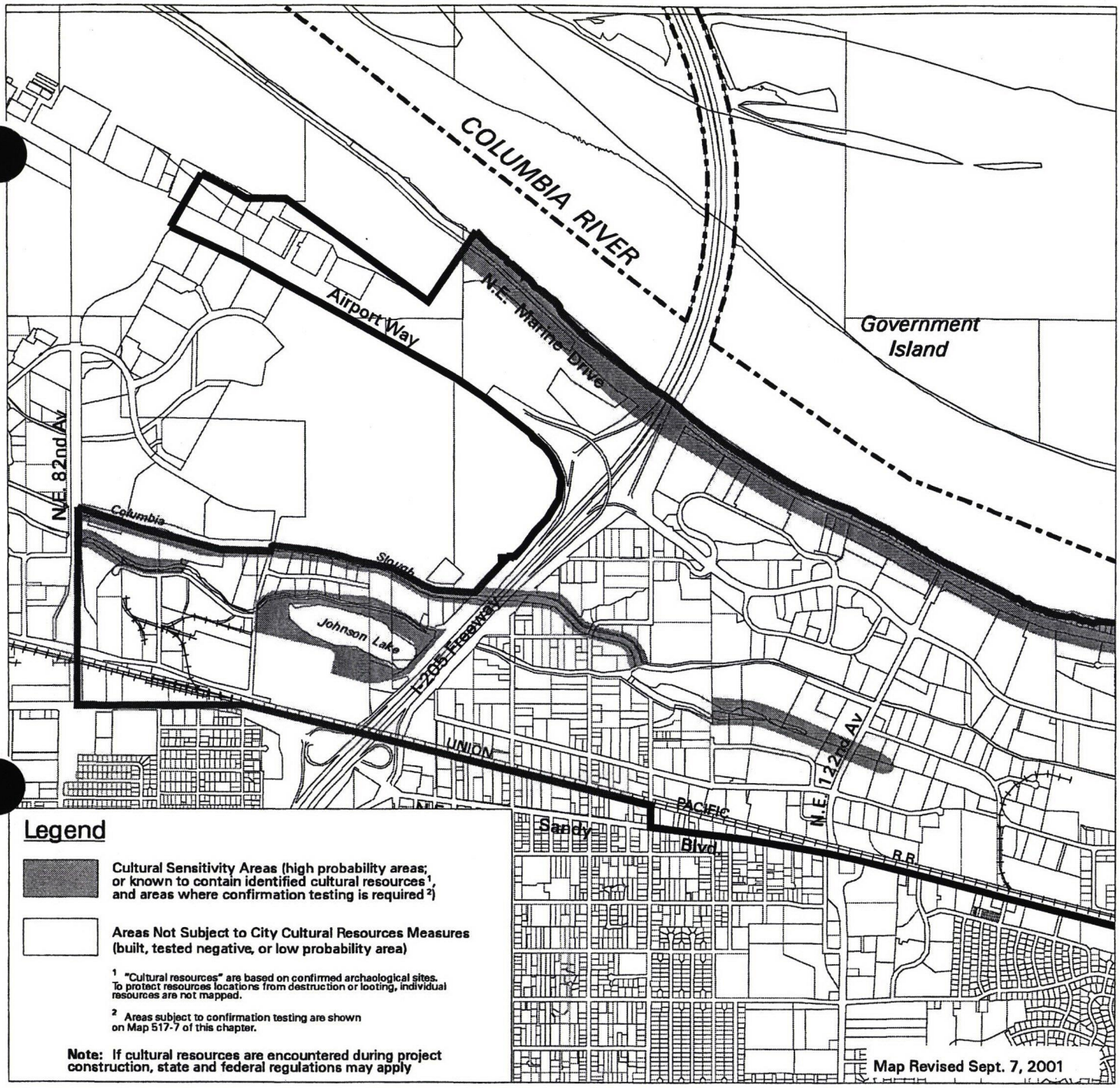
Columbia South Shore Plan District Boundary

Map 515-5

Environmental Transition Areas

Map 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

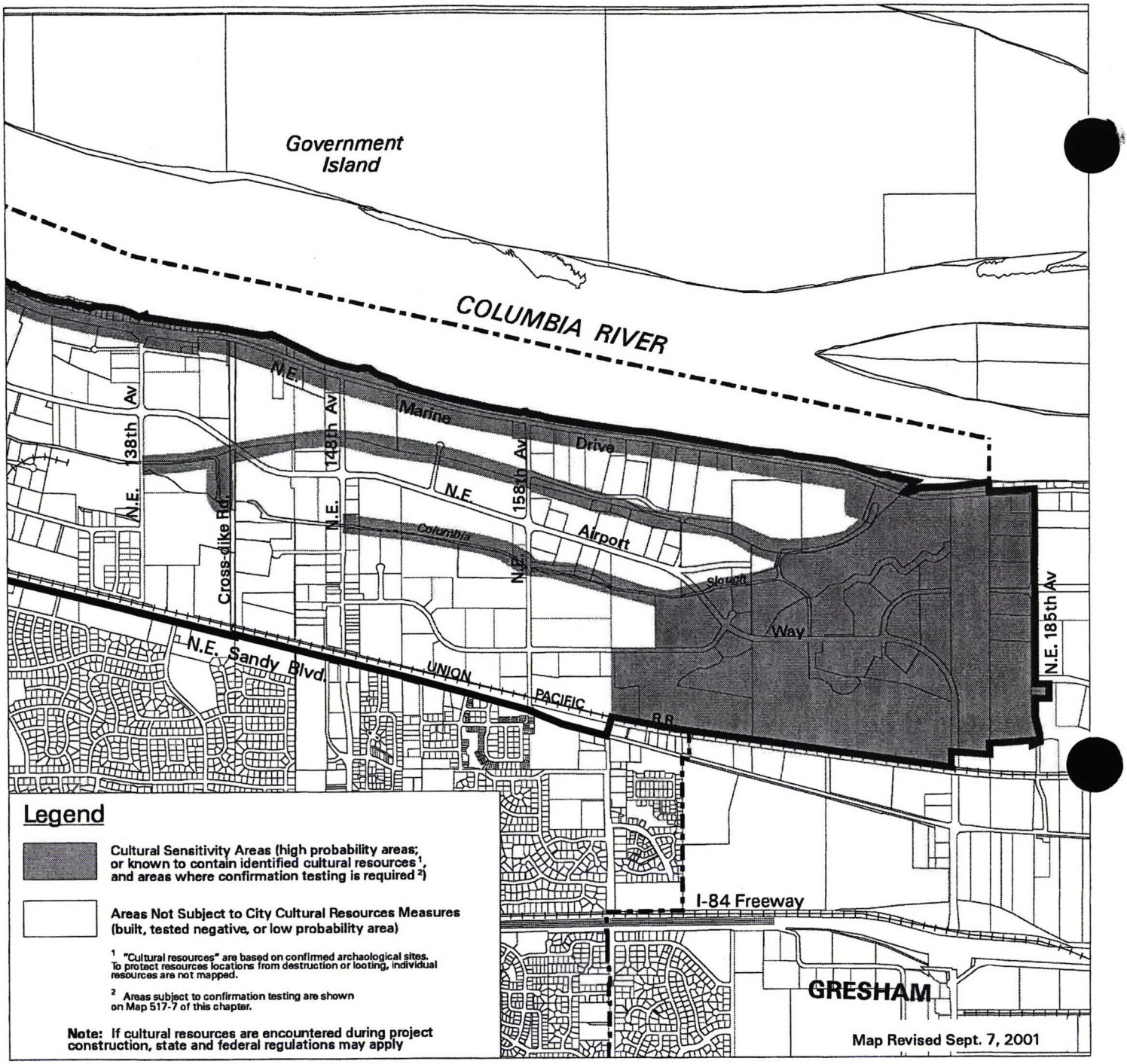
City Boundary

Map 515-6

Columbia South Shore
Areas of Cultural Interest

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

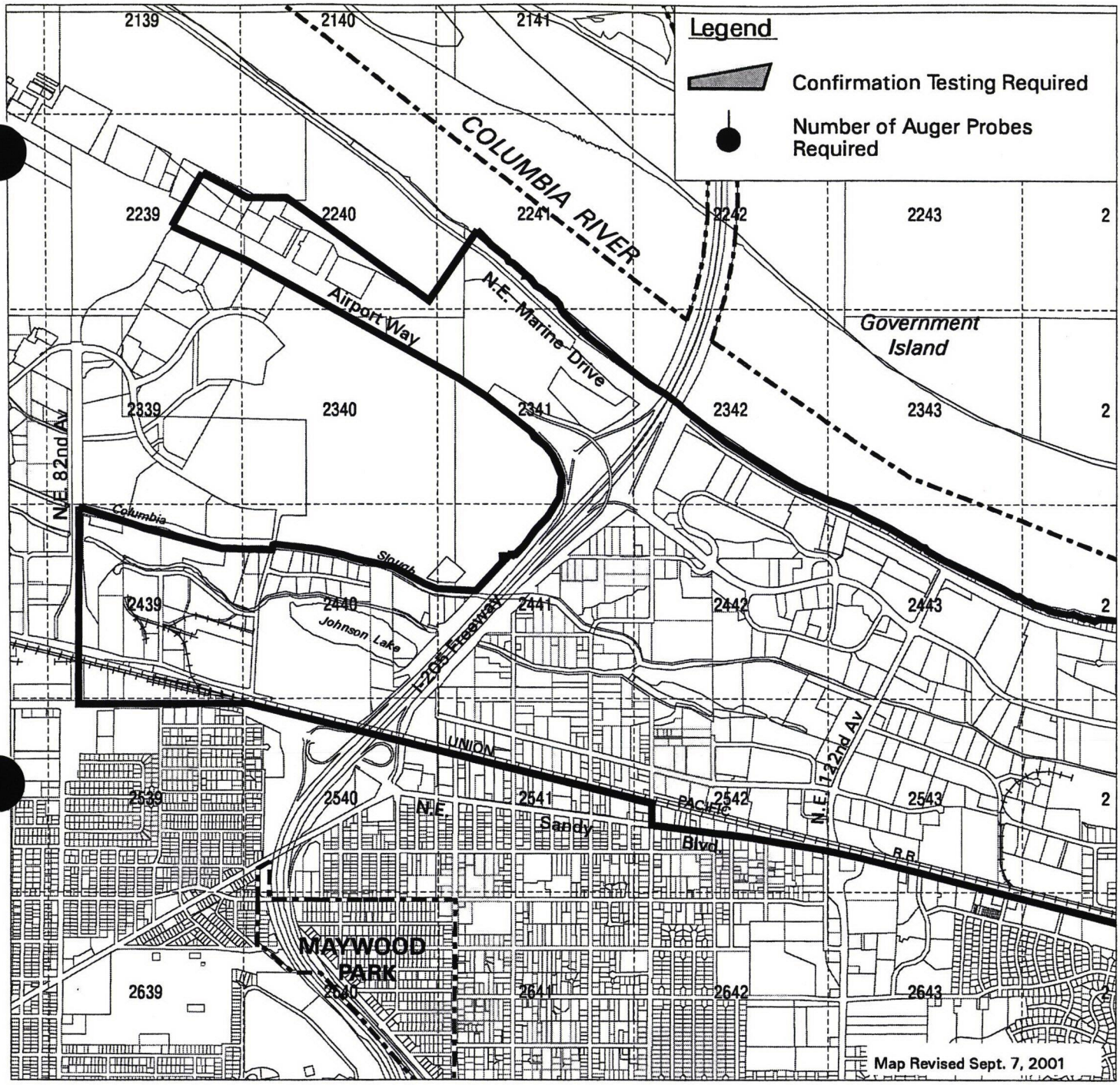
City Boundary

Map 515-6

Columbia South Shore
Areas of Cultural Interest

Map 2 of 2

Bureau of Planning • City of Portland, Oregon



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Scale in Feet

Plan District / Subdistrict Boundaries

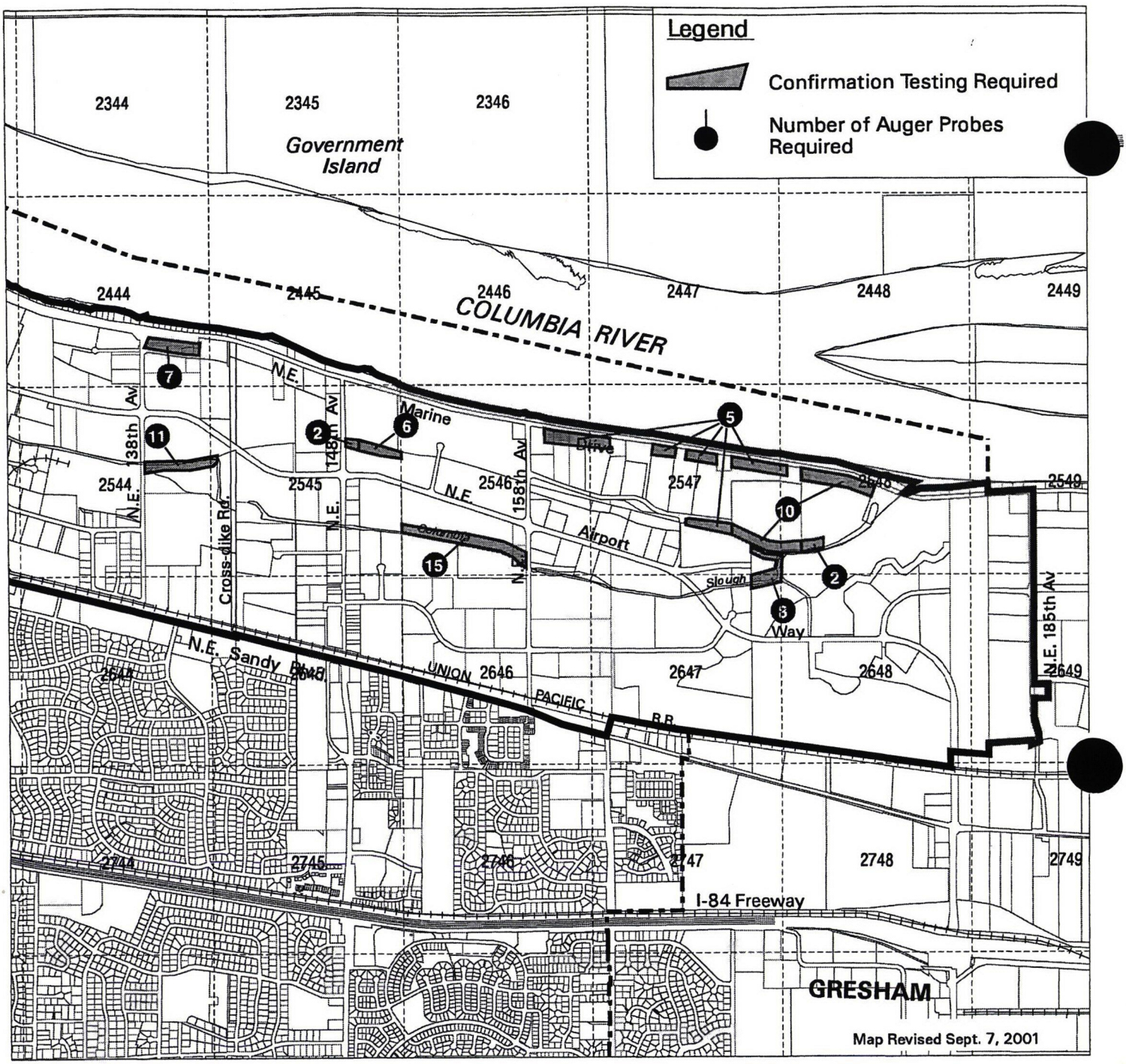
City Boundary

Map 515-7

Columbia South Shore
Areas Where Confirmation Testing is Required

Map 1 of 2

Bureau of Planning • City of Portland, Oregon



NORTH

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Scale in Feet

Plan District / Subdistrict Boundaries

City Boundary

Map 515-7

Columbia South Shore
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; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02.)

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 meets one of the following:

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.

1. Where these requirements apply. Unless exempted by Paragraph B.2, below, 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.

2. Exemptions. The requirements of this section do not apply to houses, attached houses and duplexes.

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 Transit Station or bus stop within 200 feet of the site, the building's main entrance must be at the building's closest point to the Transit Station or bus stop.
- If the site is within 200 feet of both a Transit Station and a bus stop, the building's main entrance requirement applies to the Transit Station.
- If the site is within 200 feet of more than one bus stop, the building entrance requirement applies to the closest bus stop.
- If the site is the same distance from all bus 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 City Walkways or transit streets cross another City Walkway 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.

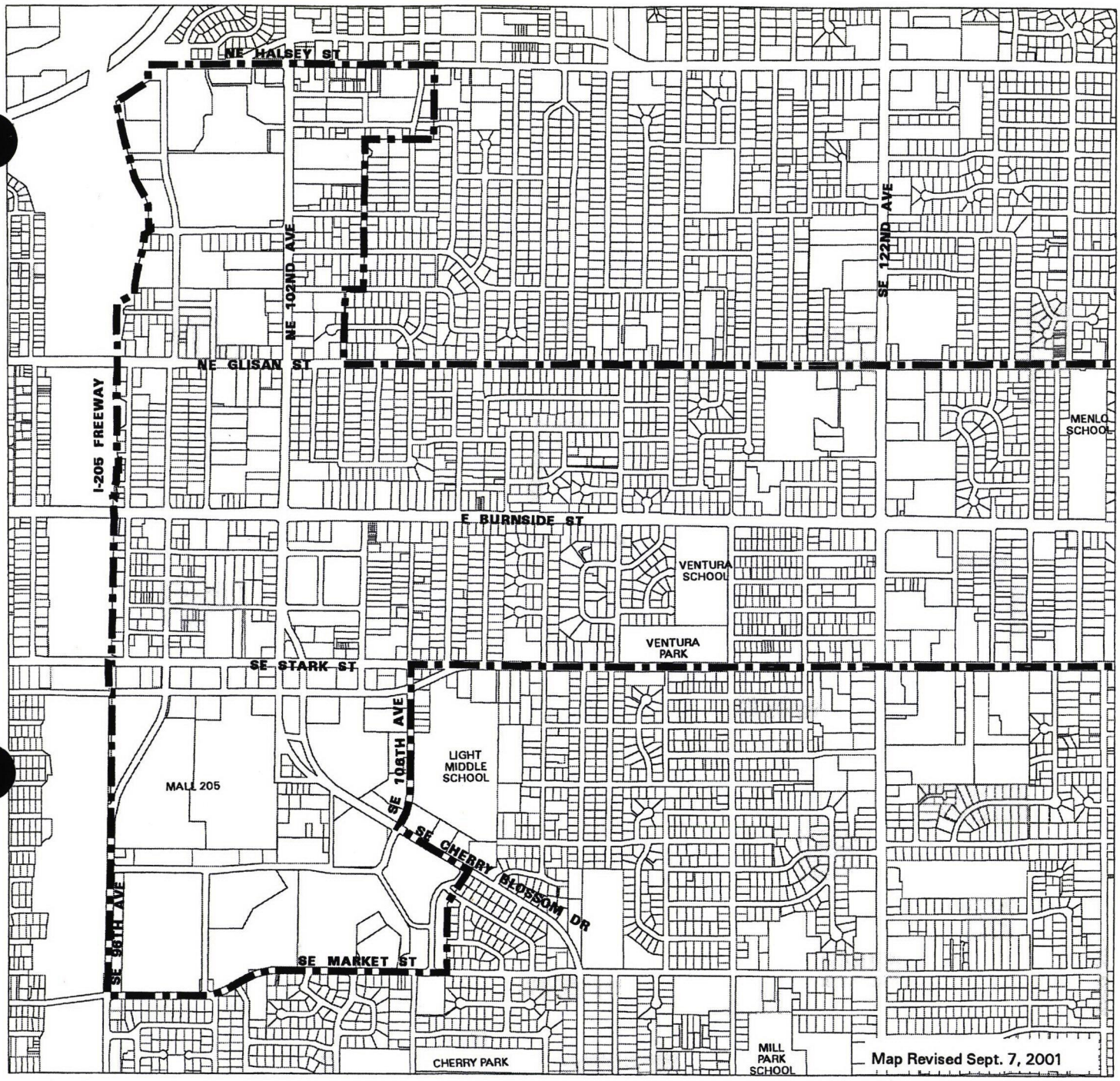
1. Minimum required parking spaces. There is no minimum number of required parking spaces.

2. Maximum allowed parking spaces. The number of parking spaces for nonresidential uses may not exceed 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking. 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.



NORTH

0′ 975′ 1950′

Scale in Feet

Plan District Boundary

Map 526-1

Gateway Plan District

Map 1 of 2

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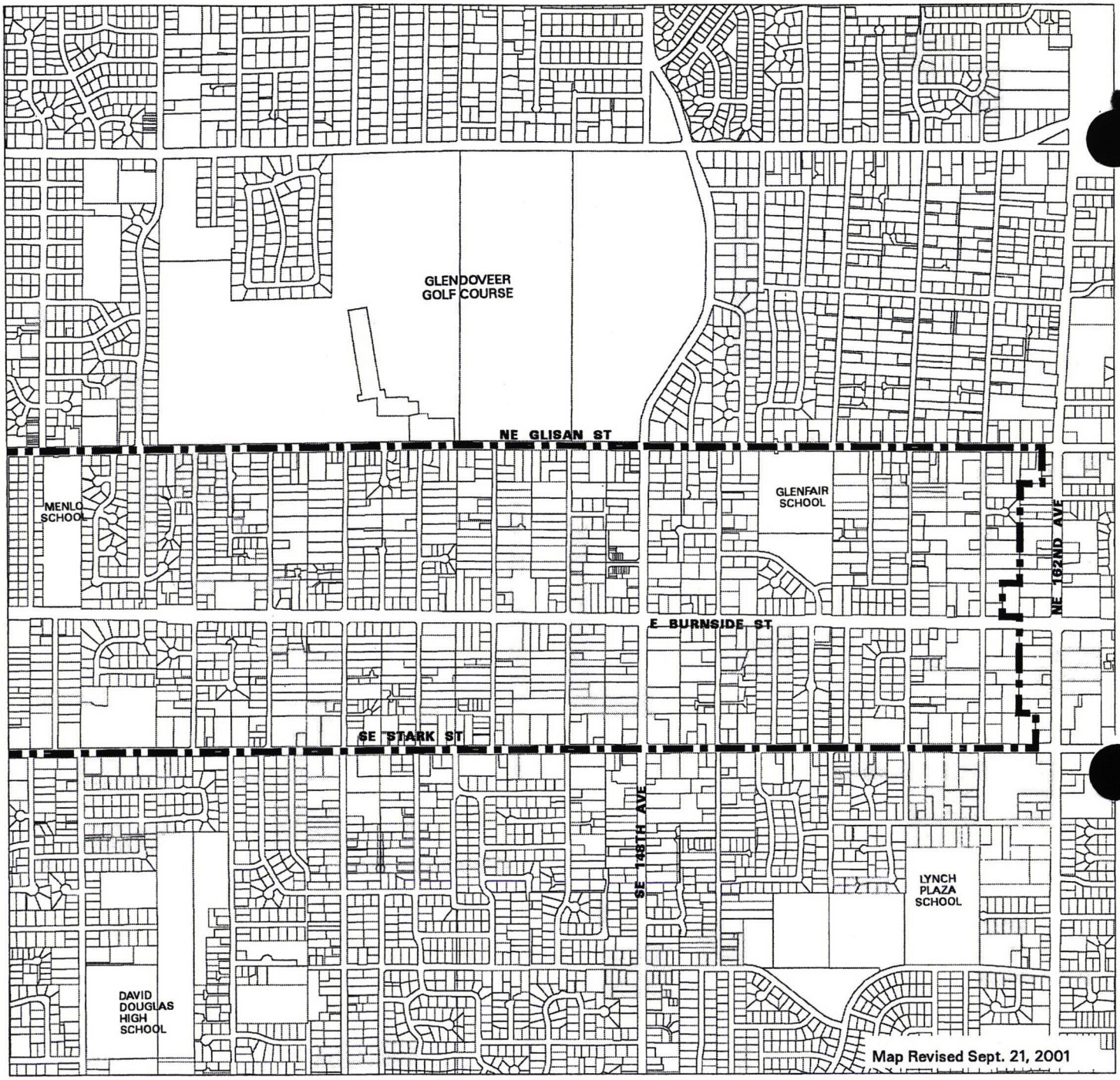


NORTH

0′ 975′ 1950′

Scale in Feet

Plan District Boundary

Map 526-1

Gateway Plan District

Map 2 of 2

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.530
GLENDOVEER PLAN DISTRICT

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

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 and Maximum Density

The minimum lot area is 7,500 square feet. The minimum lot width is 70 feet. Maximum density is 1 unit per 7,500 square feet of site area.

33.530.040 Building Setbacks

A. Building setback standards. The minimum building setbacks are:

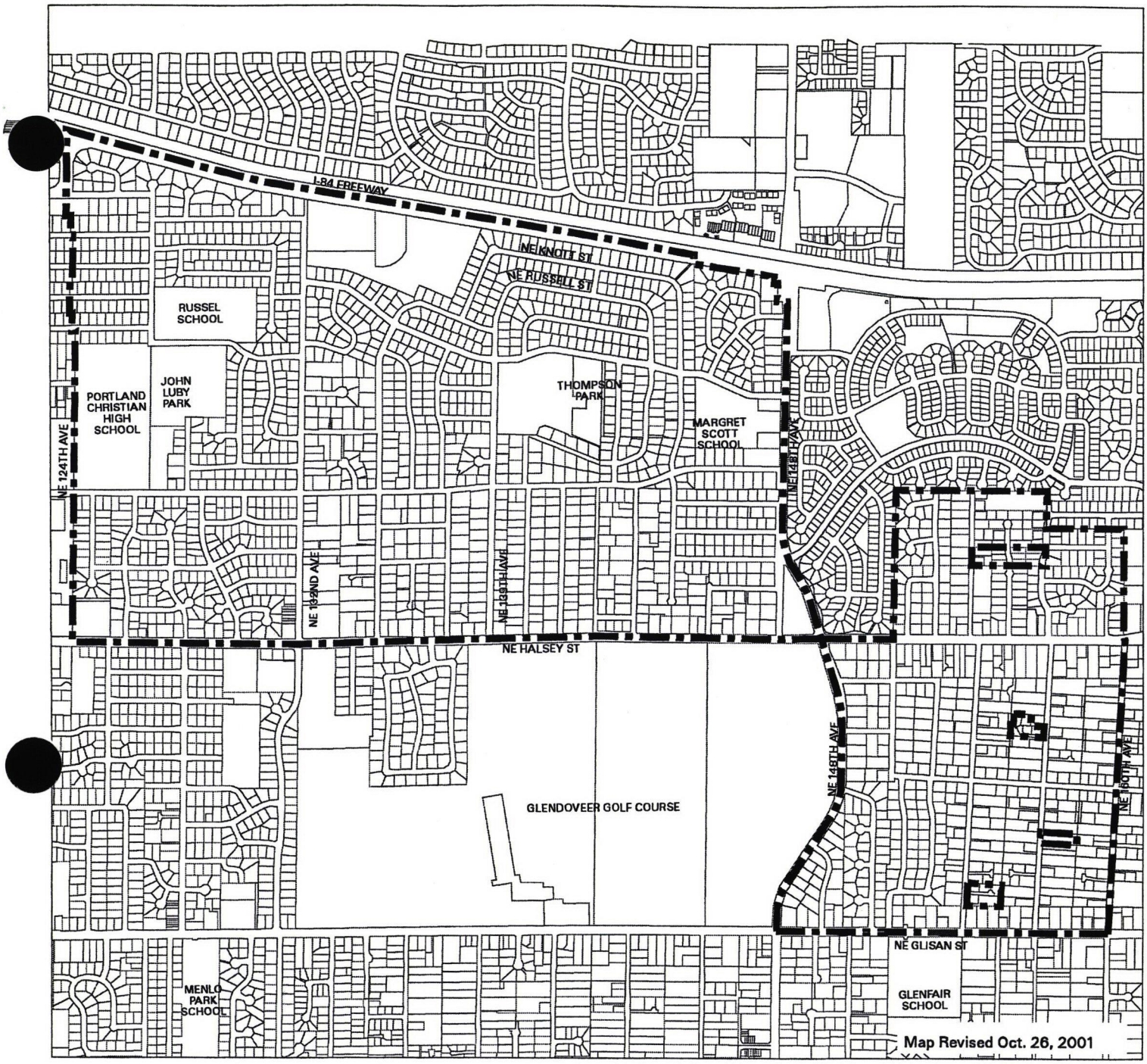
Setback	Distance
Front setback	30 feet
Side setback	10 feet
Rear setback	15 feet

B. Setback standards for detached garages. Detached garages are allowed in side and rear building setbacks that do not abut a street if all of the following are met:

1. The garage entrance is at least 50 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;

2. The garage has dimensions that do not exceed 24 feet by 24 feet; and

3. The garage walls are no more than 10 feet high, excluding the portion of the wall within a gable.



NORTH

0′ 975′ 1950′

Scale in Feet

Plan District Boundary

Map 530-1

Glendoveer Plan District

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.531
GUILD'S LAKE INDUSTRIAL SANCTUARY PLAN DISTRICT

(Added by: Ord. No. 176092, effective 12/21/01.)

Sections:

General
33.531.010 Purpose
33.531.020 Where the Regulations Apply
Use Regulations
33.531.100 Purpose
33.531.110 Additional Use Limitations in the IH Zone
33.531.120 Additional Prohibited Uses
33.531.130 Additional Regulations in Subdistrict A
Map 531-1 Guild's Lake Industrial Sanctuary Plan District and Subdistrict

33.531.010 Purpose

The Guild's Lake Industrial Sanctuary plan district fosters the preservation and growth of this premier industrial area adjacent to Portland's central city. The plan district's large number of well-established industrial firms are dependent on the area's multimodal transportation system, including marine, rail, and trucking facilities, and on the ability of area streets to accommodate truck movements. Because of its proximity to inner-city neighborhoods with high concentrations of commercial and residential uses, the Guild's Lake Industrial Sanctuary is particularly vulnerable to impacts from, and redevelopment to, nonindustrial uses. The provisions of the plan district recognize that the displacement of industrial uses by inappropriate nonindustrial uses potentially threatens the integrity of this district and investments in public and private infrastructure. The provisions of this chapter protect the area from incompatible uses which threaten the district's integrity, stability and vitality and compromise its transportation system.

33.531.020 Where the Regulations Apply

The regulations of this chapter apply to sites in the Guild's Lake Industrial Sanctuary plan district. The boundaries of the plan district are shown on Map 531-1 at the end of this chapter, and on the Official Zoning Maps. The boundaries of the subdistricts are also shown on Map 531-1.

Use Regulations

33.531.100 Purpose

Nonindustrial uses in the plan district are limited because they interfere with industrial activities and generate traffic that can compromise the ability of the area's multimodal transportation system to serve industrial uses. These restrictions ensure that the plan district is preserved primarily for industrial uses, while allowing limited commercial uses that serve industrial firms and their employees. The restrictions are most extensive in the IH zone; in that zone the potential for conflicts between industrial and nonindustrial uses is greatest because of the nature of heavy industrial operations.

33.531.110 Additional Use Limitations in the IH Zone

A. Purpose. These regulations place additional limitations on commercial uses to minimize their impact on industrial activity. In addition, the regulations place limits on accessory and headquarters offices in the core of the plan district to ensure that the offices will be clearly subordinate to their associated uses and to limit their potential impacts on nearby industrial operations.

B. Where these regulations apply. The regulations of this section apply to sites in the IH zone.

C. Retail Sales And Service and Office uses in the IH zone.

1. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet per use.

2. Conditional uses.

   a. More than four Retail Sales And Service or Office uses on a site is a conditional use.

   b. Any Retail Sales And Service or Office use where the floor area plus the exterior display and storage area is more than 3,000 square feet is a conditional use. Retail Sales And Service or Office uses where the floor area plus exterior display and storage area is more than 10,000 square feet or the FAR is more than 1:1 are prohibited, except in historic landmarks. In historic landmarks, Retail Sales And Service or Office uses where the floor area plus the exterior display and storage area is more than 25,000 square feet or the FAR is more than 2:1 are prohibited.

D. Accessory Offices and Headquarters Offices. Up to 25 percent of the net building area plus exterior work and storage areas on a site, or 25,000 square feet, whichever is less, may be in accessory office or headquarters office use. Accessory or headquarters office uses that exceed this percentage, or occupy more than 25,000 square feet, are a conditional use. Accessory and headquarters offices are allowed only in conjunction with a primary use that is allowed in the zone or has been approved as a conditional use.

33.531.120 Additional Prohibited Uses

A. Purpose. To preserve the Guild's Lake area as a suitable location for industrial uses, these regulations prohibit nonindustrial uses that conflict with industrial activities and that can contribute to traffic congestion, especially in the core of the plan district.

B. Additional prohibited uses in the IH zone. The following uses are prohibited in the IH zone:

1. Household Living;

2. Self-Service Storage;

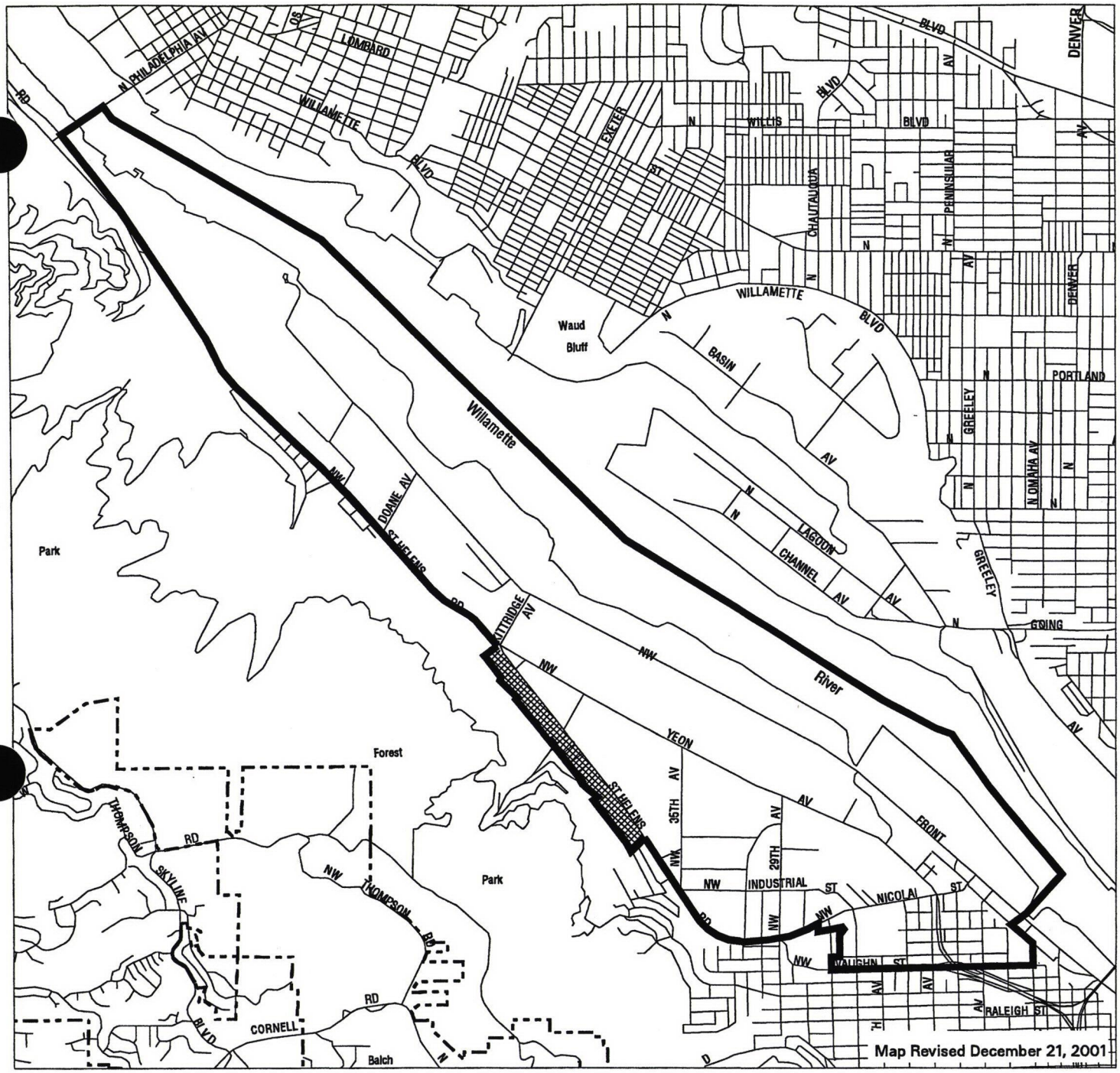
3. Commercial Outdoor Recreation; and

4. Major Event Entertainment.

C. Additional prohibited uses in the IG zones. The following uses are prohibited in the IG zones:

1. Household Living;
2. Commercial Outdoor Recreation; and
3. Major Event entertainment.

33.531.130 Additional Regulations in Subdistrict A
Sites in Subdistrict A are also subject to the regulations of the following Sections of the Northwest Hills Plan District: 33.563.200 Prohibition, 33.563.210 Additional Approval Criteria, and 33.563.030, Transfer of Development Rights.



NORTH

0′ 2250′ 4500′

Scale in Feet

Plan District Boundary

Subdistrict A

Map 531-1

Guild's Lake Industrial Sanctuary Plan District and Subdistrict

Bureau of Planning • City of Portland, Oregon

1-1-2003

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.

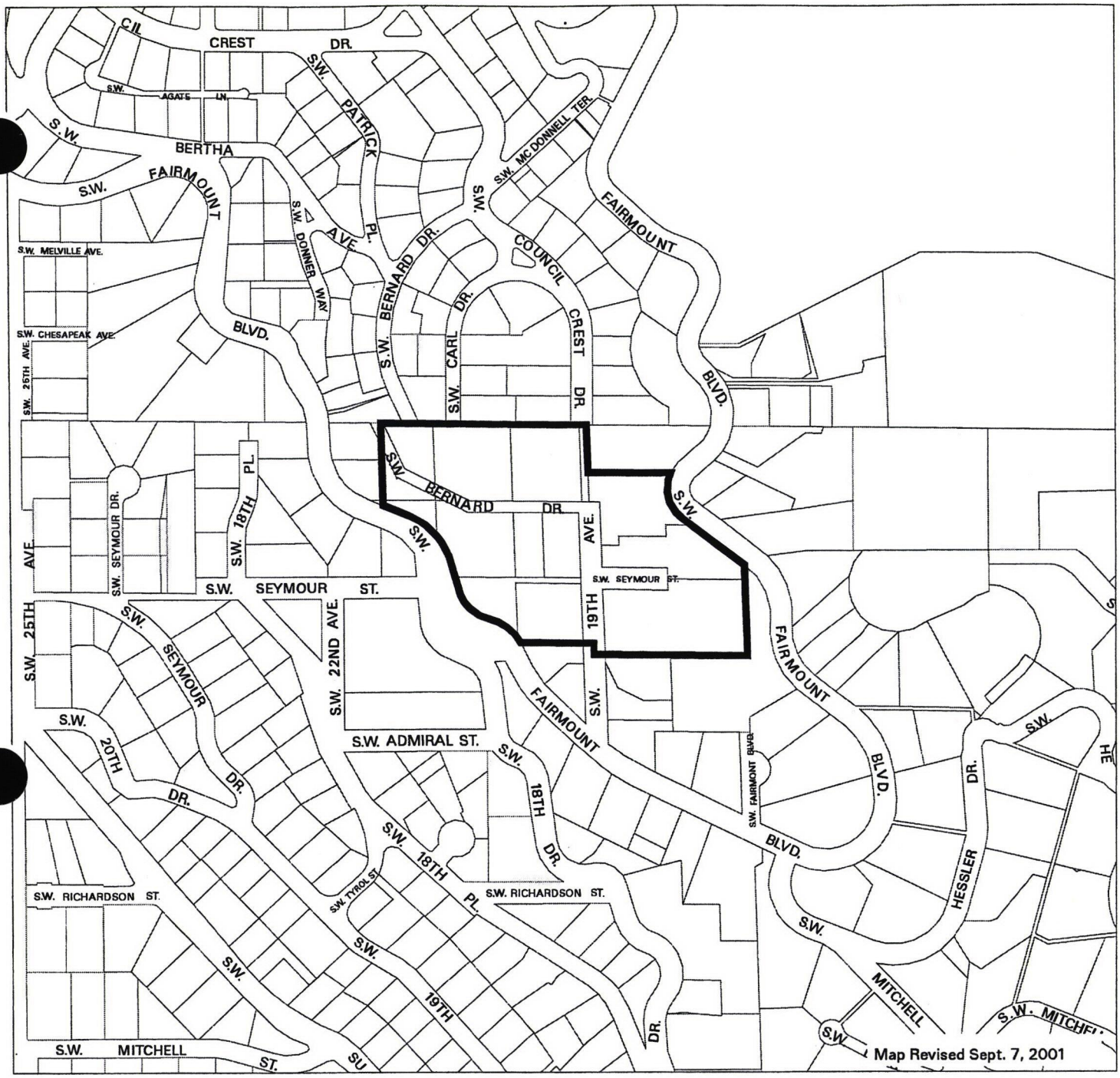
A. Interference survey. Surveying the extent of radiofrequency interference (RFI) will occur in the manner and frequency as determined by the Healy Heights RF Advisory Board. Survey of RFI may be included as a condition of approval to a land use approval or as a joint responsibility of the operators 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′ 300′ 600′

Scale in Feet

Plan District Boundary

Map 533-1

Healy Heights Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003

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

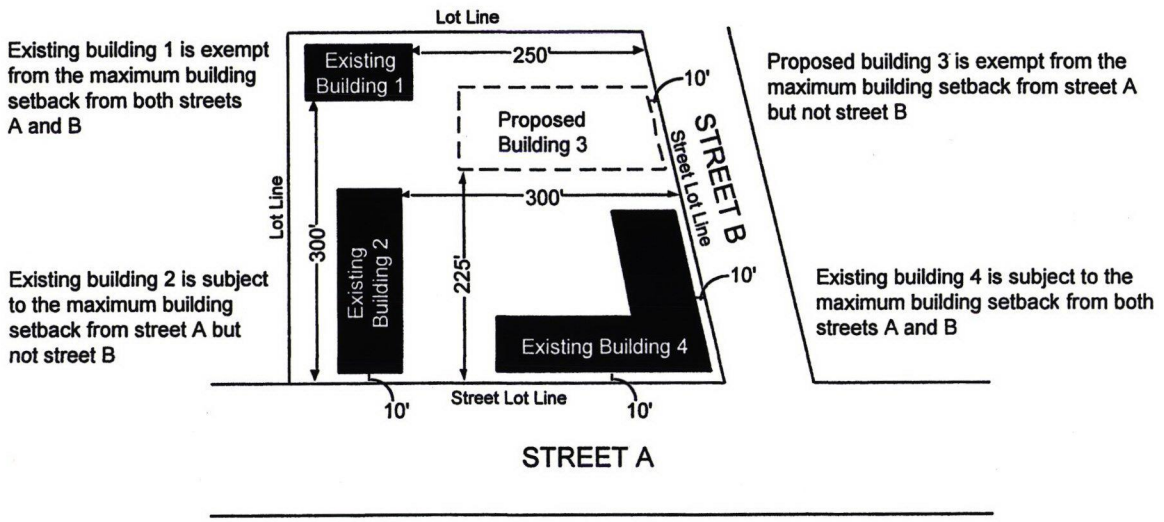
33.534.200 Purpose
These development standards maintain the established character of the Hillsdale area while encouraging pedestrian-oriented development.

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;

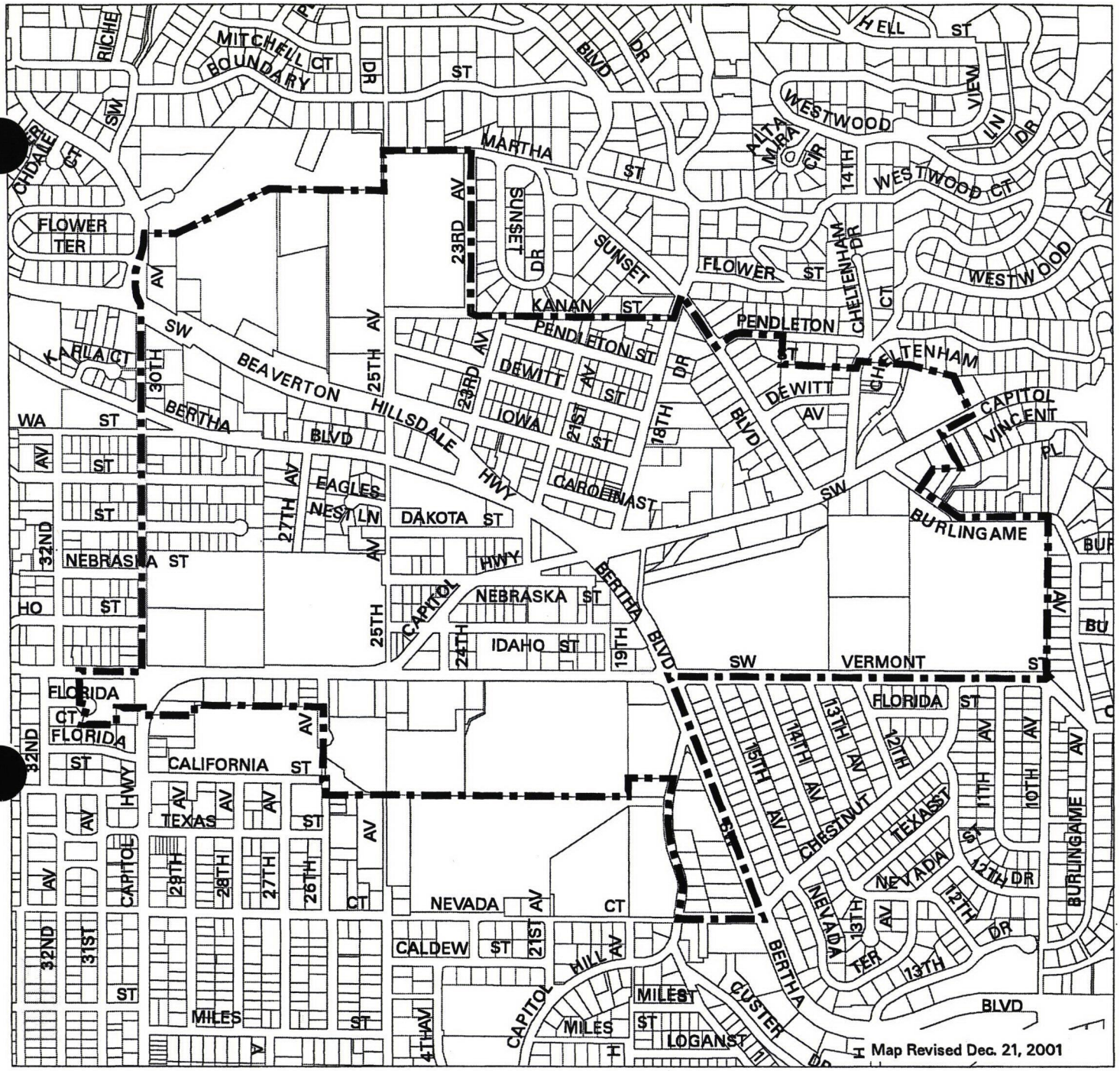
C. Farmers' markets selling plants and produce may operate one day per week; and

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.



NORTH

0′ 600′ 1200′

Scale in Feet

Plan District 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; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, Chapter 33.535 has been renumbered. See Chapter 33.537, Johnson Creek Basin Plan District.

CHAPTER 33.536
HOLLYWOOD PLAN DISTRICT

(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00.)

Sections:

General
33.536.010 Purpose
33.536.020 Where These Regulations Apply
Use Regulations
33.536.100 Purpose
33.536.110 Prohibited Uses
33.536.120 Required Residential Uses
33.536.130 Commercial Parking in the RX, CS, and CX Zones
Development Standards
33.536.200 Purpose
33.536.210 Prohibited Development
33.536.220 Maximum Building Height
33.536.230 Transition Between Residential and Commercial Zones
33.536.235 Transition Between Commercial Zones
33.536.240 Floor Area Ratio
33.536.250 Bonus Options
33.536.260 Building Facades Facing Sandy Boulevard
33.536.270 Building Coverage and Landscaping for Residential Projects in the CS Zone
33.536.280 Enhanced Pedestrian Street Standards
33.536.290 Maximum Parking Allowed in the RX, CS, and CX Zones
33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone
33.536.310 Required Design Review
33.536.320 Nonconforming Development
Map 536-1 Hollywood Plan District and Subdistricts
Map 536-2 Hollywood Plan District: Maximum Building Heights
Map 536-3 Hollywood Plan District: Enhanced Pedestrian Streets

General

33.536.010 Purpose

The Hollywood plan district provides for an urban level of mixed-use development including commercial, office, housing, and recreation. Specific objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking. These regulations:

- Enhance business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and developments and direct the placement of auto-oriented uses and developments away from the area of most intense activity;
- Reinforce the connection between the Hollywood Transit Center and the business core of the Hollywood District;
- Enhance the pedestrian experience; and
- Enhance the character of buildings in the plan district.

33.536.020 Where These Regulations Apply

The regulations of this Chapter apply in the Hollywood plan district. The boundaries of the plan district and subdistricts are shown on Map 536-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.536.100 Purpose

Use restrictions in the area near the transit center and in the business core of Hollywood ensure that development maximizes the public's investment in transit. The restrictions also strengthen the role of Hollywood as a mixed-use center. Limits on parking and auto-oriented uses encourage pedestrian and transit-oriented uses and activities. Requiring residential uses in key areas supports the commercial uses in Hollywood and also increases pedestrian activity near the transit center and in the commercial core of Hollywood.

33.536.110 Prohibited Uses

A. Purpose. These regulations limit auto-oriented uses in the plan district, and help reduce traffic congestion, especially in the commercial core of Hollywood.

B. Prohibited uses.

1. Park and Ride facilities are prohibited in the plan district; and

2. Vehicle Repair and Quick Vehicle Servicing are prohibited in Subdistrict A.

33.536.120 Required Residential Uses

A. Purpose. This regulation ensures a minimum level of housing in the area near the Hollywood Transit Center to support transit use and promote a dense, vital, urban-scaled mix of uses and activities. Housing is particularly important in this mix because it supports the commercial uses, promotes walking from residential areas to nearby services, and contributes to evening and weekend activity.

B. Where this regulation applies. The regulation of this section applies to new development or additions of more than 2,500 square feet of floor area in the Required Residential Area shown on Map 536-1.

C. Required residential uses. At least 50 percent of new floor area must be in residential uses.

33.536.130 Commercial Parking in the RX, CS, and CX Zones

A. Purpose. These regulations allow Commercial Parking that serves employees and visitors in Hollywood while discouraging parking for those who park in Hollywood and take transit to other destinations.

B. Limitations on Commercial Parking uses. Commercial Parking in the RX, CS, and CX zones is a conditional use, and must be in a structure.

C. Supplemental application requirements. A parking demand analysis is required to show a need for Commercial Parking at this location.

Development Standards

33.536.200 Purpose

These development standards foster a mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design. The standards also promote the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district. Finally, these standards help ensure an attractive transition in areas where commercial and residential zones abut.

33.536.210 Prohibited Development

A. Purpose. These regulations limit auto-oriented development and ensure transit-supportive levels of residential development in the commercial core of the plan district and in the areas closest to the Hollywood Transit Center. The regulations also support existing businesses with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban mix and intensity of uses.

B. Single-dwelling residential. Single-Dwelling residential development is prohibited in Subdistrict A. Alterations to existing Single-Dwelling residential development are allowed.

C. Accessory parking. Parking that is accessory to uses outside of the plan district is prohibited.

D. Drive-through facilities. Drive-through facilities are prohibited, except that in Subdistrict B, drive-through facilities may be allowed if they meet all of the regulations of this subsection:

1. There was a legal drive-through facility on the site on May 5, 2000;

2. The new drive-through is on the same site and the existing drive-through will be removed;

3. The replaced drive-through facility will be part of a new development on the site that meets the following:

   a. After the new development is built, the FAR on the site must be at least 1.5:1; and

   b. At least 25 percent of the new floor area must be in residential uses;

4. The drive-through facility must either:

   a. Meet the standards of Chapter 33.224, Drive-Through Facilities; or

   b. Meet the following:

      (1) The service area must be within the primary structure on the site;

      (2) The service area must have useable floor area above it on the second story; and

(3) The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site; and

5. A complete application for a building permit must be submitted before May 5, 2003.

33.536.220 Maximum Building Height
The maximum building heights are shown on Map 536-2 except as specified in Subsection 33.536.230.C. Adjustments to these heights are prohibited.

33.536.230 Transition Between Residential and Commercial Zones

A. Purpose. These regulations ensure that there is a transition in height when commercial sites are abutting or across the street from low and medium density residential zones. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.

B. Where these regulations apply. The regulations of this section apply to sites in commercial zones.

C. Maximum building height.

1. Generally. The maximum allowed building height is shown on Map 536-2, Building Heights, except as specified in Paragraphs C.2 and C.3 below:

2. Sites abutting RF - R1 zones. Sites abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. See Figure 536-1. These height limits are:

   a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.

   b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.

3. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF though R1, the maximum building height is the same as the residential zone across the street. See Figure 536-2.

D. Required windows above the ground floor. Sites across a street and within 50 feet of RF through R2.5 zones must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

Figure 536-1
Height limits on sites abutting RF - R1 zones

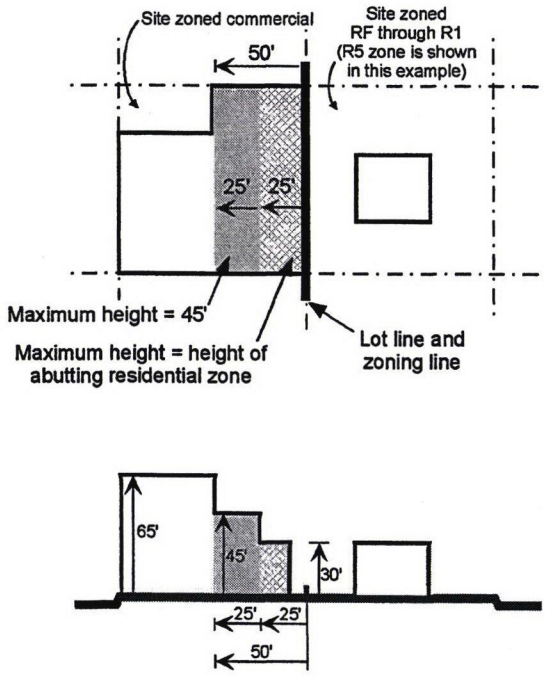
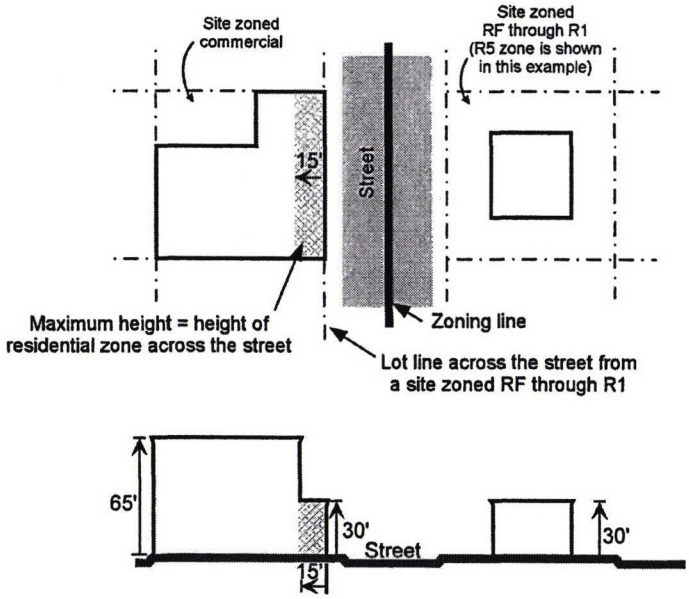


Figure 536-2
Height limits on sites across a street from RF - R1 zones



33.536.235 Transition Between Commercial Zones

A. Purpose. This regulation ensures that there is a transition in height when a commercial site where height bonuses are being used is across a street from a less intense commercial zone.

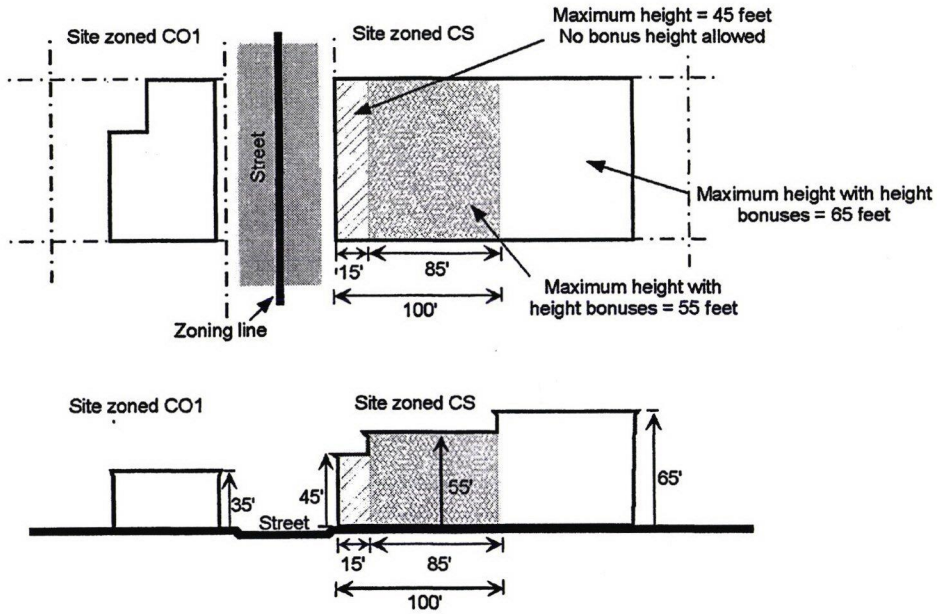
B. Where these regulations apply. The regulation of this section applies to sites in the CS zone that meet the following:

1. The site in the CS zone is across a street from sites in the CO1 zone; and

2. Development on the site will use height bonuses.

C. Maximum building height. On the portion of the site within 15 feet of the lot line across the street from a site zoned CO1, the maximum allowed building height is 45 feet. On the portion of the site that is more than 15 feet but within 100 feet from the lot line across the street from a site zoned CO1, the maximum allowed building height is 55 feet. See Figure 536-3.

Figure 536-3
Height limits on a CS site across a street from a CO1 zone



33.536.240 Floor Area Ratio

A. Purpose. These regulations encourage high-density development near the transit center and reinforce Hollywood's role as a transit-supportive, mixed-use urban center.

B. Where these regulations apply. These regulations apply to new development in the CS and CX zones in Subdistrict A. Alterations or exterior improvements to existing development are exempt from Subsection C.

C. Minimum floor area ratio. The minimum floor area ratio is 1:1. Floor area used for parking does not count toward meeting this requirement.

D. Maximum floor area ratios.

1. The maximum floor area ratio in the CS zone is 4:1.

2. In CS and CX zones, floor area used for parking and residential uses is not counted toward maximum floor area ratios.

33.536.250 Bonus Options

A. Purpose. Bonus options encourage certain types of development, special facilities and amenities that are desired within the commercial core of Hollywood and near the Hollywood Transit Center.

B. Where these regulations apply. The regulations of this section apply to areas on Map 536-2 where bonus building heights are shown in parenthesis.

C. Bonus heights. Bonus heights are shown on Map 536-2. Adjustments to these heights are prohibited.

D. Housing bonus in the CO1 zone. In the CO1 zone, where at least 25 percent of the floor area of a building is in residential uses, the building may be up to the bonus building height shown on Map 536-2.

E. Housing bonus in the CS zone. The bonus options of this subsection may be used in the CS zone.

1. Additions to existing buildings. Where floor area that is in residential uses is added to an existing building, the portion of the building containing residential uses may be up to the bonus building height shown on Map 536-2.

2. New buildings. Where at least 25 percent of the floor area of a new building is in residential uses, the building may be up to the bonus building height shown on Map 536-2.

F. Bonus options in the CX zone. The bonus options of this subsection may be used in the CX zone.

1. Bonus height. Proposals that use any of the bonus provisions in this subsection may build up to the bonus building height shown on Map 536-2.

2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned through the bonus options of this subsection is 3:1. Adjustments to this maximum are prohibited.

3. More than one bonus allowed. More than one bonus option may be used.

4. Residential bonus option. A bonus of one additional square foot of floor area is earned for each square foot of floor area developed and committed to residential uses. Proposals using this bonus option must meet the following requirements:

   a. At least 25 percent of the building floor area must be in residential uses. In the Required Residential Area shown on Map 536-2, at least 75 percent of the building floor area must be in residential uses;

   b. Residential portions of mixed-use proposals using this bonus must be completed and receive a certificate of occupancy before or at the same time as a certificate of occupancy for any nonresidential portions of the proposal; and

   c. 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 Section 33.700.060.

5. Below-grade parking bonus option. Where at least 25 percent of the accessory parking for the site is below grade, a bonus of three additional square feet of floor area is earned for each square foot of parking where the finished ceiling height is below grade.

6. Open space bonus option. A bonus of five additional square feet of floor area is earned for each square foot of floor area developed and committed to open space. The open space must meet the following requirements:

   a. The open space must be located outdoors on the site, abut a public sidewalk, and be accessible to the public during daylight hours;

   b. The open space must have a minimum area of 1,000 square feet or five percent of the site area, whichever is greater, and a minimum dimension of 20 feet by 20 feet;

   c. No more than 70 percent of the open space area may be impervious surface;

   d. At least two trees must be provided for the first 1,000 square feet of open space area, and one tree per 1,000 square feet of additional open space area;

   e. At least two amenities must be provided for the first 1,000 square feet of open space area, and one amenity per 1,000 square feet of additional open space area. Amenities are: permanent seating, fountains, kiosks; and

   f. The property owner must record an easement for the open space that provides for unrestricted public access during daylight hours, and execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the open space by the property owner. The covenant must comply with the requirements of Section 33.700.060.

7. Day care bonus option. For each square foot of area developed and committed to exclusive use as a day care facility, a bonus of three additional square feet of floor area is earned. The day care facility must meet the following requirements:

   a. The day care facility must have a minimum area of 2,000 square feet and be used for the purpose of day care for the life of the building;

b. The facility must be open during normal business hours at least five days each week and 50 weeks each calendar year; and

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 Section 33.700.060.

33.536.260 Building Facades Facing Sandy Boulevard

A. Purpose. These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.

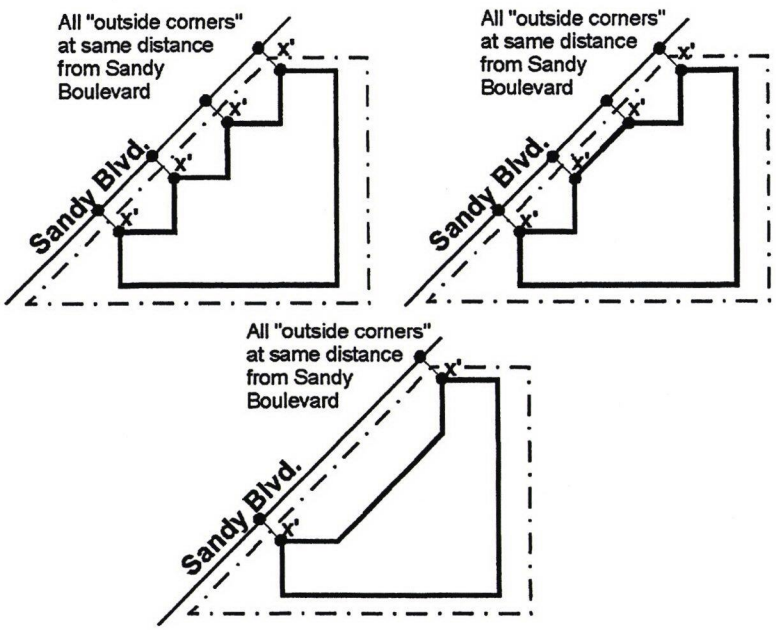
B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard.

C. Building facades facing Sandy Boulevard. The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:

1. Parallel to Sandy Boulevard; or

2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are at the same distance from Sandy Boulevard, as shown in Figure 536-4.

Figure 536-4
Examples of building facades facing Sandy Boulevard



33.536.270 Building Coverage and Landscaping for Residential Projects in the CS Zone

A. Purpose. This regulation provides residential projects with flexibility in site design, while ensuring landscaping treatments that enhance the appearance of the development.

B. Where these regulations apply. These regulations apply to new development in the CS zone in Subdistrict B, where 100 percent of the floor area is residential uses.

C. Minimum building coverage. The minimum building coverage is 40 percent.

D. Minimum landscaped area. The minimum landscaped area is 15 percent.

33.536.280 Enhanced Pedestrian Street Standards

A. Purpose. These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.

B. Where these regulations apply. These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations.

C. Enhanced Pedestrian Street standards. New development must meet the following standards:

1. Active building uses. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls that front onto the Enhanced Pedestrian Streets.

   Areas designed to accommodate active building uses must meet all of the following standards:

   a. 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;

   b. The area must be at least 25 feet deep, measured from the street frontage wall;

   c. The area must be designed to accommodate a single tenant or multiple tenants;

   d. The street frontage wall facing the enhanced pedestrian street must include windows and doors; and

   e. Parking is not allowed in the active building use areas.

2. Ground floor windows. The standards for the CX zone in Section 33.130.230, Ground Floor Windows, must be met.

3. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

4. Freestanding signs. Freestanding signs are prohibited.

33.536.290 Maximum Parking Allowed in the RX, CS, and CX zones

A. Purpose. Limiting the number of parking spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as an even more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians, and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site based on typical peak parking demand for each use, and take into account the intensity of development in the town center, on-street parking supply, pedestrian activity, and proximity to frequent transit service. The maximum ratios are lower in Hollywood than in many other parts of the city because the entire plan district is within one-half mile of a light rail station and the Hollywood Transit Center.

B. Where these regulations apply. These regulations apply to accessory parking in the RX, CS, and CX zones.

C. Maximum allowed parking.

1. Generally. Surface and structured accessory parking is limited to the maximum ratios in Table 536-1, except as allowed in Paragraph C.2, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use.

2. Exception for general office. For general office uses the maximum ratio is 1 space per 294 square feet of floor area if the following are met:

   a. At least half of the parking accessory to uses on the site is in structured parking;

   b. Parking structures on the site must be designed so that at least 50 percent of the street frontage wall meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

Table 536-1
Maximum Parking Spaces Allowed in the RX, CS, and CX zones

Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential		
Household Living, Group Living		No maximum
Commercial		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 250 sq. ft. of floor area
	Restaurants and bars	1 per 75 sq. ft. of floor area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 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	General office	1 per 400 sq. ft. of floor area
	Medical/Dental office	1 per 330 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
Commercial Parking		Not applicable
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review
Industrial		
Manufacturing And Production		1 per 750 sq. ft. of floor area
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 3,500 sq. ft. of floor area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of floor area
Waste-Related		Per CU review
Institutional		
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		
Agriculture		None, or per CU review
Aviation, Detention Facilities, Aggregate Extraction		Per CU review
Radio Frequency Transmission Facilities	Unstaffed facilities operating at or below 1000 watts ERP	None
	All other facilities	2 per site
Rail Lines & Utility Corridors		None

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard in the CS Zone

A. Purpose. These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites along Sandy flexibility in site design.

B. Where these regulations apply. These regulations apply to sites with frontage along Sandy Boulevard in the CS zone.

C. On-site location of vehicle areas. Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

33.536.310 Required Design Review

A. Purpose. These regulations ensure attractive, quality design and a pedestrian-friendly character in the areas planned for urban-scale development in Hollywood. They also promote a relationship between new development and historic building along Sandy Boulevard, and create a special identity for the district's business core. Finally, the regulations ensure design quality and promote better transition of scale and character to the areas adjoining the business core.

B. Where these regulations apply. These regulations apply to sites zoned RX, CS and CX.

C. When design review is required. Design review is required for new development and exterior alterations.

D. 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 Subsection E, below, proposals that are within the limits of Table 536-2 may use the Community Design Standards as an alternative to design review.

E. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

1. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan; and

2. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use.

Table 536-2 Maximum Limits for Use of the Community Design Standards [1]	
Zones	**Maximum Limit—New Floor Area**
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 [2]**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, 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.
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential uses.
[2] 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.

33.536.320 Nonconforming Development

A. Purpose. These regulations ensure that improvements to nonconforming development will comply with the parking limits established for the Hollywood plan district.

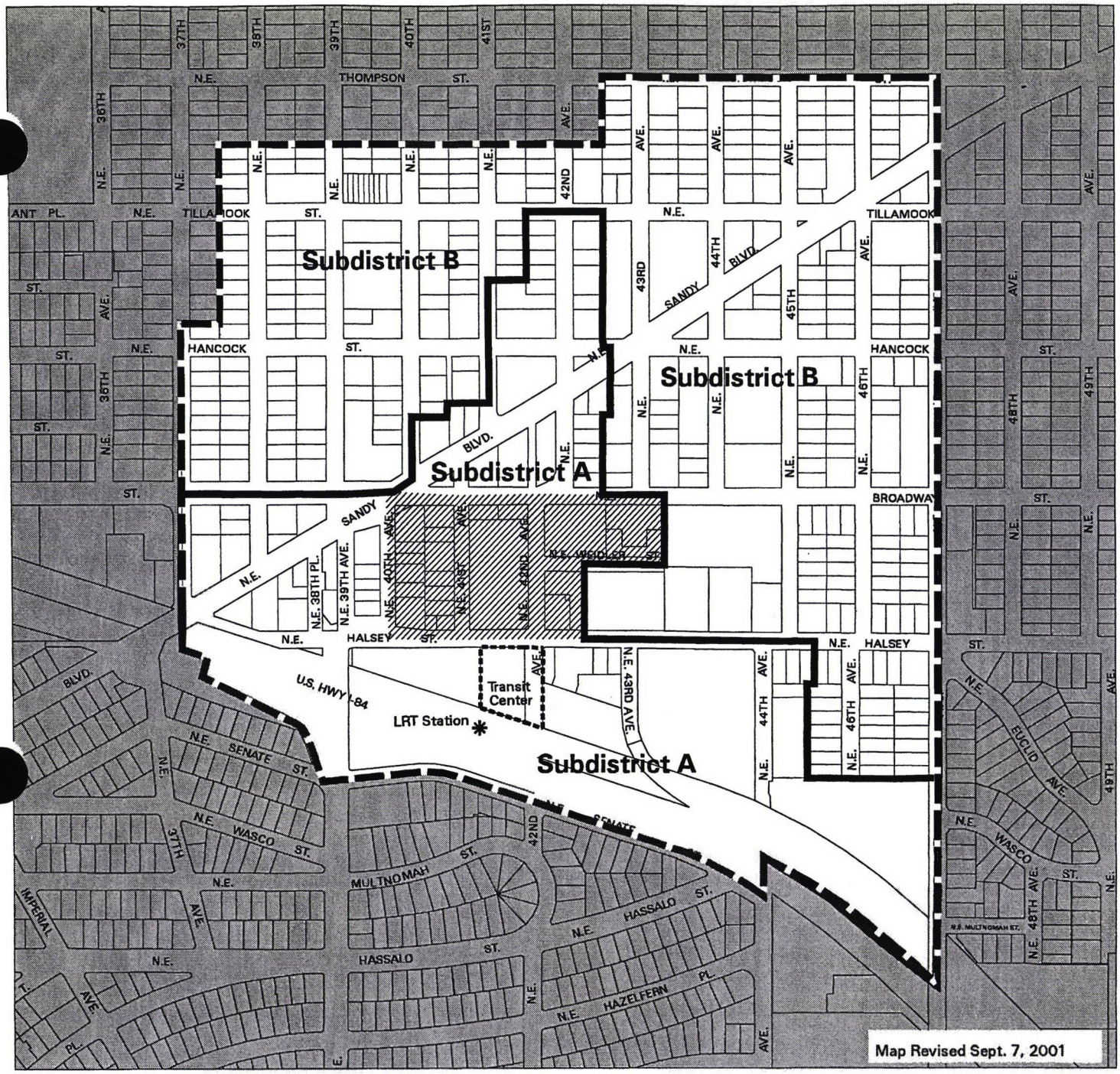
B. Sites that are nonconforming in parking spaces. When a site is nonconforming in the number of required or allowed parking spaces, the following applies:

1. Minimum required parking spaces. 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, up to the maximum allowed for the site.

2. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if the following conditions are met:

   a. Parking area may not be expanded, but may be reconfigured; and

   b. If the parking area is reconfigured, it must meet the minimum setback and perimeter landscaping requirements and the minimum parking space and aisle dimensions stated in Chapter 33.266.



NORTH

0′ 375′ 750′

Scale in Feet

Plan District Boundary

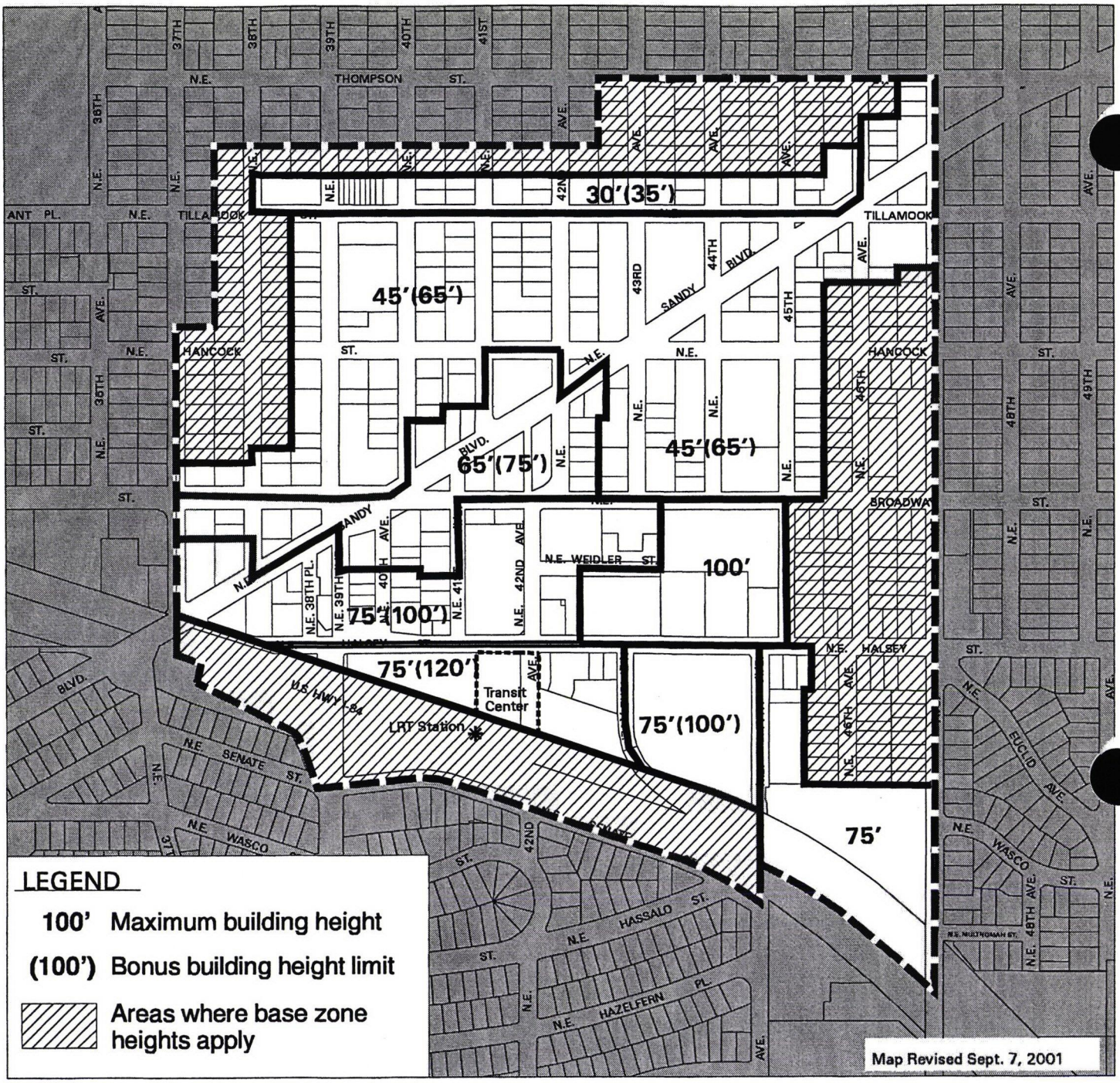
Subdistricts

Required Residential Area

Map 536-1

Hollywood Plan District and Subdistricts

Bureau of Planning • City of Portland, Oregon



NORTH

0' 375' 750'

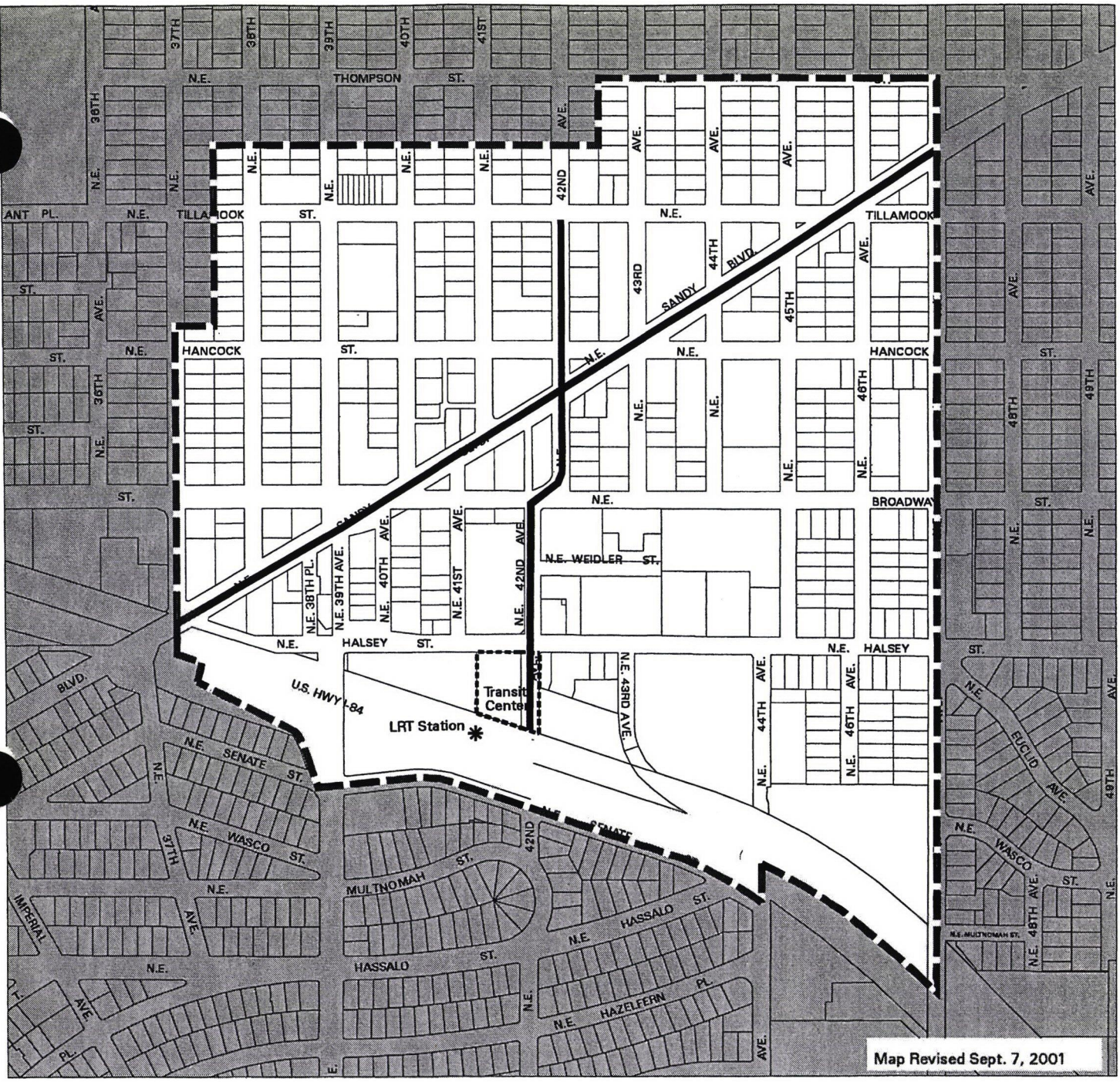
Scale in Feet

Plan District Boundary

Map 536-2

Hollywood Plan District Maximum Heights

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 375′ 750′

Scale in Feet

Plan District Boundary

Enhanced Pedestrian Streets

Map 536-3

Hollywood Plan District Enhanced Pedestrian Streets

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.537
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; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

General
33.537.010 Purpose
33.537.020 Where These Regulations Apply
33.537.030 Items Subject to These Regulations
33.537.040 Items Exempt from Environmental Regulations
Development Standards
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33.537.110 Transfer of Development Rights
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South Subdistrict Development Standards
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33.537.220 Minimum Lot Sizes for Subdivisions and Major Partitions
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33.537.240 Contesting the Land Classification Designation
Johnson Creek Flood Plain Subdistrict Development Standards
33.537.300 Housing Types
33.537.310 Site Development Standards
33.537.320 Land Divisions and PUDs
Map 537-1 Johnson Creek Basin Plan District

General

33.537.010 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. 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.

33.537.020 Where These Regulations Apply
The regulations of this Chapter apply to the Johnson Creek Basin Plan District. The boundaries are shown on Map 537-1 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 537-1, are:

- South subdistrict,
- Kelly Butte subdistrict, and
- Johnson Creek Flood Plain subdistrict.

The regulations of Section 33.537.010 through 33.537.120 apply to the entire plan district. The regulations of Section 33.537.130, Springwater Corridor Standards, apply to all lots that abut the Springwater Corridor. The regulations of Sections 33.537.200 through 33.537.240 apply to the South subdistrict. Sections 33.537.300 and 33.537.310 apply to the Johnson Creek Flood Plain subdistrict.

33.537.030 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.

33.537.040 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

33.537.100 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 BDS 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.

33.537.110 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 33.537.210, Maximum Density for Land Divisions and Planned Developments.

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 Development (PD) required. The receiving site must be approved for development as a PD. The purpose of the PD review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria of this subsection and the approval criteria in Chapter 33.665, Planned Development Review.

b. Sending site included. The sending site must be a part of the application for PD 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 PD includes a land division, before the Director of BDS's approval of the final plat.

5. Approval Criteria. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, the transfer will be approved when the review body finds that all the following approval criteria have been met:

a. A PD proposed for the site that includes the transferred density has been approved; and

b. The owner of the sending site 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.

33.537.120 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 33.537.210, Maximum Density for Land Divisions and Planned Developments.

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 Development (PD) required. The proposal must be approved for development as a Planned Development. In addition to the PD approval criteria in Chapter 33.665, Planned Development Review, 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.

33.537.130 Springwater Corridor Standards

A. Purpose. This Section ensures protection of the Springwater Corridor as a transportation, 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 537-1 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, including buildings, other structures, fences, parking and loading areas, paved and graveled areas, and exterior display and storage areas, 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

33.537.205 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. Building eaves are included in the calculation of 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.

33.537.210 Maximum Density for Land Divisions and Planned Developments

The maximum allowed density of development for Land Divisions and Planned Developments is determined by calculating the number of acres in each land classification and multiplying those figures by the following fractions in Table 537-1, below.

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.

Table 537-1
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.

Johnson Creek Flood Plain Subdistrict Development Standards

33.537.300 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.

33.537.310 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

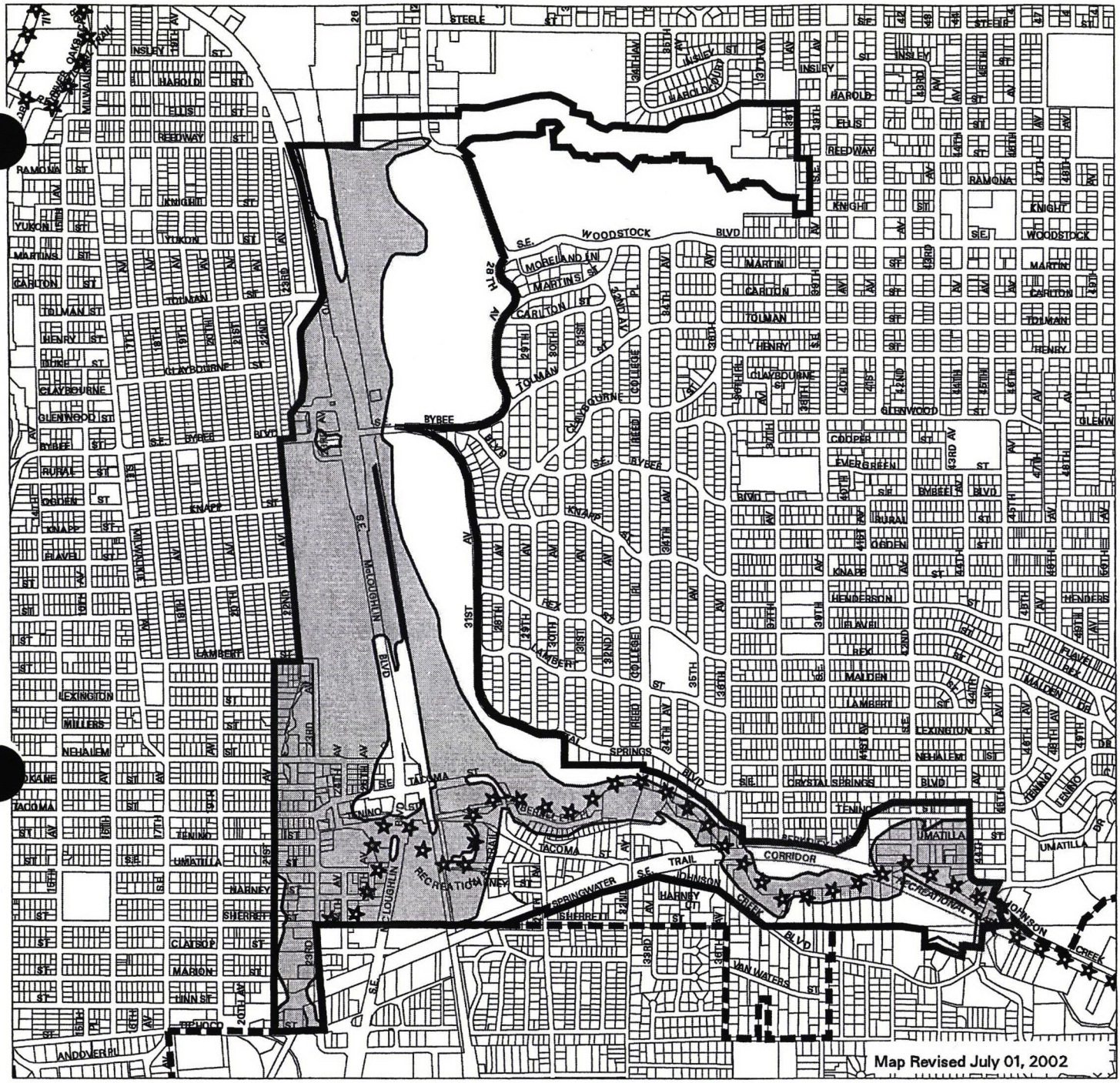
3. When they are below the ordinary high water level of Johnson Creek.

B. Impervious surface. No more than 50 percent of any site may be developed in impervious surface. Building eaves are included in the calculation of 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.

33.537.320 Land Divisions and PDs

Land divisions and PDs within the Johnson Creek Flood Risk Area, as indicated on Map 537-1, are prohibited.



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

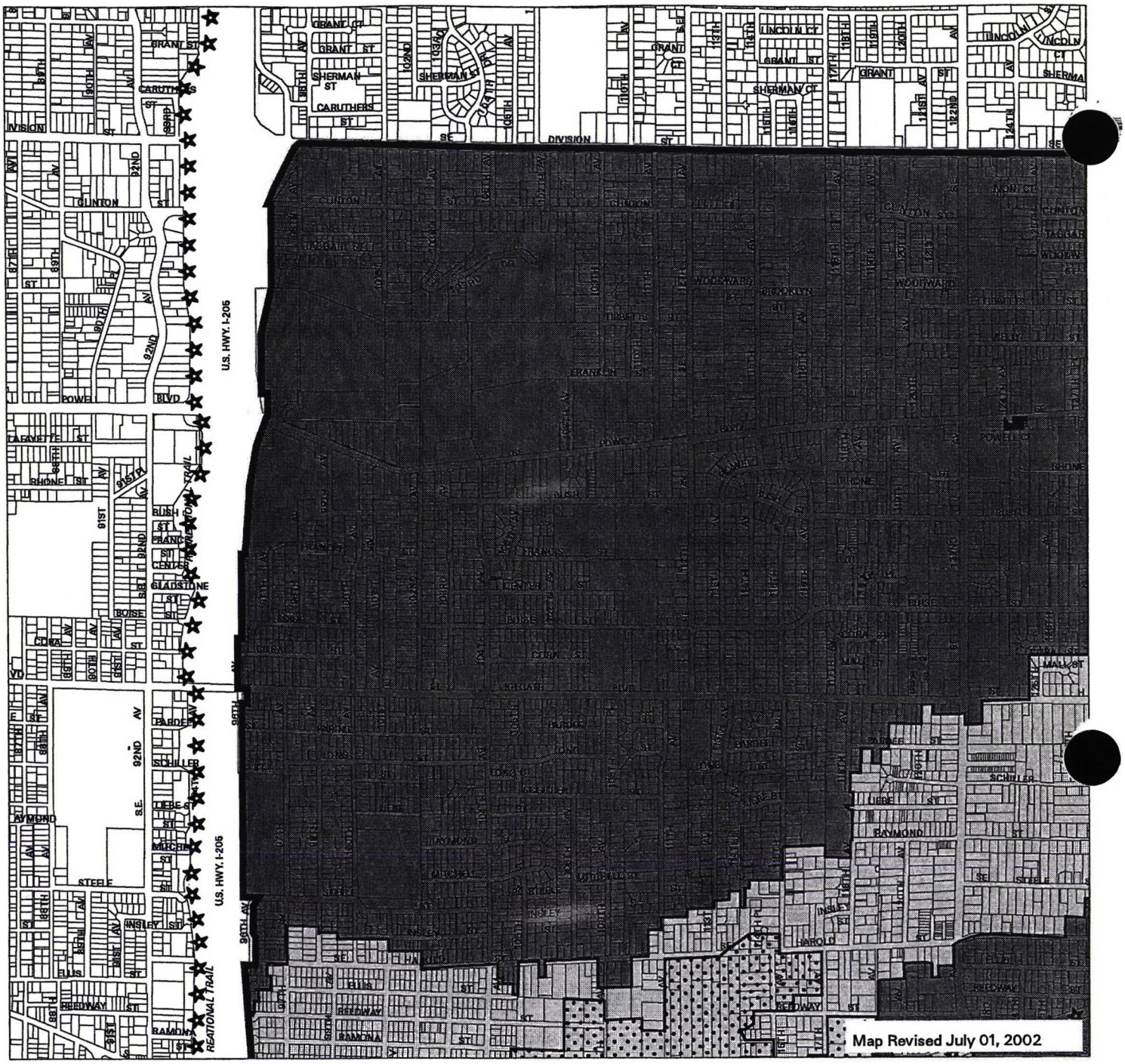
- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 1 of 8

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

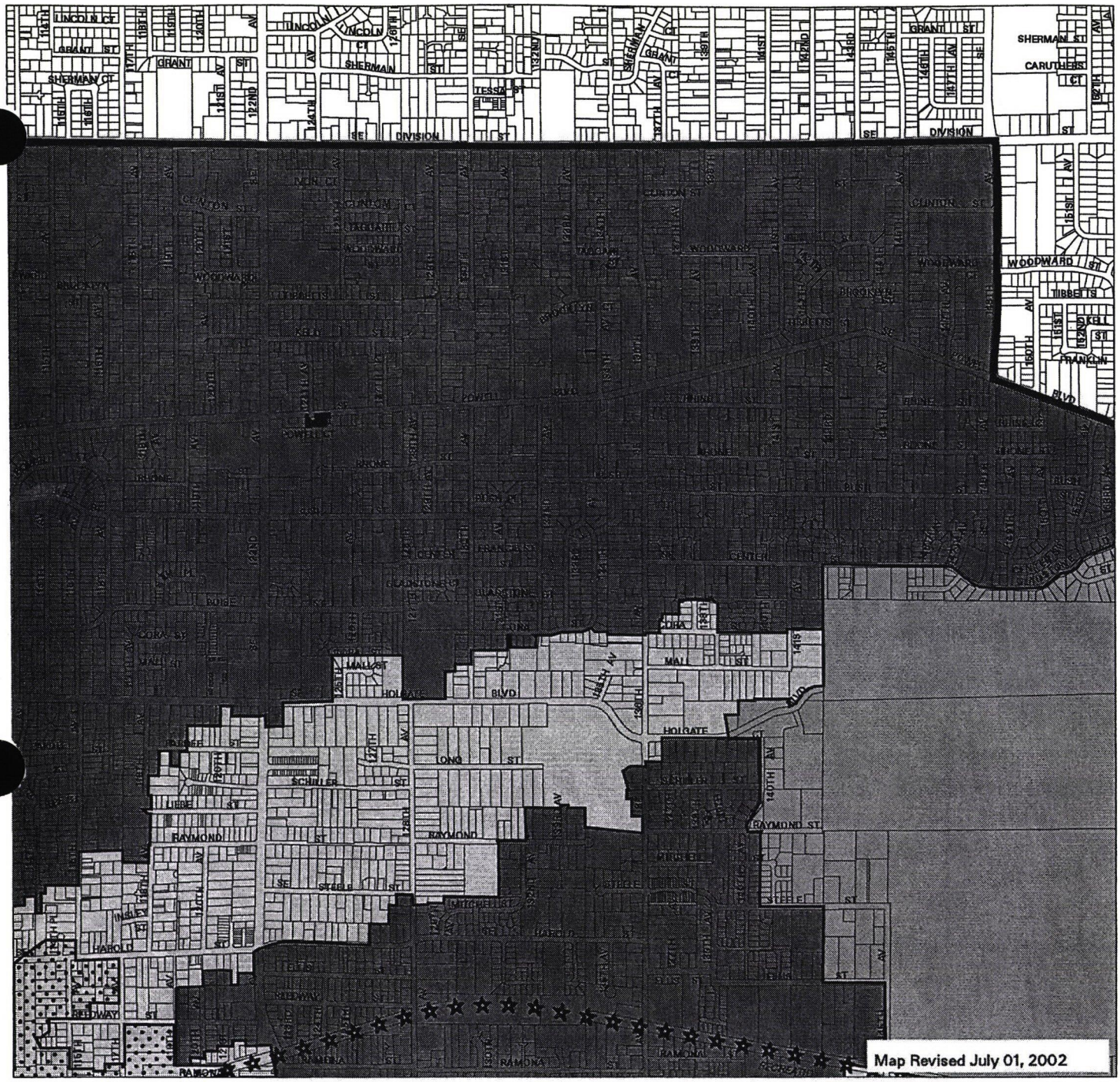
Map 537-1

Johnson Creek Basin Plan District

Map 2 of 8

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

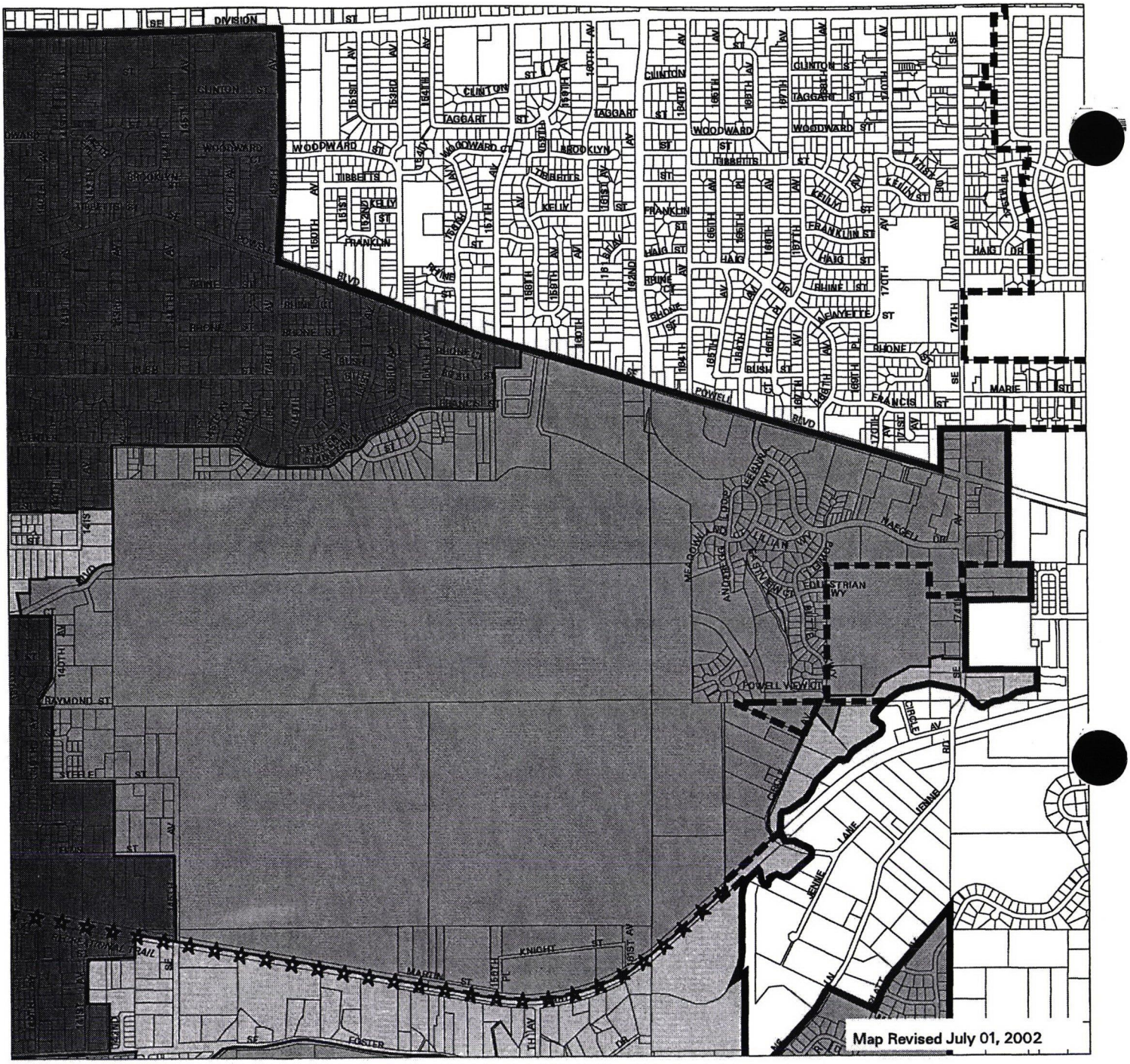
- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 3 of 8

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

Kelly Butte Subdistrict

Johnson Creek Flood Plain Subdistrict

South Subdistrict

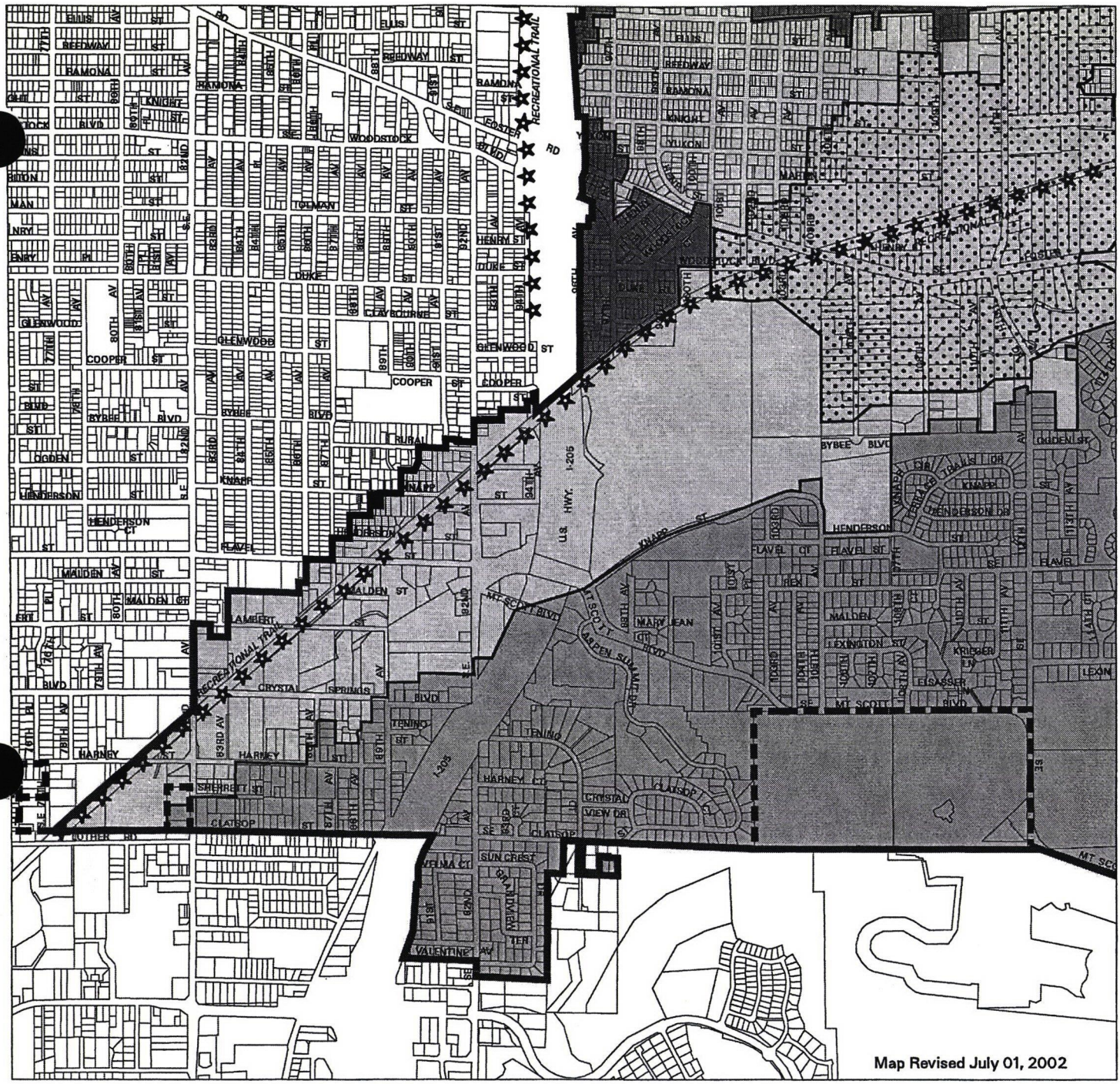
Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 4 of 8

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 5 of 8

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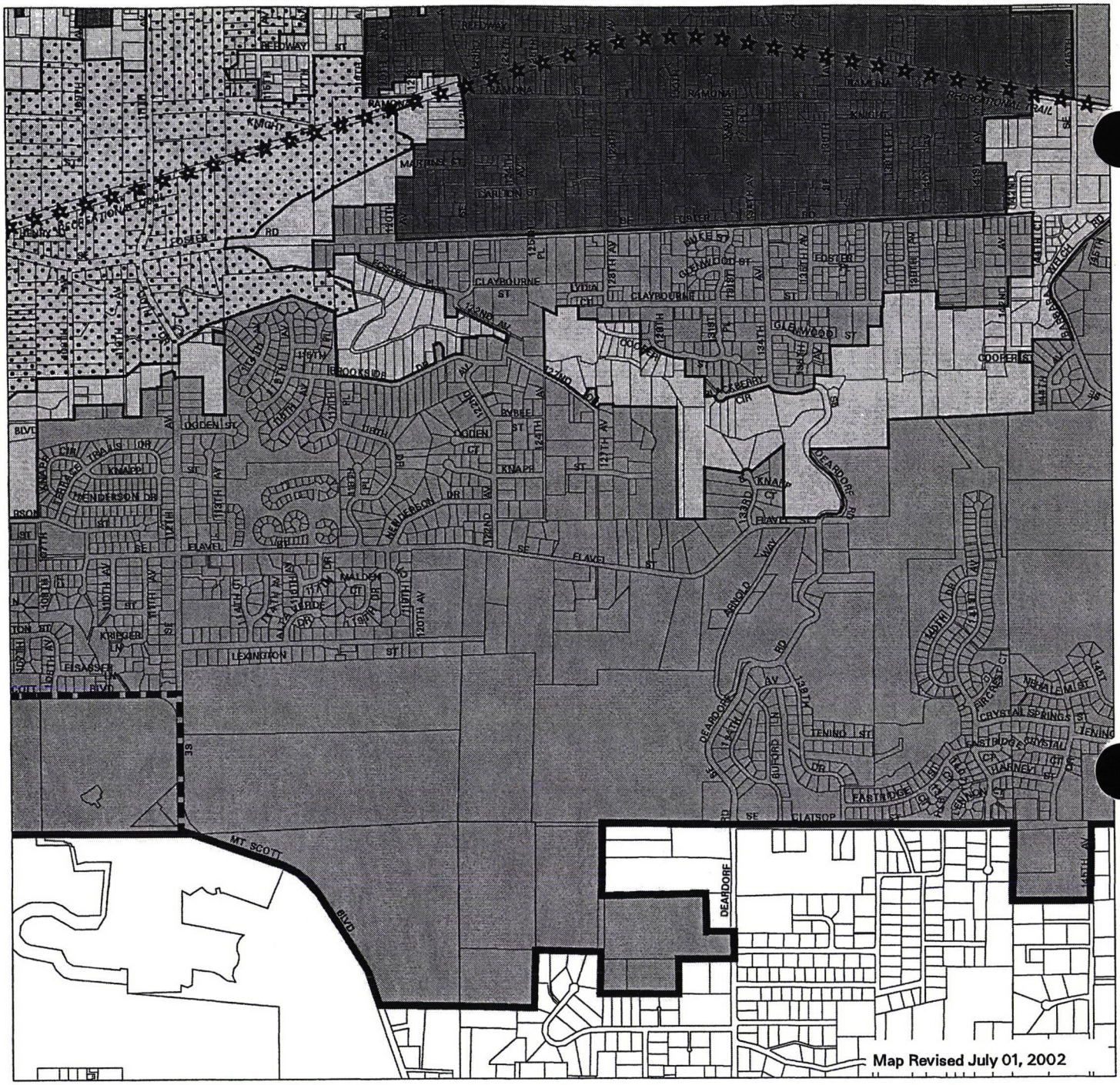


NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

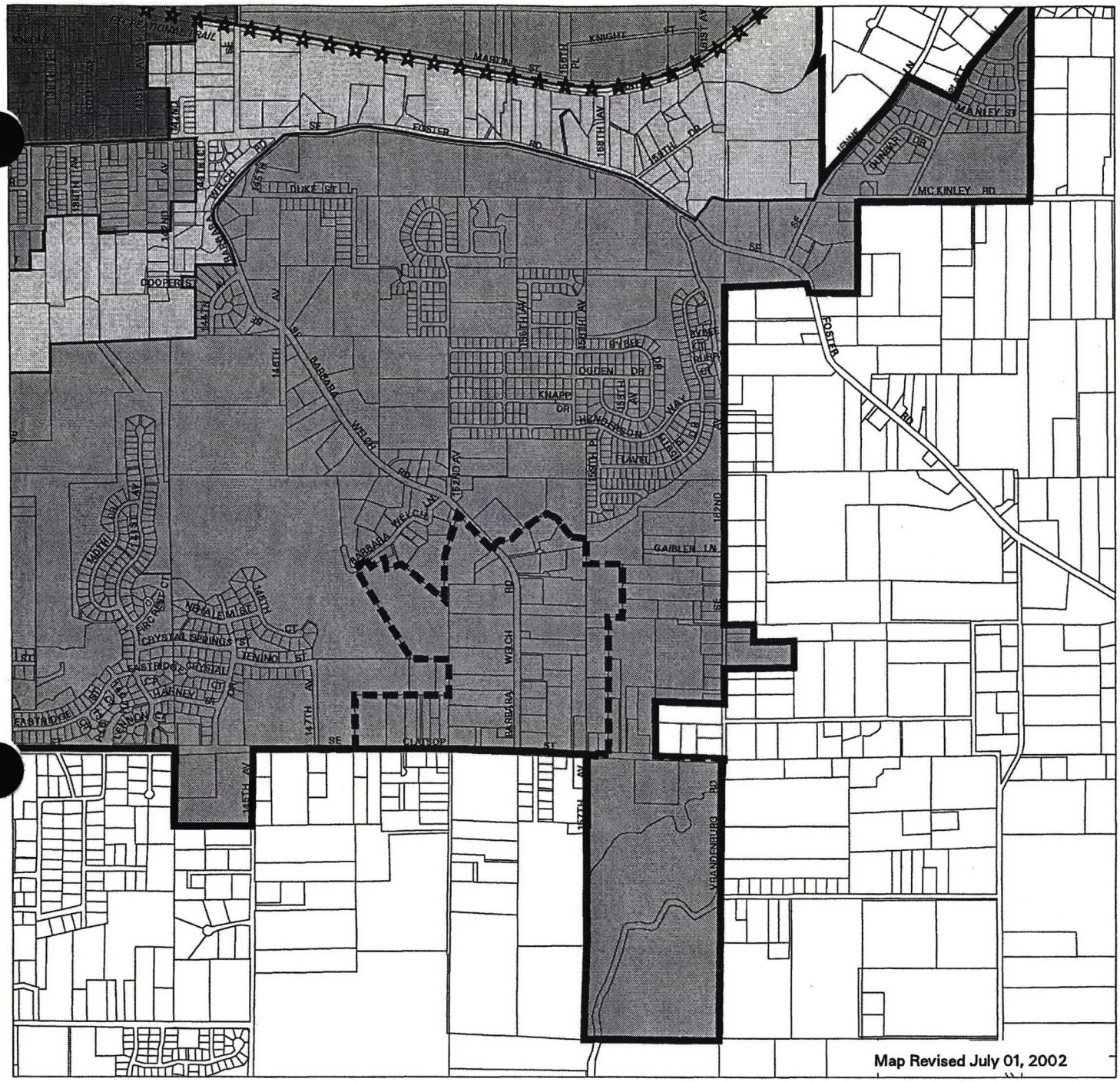
- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 6 of 8

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1050′ 2100′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

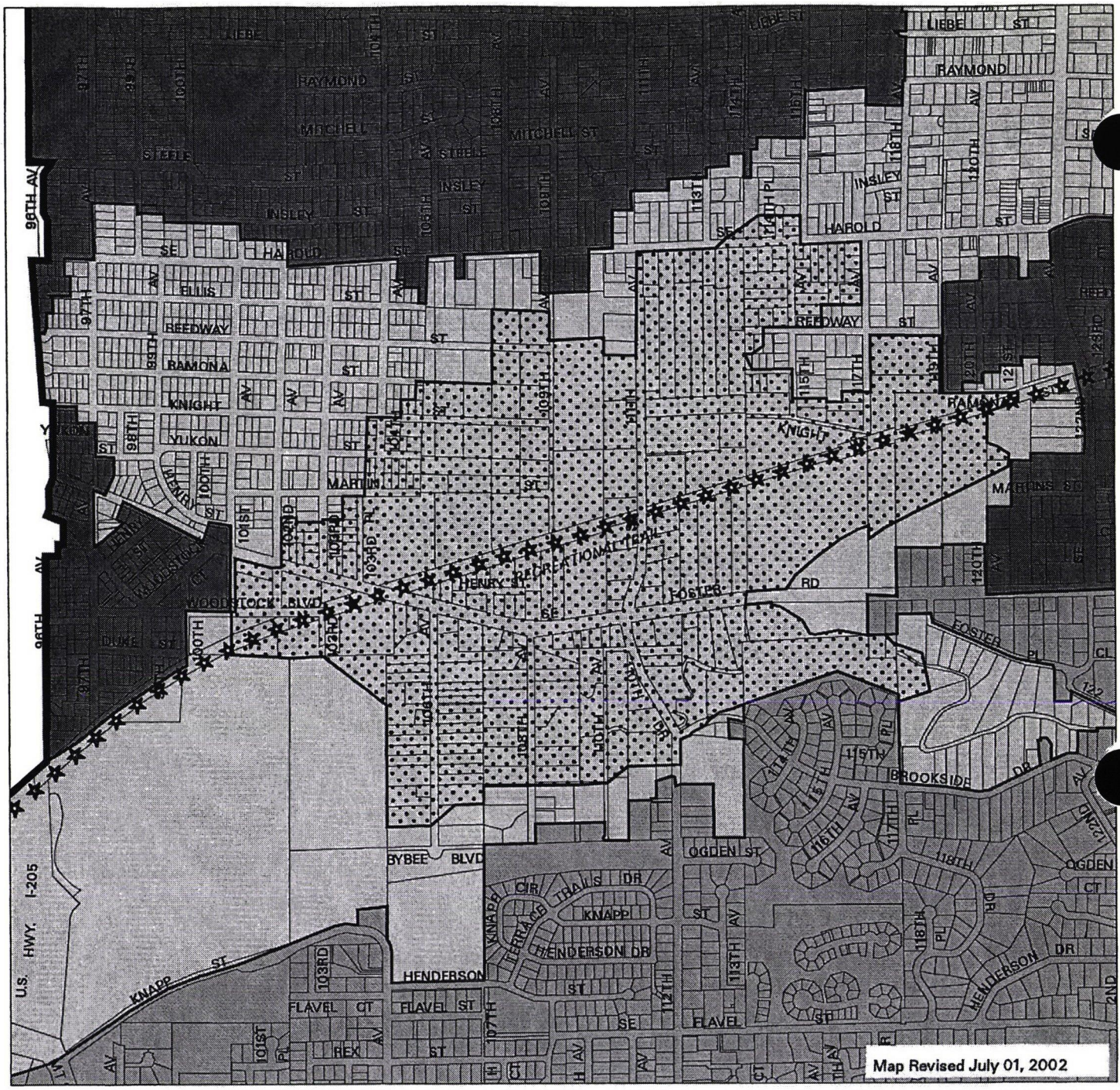
- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 7 of 8

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 750′ 1500′

Scale in Feet

Plan District Boundary

Recreational Trail

City Boundary

LEGEND

- Kelly Butte Subdistrict
- Johnson Creek Flood Plain Subdistrict
- South Subdistrict
- Flood Risk Area

Map 537-1

Johnson Creek Basin Plan District

Map 8 of 8

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.538
KENTON PLAN DISTRICT

(Added by Ord. No. 175210, effective 1/26/01.)

Sections:

General
33.538.010 Purpose
33.538.020 Where These Regulations Apply
Use Regulations
33.538.100 Prohibited Uses
33.538.110 Limited Uses
Development Standards
33.538.200 Drive-Through Facilities
33.538.210 Maximum Building Height
33.538.220 Floor Area Ratio
33.538.230 Required Building Lines
33.538.240 Active Use Areas
33.538.250 Parking Access Restricted Streets
33.538.260 Required Design Review
Map 538-1 Kenton Plan District
Map 538-2 Maximum Building Heights
Map 538-3 Floor Area Ratio
Map 538-4 Required Building Lines
Map 538-5 Active Building Use Areas
Map 538-6 Parking Access Restricted Streets

General

33.538.010 Purpose

The Kenton plan district use regulations foster a vital retail corridor along Denver Avenue. The Kenton plan district development standards ensure that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area. These regulations also ensure a pleasant, safe and efficient environment for pedestrians along the Denver Avenue commercial corridor and near the light rail station. Together, these regulations:

- Enhance the commercial character along Denver Avenue by restricting industrial uses;
- Discourage auto-oriented uses and development; and
- Encourage retail uses in the historic storefront buildings along Denver Avenue.

33.538.020 Where These Regulations Apply

The regulations of this chapter apply in the Kenton plan district. The boundaries of the plan district are shown on Map 538-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.538.100 Prohibited Uses
The following uses are prohibited:

A. Wholesale Sales;

B. Vehicle Repair; and

C. Vehicle Sales or Leasing.

33.538.110 Limited Uses
Individual Manufacturing and Production uses are limited to 3,000 square feet of floor area exclusive of parking area.

Development Standards

33.538.200 Drive-Through Facilities
Drive-through facilities are prohibited.

33.538.210 Maximum Building Height
Maximum building heights are shown on Map 538-2.

33.538.220 Floor Area Ratios

A. Purpose. The minimum floor area ratio requirements ensure a level of development along Denver Avenue that is compatible with the existing buildings. The maximum floor area ratio requirements, which allow higher FARs, encourage increased intensity near the light rail station.

B. Where these regulations apply. These regulations apply to new development or additions of floor area to the site.

C. Regulation. Minimum and maximum floor area ratios are shown on Map 538-3.

33.538.230 Required Building Lines

A. Purpose. These regulations ensure a lively and attractive pedestrian environment with buildings that are compatible with the historic storefront buildings. They ensure that ground level uses are near the sidewalk.

B. Where these regulations apply. These regulations apply to site frontages shown on Map 538-4.

C. Building line standards. Exterior walls of buildings designed to meet these requirements must be at least 25 feet high.

1. Zero setback standard. On frontages designated for the zero setback standard, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.

2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. 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."

33.538.240 Active Building Use Areas

A. Purpose. These regulations work with the Required Building Line standard to ensure a lively and attractive pedestrian environment with buildings that are compatible with the existing historic storefront buildings. These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk.

B. Where these regulations apply. These regulations apply to new development along frontages shown on Map 538-5.

C. Active building use area required. Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls along the frontages shown on Map 538-5.

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;

4. The street frontage wall must include windows and doors; and

5. Parking is not allowed in the active building use areas.

33.538.250 Parking Access Restricted Frontages

A. Purpose. This regulation preserves on-street parking, while reducing the impact of automobiles. It creates a safer, more attractive environment for pedestrians. On Denver Avenue this regulation protects the existing historic pattern of no mid-block curb cuts.

B. Parking access restricted. Motor vehicle access to a vehicle area or structure is not allowed through a frontage shown on Map 538-6.

33.538.260 Required Design Review

A. Purpose. These regulations ensure attractive, quality design and a pleasant pedestrian environment in the plan district. They also promote a relationship between new development and the historic commercial buildings along Denver Avenue. Finally, the regulations ensure design quality and compatibility of character with the areas adjoining the commercial corridor.

B. Where these regulations apply. These regulations apply to new development and exterior alterations in the design overlay zone.

C. 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 Subsection D, below, proposals that are within the limits of Table 538-1 may use the Community Design Standards as an alternative to design review.

D. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

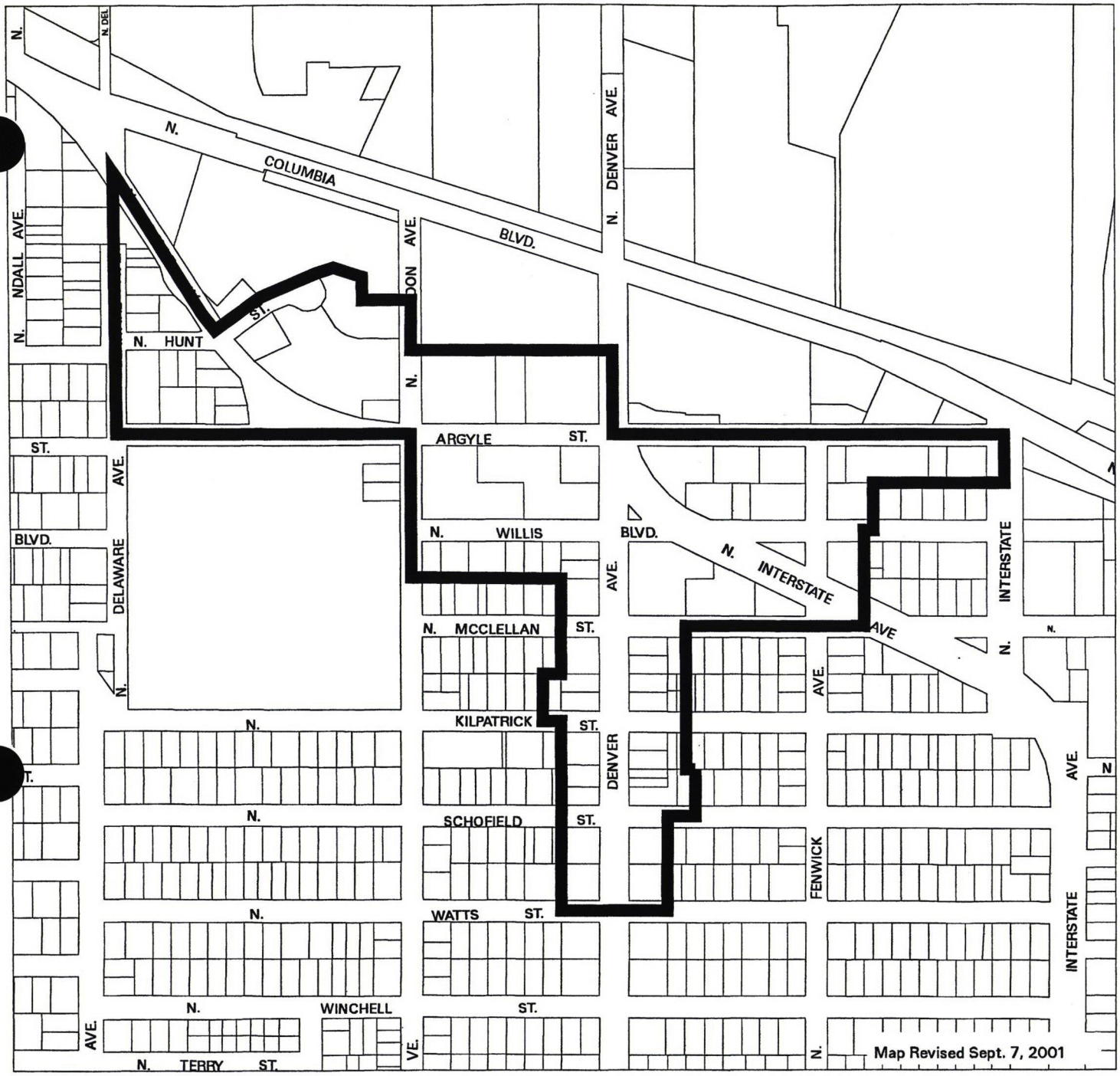
1. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan; and

2. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use.

Table 538-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
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 [2]**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, 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.
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential uses.
[2] 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.



NORTH

0′ 300′ 600′

Scale in Feet

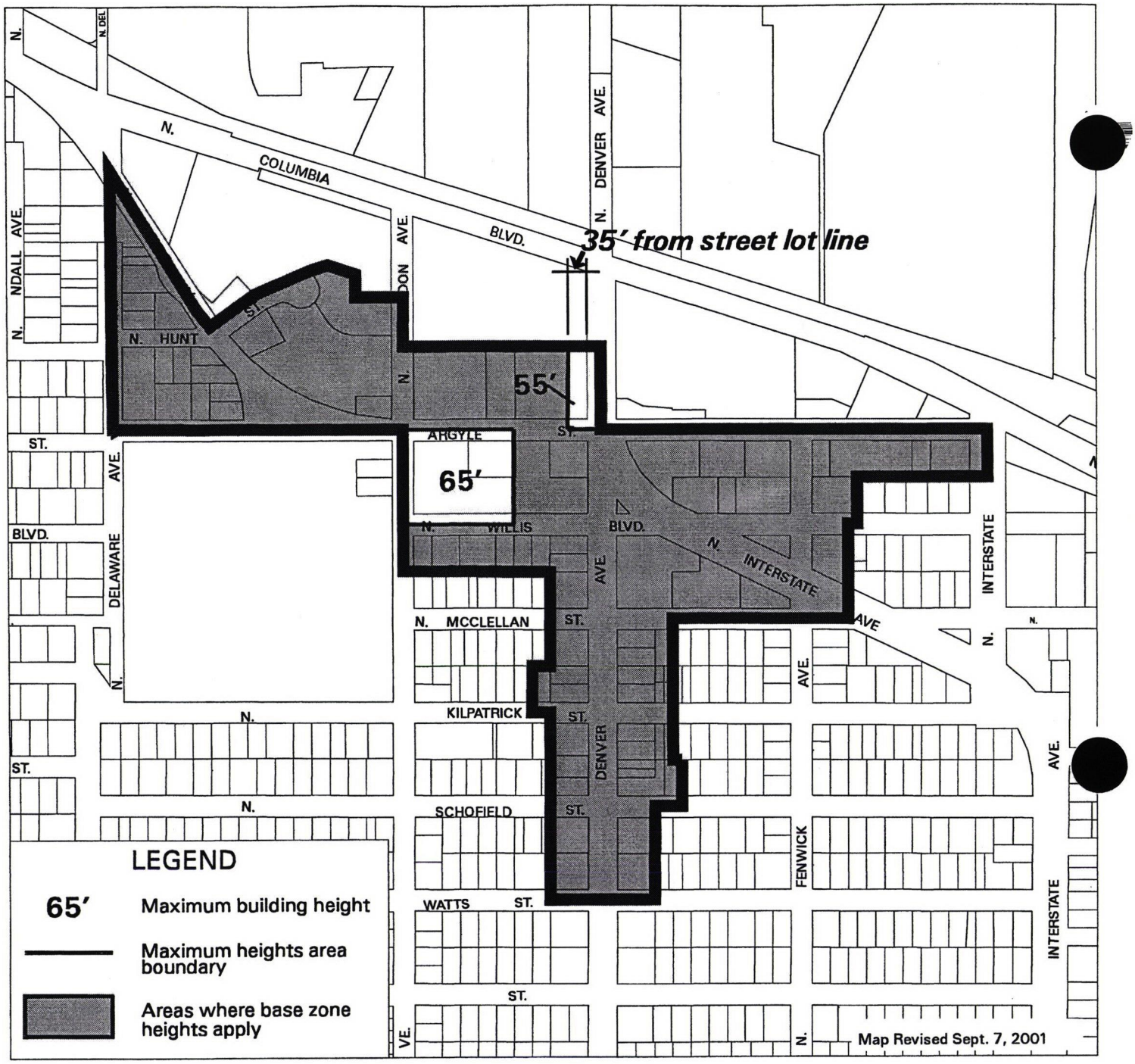
Plan district boundary

Map 538-1

Kenton Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0' 300' 600'

Scale in Feet

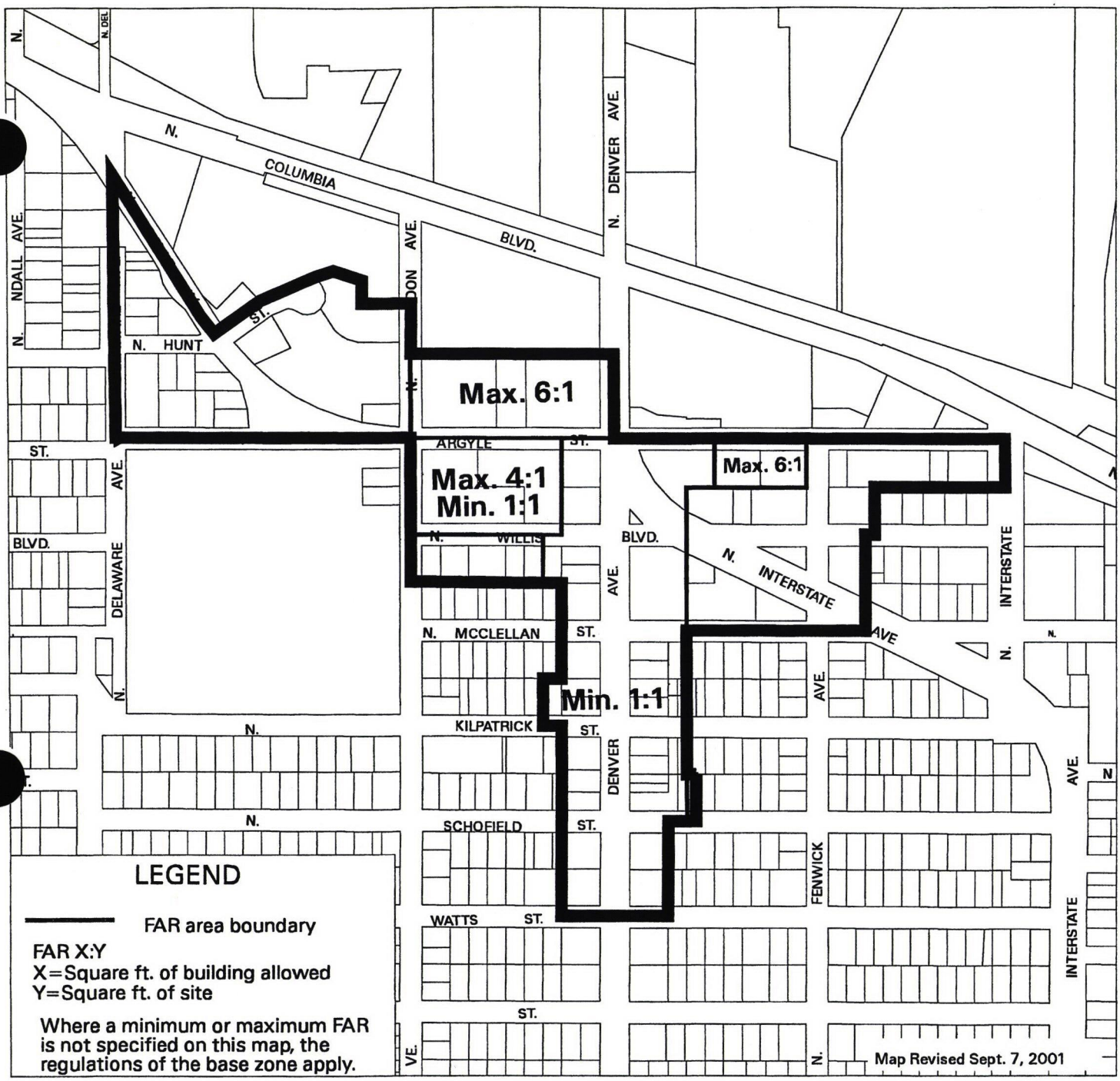
Plan district boundary

Map 538-2

Kenton Plan District

Maximum Heights

Bureau of Planning • City of Portland, Oregon



LEGEND

FAR area boundary

FAR X:Y
X=Square ft. of building allowed
Y=Square ft. of site

Where a minimum or maximum FAR is not specified on this map, the regulations of the base zone apply.

NORTH

0′ 300′ 600′

Scale in Feet

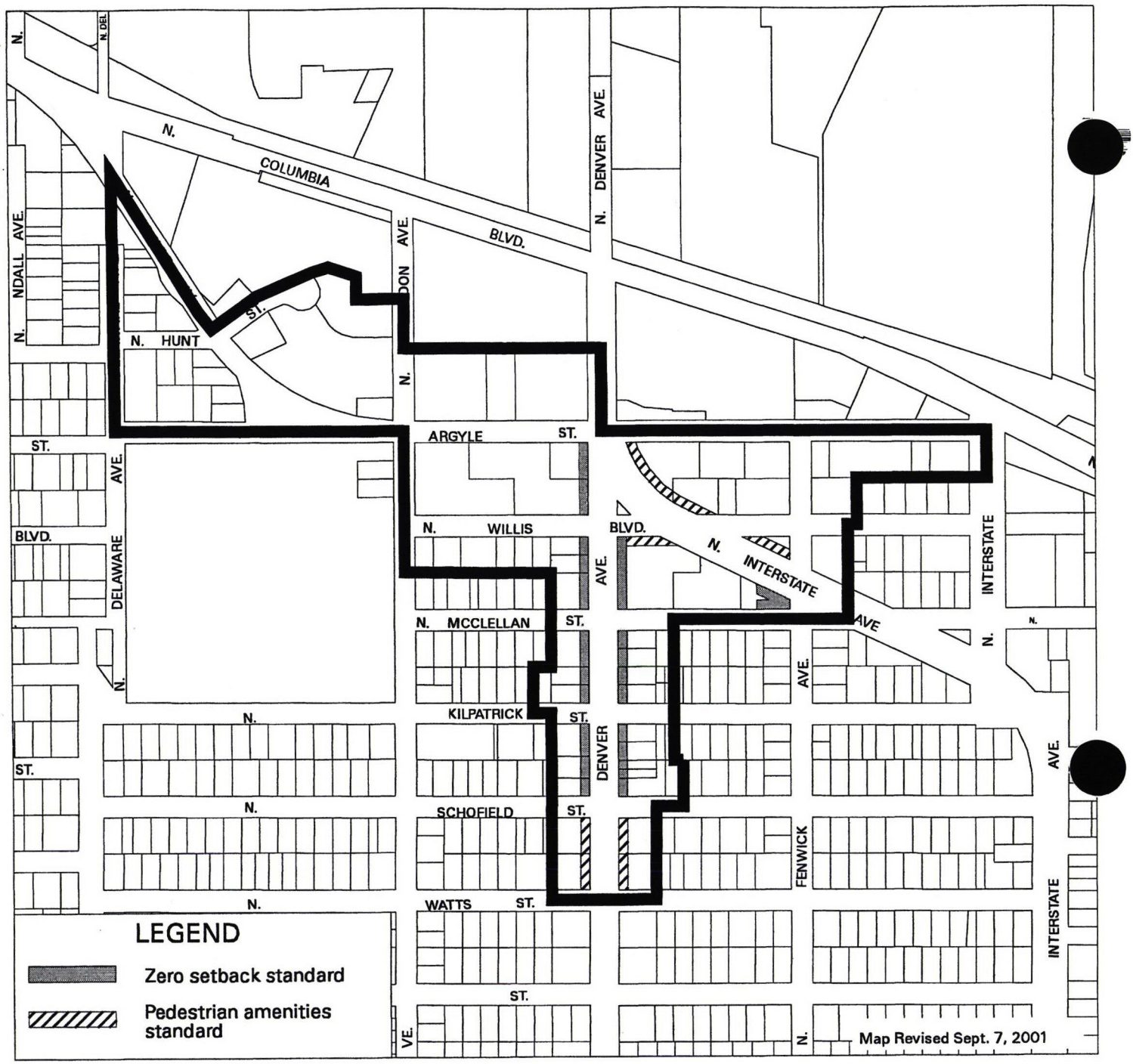
Plan district boundary

Map 538-3

Kenton Plan District

Floor Area Ratios

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 300′ 600′

Scale in Feet

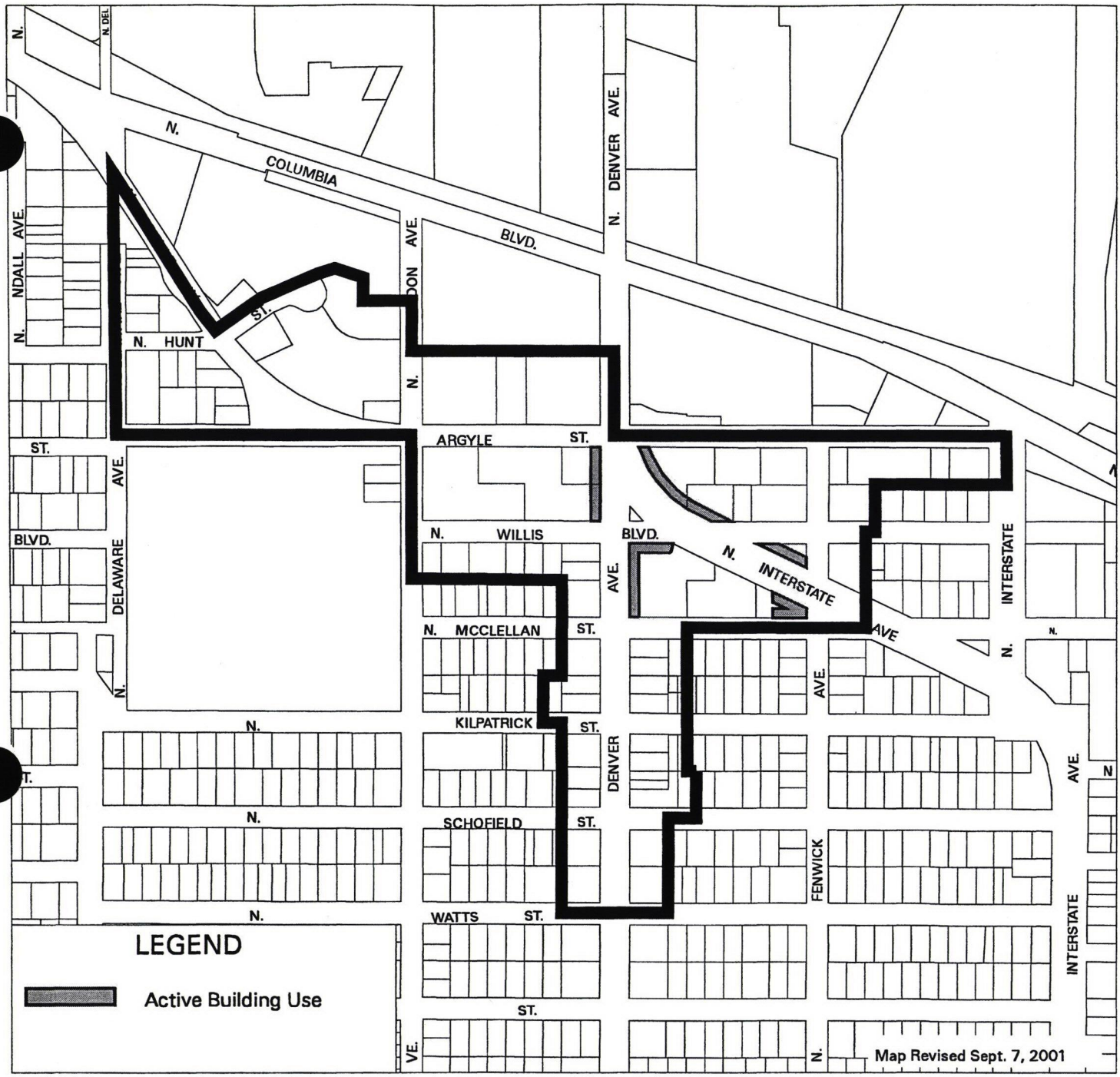
Plan district boundary

Map 538-4

Kenton Plan District

Required Building Lines

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 300′ 600′

Scale in Feet

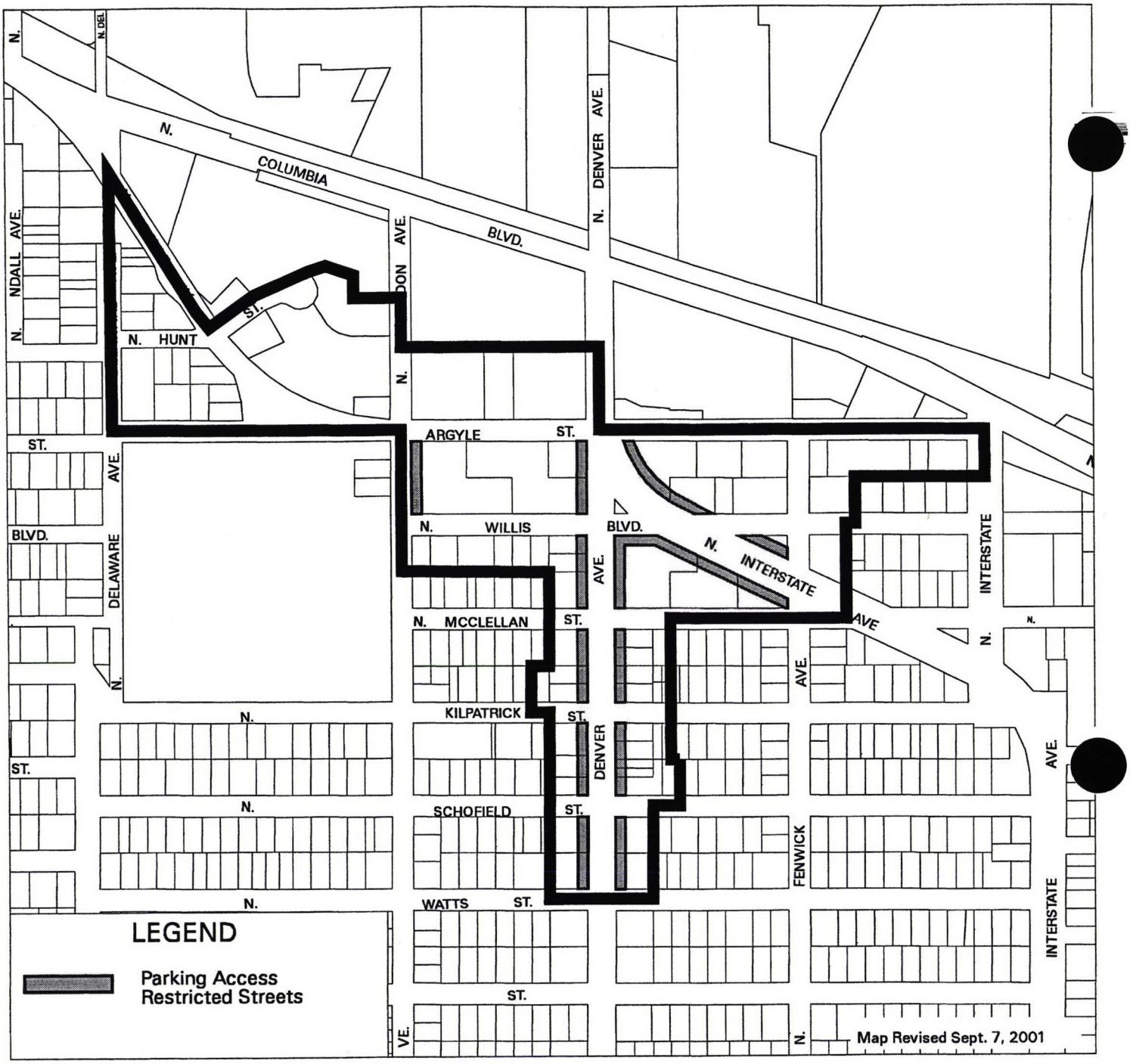
Plan district boundary

Map 538-5

Kenton Plan District

Active Building Use Areas

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 300′ 600′

Scale in Feet

Plan district boundary

Map 538-6

Kenton Plan District

Frontages where Parking Access is Restricted

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.540
LAURELHURST/EASTMORELAND PLAN DISTRICT

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 176469, effective 7/1/02.)

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

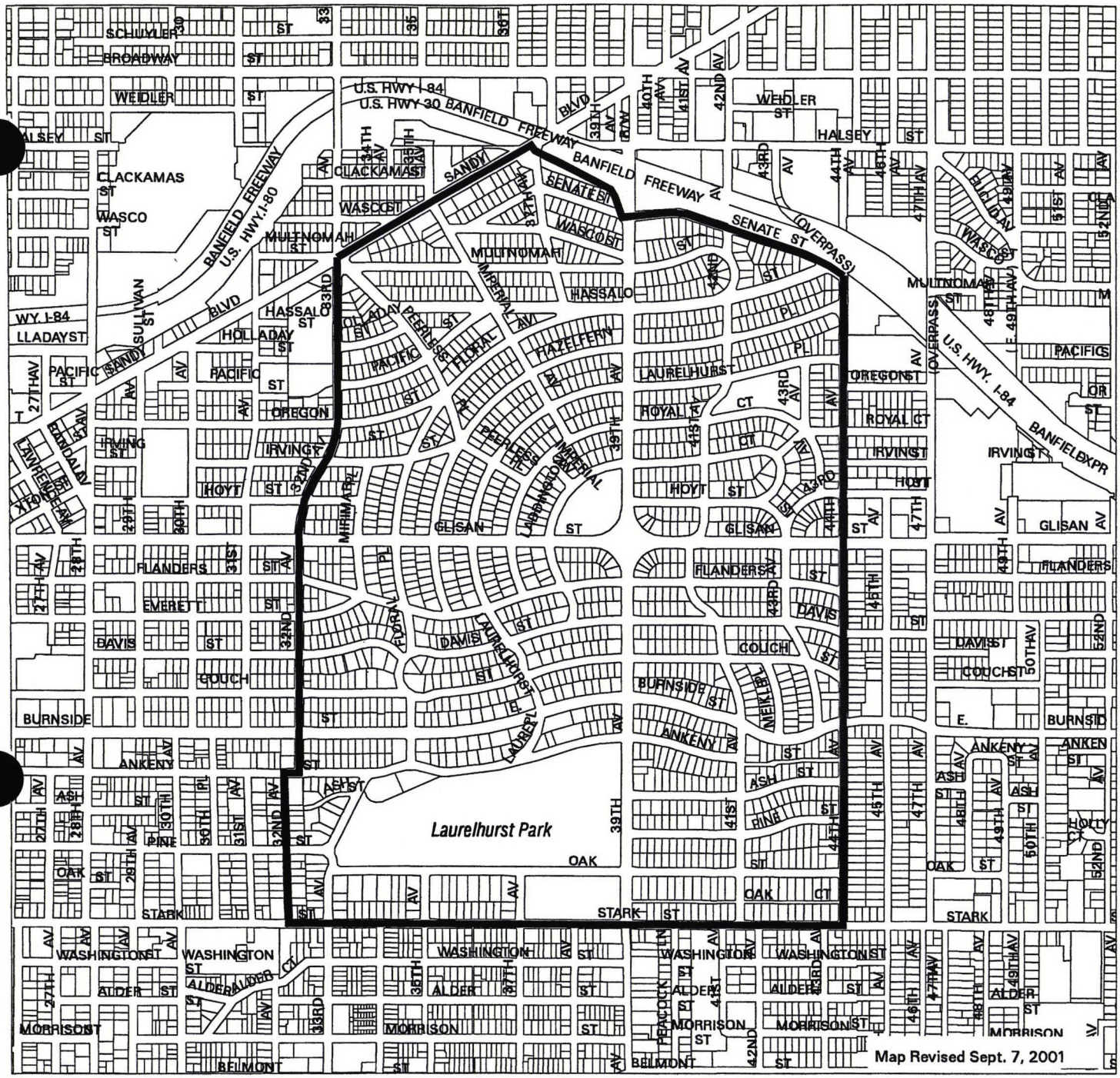
The regulations of the Laurelhurst/Eastmoreland plan district enforce the special setback requirements of Ordinances 70343 and 68522. This plan district maintains the established character of the Laurelhurst and Eastmoreland areas, characterized by homes with larger than normal building setbacks from 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 Development Services Center.



NORTH

0' 750' 1500'

Scale in Feet

Plan District Boundary

Map 540-1

Laurelhurst Plan District

The Laurelhurst setbacks are shown on special maps at the Office of Planning & Development Review

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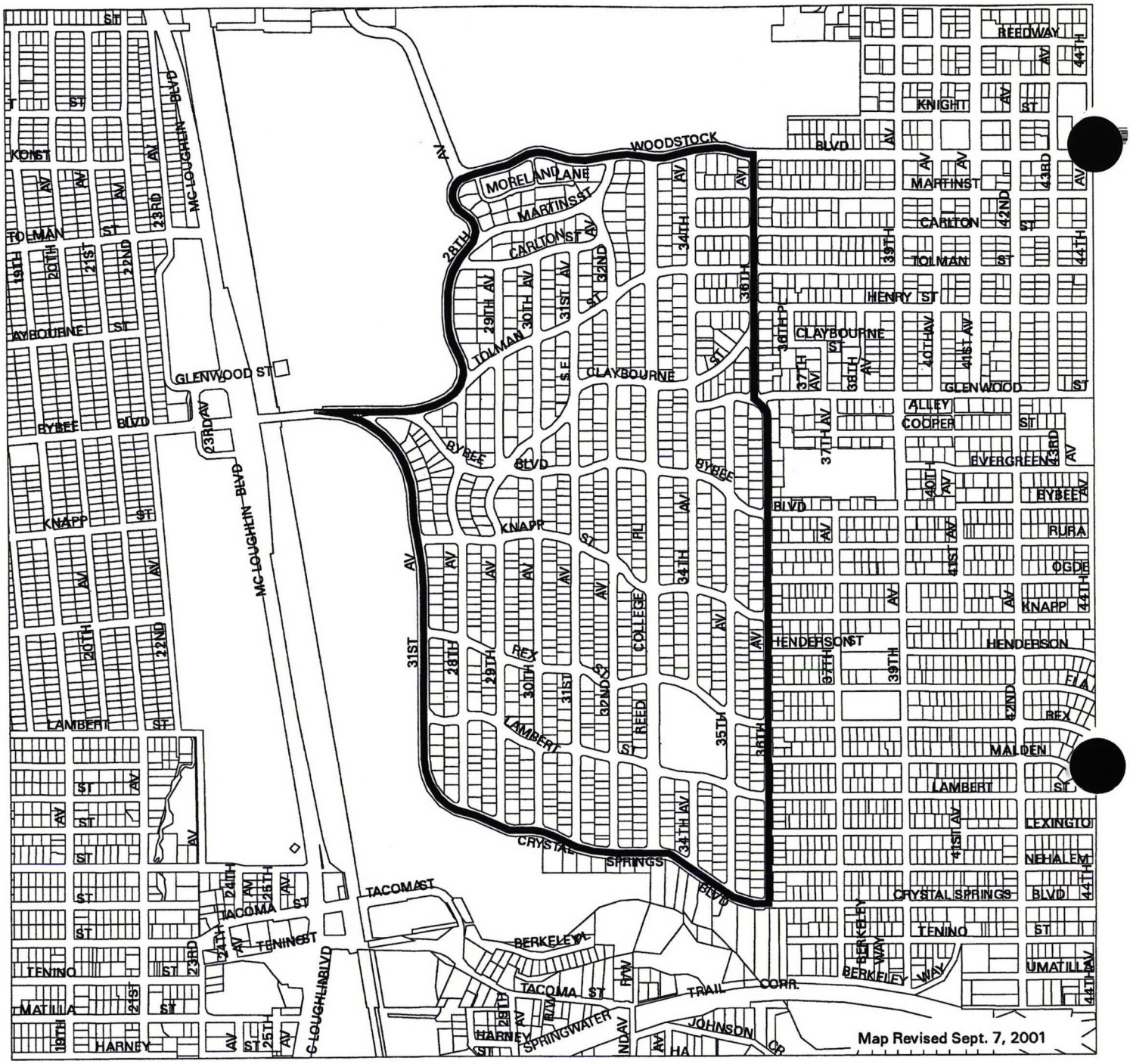

NORTH

0′ 750′ 1500′

Scale in Feet

Plan District Boundary

Map 540-2

Eastmoreland Plan District

The Eastmoreland setbacks are shown on special maps at the Office of Planning & Development Review

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CHAPTER 33.550
MACADAM PLAN DISTRICT

(Amended by: Ord. No. 167650, effective 6/10/94; Ord.173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01.)

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 centerline of the potential light rail line.

2. Commercial buildings. Commercial buildings must be set back at least 30 feet from the centerline 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 centerline 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

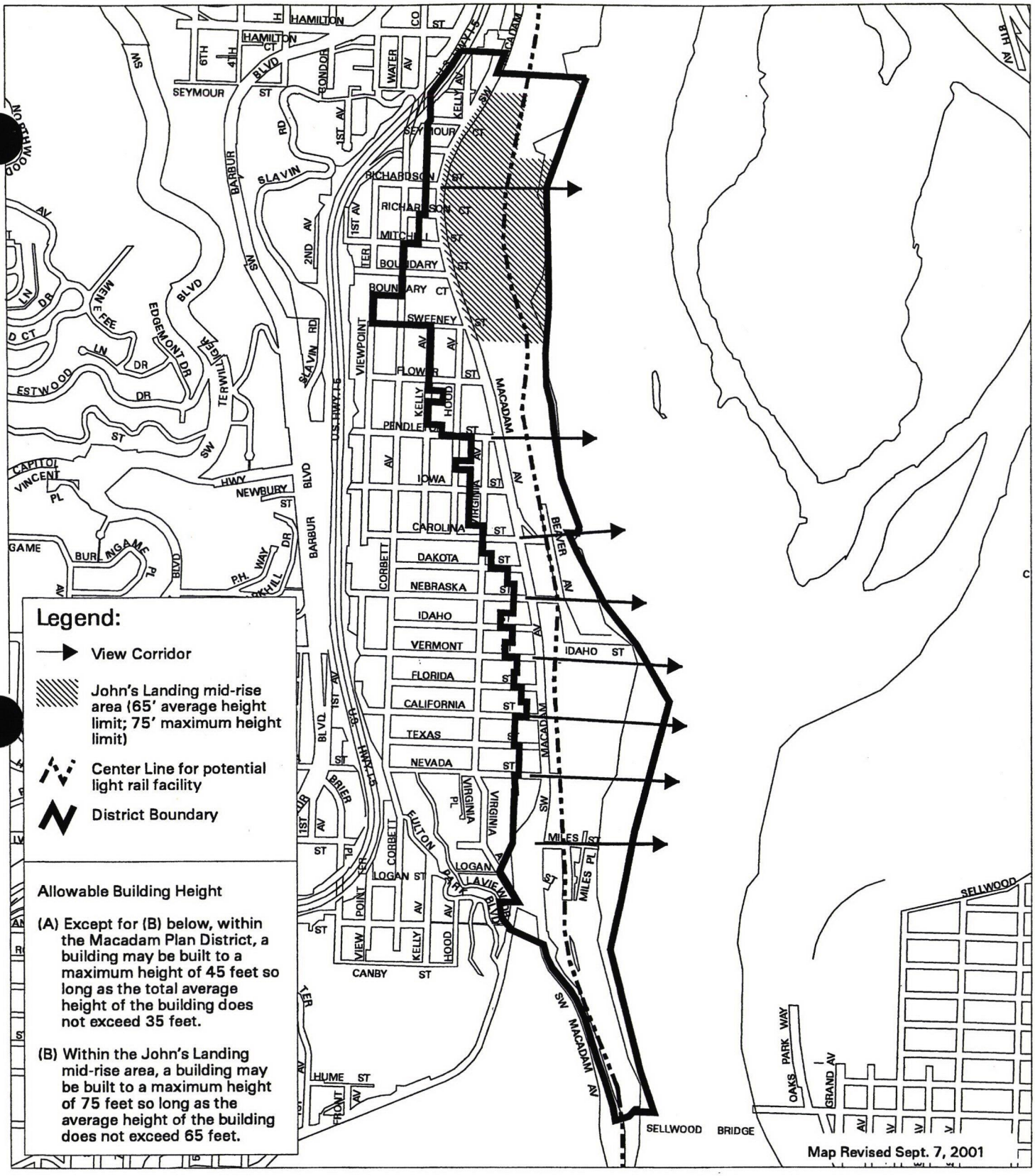
A. Ground level view corridors must be maintained along the rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Pendleton, and SW Richardson Streets. These view corridors must be preserved by maintaining open space from SW Macadam Ave to the ordinary high water line of the 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
The sign standards are stated in Title 32, Signs and Related Regulations.



Map 550-1
Macadam Avenue Plan District

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CHAPTER 33.555
MARQUAM HILL PLAN DISTRICT

(Added by: Ord. No. 176742, effective 7/31/02.)

General
33.555.010 Purpose
33.555.020 Where These Regulations Apply
Use Regulations
33.555.100 Purpose
33.555.110 Additional Prohibited Uses
33.555.120 Additional Use Limitations in Subdistricts A through D
33.555.130 Additional Conditional Uses in Subdistricts A through D
33.555.140 Basic Utilities in the OS Zone
33.555.150 Impacts of a Suspended Cable Transportation System in the OS Zone
33.555.160 Temporary Activities in the OS Zone
Development Standards
33.555.200 Purpose
33.555.210 Relationship to Base Zone Regulations
33.555.220 Drive-Through Facilities
33.555.230 Maximum Height
33.555.240 Maximum Floor Area Ratio in Subdistricts A through D
33.555.250 Maximum Building Coverage
33.555.260 Formal Open Areas in Subdistricts A through D
33.555.270 Exterior Storage and Work Activities
33.555.280 Parking
33.555.290 Signs
Design Review
33.555.300 Design Review
Map 555-1 Marquam Hill Plan District and Subdistricts
Map 555-2 Maximum Height

General

33.555.010 Purpose

The regulations of this chapter implement elements of the Marquam Hill Plan by supporting the preservation and enhancement of natural open space areas, existing scenic views, and neighborhood livability, while encouraging an intense level of institutional development including a dynamic mix of medical research, education, and patient care facilities that contribute to Marquam Hill's distinctive character. The plan district regulations enhance the character and features of the district through the implementation of development standards and design guidelines that preserve scenic resources and create a sense of place within the developed portions of the district through a network of plazas, courtyards, and formal open areas connected by a well-designed pedestrian circulation system. The regulations also encourage the development of additional patient care, medical research, and academic facilities and long-term traffic and parking management plans.

33.555.020 Where These Regulations Apply

The regulations of this chapter apply in the Marquam Hill plan district. The boundaries of the plan district are shown on Map 555-1 and on the Official Zoning Maps. The subdistricts of the Marquam Hill plan district are also shown on Map 555-1.

Use Regulations

33.555.100 Purpose

The use regulations foster development of institutional uses associated with medical centers and colleges. Limiting uses to those that are typically associated with institutional development, and limiting the total square footage of uses that support institutionally developed areas, will ensure that Marquam Hill remains a dynamic center for patient care, medical research institutions, and educational facilities.

33.555.110 Additional Prohibited Uses

A. Plan district. The following uses are prohibited in the plan district:

1. Quick Vehicle Servicing;
2. Vehicle Repair;
3. Commercial Parking;
4. Self-Service Storage;
5. Commercial Outdoor Recreation;
6. Major Event Entertainment;
7. Warehouse And Freight Movement;
8. Aviation And Surface Passenger Terminals; and
9. Detention Facilities.

B. Subdistrict E. The following uses are prohibited in Subdistrict E:

1. Retail Sales And Service;
2. Office;
3. Manufacturing And Production;
4. Wholesale Sales; and
5. Industrial Service.

33.555.120 Additional Use Limitations in Subdistricts A through D

The following use limitations apply in Subdistricts A, B, C, and D:

A. Retail Sales And Service uses. There may be no more than 25,000 square feet of floor area in Retail Sales And Service use in each subdistrict.

B. Industrial uses. There may be no more than 30,000 square feet of floor area in Manufacturing And Production, Industrial Service, or Wholesale Sales uses in each subdistrict. This limitation applies to the floor area of the three use categories added together.

33.555.130 Additional Conditional Uses in Subdistricts A through D
The following are conditional uses in Subdistricts A, B, C, and D:

A. Household Living. Household Living in multi-dwelling structures is a conditional use. The approval criteria are 33.815.130.A, B, and D. Household Living in other structure types is prohibited.

B. Rail Lines And Utility Corridors. Rail Lines And Utility Corridors are a conditional use.

33.555.140 Basic Utilities in the OS Zone
Suspended cable transportation systems are allowed in the OS zone. All other Basic Utilities are regulated by the base zone.

33.555.150 Impacts of a Suspended Cable Transportation System in the OS Zone
In those portions of the plan district within the OS Zone, a suspended cable transportation system is subject to Section 33.262.050, Noise; Section 33.262.060, Vibration; and Section 33.262.080, Glare. These regulations must be met only within those portions of the plan district within the OS Zone.

33.555.160 Temporary Activities in the OS Zone
Staging areas for institutional development are allowed in the OS Zone subject to the requirements stated in Paragraph 33.296.030.A.7.

Development Standards

33.555.200 Purpose
The development standards of this chapter foster a dense urban institutional campus with an emphasis on attractive, well-designed buildings, and a positive and well-designed pedestrian environment. The standards also help establish an attractive transition between institutional development and adjacent residential development, Terwilliger Parkway, and undeveloped open areas.

33.555.210 Relationship to Base Zone Regulations.
If not addressed by the development standards of this plan district, the development standards of the base zone apply; however, development in the plan district is exempt from the following standards:

A. Paragraph 33.140.215.B.2, Building setbacks on a transit street or in a pedestrian district;

B. Section 33.140.230, Ground Floor Windows in the EX Zone;

C. Section 33.140.240, Pedestrian Standards;

D. Section 33.140.242, Transit Street Main Entrances; and

E. Section 33.140.295, Parking and Loading.

33.555.220 Drive-Through Facilities

A. Purpose. Drive-through facilities are not allowed within the plan district as such facilities and the uses they serve are not consistent with those uses typically associated with institutional uses, with the exception of facilities that support the purposes of a medical institutions, such as a drive-through facility associated with a pharmacy.

B. Standard. Drive-through facilities are not allowed.

33.555.230 Maximum Height

A. Purpose. The height limits in the plan district protect views and create a "step-down" effect towards adjacent areas to the east, south, and west.

B. Height regulations in Subdistricts A through D. The regulations of this subsection apply in Subdistricts A, B, C, and D.

1. Standard. The maximum heights allowed are shown on Map 555-2. Except as allowed by Subparagraph B.2.c, heights greater than those shown on Map 555-2 are prohibited.

2. Measurement. Height is measured as follows:

   a. Height is measured from sea level, not grade.

   b. Height is measured to the top of the highest element of a structure, including rooftop equipment, mechanical equipment, mechanical penthouses, and helicopter landing facilities, other than those listed in Subparagraph B.2.c.

   c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limits of this section.

   d. The provisions of 33.930.050, Measuring Height, do not apply in subdistricts A, B, C, and D.

3. Supplemental application requirements. Applications for land use reviews and building permits for new buildings and additions of square footage must include the following information. Applications for land use reviews and building permits for other development that may affect the height of a structure also must include the following information. Additional information may also be requested through the review process. Site plans must show the following:

   a. Boundary lines between areas with different height requirements;

   b. Topography shown by contour lines at five foot vertical contours measured in feet above sea level;

   c. Elevations at the corners of proposed structures or structures being altered, measured in feet above sea level; and

d. Elevation of the highest point of the structure, including rooftop equipment, mechanical equipment, mechanical penthouses, and helicopter landing facilities, other than those listed in Subparagraph B.2.c, measured in feet above sea level.

33.555.240 Maximum Floor Area Ratio in Subdistricts A through D.
The regulations of this section apply to sites in Subdistricts A, B, C, and D.

A. Purpose. The floor area ratios (FARs) regulate the amount, or intensity, of use allowed in each subdistrict. The FARs provide a means to match the potential amount of uses with the desired character of the area. FARs also work with the height and building coverage standards to control the overall bulk of development.

B. Calculations. In Subdistricts A, B, C, and D, FAR is calculated as the amount of floor area in relation to the amount of area in each subdistrict, expressed in square feet.

C. Standards. The maximum FAR allowed in Subdistricts A, C, and D is 3:1. The maximum FAR allowed in Subdistrict B is 2:1. Adjustments to these maximums are prohibited.

33.555.250 Maximum Building Coverage

A. Purpose. The building coverage standards work with the FAR and height standards to control the overall scale of development and promote development consistent with the desired character of the plan district. The standards also limit the total area of each subdistrict that will be developed with buildings to limit the amount of impervious surfaces created by buildings.

B. Calculations. Building coverage is calculated in relation to the amount of area in each subdistrict.

C. Standards.

1. Subdistrict E. The maximum building coverage allowed in the EX zone in Subdistricts E is 15 percent.

2. Subdistricts A through D. In Subdistricts A, B, C, and D, there is no limitation on building coverage in each subdistrict; however, the maximum building coverage allowed in the four subdistricts together is 65 percent. Adjustments to this standard are prohibited.

33.555.260 Formal Open Areas in Subdistricts A through D.

A. Purpose. The requirements of this section ensure that the institutionally-developed portions of the plan district contain an adequate amount of formal open area, such as plazas, courtyards, and similar features, that enhance the character of the area; provide opportunities for passive recreation and both formal and informal gatherings; and result in a network of attractive and integrated exterior spaces and pedestrian corridors that link buildings and various activities within the plan district.

These formal open areas are medium to large spaces that are open to the public and are typically located along primary pedestrian routes. Small gardens and courtyards that are not generally accessible to the public and are developed primarily to serve as retreats for patients and their visitors, such as healing gardens or play areas for young patients or their visitors, are not formal open space areas.

B. When formal open area is required. In Subdistricts A, B, C, and D, when more than 10,000 square feet of gross floor area is proposed in a subdistrict, formal open area must be developed within that subdistrict as part of the proposal, until the minimum square footage of formal open area required in the subdistrict is met. Existing plazas and other open areas may be used to meet this requirement, but will be reviewed as if they are being created as part of the project. Additional improvements may be required.

C. Minimum square footage required. The minimum square footage of formal open area required in Subdistrict A is 20,000 square feet. The minimum square footage of formal open area required in Subdistricts B and D is 25,000 square feet in each subdistrict. The minimum square footage of formal open area required in Subdistrict C is 40,000 square feet.

D. Standards. Formal open area used to meet the requirement of Subsection B must meet the following standards:

1. Amount of area required. At least one square foot of formal open area must be developed for each 50 square feet of floor area, up to the minimum required square footage of formal open area for the subdistrict;

2. Minimum size. Each formal open area must be at least 2,000 square feet in area, and be of such shape to allow a square 40 feet on a side to fit entirely in the area.

3. Use of area. Formal open areas may not also be used for parking, exterior storage, or exterior work areas.

4. Adjustments prohibited. Adjustments to the regulations of this subsection are prohibited. However, modifications may be requested as part of the design review process, as allowed by Chapter 33.825, Design Review.

33.555.270 Exterior Storage and Work Activities

A. Purpose. The standards of this section ensure that exterior storage and work activities:
- Will be consistent with the desired character of the area;
- Will not be a detriment to the overall appearance of the subdistrict;
- Will not have adverse impacts on land uses and properties adjacent to the subdistrict, especially those zoned residential and open space; and
- Will not have an adverse impact on the environment.

B. Location. Exterior storage and work activities are allowed in Subdistricts A, B, and C, and prohibited in Subdistricts D and E.

C. Maximum area allowed. The maximum area that may be used for exterior storage and exterior work activities combined is 10,000 square feet in Subdistrict A, 10,000 square feet in Subdistrict B, and 25,000 square feet in Subdistrict C.

D. Landscape and screening. Exterior storage areas and areas used for exterior work activities within 25 feet of the plan district boundary must meet one of the following two landscape standards. The portion of the exterior storage area or area used for exterior work activities within 25 feet of the plan district boundary must either:

1. Be surrounded by a 10-foot wide landscaped strip. The 10-foot strip must be landscaped to at least the L2 standard; however, a wall or berm may not be substituted for the required screen of shrubs. In addition, a fence meeting the F2 standard must be placed along the interior edge of the landscaped area; or

2. Be surrounded by a 5-foot wide landscaped strip. The 5-foot strip must be landscaped to at least the L4 standard.

E. Paving. Exterior storage and work activity areas must be paved.

33.555.280 Parking

A. Purpose. The regulations of this section encourage the use of transportation demand management techniques by limiting the supply of parking and creating maximums for single occupancy vehicle trips.

B. Creation of parking.

1. Floor area. Parking may be created only in conjunction with additions of net floor area to the site, including that added as part of new development or by adding floor area to existing development;

2. Maximum ratios. Parking is limited to a maximum ratio of 1 space per 600 square feet of net building area being added.

3. Location. Parking may be in a different subdistrict than the net building area it is created in conjunction with.

4. Exception for Subdistrict B. In Subdistrict B, a proposal to create parking not in conjunction with additional floor area may be approved through a Marquam Hill Parking Review, as follows:

   a. The application for the Marquam Hill Parking Review must be received by the City by December 31, 2010;

   b. The proposed parking is exempt from the requirements of B.1 and 2, but is subject to the other regulations of this section; and

   c. Only one proposal may be approved under the provisions of this Paragraph.

   d. Adjustments to these standards are prohibited.

C. Existing parking. Existing parking that is reconfigured or demolished and replaced is exempt from the requirements of Subsections 33.555.280.B and D if no additional parking spaces are created.

D. Maximum parking allowed in Subdistricts A through D.

1. The maximum number of parking spaces allowed is:

   a. Subdistrict A and B combined: 4,429 spaces

   b. Subdistrict C: 710 spaces

   c. Subdistrict D: 1,258 spaces

   d. Subdistrict E: parking is prohibited.

2. Adjustments to the standards of the subsection are prohibited.

E. Marquam Hill Parking Review. There are two types of Marquam Hill Parking Review: Type A and Type B. Proposals that are subject to Type B Marquam Hill Parking Review are not also subject to Type A Marquam Hill Parking Review.

1. Type A Marquam Hill Parking Review is required for all proposals that include parking;

2. Type B Marquam Hill Parking Review is required for the following:

   a. Proposals to develop parking spaces above the maximum numbers stated in Paragraph D.1;

   b. Proposals to develop parking when the application for a building permit is submitted after August 1, 2012; or

   c. Proposals that are subject to Type A Marquam Hill Parking Review but do not meet the approval criteria for that review.

33.555.290 Signs
The sign standards are stated in Title 32, Signs and Related Regulations.

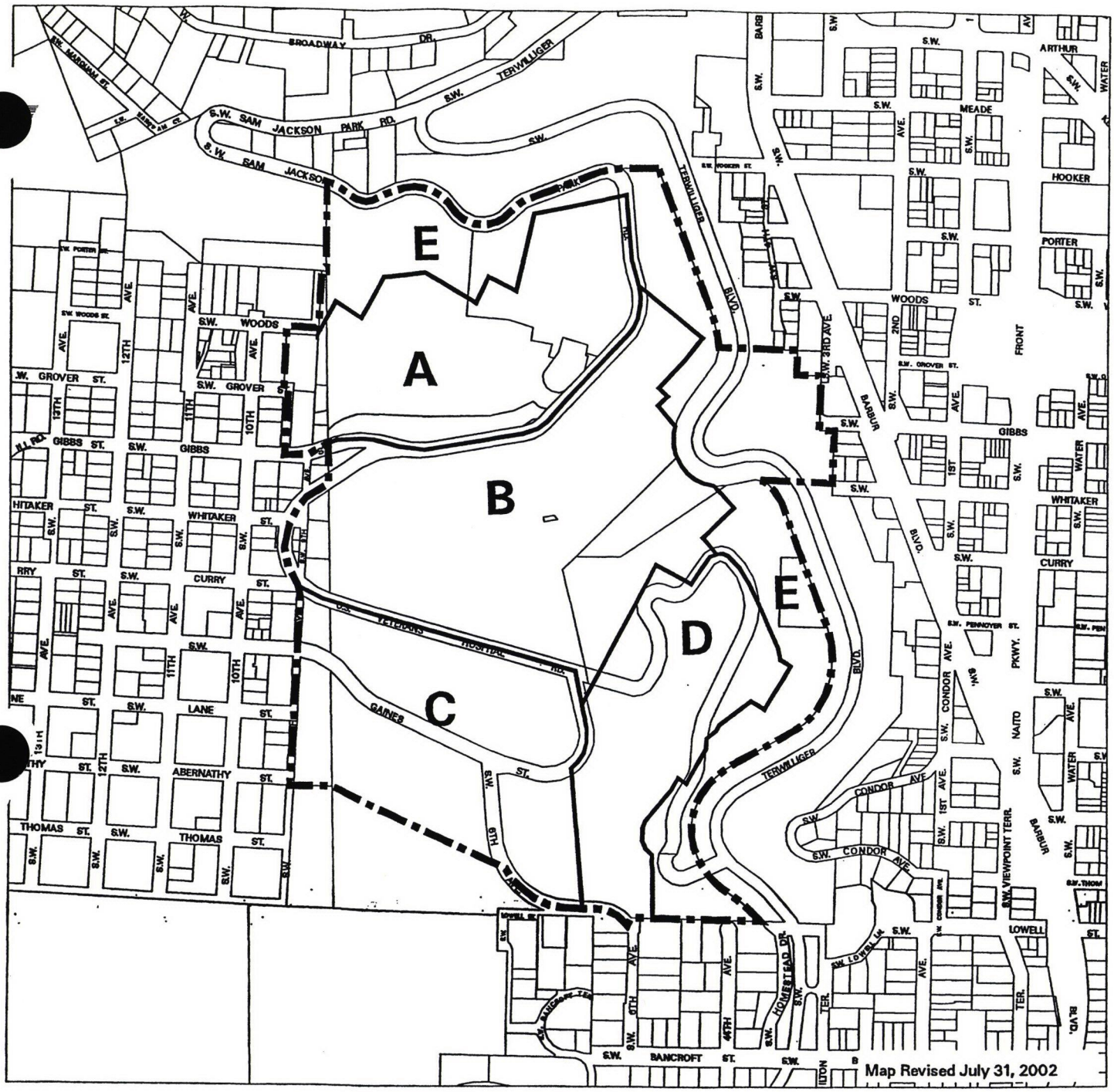
Design Review

33.555.300 Design Review

A. Purpose. Design review ensures that institutional development is physically and visually integrated within the plan district and with the surrounding neighborhoods, open space areas, Terwilliger Parkway, and the skyline associated with Marquam Hill. It also ensures that the pedestrian environment within the institutionally developed portions of Marquam Hill incorporates quality design providing an attractive and safe environment for pedestrian passage within and through the plan district and an integrated relationship between structures and the pedestrian environment. Design review also promotes the protection and enhancement of views within and to and from the plan district, as well as sustainable development, protection of environmentally sensitive resources, and the incorporation of site amenities within the pedestrian environment. Additionally, design review promotes an efficient and functional arrangement of institutional development within the plan district and improvements to vehicular access and circulation patterns.

B. Where these regulations apply. These regulations apply within the Marquam Hill design district, shown on Map 420-5.

C. When design review is required. Design review is required for new development and exterior alterations, including additions of gross floor area to the site.



NORTH

0′ 450′ 900′

Scale in Feet

Marquam Hill Plan District Boundary

Subdistrict Boundary

Map 555-1

Marquam Hill Plan District and Subdistricts

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NORTH

0′ 450′ 900′

Scale in Feet

Marquam Hill
Plan District Boundary

Areas where maximum height is determined by base zone.

Map 555-2

Maximum Heights

Measured Above Sea Level - ASL

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CHAPTER 33.560
NORTH CULLY PLAN DISTRICT

(Added by Ord. No. 165190, effective 4/10/92. Amended by: Ord. No. 167650, effective 6/10/94.)

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.

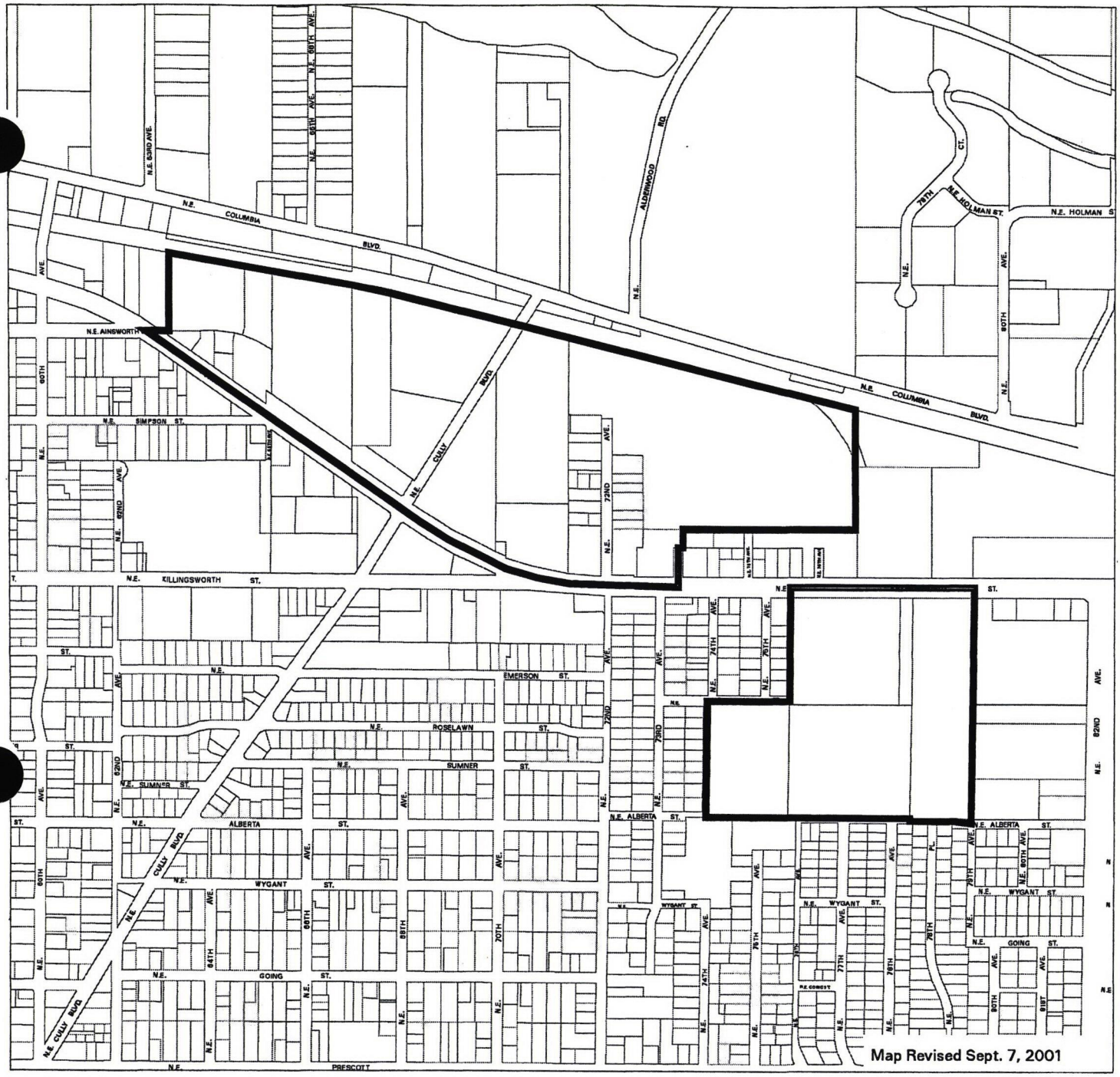
H. In addition to the approval criteria listed above, development south of NE Killingsworth will meet the following approval criteria:

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 superseding section 33.730.140, Requests for Change to Conditions of Approval.



NORTH

0′ 600′ 1200′

Scale in Feet

Plan District Boundary

Map 560-1

North Cully Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003

CHAPTER 33.562
NORTHWEST PLAN DISTRICT

(Added by: Ord. No. 175877, effective 9/21/01.)

Sections:

General
33.562.010 Purpose
33.562.020 Where the Regulations Apply
Use Regulations
33.562.100 Retail Sales And Service
Development Standards
33.562.200 Purpose
33.562.210 Prohibited Development
33.562.220 Mechanical Equipment in the EX zone
33.562.230 Streetcar Alignment Setbacks
33.562.240 Streetcar Alignment Main Entrances
33.562.250 Required Windows Above the Ground Floor
33.562.260 Ground Floor Active Uses
33.562.270 Minimum Active Floor Area
33.562.280 Required Design Review
33.562.300 Northwest Master Plan
Map 562-1 Northwest Plan District
Map 562-2 Active Use Areas
Map 562-3 Limited Use Areas

General

33.562.010 Purpose

The Northwest plan district provides for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter:

- Promote housing and mixed-use development;
- Discourage auto-oriented developments;
- Enhance the pedestrian experience; and
- Encourage a mixed-use environment and transit supportive levels of development in the area near the streetcar alignment.

33.562.020 Where These Regulations Apply

The regulations of this chapter apply in the Northwest plan district. The boundaries of the plan district are shown on Map 562-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.562.100 Retail Sales And Service

A. Purpose. Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.

B. Limitations.

1. In Subdistrict A, on sites in the EX zone within the area shown on Map 562-3, Retail Sales And Service uses are allowed up to 10,000 square feet of floor area for each use. Retail Sales And Service uses larger than 10,000 square feet of floor area for each use are prohibited.

2. In Subdistrict B, on sites in the EX zone, Retail Sales And Service uses are allowed up to 10,000 square feet of floor area for each use. Retail Sales And Service uses larger than 10,000 square feet may be allowed if approved as part of a Northwest Master Plan. Retail Sales And Service uses larger than 60,000 square feet of floor area for each use are prohibited.

Development Standards

33.562.200 Purpose

These development standards foster a transit-supportive, mixed-use urban character with a high quality pedestrian environment, and an emphasis on good building design.

33.562.210 Prohibited Development

A. Purpose. This regulation restricts auto-oriented development in order to foster transit-supportive, pedestrian-friendly uses, and to help reduce and prevent traffic congestion in the area near the streetcar alignment.

B. Drive-through facilities. Drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment, shown on Map 562-2. 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.

33.562.220 Mechanical Equipment in the EX Zone

A. Purpose. These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.

B. Where these regulations apply. The regulations of this section apply to all sites in the EX Zone.

C. Screening and enclosure.

1. If mechanical equipment is within nine feet of the grade of the adjacent sidewalk, it must be screened or enclosed as follows:

   a. If the area occupied by the mechanical equipment is less than 500 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants;

   b. If the area occupied by the mechanical equipment is less than 3 percent of the site area, but it is not larger than 1,000 square feet, the equipment must be completely screened from the sidewalk by walls, fences, or plants; or

   c. All other mechanical equipment must be within a building that is completely enclosed on all sides;

2. If mechanical equipment is more than nine feet above the grade of the adjacent sidewalk, the equipment must be completely screened from the sidewalk by walls, fences, or plants.

D. Noise. The Portland Noise Control Office regulates noise. Noise control regulations can be found in other Titles of the Portland City Code.

33.562.230 Setbacks and Main Entrances on a Streetcar Alignment

A. Purpose. The setback requirements along streetcar alignments are designed to create an environment that is inviting to pedestrians and transit users. Locating the main entrance to a building along a streetcar alignment provides convenient pedestrian access between the building and public sidewalks and transit facilities, and so promotes walking and the use of transit.

B. Standard. Sites with frontage along a streetcar alignment are subject to the Setback standards and Transit Street Main Entrance standards of the base zone. For purposes of this regulation, the streetcar alignment is considered a transit street.

33.562.250 Required Windows Above the Ground Floor

A. Purpose. Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.

B. Where these regulations apply. The regulation of this section applies to the portion of a site within 200 feet of a streetcar alignment. See Map 562-2.

C. Required windows above the ground floor. Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade.

33.562.260 Ground Floor Active Uses

A. Purpose. The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses and to foster development with transit supportive levels of activity. 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 uses include but are not limited to: lobbies, retail, residential, commercial, and office.

B. Where these regulations apply. These regulations apply to new development and major remodeling projects on the portion of a site within 100 feet of a streetcar alignment, where any of the floor area is in non-residential uses.

C. Ground floor active use 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 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 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 OPDR; 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 ground floor active uses.

D. Parking restriction. To encourage a transit-supportive, pedestrian-oriented environment adjacent to a streetcar that is safe, active with uses, and comfortable for residents, visitors, and others, parking is not allowed in areas that are required to meet the ground floor active use standard of subsection C., above.

33.562.270 Minimum Active Floor Area

A. Purpose. This requirement ensures that development within one block of a streetcar alignment is supportive of City goals for decreasing reliance on automobile travel and increasing opportunities for housing and employment, by requiring a transit-supportive level of activity and intensity.

B. Where this regulation applies. Sites subject to minimum active floor area standards are shown on Map 562-2 at the end of this chapter.

C. Standard. On the portion of a site within 200 feet of a streetcar alignment, at least 50 percent of floor area in each building must be in one or more of the active uses listed below, where allowed by the base zone. Parking areas, both accessory and commercial, are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area. Only those balconies that serve only residential uses and are at least 48 square feet in area and at least 6 feet long and 6 feet wide are included in active floor area. The active uses are:

1. Household or Group Living;
2. Retail Sales And Service;
3. Office;
4. Manufacturing And Production;
5. Industrial Service;
6. Community Service;
7. Schools;
8. Colleges;
9. Medical Centers;
10. Religious Institutions; and
11. Daycare.

33.562.280 Required Design Review

A. Purpose. These regulations ensure attractive, quality design and a pedestrian-friendly character in the areas planned for urban-scale development in the plan district.

B. Where these regulations apply. The regulations of this section apply to sites zoned EX.

C. When design review is required. Design review is required for new development and exterior alterations.

D. 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 Subsection E., below, proposals that are within the limits of Table 562-1 may use the Community Design Standards as an alternative to design review.

E. When Community Design Standards may not be used. The Community Design Standards may not be used as an alternative to design review as follows:

1. For institutional uses in residential zones, unless specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

2. For alterations to sites where there is a nonconforming use, unless the nonconforming use is a residential use; and

3. For historic resources, unless allowed by Chapter 33.445, Historic Resource Protection Overlay Zone.

Table 562-1
Maximum Limits for Use of the Community Design Standards [1]

Zones	**Maximum Limit—New Floor Area**
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 [2]**
All except IR	•Alterations to the street-facing facade that affect less than 50 percent of the area of the façade, 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.
IR Zone	See institution's Impact Mitigation Plan.

Notes:
[1] There are no maximum limits for proposals where any of the floor area is in residential uses.
[2] 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.

33.562.300 Northwest Master Plan

A. Purpose. The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest Area Plan. The Northwest Area Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
- Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
- High quality design appropriate to an urban setting;
- Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
- A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
- Transportation and parking demand management strategies that decrease reliance on the automobile;
- Development that is integrated into the broader urban fabric;
- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest Area Plan process;
- Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and
- Efficient use of land.

B. Where these regulations apply. The regulations of this section apply to sites in the EX zone in Subdistrict B of the Northwest plan district. The boundaries of the subdistrict are shown on Map 562-1 at the end of this chapter.

C. When a Northwest Master Plan is required.

1. Required. A Northwest Master Plan is required for sites in the EX zone in Subdistrict B of the Northwest plan district where the applicant proposes:

   a. An expansion of the amount of floor area or exterior improvements on the site; or

   b. A change from one use category to another.

2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site in Subdistrict B of the Northwest plan district, regardless of zoning.

3. Exempt. The following are allowed without a Northwest Master Plan:

   a. Normal maintenance and repair;

   b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and

   c. Development where all of the floor area and exterior improvement area is in residential use.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the EX Zone that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.

2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.

4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.

5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments.

   Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Community Design Guidelines and Community Design Standards will apply; however, the Northwest Master Plan may augment those standards and guidelines for the Northwest Master Plan Area.

6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:

   a. The location and amount of motor vehicle and bicycle parking;

   b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:

      (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);

(2) Car or van pool programs;

(3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;

(4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;

c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;

d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;

e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Office of Transportation; and

f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.

7. Phasing of development. The Northwest 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.

8. Process. The Northwest Master Plan must include:

a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and

b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.

9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.

E. Review Procedure. A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

F. Amendments to a Northwest Master Plan

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:

   a. A change in the use category of more than 1000 square feet of floor area or any exterior improvements;

   b. Increases in floor area of a use or structure, or the overall floor area on the site;

   c. Increases or decreases in the amount of parking;

   d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and

   e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.

2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.

3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.

G. Approval criteria for a Northwest Master Plan. A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.

2. Design.

   a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest Area Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.

   b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:

      (1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;

(2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest Area Plan process, specifically at the edges of the Northwest Master Plan area; and

(3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

3. Transportation.

a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;

b. The transportation system is capable of safely supporting the proposed uses in the plan district in addition to the existing and planned uses in the area. Evaluation factors include street capacity and level-of-service in the vicinity of the plan district, on-street parking impacts, access requirements and needs, impacts on transit operations and access to transit, impacts on adjacent streets and on neighborhood livability, and safety for all modes of travel, particularly pedestrians and bicyclists; and

c. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.

4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:

a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;

b. The transportation system is capable of safely supporting the proposed uses and development;

c. The proposed uses and development will not have significant adverse effects on the area;

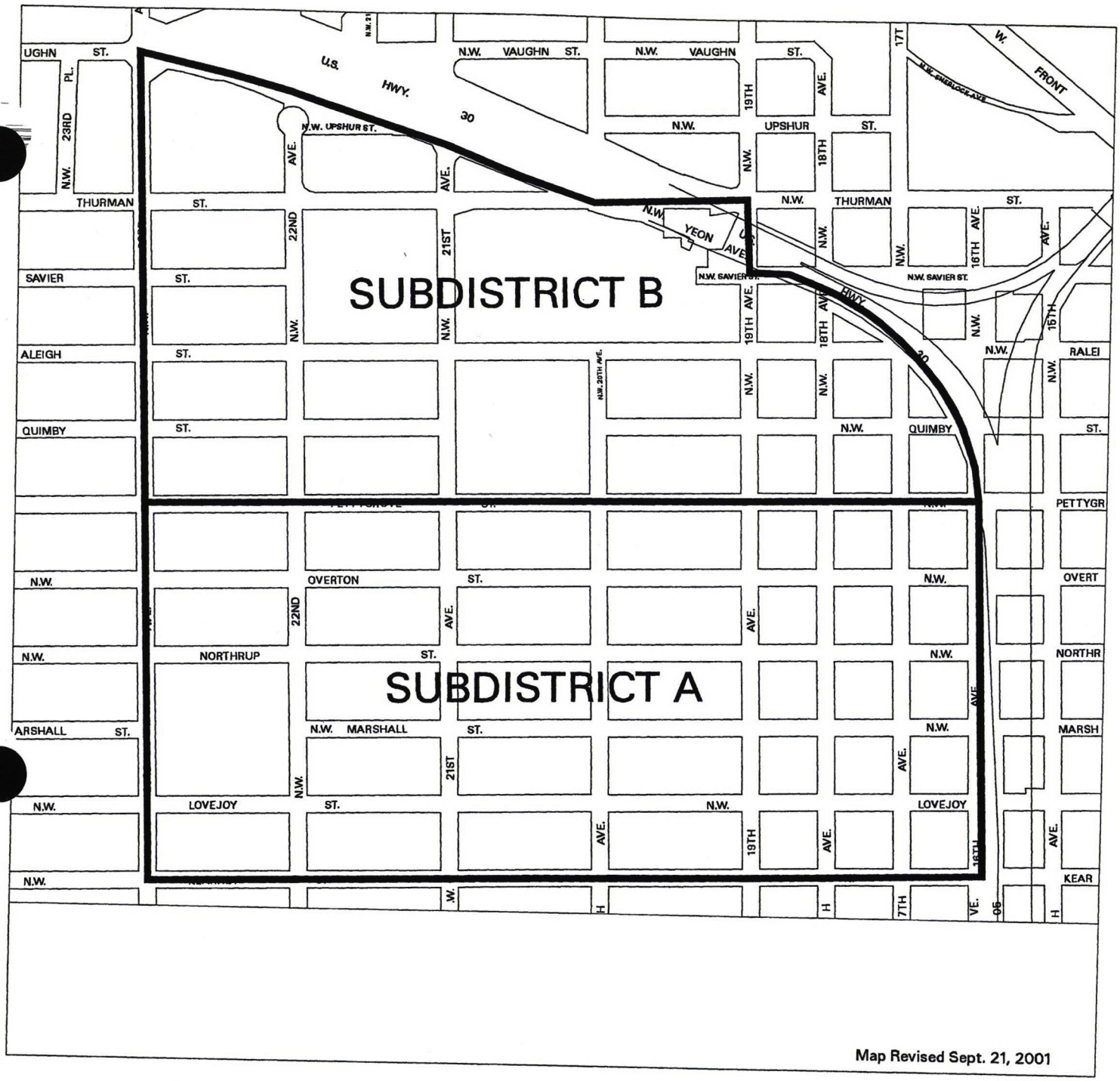
d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest Area Plan process; and

e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

H. Duration of the Northwest Master Plan. The Northwest 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 Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated.

When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

I. After approval of a Northwest Master Plan. After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supercedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.



NORTH

0' 375' 750'

Scale in Feet

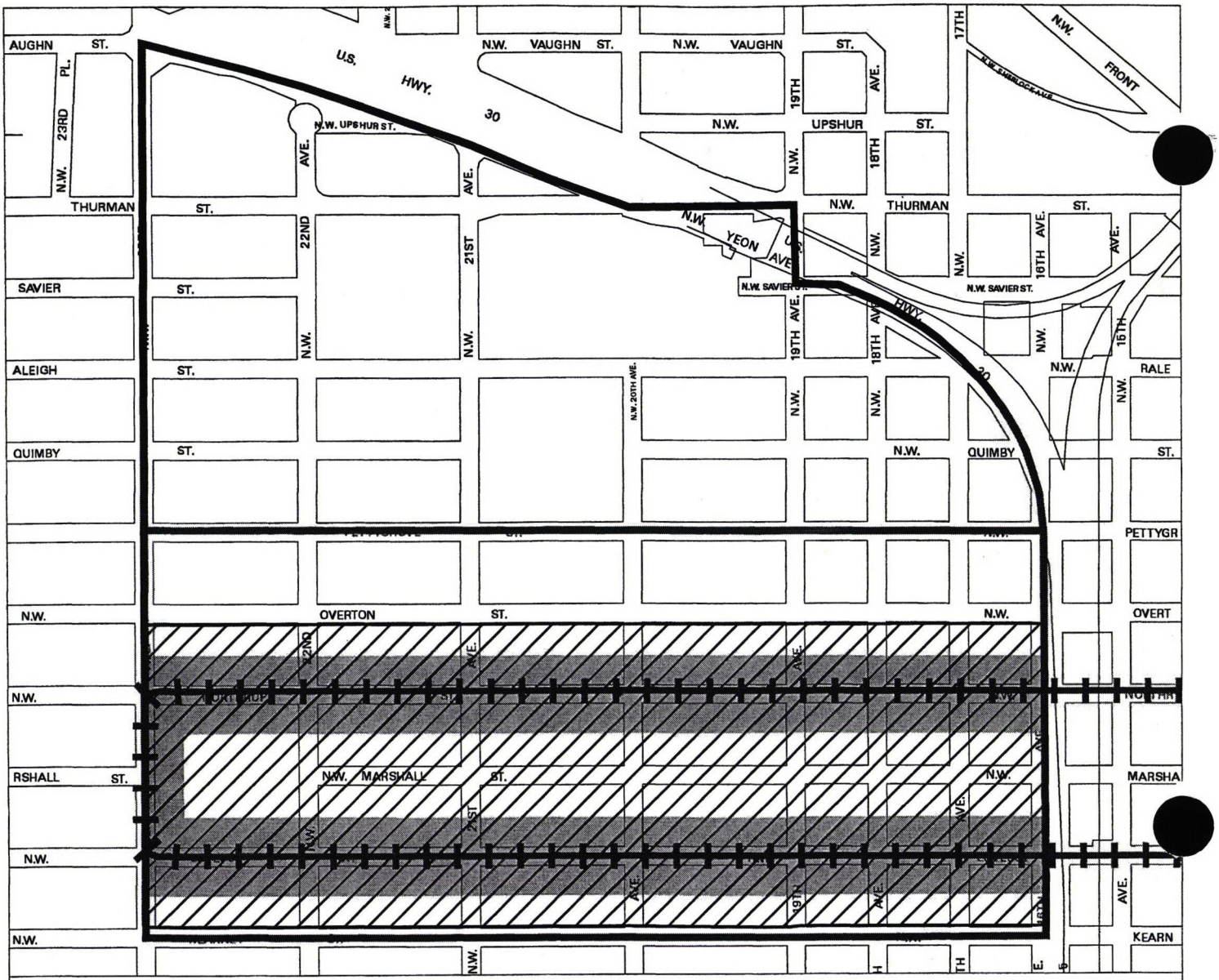
Northwest
Plan District Boundary

Map 562-1

Northwest Plan District and Subdistricts

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 375′ 750′

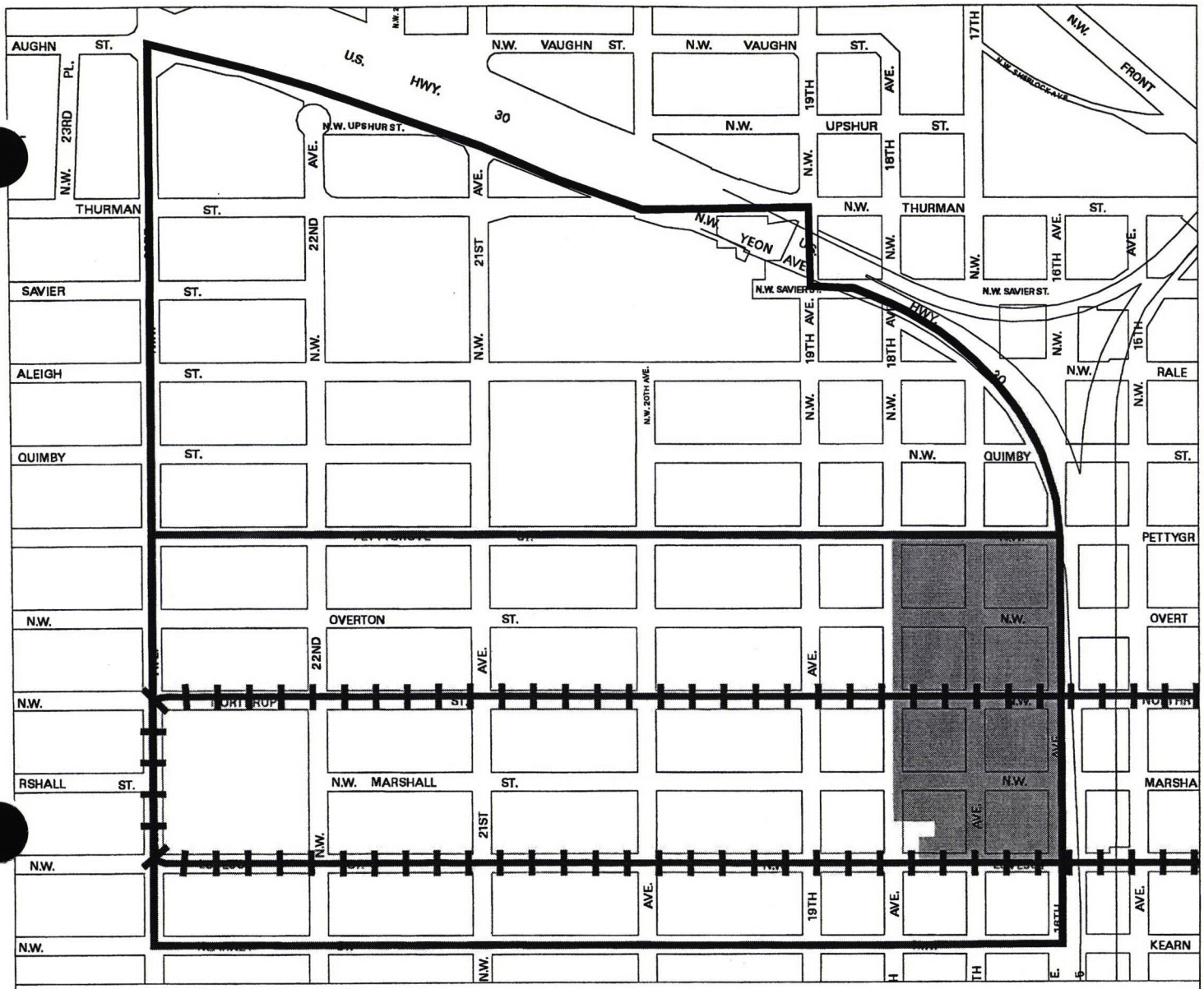
Scale in Feet

Northwest
Plan District Boundary

Map 562-2

Active Use Areas

Bureau of Planning • City of Portland, Oregon



Map 562-3

Limited Use Areas

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CHAPTER 33.563
NORTHWEST HILLS PLAN DISTRICT

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

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Map 563-1 Northwest Hills Plan District

33.563.010 Purpose

The Northwest Hills 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 Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development. These regulations provide the higher level of protection necessary for the plan district area. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites.

33.563.020 Where the Regulations Apply

The regulations of this chapter apply to the Northwest Hills plan district and subdistricts as shown on Map 563-1 at the end of this chapter, and on the Official Zoning Maps. The regulations of section 33.563.030 apply to the entire plan district. The regulations of Sections 33.563.100 through .120 apply only to the Balch Creek subdistrict. The regulations of Sections 33.563.200 through .210 apply only to the Forest Park subdistrict. The regulations of Sections 33.563.400 through .410 apply only to the Skyline subdistrict.

33.563.030 Transfer of Development Rights

Transfer of development rights between sites in the Northwest Hills plan district is allowed as follows. Development rights are the number of potential dwelling units that would be allowed on the site. Adjustments to the provisions of this Section are prohibited.

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 Office of Planning and Development Review or sanitary sewer is available to all lots proposed as part of a land division.

D. Procedure. Transfer of development rights is allowed as follows:

1. Planned Development required. The receiving site must be approved for development as a Planned Development. The purpose of the Planned Development Review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.638 Planned Development.

2. Sending site included. The sending site must be a part of the application for Planned Development 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 Planned Development or if the Planned Development includes a land division, before the approval of the Final Plat.

E. Adjustments prohibited. Adjustments to the provisions of this section are prohibited.

Balch Creek Subdistrict

33.563.100 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.

33.563.110 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 OPDR 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 land divisions and Planned Developments must be within an environmental resource tract.

33.563.120 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.

Forest Park Subdistrict

33.563.200 Prohibition
Within environmental zones in the Forest Park 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.

33.563.210 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 563-1, 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.

Skyline Subdistrict

33.563.400 Zoning Map Amendments
All requests for quasi-judicial Zoning Map Amendments within the Skyline subdistrict must meet the following:

A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and

B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

33.563.410 Land Divisions and Planned Developments.
The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:

1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:

   a. The potential daily and peak hour traffic volumes that will be generated by the site;

   b. Distribution on the street system of the traffic that will be generated by the site;

c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,

d. Current traffic volumes on the principal roadways relative to the site; and

2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.

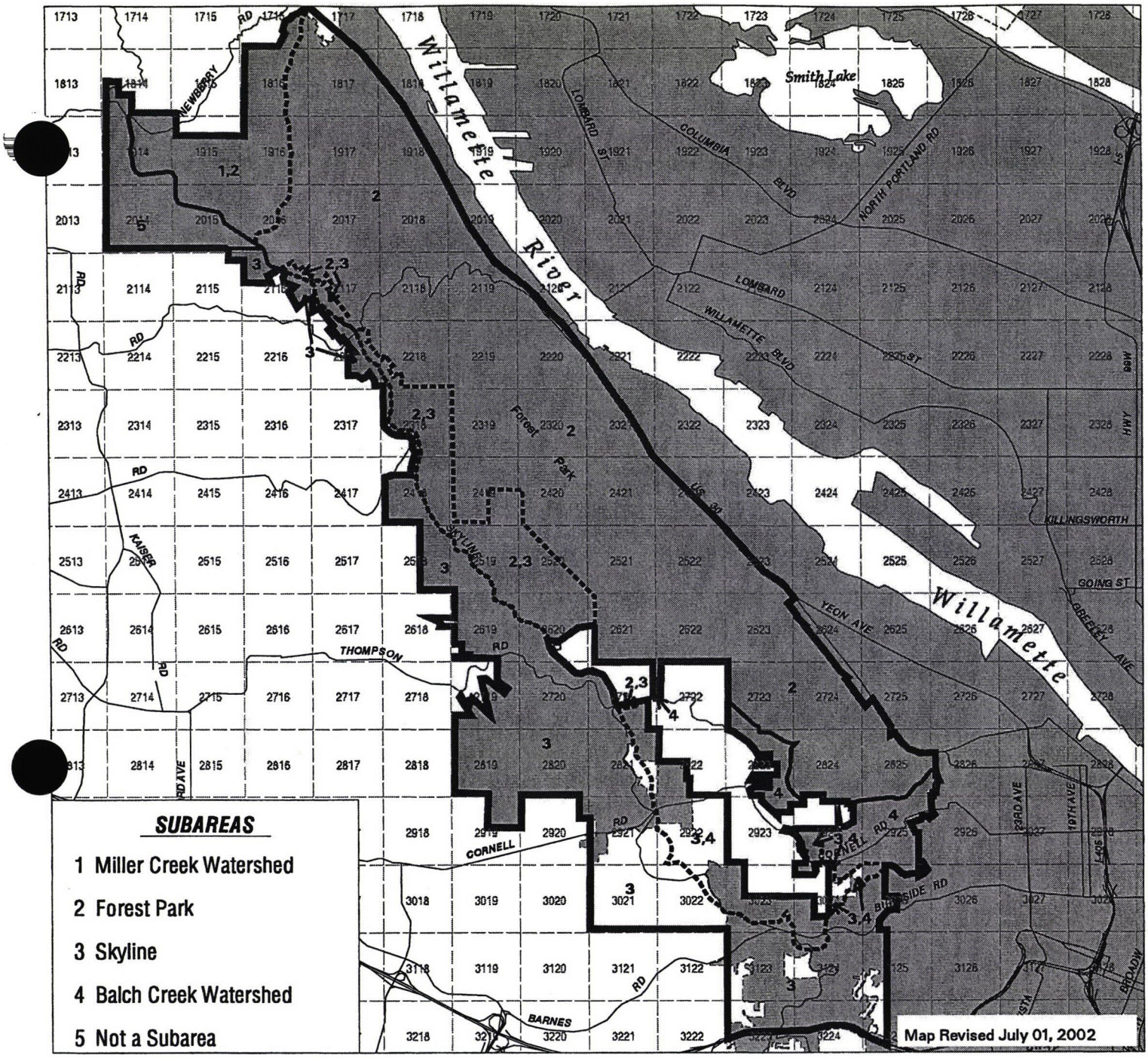
B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:

1. Public sewer and water service must be available to the site; and

2. The applicant must either:

a. Show that the existing public transportation is adequate; or

b. Participate in or subsidize a private transportation service.



NORTH

0′ 4200′ 8400′

Scale in Feet

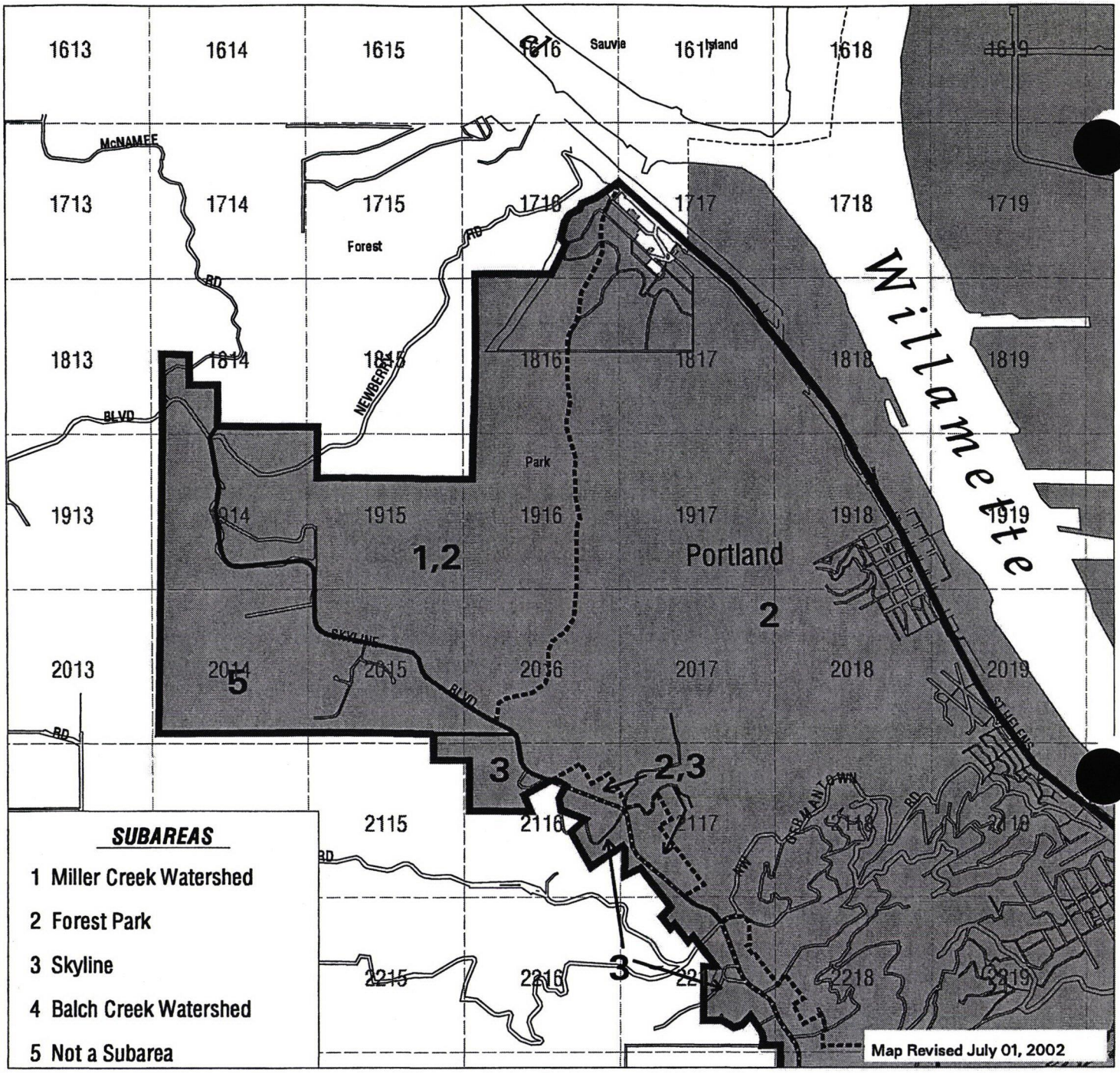
- Plan District Boundary
- Subarea Boundary
- Shared Subarea Boundary
- Quarter Sections (with #)
- City of Portland

Map 563-1

Northwest Hills Plan District and Subareas

Map 1 of 5 (Index)

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1875′ 3750′

Scale in Feet

Plan District Boundary

Subarea Boundary

Shared Subarea Boundary

Quarter Sections (with #)

City of Portland

Map 563-1

Northwest Hills Plan District and Subareas

Map 2 of 5 (Detail)

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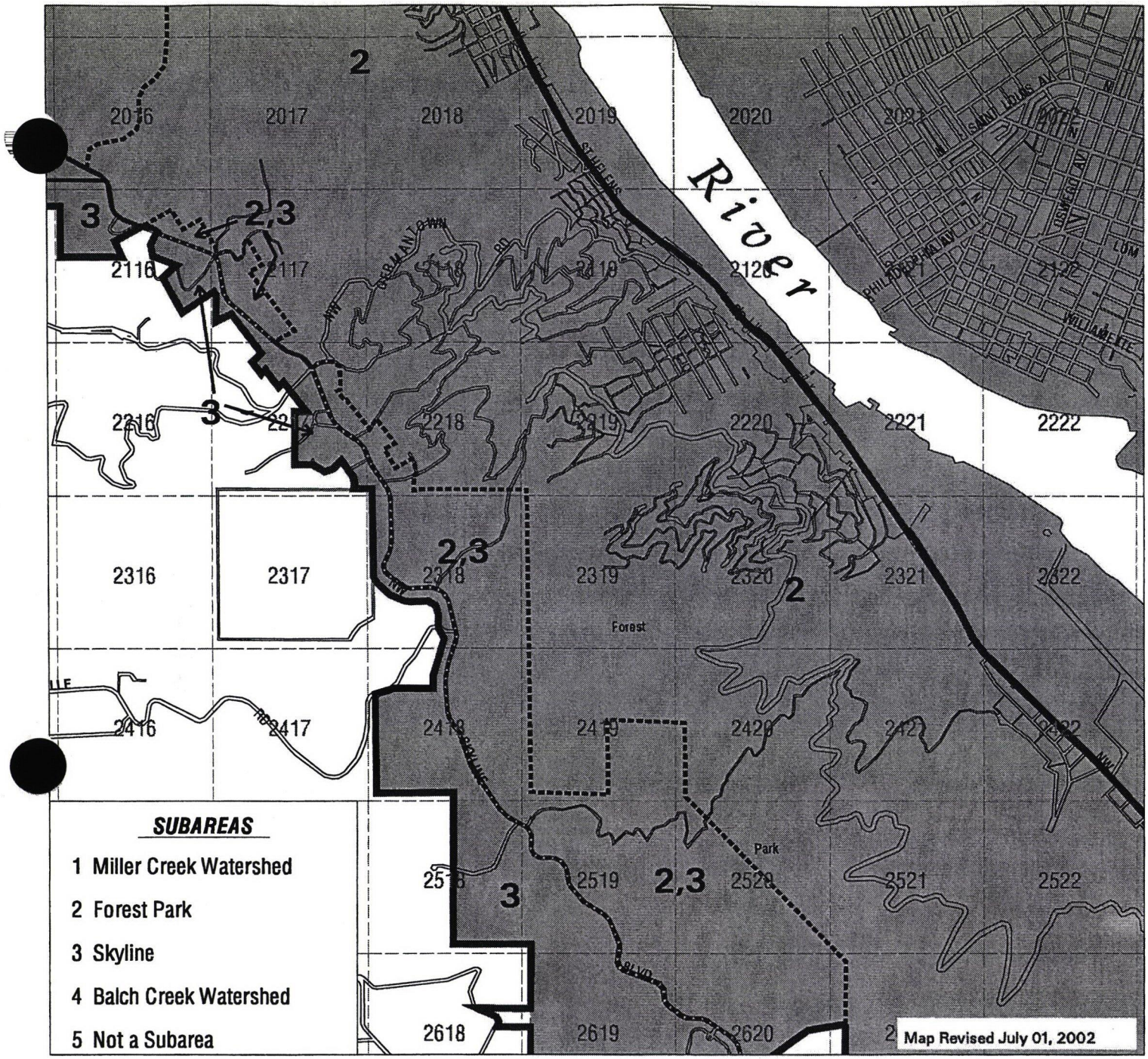


NORTH

0′ 1875′ 3750′

Scale in Feet

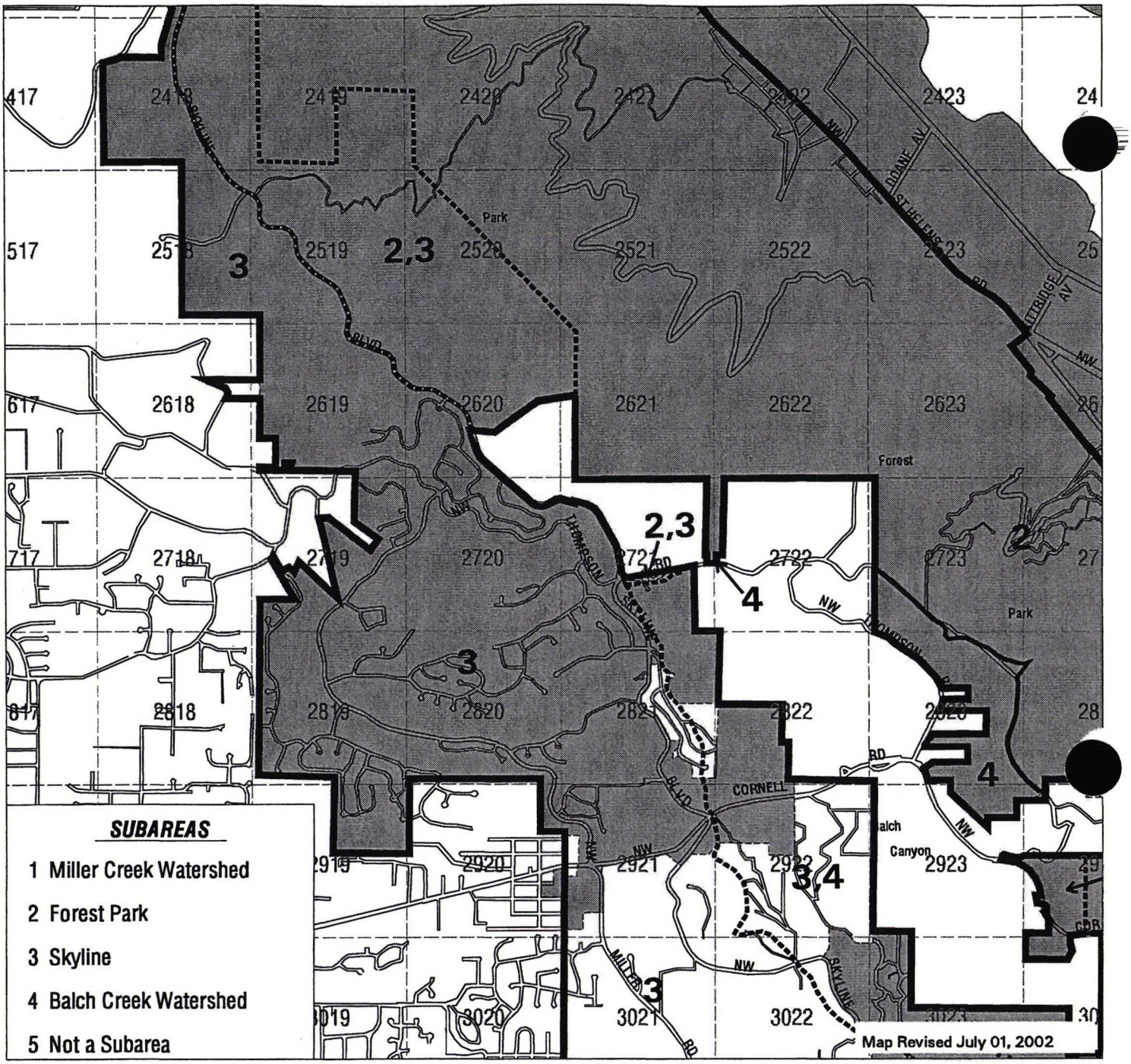
- Plan District Boundary
- Subarea Boundary
- Shared Subarea Boundary
- Quarter Sections (with #)
- City of Portland

Map 563-1

Northwest Hills Plan District and Subareas

Map 3 of 5 (Detail)

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1875′ 3750′

Scale in Feet

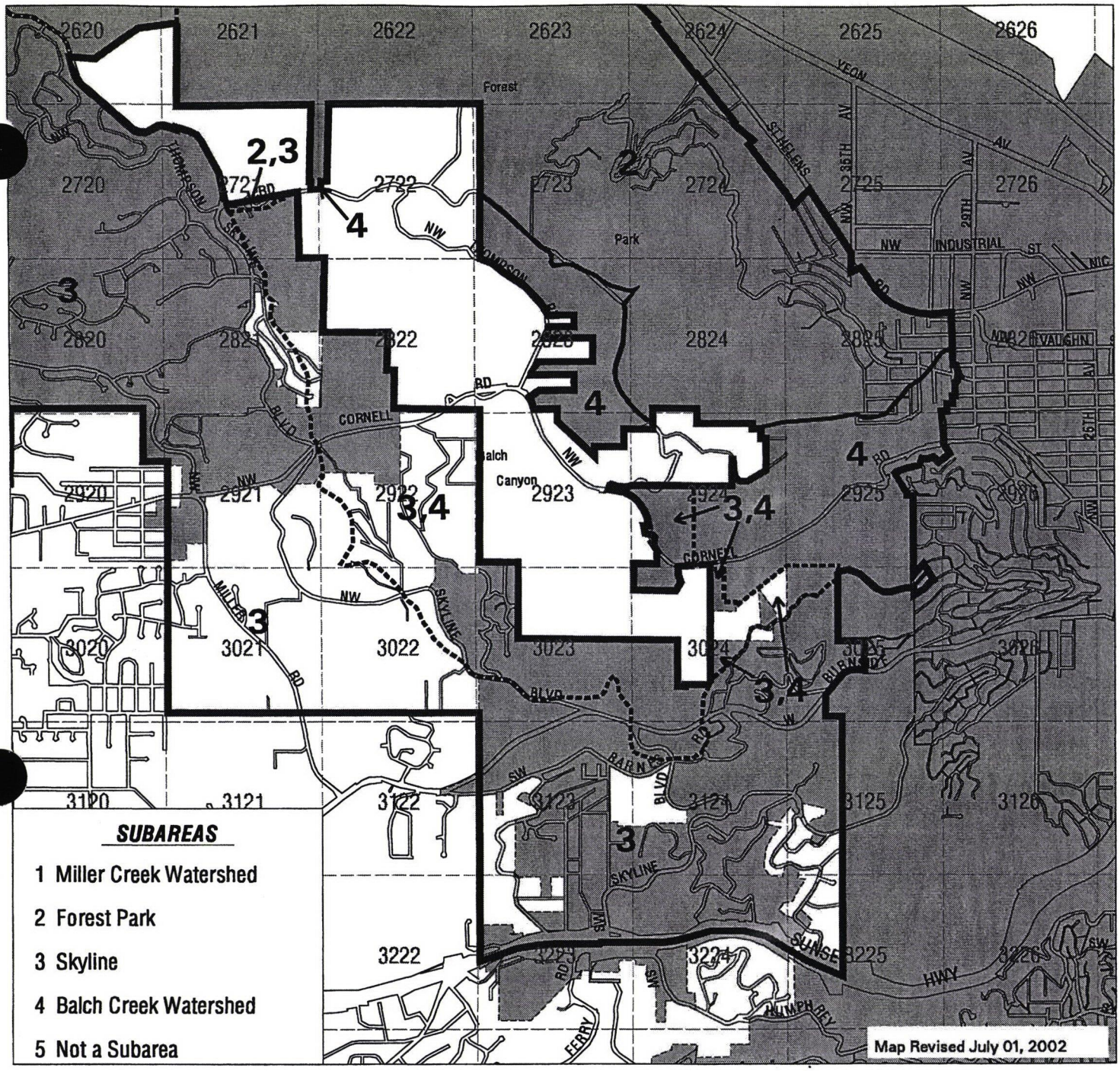
- Plan District Boundary
- Subarea Boundary
- Shared Subarea Boundary
- Quarter Sections (with #)
- City of Portland

Map 563-1

Northwest Hills Plan District and Subareas

Map 4 of 5 (Detail)

Bureau of Planning • City of Portland, Oregon



NORTH

0′ 1875′ 3750′

Scale in Feet

Plan District Boundary

Subarea Boundary

Shared Subarea Boundary

Quarter Sections (with #)

City of Portland

Map 563-1

Northwest Hills Plan District and Subareas

Map 5 of 5 (Detail)

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.564
PORTLAND INTERNATIONAL RACEWAY PLAN DISTRICT

(Added by Ord. No. 172978, effective 1/22/99.)

Sections:

33.564.010 Purpose
33.564.020 Where These Regulations Apply
33.564.030 Relationship to Other Regulations
33.564.100 Additional Allowed Uses
33.564.110 PIR Master Plan Required
33.564.200 PIR Master Plan
33.564.220 Approval Criteria for a PIR Master Plan
33.564.230 Duration of the PIR Master Plan
33.564.300 Implementation
Map 564-1 PIR Plan District

33.564.010 Purpose

The purpose of this plan district is to preserve and enhance the special character and opportunities of this unique area. This plan district recognizes existing uses and their impacts, and works to minimize the impacts of future development. The PIR plan district is part of West Delta Park. West Delta Park, and the plan district in particular has a unique and varied character. The activities currently occurring in the park, coupled with the characteristics of the land itself and the location, are unlike any other park in the region. The natural setting of this plan district is a broad open, natural area with unusual expansive vistas of the Columbia River flood plain. In contrast, many of the City's other large areas of Open Space zoning contain hilly and forested terrain.

The plan district is zoned for Open Space, a zone with a number of purposes. The PIR plan district helps to implement those purposes by:

- Preserving and protecting public open and natural areas;
- 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.

Geographically, West Delta Park is a transition area between the natural areas of Smith and Bybee Lakes to the west and the freeway-oriented "special event" uses to the east: the East Delta Park sports complex, Portland Meadows, Portland Speedway, and the Expo Center. Within the park, the character of the land similarly changes as one moves from west to east: the Heron Lakes Golf Course has more wildlife and other environmental resources than the Portland International Raceway (PIR), while PIR is a more developed use and absorbs large crowds for special events. The regulatory framework for the PIR plan district recognizes a mix of open space and major special event uses. Within the plan district are several distinct areas, or subdistricts:

- Environmental resource areas accommodate a rich array of wildlife, providing opportunities for food, shelter, and breeding. Because these areas include many sloughs and wetlands they are particularly valuable to the region. The primary purpose of these areas is to support wildlife, with only passive or unintrusive recreational uses.

- The natural, grassy, open areas provide food and some shelter for wildlife, and also help to accommodate the occasional larger recreational events. Primarily, however, these areas provide a special experience of an open, undeveloped, and natural setting for those who are within it, or those who are viewing it from the racetrack core area.

- The racetrack core area provides both recreational and entertainment opportunities for the region. This is the part of PIR that is used most regularly for recreation, and is the part where development and year-round activity can be the most intense. This area includes the paved and grass area in the southeastern corner, the infield area including the paddock and moto-cross track, the road connecting the north entrance to the paddock, and the racetrack itself. The racetrack is used for major racing events, and also for many functions of local motor sports clubs and service organizations. This area provides an opportunity for active, intense, and vibrant uses, while preserving and enhancing the natural setting and highlighting the experience of the transition between them. Part of the experience for those within this area is the sights, sounds, and excitement that are inherent to a racetrack; part of the experience is the contrast with the natural setting that serves as a backdrop to this area.

The key to achieving the purpose of this plan district—to preserve and enhance the special character and opportunities of this unique area—goes beyond simply requiring that development within the racetrack core area not negatively affect the other areas; it requires a careful design and balancing so that, on one hand, the recreational and entertainment uses do not overwhelm the overall natural setting, and the natural setting continues to enhance the recreational and entertainment uses.

33.564.020 Where These Regulations Apply
The regulations of this chapter apply to the Portland International Raceway (PIR) plan district. The boundaries of the plan district are shown on Map 564-1 at the end of this chapter, and on the Official Zoning Maps.

33.564.030 Relationship to Other Regulations
Development in the plan district must also comply with the requirements of Chapter 33.430, Environmental Overlay Zones, and the Natural Resources Management Plan for Peninsula Drainage District No. 1.

33.564.100 Additional Allowed Uses
A racetrack for motor vehicles is an additional allowed use.

33.564.110 PIR Master Plan Required
All development within the PIR plan district must be master planned, except as listed in this section. The PIR Master Plan must be approved before any other development takes place. The PIR Master Plan must be approved under the procedures set forth in Section 33.564.200, PIR Master Plan. The following development and activities are allowed before approval of a PIR Master Plan:

A. Filling holes outside of environmental zones, as necessary for public safety;

B. Erecting temporary or permanent fencing outside of environmental zones for purposes of crowd control and safety,

C. Normal maintenance and repair of the Raceway and associated facilities; and

D. Regrading and reconfiguring the Moto-Cross Course.

33.564.200 PIR Master Plan

A. Purpose. This section describes the required elements for a PIR Master Plan, and the procedures and criteria for approving and amending such a plan.

The development of a PIR Master Plan will provide the surrounding neighborhoods and the City with information about, and an opportunity to participate in, plans for the future development of the site. An approved PIR Master Plan will ensure that the site can develop in a manner consistent with the purpose and character of this plan district.

B. Components of a PIR Master Plan. The applicant must submit a PIR Master Plan with all of the following components:

1. Boundaries of the property. The boundaries of the property to be included in the PIR Master Plan.

2. Overall scheme. An overall scheme, which includes both written and graphic elements, that describes and ties together existing, proposed, and possible development plans, each phase of development, estimated timelines, interim uses of property awaiting development, review procedures for each phase, and what standards, guidelines, and approval criteria will be used to evaluate each phase.

3. Site plan. A site plan, showing the location, size and dimensions of existing and proposed buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, and open areas. This information must cover the following:

   a. Existing development and improvements, including those that will be removed and those that will remain after development of any proposed new facilities;

   b. Proposed development and improvements;

   c. Conceptual plans for possible future development and improvements;

   d. Existing and proposed pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:

      (1) Major buildings, activity areas, and transit stops within the boundaries and adjacent streets and adjacent transit stops; and

      (2) Development adjacent to the plan district and the proposed development;

   e. Infrastructure improvements. Schematic drawings showing proposed infrastructure improvements, including facilities for water, sewer, stormwater management, and electrical facilities;

   f. Existing and proposed drainage patterns;

g. Existing and proposed wetlands and water features;

h. A grading and erosion control plan;

i. Location of swales or created wetlands to treat runoff from the racetrack, parking lots, and other impervious surfaces;.

j. Location and description of wildlife habitat areas;

k. Landscaping. A conceptual landscape plan, including proposed tree plantings, fencing, screening and other existing and proposed landscape features; and

l. Any proposed temporary uses or locations of uses during construction periods.

4. Environmental requirements. Environmental requirements must be met as part of the review of the PIR Master Plan. The PIR Master Plan must include information as to how the proposed and possible development will meet the requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1;

5. Operations.

   a. A description of the existing, proposed, and possible uses and activities in the plan district;

   b. Expected hours of operation of each activity or use existing or proposed in the plan district;

   c. Expected number of employees;

   d. Information on how operations will limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May); and

   e. Information on on-going activities in the plan district, including maintenance and repair of facilities.

6. Development standards. Any proposed standards that will control development in the plan district, where those standards are in addition to or instead of development standards in other chapters of the Zoning Code. Standards that are less restrictive than those of the Zoning Code require adjustments.

7. Design standards or guidelines that will be used to evaluate development in the plan district.

8. Subdistricts. A description and a map showing the boundaries of subdistricts within the plan district.

9. An integrated sign program that addresses both temporary and permanent signs, including the size, number, visibility from outside the plan district, visibility from natural areas within the plan district, and, for temporary signs and banners, the length of time they will be used and a method for tracking these time periods.

10. Transportation.

    a. Information on impacts. Information on the projected transportation impacts of the existing and proposed activities and improvements. These include the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and an analysis of the impact of those trips on the surrounding neighborhoods;

    b. A Traffic Management Plan, including mitigation measures. The Traffic Management Plan should be designed to meet the approval criteria in Section 33.564.220, Approval Criteria for a PIR Master Plan. Mitigation measures may include specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, shuttle buses, and other alternatives to single occupancy vehicles or improvements to the street system; and

    c. Information on how the PIR Master Plan complies with the Transportation Element of the Portland Comprehensive Plan.

C. Review Procedure and Notice.

1. Review procedure. A PIR Master Plan is processed through a Type III procedure.

2. Additional Notice. In addition to other notification required for the Type III procedure, notice must be sent to all recognized organizations within one mile of the plan district boundaries.

D. Amendments to the PIR Master Plan

1. Amendment required. An amendment to the PIR Master Plan is required for the following, unless it is allowed by the PIR Master Plan:

    a. Changes in operation that will increase frequency of events;

    b. Changes in operation or use that will increase the amount of traffic coming to the site;

    c. Increases in floor area of any use or structure, or the overall floor area on the site;

    d. Increases or decreases in the amount of parking;

    e. Proposed changes to the PIR Master Plan boundaries;

    f. Changes to the uses allowed in the plan district, or any change to the text of the PIR Master Plan; and

    g. Proposed development, operations, or activities which were reviewed, but were denied because they were found not to be in conformance with the PIR Master Plan.

2. Review procedures. The review procedures specified in this Paragraph apply to amendments to the PIR Master Plan, unless the PIR Master Plan specifies another review procedure.

   a. Changes D.1.a through D.1.d.

      (1) Changes of more than 10 percent to the elements listed in D.1.a through D.1.d are reviewed through a Type III procedure;

      (2) Changes of 10 percent or less to the elements listed in D.1.a through D.1.d are reviewed through a Type II procedure;

   b. Changes D.1.e through D.1.g. The changes listed in D.1.e through D.1.g are reviewed through a Type III procedure.

   c. Additional notice. In addition to other notification required for the Type II and III procedures, notice must be sent to all recognized organizations within one mile of the plan district boundaries.

3. Approval criteria. The approval criteria for an amendment to the PIR Master Plan are the same as the approval criteria for the adoption of a new PIR Master Plan.

33.564.220 Approval Criteria for a PIR Master Plan
The PIR Master Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

A. Generally. The proposed PIR Master Plan will enhance the special qualities of the plan district, and is consistent with the purpose of the plan district.

B. Environmental Requirements. The proposed PIR Master Plan, and development proposed within it, must meet the following requirements:

1. The timing, frequency, and location of large spectator events in the plan district must be controlled to limit wildlife disturbance year-round, with extra limits during breeding season (mid-February to the end of May). Aspects to be controlled include: size, timing (time of day, time between events, numbers of events per day), and location (directing spectators and activity away from certain areas);

2. Lighting must be designed so as to have no adverse impact on environmental zones; and

3. The requirements of Chapter 33.430, Environmental Overlay Zones, and the requirements of the Natural Resources Management Plan for Peninsula Drainage District No. 1 must be met.

C. Transportation.

1. The PIR Master Plan must comply with the Transportation Element of the Portland Comprehensive Plan;

2. The transportation system must be capable of safely supporting the proposed development as well as existing uses in the area. Evaluation factors include:

   a. Access to arterials from the site, and from surrounding neighborhoods;

b. Transit availability;

c. On-street parking impacts in the surrounding neighborhoods;

d. Other neighborhood impacts;

e. Pedestrian and bicycle safety; and

f. Street capacity and level of service. The traffic analysis and Traffic Management Plan must meet the following:

(1) ODOT level of service standards will be maintained during peak hours in the transportation system including the I-5/Victory Boulevard interchange to the Hayden Meadows Drive. If typical weekday commuter peak hour conditions will operate below the ODOT standards, mitigation must be implemented to restore acceptable operations;

(2) Traffic management plans will be used during any event with daily attendance in excess of 20,000 visitors. The plan will:

- Require scheduling the event to coincide with the off-peak of the commuter system; and

- Maintain traffic operations within capacity (volume-to-capacity less than 1.0) during the event. The volume-to-capacity of the I-5/Victory Boulevard interchange to the Hayden Meadows Drive transportation network shall not exceed 1.0 for more than one consecutive hour during event peaks; and

(3) A program for regular monitoring of events with more than 20,000 daily visitors must be instituted. The monitoring program must be conducted to identify level of service and volume-to-capacity on the transportation system including the I-5 freeway mainline, and impacts in the surrounding neighborhood.

D. Design. Design guidelines and standards in the PIR Master Plan must ensure that:

1. All development in the plan district will enhance the special character of the plan district, and the special character of each subdistrict of the plan district, as described in Section 33.564.010, Purpose, and in the PIR Master Plan itself;

2. An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the orientation of main entrances, the design of the ground floor—or pedestrian level—of all structures, and provision of amenities such as seating and viewing opportunities;

3. There will be smooth and attractive transitions between the plan district and adjacent areas, and between subdistricts of the plan district. Gateways to the plan district and to subdistricts will be well designed when considering location, appearance, landscaping, and compatibility with the adjacent area;

4. The visual impact of structures visible from natural areas will be minimized;

5. The negative effects of human visitation to natural areas will be minimized;

6. The design of areas and structures used for the racetrack use, including accessory uses, will not overwhelm the overall, natural setting of the plan district; and

7. The design, landscaping, and location of surface and structured parking will minimize negative effects on the natural setting and the pedestrian environment.

E. Public Services. Public services for water, police and fire protection and sanitary sewer are capable of serving the proposed improvements or will be made capable by the time the development is completed.

F. Stormwater Management. Stormwater must be managed on site and have no negative impact on nearby sloughs, wetlands, or groundwater. Primary treatment for water quantity and quality including temperature must occur prior to stormwater entering existing wetlands or sloughs. The PIR Master Plan must include provisions to manage stormwater quality and quantity for each improvement made to the site.

G. Noise. The PIR Master Plan, and the activities that occur within the plan district must meet the requirements of Title 18, Noise Control.

H. Implementation. The PIR Master Plan must set out how specific development and use proposals will be reviewed, including review procedures and what standards, guidelines, and approval criteria will be used to evaluate each proposal.

Generally, the more specifically a development or use is described in the PIR Master Plan, the lower the level of further review necessary. If no discretion is needed to determine if a proposal complies with the PIR Master Plan, the proposal may be reviewed administratively.

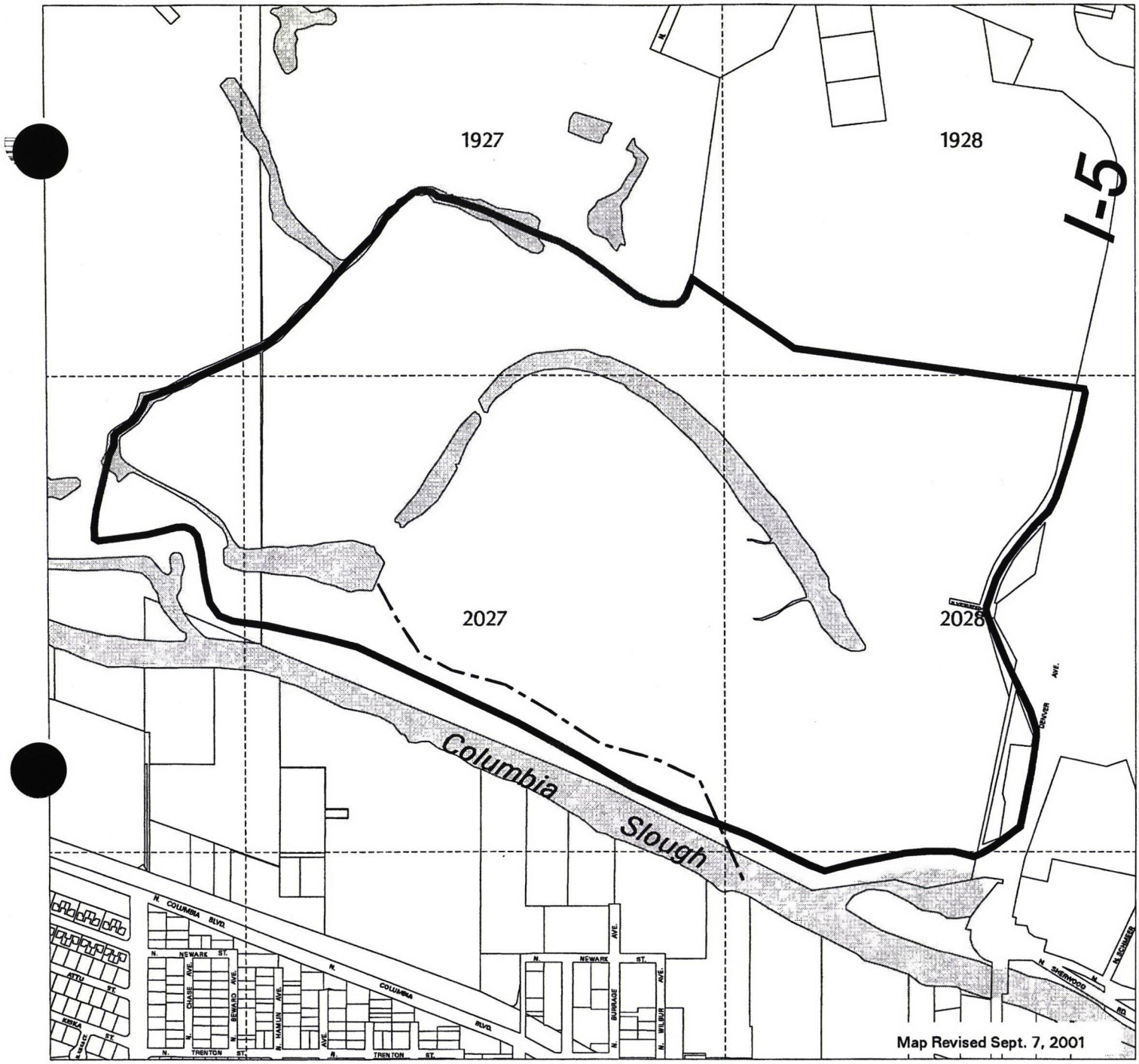
33.564.230 Duration of the PIR Master Plan

The PIR Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. The PIR Master Plan must be updated no more than 10 years after initial approval. If the PIR Master Plan is not updated at that time, no further development will be allowed until the PIR Master Plan is updated.

When the PIR Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.

33.564.300 Implementation

After a PIR Master Plan has been approved, all development must comply with the plan's provisions as well as all other applicable provisions of this code, unless exempted by the plan.



NORTH

0′ 600′ 1200′

Scale in Feet

Plan District Boundary

Streams

Map 564-1

Portland International Raceway Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003

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:

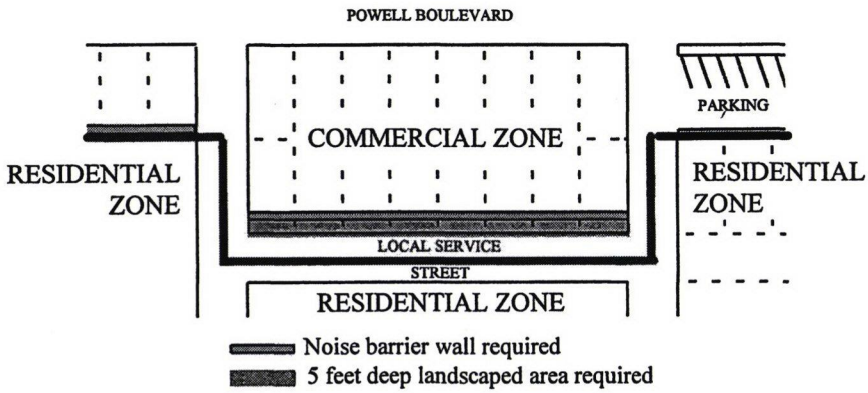
1. Location. A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. 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.

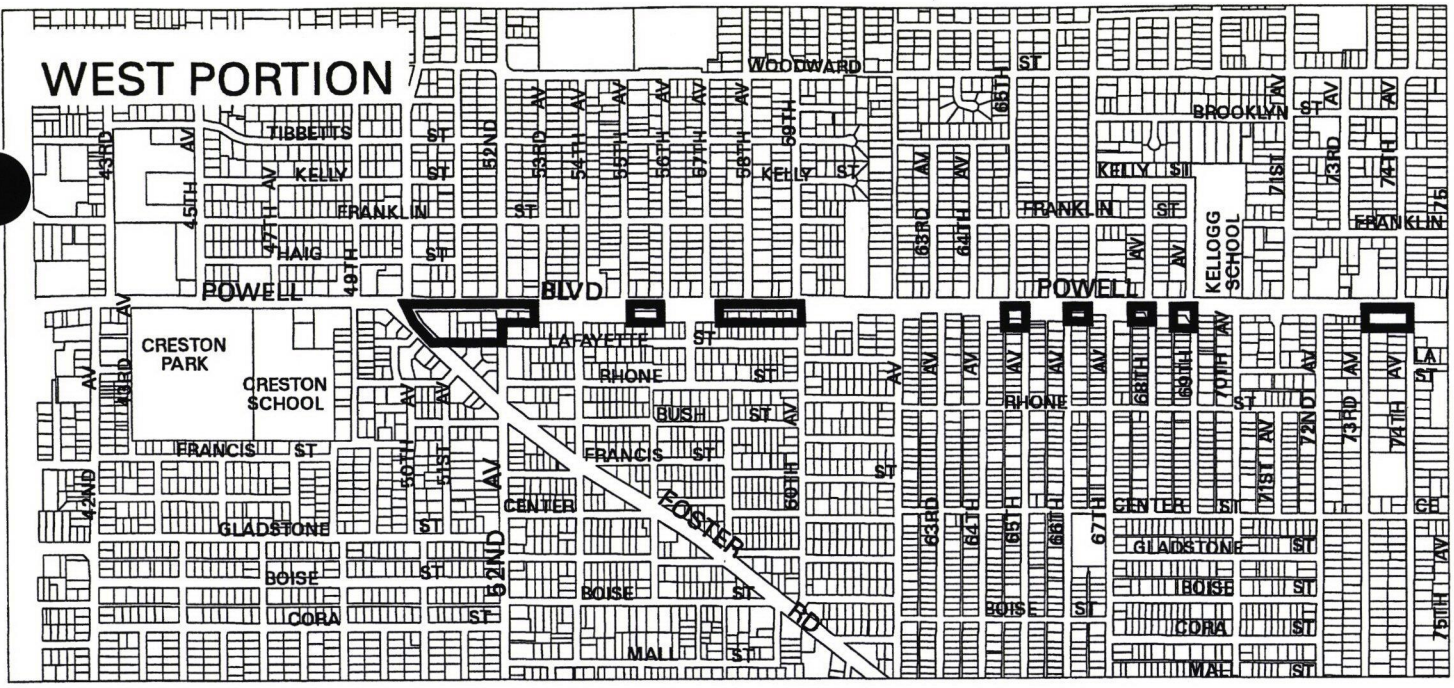
3. Landscaping. For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 565-1.

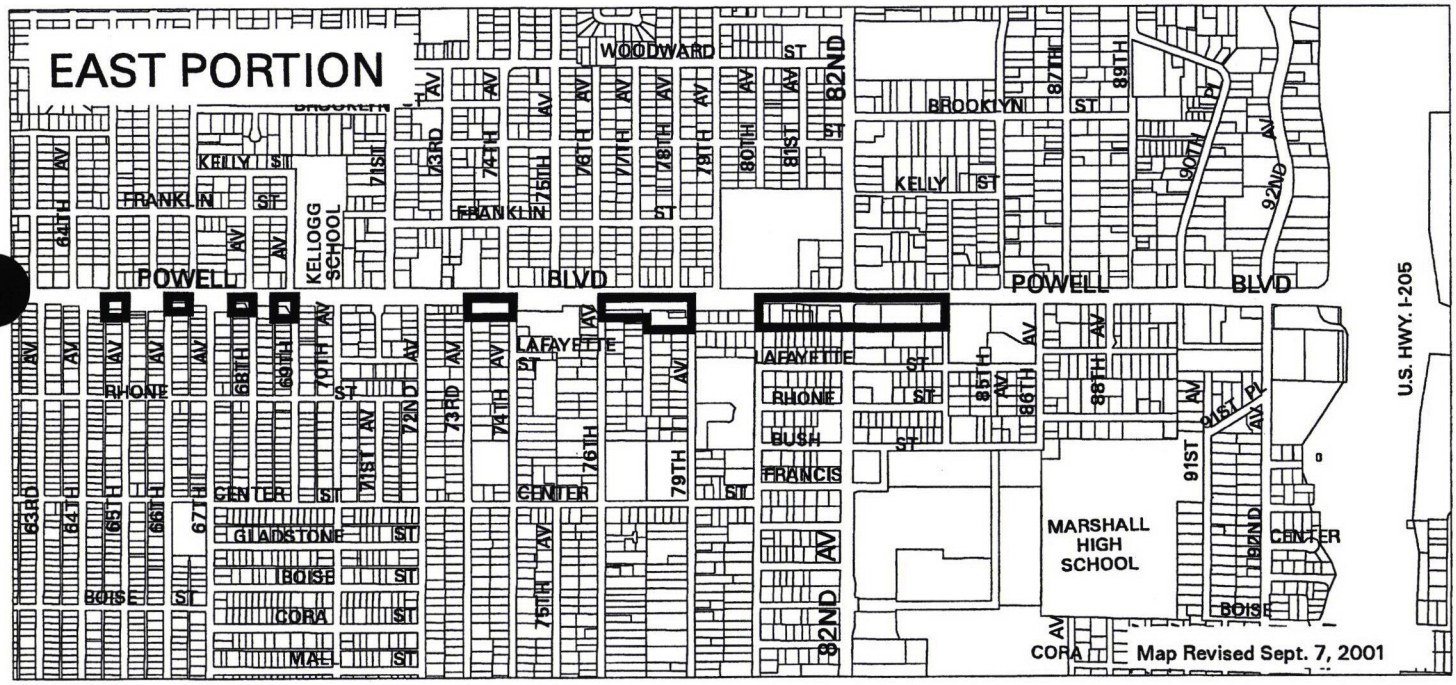
4. Buildings integrated into the wall. Where a rear lot line abuts the rear lot line of a residential zone, a building with a height of no more than 10 feet may be integrated into the design of the wall.

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' 900' 1800'

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. 166572, effective 6/25/93; Ord. No. 167650, effective 6/10/94; Ord. Nos. 175965 and 176333, effective 7/1/02.)

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

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 review as provided in Chapter 33.853, Tree Review. Tree removal in areas with an Environmental Overlay Zone is subject to environmental review rather than tree 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.

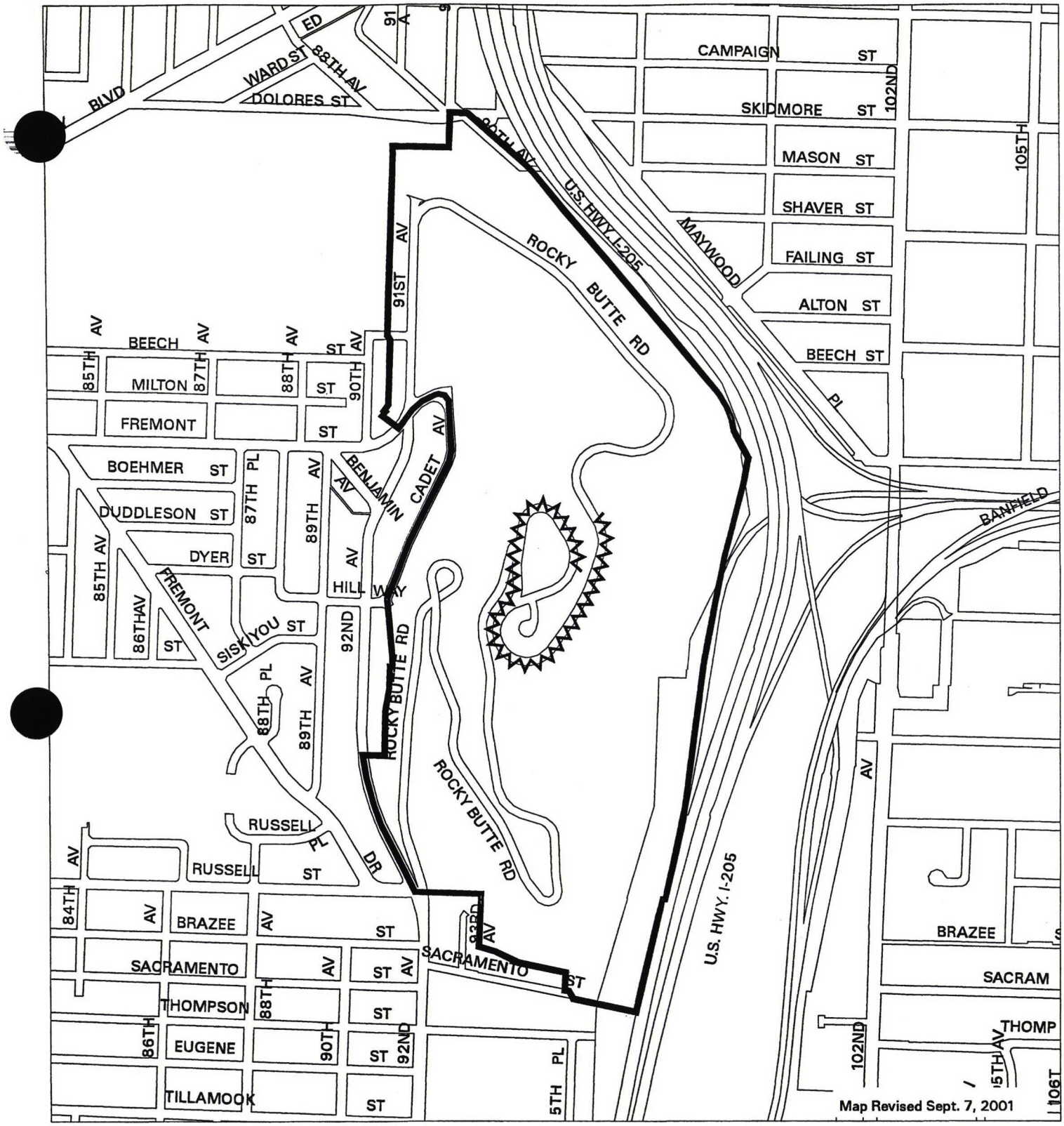
D. Approval criteria. The request to alter or remove historic features on the butte will be approved if the applicant has shown that all of the following approval criteria are met:

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.



NORTH

0′ 600′ 1200′

Scale in Feet

Maximum height determined by elevation of adjacent roadway

District boundary

Map 570-1
Rocky Butte Plan District

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CHAPTER 33.575
SKYLINE PLAN DISTRICT

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02.)

Renamed, renumbered, and amended by Ord. Nos. 175965 and 176333, effective 7/1/02. See Chapter 33.563, Northwest Hills Plan District.

CHAPTER 33.580
SOUTH AUDITORIUM PLAN DISTRICT

(Amended by: Ord. No. 167650, effective June 10, 1994; Ord. No. 175204, effective 3/1/01.)

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 580-2.

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.

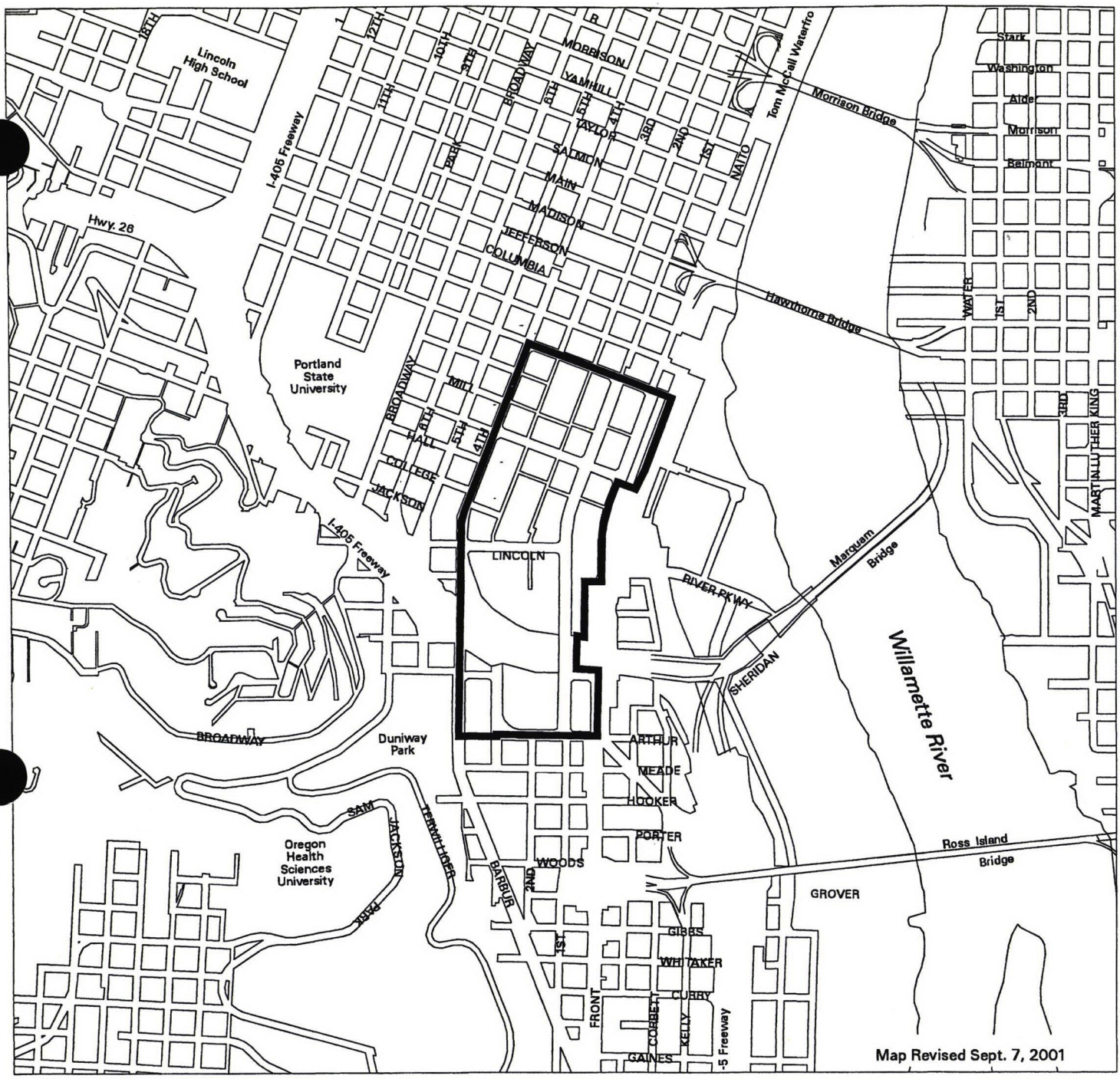
33.580.130 Preservation of Existing Trees
Existing trees must be preserved. Removal of existing trees is allowed only when specifically approved. Requests for tree removal are processed as a design review, using the following approval criteria:

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
The sign standards are stated in Title 32, Signs and Related Regulations.

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.

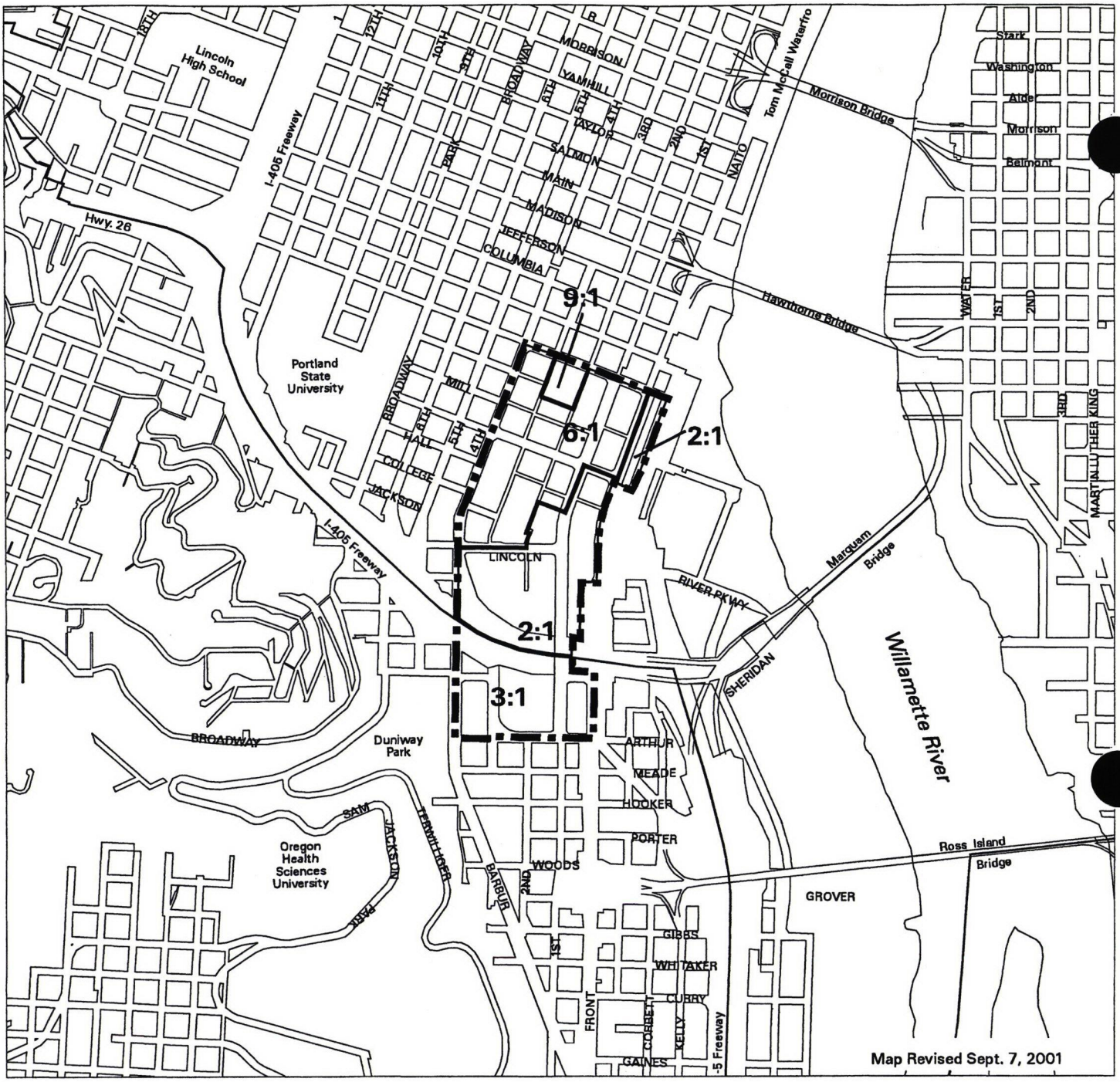


Map 580-1

South Auditorium Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 900′ 1800′

Scale in Feet

South Auditorium 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 6/10/94; Ord. No. 174263, effective 4/15/00.)

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
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:

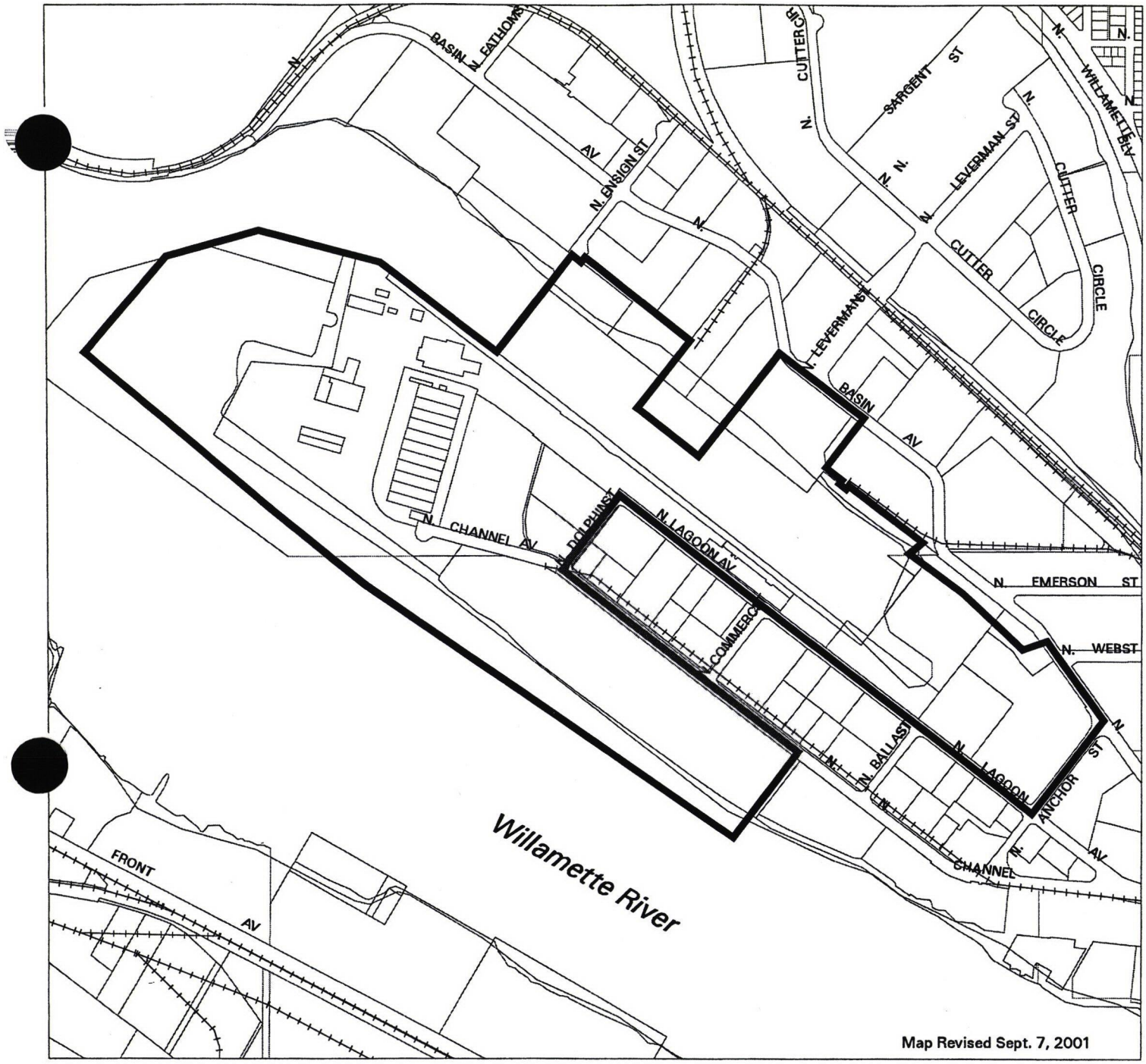
1. Procedure. The riverbank mitigation plan will be reviewed through a Type III procedure. Approval and compliance with the river-bank mitigation plan will constitute the required greenway review for building permit applications within the area covered by the mitigation plan.

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.



NORTH

0′ 750′ 1500′

Scale in Feet

Plan District Boundary

Map 585-1

Swan Island Plan District

Bureau of Planning • City of Portland, Oregon

1-1-2003

600s – LAND DIVISIONS AND PLANNED DEVELOPMENTS

LOTS
33.605 Lots in the Open Space Zone
33.610 Lots in RF through R5 Zones
33.611 Lots in the R2.5 Zone
33.612 Lots in Multi-Dwelling Zones
33.613 Lots in Commercial Zones
33.614 Lots in Employment Zones
33.615 Lots in Industrial Zones

ADDITIONAL REGULATIONS
33.630 Tree Preservation
33.631 Sites in Flood Hazard Areas
33.632 Sites in Potential Landslide Hazard Areas
33.633 Phased Plans and Staged Final Plats
33.634 Required Recreation Area
33.635 Clearing and Grading and Land Suitability
33.636 Tracts and Easements
33.638 Planned Development
33.639 Solar Access
33.640 Streams, Springs, and Seeps
33.641 Transportation Impact

SERVICES AND UTILITIES
33.651 Water Service
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33.654 Rights-of-Way

REVIEWS
33.660 Review in OS & R Zones
33.662 Review in C, E, & I Zones
33.664 Review on Large Sites in I Zones
33.665 Planned Development Review
33.667 Property Line Adjustments
33.668 Review of Changes to an Approved Planned Unit Development
33.669 Review of Changes to an Approved Industrial Park

CHAPTER 33.605
LOTS IN THE OPEN SPACE ZONE

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.605.010 Purpose
33.605.020 Where This Approval Criterion Applies
33.605.100 Lot Dimension Approval Criterion

33.605.010 Purpose

This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

33.605.020 Where This Approval Criterion Applies

The approval criterion of this chapter applies to land divisions in the Open Space zone.

33.605.100 Lot Dimension Approval Criterion

There are no minimum lot dimensions in the Open Space zone. New lots must be of a size, shape, and orientation that is appropriate for uses that are allowed, or are limited or conditional uses, in the Open Space zone.

CHAPTER 33.610
LOTS IN RF THROUGH R5 ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.610.010 Purpose
33.610.020 Where These Standards Apply
33.610.100 Density Standards
33.610.200 Lot Dimension Standards
33.610.300 Through Lots
33.610.400 Flag Lots
33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the RF through R5 zones. These standards ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

RF Through R5 Zones

33.610.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the RF through R5 zones.

33.610.100 Density Standards

A. Purpose. Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

B. Generally. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   ÷ Maximum density from Table 110-3;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

   Square footage of site;
   - Square footage of site within an environmental overlay zone, potential landslide hazard area, or flood hazard area;
   x 0.80;
   ÷ Maximum density from Table 110-3;
   = Minimum number of lots required.

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   x 0.85;
   ÷ Maximum density from Table 110-3;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

   Square footage of site
   - Square footage of site within an environmental overlay zone, potential landslide hazard area, or flood hazard area;
   x 0.68
   ÷ Maximum density from Table 110-3
   = Minimum number of lots required.

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one; or

2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum.

33.610.200 Lot Dimension Standards

Lots in the RF through R5 zones must meet the lot dimension standards of this section.

A. Purpose. The lot dimension standards ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services; and
- Lots are not landlocked.

Table 610-1
Lot Dimension Standards

	RF	R20	R10	R7	R5
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:
[1] See 33.610.200.D.

B. Minimum lot area. Each lot must meet the minimum lot area standard stated in Table 610-1. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.

C. Maximum lot area. Lots larger than the maximum lot area standards stated in Table 610-1 are not allowed.

D. Minimum lot width. For the purposes of this subsection, width is measured at the minimum front building setback line. Where this setback line is curved, width is measured from the intersection points of the setback line with the side lot lines. Each lot must meet one of the following standards. Lots that do not meet these standards may be requested through Planned Development Review. Adjustments to the standards are prohibited.

1. Each lot must meet the minimum lot width standard stated in Table 610-1; or

2. There is no minimum lot width for lots that meet all of the following:

   a. If the lot abuts a public alley, then vehicle access must be from the alley;

   b. There must be at least 15 contiguous feet of uninterrupted curb space for each lot being created under these provisions. This distance is measured along the face of the curb, or along the edge of the roadway pavement if there is no curb. Each lot's space must be located along the street that the lot's front lot line abuts, and must abut the land division site; however,

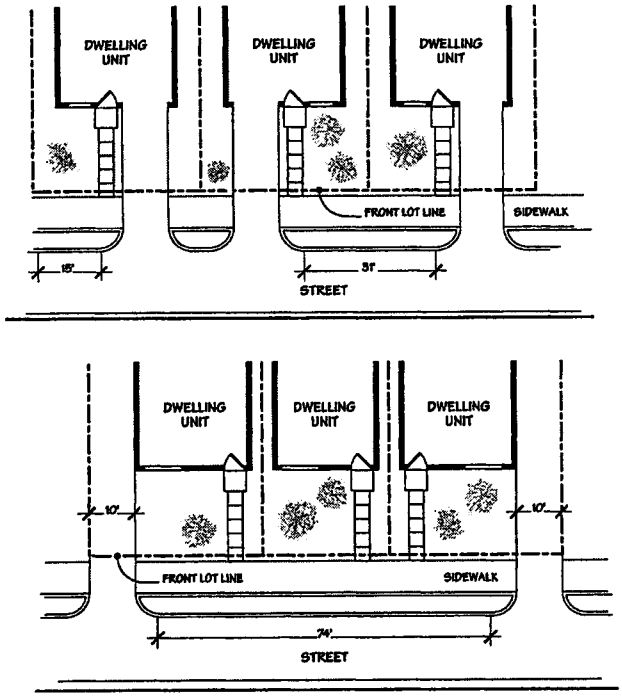
each space does not have to be located directly in front of its associated lot. See Figure 610-1. Lots that have vehicle access from an alley are exempt from this standard;

c. Lots must be configured so that development on the site will be able to meet the 50 percent garage limitation standard of Paragraph 33.110.250.E.4 at the time of development;

d. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and

e. When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley.

Figure 610-1
Examples That Meet the Uninterrupted Curb Standard



E. Minimum front lot line. Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-1. Lots that are created under the provisions of Paragraph D.2. above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

F. Minimum lot depth. Each lot must meet the minimum lot depth standard stated in Table 610-1. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

33.610.300 Through Lots

A. Purpose. This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not "turn its back" on a collector or major city traffic street.

B. Standard. Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

The following standards apply to flag lots in the RF through R5 zones:

A. Purpose. These standards allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots on an area while allowing land to be divided when other options are not achievable.

B. When a flag lot is allowed. A flag lot is allowed only when the following are met:

1. An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1.
2. Only two lots are proposed; and
3. Minimum density requirements for the site will be met.

C. Flag lot access pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:

1. The pole must connect to a street;
2. The pole must be at least 12 feet wide for its entire length; and
3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

D. Minimum lot dimensions. Flag lots are exempt from the minimum front lot line standard. The minimum lot width and minimum lot depth required for each flag lot is 40 feet. For the purposes of this subsection width is measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.

33.610.500 Split Zoned Lots

A. Purpose. This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.

B. Standard. On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

CHAPTER 33.611
LOTS IN THE R2.5 ZONE

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.611.010 Purpose
33.611.020 Where These Standards Apply
33.611.030 Required Housing Type
33.611.100 Density Standards
33.611.200 Lot Dimension Standards
33.611.300 Through Lots
33.611.400 Split Zoned Lots

33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

33.611.020 Where These Standards Apply

The standards of this chapter apply to lots in a land division in the R2.5 zone that will be developed with attached houses. Lots in a land division in the R2.5 zone that will be developed with detached houses must meet the regulations for land divisions in the R5 zone in Chapter 33.610, Lots in RF through R5 zones.

33.611.030 Required Housing Type

Lots created under the regulations of this chapter must be developed with attached houses.

33.611.100 Density Standards

A. Purpose. Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.

B. Generally. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   ÷ 2,500;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

   Square footage of site;
   - Square footage of site within an environmental overlay zone, landslide hazard area, or flood hazard area;
   x 0.80;
   ÷ 2,500;
   = Minimum number of lots required.

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

   Square footage of site;
   x 0.85;
   ÷ 2,500;
   = Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

   Square footage of site
   - Square footage of site within an environmental overlay zone, landslide hazard area, or flood hazard area;
   x 0.68
   ÷ 2,500;
   = Minimum number of lots required.

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one; or

2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum.

33.611.200 Lot Dimension Standards
Lots in the R2.5 zone that will be developed with attached houses must meet the lot dimension standards listed in this section. Lots that do not meet these standards may be requested through Planned Development Review. Adjustments to the standards are prohibited.

A. Purpose. The lot dimension standards ensure that:
- Each lot has enough room for a reasonably-sized attached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street; and
- Lots are compatible with existing lots;

B. Minimum lot area. Each lot must be at least 1,600 square feet in area.

C. Minimum lot width. For the purposes of this subsection, width is measured at the minimum front building setback line. Where the setback line is curved, width is measured from the intersection points of the setback line with the side lot lines. Each lot must meet one of the following standards. Lots that do not meet these standards may be requested through Planned Development Review. Adjustments to the standards are prohibited.

1. Each lot must be at least 36 feet wide; or

2. There is no minimum lot width for lots that meet all of the following:

   a. If the lot abuts a public alley, then vehicle access must be from the alley;

   b. There must be at least 15 contiguous feet of uninterrupted curb space for each lot being created under these provisions. This distance is measured along the face of the curb, or along the edge of the roadway pavement if there is no curb. Each lot's space must be located along the street that the lot's front lot line abuts, and must abut the land division site; however each space does not have to be located directly in front of it's associated lot. See Figure 611-1. Lots that have vehicle access from an alley are exempt from this standard;

   c. Lots must be configured so that development on the site will be able to meet the 50 percent garage limitation standard of Paragraph 33.110.250.E.4, at the time of development;

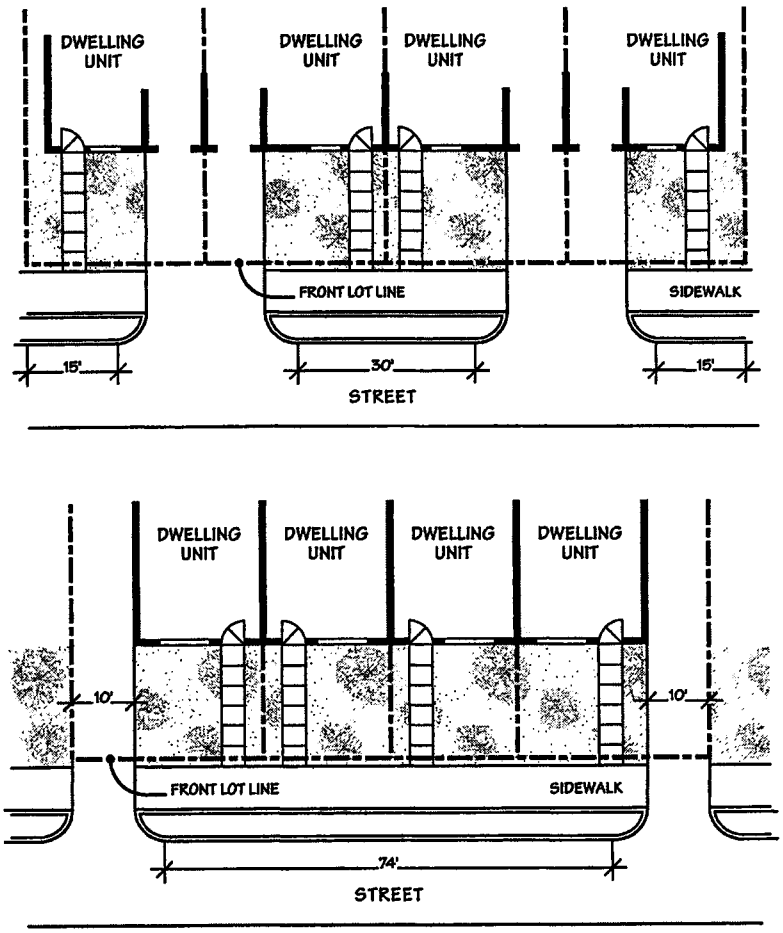
   d. Lots that will be developed with attached houses must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and

   e. When a driveway is proposed to provide vehicle access to more than two lots, it must be an alley.

D. Minimum front lot line. Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph .C.2. above, may reduce the front lot line to equal the width of the lot.

E. Minimum lot depth. Each lot must be at least 40 feet deep.

Figure 611-1
Examples That Meet The Uninterrupted Curb Standard



33.611.300 Through Lots

A. Purpose. This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.

B. Standard. Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.611.400 Split Zoned Lots

A. Purpose. This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.

B. Standard. On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

CHAPTER 33.612
LOTS IN MULTI-DWELLING ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.612.010 Purpose
33.612.020 Where These Standards Apply
33.612.100 Density
33.612.200 Lot Dimension Standards

33.612.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling zones. These standards ensure that lots are consistent with the desired character of each zone. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

33.612.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the multi-dwelling zones.

33.612.100 Density

A. Single-dwelling development. When single-dwelling development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Table 120-3. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density.

B. All other development. When development other than single-dwelling is proposed, minimum and maximum density must be met at the time of development.

33.612.200 Lot Dimension Standards

A. Purpose. These standards ensure that:

- Each lot has enough room for multi-dwelling development that meets all the requirements of the zoning code;
- Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.
- The multi-dwelling zones can be developed to full potential; and
- Housing goals for the City are met.

B. Lot dimensions.

1. Multi-dwelling development. Minimum lot dimensions for lots that will be developed with multi-dwelling structures or multi-dwelling development are stated in Table 612-1.

Table 612-1
Minimum Lot Dimensions

	R3	R2	R1	RH	RX	IR
Minimum Lot Area	6,000 sq. ft.	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	none	10,000 sq. ft. [1]
Minimum Lot Width	50 ft.	33 ft.	70 ft.	70 ft.	none	70 ft. [1]
Minimum Lot Depth	80 ft.	100 ft.	100 ft.	100 ft.	none	100 ft. [1]
Minimum Front Lot Line	50 ft.	30 ft.	70 ft.	70 ft.	none	70 ft. [1]

Notes:
[1] This regulation may be superseded by an Impact Mitigation Plan.

2. Detached houses. The minimum lot area required for lots to be developed with detached houses is 3,000 square feet. The minimum lot width and minimum front lot line required is 36 feet. There is no minimum lot depth requirement.

3. Attached houses in the R3 and R2 zones. The minimum lot area for lots to be developed with attached houses in the R3 and R2 zones is 1,600 square feet. There are no minimum lot width, minimum front lot line, or minimum lot depth requirements.

4. Attached houses in the R1 and RH zones. The minimum lot area for lots to be developed with attached houses in the R1 and RH zones is 800 square feet. There are no minimum lot width, minimum front lot line, or minimum lot depth requirements.

CHAPTER 33.613
LOTS IN COMMERCIAL ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.613.010 Purpose
33.613.020 Where This Standard and Approval Criterion Apply
33.613.100 Minimum Front Lot Line Standard
33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

33.613.010 Purpose

Because of the wide range of uses allowed in the commercial zones, the amount of land needed for commercial developments varies, as does the size and shape. Most lots in commercial zones have one commercial structure, along with accessory uses, but some lots support more than one commercial structure and use. Because of this variety of potential development, there are no specific lot dimension standards except for a minimum front lot line requirement that ensures that lots do not narrow to an unworkable width at the street. The area, width and depth of each lot is evaluated for the development proposed, taking into consideration the location and characteristics of the site.

This chapter works in conjunction with other chapters of this Title to ensure that the land division creates lots that can support appropriate development and uses in accordance with the planned intensity of each zone.

33.613.020 Where This Standard and Approval Criterion Applies

The standard and approval criterion of this chapter apply to land divisions in the commercial zones.

33.613.100 Minimum Front Lot Line Standard

Each lot must have a front lot line that is at least 25 feet long except for lots that will be developed with attached houses. Lots that will be developed with attached houses must have a front lot line that is at least 16 feet long.

33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

There are no minimum lot area, width or depth standards. Lots must be of a size, shape, and orientation that is appropriate for the location of the land division and for the type of development and use that is contemplated.

CHAPTER 33.614
LOTS IN EMPLOYMENT ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.614.010 Purpose
33.614.020 Where These Standards Apply
33.614.100 Minimum Lot Dimension Standards
33.614.200 Exception

33.614.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an employment zone. These standards ensure that lots are consistent with the desired character of the employment zones. Lots may vary in size and shape to accommodate a range of employment uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.614.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the employment zones.

33.614.100 Minimum Lot Dimension Standards.

A. Minimum size and shape. All lots must meet the following minimum size and shape standards. An exception is allowed under the provisions of Section 33.614.200.

1. EG1 zone. All lots in the EG1 zone must meet Standard A stated in Table 614-1.

2. EG2 zone. The following standards apply in the EG2 zone.

   a. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 614-1 and the remainder must meet Standard B.

   b. For land divisions of less than 10 lots, all but one lot must meet Standard A stated in Table 614-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

3. EX zone. There are no required minimum lot dimensions for lots in the EX zone.

Table 614-1
Minimum Lot Size and Shape in Employment Zones

	Minimum Lot Area	Minimum Dimension
Standard A	20,000 sq. ft.	100 ft x 100 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.

B. Minimum Front Lot Line. Each lot must have a front lot line that is at least 35 feet long. Lots that will be developed with detached or attached houses are exempt from this standard.

33.614.200 Exception

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 zoning code development standards must be met.

CHAPTER 33.615
LOTS IN INDUSTRIAL ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.615.010 Purpose
33.615.020 Where These Standards Apply
33.615.100 Minimum Lot Dimension Standards
33.615.200 Exception

33.615.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an industrial zone. These standards ensure that lots are consistent with the desired character of the industrial zones. Lots may vary in size and shape to accommodate a range of industrial uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.615.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the industrial zones.

33.615.100 Minimum Lot Dimension Standards

A. Minimum size and shape. All lots must meet the following minimum size and shape standards. An exception is allowed under the provisions of Section 33.615.200.

1. IG1 zone. All lots in the IG1 zone must meet Standard A stated in Table 615-1.

2. IG2 and IH zones.

   a. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 615-1 and the remainder must meet Standard B.

   b. For land divisions of fewer than 10 lots, all but one lot must meet Standard A stated in Table 615-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

Table 615-1
Minimum Lot Size and Shape in Industrial Zones

	Minimum Lot Area	Minimum Dimension
Standard A	40,000 sq. ft.	150 ft. x 150 ft.
Standard B	10,000 sq. ft.	75 ft. x 75 ft.

B. Minimum front lot line. Each lot must have a front lot line that is at least 35 feet long.

33.615.200 Exception
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 zoning code development standards must be met.

CHAPTER 33.630
TREE PRESERVATION

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.630.010 Purpose
33.630.020 Where These Regulations Apply
33.630.030 Exempt From These Regulations
33.630.100 Tree Preservation Standards
33.630.200 Tree Preservation Methods
33.630.300 Mitigation Option
33.630.400 Modifications That Will Better Meet Tree Preservation Requirements
33.630.500 Tree Preservation Credit
33.630.600 Relationship To Other Tree Regulations

33.630.010 Purpose

The regulations of this chapter preserve trees and mitigate for the loss of trees to:

- Protect public health through the absorption of air pollutants and contamination;
- Provide buffering from noise, wind, and storms;
- Provide visual screening and summer cooling;
- Reduce urban heat island impacts;
- Maintain property values;
- Maintain wildlife habitat; and
- Maintain the beauty of the City and its natural heritage.

The preservation of trees on a land division site also will:

- Preserve trees when it is feasible to preserve trees and still meet the other regulations of this Title;
- Reduce erosion, siltation, and flooding;
- Filter stormwater and reduce stormwater runoff;
- Stabilize slopes; and
- Retain options for property owners to preserve trees and vegetation at the time of development.

33.630.020 Where These Regulations Apply

This chapter applies to land divisions in all zones where:

A. There is at least one significant tree on the site that is not in an Environmental Overlay Zone; or

B. There is at least one tree that is at least 6 inches in diameter on the site that is not in an Environmental Overlay Zone.

This chapter does not apply to the portions of the site in an Environmental Overlay Zone.

Tree preservation requirements apply to the trees on the site other than those listed in Section 33.630.030, Exempt From These Regulations. The percentage of total tree diameter to be preserved is based on the total diameter of the trees on the portion of the site that is not in an Environmental Overlay Zone after the total diameter of exempt trees is subtracted.

In addition, the tree requirements of this chapter only apply to trees where the primary trunk is located entirely on the land division site.

33.630.030 Exempt From These Regulations

The following trees are exempt from the regulations of this chapter:

A. Trees that are listed as nuisance or prohibited on the Portland Plant List;

B. Trees that pose an immediate danger to life and safely as determined by the City Forester or a certified arborist;

C. Trees that are dead, as determined by the City Forester or a certified arborist;

D. Trees that are diseased in a manner that threatens their continued viability, or represents a significant threat to the health of surrounding trees, as determined by the City Forester or a certified arborist; and

E. Trees that are within 10 feet of an existing building that will remain on the site.

Table 630-1
Significant Trees

Common Name	Scientific Name	Diameter
All trees not listed in this table except trees listed as nuisance or prohibited on the Portland Plant List		more than 20 inches
Big-leaf Maple	Acer macrophyllum	18 inches
Bitter Cherry	Prunus emarginata	10 inches
Black Cottonwood	Populus balsamifera ssp. trichocarpa	18 inches
Black Hawthorn	Crataegus douglasii var. douglasii	8 inches
Black Hawthorn	Crataegus suksdorfii	8 inches
Cascara	Rhamnus purshiana	6 inches
Douglas Fir	Pseudotsuga menziesii	18 inches
Garry Oak	Quercus garryana	4 inches
Grand Fir	Abies grandis	10 inches
Madrone	Arbutus menziesii	4 inches
Oregon Ash	Fraxinus latifolia	10 inches
Pacific Yew	Taxus brevifolia	2 inches
Ponderosa Pine	Pinus ponderosa	8 inches
Red Alder	Alnus rubra	18 inches
Scouler Willow	Salix scouleriana	6 inches
Western Flowering Dogwood	Cornus nuttallii	6 inches
Western Hemlock	Tsuga heterophylla	10 inches
Western Red Cedar	Thuja plicata	10 inches

33.630.100 Tree Preservation Standards

A. Existing trees must be preserved. The applicant must choose one of the following options. Significant trees are listed in Table 630-1:

1. Option 1: Preserve at least 35 percent of the total tree diameter on the site;

2. Option 2: Preserve at least 50 percent of the significant trees on the site and at least 30 percent of the total tree diameter on the site;

3. Option 3: Preserve at least 75 percent of the significant trees on the site and at least 25 percent of the total tree diameter on the site; or

4. Option 4: Preserve all of the significant trees on the site and at least 20 percent of the total tree diameter on the site.

5. Option 5: If the site is larger than one acre, preserve at least 35 percent of the total tree canopy area on the site.

B. Historic Landmark Trees. Historic Landmark Trees must be preserved. They may be removed only if approved by the Historic Landmarks Commission.

C. Heritage Trees. Heritage Trees are regulated by Chapter 20.40.150, Heritage Trees, of the City Code.

D. Calculations.

1. Tree diameter and significant trees. When calculating the amount of tree diameter and the number of significant trees on the site, the applicant may choose one of the following methods of measurement:

   a. Tree inventory. A tree inventory identifies all trees on the site, specifying location, species, and diameter of each tree; or

   b. Statistical sampling. Statistical sampling may be used to estimate the total tree diameter and total number of significant trees present. Sampling must be carried out by a professional forester based on standard methodologies.

2. Tree canopy. When calculating the amount of tree canopy on the site, the total canopy area is based on the most recent aerial photograph available. If the most recent aerial photograph available is more than 5 years old, the applicant must provide a more recent photograph.

33.630.200 Tree Preservation Methods

Trees must be preserved either in a tract or by use of a tree preservation plan.

A. Tree preservation tracts. The following standards apply to sites where trees will be preserved in tracts:

1. Tract boundary. The boundary of a tree preservation tract must be at least five feet from the root protection zone of any trees to be protected within the tract. Where the edge of the root protection zone is less than 5 feet from the edge of the site, the tract boundary will be located along the edge of the site. See Figure 630-1; and

2. Construction fencing.

   a. A construction fence must be placed along the boundary of the tract or a larger area;

   b. The location and material of the fence must be shown on the clearing and grading plan;

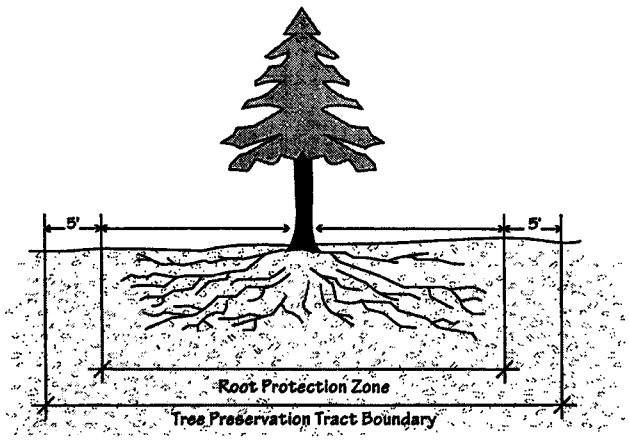
   c. The fence must be in place before clearing, grading, or construction starts and remain in place until construction is complete; and

d. The fence must meet one of the following:

(1) The fence must be 6-foot high orange plastic and be secured to the ground with 8-foot metal posts, or

(2) The fence must be 6-foot high steel on concrete blocks.

Figure 630-1
Boundary of Tree Preservation Tract



B. Tree preservation plan. Trees that will be preserved on individual lots must be permanently preserved through a tree preservation plan, as specified in Section 33.248.065, Tree Preservation Plans. Trees to be preserved must be healthy and the tree, including the root protection zone, must be outside of areas proposed for structures, services, and utilities. For the purposes of this chapter, the tree preservation plan must be completed by a certified arborist or landscape architect.

33.630.300 Mitigation Option
As an alternative to meeting Section 33.630.100, approval of a mitigation plan may be requested. The review body will approve the mitigation plan where the applicant has shown that the applicant has met criteria D. and E. and either criterion A., B., or C., below:

A. It is not possible under any reasonable scenario to meet Section 33.630.100, and meet minimum density;

B. It is not possible under any reasonable scenario to meet Section 33.630.100, and meet all of the service requirements of Chapters 33.651 through 33.654, including connectivity;

C. It is not possible under any reasonable scenario to meet Section 33.630.100, and implement an adopted street plan;

D. As many trees as possible are preserved; and

E. The applicant has submitted a mitigation plan that adequately mitigates for the loss of trees, and shows how the mitigation plan equally or better meets the purpose of this chapter. Mitigation can include tree planting, eco-roof, porous paving, or pervious surface permanently preserved in a tract.

33.630.400 Modifications That Will Better Meet Tree Preservation Requirements

A. Site-related development standards. The review body may consider adjustments to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards (such as FAR, or number of units) are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word "prohibited," or a regulation that is a qualifying situation or threshold is prohibited. In order to approve the modification, the review body must find that the modification will result in the application better meeting the requirements of Section 33.630.100, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum Density.

1. A reduction in minimum density may be approved as part of the land division review. The reduction is done as part of the land division review and does not require an adjustment.

2. For land divisions of 2 to 10 lots, minimum density may be reduced by 1 dwelling unit. For land divisions of 11 to 20 lots, minimum density may be reduced by 2 dwelling units. For land divisions of more than 20 lots, minimum density may be reduced by 3 dwelling units. Reductions greater than those listed in this paragraph are prohibited.

3. The review body will approve the reduction in minimum density if they find that the reduction will result in the proposal better meeting the requirements of Section 33.630.100.

4. If the review body approves a reduction of minimum density, trees preserved must be in a tree preservation tract.

33.630.500 Tree Preservation Credit

Trees in a tree preservation tract that is outside of an environmental overlay zone may count toward meeting the individual lot requirements of the T1 standard of section 33.248.020, Landscaping and Screening Standards.

33.630.600 Relationship To Other Tree Regulations

Other tree preservation regulations of this Title and other Titles may apply at the time of a land division and at the time of development.

CHAPTER 33.631
SITES IN FLOOD HAZARD AREAS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.631.010 Purpose
33.631.020 Where the Approval Criteria Apply
33.631.100 Flood Hazard Area Approval Criteria
Map 631-1 Potential Flood Hazard Area Map

33.631.010 Purpose

The regulations for lands subject to regular or periodic flooding will help minimize public and private losses from flooding. The standard and approval criteria limit the creation of lots on lands subject to flood in order to direct development away from hazardous areas. The standard and approval criteria promote the safety and well-being of citizens and protect property while preserving the natural function of floodplains.

33.631.020 Where the Standard and Approval Criteria Apply

The approval criteria of this chapter apply to proposals for land divisions where any portion of the land division site is shown on Map 631-1.

33.631.100 Flood Hazard Area Approval Criteria

A. RF through R2.5 zones. The following criteria must be met in the RF through R2.5 zones:

1. Where possible, all lots must be outside of the flood hazard area; and

2. Where it is not possible to have all lots outside of the flood hazard area, all proposed building areas must be outside of the flood hazard area.

B. R3 through IR, C, E, and I zones. The following criteria must be met in the R3 through IR, C, E, and I zones:

1. Where possible, each lot must have adequate area outside of the flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and

2. Where it is not possible to create lots that have adequate area outside of the flood hazard area to accommodate allowed or proposed uses, the following must be met:

   a. Lots must be configured so that development on them will reduce the impact of flooding and to provide the greatest protection for development from flooding;

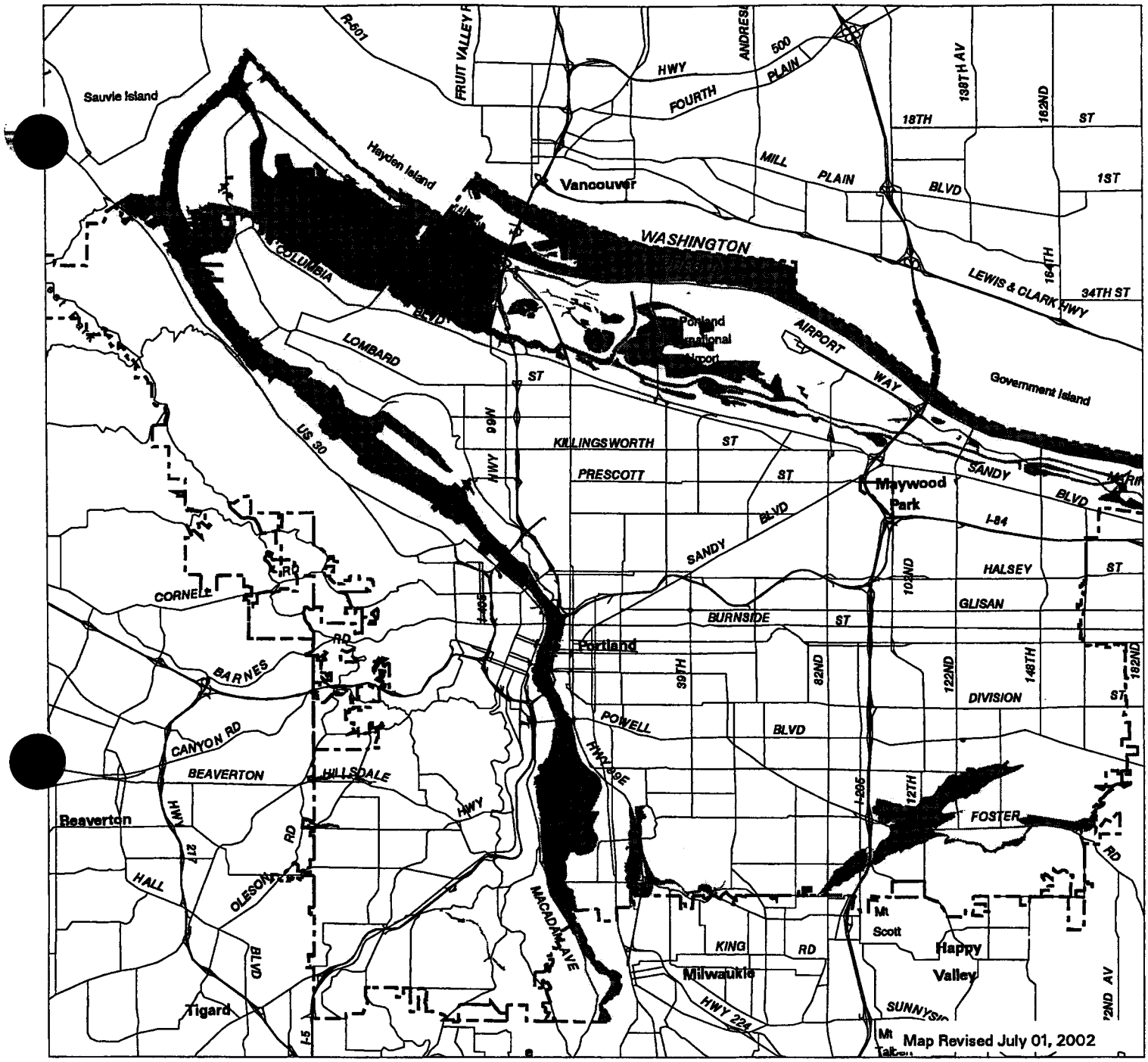
   b. Lots must be configured so that allowed or proposed uses that are not river-dependent will be able to locate on the highest ground and near the highest point of access, and so that development on the lots can be configured in a manner that will minimize obstruction of floodwaters; and

c. Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.

C. In all zones. The following criteria must be met in all zones:

1. Services proposed in the flood hazard area must be located and built to minimize or eliminate flood damage to the services; and

2. The floodway must be entirely within a flood hazard tract unless river-dependent land-uses and development are proposed on the site.



NORTH

0′ 9000′ 18000′

Scale in Feet

Potential Flood Hazard

Map 631-1

Potential Flood Hazard Area Map

Bureau of Planning • City of Portland, Oregon

CHAPTER 33.632
SITES IN POTENTIAL LANDSLIDE HAZARD AREAS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.632.010 Purpose
33.632.020 Where This Approval Criterion Applies
33.632.100 Landslide Hazard Approval Criterion

33.632.010 Purpose

The approval criterion for lands subject to landslide will help minimize public and private losses as a result of landslides. The approval criterion limit the creation of lots on lands subject to landslides in order to direct development away from hazardous areas. The approval criterion ensures that lots and development present the least amount of risk of causing landslides, and are protected as much as possible from landslides. The approval criterion ensures that lots are created where development can occur with the least likelihood of causing landslides on the site or adjacent properties. In some cases, the approval criterion will result in requirements to stabilize sites through engineered solutions.

33.632.020 Where This Approval Criterion Applies

The approval criterion of this chapter applies to all proposals for land divisions where any portion of the site is within a potential landslide hazard area.

33.632.100 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

CHAPTER 33.633
PHASED LAND DIVISIONS AND STAGED FINAL PLATS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

Phased Land Divisions
33.633.100 Purpose
33.633.110 Where These Standards Apply
33.633.120 Phased Land Division Standards
Staged Final Plats
33.633.200 Purpose
33.633.210 When Staged Final Plats Are Allowed
33.633.220 Staged Final Plat Standard

Phased Land Divisions

33.633.100 Purpose

Phased land divisions allow minimum density requirements for a site to be met in several phases rather than at one time.

33.633.110 Where These Standards Apply

The standards of Section 33.633.120 apply to proposals for phased land divisions in the RF through R2.5 zones.

33.633.120 Phased Land Division Standards

Phased land divisions are allowed if the all of the following are met. Adjustments to these standards are prohibited:

A. The required minimum density for the site is 40 or more lots;

B. All portions of the site that are in the floodway or an Environmental Overlay Zone must be included in the first phase;

C. All portions of the site that are to be divided in future phases must be held in non-development tracts;

D. A future division plan must show how each subsequent phase can meet minimum density, the other requirements of Chapters 33.610 through 33.654, and all other regulations of the Portland City Code; and

E. Applications for Preliminary Plan approval of subsequent phases are subject to the regulations in effect at the time of each application.

Staged Final Plats

33.633.200 Purpose

Staged Final Plats allow improvements, such as streets, services, and utilities to be constructed in stages rather than all at one time.

33.633.210 When Staged Final Plats Are Allowed
Staged Final Plats are allowed for all land division sites.

33.633.220 Staged Final Plat Standard
All portions of the site that are in an Environmental Overlay Zone, in the floodway, or will be in a tree preservation tract must be included in the first Final Plat stage.

CHAPTER 33.634
REQUIRED RECREATION AREA

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.634.010 Purpose
33.634.100 Where These Regulations Apply
33.634.200 Required Recreation Area Standards
33.634.300 Required Recreation Area Approval Criteria

33.634.010 Purpose

Providing area for recreation ensures that the recreational needs of those who will live on the site will be accommodated. Large land divisions—those that will create a minimum of 40 new dwelling units—create a neighborhood that is big enough to warrant a recreation area that is accessible to all in the new community. Creating the space for recreation at the time of the land division is the most efficient way to ensure that the space is created. The land division process provides the opportunity to design the recreation area so that it relates to the lot and street pattern of the land division.

33.634.100 Where These Regulations Apply

The regulations of this chapter apply to land divisions in residential zones when the minimum required density is 40 or more dwelling units.

33.634.200 Required Recreation Area Standards

The following standards must be met:

A. Size. At least 10 percent of the total site area of the land division site must be devoted to recreation area.

B. RF-R2 zones. In the RF-R2 zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.

C. R1-IR zones. In the R1-IR zones, the recreation area may be in one or more recreation area tracts, in a roof-top garden, or in floor area improved for the purpose of passive or active recreation. Recreation area tracts must meet the requirements of Subsection D., below.

D. Recreation area tracts. Recreation area tracts required by this chapter must meet the following standards:

1. Size. Each tract must be at least 100 feet wide by 100 feet deep;

2. Location. No more than 50 percent of each recreation area tract may be in an Environmental Overlay Zone or in a flood hazard area;

3. Accessibility. Each recreation area tract must have at least 30 feet of street frontage;

4. Ownership. The tracts must be owned in common by all of the owners of the land division site, owned by a Homeowners' Association, or owned by a public agency; and

5. Improvements. Improvements must be installed in each tract prior to the first pavement lift on the site or, if no streets are created, prior to the issuance of the first foundation permit.

33.634.300 Required Recreation Area Approval Criteria.
All of the following approval criteria must be met:

A. Location. Each recreation area must be located on a part of the site that can be reasonably developed for recreational use;

B. Accessibility. Each recreation area must be reasonably accessible to all those who will live on the land division site; and

C. Improvements. Each recreation area must be improved in order to meet the recreational needs of those who will live on the land division site. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas may include improvements such as children's play equipment, picnic areas, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. Surety may be required which specifies the timing of recreation area improvements.

CHAPTER 33.635
CLEARING, GRADING, AND LAND SUITABILITY

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.635.010 Purpose
33.635.020 Where These Approval Criteria Apply
33.635.100 Clearing and Grading Approval Criteria
33.635.200 Land Suitability Approval Criterion

33.635.010 Purpose

These approval criteria:

- Ensure limits of disturbance are reasonable given infrastructure needs, site conditions, and tree preservation requirements;
- Limit impacts of erosion and sedimentation;
- Protect water quality and aquatic habitat;
- Allow some site development activities to occur before Final Plat approval; and
- Ensure that new lots can be safely developed.

33.635.020 Where These Approval Criteria Apply

The approval criteria of this chapter apply to proposals for land divisions in all zones.

33.635.100 Clearing and Grading Approval Criteria

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

A. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

B. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

C. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;

D. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete; and

E. Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable.

33.635.200 Land Suitability Approval Criterion

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

CHAPTER 33.636
TRACTS AND EASEMENTS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.636.100 Requirements for Tracts and Easements

33.636.100 Requirements for Tracts and Easements

A. Ownership of tracts. Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:

1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;

2. The Homeowners' Association for the area served by the tract;

3. A public or private non-profit organization; or

4. The City or other jurisdiction.

B. Maintenance agreement. The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tract or easement; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by OPDR and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat or Final Development Plan within 90 days of the final decision.

CHAPTER 33.638
PLANNED DEVELOPMENT

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.638.010 Purpose
33.638.020 Relationship to Other Regulations
33.638.100 Additional Allowed Uses and Development

33.638.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development, while assuring that the development will complement existing neighborhood character. These regulations allow flexibility beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood.

33.638.020 Relationship to Other Regulations

A. Flexibility. Approval of a Planned Development allows certain kinds of flexibility for residential development. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.

B. Density. Minimum density requirements must be met in a Planned Development. Adjustments to minimum density are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units.

C. Land Divisions. A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

33.638.100 Additional Allowed Uses and Development

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

A. Attached houses. Attached houses may be requested in the RF through R5 zones;

B. Duplexes. Duplexes may be requested in the RF through R2.5 zones;

C. Attached duplexes. Attached duplexes may be requested in the RF through R2.5 zones;

D. Multi-dwelling structures. Multi-dwelling structures may be requested in the RF through R2.5 zones;

E. Multi-dwelling development. Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;

F. Modification of site-related development standards. Modification of site-related development standards may be requested through a Planned Development.

G. Alternative residential dimensions. Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RH through R3 zones.

H. Commercial uses. Commercial uses that are allowed in the CN1 zone may be requested in the RF through R1 zones;

I. Transfer of development within a site. Transfer of development rights across zoning lines within the site may be proposed as follows:

1. RF through R1 zones. If the site is located in more than one zone, and all the zones are RF through R1, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

2. RH and RX zones. If the site is located in more than one zone, and the zones are RH and RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.

3. C, E, and I zones. If the site is located in more than one zone, and all the zones are C, E, and I zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.

4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R1, and at least one of the zones is RH, RX, C, E, or I, then the total number of dwelling units allowed on the site is calculated as follows:

    a. The number of units allowed on the RF through R1 portion of the site is calculated in terms of dwelling units;

    b. The number of units allowed on the other portion of the site is calculated in terms of floor area;

    c. The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;

    d. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

J. Transfer of development between sites. Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers occur, both the sending and receiving sites must be part of a Planned Development.

CHAPTER 33.639
SOLAR ACCESS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections

33.639.010 Purpose
33.639.020 Where These Approval Criteria Apply
33.639.100 Solar Access Approval Criteria

33.639.010 Purpose

The solar access regulations encourage variation in the width of lots to maximize solar access for single-dwelling detached development and minimize shade on adjacent properties.

33.639.020 Where These Approval Criteria Apply

The approval criteria of this chapter apply to lots for single-dwelling detached development created as part of a land division proposal in all zones. Where it is not practicable to meet both the approval criteria of this chapter and the standards and approval criteria of other chapters in the 600's, the regulations of the other chapters supersede the approval criteria of this chapter.

33.639.100 Solar Access Approval Criteria

All of the following approval criteria must be met:

A. On streets that are within 30 degrees of a true east-west axis, see Figure 639-1, the narrowest lots should be:

1. Interior lots on the south side of the street. See Figure 639-2; and

2. Corner lots on the north side of the street. See Figure 639-3.

B. On streets that are within 30 degrees of a true north-south axis, the widest lots should be interior lots on the east or west side of the street. See Figure 639-4.

Figure 639-1
Axes within 30 Degrees of North-South and East-West

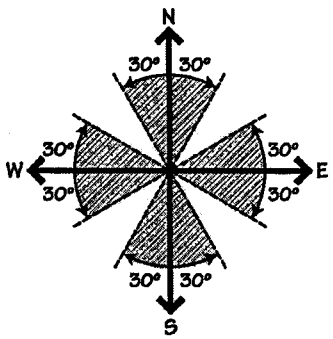


Figure 639-2
Interior Lots on South Side of Street

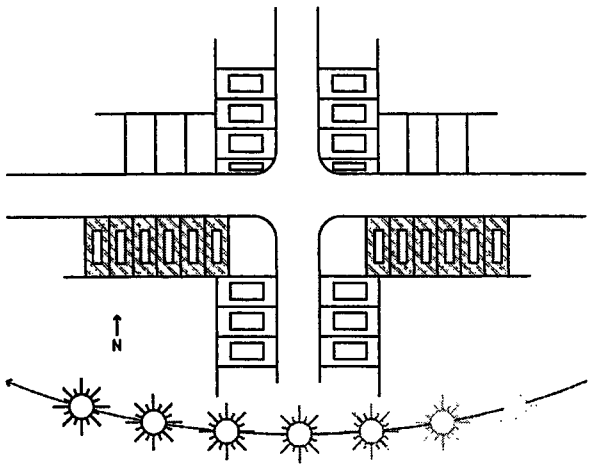


Figure 639-3
Corner Lots on North Side of Street

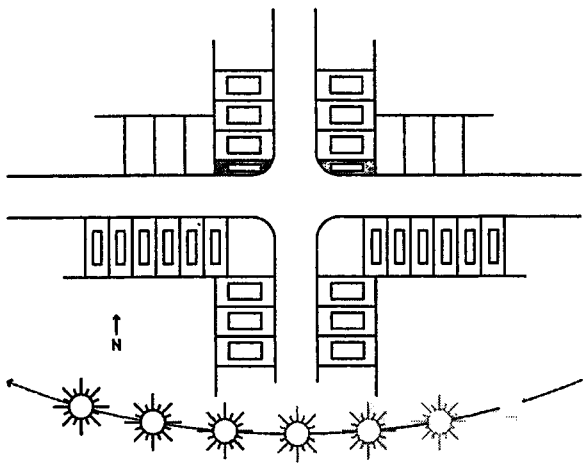
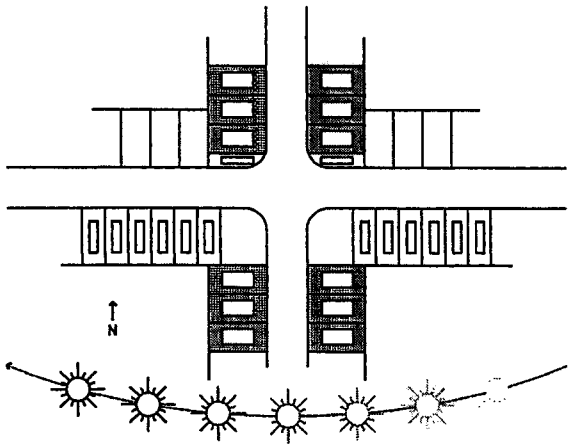


Figure 639-4
Interior Lots on East and West Side of Street



CHAPTER 33.640
STREAMS, SPRINGS, AND SEEPS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.640.010 Purpose
33.640.100 Where These Standards Apply
33.640.200 Stream, Spring, and Seep Standards

33.640.010 Purpose

The standards in this chapter ensure that important streams, seeps and springs that are not already protected by the Environmental Overlay Zones, are maintained in their natural state.

33.640.100 Where These Standards Apply

The standards of this chapter apply to all land divisions where a stream, spring, or seep on the site is outside of an Environmental Overlay Zone.

33.640.200 Stream, Spring, and Seep Standards

A. Preservation in a tract. Streams, springs, and seeps must be preserved in a tract as follows:

1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by OPDR. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;

2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;

3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, seep, or stream may be in an easement that meets the other requirements of Paragraph A.1.

B. Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:

1. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and OPDR has determined that on-site infiltration is not an option;

2. Removal of non-native invasive species with hand held equipment;

3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;

5. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveways or service connections within the tract or easement; and

6. Maintenance and repair of existing utilities, services, and driveways;

C. When tract or easement may be crossed by a right-of-way. Public or private rights of way may cross the seep, spring, or stream tract or easement if the following approval criteria are met:

1. There is no reasonable alternative location for the right-of-way;

2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:

   a. The street improvements will not impede the flow of the stream, spring, or seep;

   b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and

   c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.

D. Minimum density. Minimum density is waived in order to better meet these standards.

CHAPTER 33.641
TRANSPORTATION IMPACTS

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

33.641.010 Purpose
33.641.015 Where This Approval Criterion Applies
33.641.020 Approval Criterion
33.641.030 Mitigation

33.641.010 Purpose

The regulations of this chapter allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. Small land divisions involving only a few dwelling units may not require a formal transportation impact study, while it might be required for larger projects. The purpose of a transportation impact study is to assess the effects of routing or volume of traffic in the vicinity of the site on traffic conditions, transit, pedestrian and bicycle movement, and neighborhood livability.

33.641.015 Where This Approval Criterion Applies

This approval criterion applies to land divisions in all zones.

33.641.020 Approval Criterion

The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.

33.641.030 Mitigation

The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.

CHAPTER 33.651
WATER SERVICE

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.651.010 Purpose
33.651.020 Water Service Standard
33.651.030 Environmental Overlay Zones

33.651.010 Purpose

Water service provides water for public health and emergency purpose, including fire suppression. These standards ensure that the public water system will serve each lot in the land division and, where appropriate, will extend through the land division to reach adjacent sites. They will result in an efficient, flexible water distribution system that can serve a variety of development configurations while minimizing overall development costs.

33.651.020 Water Service Standard

Water service must meet the standard of this section. Adjustments are prohibited. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are available to serve the proposed development.

33.651.030 Environmental Overlay Zones

If any portion of the water service is within an Environmental Overlay Zone, it is subject to the regulations

CHAPTER 33.652
SANITARY SEWER DISPOSAL SERVICE

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.652.010 Purpose
33.652.020 Sanitary Sewer Disposal Service Standards
33.652.030 Environmental Overlay Zones

33.652.010 Purpose

The sanitary sewer disposal service standards protect the public health by providing for the safe and sanitary collection, treatment, and disposal of waste products from development in the land division. These standards will result in an efficient, flexible sewer system that can serve a variety of development configurations within reasonable overall development costs.

33.652.020 Sanitary Sewer Disposal Service Standards

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

A. Availability of sanitary sewer.

1. The Bureau of Environmental Services has verified that sewer facilities are available to serve the proposed development; or

2. OPDR has approved the use of a private on-site sanitary sewage disposal system.

B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on the Sewer Design Manual; and

C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, OPDR and Environmental Services have preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system.

33.652.030 Environmental Overlay Zones

If any portion of the sanitary sewer is within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Overlay Zones.

CHAPTER 33.653
STORMWATER MANAGEMENT

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.653.010 Purpose
33.653.020 Stormwater Management Approval Criteria
33.653.030 Stormwater Management Approval Standards
33.653.040 Environmental Overlay Zones

33.653.010 Purpose

These regulations provide for the efficient and flexible placement of stormwater facilities serving a variety of development configurations. The standards and criteria of this chapter recognize that on-site stormwater facilities may be land intensive and site specific, consequently affecting the arrangement of lots and streets. These regulations ensure that the land division site has an adequate area and an appropriate location for stormwater facilities. The approval criteria ensure that it is feasible to develop a stormwater system that will have adequate capacity for the developed site.

33.653.020 Stormwater Management Approval Criteria

Stormwater management must meet the following approval criteria:

A. If a stormwater tract is proposed or required, an adequate amount of land and an appropriate location must be designated on the Preliminary Plan; and

B. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

33.653.030 Stormwater Management Standards

Stormwater management facilities must meet the following standards. Adjustments are prohibited.

A. The Bureau of Environmental Services has preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities. The approval is based on the Sewer Design Manual and the Stormwater Management Manual;

B. The Office of Planning and Development Review has preliminarily approved the capacity, type, location, feasibility, and land area required of any proposed private on-site stormwater disposal facilities; and

C. A stormwater facility that serves more than one lot must be in a tract or within the right of way; however, it may be in an easement where the location of the tract would preclude compliance with the front lot line requirements of Chapters 33.610 through 33.615. If the facility is in a tract, it must be either owned in common by all of the owners of the lots served by the facility, by a Homeowners' Association, by a public agency, or by a non-profit organization.

D. Driveways may cross stormwater tracts and easements.

33.653.040 Environmental Overlay Zones
If any portion of the stormwater management system or disposal system is proposed within an Environmental Overlay Zone, it is subject to the regulations of Chapter 33.430, Environmental Zones.

CHAPTER 33.654
RIGHTS-OF-WAY

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

33.654.010 Purpose
33.654.110 Connectivity and Location of Rights-of-Way
33.654.120 Design of Rights-of-Way
33.654.130 Additional Approval Criteria for Rights-of-Way
33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.110 Connectivity and Location of Rights-of-Way

A. Purpose. The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.

B. Where these regulations apply. The following approval criteria apply to all local streets, alleys, and pedestrian connections within the land division site.

C. Approval criteria.

1. Through streets and pedestrian connections in OS, R, C, and E Zones. In OS, R, C, and E zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:

   a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;

   b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;

c. Characteristics of the site, adjacent sites, and vicinity, such as:

(1) Terrain;

(2) Whether adjacent sites may be further divided;

(3) The location of existing streets and pedestrian connections;

(4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;

(5) Whether environmental overlay zones interrupt the expected path of a through street or pedestrian connection; and

(6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;

d. Master street plans for the area identified in Goal 11B of the Comprehensive Plan;

e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.

2. Dead-end streets in OS, R, C, and E zones. In OS, R, C, and E zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.

3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.

4. Alleys in all zones. Alleys may be provided where appropriate.

33.654.120 Design of Rights-of-Way

A. Purpose. The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.

B. Non-local street standard. For streets other than local service streets, the Office of Transportation has approved the right-of-way width and all elements within the street right-of-way.

C. Local street approval criteria and standards. The following approval criteria and standards apply to all local service streets except for common greens:

1. Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

3. Standards for turnarounds.

   a. When a turnaround is required. A turnaround is required on a dead-end street in the following situations:

      (1) The street will serve 4 or more lots;

      (2) The street is at least 300 feet long; or

      (3) When required by the City Engineer, the Fire Bureau, or BDS.

   b. Temporary turnaround. Where a street is temporarily terminating within the land division site, the City Engineer, BDS, or Fire Bureau may require a temporary turnaround.

   c. The following approval criteria and standard applies to permanent and temporary turnarounds:

      (1) Approval criteria. The turnaround must:

         - Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;

         - Minimize paved area;

         - Provide adequate area for safe vehicular movement; and

         - Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.

      (2) Standard. For public streets, the Office of Transportation has approved the configuration of elements within the turnaround right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the turnaround right-of-way.

D. Common green approval criteria and standards. The following approval criteria and standards apply to common greens:

1. Right-of-way.

   a. Approval criterion for width of the right-of-way. The width of the common green right-of-way must be sufficient to accommodate expected users and uses. The width must take into consideration the characteristics of the site and vicinity, such as the existing pedestrian system, whether a through pedestrian connection will be provided, structures, natural features, and the community activities that may occur within the street.

   b. Standards for configuration of elements within the right-of-way.

      (1) For public streets, the Office of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.

      (2) Common greens must be dead-end streets. Through common greens are prohibited.

   c. Standards for turnarounds. Turnarounds are not required for a common green.

2. Standards for land divisions with common greens. Land divisions that include a common green must meet the following standards:

   a. The Fire Bureau has approved the land division for emergency access; and

   b. Lots that have a front lot line on a common green must meet Section 33.266.110, Minimum Required Parking Spaces.

E. Pedestrian connections. The following approval criteria and standards apply to pedestrian connections:

1. Approval criterion for width of the right-of-way. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

2. Standard for configuration of elements within the right-of-way. For public pedestrian connections, the Office of Transportation has approved the configuration of elements within the pedestrian connection right-of-way. For private pedestrian connections, the Bureau of Development Services has approved the configuration of elements within the pedestrian connection right-of-way.

F. Alleys. The following approval criteria and standards apply to alleys:

1. Approval criterion for width of the right-of-way. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.

2. Standard for configuration of elements within the right-of-way. For public alleys, the Office of Transportation has approved the configuration of elements within the alley right-of-way. For private alleys, the Bureau of Development Services has approved the configuration of elements within the alley right-of-way.

3. Standard for turnarounds. The City Engineer, Bureau of Development Services, or Fire Bureau may require a turnaround on a dead-end alley.

33.654.130 Additional Approval Criteria for Rights-of-Way

A. Utilities. Utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way.

B. Extension of existing public dead-end streets and pedestrian connections. Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.

C. Future extension of proposed dead-end streets and pedestrian connections. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites.

D. Partial rights-of-way. Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property.

33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

A. Purpose. To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.

B. Ownership. The following standards must be met. Adjustments are prohibited.

1. Through streets. Through streets must be dedicated to the public.

2. Partial streets. Partial streets must be dedicated to the public.

3. Dead-end streets and turnarounds.

   a. Dead-end streets, including the turnarounds, that serve or have the potential to serve nine or more lots on-site and off-site, must be dedicated to the public.

b. Dead-end streets, including the turnarounds, that serve or have the potential to serve up to eight lots on-site and off-site, may be dedicated to the public or may be privately owned in common by the owners of property served by the street or by the Homeowners' Association. If the street is not dedicated to the public, it must be in a tract.

c. Exceptions for common greens. Common greens may be dedicated to the public with consent of the City Engineer or may be privately owned in common by the owners of property served by the street, or by the Homeowners' Association. If the common green is not dedicated to the public, it must be in a tract.

d. Exception for temporary turnarounds. Temporary turnarounds may be in an easement.

4. Pedestrian connections.

a. Pedestrian connections that connect or are intended to eventually connect two through streets, must be dedicated to the public.

b. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library, must be dedicated to the public.

c. Pedestrian connections that are not dedicated to the public may be privately owned in common by the owners of the property within the land division site or the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.

5. Alleys. Alleys may be dedicated to the public or owned in common by the owners of property within the land division site, or the Homeowners' Association. If the alley is not dedicated to the public and it will serve more than 2 lots, it must be in a tract.

6. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.8., below.

7. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.8., below. This standard does not apply to alleys serving one or two lots.

8. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:

a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;

b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:

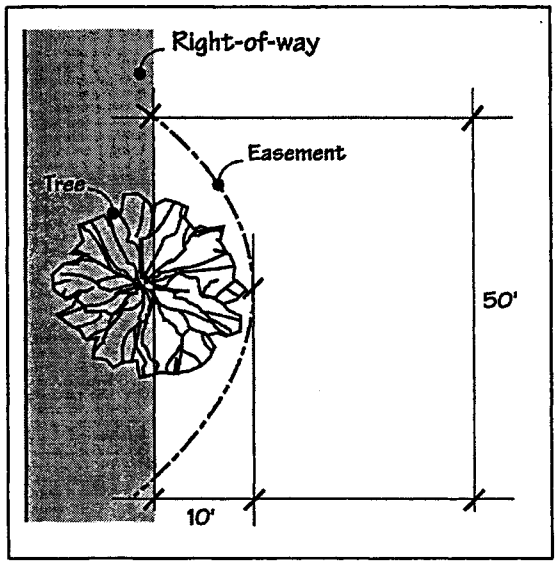
(1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;

(2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-1;

(3) The easement must also include a public access easement that allows public access on all parts of the easement; and

(4) The City Engineer has approved the use of an easement adjacent to a public street or the Bureau of Development Services has approved the use of an easement adjacent to a private street.

Figure 654-1
Street Elements in Easements



C. Maintenance. If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.

D. Public use of right-of-way.

1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;

2. Pedestrian connections must include a public access easement that allows public access on all parts of the connection; and

3. Public access easements must be recorded with the County Recorder.

33.654.160 Street Classification

A. Purpose. As streets are created or extended through the land division process, these streets should receive a classification in the Transportation Element of the Comprehensive Plan. The street classifications guide decisions on the design of streets and intersections, traffic operations, and the appropriate types of development along the street.

B. New streets and street extensions. New streets, street extensions, and pedestrian connections within the land division site will automatically be classified as local service streets for all modes unless the Transportation Element of the Comprehensive Plan designates them for other classifications.

CHAPTER 33.660
REVIEW OF LAND DIVISIONS IN OPEN SPACE AND RESIDENTIAL ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

General
33.660.010 Purpose
33.660.020 Where These Regulations Apply
Review of Preliminary Plan
33.660.110 Review Procedures
33.660.120 Approval Criteria
Review of Final Plat
33.660.210 Review Procedures
33.660.215 Voiding of Final Plat Application
33.660.220 Approval Standards
33.660.230 Staged Final Plat
Review of Changes to an Approved Preliminary Plan
33.660.300 When Review is Required
33.660.310 Review Procedures
33.660.320 Approval Criteria
Changes to Final Plat
33.660.610 Changes to Final Plat Before Recording
33.660.620 Changes to Final Plat After Recording

General

33.660.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish criteria for each phase and each review.

33.660.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions on sites in Open Space or Residential Zones.

Review of Preliminary Plan

33.660.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed. For the purposes of this section, the number of dwelling units will be calculated as follows: In the RF-R2.5 and IR zones, the number of dwelling units is the number of lots being proposed. In the R3-RX zones, the number of dwelling units is the minimum required density of the site.

A. Type III. Land divisions that include any of the following elements are processed through a Type III procedure:

1. Eleven or more dwelling units, not including accessory dwelling units;

2. Four or more dwelling units, not including accessory dwelling units, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;

3. Environmental review;

4. A phased land division, as described in Chapter 33.633, Phased and Staged Plans;

5. Any portion of the site is in an Open Space zone.

B. Type IIx. Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure:

1. Four to ten dwelling units, not including accessory dwelling units;

2. Two or three dwellings units, not including accessory dwelling units, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;

3. Lots, utilities, or services are proposed within a Flood Hazard Area; or

4. The proposal includes a concurrent land use review assigned to a Type I, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

C. Type I. All land divisions not assigned to a Type IIx or Type III, are processed through a Type I procedure.

33.660.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. Lots. The standards and approval criteria of Chapters 33.605 through 33.612 must be met;

B. Trees. The standards and approval criteria of Chapter 33.630, Tree Preservation, must be met;

C. Flood Hazard Area. If any portion of the site is shown as containing potential flood hazard area on Map 631-1, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met;

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;

E. Phased Plans and Staged Final Plat. If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;

F. Required recreation area. If 40 or more lots or dwelling units are proposed, the standards and approval criteria of Chapter 33.634, Required Recreation Areas, must be met;

G. Clearing, grading, and land suitability. The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

H. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

I. Solar access. If single-dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met;

J. Streams, springs, and seeps. The approval criteria of Chapter 33.640, Streams, Springs, and Seeps, must me met;

K. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and,

L. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Final Plat

33.660.210 Review Procedures

Final Plats are reviewed through a Type I procedure. The decision of the Director of OPDR is final.

33.660.215 Voiding of Final Plat Application

A complete application for Final Plat review will be voided where:

A. The Director of OPDR has sent written comments to the applicant, requesting additional information; and

B. The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.660.220 Approval Standards

The Final Plat for land divisions will be approved if the Director of OPDR finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

A. Conformance with Preliminary Plan. The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:

1. A decrease in the number of lots by one, if minimum density requirements continue to be met;

2. A increase or decrease in the width or depth of any lot by less than 5 percent. Width is measured at the minimum front building setback line;

3. A decrease in the area of any lot by less than 5 percent;

4. An increase in the area of any lot;

5. An increase or decrease of up to 5 percent in the area of a stormwater tract;

6. An increase of up to 5 percent in the area of a shared parking tract;

7. An increase in the area of the following tracts or easements:

   a. Environmental resource tracts;

   b. Tree preservation tracts;

   c. Flood hazard easements or tracts;

   d. Landslide hazard easements or tracts; and

   e. Recreation area tracts.

8. Moving a public or private right-of-way if approved by the appropriate service bureau;

9. Changes to a stormwater facility if approved by the appropriate service bureau;

10. An increase of up to 5 percent in the area approved for clearing and grading.

11. A decrease in the area approved for clearing and grading.

12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 660-1.

13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and

14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

B. Conditions of approval. The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;

C. Services. All services must meet the requirements of the City Code;

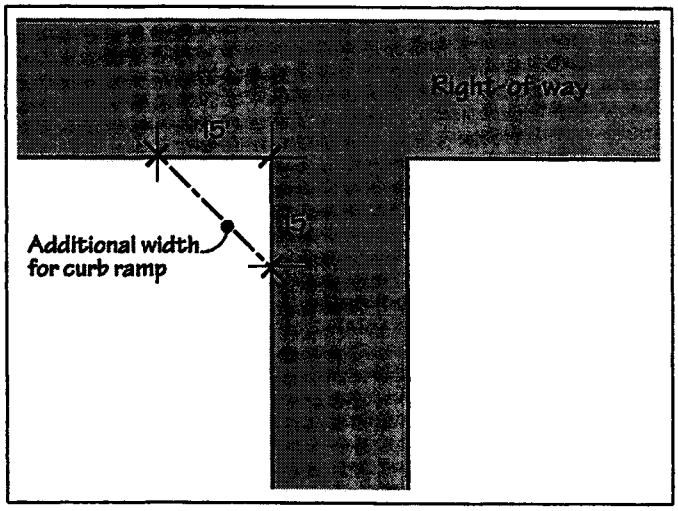
D. Dedications, tracts, and easements.

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and

2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;

E. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and

Figure 660-1
Allowed Increase to Right-of-Way Width



F. Maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs). All maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs) must be reviewed and approved by the Office of Planning and Development Review and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

33.660.230 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Each stage must meet the all of the Final Plat approval standards of Section 33.660.220.

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.660.220, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.660.220, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.660.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

A. Type I. Changes not listed in Subsection B, below, are processed through a Type I procedure.

B. Same procedure as was used for Preliminary Plan. The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:

1. An increase in the site area of more than 5 percent;
2. An increase in the number of lots;
3. A decrease in the number of lots by more than one lot;
4. A decrease in the area of any lot by more than 10 percent;
5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
6. Changing a through street to a dead-end street;
7. Changing a dead-end street to a through street;
8. Deleting a street or pedestrian connection;
9. Deleting or changing a condition of the Preliminary Plan approval;
10. Changing the purpose of, or deleting, the following tracts or easements:
    a. Shared parking tracts;
    b. Environmental resource tracts;
    c. Stormwater tracts;
    d. Flood hazard easements or tracts;
    e. Tree preservation tracts;
    f. Landslide hazard easements or tracts; or
    g. Recreation area tracts;
11. Reducing the area or changing the location of the following tracts:
    a. Environmental resource tract;
    b. Flood hazard tract; or
    c. Landslide hazard tract;
12. Decreasing the area of a recreation area tract by more than 10 percent;
13. Any change that the Director of OPDR determines:
    a. Is a significant change from the Preliminary Plan; or
    b. Will have a significant impact on the surrounding area.

33.660.320 Approval Criteria
Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. Approval criteria for changes listed in Subsection 33.660.310.B. Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval criteria of Section 33.660.120, Approval Criteria.

B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:

1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;

2. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

Changes to Final Plat

33.660.610 Changes to Final Plat Before Recording
Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where review of the changes is required by Section 33.660.300, When Review is Required, the revised Final Plat must undergo Final Plat review again.

33.660.620 Changes to Final Plat After Recording
After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division. However, a change to an approved tree preservation plan may be approved as set out in Chapter 33.852, Tree Review.

CHAPTER 33.662
REVIEW OF LAND DIVISIONS IN COMMERCIAL, EMPLOYMENT, AND INDUSTRIAL ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

General
33.662.010 Purpose
33.662.020 Where These Regulations Apply
Review of Preliminary Plan
33.662.110 Review Procedures
33.662.120 Approval Criteria
Review of Final Plat
33.662.210 Review Procedure
33.662.215 Voiding of Final Plat Application
33.662.220 Approval Standards
33.662.230 Staged Final Plats
Review of Changes to an Approved Preliminary Plan
33.662.300 When Review is Required
33.662.310 Review Procedures
33.662.320 Approval Criteria
Changes to Final Plat
33.662.610 Changes to Final Plat Before Recording
33.662.620 Changes to Final Plat After Recording

General

33.662.010 Purpose

These regulations ensure that land divisions in non-residential zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for all phases of the land division proposal.

33.662.020 Where These Regulations Apply

A. Generally. The regulations of this chapter apply to proposals for land divisions on sites in commercial, employment, and industrial zones.

B. Alternative process for large sites in I zones. Sites in industrial zones that meet the minimum size requirements of this subsection are eligible to use the regulations and procedures of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for this alternative process are:

1. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and

2. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

A. Type III. Land divisions that include any of the following elements are processed through a Type III procedure:

1. Eleven or more lots, regardless of zone;
2. Four or more lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area; or
3. Environmental review.

B. Type IIx. Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure:

1. Four to ten lots;
2. Two or three lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
3. Lots, utilities or services are proposed within a Flood Hazard Area; or
4. The proposal includes a concurrent land use review assigned to a Type I, Type II, or Type IIx procedure except environmental review. If environmental review is required, then the application is processed through a Type III procedure.

C. Type I. All land divisions not assigned to a Type IIx or Type III in Sections A and B above, are processed through a Type I procedure.

33.662.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. Lots. The standards and approval criteria of Chapters 33.613 through 33.615 must be met;

B. Trees. The standards of Chapter 33.630, Tree Preservation, must be met;

C. Flood Hazard Area. If any portion of the site is shown as containing potential flood hazard area on Map 631-1, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met;

D. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;

E. Phased Plans and Staged Final Plat. If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;

F. Clearing, grading, and land suitability. The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

G. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements must be met;

H. Solar access. If single dwelling detached development is proposed for the site, the approval criteria of Chapter 33.639, Solar Access, must be met; and

I. Streams, springs, and seeps. The approval criteria of Chapter 33.640, Streams, Springs and Seeps, must be met.

J. Transportation Impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and

K. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Final Plat

33.662.210 Review Procedure
Final Plats are reviewed through a Type I procedure. The decision of the Director of OPDR is final.

33.662.215 Voiding of Final Plat Application
An application for Final Plat review will be voided where:

A. The Director of OPDR sends a letter to the applicant, requesting additional information; and

B. The applicant does not provide the requested information within 180 days of the date the Director's letter is mailed.

33.662.220 Approval Standards
The Final Plat for a land division will be approved if the Director of OPDR finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

A. Conformance with Preliminary Plan. The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:

1. A decrease in the number of lots by one;
2. A change in the depth or width of a lot;
3. A decrease in the area of any lot by less than 5 percent;
4. An increase in the area of any lot;

5. Moving a public or private right-of-way, if approved by the appropriate service bureau;

6. An increase or decrease in the area or a change in the location of a shared parking tract;

7. An increase in the area of the following tracts or easements:

   a. Environmental resource tracts;

   b. Tree preservation tracts;

   c. Flood hazard easements or tracts; or

   d. Landslide hazard easements or tracts.

8. An increase or decrease of up to 5 percent in the area of a stormwater tract.

9. Changes to a stormwater facility if approved by the appropriate service bureau;

10. An increase of up to 5 percent in the area approved for clearing and grading;

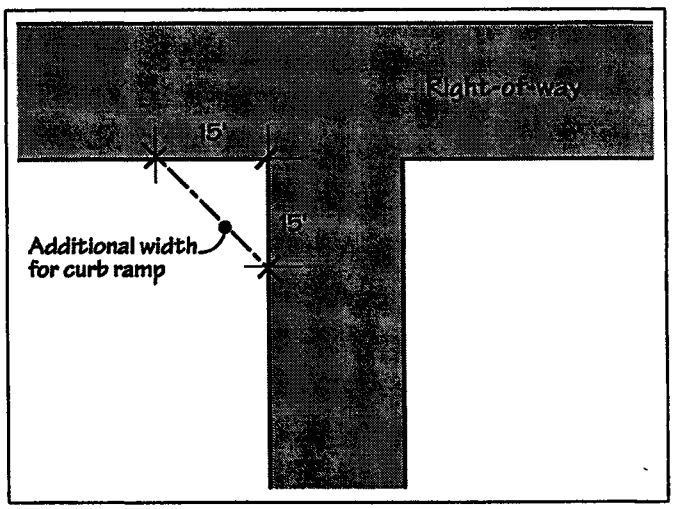
11. A decrease in the area approved for clearing and grading;

12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 662-1.

13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and

14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

Figure 662-1
Allowed Increase to Right-of-Way Width



B. Conditions of approval. All conditions of approval that apply to the Final Plat must be met. All other conditions of approval remain in effect;

C. Services. All services must meet the requirements of the City Code;

D. Dedications, tracts, and easements.

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and

2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements must be met.

E. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and

F. Maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs). All maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs) must be reviewed and approved by the Office of Planning and Development Review and the City Attorney and prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

33.662.230 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Each stage must meet the all of the Final Plat approval standards of Section 33.662.220.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.662.220, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.662.220, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

A. Type I. Changes not listed in Subsection B, below, are processed through a Type I procedure.

B. Same procedure as was used for Preliminary Plan. The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:

1. An increase in the site area of more than 5 percent;
2. A decrease in the area of any lot by more than 10 percent;
3. Changing a through street to a dead-end street;
4. Changing a dead-end street to a through street;
5. Deleting a street or pedestrian connection;
6. Deleting or changing a condition of the Preliminary Plan approval;
7. Deleting any of the following:
   a. Shared parking tracts;
   b. Environmental resource tracts;
   c. Stormwater tracts;
   d. Flood hazard easements or tracts;
   e. Tree preservation tracts; or
   f. Landslide hazard easements or tracts;
8. Reducing the area or changing the location of any of the following:
   a. Environmental resource tract;
   b. Flood hazard area tract; or
   c. Landslide hazard area tract.
9. Any change that the Director of OPDR determines:
   a. Is a significant change from the Preliminary Plan; or
   b. Will have a significant impact on the surrounding area.

33.662.320 Approval Criteria
Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

A. Approval criteria for changes listed in Subsection 33.662.310.B. Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval criteria of Section 33.662.120.

B. Approval criteria for other changes. All other changes to the Preliminary Plan must meet the following approval criteria:

1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and

3. The approval criteria addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

Changes to Final Plat

33.662.610 Changes to Final Plat Before Recording

Before a Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to the approved Preliminary Plan. Where review of the changes is required by Section 33.662.300, When Review is Required, the revised Final Plat must undergo Final Plat review again.

33.662.620 Changes to Final Plat After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

CHAPTER 33.664
REVIEW OF LAND DIVISIONS ON LARGE SITES IN INDUSTRIAL ZONES

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

General
33.664.010 Purpose
33.664.020 Where These Regulations Apply
Review of Preliminary Plan
33.664.110 Review Procedures
33.664.120 Approval Criteria
Review of Final Plat
33.664.210 Review Procedures
33.664.215 Voiding of Final Plat Application
33.664.220 Approval Criteria

General

33.664.010 Purpose

These special land division review procedures accommodate the unique needs of industrial developments on large sites. Lot dimensions and service and utility needs may vary widely among different industrial users, and the needs of industrial users are often not known until the Final Plat phase of a land division. This chapter allows applicants with larger sites to set only the basic pattern of streets and blocks during the Preliminary Plan phase, and show that it is feasible to meet service, utility, and other requirements at Final Plat. Lot lines may be created at either the Preliminary Plan phase or Final Plat phase. The Final Plat may be reviewed and recorded in several phases, as individual lot lines are drawn.

33.664.020 Where These Regulations Apply

Sites in industrial zones that meet the minimum size thresholds of this section are eligible to use the regulations and procedures of this chapter. If the applicant chooses, the regulations and procedures of Chapter 33.662, Review Of Land Divisions In Commercial, Employment, and Industrial Zones, may be met instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for use of this chapter are:

A. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and

B. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.664.110 Review Procedures

Review of Preliminary Plans are processed through a Type III procedure.

33.664.120 Approval Criteria
A Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. The applicant must show that the proposal can meet the following standards and approval criteria at the time of Final Plat. These standards and criteria do not have to be met as part of the Preliminary Plan, but the proposal must show that the standards and criteria can be met using the proposed configuration of blocks and the approaches included in the proposal:

1. Lots. The standards of Chapter 33.615 can be met using the proposed configuration of blocks;

2. Trees. The standards of Chapter 33.630, Tree Preservation, can be met by the proposal;

3. Flood Hazard Area. If any portion of the site is shown as containing potential flood hazard area on Map 631-1, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, can be met by the proposal;

4. Potential Landslide Hazard Area. If any portion of the site is in a Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Potential Landslide Hazard Areas, can be met by the proposal;

5. Services and utilities. The regulations and criteria of Chapters 33.651 through 33.654, which address services and utilities, can be met by the proposal.

B. The following standards and criteria must be met as part of the Preliminary Plan:

1. Clearing, grading, and land suitability. The approval criteria of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;

2. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met; and

3. Streams, springs, and seeps. The approval criteria of Chapter 33.640, Streams, Springs, and Seeps, must be met.

Review of Final Plat

33.664.210 Review Procedure
Final Plats are reviewed through a Type I procedure.

33.664.215 Voiding of Final Plat Application
An application for Final Plat review will be voided where:

A. The Director of OPDR sends a letter to the applicant, requesting additional information; and

B. The applicant does not provide the requested information within 180 days of the date the Director's letter was mailed.

33.664.220 Approval Criteria

The Final Plat for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A. Conformance with Preliminary Plan. Each Final Plat must conform to the approved Preliminary Plan. Variations are allowed only as specified by the Preliminary Plan approval.

B. Conformance with requirements of this Title. Where lot lines are proposed as part of the Final Plat process:

1. The following must be met for the portion of the site where lot lines are proposed:

   a. Lots. The standards of Chapter 33.615, must be met;

   b. Trees. The standards of Chapter 33.630, Tree Preservation, must be met;

   c. Flood Hazard Area. If any portion of the site is on Map 631-1, the approval criteria of Chapter 33.631, Sites in Flood Hazard Areas, must be met;

   d. Landslide Hazard Area. If any portion of the site is in an Potential Landslide Hazard Area, the approval criteria of Chapter 33.632, Sites in Landslide Hazard Areas, must be met;

   e. Clearing and grading. The approval criteria of Chapter 33.635, Clearing and Grading, must be met;

   f. Tracts and easements. The standards of Chapter 33.636, Tracts and Easements, must be met;

   g. Springs, streams, and seeps. The approval criterion of Chapter 33.640, Springs, Streams, and Seeps, must be met;

   h. Transportation impacts. The approval criteria of Chapter 33.641, Transportation Impacts, must be met; and

   i. Services and utilities. The regulations and criteria of Chapters 33.650 through 33.654, which address services and utilities, must be met.

2. The approval criteria of Section 33.664.120 must be met for the balance of the site, where a Final Plat has not yet been approved.

C. Conditions of approval. All conditions of approval that apply to the Final Plat must be met. All other conditions of approval remain in effect;

D. Services. All services must meet the requirements of the City Code;

E. Dedications, Tracts, and Easements

1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made before the Final Plat is recorded; and

2. Tracts and easements.

   a. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met.

   b. All environmental resource tracts, flood hazard tracts, and landslide hazard tracts for the entire site must be met with the first Final Plat.

F. Sureties. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and

G. Maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs). All maintenance agreements and Conditions, Covenants and Restrictions (CC&Rs) must be reviewed and approved by the Office of Planning and Development Review and the City Attorney and prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Changes to Final Plat

33.664.610 Changes to Final Plat Before Recording

Before a Final Plat has been recorded with the County Recorder and Surveyor, changes may be processed as a new Final Plat review.

33.664.620 Changes to Final Plat After Recording

After a Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

CHAPTER 33.665
PLANNED DEVELOPMENT REVIEW

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

General
33.665.010 Purpose
Review of Preliminary Development Plan
33.665.200 Review Procedures
33.665.250 Supplemental Application Requirements
33.665.300 Approval Criteria in General
33.665.310 Approval Criteria for Planned Developments In All Zones Except the R2.5 Zone
33.665.315 Approval Criterion for Planned Developments in the R2.5 Zone
33.665.320 Additional Approval Criteria for Modifications of Development Standards
33.665.330 Commercial Uses in Residential Zones
33.665.340 Proposals Without a Land Division
Review of Final Development Plan
33.665.400 Where Review is Required
33.665.410 Review Procedure
33.665.420 Application Requirements
33.665.430 Approval Standards
Changes to an Approved Planned Development
33.665.500 Types of Changes
33.665.510 Review Procedure
33.665.520 Approval Criteria

General

33.665.010 Purpose

These regulations assign each phase of a Planned Development Review to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well-designed and integrated into the neighborhood.

Review of Preliminary Development Plan

33.665.200 Review Procedures

A. Concurrent reviews required. When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently.

B. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:

1. Type III review. The following are processed through a Type III procedure, but with the additional steps required under Subsection 33.730.035, Additional Steps Required For A Land Division:

a. Proposals in the RF through R5 zones that include attached houses, duplexes, attached duplexes, multi-dwelling structures, or multi-dwelling development; and

b. Proposals in the R2.5 zone that include duplexes, attached duplexes, multi-dwelling structures, or multi-dwelling development.

2. Type IIx review. All other proposals are processed through the Type IIx procedure.

C. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:

1. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Subsection 33.730.035, Additional Steps Required For A Land Division:

a. Attached houses, duplexes, attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R5 zones;

b. Duplexes, attached duplexes, multi-dwelling structures, or multi-dwelling development in the R2.5 zone;

c. Eleven or more units;

d. Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;

e. Environmental review;

f. Any portion of the site is in an Open Space zone.

2. Type IIx. All other proposals not assigned to a Type III in Paragraph C.1, above, are processed through a Type IIx procedure

33.665.250 Supplemental Application Requirements
In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

A. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; and,

B. Photographs that show the characteristics of surrounding neighborhood.

33.665.300 Approval Criteria in General
The approval criteria for Planned Developments are stated below. Planned Developments in all zones, except the R2.5 zone, must meet the criteria in Section 33.665.310. Planned Developments in the R2.5 zone must meet the criteria in Section 33.665.315. Some proposals must also meet additional approval criteria, as follows:

A. Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.

B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.

C. Proposals that do not include a land division must meet the criteria in Section 33.665.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

33.665.310 Approval Criteria for Planned Developments in All Zones Except the R2.5 Zone

A. Visually integrate the development into the surrounding area;

B. Include architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;

C. Mitigate differences in appearance through means such as setbacks, screening, landscaping, and other design features;

D. Minimize potential negative effects on surrounding residential uses;

E. Preserve any City-designated scenic resources; and

F. If the proposal is in the RF through R5 zones and includes attached houses, duplexes, attached duplexes, or multi-dwelling structures, adequate open space will be provided. Open space does not include vehicle areas.

33.665.315 Approval Criterion for Planned Developments in the R2.5 Zone
Planned Developments in the R2.5 zone must comply with the adopted guidelines specific to the design district in which the proposal is located, as shown on maps 420-1 through 420-3. For all other areas, Planned Developments in the R2.5 zone must comply with the Community Design Guidelines.

33.665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

A. Modification of specified site-related development standards. The approval criteria of this subsection apply to proposals to modify any of the following standards:

- 33.610.200.D, Minimum lot width;
- 33.611.200.C, Minimum lot width;
- 33.110.215.B.2;
- 33.110.230.D, Distance from grade;
- 33.110.240.C.1.d, Landscape standards;
- 33.110.240.C.2.d, Landscape standards;
- 33.110.250.E.4.a(2); or
- 33.110.275.A, Access to parking.

The design of the proposed development will:

1. Limit the amount of vehicle maneuvering, parking, and garage area that can be seen from the sidewalk or street so that the vehicle area and garage are not the dominant visual feature of the dwelling;

2. Through the use of landscaping, adequately mitigate and visually soften the appearance of the vehicle area and garage that is visible from the sidewalk or street;

3. Where the height-to-width ratio exceeds 1.2 to 1, use architectural or landscape features that minimize the visual impact of the height of the structure; and

4. Where the front door will not be within four feet of grade, employ architectural features that will ensure that the first floor of the structure is visually connected to the public realm.

B. Modifications of other site-related development standards. The following criteria apply to modifications of site-related development standards, including parking standards, except those listed in Subsection .A, above. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

1. Better meets approval criteria. The resulting development will better meet the approval criteria of Section 33.665.310, above; and

2. Purpose of the standard. On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

33.665.330 Commercial Uses in Residential Zones.
The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;

B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and

C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CN1 zone.

33.665.340 Proposals Without a Land Division
The approval criteria of this section apply to Planned Developments that do not include a land division. The approval criteria are:

A. Services.

1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;

2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;

3. The standards of Section 33.651.020, Water Service Standards, must be met;

4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met; and,

5. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

B. Tree preservation. The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

C. Flood hazard areas.

1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.

2. R1 through IR, C, E, and I zones. In the R1 through IR, C, E, and I zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

D. Landslide hazard areas. Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

2. Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;

3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;

4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;

5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable; and

6. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, and seeps.

1. If there is a stream, spring, or seep outside of an Environmental Overlay Zone on the site, then the stream, spring, or seep must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by OPDR. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank Where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

2. The following development, improvements, and activities are allowed in the easement:

   a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and OPDR has determined that on-site infiltration is not an option;

   b. Removal of non-native invasive species with hand held equipment;

   c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

   d. Erosion control measures allowed by Title 10 of Portland City Code;

   e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and

   f. Maintenance and repair of existing utilities, services, and driveways;

3. Public or private rights of way may cross the seep, spring, or stream easement if the following approval criteria are met:

   a. There is no reasonable alternative location for the right-of-way;

   b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:

      (1) The street improvements will not impede the flow of the stream, spring, or seep;

      (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and

(3) The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.

4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts. The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

Review of Final Development Plan

33.665.400 Where Review is Required
Review of the Final Development Plan is required for all Planned Developments.

33.665.410 Review Procedure
Final development plans are reviewed through a Type I procedure.

33.665.420 Application Requirements
Unless stated elsewhere in this Title, a complete application for final development review must include the following:

A. All drawings, maps, and plans provided for the Preliminary Development Plan review. The drawings, maps, and plans must be drawn with enough specificity that the Director of OPDR can determine whether the approval standards are met;

B. All Performance Guarantees, maintenance agreements, and Conditions, Covenants and Restrictions (CC&Rs); and

C. Other materials required by the Director of OPDR to show that the approval standards are met.

33.665.430 Approval Standards
The Final Development Plan for a Planned Development will be approved if the Director of OPDR finds that the applicant has shown that all of the following approval standards are met:

A. The Final Development Plan must conform to the approved Preliminary Development Plan;

B. The Final Development Plan must comply with all conditions or approval that apply to the Final Development Plan. All other conditions of approval remain in effect;

C. All services must meet the requirements of the City Code;

D. All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to final development plan approval; and

E. All maintenance agreements and Conditions, Covenants and Restrictions must be reviewed and approved by the Office of Planning and Development Review and the City Attorney prior to final development plan approval, and must be submitted to the County Recorder to be recorded with the final development plan within 90 days of the final development plan approval.

Changes to an Approved Planned Development

33.665.500 Types of Changes

There are two types of changes; major and minor. A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:

A. An increase in the site area of more than 5 percent;

B. An increase in density, including the number of housing units;

C. In residential zones, a change in the mix of single-dwelling and multi-dwelling structures;

D. An increase in the amount of land in nonresidential uses;

E. A reduction in the amount of open space;

F. Deleting or changing the purpose of flood hazard or landslide hazard easements;

G. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or

H. Changes within 50 feet of the perimeter of the PD where the perimeter abuts a residential zone.

33.665.510 Review Procedures

Requests for changes to an approved PD are processed as follows:

A. Major changes. Major are processed as follows:

1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;

2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.

B. Minor changes. Minor are processed through a Type IIx procedure.

33.665.520 Approval Criteria

The approval criteria for changes to a Planned Development are those used for approval of a Preliminary Development Plan.

CHAPTER 33.667
PROPERTY LINE ADJUSTMENT

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.667.010 Purpose
33.667.050 When these Regulations Apply
33.667.100 Method of Review
33.667.200 Application Requirements
33.667.300 Regulations
33.667.400 Recording an Approval

33.667.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create or remove lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site; and
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval.

33.667.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

33.667.100 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of OPDR is final.

33.667.200 Application Requirements

No more than three property line adjustments may be requested on a site within one calendar year. The application must contain the following:

A. Application form. Two copies of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. Four paper copies of a property line survey. The survey must be prepared, stamped and signed by a registered land surveyor to meet ORS 92.050. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet; and

2. One paper copy of a survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.

C. Legal description. Two copies of the legal description for each adjusted property and each exchange parcel. The legal descriptions must be prepared and signed by a registered land surveyor.

33.667.300 Regulations
A request for a Property Line Adjustment will be approved if all of the following are met:

A. Properties.

1. The Property Line Adjustment will not cause either property or development on either property to move out of conformance with any of the regulations of this Title. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation;

2. The Property Line Adjustment will not result in the creation of a flag lot;

3. The Property Line Adjustment will not result in the creation of street frontage for a land-locked property;

4. If any portion of the site is within an environmental overlay zone, the Property Line Adjustment may not create a situation where either property cannot meet the development standards of Section 33.430.140, General Development Standards. If this requirement cannot be met, an Environmental Review as described in Sections 33.430.210 through 33.430.280 must be completed before the Property Line Adjustment is requested; and

5. The Property Line Adjustment will not result in the creation of a lot that is in more than one base zone.

B. Services. The availability of services to the properties may not change.

C. Conditions of previous land use reviews. All conditions of previous land use reviews must be met.

33.667.400 Recording an Approval
The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

CHAPTER 33.668
REVIEW OF CHANGES TO AN APPROVED PLANNED UNIT DEVELOPMENT

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.668.010 Purpose
33.668.050 Types of Changes
33.668.100 Review Procedure
33.668.150 Application Requirements
33.668.200 Approval Criteria

33.668.010 Purpose

This chapter provides a process and criteria to evaluate proposed changes to Planned Unit Developments (PUD) initially approved under regulations that may no longer be in effect. The approval criteria ensure that the PUD continues to be in conformance with the purpose of the regulations in place when the PUD was approved, and also conforms to the purposes of regulations that have been approved since the PUD was approved.

33.668.050 Types of Changes

There are two types of changes; major and minor. A major change is one that will have significant impacts on the development in the PUD, or on the site surrounding the PUD. Major changes include:

A. An increase in the site area of more than 5 percent;

B. An increase in density, including the number of housing units;

C. In residential zones, a change in the mix of single-dwelling and multi-dwelling structures;

D. An increase in the amount of land in nonresidential uses;

E. A reduction in the amount of open area;

F. Deleting or changing the purpose of flood hazard or landslide hazard easements;

G. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PUD; or

H. Changes within 50 feet of the perimeter of the PUD where the perimeter abuts a residential zone.

33.668.100 Review Procedure

Requests for changes to an approved PUD will be processed as follows:

A. Major changes. Major are processed as follows:

1. If the original PUD application was processed through a Type III procedure then the change is processed through a Type III procedure;

2. If the original PUD application was processed through a Type II procedure then the change is processed through a Type IIx procedure.

B. Minor changes. Minor are processed through a Type IIx procedure.

33.668.150 Application Requirements
The application for a change to an approved PUD must contain all of the information listed in Paragraph 33.730.060.D.1; however the Director of OPDR may waive items that are not applicable to a specific proposal.

33.668.200 Approval Criteria
Requests for changes to an approved PUD will be approved if the review body finds that the applicant has shown that all of the following criteria are met:

A. On balance, compared to the approved PUD, the change will equally or better meet the following:

1. Promote an attractive and safe living environment in residential zones;
2. Provide for efficient use of services and improvements;
3. Minimize site grading;
4. Provide energy efficient development;
5. Allow for conservation of natural features;
6. Provide an opportunity for innovative and creative development;
7. Be integrated into the neighborhood; and
8. Where the PUD includes commercial uses, promote attractive and functional business environments in nonresidential zones which are compatible with the development intended for the zone and neighborhood; and

B. Any significant adverse impacts caused by the change are mitigated.

CHAPTER 33.669
REVIEW OF CHANGES TO AN APPROVED INDUSTRIAL PARK

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.669.010 Purpose
33.669.100 Review Procedure
33.669.200 Approval Criterion

33.669.010 Purpose

This chapter provides a process and criteria to evaluate proposed changes to an Industrial Park initially approved under regulations that are no longer in effect. The approval criterion ensures that the Industrial Park continues to be in conformance with the purpose of the regulations in place when the Industrial Park was approved, and the conditions of approval.

33.669.100 Review Procedure

Requests for changes to an approved Industrial Park will be processed through a Type II procedure.

33.669.200 Approval Criterion

Requests for changes to an approved Industrial Park will be approved if the review body finds that the applicant has shown that the requirements in place at the time the Industrial Park was approved continue to be met and that the intent of all conditions of approval continue to be met.

700s - ADMINISTRATION AND PROCEDURES

33.700 Administration and Enforcement
33.710 Review Bodies
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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; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

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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 Director of OPDR and are final. The review is done in a timely manner according to general operating procedures of the Office of Planning and Development Review 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 Director of OPDR 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.

33.700.015 Review of Land Divisions

Proposals for land divisions and final plats that are subject to discretionary review under this Title require a land use review. The specific land use review is stated in the 600s series of chapters. Each land use review has specified procedures. See Chapter 33.730 for a description of the quasi-judicial procedures.

A. Adjustment review required for existing development

1. Conforming development. If a proposed land division will cause conforming development to move out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

2. Nonconforming development. If a proposed land division will cause nonconforming development to move further out of conformance with any regulation of the zoning code, and if the regulation may be adjusted, the land division request must include a request for an adjustment. If an adjustment to the regulation is prohibited, the land division is prohibited.

B. Applications that will not be accepted. Applications for land divisions that include elements that are prohibited by this Title will not be accepted.

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 or land division, to the proprietor of a use or development, or to the owner of the land underlying the development or land division. For the ease of reference in this chapter, all of these persons are referred to by the term "operator."

B. Notice of violations. OPDR 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 OPDR pursuant to Chapter 3.30 and Title 22 of the City Code; or

2. By the Director of OPDR 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, zone changes, and land divisions, 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 or have substantially increased in intensity from what was approved. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year; 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. Examples of increases in intensity are: an increase in the number of members, students, employees, visitors, or vehicle trips per event, per year, or per other comparable period of time; an increase in the hours of operation; or an increase in the number of events per year.

C. Initiating the reconsideration. The Director of OPDR 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 or have substantially increased in intensity from what was on the site at the time it became a conditional use or nonconforming use. In this case, the review body may apply conditions or restrictions to ensure that the changes in activities or substantial increases in intensity comply with the current approval criteria for the use.

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 OPDR.

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 Director of OPDR 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 OPDR 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 Director of OPDR to implement the code. The action of the Director of OPDR is final.

B. Ambiguous or unclear language. Where the language is ambiguous or unclear, the Director of OPDR 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, development, or land divisions where the Code is silent or where the rules of this section do not provide a basis for concluding that the proposal is allowed are prohibited. The Planning Director may initiate an amendment to Title 33 to add a new use category, or make other amendments, 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, or an area in a plan district is subject to all of the regulations of each. Where a land division is requested, the regulations of the 33.600s series of chapters also must be met.

   When the regulations conflict, unless specifically indicated otherwise, the following rules apply:

   a. The regulations in a plan district supersede regulations in overlay zones, base zones, and regulations in the 600s series of chapters;

   b. The regulations in an overlay zone supersede regulations in base zones and regulations in the 600s series of chapters;

   c. 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; and

   d. The regulations in the 200s series of chapters supersede regulations in the 600s series of chapters.

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 of OPDR, 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.

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, as follows:

   a. Complete at filing. If, on the date the application is filed with the City, the 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, the application will be processed based on the regulations in effect on the date the application is filed;

   b. Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.

2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for OPDR 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. Applications for Final Plat approval where the Preliminary Plan approval has not expired are subject only to the regulations in effect on the date a complete application for Preliminary Plan was filed with the City, as specified in Paragraph 33.700.080.A.1.

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, development, or land division was approved with conditions as part of a land use review under zoning or land division 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 or land division regulations. This may result from a change of the content of zoning or land division 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 all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.

B. Conditions of approval after 1981. The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, 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; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00.)

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 of the Planning Commission are limited to a maximum of three full terms. Members of other commissions 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.

1. Planning Commission. The Director of the Bureau of Planning must provide the Planning Commission with staff assistance necessary to enable it to discharge its duties.

2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Office of Planning and Development Review must provide the Design Commission, Historic Landmarks Commission, and Adjustment Committee with staff assistance necessary to enable them to discharge their duties.

H. Records.

1. Planning Commission. The Director of the Bureau of Planning keeps an accurate record or minutes of all proceedings of the Planning Commission.

2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Office of Planning and Development Review keeps an accurate record or minutes of all proceedings of the Design Commission, Historic Landmarks Commission, and Adjustment 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 that 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. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. 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 Planning 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 Regional Arts and Culture Council, 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 Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council 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 Director of OPDR by the first working day of September. The Director of OPDR may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

A. Purpose. The Historic 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 Director of OPDR by the first working day of September. The Director of OPDR 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 of OPDR determines that the number of adjustment requests exceeds the capacity of the Adjustment Committee to review in a timely manner, the Director of OPDR 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 Director of OPDR by the first working day of September. The Director of OPDR 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 Director of the Office of Planning and Development Review.

The Director of OPDR directs and manages the staff of OPDR. The Director of OPDR provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of OPDR is responsible for the decisions and recommendations required of the Director of OPDR by this Title. The Director of OPDR is in charge of implementing this Title and Title 34. The Director of OPDR may delegate review and decision-making authority to OPDR 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; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02.)

Sections:

33.720.010 Purpose
33.720.020 Quasi-Judicial Land Use Reviews
33.720.030 Legislative Land Use 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. Director of OPDR. All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of OPDR.

B. Hearings Officer. All appeals of land use reviews that were processed as a Type II or Type IIx 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 demolition delay extension 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.

G. 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;

1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.

2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type IIx procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.

3. 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.

4. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

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.

CHAPTER 33.730
QUASI-JUDICIAL PROCEDURES

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

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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, Type IIx, 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 IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. 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

33.730.013 Expedited Land Division Procedure

The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360. The steps of this procedure are in ORS 197.365 through .375. The application requirements are listed in Section 33.730.060, below. Two additional steps are required for land division requests using the ELD Procedure:

A. Neighborhood Contact Requirement. The applicant must complete the steps in Section 33.730.045, Neighborhood Contact Requirement, before applying for an ELD review.

B. Pre-application conference. A pre-application conference is required for all land division requests processed through the ELD procedure. See 33.730.050, Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

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 33.730.050, 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. 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 of OPDR 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 of OPDR will make a decision on the case as follows:

1. The director of OPDR will not make the decision until at least 30 days after the notice required by Subsection C is mailed; and

2. The Director of OPDR will make the final decision on the case within 45 days after the application is determined to be complete. The applicant may extend this time limit.

E. Administrative decision.

1. In making the decision the Director of OPDR 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 of OPDR's findings. The Director of OPDR'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 of OPDR is final.

F. Notice of decision. The Director of OPDR 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 of OPDR 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.F, Type I procedure notice of decision.

G. Effective date of decision. The Director of OPDR'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 of OPDR'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 of OPDR 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 of OPDR 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 of OPDR 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 of OPDR'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 of OPDR 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 of OPDR 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 of OPDR'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 of OPDR 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 of OPDR. 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 of OPDR 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 working days of the receipt of the appeal, the Director of OPDR will send a notice of the appeal hearing to the applicant and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.

3. Scheduling of hearing. The Director of OPDR 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 of OPDR 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 of OPDR, 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 of OPDR 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 of OPDR will mail notice of the decision. Within 17 days of the hearing, the Hearings Officer or Director of OPDR 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.

33.730.025 Type IIx Procedure

The Type IIx procedure is an administrative process, with the opportunity to appeal the Director of OPDR'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 of OPDR will mail a notice of the request to all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIx notice of request.

D. Processing Time. Upon determining that the application is complete the Director of OPDR will make a final decision on the case as follows:

1. The Director of OPDR will not make the decision until at least 30 days after the notice required by Subsection C is mailed; and

2. The Director of OPDR will make the final decision on the case within 42 days after the application is determined to be complete. The applicant may extend this time limit.

E. Administrative decision.

1. In making the decision, the Director of OPDR 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 of OPDR'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 of OPDR 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 of OPDR 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, Notice of decision (pending appeal).

G. Ability to appeal. The Director of OPDR's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of OPDR 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 of OPDR. 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, and phone number;
   - A statement of which approval criteria the decision violates; and
   - The required fee.

2. Notification of appeal hearing. The Director of OPDR 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 of OPDR 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 of OPDR will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.

4. Submit report to review body. The Director of OPDR 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 of OPDR, 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 14 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 of OPDR will prepare the amended decision report and mail notice of the decision within 14 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 of OPDR will mail notice of the decision. Within 14 days of the hearing, the Hearings Officer or Director of OPDR 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. Subsections A through D apply to all sites. If the site is within the City of Portland, Subsections E through H also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection I also applies.

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 of OPDR 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 of OPDR 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 if site is in City of Portland.

1. OPDR recommendation. The Director of OPDR 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 of OPDR'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 of OPDR's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of OPDR 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 of OPDR will mail notice of the decision. Within 17 days of the hearing, the Hearings Officer or Director of OPDR 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 notice of the request, 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.

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 of OPDR 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 of OPDR. 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 of OPDR 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 working days of the receipt of the appeal, the Director of OPDR will send a notice of the appeal hearing to the City Auditor, applicant, the review body, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III 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 of OPDR 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 of OPDR 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 of OPDR 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.

I. Decision by review body if site is not in City of Portland.

1. OPDR recommendation. The Director of OPDR 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 of OPDR'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 of OPDR's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of OPDR 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 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 of OPDR will mail notice of the decision. Within 17 days of the hearing, the Hearings Officer or Director of OPDR will mail notice of the review body's final decision to the City Auditor, applicant, owner, and to any recognized organizations or persons who commented in writing, 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.

6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.

7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.035 Additional Steps Required for Land Divisions and Planned Developments
Two additional steps are required for land divisions and Planned Developments processed through a Type IIx or Type III procedure:

A. Neighborhood Contact Requirement. The applicant must complete the steps in Section 33.730.045, Neighborhood Contact Requirement, before applying for a land division review.

B. Pre-application conference. A pre-application conference is required. See Section 33.730.050, Pre-Application Conference.

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. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

A. Applications for more than one land use review on a site may be consolidated into a single application package;

B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, and then Type I;

C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.

D. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.045 Neighborhood Contact Requirement

A. Purpose. The neighborhood contact requirement provides a setting for an applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early in the quasi-judicial process, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts before the proposal has progressed far into the quasi-judicial process.

Where the proposal is for a land division, the focus of the meeting should be on the proposed configuration of lots, tracts, and streets. Where the proposal involves design review or historic design review, 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. Requirements. The requirements for the Neighborhood Contact Requirement 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 45 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 45 days, the applicant may submit an application without further delay. The neighborhood may schedule the meeting with its board, the general membership, or a committee.

2. After the meeting and before applying for the land use 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.

3. Copies of both letters required by this subsection must be submitted with the application for land use review.

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 of OPDR. 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 42 days of receipt of a completed request form.

C. Participants. The applicant meets with OPDR 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 OPDR staff will mail the applicant a written summary of the pre-application conference within 21 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 other than a land division 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. Application for a land division may not be filed before the pre-application conference is held.

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 OPDR 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 of OPDR. The Director of OPDR will review the application for completeness.

2. Incomplete applications. If the Director of OPDR finds that the application is not complete, the following procedures apply:

   a. The Director of OPDR must notify the applicant of any missing information or materials within 21 days from the date of original submittal;

   b. The applicant has 180 days from the date of original submittal to provide the missing information or material;

   c. The application will be determined complete on the date the Director of OPDR receives any of the missing information or material, unless:

      (1) The applicant indicates in writing that any or all of the remaining information or material will be provided within 180 days from the date of original submittal. In that case, the application will be determined complete on the date the remaining information is provided; or

      (2) The applicant refuses to submit any of the missing information or material. If the refusal is in writing, and is received by OPDR by the 30th day following the date of original submittal, the application will be considered complete on the 31st day after its original submittal. The application will be processed based on the information and material included in the original submittal;

   d. If none of the missing information or material is provided within 180 days of the date of the original submittal, and the applicant has not refused to submit the missing information or material as specified in A.2.c(2), the application will be voided on the 181st day. The City will not refund the filing fee.

3. 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 for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of OPDR 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.

D. Required information for land divisions. Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of OPDR 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. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:

   a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;

   b. Written statement. Two copies of a written statement that includes the following:

      - A complete list of all land use reviews requested;
      - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
      - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
      - Additional information needed to understand the proposal, or requested at the pre-application conference;
      - Names and address of land division designer or engineer and surveyor;
      - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
      - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
      - If more than 3 lots are proposed, the proposed name of land division;
      - Proposed names of all streets;
      - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
      - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;

   c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
      - Zoning and Comprehensive Plan designations;
      - Streets;
      - Transit, pedestrian, and bicycle facilities and connections; and
      - Water bodies, wetlands, flood hazard areas, and potential landslide hazard areas; and
      - Location of utilities and services;

d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of OPDR. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:

(1) Base map. The following information must be on all maps:

Surveyed information:
- Boundary lines of the site with dimensions and total site area;
- North arrow and scale of map;
- Identification as the Preliminary Plan Map
- Stamp of surveyor; and
- If more than 3 lots are proposed, the proposed name of land division;

Additional information:
- Proposed lot layout with sizes, dimensions, and lot and block numbers;
- Proposed tract layout with sizes, dimensions, purpose, and name;
- Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
- Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
- Proposed location, dimensions, and purpose of all easements;

(2) Existing conditions map. The following existing site conditions must be shown:

Surveyed information:
- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and

- Location of flood hazard areas, including elevations of 100-year floodplains, and FEMA Floodway boundaries. Sites that contain a water body not shown on the FEMA maps must identify the location of the flood hazard areas;

Additional information:
- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

(3) Proposed improvements map. The following proposed improvements must be shown:

- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
- Distances of all known proposed development to proposed lot lines;
- Proposed pedestrian connections;
- If proposed lots are within a flood hazard area or landslide hazard area, proposed building locations, and
- If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
- Existing and proposed services and utilities; and
- Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;

(4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:

- Existing contours and drainage patterns;
- Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
- Existing trees and vegetation;
- Areas of the site where fill has been placed;
- Boundaries of Environmental Overlay Zones;
- Proposed areas of clearing and grading, including grading and clearing for:
  - Rights-of-way;
  - Services and utilities; and
  - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
- Proposed contours within areas to be cleared and graded;
- Proposed stormwater and sedimentation control devices to be used during construction;
- Proposed stockpile areas;
- Proposed trees and vegetation to be preserved;
- Proposed location and material of construction fencing for proposed tree preservation tract;
- Proposed location and material of construction fence;
- Proposed amount (cubic yards) of soil to be disturbed; and
- Proposed structures necessary to construct streets or pedestrian connections;

e. Tree map. A tree map showing the following:
- All trees over 6 inches in diameter;
- Significant Trees, showing type and size, and indicating which will remain and which will be removed;
- Heritage and Historic Landmark Trees;
- Location, type, and size of trees to be removed;

- Location, type, and size of trees to be preserved;
- Existing and proposed tree preservation tracts; and
- How the regulations of Chapter 33.630, Tree Preservation, are met.

f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City's Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the safest part of the site in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
- Review of geologic literature or previous reports;
- Site reconnaissance including mapping of observable geologic features or hazards;
- Field explorations as necessary; and
- Laboratory testing;

g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.

h Neighborhood Contact letters. Two copies of letters required by Section 33.730.045, Neighborhood Contact Requirement;

i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;

j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and

k. Fees. The applicable filing fees.

2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.

3. Final Plat. An application for a Final Plat must include all of the following:

   a. Final Plat survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of OPDR. The following information must be on the Final Plat survey:

      - The statements:
        - "This plat is subject to the conditions of City of Portland Case File No. LUR..." and
        - "Additional City review is required for any changes made to this plat after the signature date of the Office of Planning and Development Review representative. Such changes may require an additional review procedure; and

      - Easements and tracts, including their purpose;

   b. Supplemental plan. A supplemental plan, the number determined by the Director of OPDR and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval which may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;

   c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape/ planting plans;

   d. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;

   e. Performance Guarantees. One copy of each Performance Guarantee;

   f. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;

   g. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and

   h. Fees. The applicable filing fees.

4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

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 of OPDR 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 Involvement.

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 of OPDR 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 and Type IIx notice of request. The notice of request, when processed through a Type II procedure and Type IIx 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 of OPDR'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 of OPDR'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 or Type IIx decision (pending appeal). The notice of Type II or Type IIx 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 of OPDR'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, Type IIx, or Type III appeal hearing. If a local appeal of a Type II or Type IIx 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, Type IIx, or Type III decision following appeal. Where a Type II, Type IIx, 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 OPDR 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 OPDR 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 OPDR 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;
- A statement that further information is available from OPDR; and,
- The phone number and address of OPDR.

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 concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:

1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and

2. If the communication was in written or tangible form, place a copy of the communication into the record.

B. OPDR contact. The Director of OPDR and OPDR 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 County Recorder. The County Recorder 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 expire.

1. The following apply to all land use approvals, except for zoning map or Comprehensive Plan map amendments, land divisions, planned unit developments, and Planned Developments, and conditional use master plans and impact mitigation plans:

   a. Land use approvals except those listed in B.1.b., below expire 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 for approved development. Where a site has received approval for multiple developments, and a building permit is not issued for all development within this time limit, the approval does not expire but no additional development may occur without another review. However, all conditions of approval continue to apply. Examples of multiple developments include phased development plans and multi-building proposals; or

      (2) If within 3 years of the date of the final decision the approved activity has not commenced.

   b. Exception. Land use approvals do not expire if they meet all of the following:

      (1) The land use approval was reviewed concurrently with a land division, planned unit development, or Planned Development;

(2) The decision and findings for the land division, Planned Development, or planned unit development specify that the land use approval was necessary in order for the land division, Planned Development, or planned unit development to be approved;

(3) The final plat of the land division or final development plan of the Planned Development or planned unit development has not expired; and

(4) Development or other improvements have been made to the site within three years of approval of the final plat or final development plan. Improvements include buildings, streets, utilities, grading, and mitigation enhancements;

2. Land divisions, planned unit developments and Planned Developments. Land division, planned unit development and Planned Development approvals become void under any of the following circumstances:

a. Preliminary plans and preliminary development plans.

(1) Generally. Approved preliminary plans and approved preliminary development plans become void if within 3 years of the date of the final decision an application for approval of Final Plat or final development plan has not been submitted.

(2) Exception for large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions On Large Sites In Industrial Zones, the following applies:

- The approved Preliminary Plan will become void if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.

- Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval is not void, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

(3) Exception for staged Final Plats. Where the Preliminary Plan is approved under the provisions of sections 33.633.200 through .220, Staged Final Plats, the following applies:

- The approved Preliminary Plan will become void if within 3 years of the final decision an application for a Final Plat for part or all of the site has not been submitted.

- Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval is not void, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

b. Final Plats and final development plans. Final Plats and final development plans expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

c. Exception for Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.

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).

D. Expiration of adjustments approved prior to March 16, 2001. Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

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, unless this Title specifies another procedure or set of approval criteria. 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. See also Section 33.700.110, Prior Conditions of Land Use Approvals.

CHAPTER 33.740
LEGISLATIVE PROCEDURE

(Amended by: Ord. No. 176469, effective 7/1/02.)

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 Planning Director 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. 163697, effective 1/1/91; Ord. No. 164184, effective 7/1/91; Ord. No. 165002, effective 1/23/92; Ord. No. 168113, effective 10/7/94; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02.)

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 Development Services Center.

33.750.030 Land Use Procedures

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 and Type IIx procedure. An appeal of a land use decision processed through a Type II or Type IIx 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

The Director of OPDR may waive land use review fees in the following situations. The decision of the Director of OPDR is final. An application for a fee waiver may be filed concurrently with the land use review application or appeal form.

A. Recognized organization waiver.

1. Type II Procedure. No appeal fee is charged for recognized organizations.

2. Type III Procedure. An appeal fee will be waived for a recognized organization if all of the following are met:

   a. The recognized organization has standing to appeal. See 33.730.030.F, Ability to appeal;

   b. The appeal is being made on behalf of the recognized organization; and

   c. The appeal contains the signature of the chairperson of the organization, as recognized by the Office of Neighborhood Involvement, or the signature of other persons authorized by the organization, confirming the vote to appeal was done in accordance with the organization's bylaws.

B. Low income waiver.

1. Land use review fees. A low income applicant may request a waiver of fees for a land use review on the site of the applicant's primary residence, if the applicant owns the site in whole or in part. 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 Director of OPDR. The Director of OPDR will determine eligibility for fee waivers. Financial information provided by the applicant will remain confidential to the extent permitted under Oregon public records law.

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 of OPDR 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 of OPDR 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 of OPDR will waive land use 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, 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 withdrawal of an application is received after the other Bureaus have been notified, but before notices required by Chapter 33.730 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 notices required by Chapter 33.730 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
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33.850 Statewide Planning Goal Exceptions
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CHAPTER 33.800
GENERAL INFORMATION ON LAND USE REVIEWS

(Amended by: Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02.)

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33.800.010 General
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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 straight-forward, 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 that 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. 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.

33.800.080 Land Use Reviews Involving Signs
The discretionary review processes and approval criteria described in the land use review chapters may also be applied to signs. Signs are regulated under Title 32, Signs and Related Regulations. Modifications may be made to the objective standards of Chapters 32.32 and 32.34 of the Sign Code, as described in the land use review chapters. In addition, conditions of approval may be adopted as part of a land use review which modify the objective standards of Chapters 32.32 and 32.34 of the Sign Code.

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; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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 and in Chapters 32.32 and 32.34 of the Sign Code 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 in the RF through R1 zones.

33.805.040 Approval Criteria
The approval criteria for signs are stated in Title 32. 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 an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and 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; Ord. No. 174980, effective 11/20/00; Ord. No. 176469, effective 7/1/02.)

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, Central Eastside Subdistrict, Lower Albina Subdistrict or River District Sectors 1 or 2:

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 site is in the Lloyd District Subdistrict, Goose Hollow Subdistrict, or Central Eastside Sectors 2 or 3, and 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; or

   d. The site is in the Lower Albina Subdistrict; Central Eastside Sectors 1, 4, 5, or 6; or River District Sectors 1 or 2; and the total surface parking area on the site is larger than 40,000 square feet in area, or the parking area covers more than 30 percent of the site, whichever is larger;

The following must be met:

   e. The amount of parking area larger than 40,000 square feet will be an interim use only, as documented by the phased development plan;

f. 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

g. 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 Involvement. 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 North Macadam Subdistrict:

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 than 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; Ord. No. 174263, effective 4/15/00; Ord. No. 176092, effective 12/21/01; Ord. No. 176469, effective 7/1/02.)

Sections:

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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 Director of OPDR 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 that 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 Comprehensive Plan Map designation to a commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation; or

   - From the urban commercial Comprehensive Plan Map designation with CM zoning to another commercial, employment, industrial, or institutional campus Comprehensive Plan Map designation;

   the requested change will not result in a net loss of potential housing units. The number of potential housing units lost may not be greater than the potential housing units gained. The method for calculating potential housing units is specified in subparagraph A.2.a, below; potential housing units may be gained as specified in subparagraph A.2.b, below.

   a. Calculating potential housing units. To calculate potential housing units, the maximum density allowed by the zone is used. In zones where density is regulated by floor area ratios, a standard of 900 square feet 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. Gaining potential housing units. Potential housing units may be gained 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.

(6) 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.

(7) 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.

3. When the request is for a site within the Guild's Lake Industrial Sanctuary plan district and involves a change from the Industrial Sanctuary designation to any other designation, in order to prevent the displacement of industrial uses and preserve land primarily for industrial uses, the following criteria must also be met:

   a. The uses allowed by the proposed designation will not have significant adverse effects on industrial uses in the plan district or compromise the district's overall industrial character;

   b. The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the plan district. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;

   c. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the plan district, including truck, rail, and marine facilities; and

   d. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary within the plan district and not result in a discontinuous zoning pattern.

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 of OPDR 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 Director of OPDR 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; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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- 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. In the same use category.

      (1) Except as specified in subparagraph A.2.a(2), below, changing from one conditional use to another conditional use in the same use category is processed through a Type II procedure;

      (2) If changing from one conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III 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. In the same use category.

      (1) Except as specified in subparagraph A.3.a(2), below, 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;

      (2) If adding a new conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;

   b. Adding a new conditional use that is in another use category 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 an existing conditional use. Except as specified in Paragraphs A.1 through A.3, above, changes to a conditional use that will change 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 processed through a Type II procedure.

   b. Changes of over 10 percent of the amount are processed through 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 that 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. Meets one of the following:

      (1) Complies with the development standards of this Title, or

      (2) Does not comply with the development standards of this Title, but an adjustment or modification through design review to the development standards has been approved;

   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. Additional structures allowed without conditional use review. Fences, 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. Adjustments to the development standards for fences, handicapped ramps, and decks may be requested without a conditional use review.

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 and exterior improvement area on the site 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 a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. 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 that 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 the street designations of the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

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 as part of the Comprehensive Plan, such as neighborhood or community 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 that 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 the street designations of the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

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 as part of the Comprehensive Plan, such as neighborhood or community 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 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; and

C. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies.

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, and vibrations 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;

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; and

D. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts, connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies.

33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.
These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. 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. Commercial parking facilities must meet criteria A. through E. and one of F., G., or H. The approval criteria are:

A. The proposal will not by itself, in combination with other commercial parking facilities in the area, or in combination with other on-site parking areas, significantly lessen the overall desired character of the area;

B. The parking facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

C. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity, level of service; on-street parking impacts; access restrictions; connectivity, neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

D. The facility will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces;

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; and

F. The proposed parking will provide parking to support development in a commercial/employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or

G. The proposed parking will provide storage for recreational vehicles in the CG, EG1, or EG2 zones; or

H. The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the CG, EG1, or EG2 zones.

33.815.121 Commercial Parking Facilities in the RX, CS and CX Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall desired character of the area. Desired character is determined by the Hollywood and Sandy Plan; the Comprehensive Plan and zoning designations, and by allowed densities.

B. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

C. The parking demand analysis must show a need for parking at this location. The analysis must show that the following criteria are met:

1. At least 65 percent of the parking demand is from uses within 750 feet of the site;

2. If the parking is designated for specific businesses, the number of parking spaces designated for that business in the commercial parking facility, plus the number of spaces that business may already have, may not exceed the maximum parking ratio allowed for the business, as stated in Table 536-1; and

3. At least one of the following is met:

   a. There is a cumulative increase in parking demand due to an overall increase in activity associated with existing or new retail, office, or other visitor-related uses; or

   b. There has been a significant loss of short-term parking spaces in the area within 750 feet of the site.

33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City plan district. These approval criteria apply to certain proposals that include nonresidential uses on RX zoned sites in the area shown on Map 510-14. The proposals that are subject to these approval criteria are specified in Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea. The approval criteria are:

A. Minimized negative impacts on the desirability of future residential development. The location and amount of nonresidential 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.

B. Small businesses. The proposal increases opportunities for small businesses. A high percentage of the ground floor is suitable for occupancy by small businesses.

C. Public services. Existing infrastructure is sufficient to support the proposed development. Examples of factors to be considered include whether:

1. The proposed use is in conformance with the Central City Transportation Management Plan;

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, parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

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. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. 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, and on truck and freight movement;

B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

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.

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. The following approval criteria A-E below apply to Office uses in the IG1 Zone in the Central City Plan District.

A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;

B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

C. City-designated scenic resources are preserved;

D. At least 33 percent of the floor area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and

E. The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

A. The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:

1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, and loading needs of industrial uses; and

2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.

B. The transportation system is capable of supporting traffic generated by the proposed offices in addition to the existing uses in the plan district. Evaluation factors include street designations and capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; and

C. Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.

33.815.128 Retail Sales And Service Uses in the EG Zone
These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

A. The recommended use will not have significant adverse effects on neighboring employment uses;

B. The transportation system is capable of supporting the recommended use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

C. The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and

D. 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 supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

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 that 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 the street designations in the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

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 as part of the Comprehensive Plan, such as neighborhood or community 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 the street designations in the Transportation Element of the Comprehensive Plan;

   b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; 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;

4. Natural resources. The master plan must describe and analyze potential cumulative impacts of development on City-designated natural resources and functional values. This description and analysis must include the following:

   a. Description of proposed and possible development within the master plan boundary;

   b. Description of all potential cumulative impacts from proposed and possible development within the master plan boundary on areas in environmental overlay zones within the master plan boundary;

   c. Description of all potential cumulative impacts from proposed and possible development within the master plan boundary on areas that meet all of the following:

      (1) They are outside the master plan boundary;

      (2) They are in an environmental overlay zone;

      (3) They are in or abut the Columbia Slough; and

      (4) They are downstream from the airport.

   d. Identification of potential significant detrimental impacts to City-designated natural resources and functional values within the areas described in A.4.b and c;

e. Mitigation plan. Description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:

(1) Significant detrimental impacts must be avoided where practicable;

(2) Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:

- The mitigation must be within the master plan area, and must enhance the same kind of resource;
- If it is not practicable to mitigate impacts within the master plan area using the same kind of resource, the mitigation may be outside the master plan area, but must use the same kind of resource;
- If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used, but the mitigation must be within the master plan area;
- If it is not practicable to mitigate impacts using any kind of resource within the master plan area, the mitigation may be outside the master plan area, and any kind of resource may be used.

(3) The mitigation plan must include identification of types and locations of proposed mitigation and resource enhancement, a schedule for development, mitigation, and resource enhancement; and a monitoring and reporting plan;

f. An analysis of how all proposed and possible development meets the approval criteria of 33.430.250.A.1.a through 33.430.250.A.1.e and 33.430.250.A.3.b, or a description of how those approval criteria will be met through a future process.

5. 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 the street designations of the Transportation Element of the Comprehensive Plan;

b. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; 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;

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 the street designations shown in the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

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 the street designations shown in the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

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 the street designations shown in the Transportation Element of the Comprehensive Plan;

2. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

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.

33.815.222 Park-and-Ride Facilities for Mass Transit
Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

A. The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;

B. The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;

C. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

D. Transit ridership is increased and vehicle miles traveled per capita is reduced;

E. The facility will have adequate separation, landscaping, and screening between the sidewalk and parking areas to reduce the impact on adjacent public and private spaces; and

F. The facility is necessary because bus service is not adequate to serve those in the surrounding area who live or work beyond walking or bicycling distance of transit.

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 supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and

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 Sections 33.274.030 or 33.274.035, 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 technical 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 impact the existing or planned street system, or traffic, transit, pedestrian, and bicycle movement and safety.

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 street designations shown in the Transportation Element of the Comprehensive Plan;

E. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

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 designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

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 supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

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 or other incentives to encourage the use of alternatives to the single-occupant automobile; 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 supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;

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 Involvement, 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 supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes. 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. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master 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; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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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 superseded.

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 and the requirements of Chapters 32.32 and 32.34 of the Sign Code. 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, events, 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 and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant 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 that 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 that require a Type III procedure are:

1. Any proposed development on the site that is 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; Ord. No. 174325, effective 5/5/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. 176742, effective 7/31/02.)

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 Section 33.730.045, Neighborhood Contact Requirement. 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, except for proposals listed in Paragraph A.2, below.

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. Outside the Terwilliger Parkway Design District, proposals in the Southwest Community Plan area's design overlay zones, except for those listed in Paragraph A.1, above;

f. Proposals within the Albina Community Plan area's design overlay zones, including Lower Albina;

g. Proposals within the Outer Southeast Community Plan area's design overlay zones;

h. 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;

i. Proposals for signs;

j. Proposals for installation of mechanical equipment on the exterior of a building;

k. 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;

l. Proposals for the installation of new or replacement awnings; or

m. 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;

n. Proposals within the Hollywood plan district, Main Street Node Overlay Zone, and Main Street Corridor Overlay Zone;

o. Proposals within the Sellwood-Moreland design district; and

p. Proposals in the Marquam Hill design district.

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. The following proposals are subject to the Neighborhood Contact Requirement, as specified in Section 33.730.045, Neighborhood Contact Requirement, 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:

   a. As part of new development;

   b. By adding net building area to existing development that increases the number of dwelling units;

   c. By conversion of existing net building area from non-residential to residential uses; and

   d. 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.

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, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, 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

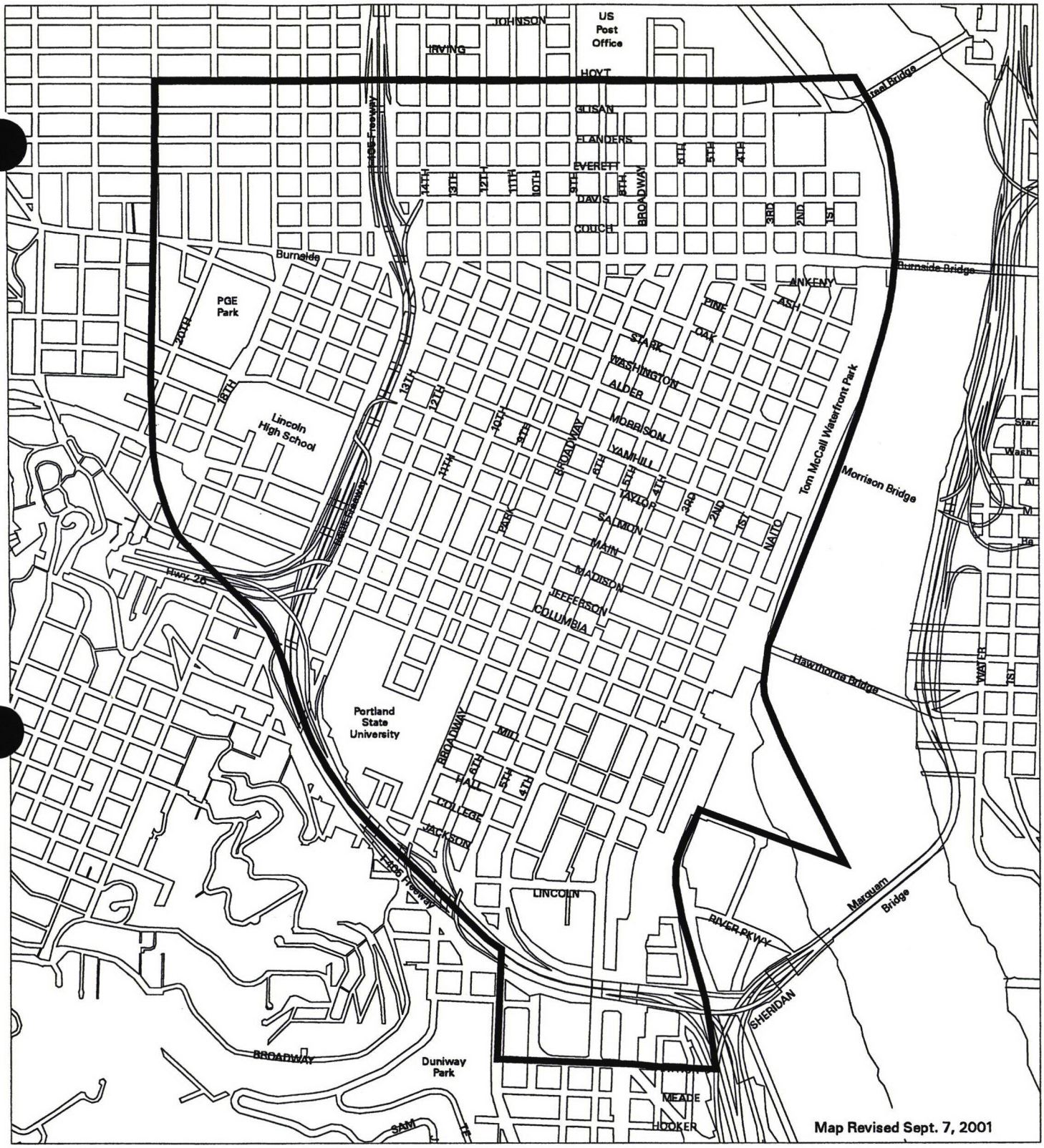
A. Purpose. Design guidelines are the approval criteria used to review new development and modifications to existing development. They ensure the conservation and enhancement of the special characteristics of each design district.

B. Design guidelines. Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-3 and 420-5. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

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 OPDR does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.



NORTH

0′ 900′ 1800′

Scale in Feet

Map 825-1

Area Where Models of Proposals are Required

(See 33.825.025.A.5 and 33.846.020.D.6)

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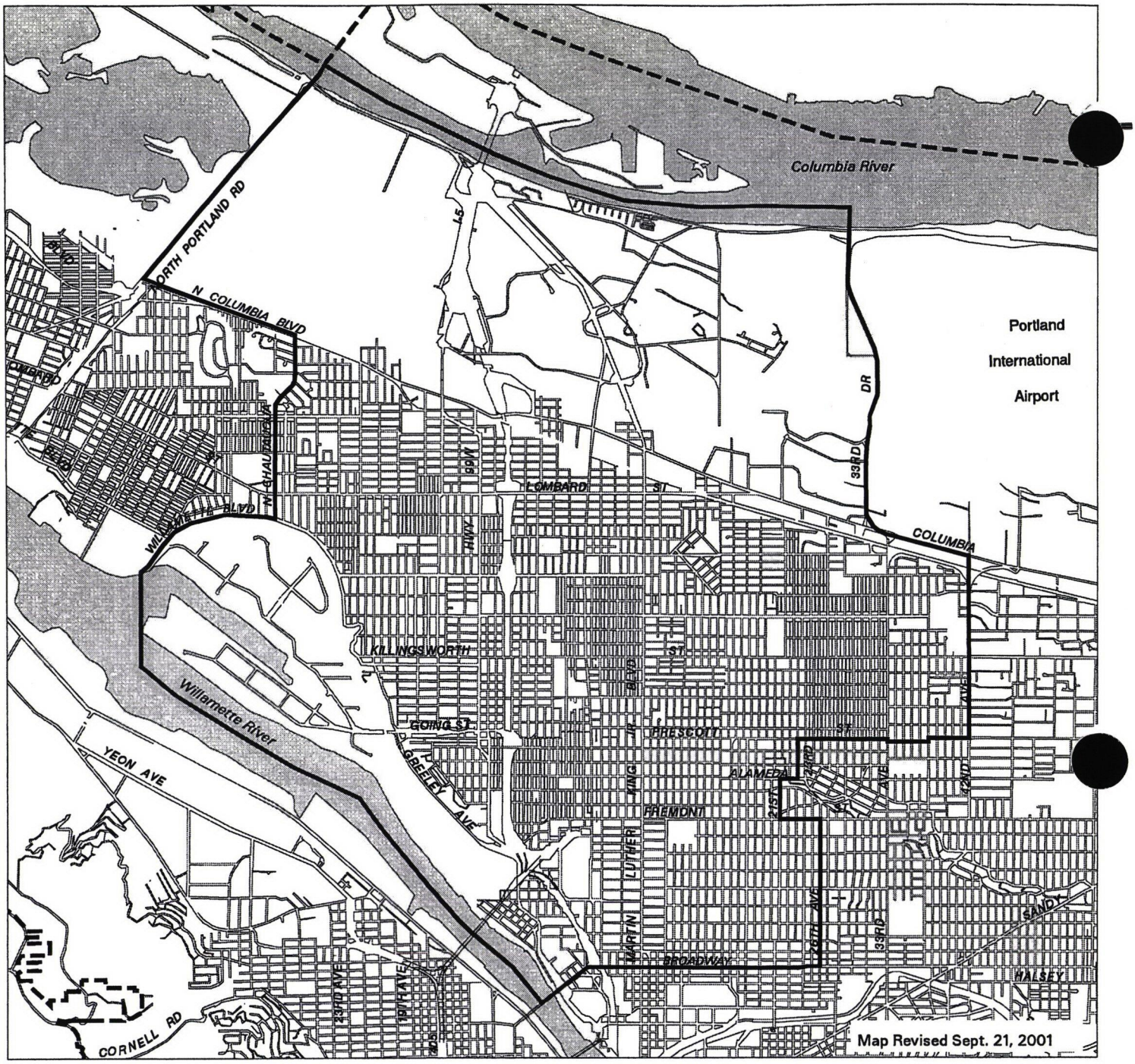


NORTH

0′ 3525′ 7050′

Scale in Feet

Community Plan Boundary

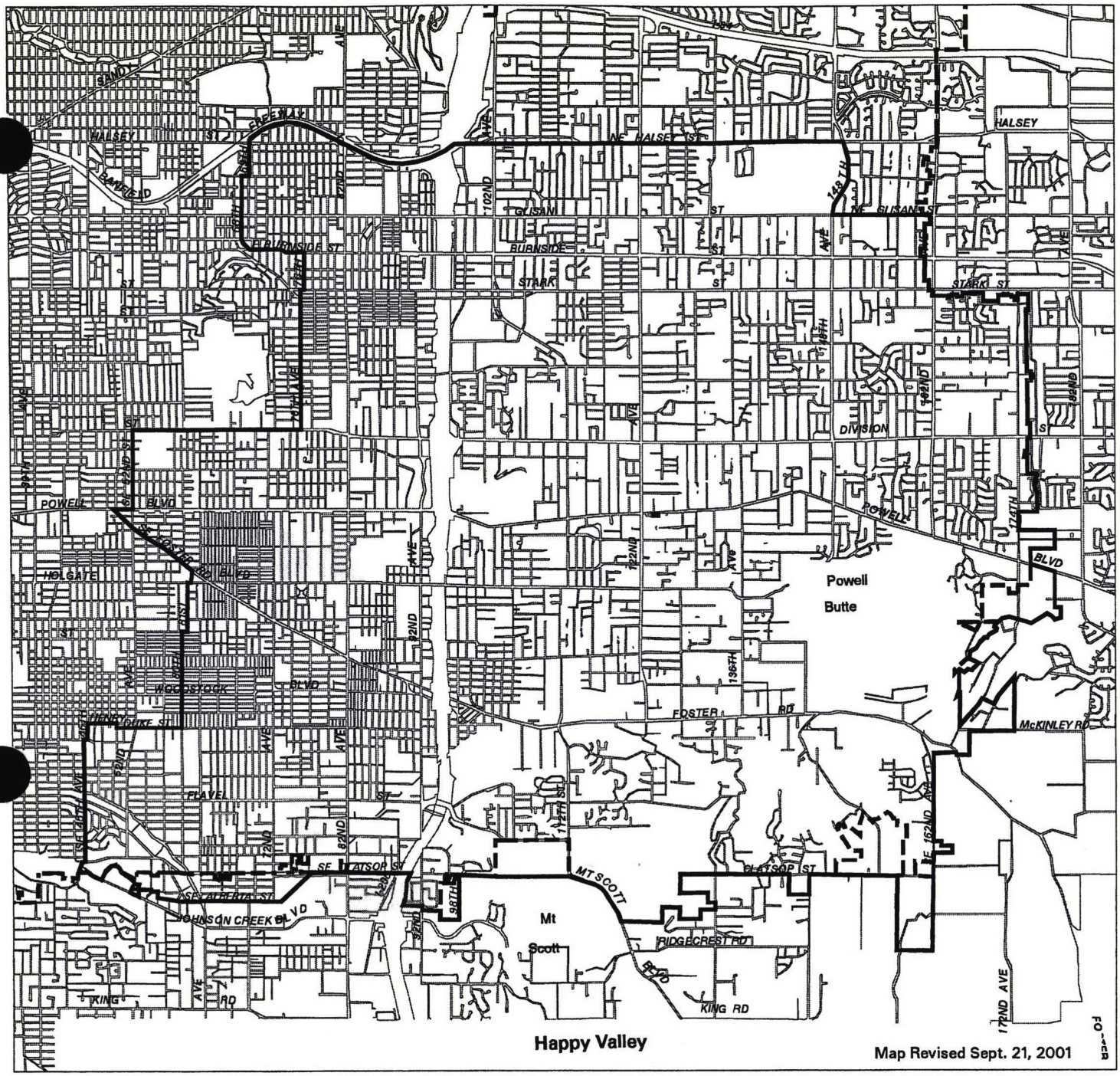
City Boundary

Map 825-2

Albina Community Plan Area

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 3975′ 7950′

Scale in Feet

Community Plan Boundary

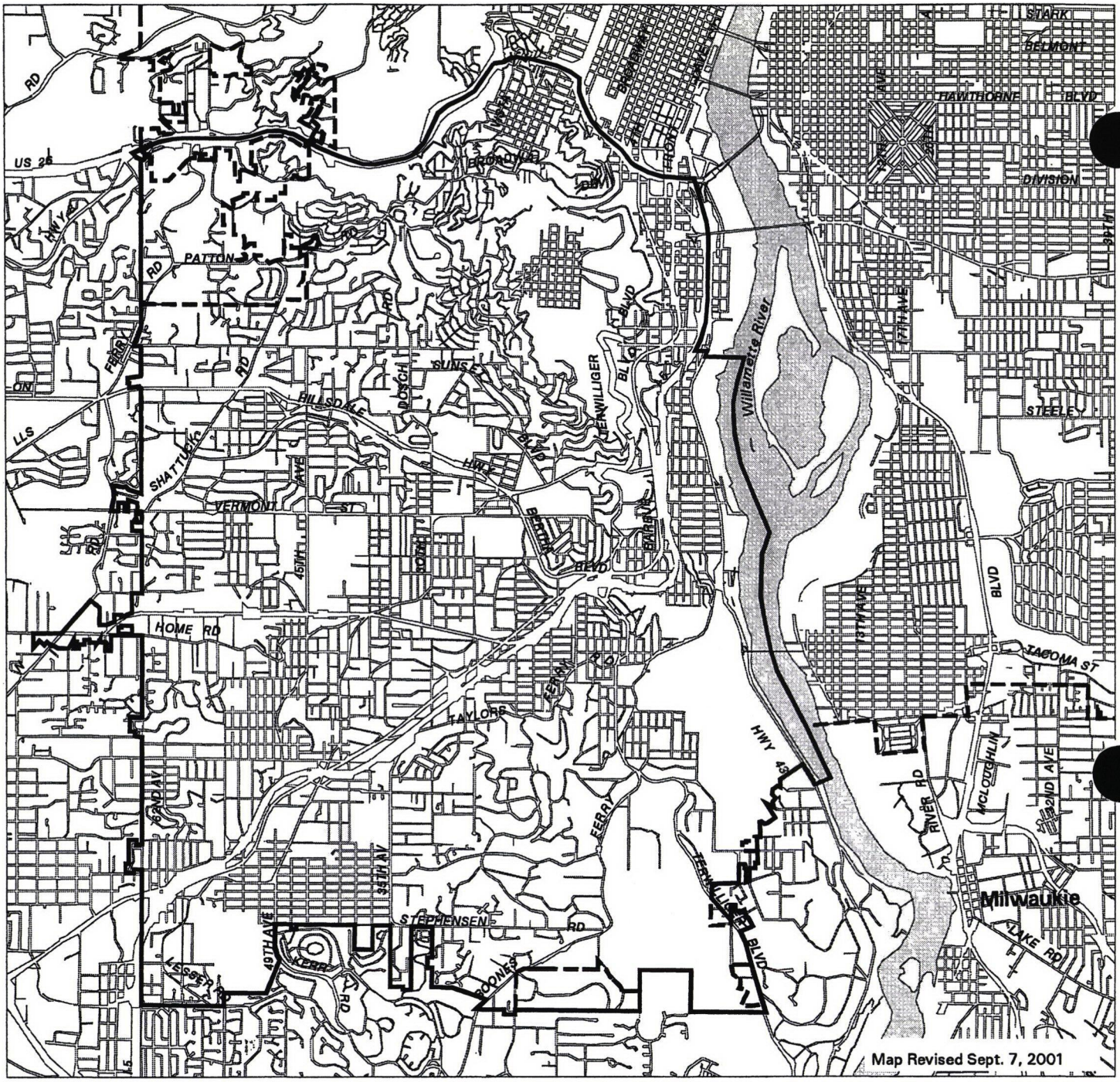
City Boundary

Map 825-3

Outer Southeast Community Plan Area

Bureau of Planning • City of Portland, Oregon

1-1-2003



NORTH

0′ 3525′ 7050′

Scale in Feet

Community Plan Boundary

City Boundary

Map 825-4

Southwest Community Plan Area

Bureau of Planning • City of Portland, Oregon

1-1-2003

CHAPTER 33.830
EXCAVATIONS AND FILLS

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

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 clearing and grading plan approved as part of a preliminary plan for a land division or Planned Development.

D. The disposal of material that is not clean fill, as defined in OAR 340-093-0030, is not subject to the provisions of this chapter, but is regulated as a Waste-Related use. See Section 33.920.340.

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;

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; and

F. A plan for routing trucks to and from the site must be submitted that minimizes the use of local residential streets in the vicinity of the site.

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 BDS. 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

(Amended by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

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, Urban Growth Management Functional 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, use and development, or land division 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, the Urban Growth Management Functional 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, the Urban Growth Management Functional 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

(Amended by: Ord. No. 173131, effective 2/27/99; Ord. No. 177028, effective 12/14/02.)

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 designated routes for the transport of hazardous substances; and

G. In the Columbia South Shore plan district and the CascadeStation/Portland International Center 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 and the CascadeStation/Portland International Center plan district, the request must also be approved by the Bureaus of Water Works and Environmental Services.

CHAPTER 33.845
HISTORICAL 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; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02.)

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General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic reviews. The approval criteria protect the region's historic resources and preserve significant parts of the region's heritage. The reviews recognize and protect the region'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 in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for historic districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District 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.

33.846.030 Historic Designation Review

A. Purpose. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Fostering preservation and reuse of historic artifacts as part of the region's fabric; and
- Encouraging new development to sensitively incorporate historic structures and artifacts.

B. Review procedure. Historic designation reviews are processed through a Type III procedure.

C. Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. General criteria. The resource must have 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 this paragraph.

   a. Architectural criteria include whether the resource:

      (1) Represents a significant example of a development, architectural style, or structural type once common or among the last examples in the region;

      (2) Represents a significant work of a developer, architect, builder, or engineer noted in the history or architecture of the region; or

      (3) Represents a particular material, method of construction, quality of composition, or craft work which is either associated with the region's history or which enriches the region's character.

   b. Historical criteria include:

      (1) An association with significant culture, activity, event, person, group, organization, trend, or value that is a significant part of history;

      (2) A significant association with broad patterns of cultural, social, political, economic, or transportation history of the region, state, or nation;

      (3) Significantly contributes to the historic or cultural development of the area or neighborhood; or

      (4) Symbolizes a significant idea, institution, political entity, or period.

   c. Integrity criterion: Retains sufficient original design characteristics, craft work, or material to serve as an example of a significant architectural period, building type, or style.

   d. Environmental criteria include:

      (1) Significantly contributes to the character and identity of the neighborhood or city; or

      (2) Includes significant site development or landscape features that make a contribution to the historic character of a resource, neighborhood, district, or the city as a whole.

e. Ensemble criteria include:

(1) 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

(2) Contributes to the character of a grouping of resources that together share a significant, distinct, and intact historic identity.

2. 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, Historic District designation, Conservation District designation, and no designation; and

3. Owner consent.

a. For Historic Landmark or Conservation Landmark designation, the property owner must consent, in writing, to the Historic Landmark or Conservation Landmark designation;

b. For Historic District or Conservation District designation, all owners of property in the district must consent, in writing, to the Historic District or Conservation District designation at the time of designation.

33.846.040 Historic Designation Removal Review

A. Purpose. These provisions allow for the removal of a historic designation when it is no longer appropriate.

B. Review procedure. Historic designation removal reviews are processed through a Type III procedure.

C. Approval criteria. Proposals to remove the historic designation from a historic resource will be approved if the review body finds that all of the following approval criteria are met:

1. Loss of public benefit. The benefits to the public and the property owner of retaining the historic designation no longer outweigh the benefits of removing the designation; or

2. Owner consent.

a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to inclusion in the district.

b. For individual sites not designated as Historic Landmarks or Conservation Landmarks in Historic Districts or Conservation Districts. The property owner at the time of designation must have objected, on the record, to inclusion in the district.

33.846.050 Historic Preservation Incentive Review

A. Purpose. These provisions increase the potential for Historic Landmarks and Conservation Landmarks to be used, protected, renovated, and preserved.

B. Review procedure. Historic preservation incentive reviews are processed through a Type II procedure.

C. Approval criteria. The use of a historic preservation incentive in a Historic Landmark or Conservation Landmark will be approved if the review body finds that all of the following approval criteria are met:

1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the landmark's site and surrounding area; and

2. If the site is in an R zone:

   a. The approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met; and

   b. Proposals on sites larger than one acre will not reduce the amount of new housing opportunity in the City. These 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.

33.846.060 Historic Design Review

A. Purpose. Historic design review ensures the conservation and enhancement of the special characteristics of historic resources.

B. Review procedure. Procedures for historic design review are as follows:

1. Neighborhood Contact Requirement. Proposals listed in Subparagraph B.1.a, below, must complete the steps in Subparagraph B.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 B.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 nonresidential 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 review.**

2. For Historic Landmarks, including those in Historic Districts or Conservation Districts:

a. **Proposals for alterations of a landmark-designated interior public space if the value of the alteration is more than $200,000 in 1990 dollars aare processed through a Type III procedure.**

b. **Proposals for alterations of a landmark-designated interior public space if the value of the alteration is $200,000 or less in 1990 dollars are processed through a Type II procedure;**

c. Proposals for the installation of mechanical equipment on the exterior of a building are processed through a Type I procedure;

d. Proposals for the installation of new or replacement awnings are processed through a Type I procedure; and

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e. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:

(1) Signs less than 150 square feet in area; and

(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered;

f. Proposals for alterations to its exterior if the value of the alteration is more than $200,000 in 1990 dollars are processed through a Type III procedure;

g. Proposals for alterations to its exterior if the value of the alteration is $200,000 or less in 1990 dollars are processed through a Type II procedure.

3. For Conservation Landmarks, including those in Historic Districts or Conservation Districts:

a. Except as specified in B.3.b, below, proposals for alterations to its exterior are processed through a Type II procedure; and

b. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:

(1) Signs less than 150 square feet in area; and

(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.

4. For Historic Districts.

a. Except as specified in B.4.d, below, proposals for the construction of a new structure within the district if the value of the construction is more than $200,000 in 1990 dollars are processed through a Type III procedure;

b. Proposals for the construction of a new structure within the district if the value of the construction is $200,000 or less in 1990 dollars are processed through a Type II procedure;

c. Proposals for alterations to the exterior of a structure that is not a Historic Landmark if the value of the construction is more than $200,000 in 1990 dollars are processed through a Type III procedure;

d. Proposals for alterations to the exterior of a structure that is not a Historic Landmark if the value of the construction is $200,000 or less in 1990 dollars are processed through a Type II procedure;

e. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:

(1) Signs less than 150 square feet in area; and

(2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.

5. For Conservation Districts.

   a. Except as specified in B.5.c, below, proposals for the construction of a new structure within the district are processed through a Type II procedure;

   b. Proposals for alterations to the exterior of a structure that is not a Historic Landmark are processed through a Type II procedure;

   c. The following proposals in C, E, I, and RX zones are processed through a Type I procedure:

      (1) Signs less than 150 square feet in area; and

      (2) Alteration of a facade when 500 square feet or less of the structure's facade is being altered.

C. Phased proposals.

1. 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.

2. 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.

3. 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.

D. 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. Approval criteria outside the Central City plan district. Outside the Central City plan district, requests for historic design review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.4, below. The approval criteria for historic design review outside the Central City plan district are as follows:

1. Historic Districts. When historic design review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the *King's Hill Historic District Guidelines.* When historic design review is required in such districts, the guidelines specific to the district are the approval criteria;

b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, the criteria in Section 33.846.060.G are the approval criteria; or

c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are the *Community Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum.*

2. Conservation Districts. When historic design review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic design review is required in such districts, the guidelines specific to the district are the approval criteria; or

b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the *Community Design Guidelines* are the approval criteria;

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic design review of a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District is required, the criteria in 33.846.060.G are the approval criteria.

4. **Conflicts among guidelines and criteria. When a criterion in Section 33.846.060.G conflicts with any guideline, the criterion in Section 33.846.060.G supersedes the guideline.**

F. Approval criteria in the Central City plan district. In the Central City plan district, requests for historic design review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.5, below. The approval criteria for historic design review in the Central City plan district are as follows:

1. Historic Districts. When historic design review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:

a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the *NW 13th Avenue Historic District Design Guidelines.* When historic design review is required in such districts, the approval criteria are the *Central City Fundamental Design Guidelines* and the guidelines specific to the Historic District. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

b. Historic Districts without district-specific guidelines.

(1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the subdistrict design guidelines. If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

(2) Where there are no guidelines that are specific to the Historic District and the site is not in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the criteria in Section 33.846.060.G;

c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic design review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are the *Central City Fundamental Design Guidelines* and the *Historic Alphabet District Community Design Guidelines Addendum.* If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

2. Russell Street Conservation District. When historic design review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are the *Community Design Guidelines.* If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met;

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic design review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:

a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines,* the subdistrict design guidelines and the criteria in 33.846.060.G;

b. Subdistricts without design guidelines. If the resource is not in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are the *Central City Fundamental Design Guidelines* and the criteria in Section 33.846.060.G;

4. Specified sites along N. Broadway. When historic design review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are the *Central City Fundamental Design Guidelines* and the *Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District.* If the resource is a Historic Landmark or Conservation Landmark, the criteria in Section 33.846.060.G must also be met.

5. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.

   a. When a criterion in Section 33.846.060.G conflicts with any other guideline, the criterion in Section 33.846.060.G supersedes the other guideline.

   b. When a guideline that is specific to a historic district, such as one of the *NW 13th Avenue Historic District Design Guidelines*, conflicts with one of the *Central City Fundamental Guidelines* or with a subdistrict design guideline, such as one of the *River District Design Guidelines*, the guideline specific to the historic district supersedes the Central City Fundamental Guideline and the subdistrict guideline.

   c. When a subdistrict design guideline, such as one of the *Goose Hollow District Design Guidelines*, conflicts with one of the *Central City Fundamental Design Guidelines*, the subdistrict guideline supercedes the Central City Fundamental Guideline.

   d. When a guideline from the *Historic Alphabet District Addendum to the Community Design Guidelines* conflicts with one of the *Central City Fundamental Design Guidelines*, the Alphabet District Guideline supersedes the Central City Fundamental Guideline.

   e. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.

G. Approval criteria based on the Standards of the Secretary of the Interior:

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 retrofitting 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.

33.846.070 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.

33.846.080 Demolition Review

A. Purpose. Demolition review protects Historic Landmarks and Conservation Landmarks that have taken advantage of an incentive for historic preservation and historic resources that have a preservation agreement.

B. Review procedure. Demolition reviews are processed through a Type III procedure.

C. Approval criteria. Proposals to demolish a historic resource will be approved if the review body finds that the following approval criteria are met:

1. Relocation opportunity. Opportunities to relocate the historic resource have been explored, and there is no practical opportunity to relocate the resource to another site; and

2. Prevent economic or beneficial use. Denying demolition of the resource prevents:

   a. Any substantial beneficial use of a site owned by a government agency or non-profit organization; or

   b. Any viable economic use of a site not owned by a government agency or non-profit organization.

33.846.090 Demolition Delay Extension Review

A. Purpose. Extension of the demolition delay period can, in some circumstances, allow time for full considerations of alternatives to demolition, including relocation, restoration, and other uses. The review allows discussion of whether extending the delay period for a particular resource is likely to result in preservation or relocation.

B. Review procedure. Demolition delay extension reviews are processed through a Type III procedure.

C. Maximum extension. If the review body extends the demolition delay period, it may not be extended more than 300 days, calculated from the date the application is determined to be complete.

D. Approval criterion. The demolition delay period will be extended if the review body finds that further delay of demolition could result in the preservation or relocation of the resource. In determining whether this criterion is met, the review body may consider the following factors:

1. Whether opportunities to relocate the resource have been fully explored;

2. Whether the owner can make reasonable economic use of property during the additional delay period;

3. Whether there are reasonable economic uses in the long term that can be made of the resource without demolition, considering:

   a. The cost of any alterations or renovation necessary to accommodate those uses; and

   b. Whether selling part of the site, selling or donating the resource, or transferring development rights is feasible and would increase the economic viability of the resource;

4. The significance of the resource either by itself or as part of a Historic District or Conservation District; and

5. The condition of the resource and the cost of necessary restoration or renovation.

CHAPTER 33.848
IMPACT MITIGATION PLANS

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175966, effective 10/26/01; Ord. No. 177028, effective 12/14/02.)

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, or by an amended or new conditional use master plan. An impact mitigation plan must be approved in accordance with the regulations of this Chapter. A conditional use master plan must be approved in accordance with the regulations of Chapter 33.820.

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).

B. Mitigation.

1. Each planned phase of development includes mitigation activities that offset impacts of that phase of development, except as provided in Paragraph B.2, below;

2. Impacts that cannot be mitigated may be allowed if the public benefits of the proposed institutional campus boundary, mission statement, and impact mitigation plan outweigh the impacts.

C. The proposed uses and possible future uses will be able to comply with all applicable requirements of Title 33 and Title 32, Signs and Related Regulations, except where adjustments are being approved as part of the impact mitigation plan.

D. 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.

E. The proposed uses and impact mitigation plan are in conformance with the Transportation Element of the Comprehensive Plan.

F. 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.

G. 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.

H. City-designated significant resources such as views, landmarks, or habitat areas are protected or enhanced.

I. 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.

J. The impact mitigation plan includes design, landscape, and multi-modal transportation plans which limits conflicts between the institutional campus and residential, commercial, and industrial uses located within the same neighborhood or neighborhoods as the campus.

K. All relevant declarations of Covenants, Conditions and Restrictions and any other relevant legal instruments will be submitted in advance of any development.

L. 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.

M. The impact mitigation plan adequately addresses potential nuisance-related impacts, such as litter, noise, shading, glare and traffic.

N. 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.

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 Impact Mitigation Plan must delineate 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 Impact Mitigation 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. Impact mitigation 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 in the multi-modal transportation plan.

1. The location and amount of motor vehicle and bicycle parking;

2. Strategies to reduce the number of motor vehicle miles traveled by those 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-occupant auto trips (walking, bicycling, carpooling, and public transit);

   b. The car or van pool programs;

   c. Incentives to be offered to employees and, where applicable, students, and others to use public transit for travel to and from the campus;

d. Incentives to be offered to employees and, where applicable, students, and others 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 and transit facilities;

4. An on-site circulation system for all modes that meets the City's connectivity standards of no more than 530 feet apart for streets and no more than 330 feet apart for pedestrian/bicycle connections where streets are not feasible, and links to adjacent streets and walkways;

5. Traffic impacts on the streets in the vicinity of the campus and measures which will be taken to ensure that the surrounding streets will function consistent with the Transportation Element of the Comprehensive Plan;

6. Parking mitigation, including an analysis of projected peak parking demand for daily activities and events, and strategies to reduce the supply of parking without impacting nearby land uses; and

7. To address adequacy of transportation services, a multi-modal impact study is 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 unless another approval process is identified in the IMP. 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 unless another approval process is identified in the IMP.

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 33.849
MARQUAM HILL PARKING REVIEW

(Added by: Ord. No. 176742, effective 7/31/02.)

Sections:

33.849.010 Purpose
33.849.100 Procedure
33.849.110 Approval Criteria

Marquam Hill Parking Review

33.849.010 Purpose

The regulations of Sections 33.849.100 and .110 allow for parking within the institutionally developed portions of Marquam Hill in a manner consistent with the goals and objectives of the Marquam Hill Plan. The approval criteria ensure that the demand for parking will be managed, and the negative effects of parking and associated traffic will be minimized.

33.849.100 Procedure

A. Type A. Type A Marquam Hill Parking Reviews are processed through a Type I procedure.

B. Type B. Type B Marquam Hill Parking Reviews are processed through a Type III procedure.

33.849.110 Approval Criteria

A. Approval criteria for Type A Marquam Hill Parking Review. The request for a Type A Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. Single-occupancy vehicle trips. Single-occupancy vehicle trips to and from the plan district by the applicant's employees and students will not exceed the percentages in Table 849-1. The percentages in Table 849-1 vary based on when the application for Marquam Hill Parking Review is submitted.

Table 849-1
Maximum Allowable Single-Occupancy Vehicle Trips

Date Application for Review is Submitted	Maximum
July 31, 2002 – December 31, 2007	51%
January 1, 2008 – December 31, 2012	48%
January 1, 2013 – December 31, 2017	45%
January 1, 2018 – December 31, 2022	43%
January 1, 2023 – December 31, 2027	41%
After January 1, 2028	39%

2. PM peak traffic flow rate. The PM peak hour is measured between 4:30 PM and 5:30 PM.

   a. SW Campus Drive. The PM peak eastbound traffic flow rate on SW Campus Drive will not exceed the maximums stated in Table 849-2. The measurement will be taken on SW Campus Drive approximately 100 feet west of SW Terwilliger Boulevard. The maximums stated in Table 849-2 vary based on when the application for Marquam Hill Parking Review is submitted.

Table 849-2
Maximum Allowable PM Peak Traffic Flow Rates on SW Campus Drive

Date Application for Review is Submitted	Maximum PM Peak
July 31, 2002 – December 31, 2015	550
January 1, 2016 – December 31, 2029	500
After December 31, 2029	450

   b. SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane. The PM peak eastbound traffic flow rate on SW Homestead Drive, SW Hamilton Terrace, and SW Condor Lane attributed to trips made by the applicants employees and students will not exceed the maximums stated in Table 849-3.

Table 849-3
Maximum Allowable PM Peak Traffic Flow Rates

Street	Maximum PM Peak
SW Homestead Drive	330
SW Hamilton Terrace	100
SW Condor Lane	50

B. Approval criteria for Type B Marquam Hill Parking Reviews. The request for a Type B Marquam Hill Parking Review will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

1. If the proposal is to develop parking in excess of the maximums stated in Table 555-1, or the proposal is to develop parking after August 1, 2012 the following criteria must be 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 the Marquam Hill vision, policies, and objectives, the Marquam Hill Plan Functional Areas Site Development Concept, the Marquam Hill Vehicular Circulation Site Development Concept, and the Marquam Hill Pedestrian Circulation Site Development Concept;

b. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation is based on a 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 proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

2. If the proposal would otherwise be subject to Type A Marquam Hill Parking Review but does not meet the approval criteria for that review, the applicant must demonstrate how those approval criteria will be met within three years. The standards that must be met within three years are the standards that will be in effect at the end of the three year period, rather than the standards in effect when the application is submitted.

   If the applicant cannot demonstrate that this criterion is met, the criteria of Paragraph B.1, above, must be met.

CHAPTER 33.850
STATEWIDE PLANNING GOAL EXCEPTIONS

(Amended by: Ord. No. 174263, effective 4/15/00.)

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 Director of OPDR, the Planning Commission, or by City Council. Requests for a quasi-judicial Statewide Planning Goal exception may be initiated by an applicant, the Director of OPDR, 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 33.853
TREE REVIEW

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.853.010 Purpose
33.853.020 When Review Is Required
33.853.030 Procedure
33.853.040 Approval Criteria

33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that limit removal. Tree review also evaluates whether changes to tree preservation plans are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

33.853.020 When Review Is Required

Tree review is required in the following situations:

A. Scenic Overlay Zone. Trees in the Scenic Overlay Zone that do not qualify for removal under 33.480.040.B.2.g, Preservation of Trees, or 33.480.040.B.2.h, Tree Replacement, may be removed if approved through tree review.

B. Rocky Butte plan district. Trees in the Rocky Butte plan district that do not qualify for removal under Subsection 33.570.040.C, Exempt From Review, may be removed if approved through tree review as provided in this chapter.

C. Changing the approved method of tree preservation or mitigation for a platted land division. Changes to the approved method of tree preservation or mitigation for a land division, where the Final Plat of the land division has been approved and recorded, may be approved through tree review. However, if the tree preservation or mitigation was required through environmental review, changes are subject to Chapter 33.430, Environmental Overlay Zones

D. Violations. Corrections to violations of tree protection and tree preservation regulations of this Title, except for violations of the Environmental Overlay Zone and the Greenway Overlay Zone, are reviewed through tree review. Corrections to violations of tree preservation plans and of methods of tree preservation or mitigation approved through a land division review are reviewed through tree review.

33.853.030 Procedure

Corrections to violations of tree protection and tree preservation regulations of this Title are processed through a Type III procedure. Corrections to violations of tree preservation plans and of methods of tree preservation or mitigation approved through a land division are processed through a Type III procedure. Changes to the locations of dry-wells and soakage trenches shown on a tree preservation plan approved through a land division are processed through a Type I procedure. All other tree reviews are processed through a Type II procedure.

33.853.040 Approval Criteria

A. Trees in the Scenic Overlay Zone or Rocky Butte plan district. A request to remove trees in the Scenic Overlay Zone or Rocky Butte plan district 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; and

2. Mitigation is provided on site by replacing removed trees with approved vegetation listed in the Scenic Resources Protection Plan appendix. Consultation with the City Forester is required.

B. Changes to a tree preservation plan or to the approved method of tree preservation or mitigation. A request to change a tree preservation plan or the approved method of tree preservation or mitigation of a land division, where the Final Plat of the land division has been approved and recorded, will be approved if the review body finds that the applicant has shown that the revised plan will continue to meet Chapter 33.630, Tree Preservation.

C. Corrections to violations. For corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservations plans or the approved method of tree preservation or mitigation, the applicant must show the review body that all of the following approval criteria are met:

1. Mitigation Plan;

   a. The applicant's mitigation plan meets the purpose of the regulation that was violated. Where the violation is of a tree preservation plan or the approved method of tree preservation or mitigation, the mitigation plan meets the purpose of the regulation that required the preservation plan; and

   b. The mitigation plan includes replacement of trees cut. The plan must at a minimum, meet the requirements of Table 853-2.

Table 853-2
Tree Replacement for Violations

Size of tree removed (inches in diameter)	Number of Trees to be Planted
6 to 12	3 trees
13 to 18	5 trees
19 to 24	7 trees
25 to 30	10 trees
over 30	15 trees

2. Replacement trees must be planted as follows:

   a. On the site where the violation occurred;

   b. If it is not possible to plant the trees on the site where the violation occurred, then the trees must be planted on other property owned by the applicant within the City of Portland, this includes property owned by a Homeowners' Association to which the applicant belongs;

   c. If it is not possible to plant the trees on the site where the violation occurred, or on other property owned by the applicant within the City of Portland, then the trees must be planted in a City of Portland park, as approved by the Bureau of Parks and Recreation, or on a site approved by the Bureau of Environmental Services.

3. Replacement trees must meet the requirements of Section 33.248.030, Plant Materials.

CHAPTER 33.854
VALIDATION REVIEW

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02.)

Sections:

33.854.010 Purpose
33.854.020 Procedure
33.854.030 Approval Criteria

33.854.010 Purpose

Validation Review allows development on lots and lots of record that do not meet the requirements of Section 33.110.212, Validation of Lots and Lots of Record, where such development is appropriate.

33.854.020 Procedure

Validation Review is processed through a Type II procedure.

33.854.030 Approval Criteria

Validation Review 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 or lot of record did not abut any lot or lot of record owned by the same family or business. The intent of this criterion is to not allow ownerships to be split into building sites that do not meet the requirements of Table 110-4, or in West Portland Park, the requirements of Table 110-5;

B. If it is a lot of record, it met the dimensional requirements for new lots at the time it was created;

C. The proposed development is as compatible with the surrounding housing as is practicable. Compatibility is based on considerations such as placement on the site, 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

D. Any requested adjustments are consistent with the purpose of this chapter, the purpose of Section 33.110.212, and the intent of the regulation being adjusted.

CHAPTER 33.855
ZONING MAP AMENDMENTS

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02.)

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
33.855.075 Automatic Creation or Removal of Historic Resource Designations
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 Director of BDS 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 facilities 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 or conditional use master 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 or conditional use master 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, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Reviews. 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;

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; and

C. In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.

33.855.070 Corrections to the Official Zoning Maps

The Director of BDS 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 of BDS determines that the map error is discretionary in nature, then the Director of BDS 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.

33.855.075 Automatic Map Amendments For Historic Resources
The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

A. Resources listed in the National Register of Historic Places.

1. When a historic resource is listed in the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning receives notification from the State Historic Preservation Office of the listing of the resource in the National Register; and

2. When a historic resource is removed from the National Register of Historic Places and it has no local historic designation, it is automatically removed from the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.

B. Removal after destruction. If a Historic Landmark or Conservation Landmark is destroyed by causes beyond the control of the owner, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.

C. Removal after demolition. If a Historic Landmark or Conservation Landmark is demolished, after either approval of demolition through demolition review or after demolition delay or demolition delay extension review, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.

D. Removal after relocation. If a Historic Landmark or Conservation Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

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 of BDS.
[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; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02.)

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*
Alley *See Transporation-Related Definitions*
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*
BDS
Block
Block Frontage
Building *See Development-Related Definitions*
Building Coverage
Building Line
Caretaker
Carpool
Cemetery
Certificate of Occupancy
Change of Use
City
Clearing *See Development-Related Definitions*
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*
Common Green *See Transportation-Related Definitions*
Community Service *See Chapter 33.920, Descriptions of the Use Categories*
Comprehensive Plan
Convenience Store
Conservation Landmark. *See Historic Resource-Related Definitions*
Corner Lot *See Lot*

Council
Crown Cover *See Environment-Related Definitions*
Daycare *See Chapter 33.920, Descriptions of the Use Categories*
Days
Dead-End Street *See Transportation-Related Definitions*
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
- Clearing
- Develop
- Development
- Exterior Alteration
- Exterior Improvements
- Grading
- New Development
- Structure

Development Types
- Auto Accommodating Development
- Pedestrian-Oriented Development

Director of BDS
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*
Easement
Ecologically and Scientifically Significant Natural Areas *See Environment-Related Definitions*
Effective Radiated Power (ERP)
Environment-Related Definitions
- City-designated Natural Resources
- Crown Cover
- Disturbance Area
- Drainageway
- Ecologically and Scientifically Significant Natural Areas
- Fish and Wildlife Habitat Areas
- Flood Desynchronization
- Functional Values
- Identified Wetlands, Identified Streams
- Live Stake
- Outfall
- Practicable
- Remediation
- Resource Enhancement
- Riparian Areas
- Significant Detrimental Impact
- Stream
- Stream Channel
- Top of Bank
- Uplands
- Utilities
- Water Bodies
- Water Quality Resource Area
- Wetland

ESEE Analysis *See Historic Resource-Related Definitions*
Excavating or Filling
Exchange Parcel
Exterior Alteration *See Development-Related Definitions*
Exterior Improvements *See Development-Related Definitions*
Exterior Display
Exterior Storage
Exterior Work Activities
Facade
Final Plat
Fish and Wildlife Habitat Areas *See Environment-Related Definitions*
Flag Lot *See Lot*
Flood Desynchronization *See Environment-Related Definitions*
Flood Hazard Area
Floodway
Floor Area
Floor Area Ratio (FAR)
Fractions, how to measure *See Chapter 33.930, Measurements*
Functional Values *See Environment-Related Definitions*
Future Division Plan
Garage
Garage Wall Area, how to measure *See Chapter 33.930, Measurements*
Grade
Grading *See Development-Related Definitions*
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 Landmark *See Historic Resource-Related Definitions*

Historic Landmark Tree
Historic Resource-Related Definitions
- Conservation Landmark
- ESEE Analysis
- Historic Context
- Historic Ensemble
- Historic Landmark
- Historic Resource
- Historic Resources Inventory
- Historic Value
- Renovation Plan

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
Landmark *See Historic Resource-Related Definitions*
Ldn.
Light Rail Line *See Transportation-Related Definitions*
Light Rail Alignment *See Transportation-Related Definitions*
Live Stake *See Environment-Related Definitions*
Living Area
Loading Area
Long Term Parking
Long Term Bicycle Parking
Longest Street-Facing Wall
Lot
- Corner Lot
- Flag Lot
- Through Lot

Lot Depth, how to measure *See Chapter 33.930, Measurements*
Lot Lines
- Front 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
Office *See Chapter 33.920, Descriptions of the Use Categories*
Operator
Outfall *See Environment-Related Definitions*
Owner
Ownership
Parcel *See Lot*
Parking Area
Parking Space
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*
Partial Street *See Transportation-Related Definitions*
Passenger Vehicle *See Vehicle Types*
Paved Area
Pedestrian Connection *See Transportation-Related Definitions*
Pedestrian-Oriented Development *See Development Types*
Person
Phased Development Plan
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*
Planning Director
Plaza

Plot
Pollution Reduction Facility
Potential Landslide Hazard Area
Practicable *See Environment-Related Definitions*
Preferred Alternative Light Rail Alignment *See Transportation-Related Definitions*
Primary Structure
Primary Use
Project
Property Line Adjustment
Public Access Easement *See Transportation-Related Definitions*
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*
Renovation Plan *See Historic Resource-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
Seep or Spring
Self-Service Storage *See Chapter 33.920, Descriptions of the Use Categories*
Services
Setback Averaging, how to measure *See Chapter 33.930, Measurements*
Setback
- Front Setback
- Rear Setback
- Side Setback
- Street Setback
- Garage Entrance Setback

Shelter Beds *See Mass Shelter Beds*
Short Term Housing
Short Term Parking
Short Term Bicycle Parking
Sign
Significant Detrimental Impact *See Environment-Related Definitions*
Significant Tree
Single Room Occupancy Housing (SRO) *See Residential Structure Types*
Site
Site Frontage
Solar Feature
South or South-Facing Street *See Transportation-Related Definitions*
Stormwater Facility
Stormwater Management System
Stream *See Environment-Related Definitions*
Stream Channel *See Environment-Related Definitions*
Street *See Transportation-Related Definitions*

Street-facing Facade
Streetcar Alignment *See Transportation-Related Definitions*
Streetcar Line *See Transportaton-Related Definitions*
Structure *See Development-Related Definitions*
Structured Parking
Superblock
Surface Parking
Through Lot *See Lot, under Parcel Types*
Through Street *See Transportation-Related Definitions*
Top of Bank *See Environment-Related Definitions*
Topping
Tower
Tract
Transit Street *See Transportation-Related Definitions*
Transportation-Related Definitions
- Alley
- Arterial
- Bus Stop
- Common Green
- Dead-End Street
- Light Rail Line
- Light Rail Alignment
- Partial Street
- Pedestrian Connection
- Preferred Alternative Light Rail Alignment
- Public Access Easement
- Rail Right-Of-Way
- Right-Of-Way
- Roadway
- Street
- Streetcar Alignment
- Streetcar Line
- Through Street
- Transit Station
- Transit Street

Truck *See Vehicle Types*
Underground Parking
Uplands *See Environment-Related Definitions*
Utility Trailer *See Vehicle Types*
Utilities *See also Environment-Related Definitions*
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; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No.176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord No. 177028, effective 12/14/02.)

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.

Alley. See Transportation-related Definitions.

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.]

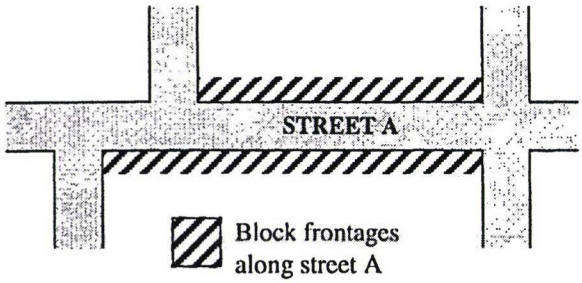
BDS. Bureau of Development Services.

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.

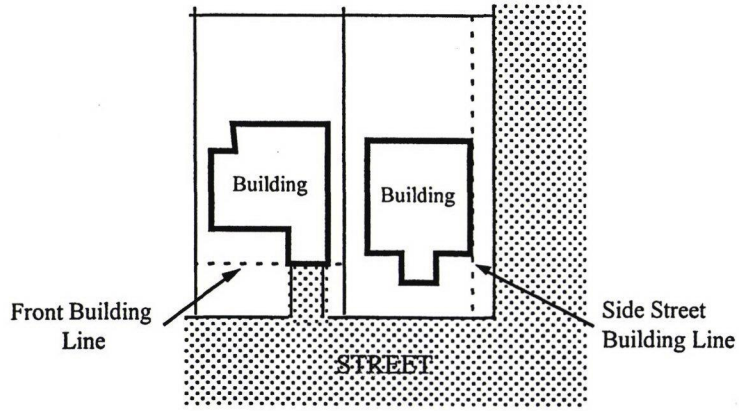
Figure 910-1
Block Frontage



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 coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade.

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 910-2.

Figure 910-2
Building Lines



Example of a front building line and a side street building line.

Caretaker. A caretaker looks after or provides security for goods or property.

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 BDS 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.

Clearing. See Development-Related Definitions.

Common Green. See Transportation-Related Definitions.

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. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Dead-End Street. See Transportation-Related Definitions.

Density. A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. Accessory Dwelling Units are not counted in calculations of minimum or maximum density. 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.

- **Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

- **Clearing.** Any activity that removes existing vegetation or strips surface material from any portion of the site.

- **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.

- **Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development of the land division site.

- **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 of BDS. The Director of the City of Portland Bureau of Development Services, 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.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

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

- **City-designated Natural Resources.** Natural resources and functional values protected by Environmental Overlay Zones.

- **Crown Cover.** The area directly beneath the crown and within the 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.

- **Live Stake.** A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

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- **Outfall.** A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

- **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.

- **Utilities.** Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone. Also see the other definition of Utilities in this chapter.

- **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.

- **Water Quality Resource Area.** The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

- **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.

ESEE Analysis. See Historic Resource-Related Definitions.

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.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Exterior Alteration. 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. Exterior display does not include goods that are being stored or parked outside. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. See Development-Related Definitions.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. 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 also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or 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; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. See also, 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.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. See Environment-Related Definitions.

Flag Lot. See Lot.

Flood Desynchronization. See Environment-Related Definitions.

Flood Hazard Area. Land that is subject to a one percent or greater chance of flooding in any given year.

Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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, including roof top parking;

- 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

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

Garage. A covered structure designed to provide shelter for vehicles, and which is accessory to a use in these structure types: houses, attached houses, duplexes, mobile homes, or houseboats. Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. 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.)

Grading. See Development-Related Definitions.

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.

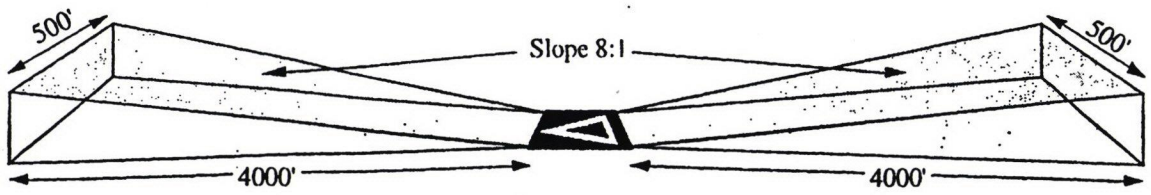
- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.

- **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 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Figure 910-3
Helicopter Approach-Departure Flight Paths



A landing pad with two approach-departure flight paths.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource-Related Definitions

- **Conservation Landmark.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance.

- **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, region, state or nation. 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 Landmark.** A Historic Landmark designations may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit.

- **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 that are identified as contributing to the historic significance of a Historic District or a Conservation District; and
  - Structures or objects that are included in the Historic Resources Inventory.

- **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of historic resources. Information for each resource includes a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and, in most cases, a ranking for significance.

- **Historic Value.** A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

- **Renovation Plan.** A written proposal to restore the distinctive and historically authentic architectural, historical, or cultural character of a historic resource while retaining or establishing the possibility for efficient, contemporary use.

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.

Landmark. See Historic Resource-Related Definitions.

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.

Live Stake. See Environment-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.

Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. A lot is a legally defined piece of land other than a tract that is the result of a land division. 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, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4.

- **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 910-5.

- **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, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that 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 910-6.

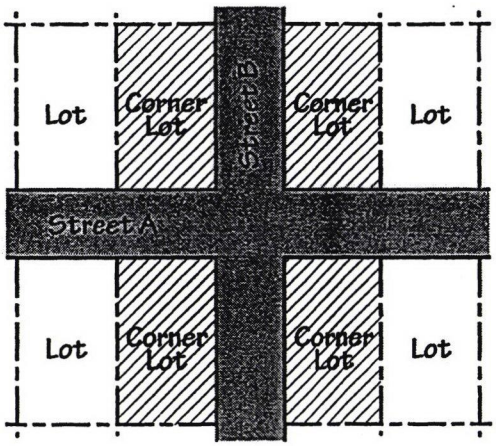
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.

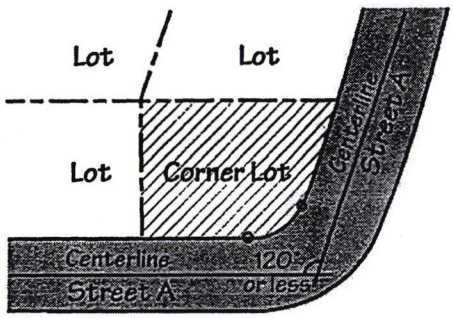
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.

- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.

- **Street Lot Line.** A lot line, or segment of a lot line, that abuts 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 910-6 and 910-7.

Figure 910-4
Corner Lots





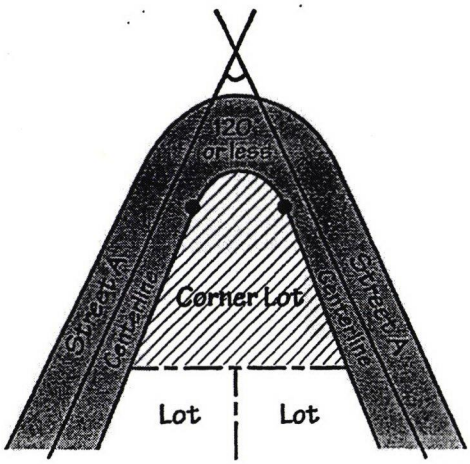
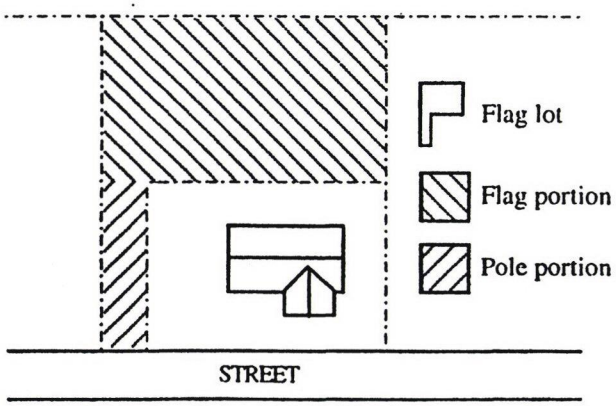


Figure 910-5
Flag Lot



Lot of Record. A lot of record is a plot of land:

- Which was not created through an approved subdivision or partition;
- Which was created and recorded before July 26, 1979; and
- For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.

Figure 910-6
Front and Side Lot Lines

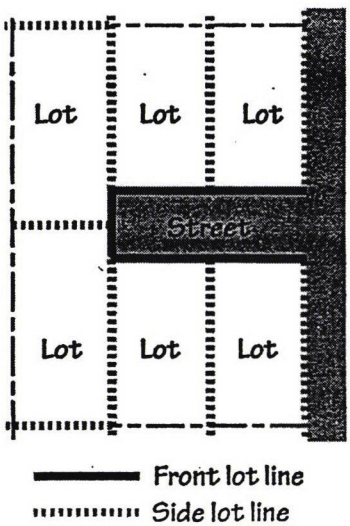


Figure 910-7
Street Lot Lines

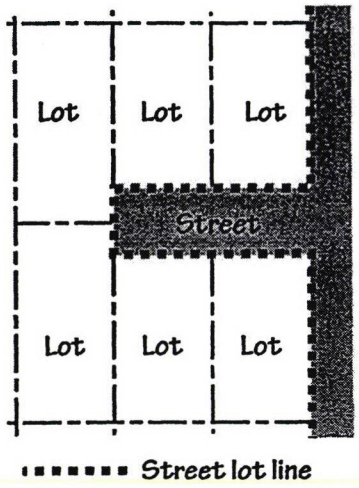
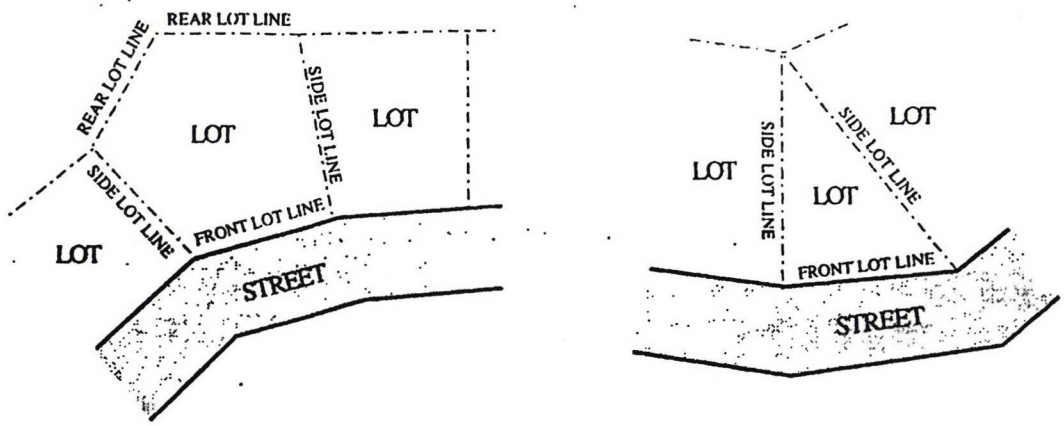


Figure 910-8
Lot Lines on Irregular Lots



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.

OPDR. Office of Planning and Development Review.

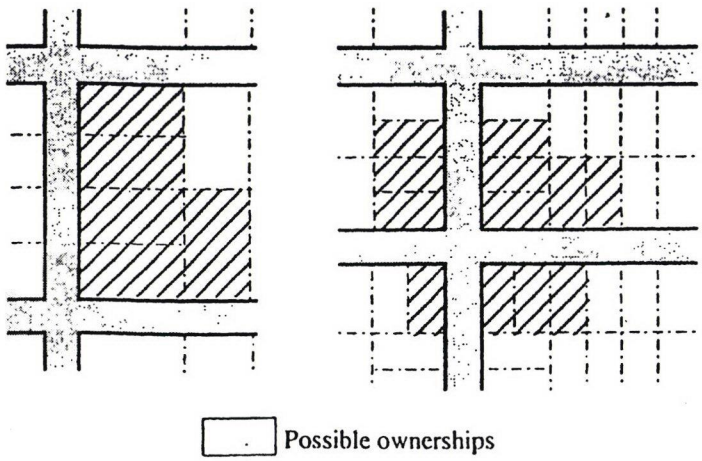
Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development.

Outfall. See Environment-Related Definitions.

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 910-9. See also, Lot and Site.

Figure 910-9
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.

Partial Street. See Transportation-Related Definitions.

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 Connection. See Transportation-Related Definitions.

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.

Planning Director. The Director of the City of Portland Bureau of Planning, or the Director's designee.

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.

Plot. 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, a tract, or a piece of land created through other methods.

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.

Potential Landslide Hazard Area. Potential Landslide Hazard Areas are shown on the City's Potential Landslide Hazard Areas Map.

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.

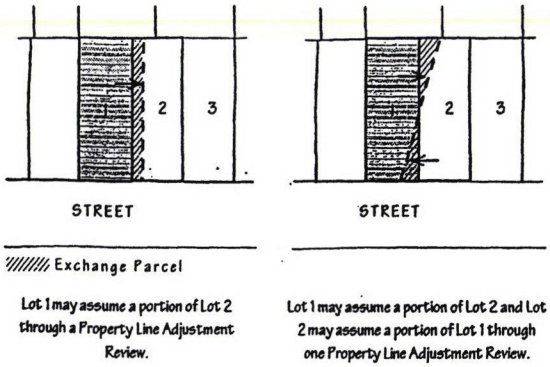
Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of 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.

Property Line Adjustment. The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

Figure 910-10
Property Line Adjustment



Public Access Easement. See Transportation-Related Definitions.

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 Involvement (ONI). Recognized organization also includes the ONI 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 building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.

- **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. Cooking facilities are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. 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 Director of BDS, 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. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

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, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. The point where an aquifer intersects with the ground surface and discharges water into a stream channel that flows into a wetland or other water body.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

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.

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. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Environmental Impact. See Environment-Related Definitions.

Significant tree. A tree that is listed in Table 630-1, Significant Trees.

Single Room Occupancy Housing (SRO). See Residential Structure Types.

Site. For land divisions, the site is an ownership. If a proposed land division includes more than one ownership, then all the ownerships are included as the site. For all other purposes, the site is 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 that 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 910-11.

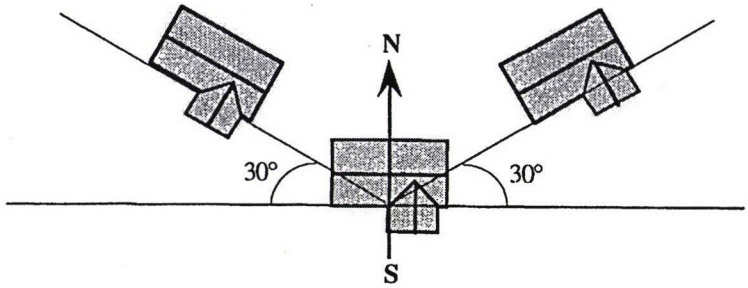
Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. See Environment-Related Definitions

Stream Channel. See Environment-Related Definitions

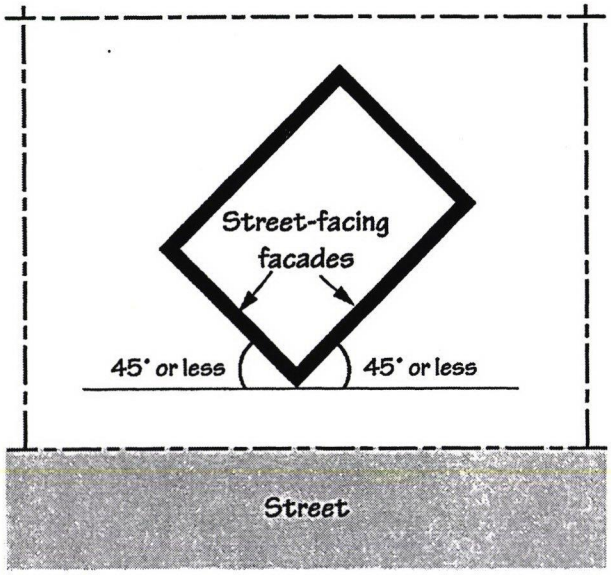
Figure 910-11
South or South-Facing



Street. See Transportation-Related Definitions.

Street-facing Façade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. See Transportation-Related Definitions.

Streetcar Line. 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 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.

Through Street. See Transportation-Related Definitions.

Top of Bank. See Environment-Related Definitions.

Topping. Topping is pruning a tree to shorten it or prevent it from growing in its natural form. The definition of topping includes pollarding, which is training the shape of a tree by pruning its major branches back to stub-shaped ends. Topping does not include pruning performed to remove a safety hazard, to remove dead or diseased materials, or to avoid overhead utilities.

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 tract is a piece of land within a land division site that is not a lot, lot of record, or a public right-of-way. Tracts have a specific purpose and limited development potential. Examples of purposes of tracts include access, tree preservation, and environmental resource.

Transit Street. See Transportation-Related Definitions.

Transportation-Related Definitions

- **Alley.** A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access.

- **Arterial.** Any street that is **not** a Local Service Traffic Street according to the Transportation Element of the Comprehensive Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.

- **Bus Stop.** A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.

- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.

- **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 or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

- **Light Rail Alignment.** A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.

- **Pedestrian Connection.** A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street, or may be separate from the roadway.

- **Preferred Alternative Light Rail Alignment.** A public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

- **Public Access Easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

- **Rail Right-Of-Way.** A public or private right-of-way, for the purpose of allowing rail travel.

- **Right-Of-Way.** An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract.

- **Roadway.** The portion of a right-of-way that is improved for motor vehicle 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 right-of-way that is primarily intended for motor vehicle travel or for motor vehicle access to abutting property. Streets are also intended for pedestrian or bicycle travel, or access to abutting property. 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.

- **Streetcar Alignment.** A street, right-of-way, or easement that has a streetcar line in it.

- **Streetcar Line.** A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement.

- **Through Street.** A street that connects to other streets at both ends.

- **Transit Station.** A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

- **Transit Street.** A street that is classified in the Transportation Element of the Comprehensive Plan as:
  - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
  - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation Element of the Comprehensive Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

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.

Utilities. For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities. See also the definition of Utilities under the Environment-Related Definitions.

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

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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, stationery, 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; kennels limited to boarding, with no breeding; 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.

7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales And Service or Agriculture.

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 security and leasing offices. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. 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 uses. Accessory uses 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 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 uses. Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

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 that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and 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.

1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use. See Chapter 33.830, Excavations and Fills, for more information.

2. Sewer pipes that serve a development are considered a Basic Utility.

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; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; 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, 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. 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 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, 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, park-and-ride facilities for mass transit, 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 657A.250 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 that 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 that are oriented to retail sales are classified as Retail Sales And Service.

4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or 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 are classified as Basis Utilities. Park-and-ride facilities are classified as Community Service.

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

(Amended by: Ord. No.168698, effective 4/17/95; Ord. No. 173533, effective 7/31/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02.)

Sections:

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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. Minimum requirements other than density are calculated as described in Paragraph A.1. Minimum requirements for density are calculated as described in Paragraph A.2.

1. Generally. 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.

2. Density. Minimum density calculations are rounded based on a fraction that is truncated to two numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.

B. Maximum limits. Maximum limits other than density are calculated as described in Paragraph B.1. Maximum limits for density are calculated as described in Paragraph B.2.

1. Generally. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the preceding whole number. For example, if a maximum limit of one parking space for every 2,500 square feet of site area is applied to an 8,000 square foot site, the resulting fraction of 3.2 is rounded down to 3 allowed parking spaces.

2. Density. Maximum density calculations are rounded as follows. For the purposes of this measurement, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 1.7398 is truncated to 1.73.

   a. 1.01 to 3.99. Where a maximum density calculation results in number that is at least 1.01 and up to 3.99:

      (1) If the fraction is less than .90, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 13,900 square foot site, the resulting fraction of 2.78 is rounded down to 2 allowed dwelling units.

      (2) If the fraction is .90 or above, the fraction is rounded up to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 14,600 square foot site, the resulting fraction of 2.92 is rounded up to 3 allowed dwelling units.

   b. 4.01 to 10.99. Where a maximum density calculation results in a number that is at least 4.01 and up to 10.99:

      (1) If the fraction is less than .75, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,400 square foot site, the resulting fraction of 4.68 is rounded down to 4 allowed dwelling units.

      (2) If the fraction is .75 or larger, the fraction is rounded up to the next whole number. For example, If a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,900 square foot site, the resulting fraction of 4.78 is rounded up to 5 allowed dwelling units.

   c. 11.01 or larger. Where a maximum density calculation results in a number that is 11.01 or greater:

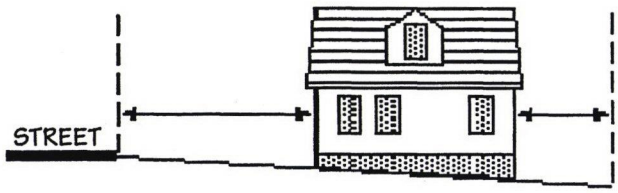
      (1) If the fraction is less than .50, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 56,200 square foot site, the resulting fraction of 11.24 is rounded down to 11 allowed dwelling units.

      (2) If the fraction is .50 or larger, the fraction is rounded up to the next whole number. For example, If a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 58,200 square foot site, the resulting fraction of 11.64 is rounded up to 12 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.

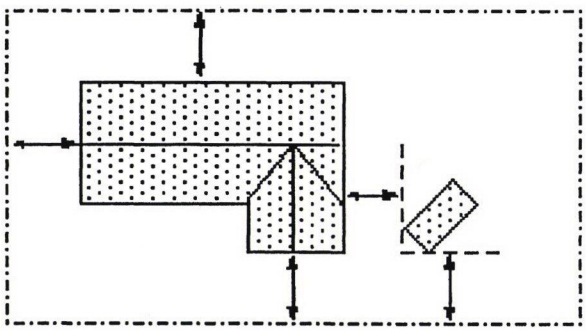
Figure 930-1
Horizontal Measurement



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 Subsections C , E., and F.

Figure 930-2
Closest Distance

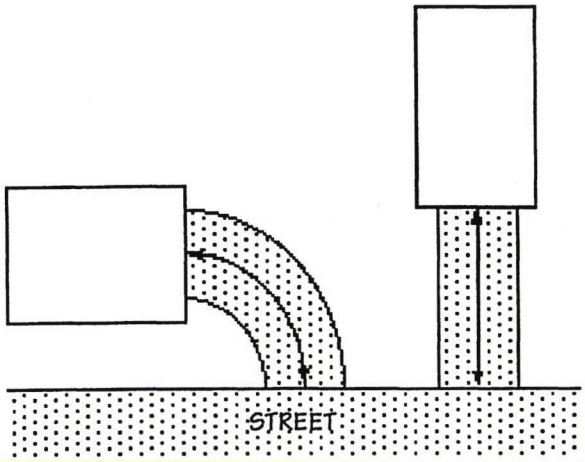


Measurement is taken from the shortest distance between the points.

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.

D. Measurement of distance between rights-of-way. Distance between rights-of-way is measured from centerline of one right-of-way to the centerline of the other right-of-way.

Figure 930-3
Measuring Vehicle Travel Areas

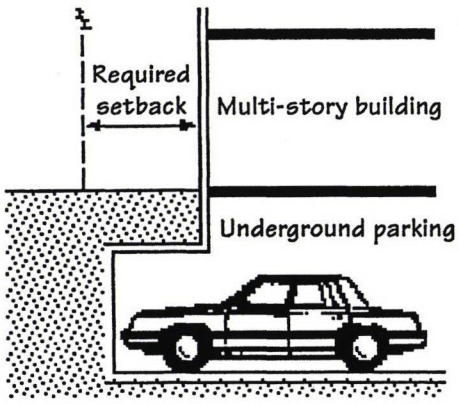


Measure down the middle of the travel area.

E. 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.

F. 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

G. Landscaping. Measurements of the dimensions of a landscaped area include only the area that is actually landscaped, and not any other elements, such as protective curbs.

H. Measurement of distance from a bus stop or Transit Station. When measuring distance from a bus stop, the measurement is taken from the bus stop sign. When measuring distance from a Transit Station, the measurement is taken from the edge of the platform.

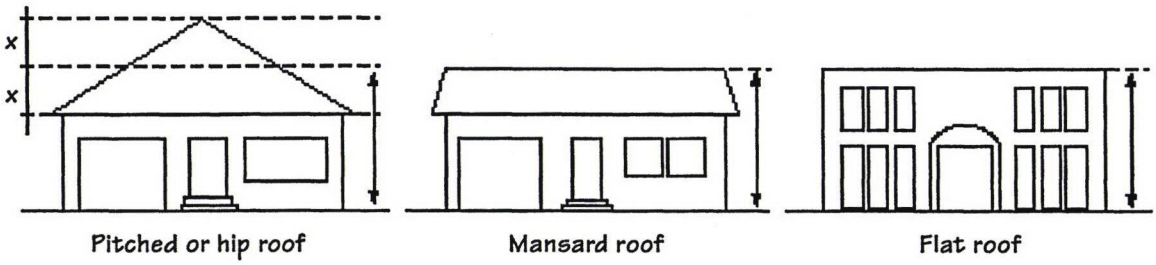
33.930.040 Measuring Distances on Maps

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 Specialty 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.

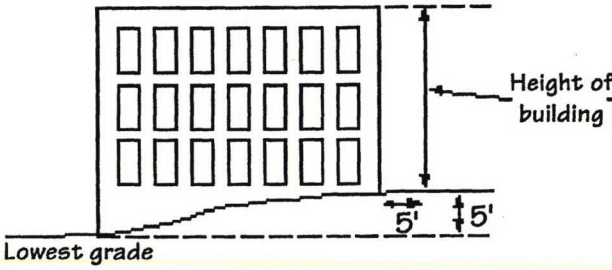
Figure 930-5
Measuring Height – Roof Types



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.

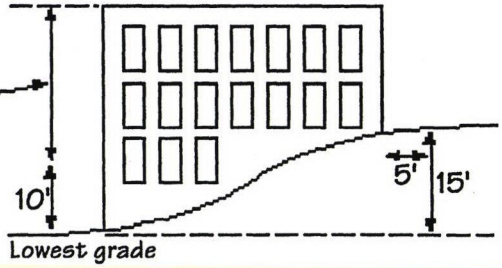
2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1. above, is more than 10 feet above lowest grade. See Figure 930-7.

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

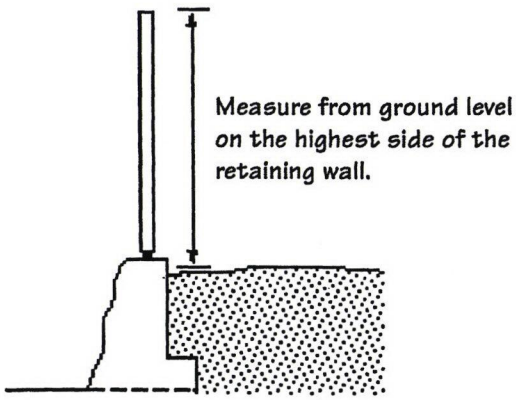


When highest grade is more than 10 feet above the lowest grade, the base point is the elevation 10 feet above the lowest grade.

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

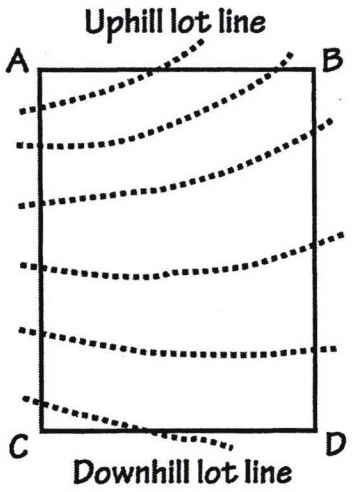


2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50 percent open, and from the ground to the top of the rails for all other situations.

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



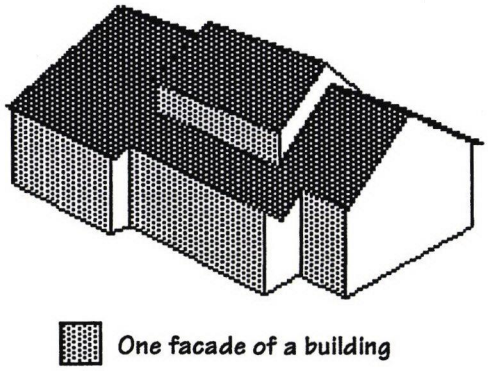
$$\frac{\text{Average elevation of uphill lot line} - \text{Average elevation of downhill lot line}}{\text{Average distance between the uphill and downhill lot lines}}$$

$$\frac{\left(\frac{A+B}{2}\right) - \left(\frac{C+D}{2}\right)}{\left(\frac{\text{Length of line AC} + \text{Length of line BD}}{2}\right)}$$

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.

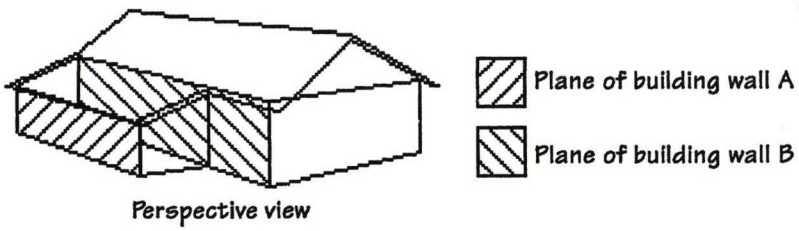
Figure 930-10
Façade of a Building



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.

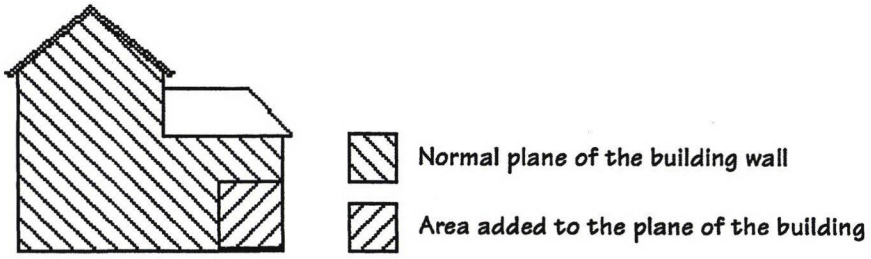
In situations where there is more than one wall along one facade, the bulk of the closer walls covers the bulk of walls that are farther back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 930-11. [There are special measurement 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). For carports, the garage wall area is determined by calculating the area of a vertical plane extending from the outer edges of the roof to the nearest grade. The area within a gable is not included in the calculation. (See Figure 930-14).

Figure 930-13
Garage Wall Area

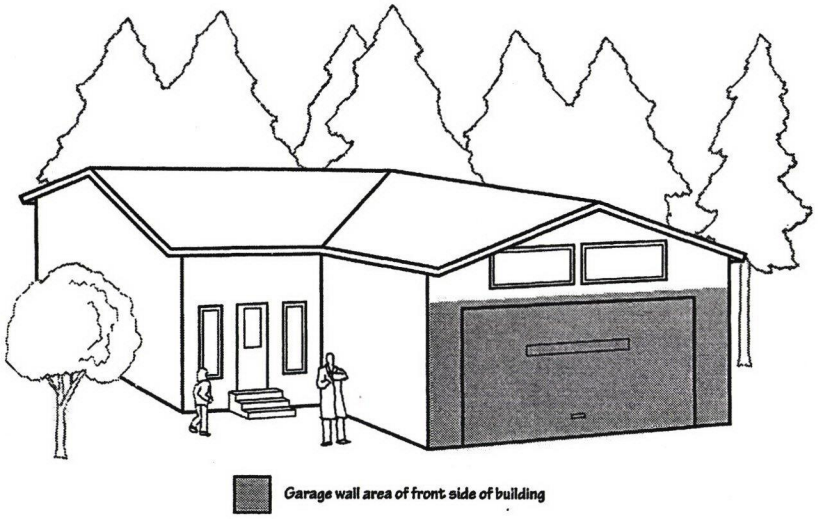
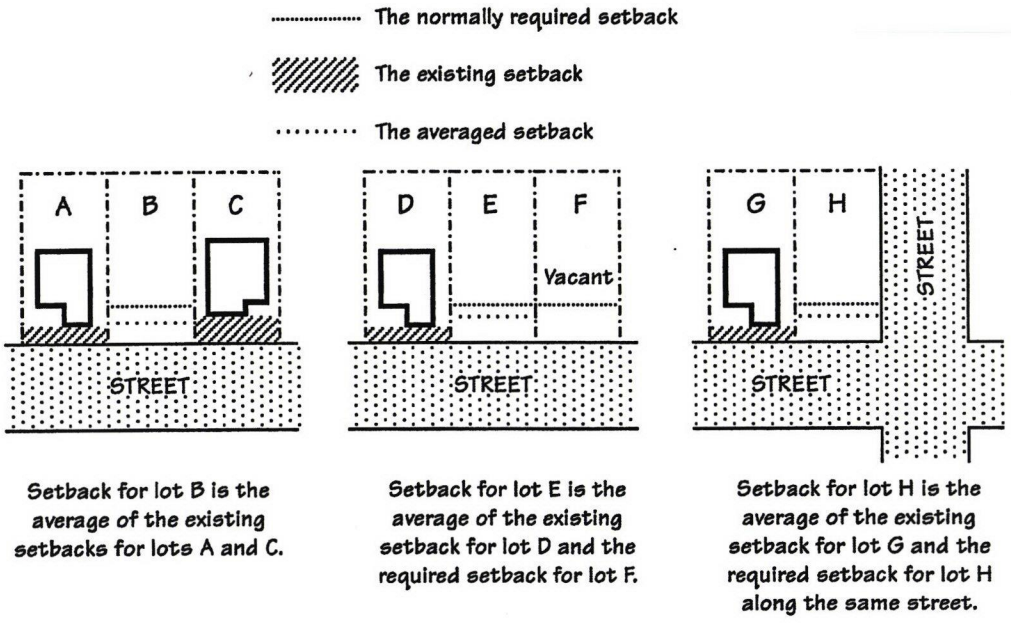


Figure 930-18
Setback Averaging



33.930.140 Measuring the Root Protection Zone
The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone. See Figure 930-19.

Figure 930-19
Measuring the Root Protection Zone

