

# Better Housing by Design

AN UPDATE TO PORTLAND'S MULTI-DWELLING ZONING CODE



As Amended by  
City Council

December 2, 2019

Volume 2:



Zoning Code  
Amendments



Bureau of Planning and Sustainability  
Innovation. Collaboration. Practical Solutions.  
City of Portland, Oregon



**The Better Housing by Design project is updating Portland’s multi-dwelling zoning rules to meet needs of current and future residents:**

**For more information ...**

Visit the project website: [www.portlandoregon.gov/bps/betterhousing](http://www.portlandoregon.gov/bps/betterhousing)

Email the project team: [betterhousing@portlandoregon.gov](mailto:betterhousing@portlandoregon.gov)

Call project staff: 503-823-4203

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# Summary

This is Volume 2 of the ***Better Housing by Design As Amended by City Council*** report. Volume 2 includes full code and commentary for amendments to the Comprehensive Plan and Zoning Code that will affect how development is regulated in Portland’s multi-dwelling zones. The preceding *Recommended Draft* incorporated the Portland Planning and Sustainability Commission’s (PSC) changes to the earlier *Proposed Draft* and served as the PSC’s recommendation to City Council. The *As Amended* report includes amendments passed by City Council on November 21, 2019.

The major components of the Better Housing by Design proposals include the following:

- **Diverse housing options and affordability.** Amendments provide more flexibility for a diverse range of housing options – regulating development intensity by building size instead of numbers of units – and expand incentives for affordable housing and physically-accessible units.
- **Outdoor spaces and green elements.** Amendments expand requirements for outdoor spaces for residents, provide more options for innovative green options to meet landscaping requirements, reduce parking requirements, and limit large paved areas.
- **Building design and scale.** Amendments include design standards that limit front garages, require entrances oriented to the street, facilitate compact development, and provide new design options for development on major corridors.
- **East Portland standards and street connections.** Amendments include standards focused on improving outcomes in East Portland, including approaches to facilitate new street connections.

Other major components that are part of the *As Amended* report include a new array of multi-dwelling zones and related Zoning Map changes, corresponding changes to Comprehensive Plan land use designations, and amendments to commercial/mixed use zone regulations and other Zoning Code chapters to bring consistency with the Better Housing by Design regulations for the multi-dwelling zones.

## Next Steps

City Council held public hearings on the *Better Housing by Design Recommended Draft* on October 2 and November 6 of 2019. City Council deliberated and voted on amendments to the *Recommended Draft* on November 21, 2019. City Council is scheduled to make a final decision on the Better Housing by Design provisions on December 18, 2019, with the effective date for the new regulations and map amendments scheduled for March 1, 2020. Project updates will be posted on the project website: [www.portlandoregon.gov/bps/betterhousing](http://www.portlandoregon.gov/bps/betterhousing).



# Volume 2:

## Zoning Code Amendments

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This volume presents proposed Zoning Code and Comprehensive Plan amendments. The document is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages. The “crosswalk” table on the following page provides a cross reference between the major proposals described in the *Staff Report* (Volume 1) and where the related code changes appear in this document.

**Zone names.** Text that discusses issues related to the current zones uses the current zone names. Text regarding the proposed code amendments uses the proposed new zone names, accompanied by the corresponding current zone names in parentheses (e.g., RM1 [R2/R3]).

## Major Proposals – where to find them in the Zoning Code amendments

| Proposal                                                                                                                                   | Code Reference                       | Pages              |
|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------|
| <b>Diverse Housing Options and Affordability</b>                                                                                           |                                      |                    |
| 1. Regulate by building scale instead of unit density.                                                                                     | 33.120.210                           | 54-57              |
| 2. Prioritize affordable housing by increasing inclusionary housing development bonuses and through a family housing bonus.                | 33.120.211                           | 62-67              |
| 3. Promote accessible housing through a visitable units bonus.                                                                             | 33.120.211.C.4                       | 66-67              |
| 4. Provide incentives for preserving trees, affordable housing, and historic buildings through transfers of development rights.            | 33.120.210.D                         | 57-61              |
| 5. Allow small-scale commercial uses on major corridors.                                                                                   | 33.120.100.B                         | 32-39              |
| <b>Outdoor Spaces and Green Elements</b>                                                                                                   |                                      |                    |
| 6. Require residential outdoor areas in high density zones.                                                                                | 33.120.240                           | 120-123            |
| 7. Require shared common areas for large sites.                                                                                            | 33.120.240                           | 122-125            |
| 8. Allow alternatives to conventional landscaping.                                                                                         | 33.120.235                           | 118-121            |
| 9. Limit large surface parking lots and asphalt paving.                                                                                    | 33.266.130.C.4                       | 216-217            |
| 10. Reduce parking requirements, especially for small sites and for projects with affordable units.                                        | 33.266.110.D<br>Tables 266-1 & 266-2 | 207<br>209& 211    |
| <b>Building Design and Scale</b>                                                                                                           |                                      |                    |
| 11. Limit front garages and parking along street frontages.                                                                                | 33.120.283<br>33.266.120&130         | 170-173<br>212-223 |
| 12. Require building entrances to be oriented to streets or to courtyards.                                                                 | 33.120.231                           | 108-111            |
| 13. Require front setbacks that reflect neighborhood patterns and provide privacy.                                                         | 33.120.220.B<br>Table 120-3          | 86-89<br>55        |
| 14. Simplify side setback regulations to reduce barriers to compact development.                                                           | 33.120.220.B<br>Table 120-3          | 84-87<br>55        |
| 15. Require building height transitions to single-dwelling zones.                                                                          | 33.120.215.B<br>Table-120-3          | 80-83<br>55        |
| 16. Require large building facades to be divided into smaller components.                                                                  | 33.120.230                           | 105-107            |
| 17. Provide design options that support urban development along major corridors.                                                           | 33.120.220.B.3.j<br>33.120.215.B.1   | 89-91<br>80-81     |
| <b>East Portland Standards and Street Connections</b>                                                                                      |                                      |                    |
| 18. Continue East Portland mid-block open areas through requirements for deep rear setbacks.                                               | 33.120.220.B                         | 84-89              |
| 19. Require street frontages wide enough for quality site design and to provide space for new street connections in East Portland centers. | 33.120.206<br>Map 120-2              | 52-53<br>194-195   |
| 20. Calculate development allowances prior to street dedication to facilitate street connections.                                          | 33.930.025                           | 244-245            |
| <b>Other Major Proposed Amendments</b>                                                                                                     |                                      |                    |
| 21. Strengthen minimum density requirements.                                                                                               | 33.120.212<br>33.258.060             | 70-73<br>202-203   |
| 22. Require transportation and parking demand management approaches in the multi-dwelling zones.                                           | 33.266.410                           | 226-227            |
| 23. Amend commercial/mixed use zone regulations to be consistent with those in the multi-dwelling zones.                                   | 33.130                               | Volume 3           |

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## Commentary

# Proposed Comprehensive Plan Amendments

This section presents proposed amendments to the Comprehensive Plan. The amendments are limited to changes to Chapter 10 (Land Use Designations). The proposed changes primarily affect the multi-dwelling land use designation paragraphs and are necessary to accommodate the proposed new multi-dwelling zones framework and the shift to regulating development intensity by FAR (instead of unit density).

The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### Comprehensive Plan

#### Chapter 10: Land Use Designations and Zoning

The proposed amendments to this chapter primarily consist of:

1. Changes to the multi-dwelling land use designations to correspond to the proposed new multi-dwelling zones and the shift to regulating development intensity by FAR (instead of unit density).
2. Minor amendments to other designations to provide clarity regarding the application of the design overlay zone in association with these designations.
3. Updates to Figure 10-1, which identifies corresponding and allowed zones for each land use designations, to reflect the new multi-dwelling zone names.

The existing multi-dwelling land use designations use names based on residential density. For example, "Multi-Dwelling - 2,000" reflects the corresponding R2 zone's maximum density of 1 unit per 2,000 square feet of site area. This naming convention is no longer consistent with the proposal to regulate multi-dwelling zones by development scale (FAR), instead of unit density (see pages 54-57). The new Comprehensive Plan multi-dwelling designations use location-related names, similar to the approach used for the mixed use designations. The proposed Comprehensive Plan Map amendments assign to each property the new designation that corresponds to existing designations (see below).

| Current Comp Plan Name (& zone)                            | New Comp Plan Name            | Corresponding New Zones |
|------------------------------------------------------------|-------------------------------|-------------------------|
| Multi-Dwelling - 3,000 (R3)<br>Multi-Dwelling - 2,000 (R2) | Multi-Dwelling - Neighborhood | RM1                     |
| Multi-Dwelling - 1,000 (R1)                                | Multi-Dwelling - Corridor     | RM2                     |
| High-Density Multi-Dwelling (RH)                           | Multi-Dwelling - Urban Center | RM3, RM4                |
| Central Residential (RX)                                   | <i>No change</i>              | RX                      |
| Manufactured Dwelling Park                                 | <i>No change</i>              | RMP                     |

# Comprehensive Plan Amendments

## Chapter 10: Land Use Designations and Zoning

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### Policies

#### Land use designations

The Comprehensive Plan Map is one of the Comprehensive Plan's implementation tools. The map includes land use designations, which are used to carry out the Comprehensive Plan. The land use designation that best implements the goals and policies of the Plan is applied to each area of the city. This section contains general descriptions of the land use designations.

Each description includes:

Type of place or Pattern Area for which the designation is intended.

General use and intensity expected within the area. In some cases, alternative development options allowed in single-dwelling residential zones (e.g. duplexes and attached houses on corner lots; accessory dwelling units) may allow additional residential units beyond the general density described below.

Level of public services provided or planned.

Level of constraint.

**Policy 10.1 Land use designations.** Apply a land use designation to all land and water within the City's Urban Services Boundary. Apply the designation that best advances the Comprehensive Plan goals and policies. The land use designations are shown on the adopted Land Use Map and on official Zoning Maps.

*Note: The pending Central City 2035 Plan will revise the Central City-specific land use descriptions or will create new corresponding zones.*

**(Paragraphs 1 – 7: no changes)**

#### **Multi-Dwelling Residential**

##### **~~8. Multi-Dwelling — 3,000~~**

~~This designation allows a mix of housing types, including multi-dwelling structures, in a manner similar to the scale of development anticipated within the Single-Dwelling — 2,500 designation. This designation is intended for areas near, in, and along centers and corridors where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have~~

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## Commentary

### Chapter 10: Land Use Designations and Zoning (continued)

#### Multi-Dwelling - Neighborhood

The "Multi-Dwelling - 3,000" and "Multi-Dwelling - 2,000" designations are being replaced with a new "Multi-Dwelling - Neighborhood" land use designation. This aligns with the merging of the corresponding R3 and R2 zones into the new RM1 zone (see page 26).

The description of the new Multi-Dwelling - Neighborhood designation and its name relate to its application to areas intended to continue the scale of low-rise residential neighborhoods (typically up to three stories) and providing for a mix of multi-dwelling and single-dwelling housing. The description of the new designation is derived from those of the two designations it replaces, both of which were intended for development that is compatible in scale with single-dwelling housing.

The minimum density indicated is the minimum density of the corresponding RM1 zone.

#### Multi-Dwelling - Corridor

The "Multi-Dwelling - 1,000" designation has been renamed to "Multi-Dwelling Corridor." The new land use designation name reflects the corresponding zone's role as the predominant multi-dwelling zoning along major transit streets, such as those designated as Civic Corridors or Neighborhood Corridors in the 2035 Comprehensive Plan Urban Design Framework. This designation is also applied in centers and near transit stations. Language in the description reflects the role of the designation in providing opportunities for transit supportive densities of housing. Changes to the paragraph also reflect the fact that the corresponding RM2 (former R1) zone allows buildings 45-feet tall (four stories), which is substantially different in scale than single-dwelling residential areas.

Changes to language related to density reflect the to the proposed shift to regulating the corresponding RM2 (R1) zone by scale/FAR, instead of unit density. The minimum density indicated is that of the corresponding RM2 zone.

~~development constraints and may include larger development sites. The maximum density is generally 14.5 units per acre, but may go up to 21 units per acre in some situations. The corresponding zone is R3.~~

#### **9. Multi-Dwelling — ~~2,000~~**

~~This designation allows multi-dwelling development mixed with single-dwelling housing types but at a scale greater than for single-dwelling residential. This designation is intended for areas near, in, and along centers and corridors and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 21.8 units per acre, but may be as much as 32 units per acre in some situations. The corresponding zone is R2.~~

#### **9. Multi-Dwelling — Neighborhood**

This designation allows low-rise multi-dwelling development mixed with single-dwelling housing types, at a scale that is compatible with, but somewhat larger than, single-dwelling residential. This designation is intended for areas near, in, and along centers, neighborhood corridors, and transit stations, in locations where transit-supportive densities at a low-rise residential scale is desired. Areas within this designation generally do not have development constraints, and are in locations where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 17 units per acre. The corresponding zone is RM1.

#### **10. Multi-Dwelling — ~~1,000~~Corridor**

~~This designation allows medium-scale density multi-dwelling development. The scale of development is intended to reflect the allowed~~accommodate transit-supportive densities while providing transitions to being compatible with nearby~~single-dwelling residential. The designation is intended for areas near, in, and along centers, and civic and neighborhood corridors, and transit station areas, where urban public services, generally including complete local street networks and access to frequent transit, are available or planned. Areas within this designation generally do not have development constraints. The maximum density is generally 43 units per acre, but may be as much as 65 units per acre in some situations. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 30 units per acre. The corresponding zone is R1~~RM2.

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## Commentary

### Chapter 10: Land Use Designations and Zoning (continued)

#### Multi-Dwelling - Urban Center

The "High-Density Multi-Dwelling" designation has been renamed to "Multi-Dwelling - Urban Center." The new designation name reflects the application of this designation to major centers, including areas adjacent to the Central City, and to areas around light rail transit stations. These locations, intended for high-density development, are also where the similarly-named Mixed Use - Urban Center designation is applied.

This land use designation has two corresponding zones, RM3 and RM4 zones, which were both formerly the RH zone (the new zones correspond to the two different FAR levels that existed in the RH zone - see page 22). The zoning code "Characteristics of the Zones" paragraphs in Chapter 33.120 (see page 25) provide guidance as to the appropriate locations of the two corresponding zones, when considering requests for zoning map amendments. The minimum density indicated is that of the corresponding RM3 and RM4 zones.

Language has been added to indicate that the Design ('d') overlay zone will always be applied in conjunction with this designation (see Staff Report, page 22, regarding the proposed expansion of the d-overlay to all properties with RM3 and RM4 zoning). These zones allow buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied.

#### Central Residential

For consistency with the other multi-dwelling land use designations, this paragraph is being amended to indicate a minimum density that is the same as that of the minimum required density of the corresponding RX zone. The last sentence is being amended to clarify that the Design overlay zone is always applied in conjunction with the corresponding zone (RX). The use of the term "generally" created uncertainty regarding application of the Design overlay zone.

#### Mixed Use - Civic Corridor

The only change to this paragraph is the addition of a sentence to clarify that one of this land use designation's corresponding zones, the CM3 zone, is always accompanied by the Design overlay zone. This is not a new proposed approach, but continues the application of the d-overlay to the CM3 zone's precursor zone, the EX zone (which the Mixed Use Zones Project renamed to CM3 in locations outside the Central City and Gateway).

### **11. ~~High-Density~~ Multi-Dwelling — Urban Center**

This designation is intended for the Central City, Gateway Regional Center, Town Centers, and transit station areas where a residential focus is desired and urban public services including access to high-capacity transit, very frequent bus service, or streetcar service are available or planned. This designation is intended to allow high-density multi-dwelling structures at an urban scale. Maximum density is based on a floor-area-ratio, not on a unit-per-square-foot basis. Minimum density is 43 units an acre. ~~Densities will range from 80 to 125 units per acre.~~ The corresponding zones ~~is RH~~ are RM3 and RM4. This designation is accompanied by the Design overlay zone.

### **12. Central Residential**

This designation allows the highest density and most intensely developed multi-dwelling structures. Limited commercial uses are also allowed as part of new development. The designation is intended for the Central City and Gateway Regional Center where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. Development will generally be oriented to pedestrians. Maximum density is based on a floor area ratio, not on a units-per-square-foot basis. Minimum density is 87 units per acre. ~~Densities allowed exceed 100 units per acre.~~ The corresponding zone is RX. This designation is ~~generally~~ accompanied by a the ~~d~~ Design overlay zone.

### **13. Manufactured Dwelling Park**

This designation allows multi-dwelling residential development in manufactured dwelling parks. Allowed housing is manufactured dwellings that are assembled off-site. The designation is intended to reflect the unique features of manufactured dwellings parks in terms of a self-contained development with smaller dwellings on individual spaces with an internal vehicle circulation system, pedestrian pathways, and open area often resulting in lower building coverage than other multi-dwelling designations. The maximum density is generally 29 spaces per acre, one space per 1,500 square feet of site area. The corresponding zone is RMP.

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## Commentary

### Chapter 10: Land Use Designations and Zoning (continued)

The only changes to the paragraphs on this page are minor edits to their last sentences to clarify that the Design overlay zone is always applied in conjunction with these designations and their corresponding zones.

## **Mixed Use and Commercial**

***(Paragraphs 14 – 15: no changes)***

### **16. Mixed Use — Civic Corridor**

This designation allows for transit-supportive densities of commercial, residential, and employment uses, including a full range of housing, retail, and service businesses with a local or regional market. This designation is intended for areas along major corridors where urban public services are available or planned including access to high-capacity transit, frequent bus service, or streetcar service. The Civic Corridor designation is applied along some of the City's busiest, widest, and most prominent streets. As the city grows, these corridors also need to become places that can succeed as attractive locations for more intense, mixed-use development. They need to become places that are attractive and safe for pedestrians while continuing to play a major role in the City's transportation system. Civic Corridors, as redevelopment occurs, are also expected to achieve a high level of environmental performance and design. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE). Within this designation, the CM3 zone is accompanied by the Design overlay zone.

### **17. Mixed Use — Urban Center**

This designation is intended for areas that are close to the Central City and within Town Centers where urban public services are available or planned including access to high-capacity transit, very frequent bus service, or streetcar service. The designation allows a broad range of commercial and employment uses, public services, and a wide range of housing options. Areas within this designation are generally mixed-use and very urban in character. Development will be pedestrian-oriented with a strong emphasis on design and street level activity, and will range from low- to mid-rise in scale. The range of zones and development scale associated with this designation are intended to allow for more intense development in core areas of centers and corridors and near transit stations, while providing transitions to adjacent residential areas. The corresponding zones are Commercial Mixed Use 1 (CM1), Commercial Mixed Use 2 (CM2), Commercial Mixed Use 3 (CM3), and Commercial Employment (CE). This designation is ~~generally~~ accompanied by ~~a~~ the ~~d~~Design overlay zone.

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## **Commentary**

### **Chapter 10: Land Use Designations and Zoning (continued)**

The only changes to the paragraphs on this page are minor edits to their last sentences to clarify that the Design overlay zone is always applied in conjunction with these designations and their corresponding zones.

### **18. Central Commercial**

This designation is intended to provide for commercial development within Portland's Central City and Gateway Regional Center. 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 along a pedestrian-oriented, safe, and attractive streetscape. The corresponding zone is Central Commercial (CX). This designation is ~~generally~~ accompanied by at the dDesign overlay zone.

### **Employment**

#### **19. Central Employment**

The designation allows for a full range of commercial, light-industrial, and residential uses. This designation is intended to provide for mixed-use areas within the Central City and Gateway Regional Center where urban public services are available or planned including access to high-capacity transit or streetcar service. The intensity of development will be higher than in other mixed-use land designations. The corresponding zone is Central Employment (EX). This designation is ~~generally~~ accompanied by at the dDesign overlay zone.

***(Paragraphs 20 – 22: no changes)***

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## Commentary

### Chapter 10: Land Use Designations and Zoning (continued)

#### Figure 10-1

This table is being updated to reflect the new multi-dwelling zone names.

*Figure 10-1. Corresponding and Allowed Zones for Each Land Use Designation*

| LU Designation                                                  | Corresponding Zone(s)            | Non-corresponding zone(s) that are allowed                                                               |
|-----------------------------------------------------------------|----------------------------------|----------------------------------------------------------------------------------------------------------|
| Open Space                                                      | OS                               | none                                                                                                     |
| Farm and Forest                                                 | RF                               | OS                                                                                                       |
| Single-Dwelling 20,000                                          | R20                              | RF, OS                                                                                                   |
| Single-Dwelling 10,000                                          | R10                              | R20, RF, OS                                                                                              |
| Single-Dwelling 7,000                                           | R7                               | R10, R20, RF, OS                                                                                         |
| Single-Dwelling 5,000                                           | R5                               | R7, R10, R20, RF, OS                                                                                     |
| Single-Dwelling 2,500                                           | R2.5                             | R5, R7, R10, R20, RF, OS                                                                                 |
| <del>Multi-Dwelling 3,000</del>                                 | <del>R3</del>                    | <del>R2.5, R5, R7, R10, R20, RF, OS</del>                                                                |
| Multi-Dwelling 2,000 -<br><u>Neighborhood</u>                   | <del>R2</del><br><u>RM1</u>      | <del>R3</del> , R2.5, R5, R7, R10, R20, RF, OS                                                           |
| Multi-Dwelling 1,000 - <u>Corridor</u>                          | <del>R1</del><br><u>RM2</u>      | <u>RM1</u> , <del>R2, R3</del> , R2.5, R5, R7, R10, R20, RF, OS                                          |
| <del>High-Density</del> Multi-Dwelling -<br><u>Urban Center</u> | <del>RH</del><br><u>RM3, RM4</u> | <u>RM1, RM2</u> , <del>R1, R2, R3</del> , R2.5, R5, R7, R10, R20, RF, OS                                 |
| Central Residential                                             | RX                               | <u>RM1, RM2, RM3, RM4</u> <del>RH, R1, R2, R3</del>                                                      |
| Manufactured Dwelling Park                                      | RMP                              | <u>none</u>                                                                                              |
| Mixed-Use — Dispersed                                           | CM1, CR                          | CE, <u>RM1, RM2</u> , <del>R1, R2, R3</del> , R2.5, R5, R7, OS                                           |
| Mixed-Use — Neighborhood                                        | CM1, CM2, CE                     | <u>RM1, RM2</u> , <del>R1, R2, R3</del> , R2.5, R5, OS                                                   |
| Mixed-Use — Civic Corridor                                      | CM1, CM2, CM3, CE                | <u>RM1, RM2</u> , <del>R1, R2, R3</del> , R2.5, R5, OS                                                   |
| Mixed-Use — Urban Center                                        | CM1, CM2, CM3, CE                | IG1, EG1, CE, <u>RM1, RM2, RM3, RM4</u> , <del>RH, R1, R2</del> , R2.5, OS                               |
| Central Commercial                                              | CX                               | IH, IG1, IG2, EG1, EG2, EX, CM1, CM2, CM3, CE, RX, <u>RM1, RM2, RM3, RM4</u> <del>RH, R1, R2</del>       |
| Mixed Employment                                                | EG1, EG2                         | IH, IG1, IG2, RF                                                                                         |
| Central Employment                                              | EX                               | none                                                                                                     |
| Institutional Campus                                            | CI1, CI2, IR                     | EG2, EX, CX, CM1, CM2, CM3, CE, <u>RM1, RM2</u> , <del>R1, R2, R3</del> , R2.5, R5, R7, R10, R20, RF, OS |
| Industrial Sanctuary                                            | IH, IG1, IG2                     | RF (R20, R10, R7, R5, OS) <sup>1</sup>                                                                   |

<sup>1</sup>R20, R10, R7, R5 and OS are allowed zones in the Industrial Sanctuary only where the zoning pre-dates the adoption of the 2035 Comprehensive Plan.

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## Commentary

# **Proposed Zoning Code Amendments to Chapter 33.120 Multi-Dwelling Zones**

This section presents proposed zoning code amendments to the Multi-Dwelling Zones chapter. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### Chapter 33.120 Sections Table

The Chapter 33.120 sections table has been changed to reflect new or revised code sections related to the proposed amendments (see individual code sections for details and commentary).

## 33.120 Multi-Dwelling Zones

120

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### 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
- 33.120.050 Neighborhood Contact

#### Use Regulations

- 33.120.100 Primary Uses
- ~~33.120.110 Accessory Uses~~
- ~~33.120.120 Nuisance-Related Impacts~~

#### Development Standards

- 33.120.200 Housing Types Allowed
- 33.120.~~205~~210 Development on Lots and Lots of Record
- 33.120.206 Minimum Required Site Frontage for Development
- 33.120.210 Floor Area Ratio
- 33.120.211 Floor Area Bonus Options
- 33.120.~~205~~212 Maximum Density
- 33.120.213 Minimum Density
- 33.120.215 Height
- 33.120.220 Setbacks
- 33.120.225 Building Coverage
- 33.120.230 Building Length and Façade Articulation
- 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 and Common 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
- 33.120.280 Detached Accessory Structures
- 33.120.283 Additional Development Standards for Structured Parking and Garages
- 33.120.284 Additional Development Standards for Flag Lots
- 33.120.285 Fences
- 33.120.290 Demolitions
- 33.120.300 Nonconforming Development
- 33.120.305 Parking and Loading
- 33.120.310 Signs

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## Commentary

### Chapter 33.120 Sections Table (continued)

See previous commentary.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

33.120.320 Inclusionary Housing

33.120.330 Street and Pedestrian Connections

Supplemental Information

Map 120-1 Civic and Neighborhood Corridors

Map 120-2 Minimum Required Site Frontage Areas

Map 120-3 Pattern Areas

~~Map 120-1 Index Map for RH Areas with Maximum FAR of 4:1~~

~~Maps 120-2 through 120-20 RH Areas with Maximum FAR of 4:1~~

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## Commentary

### 33.120.010 Purpose

Amendments reflect additional allowances for limited commercial uses in the multi-dwelling zones while emphasizing that allowances for additional uses should still continue the intended role of these zones as places for housing. Reference to "large scale" institutional uses is being changed because the Institutional Residential (IR) zone was moved to a new chapter (33.150 Campus Institutional) as part of Task 5 of the Comprehensive Plan Update.

Paragraph B is being amended to clarify that the existing reference to compatibility with the City's character is not intended to suggest that higher-density development will always be similar in scale to what currently exists, but that the development standards are intended to shape development to contribute to the intended characteristics of each zone and the places where they apply. In places where the Comprehensive Plan directs growth, such as in centers and along corridors, the implementing commercial/mixed use and multi-dwelling zones are intended to foster a more urban environment. With this change, however, development standards work to ensure compatibility with Portland's design characteristics, as described in the Design and Development chapter of the Comprehensive Plan, which identifies features such as pedestrian-friendly street frontages, green elements, landmarks, and distinct built and natural patterns as key Portland characteristics.

### 33.120.020 List of the Multi-Dwelling Zones

The names of the multi-dwelling zones are being changed to be more reflective of the new structure of the zones. The current zone names for some zones are based on unit density (e.g., R2 - "Residential 2,000" corresponds to a maximum density of 1 unit per 2,000 sq. ft. of site area), which will be less relevant with the proposed FAR approach to regulating by development scale (see pages 54-57). The new approach uses zone names that are consistent with the naming convention used for the commercial/mixed use zones, in which larger zone name numbers correspond to allowances for larger-scale development. The new zones combine the current R3 and R2 zones, both intended for low-rise multi-dwelling development, into the new RM1 zone (see commentary on page 26). The new approach also splits the current RH zone into two separate zones (RM3 and RM4) that reflect the different FARs and development standards that apply within the current RH zone (which includes two separate levels of FAR: 2 to 1 and 4 to 1).

### Current and Corresponding New Zones

| Current Short Name | Current Full Name                      | New Short Name | New Full Name                |
|--------------------|----------------------------------------|----------------|------------------------------|
| R3<br>R2           | Residential 3,000<br>Residential 2,000 | RM1            | Residential Multi-Dwelling 1 |
| R1                 | Residential 1,000                      | RM2            | Residential Multi-Dwelling 2 |
| RH                 | High Density Residential (2:1 FAR)     | RM3            | Residential Multi-Dwelling 3 |
| RH                 | High Density Residential (4:1 FAR)     | RM4            | Residential Multi-Dwelling 4 |
| RX                 | Central Residential                    | RX             | No change                    |
| RMP                | Residential Manufactured Dwelling Park | RMP            | No change                    |

## 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~~ limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood ~~image and character~~ of the multi-dwelling zones and their intended role as places for housing.
- B. Development standards.** The six multi-dwelling zones are distinguished primarily by their allowed scaledensity 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 and contribute to the intended characteristics of each zone. 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.

| <b>Full Name</b>                              | <b>Short Name/Map Symbol</b> |
|-----------------------------------------------|------------------------------|
| <u>Residential Multi-Dwelling 1</u>           | <u>RM1</u>                   |
| <u>Residential Multi-Dwelling 2</u>           | <u>RM2</u>                   |
| <u>Residential Multi-Dwelling 3</u>           | <u>RM3</u>                   |
| <u>Residential Multi-Dwelling 4</u>           | <u>RM4</u>                   |
| <u>Central Residential</u>                    | <u>RX</u>                    |
| <u>Residential Manufactured Dwelling Park</u> | <u>RMP</u>                   |

| <b>Full Name</b>                                  | <b>Short Name/Map Symbol</b> |
|---------------------------------------------------|------------------------------|
| <del>Residential 3,000</del>                      | <del>R3</del>                |
| <del>Residential 2,000</del>                      | <del>R2</del>                |
| <del>Residential 1,000</del>                      | <del>R1</del>                |
| <del>High Density Residential</del>               | <del>RH</del>                |
| <del>Central Residential</del>                    | <del>RX</del>                |
| <del>Residential Manufactured Dwelling Park</del> | <del>RMP</del>               |

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## Commentary

### 33.120.030 Characteristics Of The Zones

These paragraphs have been rewritten to better reflect the updated intent of the multi-dwelling zones, focusing more on scale, appropriate locations for the zones, and deleting past references to unit density (reflecting the shift to regulating development intensity primarily by building scale/FAR).

**The RM1 zone (1 to 1 FAR, 35' height)**, which combines the former R3 and R2 zones, is a low-scale zone that provides a transition to single-dwelling residential areas, often located at the edges of centers or along neighborhood corridors, or other areas intended to provide continuity with the scale of established low-rise residential areas.

**The RM2 zone (1.5 to 1 FAR, 45' height)**, formerly the R1 zone, is a medium-scale zone applied in and around a variety of centers and corridors and has similar allowed building height to the predominant commercial/mixed use zones in these areas.

**The RM3 zone (2 to 1 FAR and 65' height)**, formerly the RH zone, is a high density, mid-rise zone applied in locations close to the Central City and in centers and major corridors, and includes requirements for front landscaping to integrate with established residential neighborhoods.

**The RM4 zone (4 to 1 FAR and 75' height)**, formerly RH zoning mapped for an FAR of 4 to 1, is an intensely urban, mid- to high-rise zone applied in locations close to the Central City and in centers and major corridors.

**The RX zone (4 to 1 FAR, 100' height)** is the most intensely urban residential zone, and is applied within the Central City and the Gateway Regional Center.

The paragraphs for the RM3 and RM4 zones include language indicating that the Design ('d') overlay zone will be applied in conjunction with these zones (see Staff Report, page 22). These zones allow buildings 65 to 100 feet tall, which matches or exceeds scale allowed in mixed use zones (EX and CM3) where the design overlay is always applied.

See pages 6 and 19 of the Staff Report (Volume 1) for diagrams illustrating the allowed scale of each zone (**Appendix B** includes more detailed code modeling showing the maximum development allowances for each zone).

### 33.120.030 Characteristics Of The Zones

- A. RM1 zone.** The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.
- B. RM2 zone.** The RM2 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the RM1 zone, while still providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.
- C. RM3 zone.** The RM3 zone is a medium to high density multi-dwelling zone applied near the Central City, and in centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended for compact, urban development with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone is intended for areas where the established residential character includes landscaped front setbacks. Allowed housing is characterized by mid-rise buildings up to six stories tall. The Design overlay zone is applied to this zone.
- D. RM4 zone.** The RM4 zone is a high density, urban-scale multi-dwelling zone applied near the Central City, and in town centers, station areas, and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be an intensely urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets, with buildings located close to sidewalks with little or no front setback. This is a mid-rise to high-rise zone with buildings of up to seven or more stories. The Design overlay zone is applied to this zone.
- E. RX zone.** The RX zone is a high density multi-dwelling zone that allows the greatest intensity of development scale in the residential zones. The zone is applied within Portland's most intensely urban areas, specifically the Central City and the Gateway Regional Center. Allowed housing development is characterized by large buildings with a very high percentage of building coverage. The major types of new housing development will be mid-rise and high rise multi-dwelling structures, often with allowed retail, institutional, or other service oriented uses. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings located close to sidewalks. The Design overlay zone is applied to this zone.
- F. RMP zone.** The RMP zone is a low-scale multi-dwelling zone that allows manufactured dwelling parks. Allowed density may be up to 29 units per acre. Allowed housing is manufactured dwellings that are assembled off-site. Units are generally surrounded by vehicle circulation systems, pedestrian pathways and open area, often resulting in lower building coverage than other multi-dwelling zones. Development is compatible with low- and medium-density single-dwelling development and multi-dwelling development. Generally, RMP zoning will be applied on large sites.

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## Commentary

### 33.120.030 Characteristics Of The Zones (continued)

For legibility, these paragraphs have been rewritten and the former language shown as deleted, although the new paragraphs (preceding page) incorporate much of the intent of the former language.

#### Merging of the R3 and R2 Zones

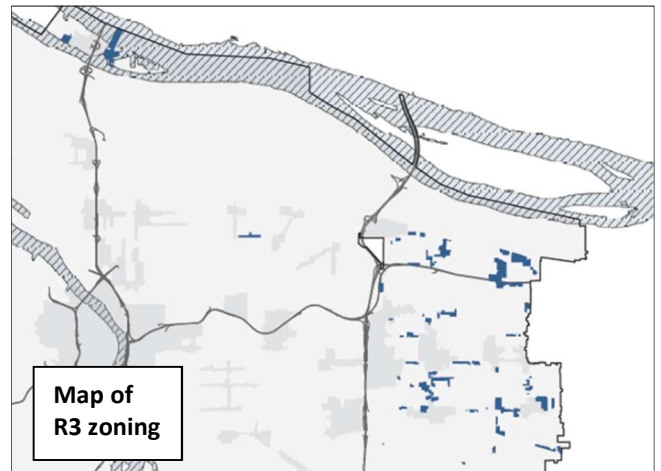
The R3 and R2 zones are being combined into a new RM1 zone for a variety of reasons:

- The R3 and R2 zones allow a similar scale of development and both are intended for development that is compatible in scale with single-family housing. The allowed building height for the new zone will be 35 feet, which is the same as the R3 zone and a slight reduction from the 40-foot height allowed in the R2 zone (see Table 120-3 on page 55). 35 feet is sufficient for the 2- to 3-story scale intended for the new zone and will allow for a wide range of middle-housing types (such as duplexes, fourplexes, and courtyard apartments) that historically were located among single-family houses. 35 feet of height is also consistent with heights in the R2.5 single-dwelling zone and the CM1 mixed-use zone, which are also intended for a scale that is compatible with single-dwelling residential neighborhoods.

|                       | R3         | R2         |
|-----------------------|------------|------------|
| Maximum Height        | 35'        | 40'        |
| Max. lot coverage     | 45%        | 50%        |
| Min. front setback    | 10'        | 10'        |
| Required outdoor area | 48 SF/unit | 48 SF/unit |
| Landscaping           | 35%        | 30%        |

- Other development standards - such as building coverage, setbacks, outdoor area and landscaping, vary little between the two zones (see box).

- The R3 zone applies in a relatively small amount of area (517 acres out of the 5,160 acres of multi-dwelling zoning), primarily in East Portland and East Hayden Island (the R3 zone is a remnant of Multnomah County zoning).



- The R3 zone has produced only a small amount of new residential units over the past 10 years, with 180 units built in that zone, compared to the total amount of 8,730 units built in the multi-dwelling zones during that period.
- As part of the shift to a scale/FAR-based approach, staff considered an FAR of .75 to 1 for the R3 zone. Code modeling (see **Appendix B**) showed little difference in development scale with the 1 to 1 FAR ratio proposed for the R2 zone (the .75 to 1 ratio is also less than the FARs for multi-unit development proposed for the R2.5 single-dwelling zone by the Residential Infill Project).
- Recent development in the R3 zone has been similar to what has been built in the R2 zone, with the majority of development in both zones consisting of clusters of detached houses, townhouses, duplexes, and small apartment buildings (see the Better Housing by Design Assessment Report, Appendix F).

- 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. ~~RMP zone.~~** The RMP zone is a low-scale multi dwelling zone that allows manufactured dwelling parks. Allowed density may be up to 29 units per acre. Allowed housing is manufactured dwellings that are assembled off-site. Units are generally surrounded by vehicle circulation systems, pedestrian pathways and open area, often resulting in lower building coverage than other multi dwelling zones. Development is compatible with low and medium density single-dwelling development and multi-dwelling development. Generally, RMP zoning will be applied on large sites.

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## Commentary

### **33.120.040 Other Zoning Regulations**

No change.

### **33.120.050 Neighborhood Contact**

The code language shown here will be replaced on December 2, 2019, by new language adopted as part of the Neighborhood Contact Code Update Project.

### **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.

### **33.120.050 Neighborhood Contact**

- A. Purpose.** Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.
1. The proposed development has not been subject to a land use review; and
  2. The proposed development would create five or more 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; or
    - c. By conversion of existing net building area from non-residential to residential uses.

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## **Commentary**

### **33.120.100 Primary Uses**

No significant change to this page.

## 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 a [1].
    - a. General regulations. All Group Living uses in the multi-dwelling ~~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. 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.

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## Commentary

### B. Limited Uses

#### 2. Retail Sales And Service and Office uses in the RM1, RM2, RM3 and RM4 zones

These regulations allow, by right, limited amounts of commercial uses in multi-dwelling zones along Civic and Neighborhood corridors (see map and commentary on page 34).

Along these corridors, allowing limited ground-floor commercial uses could help address the negative impacts from traffic to residents of housing, such as in the multi-dwelling zones located along East Portland's multi-lane corridors. In these locations, the livability of ground-level residential living spaces located along busy street frontages is compromised by traffic noise and privacy impacts. Allowances for small commercial uses in these locations will provide opportunities for ground-level businesses that could benefit from being located along busy, high-visibility street frontages. These allowances also allow more opportunities for neighborhood commercial services in areas of Portland that lack walkable access to services and that could benefit from additional opportunities for small businesses and local services, such as East Portland. Commercial use allowances currently apply in the RH zone along major corridors in the Northwest and Albina plan districts (including along NE Martin Luther King, Jr. Boulevard). The allowed amounts of retail sales and service and office uses vary by zone, as follows:

**In the RM1 and RM2 (R3/R2, R1) zones,** ground floor retail or offices uses would be allowed up to an FAR of .25 to 1 per site. This will allow up to 2,500 square feet of commercial use floor area on a 10,000-square foot site. Each commercial use is be limited to 1,000 square feet (enough for a small retail space, café, or office).

**In the RM3 and RM4 (RH) and RX zones,** ground floor retail or offices uses will be allowed up to an FAR of .4 to 1 per site. This will allow up to 4,000 square feet of floor area on a 10,000-square foot site. The commercial use allowances are more generous than for the lower-scale zones to reflect the more intensely urban character of the RM3, RM4 and RX zones. Each commercial use is limited to 2,000 square feet.

The proposal removes existing conditional use allowances in the RH zone for commercial uses within 1,000 feet of a transit station in order to prioritize corridors as appropriate locations for commercial uses (rather than local service streets). However, the proposed allowances facilitate small commercial uses in multi-dwelling zones along corridors near light rail stations (for example, near the 148<sup>th</sup> Avenue light rail station in East Portland, the proposal allows commercial uses in multi-dwelling zones along 148<sup>th</sup> Avenue and portions of Burnside). See commentary on page 42 regarding subsubparagraph 2.a.(2).

Projects using these allowances will need to meet the minimum residential unit densities of their zone, which will prevent purely commercial projects. Exterior commercial activities will not be allowed, except for outdoor seating.



*Multi-dwelling housing along a Civic Corridor in East Portland (top) and along East Burnside at a light rail station (below), locations where code changes will allow limited amounts of commercial uses.*

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

a. Limited uses. Retail Sales And Service and Office uses are allowed when:

(1) Retail Sales And Service and Office use on Civic and Neighborhood corridors.

Retail Sales And Service and Office uses are allowed, up to the following amounts, on sites that abut a Civic or Neighborhood corridor shown on Map 120-1. All of the Retail Sales And Service and Office uses allowed by this Subsubparagraph must be located on the ground floor within 100 feet of the street lot line adjacent to the Civic or Neighborhood corridor and there can be no exterior activities associated with the use except for outdoor seating:

- In the RM1 and RM2 zones, each use allowed by this Subsubparagraph is limited to 1,000 square feet of net building area up to a total combined floor area ratio of .25 to 1 for all of the uses allowed by this Subsubparagraph. More than .25 to 1 total on the site and more than 1,000 square feet per use is prohibited; and
- In the RM3, RM4, and RX zones, each use allowed by this Subsubparagraph is limited to 2,000 square feet of net building area up to a total combined floor area ratio of .4 to 1 for all of the uses allowed by this Subsubparagraph. More than .4 to 1 total on the site and more than 2,000 square feet per use is prohibited;

(2) Retail Sales And Service and Office use in the RM3 and RM4 zones. Retail Sales and Service and Office uses are allowed in multi-dwelling buildings in the RM3 and RM4 zones. Each use allowed by this Subsubparagraph is limited to 1,000 square of net building area up to a total combined floor to area ratio of .1 to 1 for all of the uses allowed by this Subsubparagraph. More than .1 to 1 total on the site and more than 1,000 square feet per use is prohibited. The uses allowed by this Subsubparagraph must be located entirely within the building and must have no external doors or signs visible from the exterior of the building. Development of a use allowed by this Subsubparagraph must not result in reduction of existing dwelling units.

b. Conditional uses. Retail plant nurseries that do not meet the standards of Subparagraph B.2.a. are a conditional use.

~~2. Retail Sales And Service and Office uses in the RH zone. This regulation applies to all parts of Table 120-1 that have a [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 net building area of the uses is limited to 20 percent of the net building area of the development. Retail Sales and Service or Office uses that cumulatively are more than 20 percent of the net building area are 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 a [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 and Gateway plan district. Retail Sales And Service and Office uses in the RX zone within the Central City plan district and the Gateway plan district are exempt from the regulations of this paragraph, and are instead subject to regulations in Chapter 33.510, Central City Plan District and Chapter 33.526, Gateway 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~~

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## Commentary

### Limited Uses (continued)

See previous commentary.

- ~~(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 510-14;~~
  - ~~(2) The net building area of commercial uses does not exceed 20 percent of the project's net building area, unless approved under the provisions of Subparagraph d. above;~~
  - ~~(3) All residential net building area 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.~~
- 34. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [34]. 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.
- 45. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [45]. Short term housing and mass shelters are also regulated by Chapter 33.285, Short Term Housing and Mass Shelters.
  - a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
  - b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.
- 56. Community Service in ~~R3RM1~~ through RM4RH and RMP. This regulation applies to all parts of Table 120-1 that have a [56]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

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## Commentary

### Limited Uses (continued)

#### 7. Daycare

This paragraph is being amended to allow daycare uses as a limited use in multi-dwelling zones. Currently, daycares are conditional uses in most situations in the multi-dwelling zones (subject to discretionary review). Allowing daycare uses by right would expand opportunities for this needed service close to residents.

In all multi-dwelling zones, regardless of location, this amendment will allow daycare facilities by right up to a size of 3,000 square feet. State requirements for childcare facilities mandate 50 square feet per child. The 3,000 square foot allowance would allow up to 60 children. Outdoor play areas are not included as part of this size limitation. Daycare uses are not limited to locations abutting major corridors, as is proposed for ground-floor commercial uses, to provide more flexibility for daycares to be further away from the traffic of corridors.

Larger daycare facilities can be approved through a conditional use approval process.

67. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [67]. 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. Swimming pools.
  - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
  - c. Golf courses, including club houses, restaurants, and driving ranges.
  - d. Boat ramps.
  - e. Parking areas.
  - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
78. Daycare. This regulation applies to all parts of Table 120-1 that have a [78]. Daycare uses are allowed as follows:
- a. Allowed use. Daycare uses are allowed by right if located~~ing~~ within a building ~~which that~~ currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.
  - b. Limited use. Daycare uses are allowed when:
    - (1) The total amount of Daycare use on the site does not exceed 3,000 square feet of net building area. The total amount allowed does not include outdoor play area; and
    - (2) All of the Daycare use, except for outdoor play area, is located on the ground floor.
  - c. Conditional uses. Daycare uses that do not meet Subparagraph B.8.a. or b. are a conditional use.
89. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [89]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

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## Commentary

### Limited Uses (continued)

#### Retail Sales and Service

This regulation, specific to retail plant nurseries, has been moved to Paragraph 2 (Retail Sales And Service and Office uses).

~~910.~~ Basic Utilities. These regulations apply to all parts of Table 120-1 that have a ~~[913].~~

- a. Basic Utilities that serve a development site are accessory uses to the primary use being served;
- b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. In the RX zone, up to 10 tons per week of biological materials or byproducts from other sites may be used to generate energy. The requirements of Chapter 33.262 Off Site Impacts must be met;
- c. In the RX zone, all other Basic Utilities are limited to 20 percent of the net building area on a site. If they are over 20 percent of the net building area, a conditional use review is required. As an alternative to conditional use review, the applicant may choose to do a Conditional Use Master Plan or an impact Mitigation Plan. The requirements of Chapter 33.262, Off Site Impacts must be met.

~~1011.~~ Agriculture. This regulation applies to all parts of Table 120-1 that have a ~~[1014].~~ If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

~~12.~~ Retail Sales and Service. ~~This regulation applies to all parts of Table 120-1 that have note [15]. Retail plant nurseries are a conditional use.~~

~~1113.~~ Retail Sales And Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note ~~[1113].~~ Recreational vehicle parks are allowed by right in the RMP zone. All other Retail Sales And Service uses are prohibited.

**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. Accessory short-term rentals. Accessory short-term rentals are accessory uses that may require a conditional use review. See Chapter 33.207.

**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.

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## Commentary

### 33.120.110 Accessory Uses

#### **B. Accessory commercial uses in the RM3 and RM4 zones (RH)**

This paragraph has been modified and moved to the limited uses paragraph (33.120.100.B.2 – see page 33). In its new location, this regulation is being amended to base the accessory commercial uses allowance on FAR (with a maximum size per use of 1,000 square feet), instead of being based on a percentage of net building area. This provides consistency with other commercial use allowances, which are also based on FAR. This paragraph is also being amended to clarify that this allowance for small amounts of accessory commercial uses is in addition to the limited commercial use allowances provided in locations along Civic and Neighborhood Corridors. Outside of these corridor locations, accessory commercial uses would continue to be allowed. Accessory commercial uses, which are intended to be internal to a building for use primarily by residents, have rarely been included as part of recent new development. Accessory commercial uses are usually part of large multi-dwelling buildings and sometimes consist of small snack or gift shops.

The new FAR-based approach, on a 20,000 square foot site, would allow two accessory commercial uses, each up to 1,000 square feet, for a total of 2,000 square feet of commercial use. This is the same amount that would be allowed under current regulations for a 40,000 square foot building on a 20,000 square foot lot (this equates to the size of building allowed by the base FAR in the RM3 zone [2 to 1]), for which the 5 percent of net building area calculation would allow for 2,000 square feet of accessory commercial use.

#### **C. Accessory auto servicing in the RH and RX zones**

This regulation, allowing fuel sales and minor repair and washing of automobiles as an accessory use, is not used and is being deleted. No similar allowance is provided for residential development in the commercial/mixed use zones.

### **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 accessory short term rentals.~~**

Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and accessory short term rentals have specific regulations in Chapters 33.203, 33.205, and 33.207 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 accessory commercial uses are limited to 5 percent of the overall net building area on the site.~~
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.

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## **Commentary**

### **33.120.120 Nuisance-Related Impacts**

This section is essentially a cross reference and is being deleted.

- ~~1. Activities allowed. Accessory auto servicing is limited to fuel sales, minor repair, and washing of autos.~~
- ~~2. Structure types. The uses are allowed only in enclosed or underground parking structures.~~
- ~~3. Signs. The uses may not have signs that are visible from the exterior of the structure.~~

### **~~33.120.120 Nuisance-Related Impacts~~**

- ~~**A. Off site impacts.** All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.~~
- ~~**B. Vehicles.** The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by 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.~~

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## Commentary

### Table 120-1 Multi-Dwelling Zone Primary Uses

See previous commentary on the amendments to the Use Regulations regarding changes to this table.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**Table 120-1**  
**Multi-Dwelling Zone Primary Uses**

| Use Categories                           | <del>R3</del>        | <del>RM1 R2</del>  | <del>RM2 R1</del>  | <del>RM3 RH</del>   | <u>RM4</u>      | <u>RX</u>            | <u>RMP</u>          |
|------------------------------------------|----------------------|--------------------|--------------------|---------------------|-----------------|----------------------|---------------------|
| <b>Residential Categories</b>            |                      |                    |                    |                     |                 |                      |                     |
| Household Living                         | <del>Y</del>         | Y                  | Y                  | Y                   | <u>Y</u>        | Y                    | Y                   |
| Group Living                             | <del>L/CU [1]</del>  | L/CU [1]           | L/CU [1]           | L/CU [1]            | <u>L/CU [1]</u> | L/CU [1]             | N                   |
| <b>Commercial Categories</b>             |                      |                    |                    |                     |                 |                      |                     |
| Retail Sales And Service                 | <del>L [12]</del>    | L [122]            | L [122]            | <del>L CU [2]</del> | <u>L [2]</u>    | <del>L/CU [32]</del> | <del>L [1311]</del> |
| Office                                   | <del>N</del>         | <del>N</del> L [2] | <del>N</del> L [2] | <del>L CU [2]</del> | <u>L [2]</u>    | <del>L/CU [32]</del> | N                   |
| Quick Vehicle Servicing                  | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Vehicle Repair                           | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Commercial Parking                       | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | CU [43]              | N                   |
| Self-Service Storage                     | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Commercial Outdoor Recreation            | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Major Event Entertainment                | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| <b>Industrial Categories</b>             |                      |                    |                    |                     |                 |                      |                     |
| Manufacturing And Production             | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Warehouse And Freight Movement           | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Wholesale Sales                          | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Industrial Service                       | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Bulk Fossil Fuel Terminal                | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Railroad Yards                           | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Waste-Related                            | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| <b>Institutional Categories</b>          |                      |                    |                    |                     |                 |                      |                     |
| Basic Utilities                          | <del>L/CU [10]</del> | L/CU [109]         | L/CU [109]         | L/CU [109]          | <u>L/CU [9]</u> | L/CU [109]           | L/CU [109]          |
| Community Service                        | <del>L/CU [6]</del>  | L/CU [65]          | L/CU [65]          | L/CU [65]           | <u>L/CU [5]</u> | L/CU [54]            | L/CU [65]           |
| Parks And Open Areas                     | <del>L/CU [7]</del>  | L/CU [76]          | L/CU [76]          | Y                   | <u>Y</u>        | Y                    | L/CU [76]           |
| Schools                                  | <del>CU</del>        | CU                 | CU                 | CU                  | <u>CU</u>       | L/CU [54]            | CU                  |
| Colleges                                 | <del>CU</del>        | CU                 | CU                 | CU                  | <u>CU</u>       | CU                   | CU                  |
| Medical Centers                          | <del>CU</del>        | CU                 | CU                 | CU                  | <u>CU</u>       | CU                   | CU                  |
| Religious Institutions                   | <del>CU</del>        | CU                 | CU                 | CU                  | <u>CU</u>       | CU                   | CU                  |
| Daycare                                  | <del>L/CU [8]</del>  | L/CU [87]          | L/CU [87]          | L/CU [87]           | <u>L/CU [7]</u> | Y                    | L/CU [87]           |
| <b>Other Categories</b>                  |                      |                    |                    |                     |                 |                      |                     |
| Agriculture                              | <del>L [11]</del>    | L [1110]           | L [1110]           | L [1110]            | <u>L [10]</u>   | L [10]               | L [1110]            |
| Aviation And Surface Passenger Terminals | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Detention Facilities                     | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Mining                                   | <del>N</del>         | N                  | N                  | N                   | <u>N</u>        | N                    | N                   |
| Radio Frequency Transmission Facilities  | <del>L/CU [9]</del>  | L/CU [98]          | L/CU [98]          | L/CU [98]           | <u>L/CU [8]</u> | L/CU [98]            | L/CU [98]           |
| Rail Lines And Utility Corridors         | <del>CU</del>        | CU                 | CU                 | CU                  | <u>CU</u>       | 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.

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## Commentary

### Table 120-2

#### Housing Types Allowed In The Multi-Dwelling Zones

This table is being modified to remove the R3 zone, which is being combined with the R2 zone into the new RM1 zone. Two additional housing types, "triplex" and "fourplex", are being added, as these small-scale housing types are being differentiated from multi-dwelling structures (see pages 240-241), which will also be consistent with proposals in the Residential Infill Project to identify these as distinct housing types with specific zoning code regulations.

The table is being corrected to show Group Structures as an allowed structure type, given that the associated use, Group Living, is allowed by right for up to 15 residents in the multi-dwelling zones. The current reference to Group Structures only being allowed in conjunction with a conditional use is incorrect (see 33.120.100.B.1).

## 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.

| <b>Table 120-2</b><br><b>Housing Types Allowed In The Multi-Dwelling Zones</b> |                                                                                                     |            |            |            |            |            |           |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|------------|------------|------------|------------|------------|-----------|
| Housing Type                                                                   | <del>R3</del>                                                                                       | RM1R2      | RM2R1      | RM3RH      | RM4        | RX         | RMP       |
| House                                                                          | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Attached House<br>(See 33.120.270 C.)                                          | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Accessory dwelling unit<br>(See 33.205)                                        | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Duplex                                                                         | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Attached Duplex<br>(See 33.120.270.F)                                          | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| <u>Triplex</u>                                                                 |                                                                                                     | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>No</u> |
| <u>Fourplex</u>                                                                |                                                                                                     | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>No</u> |
| Multi-Dwelling Structure                                                       | <del>Yes [1]</del>                                                                                  | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Multi-Dwelling Development                                                     | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | Yes [21]  |
| Manufactured Dwelling<br>(See Chapter 33.251)                                  | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | Yes [32]  |
| Manufactured Dwelling Park<br>(See Chapter 33.251)                             | <del>Yes</del>                                                                                      | Yes        | No         | No         | <u>No</u>  | No         | Yes       |
| Houseboat<br>(See Chapter 33.236)                                              | <del>Yes</del>                                                                                      | Yes        | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| Single Room Occupancy (SRO) units                                              | <del>No</del>                                                                                       | No         | Yes        | Yes        | <u>Yes</u> | Yes        | No        |
| <u>Group Living Facility</u>                                                   |                                                                                                     | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>Yes</u> | <u>No</u> |
| <del>Group Structures</del>                                                    | <del>Only when in conjunction with an approved conditional use.<br/> See also Chapter 33.239.</del> |            |            |            |            |            |           |

Yes = allowed; No = prohibited.

Notes:

~~[1] Multi dwelling development is limited to no more than eight units per building.~~

[21] The only type of multi-dwelling development allowed in the RMP zone is manufactured dwellings in a manufactured dwelling park.

[32] Except on individual lots created under the provisions of 33.642, Land Divisions of Manufactured Dwelling Parks, manufactured dwellings are only allowed in manufactured dwelling parks.

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## **Commentary**

### **33.120.205 Development on Lots and Lots of Record**

No substantial changes to this section.

### **33.120.205240 Development on Lots and Lots of Record**

- A. Purpose.** The regulations of this section require lots and lots of record to be an adequate size so that development on a site will in most cases be able to comply with all site development standards, including density. Where more than one lot is in the same ownership, these standards prevent breaking up large vacant ownerships into small lots, which are difficult to develop in conformance with the development standards. 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. Where these regulations apply.** These regulations apply to existing lots and lots of record in the multi-dwelling zones. The creation of new lots is subject to the lot size standards listed in Chapter 33.612, Lots in Multi-Dwelling Zones.
- C. Ownership of multiple lots and lots of record.** 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 dimension~~size~~, minimum density, and parking, the ownership may be separated; or
  2. If one or more of the lots or lots of record does not meet the lot dimension~~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 and lots of record.** New development on lots and lots of record that comply with the lot dimension~~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 and lots of record.** New development is allowed on lots and lots of record which do not conform to the lot dimension~~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.

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## Commentary

### 33.120.206 Minimum Required Site Frontage for Development

This new section addresses issues related to barriers narrow sites in East Portland present to the creation of new street connections and quality site design. East Portland, including centers with large areas of multi-dwelling zoning, has a lack of street connections that makes it challenging for residents to reach local destination and transit. New development provides opportunities to create new street connections in existing neighborhoods. However, many lots in East Portland are too narrow to fit even a partial street connection, resulting in no new connections when development occurs on these sites.

This section also addresses issues related to poor site design outcomes on East Portland's narrow sites. Properties in the multi-dwelling zones in East Portland are often both narrow and very deep (sites 60-feet wide and 200-feet or more in depth are common), making it difficult to achieve quality site design. Some of the problems with East Portland's narrow sites are:

- Driveways and other vehicle areas often occupy a large proportion of site area (20-foot wide driveways are typically required for deep sites).
- Lack of space for street connections (38 feet is typically need for a half-street connection).
- Little opportunity for buildings to be oriented to public streets.
- Limited room for usable outdoor spaces or for trees.
- Lack of efficiencies of scale and infrastructure.

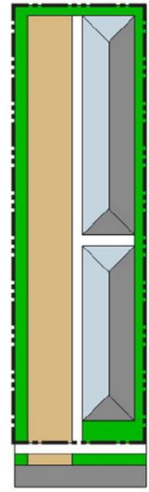
In recognition of some of the design challenges related to development on East Portland's narrow sites, Comprehensive Plan Policy 3.94 calls for land in Eastern Portland to be combined into larger sites before development occurs.

The requirements of this section will apply to sites with multi-dwelling zoning located in the Jade District, 122<sup>nd</sup>/Hazelwood, Rosewood/Glenfair neighborhood centers and in and around the Midway town center (see Map 120-2 on page 195). The boundaries used for these areas are Comprehensive Plan center boundaries, with the addition of areas around the Midway town center that were part of the Division-Midway Neighborhood Street Plan (adopted October 2014).

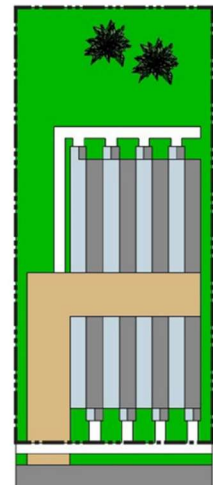
Comprehensive Plan policies call for centers such as these to become well connected places with quality design. Within these areas, for multi-dwelling zone sites more than 160-feet deep, the proposal requires a minimum street frontage of 90 feet for development of new units to take place. Exceptions are provided for projects approved through a Planned Development Review or that are surrounded by fully-developed properties.

This minimum street frontage width will provide enough space for a variety of site configurations, more efficient site design and partial street connections (if needed), as well as allow for driveways to take up less than a quarter of the site width. While there are many benefits to larger sites, a tradeoff is that requiring narrow sites to be combined adds time, cost, and complexity to development.

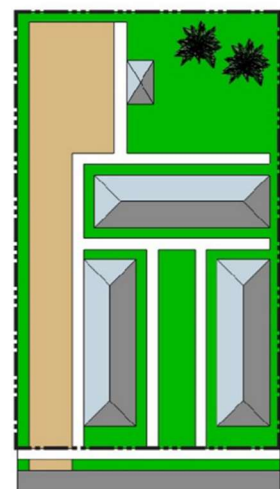
*Graphics show a typical configuration of development on a 60'-wide site (much of site is driveway), in contrast to options for better site design provided by the minimum 90'-wide dimension, and a 120'-wide site resulting from combining two 60'-wide sites).*



60'-wide site



90'-wide site



120'-wide site

### **33.120.206 Minimum Required Site Frontage for Development**

**A. Purpose.** The purpose of the minimum required site frontage standard is to ensure that sites in and around certain centers in Eastern Portland have sufficient street frontage and site area to:

- Accommodate new streets where pedestrian, bicycle and vehicular connectivity is lacking;
- Foster efficient site design;
- Allow for buildings with an orientation to the street; and
- Provide opportunities to create outdoor space and preserve trees.

**B. Where the standard applies.** The minimum required site frontage standard applies in the multi-dwelling zones to sites shown on Map 120-2.

**C. Minimum required site frontage standard.**

1. Standard. If the site is more than 160 feet deep, new dwelling units are prohibited unless the site has at least 90 feet of frontage on a street. Adjustments are prohibited.

2. Exceptions. The following exceptions apply:

- a. Adding an accessory dwelling unit to a lot with an existing house, existing attached house, existing manufactured home, or existing duplex is allowed;
- b. Development is allowed on a site when all of the lots that share a side lot line with the development site meets at least one of the following:
  - (1) The lot is zoned multi-dwelling and meets the minimum density standard for the base zone;
  - (2) The lot is zoned multi-dwelling and has an existing multi-dwelling structure or multi-dwelling development; or
  - (3) The lot is not zoned multi-dwelling; and
- c. Development approved through a Planned Development Review is allowed. See Chapter 33.270, Planned Development.

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## Commentary

**Table 120-3**

**Summary of Development Standards in Multi-Dwelling Zones**

Amendments to this table reflect changes to the respective development standard regulations, described in detail in each standard's accompanying commentary. See **Appendix B** for code modeling of the development standards (also pages 102-105 for more information on building coverage and FAR for the new RM2 zone). Major changes reflected in the table include:

- Merging the R2 and R3 zones into the new RM1 zone.
- Splitting the RH zone into two new zones, RM3 and RM4, based on the two different FAR limits that currently exist in this zone (with a RM4 base FAR of 3 to 1 FAR in historic districts).
- In the RM1 and RM2 zones (R2/R3, R1), moving from regulating development intensity by unit density to instead basing this on building scale/FAR.
- New requirements for step-down height adjacent to single-dwelling zones.
- Requiring 10' front setbacks in the RM2 (R1) and RM3 (RH) zones, to provide a better transition to the characteristics of residential neighborhoods and to address privacy issues.
- Simplification of side and rear setbacks, applying a minimum 5' setback in most situations.

**Reasons for regulating by FAR instead of unit density – RM1 & RM2 zones**

Historically, low-rise, multi-dwelling areas in Portland included a diversity of “middle housing” types, such as duplexes, fourplexes, townhouses and courtyard apartments. These two- to three-story housing types provide housing density at a scale not much taller than single-family houses. Many of these, however, could not be built today in Portland's low-rise multi-dwelling zones (R2 and R1) because they exceed unit density limits. Other issues in these zones include:

- Density-based regulations in the R2 zone often limit development to townhouse-type units, whose multiple levels and stairs are not accessible to people with mobility limitations.
- The lack of housing unit variety also limits the range of affordability levels.
- In the R1 zone, often located along transit corridors and allowing four-story buildings, density regulations similarly limit housing options, even in transit-rich locations.



*“Middle housing” refers to a wide variety of multi-unit housing types at a low-rise scale. Once common, this variety is not possible in today’s zones. For example, while all of the above examples are within the 2-3 story scale allowed in the R2 zone, only the duplex would be allowed under current unit-based regulations.*

**R1 zone development**

*Old and new buildings along transit corridors. Similar scale, but the older apartments accommodate more households (but could not be built under current density-based regulations).*



**1920s – 34 units on a 10,000 square-foot site**



**2015 – 18 units on an 18,000 square-foot site**

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**Table 120-3**  
**Summary of Development Standards in Multi-Dwelling Zones**

| Standard                                                                                                                                                                                                               | R2                                                   | RM1-R2                                                                   | RM2-R1                                                                     | RM3 RH                                                          | RM4                                          | RX                                  | RMP                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------------------|-------------------------------------|-----------------------------------------------------|
| Maximum FAR Density<br>(See 33.120.210-205)                                                                                                                                                                            | <del>1 unit per 3,000 sq. ft. of site area</del>     | <del>1 unit per 2,000 sq. ft. of site area</del><br><u>FAR of 1 to 1</u> | <del>1 unit per 1,000 sq. ft. of site area</del><br><u>FAR of 1.5 to 1</u> | FAR of 2 to 1<br>or <del>4 to 1</del>                           | <u>FAR of 4 to 1</u><br>or <u>3 to 1</u>     | FAR of 4 to 1                       | <del>NA 1 unit per 1,500 sq. ft. of site area</del> |
| <u>Maximum Density</u><br>(See 33.120.212)                                                                                                                                                                             |                                                      | <u>none</u>                                                              | <u>none</u>                                                                | <u>none</u>                                                     | <u>none</u>                                  | <u>none</u>                         | <u>1 unit per 1,500 sq. ft. of site area</u>        |
| Maximum Density with <del>Inclusionary</del> Affordable Housing Bonus<br>(See 33.120.212-205.F)                                                                                                                        | <del>1 unit per 2,400 sq. ft. of site area</del>     | <del>NA 1 unit per 1,600 sq. ft. of site area</del>                      | <del>NA 1 unit per 800 sq. ft. of site area</del>                          | <del>NA FAR of 2.5 to 1</del><br>or <del>5 to 1</del> [1]       | <u>NA</u>                                    | <del>NA FAR of 5 to 1</del>         | 1 unit per 1,000 sq. ft.                            |
| Minimum Density<br>(See 33.120.213-205)                                                                                                                                                                                | <del>1 unit per 3,750 sq. ft. of site area</del>     | 1 unit per 2,500 sq. ft. of site area                                    | 1 unit per 1,450 sq. ft. of site area                                      | 1 unit per 1,000 sq. ft. of site area                           | <u>1 unit per 1,000 sq. ft. of site area</u> | 1 unit per 500 sq. ft. of site area | 1 unit per 1,875 sq. ft. of site area               |
| <del>Maximum Base</del> Height<br>(See 33.120.215)                                                                                                                                                                     | <del>35 ft.</del>                                    | <del>40</del> 35 ft.                                                     | 25/45 ft.                                                                  | <del>25/65 ft.</del><br><del>75/100 ft.</del>                   | <u>75/100 ft.</u>                            | 100 ft.                             | 35 ft                                               |
| <u>Step-down Height (see 33.120.215.B.2</u><br><u>- Within 25 ft. of lot line abutting RF-</u><br><u>R2.5 zones</u><br><u>- Within 15 ft. of lot line across a local</u><br><u>service street from RF – R2.5 Zones</u> |                                                      | <u>35 ft.</u>                                                            | <u>35 ft.</u>                                                              | <u>35 ft.</u>                                                   | <u>35 ft.</u>                                | <u>35 ft.</u>                       | <u>35 ft.</u>                                       |
|                                                                                                                                                                                                                        |                                                      | <u>35 ft</u>                                                             | <u>45 ft.</u>                                                              | <u>45 ft.</u>                                                   | <u>45 ft.</u>                                | <u>45 ft.</u>                       | <u>35 ft.</u>                                       |
| Minimum Setbacks<br>- Front building setback<br><del>- Street building setback</del><br>- Side and rear building setback.                                                                                              | <del>10 ft.</del><br><del>—</del><br>See Table 120-4 | 10 ft.<br><del>—</del><br>5 ft. [1]<br>See Table 120-4                   | <del>10</del> 3 ft.<br>3 ft.<br>5 ft. [1]<br>See Table 120-4               | <del>10</del> 0 ft.<br>0 ft.<br>5/10 ft. [1]<br>See Table 120-4 | <u>5 ft.</u><br><br><u>5/10 ft. [1]</u>      | 0 ft.<br><del>0 ft.</del><br>0 ft.  | 10 ft.<br><del>—</del><br>10 ft.                    |
| Garage entrance setback<br>(See 33.120.220)                                                                                                                                                                            | <del>18 ft.</del>                                    | 18 ft.                                                                   | 5/18 ft.                                                                   | 5/18 ft.                                                        | <u>5/18 ft.</u>                              | 5/18 ft.                            | 18 ft.                                              |
| Maximum Setbacks<br>(See 33.120.220)<br>Transit Street or Pedestrian District                                                                                                                                          | <del>20 ft.</del>                                    | 20 ft.                                                                   | 20 ft.                                                                     | 20 ft.                                                          | <u>10 ft.</u>                                | 10 ft                               | NA                                                  |
| Max. Building Coverage<br>(See 33.120.225)                                                                                                                                                                             | <del>45% of site area</del>                          | 50% of site area                                                         | 60%/70% of site area                                                       | 85% of site area                                                | <u>85% of site area</u>                      | 100% of site area                   | 50% of site area                                    |
| Max. Building Length<br>(See 33.120.230)                                                                                                                                                                               | <del>No</del>                                        | Yes                                                                      | Yes                                                                        | No                                                              | <u>No</u>                                    | No                                  | Yes                                                 |
| Min. Landscaped Area<br>(See 33.120.235)                                                                                                                                                                               | <del>35% of site area</del>                          | 30% of site area                                                         | 20% of site area                                                           | 15% of site area                                                | <u>15% of site area</u>                      | none                                | 30% of site area                                    |
| Required Outdoor Areas<br>(See 33.120.240)                                                                                                                                                                             | <u>Yes</u>                                           | Yes                                                                      | Yes                                                                        | <del>Yes</del> No                                               | <u>Yes</u>                                   | No                                  | See 33.251                                          |

Notes:

[1] See 33.120.220.B.2 for Eastern Pattern Area special rear building setback. If the base FAR is 2 to 1 then the maximum with bonus is 2.5 to 1. If the base FAR is 4 to 1, then the maximum with bonus is 5 to 1.

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## Commentary

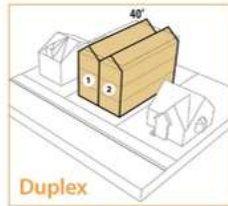
### 33.120.210 Floor Area Ratio

This new section reflects a shift from regulating development intensity in the RM1 (R2/R3) and RM2 (R1) zones by unit density to instead basing this on building scale, regulated by floor area ratios (FAR). This approach will bring consistency with the FAR-based approach currently used in the RH and RX zones, and in the commercial/mixed use zones. This approach provides greater flexibility in the number and mix of housing units, while providing greater certainty in the allowed scale of development. The following illustrates differences between the proposed FAR-based approach compared to the current R2 and R1 unit density regulations.

#### RM1 (R2/R3)

##### Current approach (R2):

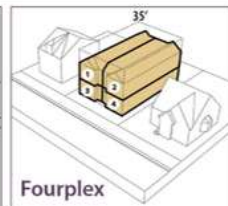
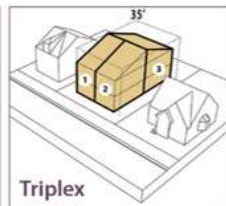
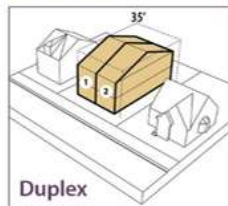
- ▶ 40-foot height limit.
- ▶ Density limited to one unit per 2,000 square feet of site area (two units on a 5,000-square foot site).
- ▶ Often results in large townhouse units.



The proposal for the R2 (new RM1) zone would allow greater flexibility within a smaller building envelope. This would create options for more and different types of housing units.

##### Proposed approach:

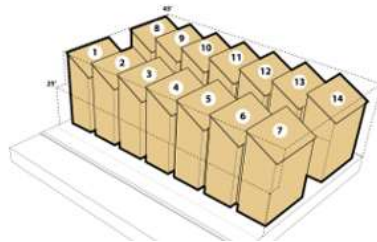
- ▶ Reduce allowed height to 35 feet.
- ▶ Provide flexibility for what happens inside the allowed building scale (FAR of 1 to 1).



#### RM2 (R1)

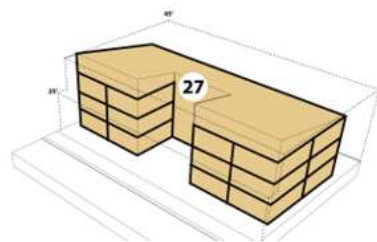
##### Current approach:

- ▶ 45-foot height limit.
- ▶ Density limited to one unit per 1,000 square feet of site area.
- ▶ Often results in townhouse units.



##### Proposed approach:

- ▶ 45-foot height limit (unchanged)
- ▶ Provide flexibility for what happens inside the building (FAR of 1.5 to 1).



**B. FAR Standard.** The standard allows structured parking, required bicycle parking, and indoor common areas to not count against FAR limits (consistent with regulations in the commercial/mixed use zones). These exemptions allow for these features to not result in the loss of housing potential and works in conjunction with other proposals to limit surface parking and encourage indoor common areas. The base FAR in the RM4 zone in historic districts is 3 to 1 (instead of the 4 to 1 FAR that applies outside historic districts) to be responsive to the scale of historic districts (see additional commentary on page 60).

#### D. Transfer of FAR

The new language includes the following changes to existing regulations (existing code on page 79):

- Adds an option for transfers in exchange for preservation of existing affordable housing units.
- Adds an option to allow transfers in exchange for tree preservation.
- Amends the historic transfers to allow transfers from contributing resources in Historic Districts and Conservation Districts (consistent with the commercial/mixed uses zones).

### **33.120.210 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 maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. 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. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited. Floor area does not include the following:
1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and
  2. Floor area for indoor common area used to meet the requirements of Section 33.120.240.
- C. Maximum increase in FAR.** An increase in FAR using bonuses and transfers of more than is stated in Table 120-5 is prohibited. This total FAR includes FAR transferred from another site, and any additional FAR allowed from bonus options.
- D. Transfer of FAR.** FAR may be transferred from one site to another subject to the following:
1. Sending site. FAR may be transferred from:
    - a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review.;
    - b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-4, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous.; or

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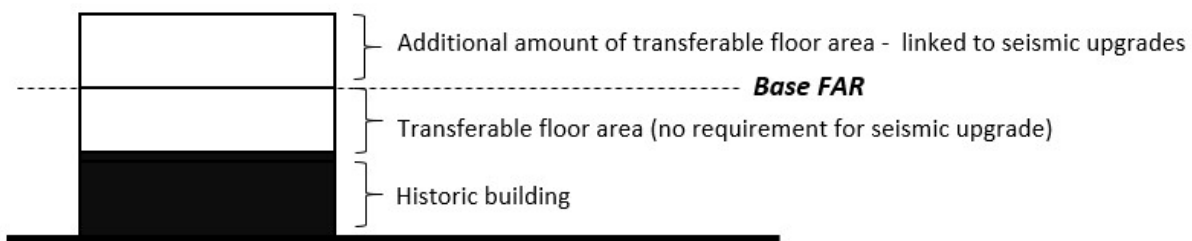
## Commentary

### 33.120.210.D. Transfer of FAR (continued)

**Affordable housing preservation (subparagraph 1.a.).** This new provision is intended to serve as an incentive for the preservation of existing affordable housing. It would allow for unused development capacity to be transferred to other sites, in exchange for the preservation of existing affordable housing units. The existing affordable housing units would need to remain affordable for households earning no more than 60 percent of MFI. The Housing Bureau would be involved in certifying compliance (the details of the term of affordability will be determined by the Housing Bureau, but will be for a minimum of 30 years from the date of the FAR transfer).

**Tree preservation (subparagraph 1.b.).** This new provision is intended to serve as an incentive for tree preservation. While Title 11 (Trees) requires that at least one third of large trees (12 inches or larger in diameter) must be preserved, development proposals in the multi-dwelling zones typically choose to instead use an option to pay into the Tree Planting and Preservation fund instead of preserving existing larger trees due to the complexities of preserving trees in conjunction with higher-density development. The new FAR transfer provision would allow for unused development capacity to be transferred to other sites with multi-dwelling zoning in exchange for preserving large trees. The amount of development potential (floor area) that could be transferred is related to the size and number of preserved trees and the allowed density of the site where the trees are being preserved (see Table 120-4). The amounts of transferable floor area are related to the size of the root protection zones required for different diameters of trees, and varies by the FAR of the site where the tree preservation is taking place to reflect the deferred development potential. The tree diameter classifications in Table 120-4 are based on those currently used for the tree preservation bonus. This FAR transfer allowance will replace an existing tree preservation development bonus, which allows for additional housing density on the same site where trees are preserved. The existing bonus has been rarely used (only twice over the past 10 years), because of difficulties of both preserving trees and fitting additional units on the same site. For the new transfer allowance, determination of the status or condition of trees is by the City Forester in a non-development situation, and by a certified arborist in a development situation.

**Historic preservation (subparagraph 1.c.) - additional FAR transfer allowance for seismic upgrades.** Amendments to this transfer provision will allow an additional amount of FAR (beyond the amount of unused development capacity), equivalent to 50 percent of the base FAR, to be transferred to other sites, but use of this additional increment of transferable FAR will only be available in conjunction with seismic upgrades. This is intended to provide an incentive for seismic upgrades to historic buildings by helping to defray the costs of these upgrades. This regulation uses an existing provision that applies in the Central City, but will extend it to multi-dwelling and mixed use zones citywide (see also 33.130.205 in Volume 3). The need for seismic upgrades to unreinforced masonry buildings (URMs) is an especially important issue for Portland's historic resources, as nearly 600 historic buildings are URMs - often brick - and seismic upgrades are costly.



c. A site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:

- (1) Unused FAR up to the maximum FAR allowed by the zone; and
- (2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:
  - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
  - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON improvement standard as defined in City of Portland Title 24.85; or
  - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.

## Commentary

### 33.120.210.D. Transfer of FAR (continued)

All the FAR transfer provisions will allow for FAR to be sent to a receiving site with multi-dwelling or commercial/mixed use zoning citywide (except the Central City, which has separate FAR transfer provisions). This is a change from existing FAR transfer regulations, which are currently limited to a two-mile transfer distance. This is being done to increase the feasibility of FAR transfers by increasing the numbers of potential receiving sites. Staff anticipate that FAR transfers will only be used by relatively small projects, since buildings with 20 or more units qualify for inclusionary housing development bonuses and will not be able to receive additional FAR from transfers. FAR transfers are generally prohibited from being used on receiving sites where a historic resource has been demolished to prevent the additional FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which for National Register Historic Districts and Landmarks requires review by City Council and is rarely approved (this limitation is intended to help protect locally-designated Conservation Districts and landmarks, which are not subject to demolition review and are potentially more vulnerable to redevelopment pressures - this topic will be more fully considered as part of the upcoming Historic Resources Code Project).

### 33.120.210.B - FAR standard (continued from page 56)

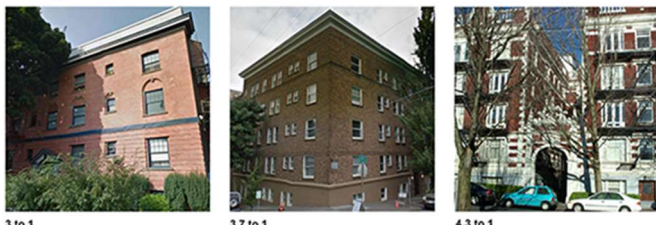
#### RM4 FAR in historic and conservation districts

In the RM4 zone in historic and conservation districts, the base FAR will be 3 to 1 and the bonus FAR will be 4.5 to 1 (instead of the RM4 base and bonus FARs of 4:1 and 6:1 that will apply outside of historic districts). Consistent with City policies that call for continuity with the characteristics of historic districts, these base and bonus FARs will allow new development similar to the scale of larger historic buildings in historic districts proposed for RM4 zoning (primarily the Alphabet and King's Hill historic districts). The bonus FAR of 4.5 to 1, achievable through the inclusionary housing bonus that is mandatory for buildings with 20 or more units, will allow development that is a little larger than the base 4:1 FAR that currently applies in the larger-scale RH zoning that is being replaced by the RM4 zone.

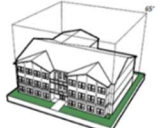
The deeper housing affordability bonus in the RM4 zone in historic and conservation districts will provide a bonus of up to 6:1 (this bonus will be available for projects in which at least half of the units are affordable to households earning no more than 60 percent of median family income to prioritize affordable housing as an outcome - see pages 64-65).

**Right.** Range of base and bonus FARs in the RM3 and RM4 zones (current zone is RH for all).

**Below.** In the RM4 zone in historic districts, base and bonus FARs of 3:1 and 4.5 to 1 will match the range of larger historic multi-dwelling buildings in historic districts, such as these examples in the Alphabet and King's Hill historic districts. Larger scale will be allowed through the deeper affordability bonus for buildings in which at least half of units are affordable.



3 to 1 → 4.5 to 1

|                                         | Base FAR                                                                                        | Bonus FAR                                                                                         | Deeper Affordability Bonus |
|-----------------------------------------|-------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|----------------------------|
| <b>RM3</b>                              | <br>2 to 1 | <br>3 to 1   | 4 to 1                     |
| <b>RM4 (historic districts)</b>         | <br>3 to 1 | <br>4.5 to 1 | 6 to 1                     |
| <b>RM4 (outside historic districts)</b> | <br>4 to 1 | <br>6 to 1   | 7 to 1                     |

2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, RX, CM1, CM2, CM3, or CE outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
3. Maximum increase in FAR. An increase in FAR on the receiving site of more than 1 to 1 from a transfer is prohibited. In addition, the total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the overall maximum FAR with other bonuses stated in Table 120-5.
4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition:
  - a. The covenant for the historic resource transferring the density must also meet the requirements of 33.445.610.D., Covenant.
  - b. The covenant for the site where trees will be preserved must:
    - (1) Require that all trees be preserved for at least 50 years; and
    - (2) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

| <b>Table 120-4</b>                                                                  |                                                               |                      |                      |                            |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------|----------------------|----------------------------|
| <b><u>Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones</u></b> |                                                               |                      |                      |                            |
| <b><u>Diameter of Tree Preserved</u></b>                                            | <b><u>Transferable Floor Area for Each Tree (by zone)</u></b> |                      |                      |                            |
|                                                                                     | <b><u>RM1</u></b>                                             | <b><u>RM2</u></b>    | <b><u>RM3</u></b>    | <b><u>RM4 &amp; RX</u></b> |
| <u>12 to 19 inches</u>                                                              | <u>1,000 sq. ft.</u>                                          | <u>1,500 sq. ft.</u> | <u>2,000 sq. ft.</u> | <u>4,000 sq. ft.</u>       |
| <u>20 to 35 inches</u>                                                              | <u>2,000 sq. ft.</u>                                          | <u>3,000 sq. ft.</u> | <u>4,000 sq. ft.</u> | <u>8,000 sq. ft.</u>       |
| <u>36 inches or greater</u>                                                         | <u>4,000 sq. ft.</u>                                          | <u>6,000 sq. ft.</u> | <u>8,000 sq. ft.</u> | <u>16,000 sq. ft.</u>      |

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## Commentary

### 33.120.211 Floor Area Bonus Options

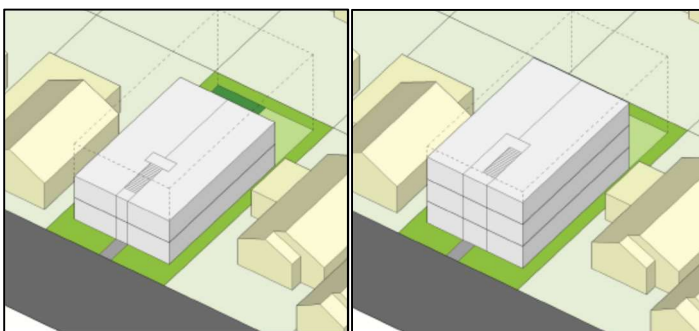
This new section includes development bonuses for affordable housing, moderate-income family housing, and visitable units. The proposed regulations limit the total amount of FAR that can be added to a site, from both transfers and from development bonuses, to an amount equivalent to 50 percent beyond the base FAR (see Table 120-5). An exception is provided for projects using the special bonus for deeper housing affordability, which could receive a 100 percent increase in FAR. Development bonuses are generally prohibited from being used on sites where a historic resource has been demolished to prevent bonus FAR from serving as an incentive for demolition of historic resources. An exception is provided for sites where a historic resource has been demolished through demolition review, which provides protection for National Register Historic Districts and Landmarks but does not apply to locally-designated Conservation Districts and landmarks, which are potentially more vulnerable to redevelopment pressures (see also Transfer of FAR commentary on page 60).

**Table 120-5 (Summary of Bonus FAR)** indicates the amount of bonus FAR available for projects utilizing the bonus options.

For the inclusionary housing bonus, the proposed bonus FARs amount to 50 percent more FAR than provided by the base FARs for each zone. The current inclusionary housing bonus provides only 25 percent additional development intensity, compared to the more than 60 percent bonus provided for inclusionary housing projects in the commercial/mixed use zones. The existing relatively small bonus for inclusionary housing limits the ability to provide an attractive incentive for affordable housing units, especially for buildings with fewer than 20 units that are not required to provide affordable housing. The 50 percent bonus would bring greater consistency with the inclusionary housing bonus provided in the commercial/mixed use zones and would increase the feasibility of projects that include affordable housing (see **Appendix C** for a feasibility analysis of the proposed base and bonus FARs). Projects using this bonus need to meet inclusionary housing requirements for 20 percent of units to be affordable to those earning no more than 80 percent of median family income (MFI), or 10 percent of units affordable at 60 percent of MFI.

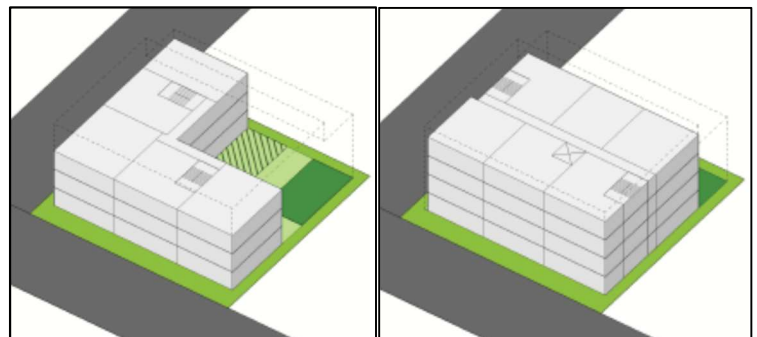
**The Maximum FAR with other bonuses.** These figures amount to 50 percent more FAR than provided by the base FAR for each zone. For smaller projects not subject to mandatory inclusionary housing, this additional FAR can be achieved through voluntary inclusionary housing, or through transfers of FAR from sites where historic resources, trees, or existing affordable housing are being preserved, potentially in combination with the bonus for three-bedroom units or visitable units.

**Code modeling examples of base and bonus FARs for the RM1 (R2/R3) and RM2 (R1) zones**



RM1 Base - 1 :1 FAR

RM1 Bonus - 1.5:1 FAR



RM2 Base - 1.5:1 FAR

RM2 Bonus - 2.25:1 FAR

*See Volume 1 and Appendix B for graphics showing base and bonus FARs for more of the multi-dwelling zones.*

### **33.120.211 Floor Area Bonus Options**

**A. Purpose and description.** The bonus options allow additional floor area as an incentive for development that includes affordable housing, family-sized units, or units that are physically accessible to people of all abilities. The bonus options are designed to allow additional development intensity in a manner that is consistent with the purposes of the multi-dwelling zones.

**B. General floor area bonus regulations.**

1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
2. More than one bonus may be used up to the overall maximum per site stated in Table 120-5. Adjustments to the maximum amount of floor area obtainable through bonuses are prohibited.
3. The increment of additional FAR allowed per bonus is stated in Table 120-5 and described in Subsection C.
4. The bonus option standards must be met in full to receive the bonus.

| <b>Table 120-5</b>                                                              |                   |                   |                   |                                |
|---------------------------------------------------------------------------------|-------------------|-------------------|-------------------|--------------------------------|
| <b>Summary of Bonus FAR</b>                                                     |                   |                   |                   |                                |
|                                                                                 | <b><u>RM1</u></b> | <b><u>RM2</u></b> | <b><u>RM3</u></b> | <b><u>RM4 &amp; RX</u></b>     |
| <b><u>Overall Maximum Per Site [1]</u></b>                                      |                   |                   |                   |                                |
| <u>Maximum FAR with deeper housing affordability bonus (see 33.120.211.C.2)</u> | <u>2 to 1</u>     | <u>3 to 1</u>     | <u>4 to 1</u>     | <u>7 to 1 or 6 to 1 [3]</u>    |
| <u>Maximum FAR with other bonuses [2]</u>                                       | <u>1.5 to 1</u>   | <u>2.25 to 1</u>  | <u>3 to 1</u>     | <u>6 to 1 or 4.5 to 1 [3]</u>  |
| <b><u>Increment of Additional FAR Per Bonus</u></b>                             |                   |                   |                   |                                |
| <u>Inclusionary Housing (see 33.120.211.C.1)</u>                                | <u>0.5 to 1</u>   | <u>0.75 to 1</u>  | <u>1 to 1</u>     | <u>2 to 1 or 1.5 to 1 [3]</u>  |
| <u>Deeper Housing Affordability (see 33.120.211.C.2)</u>                        | <u>1 to 1</u>     | <u>1.5 to 1</u>   | <u>2 to 1</u>     | <u>3 to 1</u>                  |
| <u>Three-Bedroom Units (see 33.120.211.C.3)</u>                                 | <u>0.25 to 1</u>  | <u>0.4 to 1</u>   | <u>0.5 to 1</u>   | <u>1 to 1 or 0.75 to 1 [3]</u> |
| <u>Visitable Units (see 33.120.211.C.4)</u>                                     | <u>0.25 to 1</u>  | <u>0.4 to 1</u>   | <u>0.5 to 1</u>   | <u>1 to 1 or 0.75 to 1 [3]</u> |

[1] Overall maximum FAR includes FAR received from a transfer.

[2] Other bonuses are the Inclusionary Housing, Three-Bedroom Units, and Visitable Units bonuses.

[3] The lower FAR applies in the RM4 zone in Historic and Conservation districts.

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## Commentary

### C. Bonus options

**1. Inclusionary housing bonus option.** Except for the amount of additional FAR provided, these regulations are essentially unchanged from what was adapted as part of the Inclusionary Housing Zoning Code Project, although most regulatory details and standards are now in Chapter 33.245 (Inclusionary Housing). Former text for the Inclusionary Housing development bonus are shown as crossed-out text on pages 75 to 77. The primary change to the inclusionary housing bonus provision is the amount of additional FAR provided for qualifying projects (see pages 60 to 61).

**2. Deeper housing affordability bonus option.** To qualify for this new voluntary bonus, projects will generally need to have at least 50 percent of units on the site affordable to households earning no more than 60 percent of MFI, a significantly greater amount and level of affordability than required by inclusionary housing. In combination with related amendments to Title 30 (Affordable Housing), this bonus provides an affordable home ownership option for projects in which at least half of the units are ownership units affordable to households earning no more than 80 percent of MFI. This provision provides a development bonus allowing 100 percent additional FAR and also allows additional height and building coverage for qualifying projects to accommodate this greater FAR (code modeling of the proposed development standards indicate that base regulations for parameters such as building height, coverage and setbacks provide enough capacity for a 50 percent FAR increase, but cannot accommodate a 100 percent increase).

Staff anticipate that this bonus will primarily be used by affordable housing developers, rather than the larger number of profit-dependent development projects. The minimum required percentage of 50 percent will allow developments to include some market-rate units to help offset the costs of the affordable units and allow for income diversity. Both this bonus and the standard inclusionary housing bonus will involve the Housing Bureau in administration (administrative rules will require rental units to remain affordable for a term of 99 years and ownership units to be affordable for 10 years). Unlike the inclusionary housing provisions, this bonus will not provide options for locating the affordable units off site or for payment into the Affordable Housing Fund.

**3. Three-bedroom unit bonus option (page 67).** This development bonus is a refinement of the existing bonus for three-bedroom units. It will provide 25 percent additional FAR for projects in which at least 50 percent of units have three bedrooms and are affordable to households earning no more than 100 percent of MFI. This affordability level is intended to encourage moderate-income family housing, a segment of the housing spectrum not addressed by the other affordable housing development bonuses. The existing three-bedroom bonus has no income restrictions, which does not address the current shortage of family-sized units affordable to low- and moderate-income households, especially in areas close to services.

The term of affordability for this bonus is for a shorter period than the other bonuses (10 years). This responds to affordable housing developers' concerns that this bonus would not work for their ownership housing projects if it required permanent or long-term affordability. A goal of some affordable ownership housing programs is to provide opportunities for minority and lower-income households to gain equity through homeownership. The Housing Bureau will be involved in certifying projects as qualifying for this development bonus.

### Amenity bonuses

This floor area bonuses section replaces the current array of nine amenity bonuses (see pages 133-139). The existing amenity bonuses are mostly being discontinued to prioritize affordable housing and accessibility as outcomes of the bonuses, or have been replaced by other regulatory approaches, such as new requirements for outdoor spaces and common areas.

**C. Bonus options.**

1. Inclusionary housing bonus option. Maximum FAR may be increased as stated in Table 120-5 if one of the following is met:
  - a. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
  - b. Voluntary inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 when one of the following voluntary bonus options is met:
    - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; or
    - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
2. Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-5 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income or an affordability level established by Title 30. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-3. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review.

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## Commentary

**4. Visitable units bonus option.** This voluntary bonus provides 25 percent additional FAR for projects in which at least 25 percent of units meet building code standards for visitable or accessible units. This bonus helps implement Comprehensive Plan policies (including policies 5.8, 5.9, and 5.19) that call for a diverse supply of physically-accessible housing that can meet the needs of people of all ages and abilities. The building code has requirements for physically accessible or adaptable units, but these standards do not apply to attached houses, townhouses and other multi-level unit types, which are a large portion of development in the multi-dwelling zones. To qualify for this bonus, units would need to be designed to meet building code requirements for visitable or adaptable units, as follows:

**Type C visitable units.** Housing types usually built under the residential building code, such as houses, attached houses, duplexes, and multi-level multifamily units such as townhouses, would need to meet building code standards for Type C visitable units. Type C units are not included in the Oregon Structural Specialty Code, but are in International Code Council (ICC) standards intended to serve as guidelines for housing types not covered by the Fair Housing Act (such as 1 to 3 unit dwellings). The Type C standards are designed to provide for some level of accessibility for unit types that often have more than one level (building code standards for Type A and Type B accessible units are designed for single-level units). To use this bonus, qualifying units will need at least 200 square feet of living area on the on the same level as the unit entrance and must meet Type C standards that require:

- No step, barrier free access to the unit (maximum slope of 1:20 or 1:12).
- A bathroom with a sink and toilet (with wall reinforcement for grab bars).
- Doorway clearances of 31 $\frac{3}{4}$  inches.
- Lighting controls at an accessible level (no higher than 4 feet).

**Type A accessible/adaptable units.** To qualify for the bonus, single-level units in multi-dwelling structures (typically built under the commercial building code) would need to meet building code standards for Type A units. Currently, the building code requires multifamily buildings with single-level units to design all units at ground level or that are accessed by elevators to meet Type B unit standards, which are intended to accommodate access for people with mobility limitations but do not have requirements for large clearances that work better for people in wheelchairs. Standards for Type A units include requirements for a higher-level of accessibility, with greater clearances and accessibility features to accommodate wheelchair users in bathrooms and kitchens (the building code only requires 2 percent of units on sites with more than 20 units to be Type A units). Linking qualification for this bonus to Type A units is intended to provide an incentive for multi-dwelling projects to include greater numbers of the more accessible Type A units.

Using references to building code standards to qualify for this bonus is intended to facilitate implementation, as it will allow BDS building code staff – already familiar with such standards – to use their expertise to review proposals and also provides a way for commercial building code structures to use the bonus. The alternative approach of having visitability standards as zoning code regulations, because they differ from building code standards, would need to be reviewed by BDS land use planning staff, who do not have the same expertise in reviewing the interior features of units. Differences between the RIP zoning code visitability standards and Type C unit standards are that the RIP visitability standards have less stringent standards for entrance access slope, do not have requirements for wall reinforcement for grab bars or for location of light controls, but have more stringent requirements for bathroom maneuvering space and doorway widths.

3. Three-bedroom unit bonus option. Bonus FAR is allowed up to the maximum with three-bedroom unit bonus as stated in Table 120-5 if at least 50 percent of the dwelling units on the site have at least three bedrooms and are affordable to those earning no more than 100 percent of the area median family income. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the required three-bedroom units meet the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau.
4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-5 when at least 25 percent of all the dwelling units on the site are built to either Type A or Type C standards as described below. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and ensures that the features required by the Type A or Type C standards cited below are retained for the life of the dwelling unit:
  - a. Dwelling units in houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, and multi-level dwelling units in multi-dwelling structures or multi-dwelling development must meet the requirements for Type C visitable units in ICC A117.1 (2009 Edition) and must have at least 200 square feet of living area on the same floor as the main entrance;
  - b. Other types of dwelling units must meet the requirements for Type A units as defined in the Oregon Structural Specialty Code.

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## Commentary

### **33.120.212 Maximum Density**

This section is being modified to only apply to the RMP zone, which is the only multi-dwelling zone that will have a maximum density standard. Development intensity in other multi-dwelling zones will be controlled by FAR, not unit density (see commentary regarding Floor Area Ratio, page 56).

The RMP zone affordable housing bonus option and density transfer provisions are existing allowances, but have been moved within this reconfigured code section.

**Note regarding high-density projects with small units.** Some public comments on the Discussion Draft expressed concern that an FAR-based approach will result in development with inappropriate densities of very small units and asked for setting limits on the numbers of small units or setting a maximum density. Staff analyzed recent development in the RH zone (currently regulated by FAR with no maximum density) and found that projects with micro-units or other very small units have not become a predominant development type on small sites in most areas with this zoning. One constraint that the proposed code amendments would place on large numbers of very small units on a small site are new requirements for outdoor space. The more units included in project, the more outdoor space needs to be provided. Recent projects developed with high densities of very small units on small sites had been built under zoning allowances that did not require any residential outdoor space (primarily in the mixed use zones or in the RH zone). This will not be the case with the proposed multi-dwelling zoning code regulations.

### **33.120.205212 Maximum Density**

- A. Purpose.** The maximum number of dwellings per unit of land, the maximum density, is controlled in the RMP zone 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~~is 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.~~ The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. Maximum density.** The maximum densities for the RMP zone~~multi-dwelling zones~~are~~is~~ stated in Table 120-3. There is no maximum density for any other multi-dwelling zone. ~~In the RH zone the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-19. In all other RH zoned areas the maximum FAR is 2 to 1.~~ 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. RMP zone affordable housing bonus option.** In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-3 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.
- D. Transfer of density.**
1. Density may be transferred from a site zoned RMP to a site zoned RM1, RM2, RM3, or RM4 outside of the Central City plan district. When density will be transferred from a site zoned RMP, one dwelling unit is equal to 800 square feet of floor area. Transfers of density or FAR to a site zoned RMP is prohibited.
  2. 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 for the receiving site must meet the requirements of Section 33.700.060.



### **33.120.213 Minimum Density**

**A. Purpose.** The minimum density standards ensure that the service capacity is effectively utilized and that the City's housing goals are met. The standards also ensure that incremental development will not preclude the ability to meet the intended development intensity of the zoning of a site.

**BC. 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 that bring the site closer to conformance without coming all the way into conformance.~~

1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.
- ~~12.~~ In the ~~R3, R2, and~~ RMP zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
- ~~2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.~~
3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
  - a. The maximum allowed reduction in minimum density is shown in Table 120-~~56~~.

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## Commentary

### 33.120.213 Minimum Density (continued)

#### 33.120.213.B.3 and Table 120-6

##### Reduction in Minimum Residential Density from Tree Preservation

No substantial change to this table or accompanying regulatory text, except for table number. Also, for terms related to tree health, changes replace reference to "diseased" with "dying" to more accurately convey the intent of the regulations and to bring consistency with language used elsewhere in the zoning code.

- b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:
- (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;
  - (2) Allow trees used to reduce the minimum density that die, are dying, or become ~~diseased~~ or dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, dying, ~~diseased~~, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree used to reduce the minimum density is dead, dying, ~~diseased~~, or dangerous as the result of a violation, Tree Review is required; and
  - (3) The covenant must meet the requirements of Section 33.700.060 and be recorded before a development permit is issued.

| <b>Table 120-56</b><br><b>Reduction in Minimum Residential Density from Tree Preservation</b> |                                             |                                                 |
|-----------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------|
| <b>Required Minimum Residential Density</b>                                                   | <b>No. of 12-Inch Trees To Be Preserved</b> | <b>Reduction of Minimum Residential Density</b> |
| Up to 7 units                                                                                 | 1                                           | 1                                               |
| 8-12 units                                                                                    | 1                                           | 1                                               |
|                                                                                               | 2 or more                                   | 2                                               |
| 13-17 units                                                                                   | 1                                           | 1                                               |
|                                                                                               | 2                                           | 2                                               |
|                                                                                               | 3 or more                                   | 3                                               |
| 18 or more units                                                                              | 1                                           | 1                                               |
|                                                                                               | 2                                           | 2                                               |
|                                                                                               | 3                                           | 3                                               |
|                                                                                               | 4 or more                                   | 4                                               |

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## Commentary

### **Floor area ratio**

These paragraphs have been replaced by the new Floor Area Ratio section (33.120.210). See page 57.

### **Bonus density or FAR**

The components of this regulation have been moved to the new Floor Area Bonus Options section (33.120.211) and to Chapter 33.245 (Inclusionary Housing).

- ~~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. Maximum increase in density or FAR.~~** In the RH and RX zones, an increase in FAR through the use of bonuses and transfers of more than 3 to 1 is prohibited. In all other multi-dwelling zones, an increase in the number of units through the use of bonuses, including amenity bonuses, and transfers of more than 100 percent is prohibited. The maximum allowed increase is calculated based on maximum density without inclusionary housing bonus.
- ~~F. Bonus density or FAR.~~** The following density and FAR bonus options are allowed in the R3 through RMP zones. Adjustments to this Subsection, or to the amount of maximum density or floor area allowed through the bonuses in this Subsection, are prohibited. Amenity bonuses described in 33.120.265 may allow additional bonus density:
- ~~1. Inclusionary housing bonus option.~~** The inclusionary housing bonus option applies in the R3-RX zones.
    - ~~a. Mandatory inclusionary housing.~~** Bonus density or FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-3 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
    - ~~b. Voluntary inclusionary housing.~~** Bonus density or FAR up to the maximum with inclusionary housing bonus stated in Table 120-3 is allowed when one of the following voluntary bonus options is met:
      - ~~(1) Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or~~**
      - ~~(2) Bonus density or FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.~~**

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## Commentary

### **Bonus density or FAR (continued)**

The RMP affordable housing bonus option has been moved to 33.120.212 (see page 69).

- ~~2. RMP zone affordable housing bonus option. In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-3 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets this affordability standard and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.~~

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## Commentary

### **Transfer of density or FAR**

The components of this regulation have been moved to the new Floor Area Ratio section (33.120.210). Provisions that allowed transfers of development intensity between properties on a block are being deleted in order to prioritize transfers that involve preservation of historic resources, affordable housing, and large trees. See commentary and code on pages 56-59.

**G. ~~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, R1, and RMP zones, transferable density is calculated in terms of dwelling units. In the RH and RX zones, transferable density is calculated by FAR.~~
2. ~~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 Subsection E.~~
3. ~~General standards for transfers of density or FAR.~~
  - a. ~~Except for transfers from the sites of Landmarks and transfers from sites zoned RMP, the transfers may be only between sites within a block or between sites 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 G.4 below, within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark.~~
  - c. ~~Density from a site zoned RMP may be transferred to any site allowed by Paragraph G.4.d below, that is located outside the Central City plan district.~~
4. ~~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) ~~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. Density may be transferred from the site of a Landmark zoned RH to a site zoned RX, RH, or EX.~~
  - c. ~~R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.~~
  - d. ~~RMP zone. Density may be transferred from a site zoned RMP to a site zoned R3, R2, R1, or RH. When density will be transferred from a site zoned RMP to a site zoned RH, one dwelling unit is equal to 800 square feet of floor area.~~
5. ~~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 for the receiving site must meet the requirements of Section 33.700.060. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D.,~~  
~~Covenant.~~

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## Commentary

### 33.120.215 Height

The primary changes to this section are:

- New requirements for step down height for sites abutting single-dwelling zones. This will require taller buildings in the multi-dwelling zones (RM2 [R1] through RX) to step down in scale when located next to single-dwelling zones, with building heights limited to 35 feet (three stories) within 25 feet of properties with single-dwelling zoning. A building height step down will also apply on street frontages across local service streets or across alleys from single-dwelling zoning. Because the transition to single-dwelling zones in this situation takes place across a street, this step down height across a local service street would be to 45 feet, limiting development to being one story taller than the three-story height allowed in the R2.5 single-dwelling zone. These changes bring consistency with the regulatory approach that applies to similarly-scaled buildings in the commercial/mixed use zones.
- The existing allowance for 100-foot building height in the RM4 zone (former RH) within 1,000 feet of transit stations is being expanded to also apply within 500-feet of frequent transit lines. This expanded allowance for 100-foot building height will not be allowed in historic or conservation districts (in historic or conservation districts, this height will only be allowed close to transit stations due to the greater priority for more intense development in such locations). This additional height is not accompanied by increased FAR, which will provide opportunities for buildings to be taller and less boxy than would be the case for buildings limited to 75-foot heights when built to the proposed RM4 base and bonus FARs of 4 to 1 and 6 to 1. The expanded allowance for 100-foot building height will increase the amount of land area where this height is allowed from the current 25 acres to a total of 78 acres.
- Amendments eliminate regulations that limited building height in the R1 and RH zones to 25 feet within 10 feet of front property lines, as 10-foot front setbacks are being proposed for these zones.



### 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 h~~Height standard.**

1. ~~Base height.~~ The ~~maximum base~~ 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. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone the base height is 75 feet, except as follows:
  - a. On sites that are not within a Historic or Conservation district but are within 500 feet of a transit street with 20-minute peak hour service the base height is 100 feet; and
  - b. On sites within 1,000 feet of a transit station the base height is 100 feet, including on sites that are within a Historic or Conservation district.
2. Step-down height. In the following situations, the base height is reduced, or stepped-down:
  - a. On the portion of a site within 25 feet of a lot line abutting a site zoned RF through R2.5, the step-down height is 35 feet. See Figure 120-1. Sites with property lines that abut a single-dwelling zone for less than a 5-foot length are exempt from this standard; and
  - b. On the portion of the site within 15 feet of a lot line that is across a local service street or alley from a site zoned RF through R2.5 the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street.
    - (1) The step-down height is 45 feet for sites in the RM2, RM3, RM4, and RX zones.
    - (2) The step-down height is 35 feet for sites in the RM1 and RMP zones.
1. ~~In the R1 zone the maximum height is 45 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
2. ~~In the RH zone, the following maximum height limits apply:~~
  - a. ~~Where the FAR is 2 to 1, the maximum height is 65 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
  - b. ~~Where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.~~

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## Commentary

### C. Exceptions to the maximum height

These changes bring consistency with similar regulations recently adopted for the commercial/mixed use zones.

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline. The current regulatory approach of including such features within the building height limits results in projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

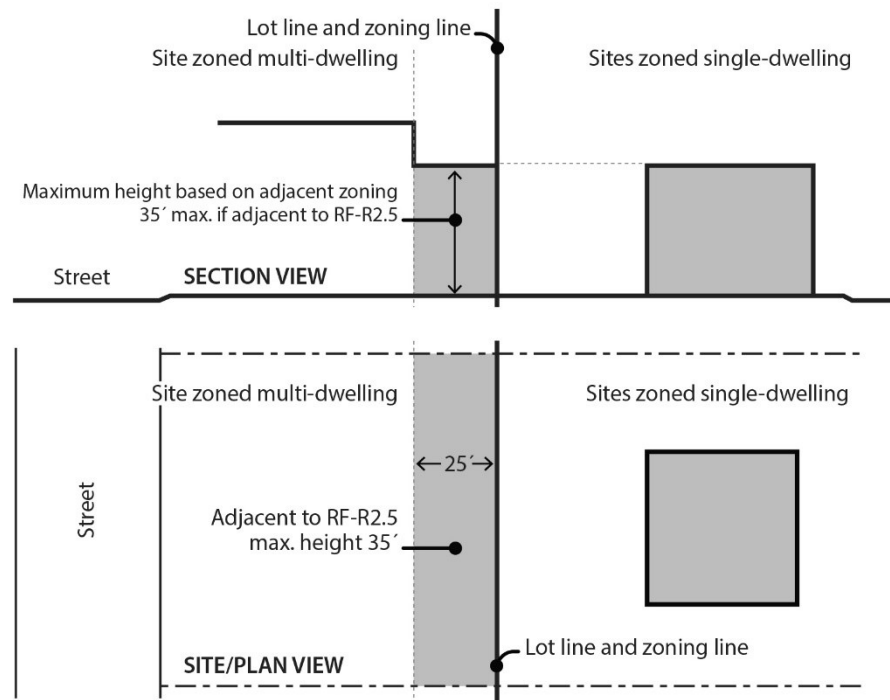
*Historic example of parapets  
providing roofline variety.*



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, which complements new requirements for residential outdoor space that could be accommodated in such locations for higher-density development.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, as well as decks adjacent to upper-level building areas with required height step downs adjacent to residential zones. Privacy walls exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation is consistent with regulations in the commercial/mixed use zones (these standards had been adapted from Main Street Corridor Overlay regulations that had been applicable to SE Division Street).

**Figure 120-1**  
**Step-Down Height Adjacent to Single-Dwelling Zones**



**C. Exceptions to the maximum height.**

1. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items ~~attached to a building~~, with a width, depth, or diameter of 53 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 53 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the height limits.
3. Walls and fences. Walls or fences located between individual rooftop decks may extend 6 feet above the height limit provided that the wall or fence is set back at least 4 feet from the edges of the roof.
42. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
  - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
  - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

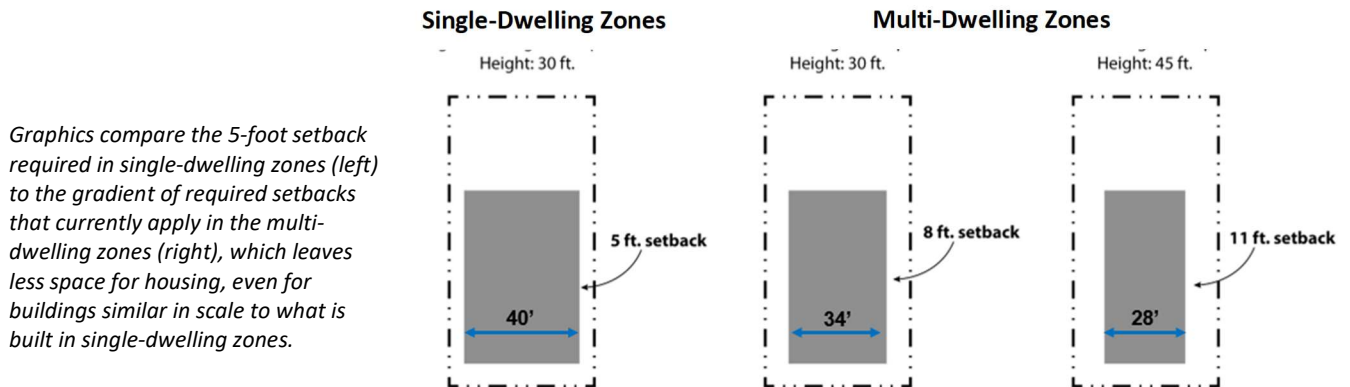
## Commentary

**Table 120-4**

**Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones**

This table is being deleted to reflect new regulatory approaches to side and rear setbacks (see Table 120-3 on page 55 for specific setback requirements), including:

- In most situations, side and rear setbacks are being standardized to 5-foot minimum setbacks (as applies in single-dwelling zones). Existing setback standards (which vary in depth from 5 to 14 feet, depending on size of building wall planes) are complex and make development on small sites difficult. This change is also intended to facilitate development on small sites that can continue neighborhood patterns and provide room for more usable outdoor space, such as central courtyards, elsewhere on sites.



- A 10-foot side and rear setback will apply in the RM3 and RM4 (RH) zones for buildings taller than 55 feet to limit impacts on adjacent properties. This height corresponds to the height at which discretionary design review is required in these zones, which will allow for modifications to this standard to be considered as part of design review.

**Special Eastern Pattern Area minimum rear building setback** (subparagraph B.2, next page). This new regulation, applicable to the Eastern neighborhoods pattern area (primarily east of 82<sup>nd</sup> Avenue, see Map 120-3 on page 197) requires a rear setback equal to 25 percent of the depth of lots. This is responsive to the area's large blocks and community interest in continuing some of the area's mid-block characteristics, such as rear yards and tree groves. Exemptions are provided for sites up to 100 feet deep and for corner sites (sites providing a new street connection will typically be exempt), and for projects providing large common areas, such as a central courtyard, elsewhere on the site. The Staff Report (Volume 1, see pages 48-52) provides additional information on the rationale for this proposed requirement.



**Current approach:** development extends to rear of site



**New approach:** development arranged to provide a deep setback at rear of site (same housing unit sizes and density as current approach example)

- ~~53.~~ Antennas, utility power poles, and public safety facilities are exempt from the height limit.
64. Small wind turbines are subject to the standards of Chapter 33.299.
- ~~75.~~ Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:~~if the following are met:~~
- For flat roofs or the horizontal portion of mansard roofs, ~~they~~the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.
  - For pitched, hipped, or gambrel roofs, ~~they~~the roof mounted solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

| <b>Table 120-4</b>                                                      |                                                          |
|-------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones</b>      |                                                          |
| <b><del>If the area of the plane of the building wall is:</del> [1]</b> | <b><del>The required side and rear setback is:</del></b> |
| 1,000 sq. ft. or less                                                   | <del>5 ft.</del>                                         |
| 1,001 to 1,300 sq. ft.                                                  | <del>6 ft.</del>                                         |
| 1,301 to 1,600 sq. ft.                                                  | <del>7 ft.</del>                                         |
| 1,601 to 1,900 sq. ft.                                                  | <del>8 ft.</del>                                         |
| 1,901 to 2,200 sq. ft.                                                  | <del>9 ft.</del>                                         |
| 2,201 to 2,500 sq. ft.                                                  | <del>10 ft.</del>                                        |
| 2,501 to 2,800 sq. ft.                                                  | <del>11 ft.</del>                                        |
| 2,801 to 3,100 sq. ft.                                                  | <del>12 ft.</del>                                        |
| 3,101 to 3,400 sq. ft.                                                  | <del>13 ft.</del>                                        |
| 3,401 sq. ft. or greater                                                | <del>14 ft.</del>                                        |

Note:

~~[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 building residents and neighboring properties;
  - 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; 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.

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## Commentary

**B. Minimum building setbacks** (see previous commentary for discussion on side and rear setbacks).

**Front setbacks (Table 120-3 and subparagraph B.3)**

In the RM2 and RM3 zones (R1 and RH), required front setbacks are being increased to 10 feet (currently front setbacks are 3 feet in the R1 zone and no setback is required in the RH zone). This will help integrate new development with established residential neighborhood patterns, often characterized by a green edge of front yards and gardens. A 10-foot setback will also limit privacy impacts to ground-level units and provide space for small trees that contribute to greener street environments and help limit urban heat island impacts. Amendments also increase the front setback in the more-intensely urban RM4 zone to 5 feet.

Exceptions would be provided for:

- **Smaller setbacks to match adjacent existing buildings.**
- **Reduced front setback when ground floors are raised 2 feet above sidewalk level to limit privacy impacts.**
- **No setback when ground-floor commercial uses together with common areas such as lobbies occupy at least half of the ground-floor street frontage.** This exemption would not be available in the RM1 (R2/R3) zone, which is intended for greater compatibility with single-dwelling zones.
- **Buildings with landscaped courtyards** facing the street can have building wings with reduced front setbacks (see page 89).

The courtyard option allows for reduced street setbacks (5 feet in the RM1 zone, 0 feet in the RM2 and RM3 zones) when at least 25 percent of the building (and a minimum length of 20 feet) is setback at least 40 feet from the street. Analysis of historic courtyard apartment buildings found that the proportion of courtyard-to-building along street frontages varies, although a common configuration on sites 100-feet wide feature a pair of building wings, each about 33-feet wide, flanking a courtyard opening about 24-feet wide (this equals 27 percent of the total building width of 90 feet) – see image of examples below.



*Pair of courtyard apartment buildings in southeast Portland.*



*Landscaped front setbacks can help continue established neighborhood patterns, even with higher-density developments.*



*The regulations allow smaller setbacks to match adjacent properties.*



*The courtyard setback option would allow for the continuation of a common courtyard housing configuration, in which building wings are located close to the sidewalk, but the large area of courtyard landscaping contributes to a verdant street frontage.*

- B. Minimum building setbacks.** The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. ~~Where no street setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line.~~ Setbacks for parking areas are in Chapter 33.266.

1. Generally. The required minimum building setbacks, if any, are stated in Tables 120-3 ~~and 120-4.~~ In the RM3 and RM4 zones, the minimum side and rear building setbacks apply as follows:
  - a. Buildings that are up to 55 feet tall. The required minimum side and rear building setback for buildings that are up to 55 feet tall is 5 feet. Minor projections allowed by Paragraph 33.120.215.C do not count toward this height measurement; and
  - b. Buildings more than 55 feet tall. The required minimum side and rear building setback for buildings that are more than 55 feet tall is 10 feet from a side or rear lot line that is not a street lot line, and 5 feet from a side or rear lot line that is a street lot line.
2. Eastern Pattern Area minimum rear building setback.
  - a. Minimum rear building setback. In the RM1, RM2, RM3 and RM4 zones in the Eastern Pattern Area the required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. No more than 50 percent of the Eastern Pattern Area rear setback can be vehicle area. The Eastern Pattern Area is shown on Map 120-3.
  - b. Exemptions. The following are exempt from the Eastern Pattern Area minimum rear building setback. When a site is exempt from the Eastern Pattern Area minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:
    - (1) Corner lots and lots that are up to 100 feet deep are exempt from the Eastern Pattern Area minimum rear building setback; and
    - (2) Sites where at least 10 percent of the total site area is outdoor common area and the common areas measure at least 30 feet in all directions are exempt from the Eastern Pattern Area minimum rear setback.
3. Exceptions to the required building setbacks.
  - a. Setback matching averaging. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced, but not increased, to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
  - b. Raised ground floor. In the RM2 and RM3 zones the minimum front building setback may be reduced to 5 feet, and in the RM4 zone the minimum front and side street building setbacks may be reduced to zero feet, for buildings where the finished floor of ground floor residential units is at least 2 feet above the grade of the closest adjoining sidewalk. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

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## Commentary

### B. Minimum building setbacks

#### Exceptions to the required building setbacks (continued)

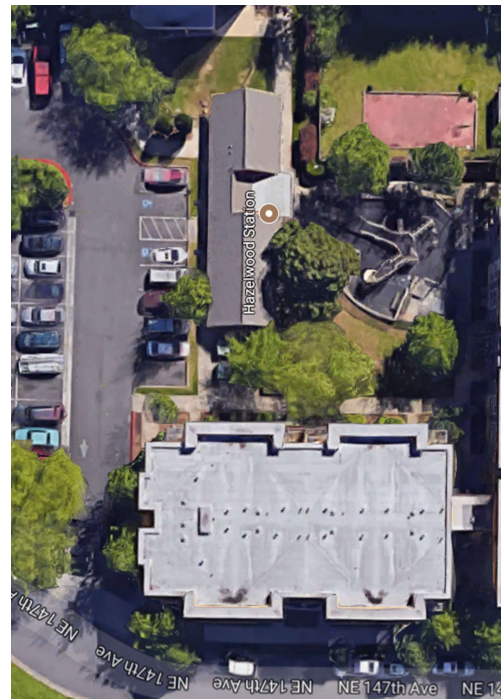
The new exceptions allowing reduced front setbacks will not be available in the Eastern Portland Pattern Area. This is intended to be responsive to interest in East Portland in keeping the street frontage of multi-dwelling development greener and more landscape-intensive, in keeping with existing neighborhood characteristics. This will also be consistent with Mixed Use Zone regulations that require 10-foot front setbacks along civic corridors in East Portland (such as SE 122<sup>nd</sup> Avenue or SE Division) in order to provide separation from the multiple lanes and traffic of these major streets.

**Subparagraph 3.i.** This new setback exception is specific to the special Eastern Pattern area minimum rear building setback. The exception will allow buildings serving as indoor common area to be located within this rear setback. This responds to interest among East Portland community members in having indoor community facilities located in conjunction with outdoor spaces.

A related regulation in the landscaping section (33.120.235.C, see page 121), requires that at least half of the setback be landscaped. This will allow other features, such as parking, to occupy the other half of the setback area. This works in conjunction with other regulations that limit parking from being located toward the front of sites, while ensuring that at least half of this mid-block setback area will include landscaping and trees.

Code modeling of this proposal indicates that this requirement will not prevent the scale of development intended for multi-dwelling zones in East Portland (see **Appendix B**).

*Example of an Eastern Portland multi-dwelling development that includes a mix of outdoor space, a community building, and some surface parking toward the rear of the site.*



- c. Courtyard. Except in the Eastern Pattern Area shown on Map 120-3, the required minimum front or side street setback may be reduced to zero in the RM2 and RM3 zones, and may be reduced to 5 feet in the RM1 zone when:
- (1) At least 20 feet or 25 percent of the length of the street-facing building facade, whichever is greater, is setback at least 40 feet from the street lot line;
  - (2) At least half of the area between the setback portion of the building and the street lot line is landscaped to at least the L1 standard and the setback includes no vehicle area; and
  - (3) The finished floor of the ground floor is at least 2 feet above the grade of the closest abutting sidewalk.
- d. Ground floor commercial. The required minimum front or side street setbacks may be reduced to zero in the RM2, RM3 and RM4 zones when the ground floor includes a commercial use and at least 50 percent of the length of the ground-floor street-facing facade is in a commercial use or is an indoor common area, such as an indoor recreation facility or community room. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.
- ~~eb.~~ Environmental zone. The required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero. All other provisions of this Title apply to the building and garage entrance.
- ~~fe.~~ Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
- ~~gd.~~ Alley. No side or rear building setback is required from a lot line abutting an alley.
- ~~he.~~ Land divisions with existing development. When a dedication of public right-of-way along the frontage of an existing street is required as part of a land division, the minimum front or side setback between an existing building and a lot line that abuts the right-of-way may be reduced to zero. Eaves on an existing building may extend one foot into the reduced setback, except that they may not extend into the right-of-way. Future additions or development must meet required minimum setbacks.
- i. Eastern Pattern Area. In the Eastern Pattern Area, the footprint of buildings containing only indoor common area, such as recreational facilities or tenant community rooms, may cover up to 25 percent of the Eastern Pattern Area minimum rear building setback. In this case, the building must be set back at least 5 feet from the rear lot line.
- j. Inner Pattern Area. In the RM2, RM3, and RM4 zones in the Inner Pattern Area, on sites that abut a Civic or Neighborhood Corridor shown on Map 120-1, no setback is required from a lot line that abuts a property that also has a lot line on a Civic or Neighborhood Corridor. See Figure 120-2. However, windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts another property and this setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

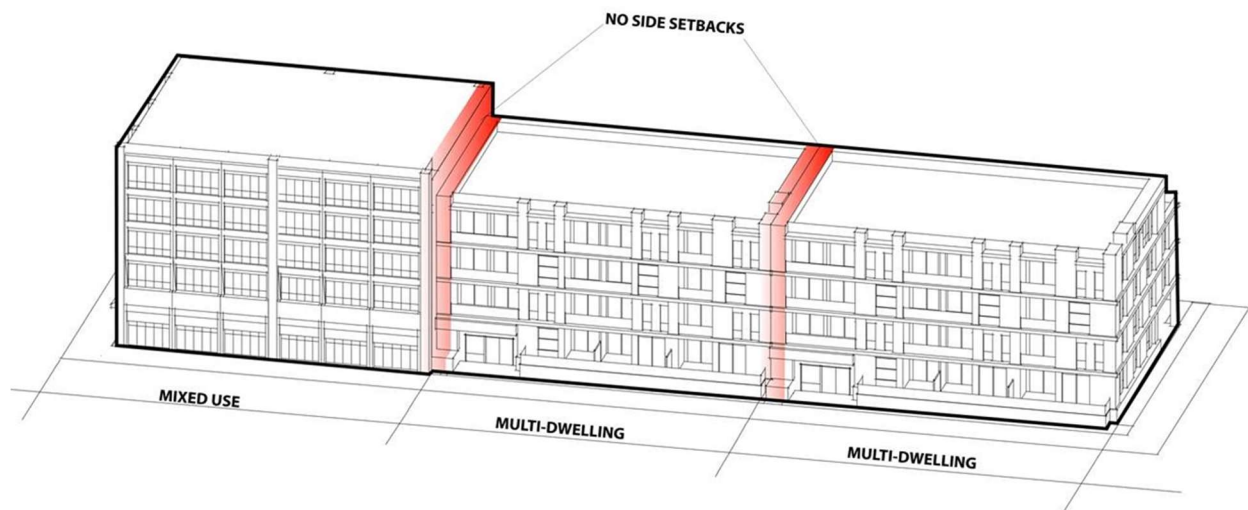
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## Commentary

### 33.120.220.B Exceptions to the required building setbacks (continued)

**Subparagraph 3.j - Inner Pattern Area along Civic and Neighborhood Corridors** (see previous page and Figure 120-2). This new exception allows for zero setbacks between properties located along Civic and Neighborhood corridors. This allowance only applies in the Inner Pattern Area, which has an established pattern of zero side setbacks between buildings along traditional main streets. Corridors in the Inner Pattern Area, such as SE Division and SE Belmont, often include an interspersed mix of commercial and multi-dwelling zoning. The intent of this exception is to allow for a continuous frontage of buildings in both commercial and most multi-dwelling zones along Civic and Neighborhood corridors, which are intended by Comprehensive Plan policies to be transit- and pedestrian-oriented urban places. A related setback exception in Chapter 33.130 allows for no setbacks on properties in mixed use zones adjacent to multi-dwelling zone properties on these same corridors (see pages 24-25 in Volume 3). This exception does not allow for windows in residential units to be closer to 5 feet from abutting properties to provide consistency with regulations in the mixed use zones and to provide for access to light and air. Properties in the RM1 zone are not included in this setback exception because this lower-scale zone is intended to continue characteristics of single-dwelling neighborhoods.

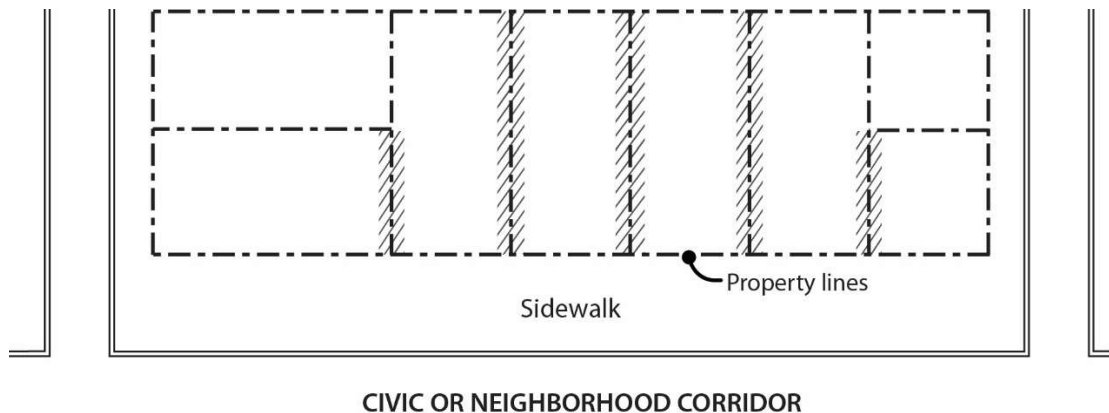


*Setback exceptions in the Inner Pattern Area allow for zero setbacks between properties along Civic and Neighborhood corridors in order to allow for a more continuous frontage of buildings along these important corridors, which are typically well served by transit and commercial services.*

### C. Maximum building setbacks

The paragraph is being simplified to provide greater flexibility in building site design and for consistency with similar standards recently adopted for the commercial/mixed use zones. In some situations, current regulations require 100 percent of building frontages to be located within the maximum building setback. The changes respond to community interest in courtyard housing and other configurations that include open spaces along street frontages. The requirement for at least 50 percent of building frontages to be within the maximum setback provides this flexibility, while working together with other standards (requirements for street-oriented entrances, limitations on front parking, etc.) to foster pedestrian-oriented street environments, and is consistent with regulations in the commercial/mixed use zones.

**Figure 120-2**  
**No setbacks between properties on Civic or Neighborhood Corridors**



 Locations where no setbacks are required.

**C. Maximum building setbacks.**

1. Maximum bBuilding setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Tables 120-3 and ~~120-4~~, and apply only to buildings that are enclosed on all sides. The maximum building setbacks on a transit street or in a Pedestrian District are as follows. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard:
  - a. Applying the standard~~Measurement~~.
    - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-~~13~~ and 120-~~24~~.
    - (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-~~35~~ and 120-~~46~~.
    - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade 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.

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## Commentary

### **C. Maximum building setbacks (continued).**

See previous commentary.

- ~~b. Standards. There are two standards. Subparagraphs C.1.c. and d. specify where each standard applies:~~
- ~~(1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;~~
  - ~~(2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback.~~
- be. 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:
    - The ~~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, ~~the 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, the Standard 2 must be met on the frontages of the two streets with the highest transit classifications. ~~and Standard 1 must be met on an intersecting transit street. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;~~
- ce. In a Pedestrian District. Where the site is in a Pedestrian District, the maximum building setback standard applies to all street frontages, with the following exceptions:
- (1) Through lots. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose on which street to apply the standard.
  - (2) Three or more street frontages. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to apply the standard.

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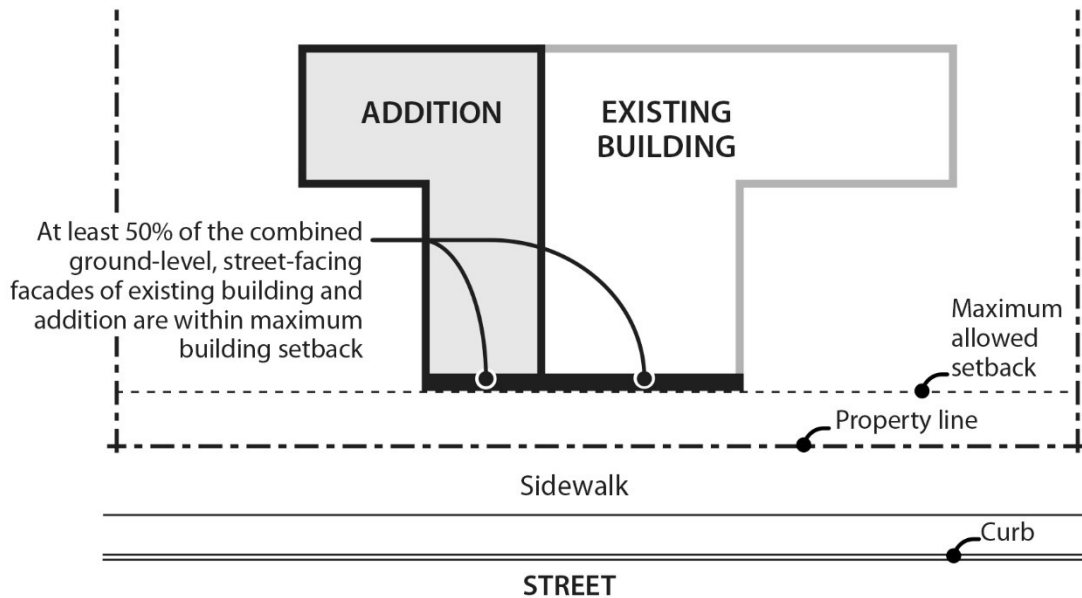
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## **Commentary**

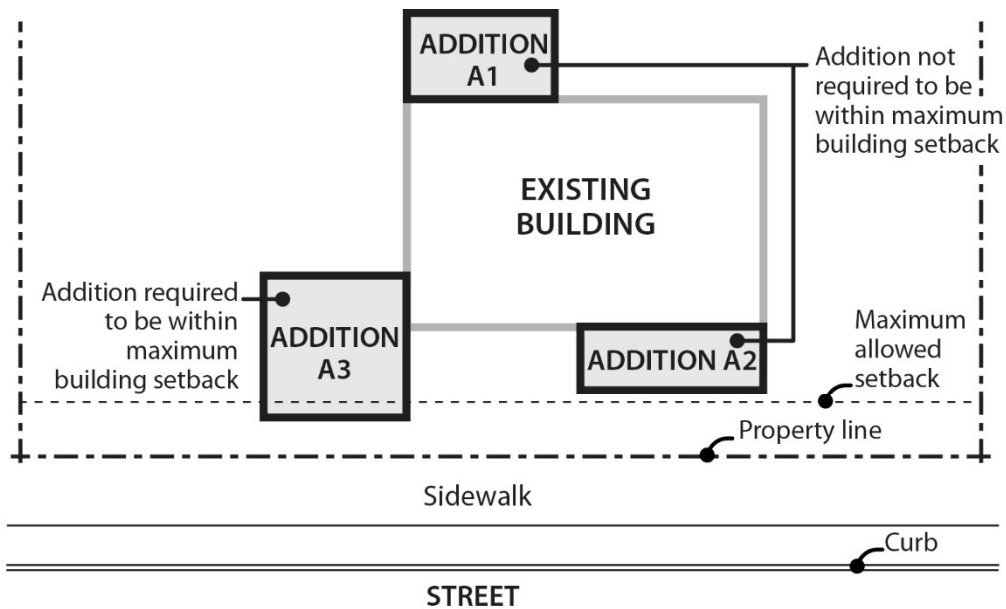
### **Figures 120-3 and 120-4**

No changes, except to figure numbers.

**Figure 120-13**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 120-24**  
**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% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

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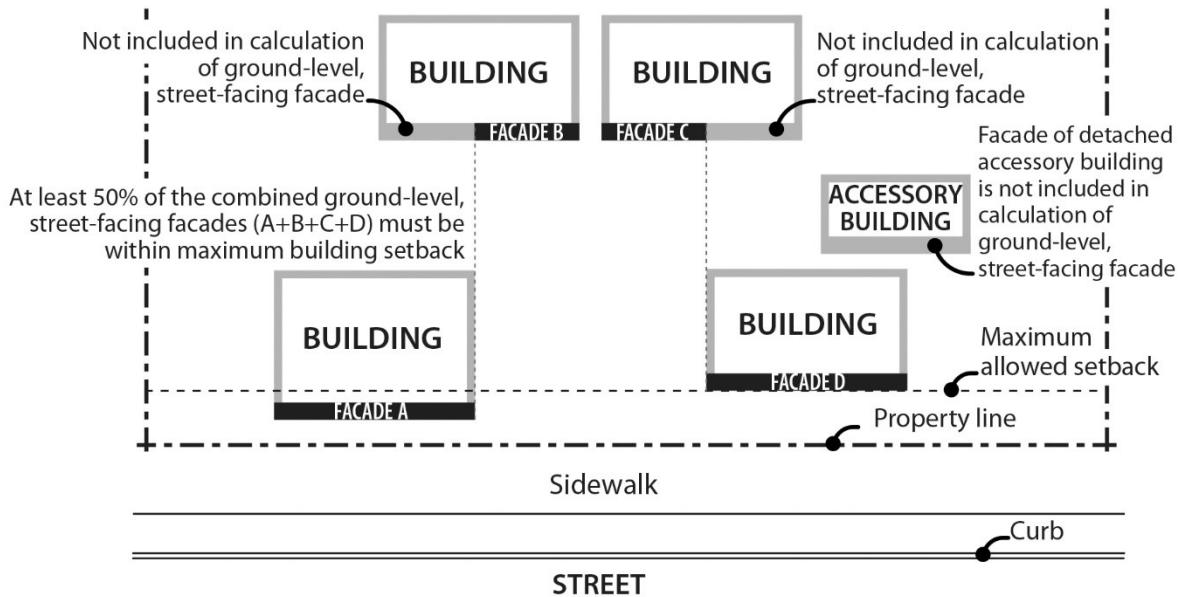
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## **Commentary**

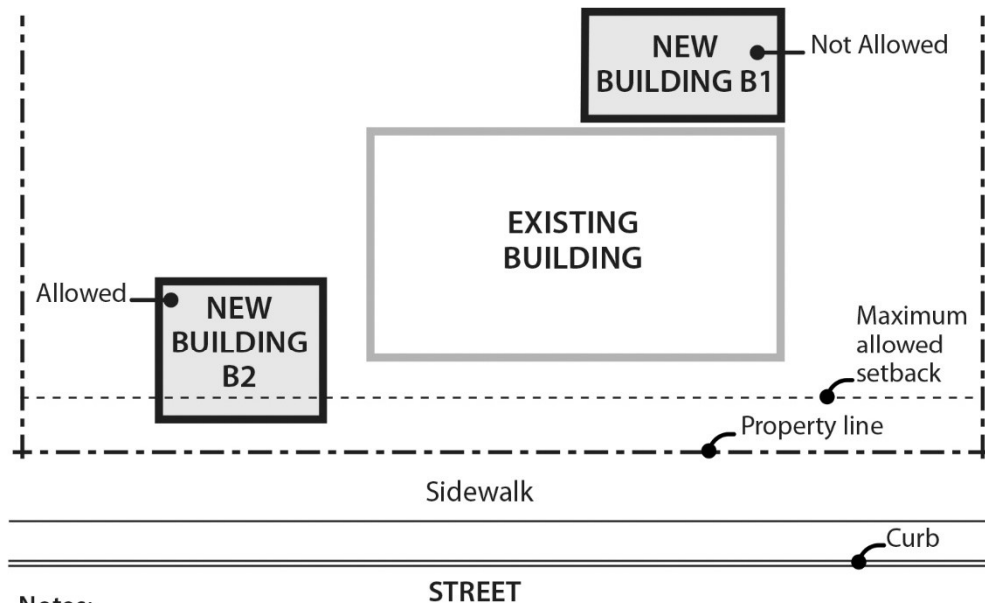
### **Figures 120-5 and 120-6**

No changes, except to figure numbers.

**Figure 120-35**  
**Calculating Maximum Building Setback When More Than One Building On Site**



**Figure 120-46**  
**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% of building facade must be within maximum setback until maximum setback standard for site is met.

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## Commentary

### **C. Maximum building setbacks (continued)**

See previous commentary on page 90.

- ~~(1) One street frontages. 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) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:~~
  - ~~• Standard 2 must be met on the frontage of the transit street;~~
  - ~~• Standard 1 must be met on the intersecting non-transit street;~~
- ~~(6) 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;~~
- ~~(7) 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;~~
- ~~(8) 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.~~

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## Commentary

### **D. Extensions into required building setbacks**

This paragraph is being modified in coordination with changes to the minimum side and rear building setback requirements. Because the required side and rear setbacks are being reduced to 5' in most cases, these changes prevent raised decks, stairways, balconies, and bay windows from extending into required setbacks, except for setbacks along street lot lines, to limit privacy impacts.

2. Exemptions.

- a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.
- b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-~~35~~.

**D. Extensions into required building setbacks.**

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:
  - a. ~~Eaves, e~~Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
  - b. Wheelchair ramps, w~~water~~ collection cisterns and stormwater planters that do not meet the standards of Paragraph D.~~24~~;
  - c. Decks, stairways, ~~wheelchair ramps~~, and uncovered balconies that do not meet the standard for Paragraph ~~24~~ below, but only along a street lot line; and
  - d. Bays and bay windows but only along a street lot line and must~~that~~ 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 facade cannot be more than 30 percent of the area of the facade;
    - (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; and
    - (3) Bays and bay windows must cantilever beyond the foundation of the building;  
~~and~~
    - ~~(4) The bay may not include any doors.~~

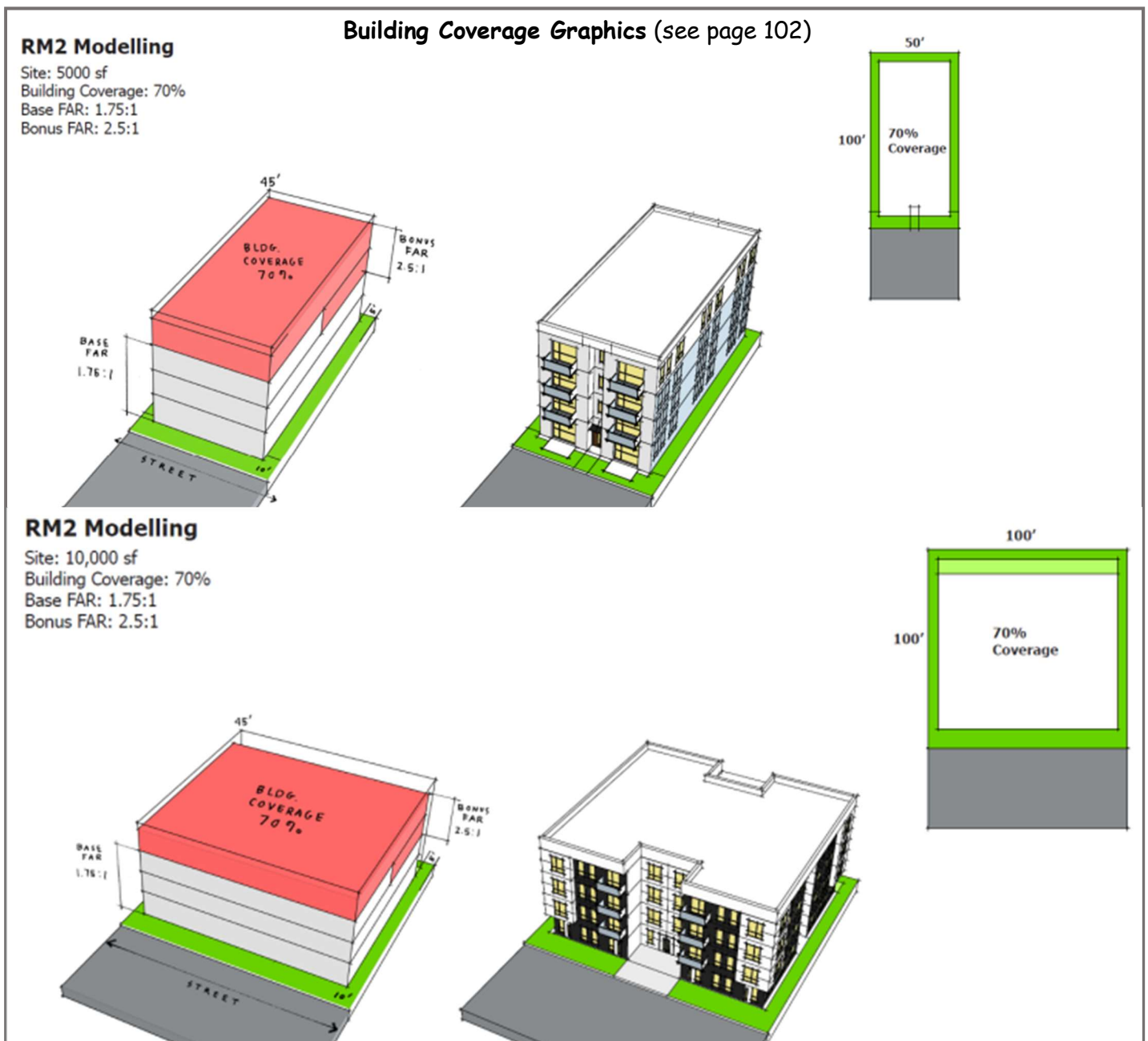
## Commentary

### D. Extensions into required building setbacks (continued)

The new subparagraph 2 is being added to allow eaves to extend up to 2 feet into a required setback, consistent with an amendment proposed as part of the Residential Infill Project. The new subparagraph 3 will allow canopies and awnings to extend up to 5 feet into required setbacks along streets, which accommodates draft design standards proposed in the DOZA project that would require weather protection to extend at least 5 feet from building walls along street frontages.

### E. Garage entrance and structured parking setback

This paragraph is being amended to reflect the new zone names. The exception that allowed for garage entrance setbacks to be based on those on abutting lots is being deleted to avoid continuation of patterns of garages located in ways that detract from the pedestrian environment of streets.



2. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
3. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
42. The following minor features may extend into entire required building setbacks:
  - a. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
  - b. Gutters and downspouts that drain stormwater off a roof of the structure;
  - c. Stormwater planters that are no more than 2-1/2 feet above the ground;
  - d. Water collection cisterns that are 6 feet or less in height;
  - e. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
  - f. 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.
53. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment 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.

**E. Garage entrance and structured parking setback.**

1. Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.
  - a. ~~In R1, RH, and the RM2, RM3, RM4 and RX zones, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the front facade of the residential portion of the building.~~
  - b. Exceptions. (1) ~~—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.~~  
(2) ~~—No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.~~
2. Setbacks for structured parking. Structured parking that allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

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## Commentary

### 33.120.225 Building Coverage

#### B. Maximum Building Coverage.

This paragraph and Table 120-3 are being amended to allow for 70 percent building coverage (instead of the usual 60 percent) on sites in the RM2 (R1) zones located adjacent to civic and neighborhood corridors (see Map 120-1 on page 193). This increase in building coverage would provide more development flexibility along corridors intended to be a focus for transit-supportive development, while retaining existing limits along neighborhood side streets where there is a greater expectation of continuity with existing neighborhood characteristics. See graphics on the previous commentary page (page 102), which illustrate 70 percent lot coverage on the small sites common in the multi-dwelling zones. These graphics also illustrate staff's consideration of the possibility of setting the RM2 base and bonus FARs to 1.75 to 1 and to 2.5 to 1, respectively (instead of the proposed FARs of 1.5 to 1, and 2.25 to 1). The *As Amended* report retains the proposed base and bonus FARs due to the fact that, even with increasing the lot coverage to 70 percent, the bonus FAR would barely fit within the building height and coverage parameters. These graphics illustrate that it would not be practical to increase allowed building coverage and FARs to match those of mixed-use zones with comparable height allowances, as requested by some community members, because of the setbacks required in the multi-dwelling zones. The 70 percent building coverage will accommodate greater FAR utilization within a three-story scale, which allows for less expensive construction costs compared to buildings of four or more stories.

#### C. Exception.

A new paragraph is being added to allow partially below-ground structured parking, when covered by landscaping or outdoor common area, to not count against building coverage limits. Currently, even when a courtyard set above structured parking is at a height that would not usually count toward building coverage limitations, an excavated driveway ramp changes this calculation and prevents this courtyard cap configuration in some zones.

*Exempting below-ground structured parking, to not count against building coverage limits when capped by landscaping or courtyards, will allow configurations such as these, which were seen as positive development outcomes in community discussions.*



### 33.120.230 Building Length and Façade Articulation

The paragraphs on this page are being modified with additional text and a new graphic to provide greater clarity and to include purpose statement language related to a new façade articulation requirement (see next pages).

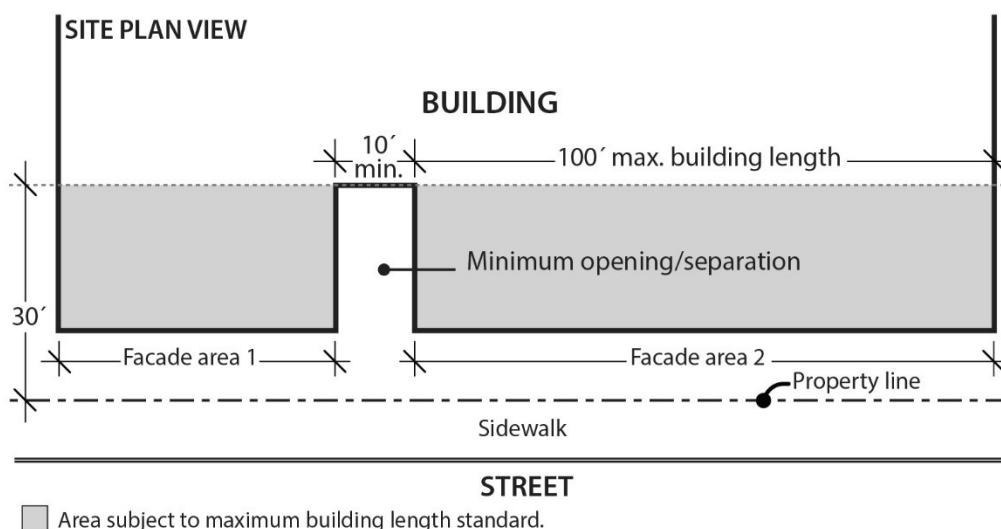
### 33.120.225 Building Coverage

- 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. In the RM2 zone, maximum building coverage on sites that abut a Civic Corridor or Neighborhood Corridor shown on Map 120-1 is 70 percent of site area. Maximum building coverage on all other RM2 sites is 60 percent of site area.
- C. Exception.** Structured parking that is no more than 6 feet above grade at any point, except as indicated below, does not count toward building coverage if the structured parking does not have floor area above it, and the structured parking is covered by landscaping or an outdoor common area. Vehicle or pedestrian access into the structured parking is exempt from the calculation of grade, if the access is no more than 20 feet wide.

### 33.120.230 Building Length and Façade Articulation

- A. Purpose.** ~~These standards~~The maximum building length standard, along with the height and setback standard, limits the ~~amount of bulk of buildings that can be placed close to the street.~~ These standards help ensure~~assures that large buildings will be divided into smaller components that relate to the scale and development patterns of Portland's multi-dwelling residential areas and add visual interest and variety to the street environment.~~ 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.** In the RM1, RM2R2, R1, and RMP zones, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions of buildings subject to this standard must be separated by a minimum of 10 feet. See Figure 120-7. Manufactured dwelling parks are exempt from this standard.

**Figure 120-7**  
**Maximum Building Length**



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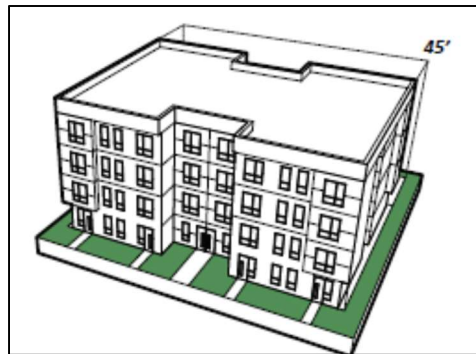
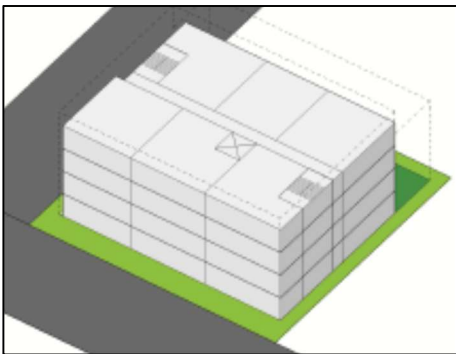
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## Commentary

### 33.120.230 Building Length and Façade Articulation

#### C. Façade articulation

This new requirement is being added for consistency with façade articulation requirements recently adopted for the commercial/mixed use zones (Chapter 33.130). They will apply to zones (RM2, RM3, and RM4 [R1, RH]) that allow building height (45 feet or more) that corresponds to the scale of development where this regulation applies in the commercial/mixed use zones. The standards will apply to building over three stories tall in the RM2 (R1) zone and over four stories in the RM3 and RM4 (RH) zones. These regulations are intended to divide up the mass of larger buildings into smaller components that better fit into the scale of neighborhood residential areas.

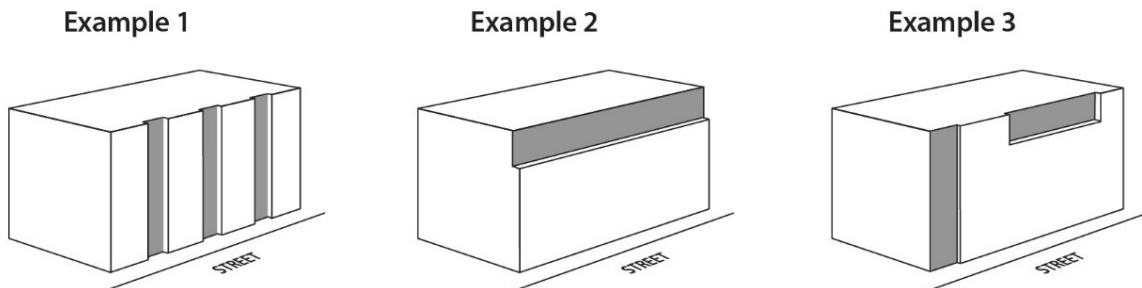


*Requirements for façade articulation would ensure that large buildings, as are allowed in the RM2 (R1) zone (left), are divided into smaller components (right) that relate to the scale of residential neighborhoods.*

**C. Facade articulation.**

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows:
  - a. In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
  - b. In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
  - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 120-7.
2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 120-8.

**Figure 120-8**  
**Facade Articulation**



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## Commentary

### 33.120.231 Main Entrances

This section is being changed to apply requirements for street-oriented main entrances that currently apply primarily to houses, attached houses and duplexes, to also apply to multi-dwelling development and structures. Currently, there are no requirements for street-oriented entrances for the latter types of development, counter to policies that call for street-oriented development that supports pedestrian-friendly street environments. Where sites include more than one street frontage, the regulations prioritize locating main entrances on transit streets to facilitate pedestrian connections to transit and to foster a strong building orientation to these streets.

*New requirements for street-oriented main entrances will:*



Prevent this



Promote entrances oriented to streets and pedestrian spaces

### 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.~~
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

**B. Where these standards apply.**

1. The standards of this section apply to all residential structure types~~houses, attached houses, manufactured homes on individual lots, and duplexes~~ in the multi-dwelling zones except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. For multi-dwelling development, the standards apply only to residential structures that are located within 40 feet of a street lot line.
2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the standards apply to the transit street. If there is no transit street, the applicant may choose on which frontage to meet the standards. If there is more than one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.
4. Development on flag lots or on lots ~~which~~that slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
6. Development on lots where any portion of the lot is in a special flood hazard area is exempt from the standard in Subsection D.

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## Commentary

### 33.120.231 Main Entrances (continued) Alternative for multi-dwelling structures

This subparagraph provides an alternative for the entrances of multi-dwelling structures to be oriented to a courtyard, instead of being located at the street frontage, allowing continuation of a common courtyard housing configuration. This is consistent with regulations that apply in the commercial/mixed use zones and in the Community Design Standards.



### D. Distance from grade

This new paragraph ensures consistency with a regulation for the same types of development in single-dwelling zones. It helps foster a better relationship to the street environment, continues established neighborhood patterns, and limits lengthy runs of steps (which can be problematic for people with mobility limitations).



House (center) with long run of stairs that would not meet the distance from grade standard.



Duplex that would meet the distance from grade standard.

**C. Main entrance Location.**

**1. Standard.** At least one main entrance for each structure must:

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

~~b~~2. Either:

(1)~~a~~. Face the street. See Figure 120-59;

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

(3)~~c~~. Open onto a porch. See Figure 120-610. 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.

**2. Alternative for multi-dwelling structures. As an alternative to Paragraph C.1, an entrance to a multi-dwelling structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:**

a. The courtyard must be at least 15 feet in width;

b. The courtyard must abut a street; and

c. The courtyard must be landscaped to at least the L1 level, or hard-surfaced for use by pedestrians.

**D. Distance from grade.** For houses, attached houses, manufactured homes, duplexes, triplexes, and fourplexes, the main entrance that meets Paragraph C.1 must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing façade. See Figure 120-11.

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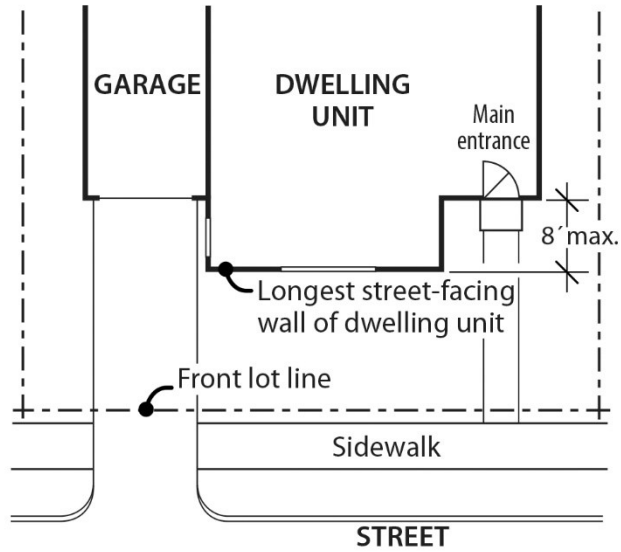
## **Commentary**

### **Figures 120-9 and 120-10**

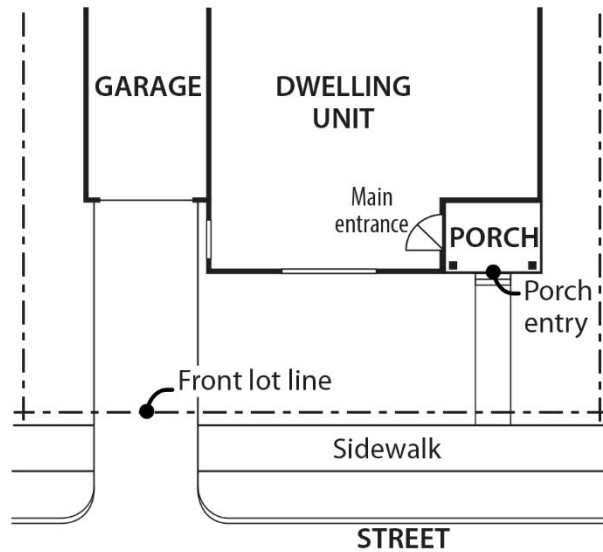
No change, except to figure numbers.

Language to be **added** is underlined>  
Language to be **deleted** is shown in ~~strikethrough~~

**Figure 120-59**  
**Main Entrance Facing the Street**



**Figure 120-610**  
**Main Entrance Opening Onto a Porch**



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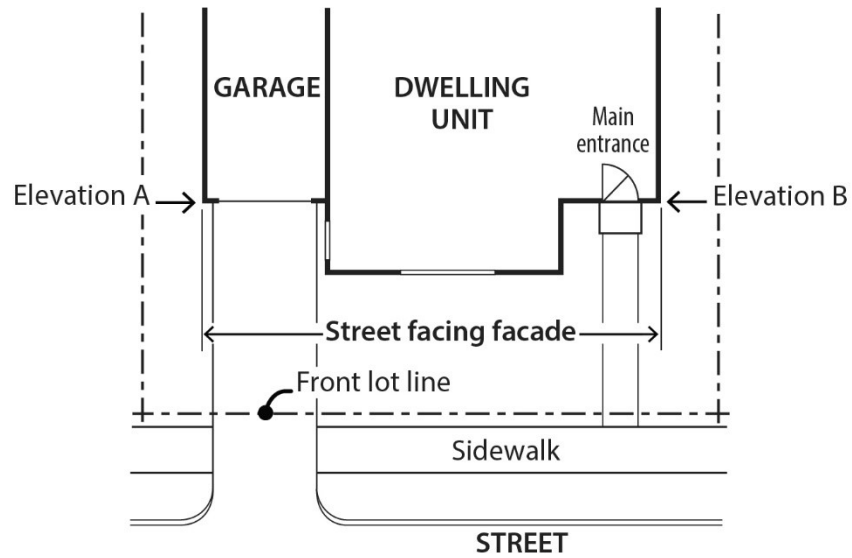
## Commentary

### Figures 120-11

This is a new figure illustrating measurement of average grade for the purpose of determining the distance of the main entrance from grade.

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

**Figure 120-11**  
**Calculation of Grade: (Elevation A + Elevation B) / 2**



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## Commentary

### 33.120.232 Street-Facing Facades

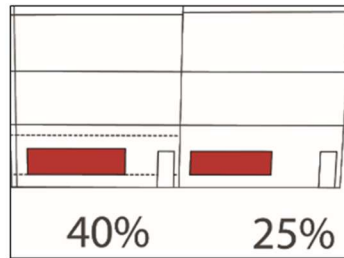
Amendments to this section add requirements for ground floor windows in conjunction with allowances being provided for commercial uses in the multi-dwelling zones. In the multi-dwelling zones, a minimum 40 percent window coverage will be required for the walls of ground floor commercial uses when located closer than 5 feet from a street lot line, consistent with ground-floor window coverage requirements in the mixed uses zones.

25 percent window coverage will be required when commercial uses are set further back from the street to provide flexibility for configurations with commercial uses that have a more residential character, such as live-work arrangements, and that continue front setback patterns of residential areas. This lesser window coverage amount also corresponds to the ground floor window requirement that applies in the commercial/mixed use zones along secondary street frontages.

The window coverage standards for the RX zone are being deleted, as window coverage in the RX zone is regulated by the Central City and Gateway plan districts.



**40% coverage:**  
Intended to promote storefront commercial patterns.



**25% coverage:**  
Allows continuity with residential character, range of live-work arrangements.



### 33.120.232 Street-Facing Facades

**A. Purpose.** These standards:

- ~~Together~~Work with the main entrance and garage standards, to 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.**

1. The standards of this section apply to the street-facing facades of buildings that include any residential uses. The standards of this section do not apply in the RMP zone.
2. 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.
2. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more, is exempt from these standards. In addition,
3. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C~~Paragraph B.1, below. 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.~~
4. For structures subject to ground floor window standard in Subsection D, windows used to meet ground floor window standard may also be used to meet the requirements of Subsection C.

- 1C. Windows.** 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 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.~~

- D. Ground floor windows.** The following ground floor window standards apply to the portion of a building with ground floor commercial uses. For the purposes of this Paragraph, ground floor wall area includes exterior wall area from 2 feet to 10 feet above the finished grade. Required ground floor windows must be windows in walls or entrances that allow views into working area or display windows that are at least 24 inches deep set into a wall. The bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade:

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## Commentary

### 33.120.235 Landscaped Areas

Current regulations require multi-dwelling development to include landscaped areas. However, these regulations do not allow many innovative types of green features to count toward meeting required landscaping, which must be at ground level. For instance, eco roofs, raised landscaped courtyards and raised stormwater planters do not meet these requirements.

Changes to this section will allow stormwater planters to contribute to landscaping requirements, and permit eco roofs and raised courtyard landscaping to be used to meet up to 50 percent of required landscaping. The other 50 percent of required landscaping will need to be at ground level to better accommodate required trees (existing Title 11 tree density requirements will continue to apply).



For the raised landscaped area option, trees used to meet L1 landscaped standards must be small or medium trees, as large trees (such as Beech, London Plane, Red Oak, and Douglas Fir trees) are usually too large to thrive in raised planting areas with 30 inches of soil depth.

The urban green options in this section are similar to regulations recently adopted for the commercial/mixed use zones.

1. Windows must cover at least 40 percent of the ground floor wall area of the portion of a building that has a ground floor commercial use when the ground floor wall is located closer than 5 feet from a street lot line.
2. Windows must cover at least 25 percent of the ground floor wall area of the portion of building that has a ground floor commercial use when the ground floor wall is located 5 feet or more from a street lot line.
2. ~~RX zone. The portions of buildings in the RX zone that have nonresidential development are subject to the ground floor window requirements of the CX zone in 33.130.230.B.2.~~
3. ~~For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of Paragraph B.1, above.~~

### **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. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.
- B. Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-3. Sites developed with a house, attached house, or duplex, or manufactured dwelling park are exempt from this standard. ~~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.~~
1. Except as allowed by Paragraph B.2., required landscaped areas must:
    - a. Be at ground level or in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
    - b. Comply with at least the L1 standard described 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 of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.

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## Commentary

### C. Additional landscaping standards

Changes to this paragraph extend the same exemption to landscaping in building setbacks that currently applies to houses, attached houses and duplexes so that this also applies to multi-dwelling development on small sites (10,000 square feet or smaller). Setback landscaping regulations include requirements for planting trees, for which 5 foot setbacks provide little space for growth. Title 11 tree planting requirements will continue to apply, but this change provides more flexibility for locating required trees on other portions of small sites (currently, the number of trees required within landscaped setbacks is typically sufficient to meet required tree densities). This amendment will facilitate compact multi-dwelling building types on small sites, such as fourplexes and small apartment buildings, which were historically designed to be similar to single-family houses.

See page 88 for commentary on landscaping requirements for the Eastern pattern area minimum rear setback (subparagraph C.1).



*There has been community interest in middle density housing that is similar in scale and characteristics to single-family houses, but landscaping and other regulatory standards currently apply differently to these housing types, complicating the ability to design plexes for small sites (such as these historic triplexes and fourplexes). Proposed changes to landscaping and other site design regulations will facilitate compact multi-dwelling development on small sites.*

### 33.120.240 Required Outdoor and Common Areas

Changes to this section will require outdoor areas for development in the RH (RM3 and RM4) zone, which currently requires no residential outdoor space. In the new RM3 and RM4 zones, 36 square feet per unit will be required for smaller sites (up to 20,000 square feet), and 48 square feet per unit will be required for larger sites. This is consistent with requirements that apply to similar higher-density housing in the commercial/mixed use zones.

Outdoor space requirements for small sites in the lower-scale zones will remain unchanged, except for an allowance applicable to all multi-dwelling zones for outdoor space requirements to be met by indoor community spaces.



*Development in the RH zone, such as this example in East Portland, currently has no requirements for outdoor space for residents, sometimes resulting in parking lots as the only places for children to play.*

2. Urban green alternative landscaped area. One or more of the following may be used to meet up to 50 percent of the required landscaped area:
  - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
  - b. Raised landscaped areas. Landscaped area raised above ground level may apply toward meeting the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches. Large trees are not allowed in raised landscaped area used to meet this alternative.

**C. Additional 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. Ground-level pedestrian pathways, ~~D~~etached accessory structures, and other development allowed in the setbacks are exempt from this standard except in the Eastern Pattern Area where allowed development can cover no more than 50 percent of the Eastern Pattern Area minimum rear setback area. Sites that are 10,000 square feet or less in total site area ~~developed with a house, attached house or duplex~~ are also 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**

Requirements for street trees and for on-site tree preservation, protection, and overall tree density are specified in Title 11, Trees. See Chapter 11.50, Trees in Development Situations.

**33.120.240 Required Outdoor and Common Areas**

- A. **Purpose.** The required outdoor and common areas standards ~~assure~~ensure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to ~~assure~~ensure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. The standards also ensure that outdoor areas are located so that residents have convenient access. 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. These standards also allow for common area requirements to be met by indoor community facilities because they also provide opportunities for recreation and gathering.
- B. **Outdoor area and common area Requirements.** In the RM1 through RM4 zones, both outdoor and common areas are required. Required common area may count toward required outdoor area, but individual private outdoor area may not count toward required common area. The standards of this section do not apply in the RX and RMP zones.

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## Commentary

### 33.120.240 Required Outdoor Areas (continued)

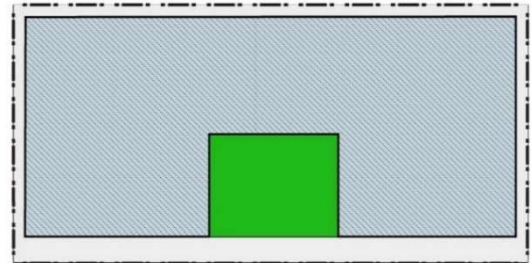
#### Required common area for large sites

This section includes new requirements for large sites (more than 20,000 square feet in total site area) to include common areas, such as courtyards or play areas. In past projects that focused on the health and activity needs of people living in apartments, residents identified the need for having usable outdoor spaces located close by for activities such as children's play and growing food. Currently, shared outdoor spaces that are large enough to provide these opportunities are not required and often not provided with new multi-dwelling development.



The new regulations require that development on large sites provide common areas equal to 10 percent of total site area (for example, a 30,000 square foot site would need to provide 3,000 square feet of common area). The regulations provide flexibility in the design and location of this common area, which can be located at ground level or on raised courtyards or roof tops, and up to 50 percent of the requirement could be met with indoor common areas, such as indoor recreation facilities or community rooms. A minimum dimension of 20-foot ensures that outdoor common areas will be of usable size. The required common area will count toward meeting the per-unit outdoor space requirements.

The 10 percent requirement corresponds to the percent of site area used for shared outdoor areas frequently found in historic and more recent multi-dwelling developments that include common outdoor areas. The diagram (right) shows an area equal to 10 percent of site area in green.



An exception to the common area requirement for large sites is provided for street-oriented housing types, such as townhouses, when larger individual outdoor space is provided for each unit (200 square feet [equal to the R2.5 zone requirement for attached houses], instead of the usual 48 square feet). This addresses concerns raised that the shared common area requirement is not practical for street-oriented housing types.



*Street-oriented townhouses on a large site.*



*Historic and contemporary examples of multi-dwelling housing with courtyards that are approximately 10 percent of site area.*

1. ~~Amount required~~Required outdoor area. Outdoor area is required in the amounts stated below. Outdoor area may be provided as individual private outdoor area, such as a patio or balcony, or may be provided as common area, such as outdoor courtyards, outdoor play area, indoor recreational facilities, or indoor community rooms. There may be a combination of individual or common areas.
  - a. RM1 and RM2 zones. In the RM1 and RM2 zones, At least 48 square feet of outdoor area is required for each per dwelling unit on the site. The RMP zone is exempt from the standards in this section.
  - b. RM3 and RM4 zones. In the RM3 and RM4 zones, on sites that are 20,000 square feet or less in total area, at least 36 square feet of outdoor area is required per dwelling unit. In the RM3 and RM4 zones, on sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required per dwelling unit.
2. Required common area.
  - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
  - b. Exemption. The required common area standard does not apply to sites where:
    - (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
    - (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
    - (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.
- 2C. **Size, location and configuration.** ~~Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared outdoor areas, such as courtyards and play areas. There also may be a combination of individual and common areas.~~
  - a1. Individual unit outdoor areas. Where a separate outdoor area is provided for ~~each~~an individual unit, it must be designed so that a ~~64~~-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard of this subsection. If the area is at ground level, it may extend into the entire required side and rear setback, ~~but not into the required front building setback.~~ Individual unit outdoor areas located at ground level may also extend into the entire required street setback, but when located within a required street setback the outdoor area must either be at least 2 feet above the grade of the closest adjoining sidewalk or separated from the street lot line by a minimum 3 foot setback landscaped to at least the L2 standard described in Chapter 33.248, Landscaping and Screening. Covered outdoor areas are subject to Paragraph B.5 below.

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## Commentary

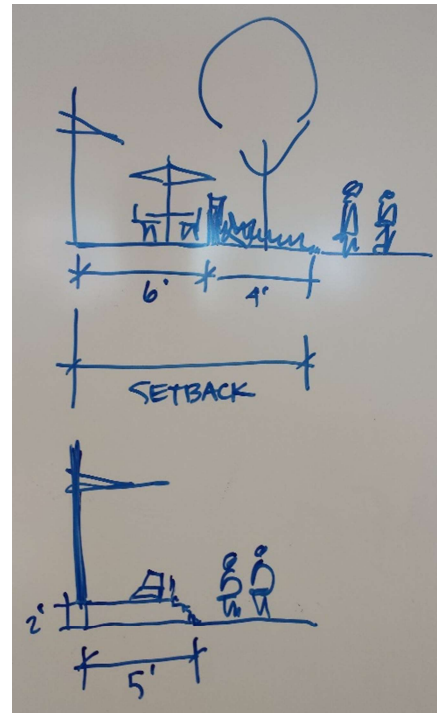
### 33.120.240 Required Outdoor and Common Areas (continued)

#### Size, location and configurations

**Individual unit outdoor areas** (previous page). Amendments to the individual outdoor space requirements change the minimum dimensions for private outdoor spaces and provide allowances for individual outdoor spaces to extend into front setback areas. These changes help provide flexibility in meeting requirements to accommodate development in higher density zones, where incorporating outdoor spaces as part of compact development can be problematic. Individual outdoor areas that extend into required setbacks must either be raised above sidewalk level or screened by landscaping to provide a better interface with the public realm of streets and allow for more comfortable semi-private spaces close to sidewalks.

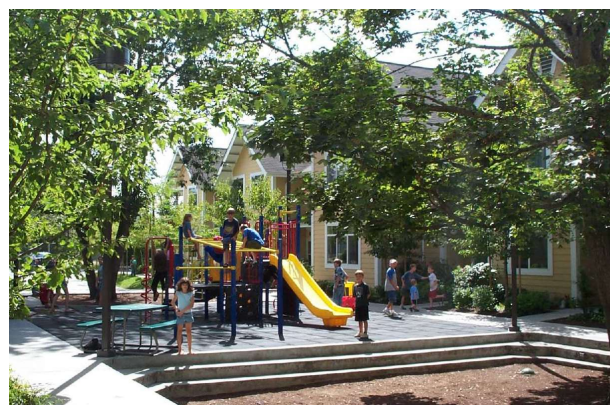
*Right:* Concepts for individual outdoor spaces, located within 5-10 foot front setbacks, screened or raised from sidewalks.

*Below:* Example of individual outdoor area both raised and separated by landscaping from the sidewalk, providing more comfortable and useable outdoor spaces for residents.



**Common areas.** Amendments ensure that outdoor common areas are of usable dimension and located close to and accessible from residential units. They also allow for indoor common areas to be used to meet the requirements of this section. Community members have related that indoor community spaces and recreation rooms can be invaluable in Portland's often rainy climate.

*Example of outdoor common area with residential units oriented to this space.*



**b2.** Common areas.

- a. Outdoor common area. Where an outdoor, shared common area is provided ~~areas are common, shared areas, each it~~ must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions~~so that a 15-foot x 15-foot square will fit entirely within it.~~ The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
  - b. Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. ~~Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.~~
  - c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet ~~B.2.a~~ C.1 above and each common area must meet ~~B.2.b~~ C.2.a or C.2.b above, providing an amount equivalent to the total required by Paragraph B.1 or B.2~~48 square feet of outdoor area for each dwelling unit served by the common area.~~
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
  4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.
  5. Enclosure. ~~Required~~ Outdoor areas used to meet the requirements of this section may be covered, such as a covered patio, but they may not be fully enclosed. Covered outdoor areas are subject to the setback standards of this chapter.

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## Commentary

### 33.120.250 Screening

The only amendment to this section is a requirement for outdoor seating associated with commercial uses be screened from abutting properties that have residential zoning. This responds to public comments requesting that the new allowances for limited amounts of commercial uses, which allow for small restaurants and cafes, be accompanied by regulations that help minimize impacts on neighboring properties, especially given the intended residential character of the multi-dwelling zones.

### 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 and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling 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. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
  - 1. A parapet along facades facing the R zone that is 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 roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. **Other screening requirements.** Outdoor seating associated with a Retail Sales And Service use must be screened from any abutting residential zones by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

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## Commentary

### 33.120.255 Pedestrian Standards

This section is being amended to require that all buildings on multi-dwelling sites that are located close to a street have pedestrian connections to the street. On sites that are entirely residential, current regulations require only one entrance on a site to provide a connection to a street. This sometimes results in multiple building on a site have no direct connection to adjacent streets, counter to policy goals for encouraging buildings to be oriented to streets.

Other amendments in this section bring consistency with similar regulations recently adopted for the commercial/mixed use zones.



*Multi-dwelling zone development (multiple detached houses) with no pedestrian connections to the adjacent transit street. Proposed amendments to pedestrian standards in conjunction with main entrance requirements would prevent this lack of orientation to the street.*

### 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 abutting streets 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. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.
- B. The standards.** The standards of this section apply to all development except houses, attached houses, manufactured homes on individual lots, ~~and duplexes, and attached duplexes.~~ The standards of this section also do not apply to manufactured dwelling parks. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.
1. Connections. The on-site pedestrian circulation system must provide connections as specified below:
    - a. Connection between streets and entrances.
      - (1) Sites with one street frontage.
        - Generally. All primary buildings located within 40 feet of a street lot line must have a connection between one main entrance and the adjacent street. ~~There must be a connection between one main entrance of each building on the site and the adjacent street.~~ The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - ~~• Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.~~
        - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.
      - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
        - The standard of B.1.a(1) must be met to connect the main entrance of each building located within 40 feet of a street lot line on the site to the closest sidewalk or roadway if there are no sidewalks. ~~Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site;~~
        - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

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## Commentary

### 33.120.255 Pedestrian Standards (continued)

Subparagraph B.2 is being modified so that the required width of pedestrian connections varies according to the number of units on a site. Pedestrian connections serving larger numbers of units are required to be wider (at least 5 feet for sites with more than 20 units) to accommodate the greater numbers of residents served by the pedestrian circulation system. Pedestrian connections serving smaller numbers of units can be narrower, which allows for less site area to be paved.

Also, additional text has been added ("circulation system required by the standards of this section") to allow redundant pedestrian connections to not have to meet the minimum pathway width requirements. In some cases, units are provided with access both by steps and by accessible ramps. The amendments will require only one of these connections to meet the minimum width standards - the other connections would still need to meet building code standards (typically 3 feet). This facilitates compact development on small sites and allows less site area to be devoted to paved surfaces.



*Amendments to the pedestrian standards will allow entrance pathways accessing up to four units to be as narrow as three-feet wide, even on a large site with more than 20 units.*

### 33.120.260 Recycling Areas

No change.

- b. Internal connections. On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, 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 required by the standards of this section must be hard-surfaced and ~~be at least 5 feet wide~~ must meet the following minimum width requirements:
    - (1) The circulation system on sites with up to 4 residential units must be at least 3 feet wide. Segments of the circulation system that provide access to no more than 4 residential units may be 3 feet wide.
    - (2) The circulation system on sites with 5 to 20 units must be at least 4 feet wide.
    - (3) The circulation system on sites with more than 20 residential units must be at least 5 feet wide.
    - (4) Segments of the circulation system that connect only to an entrance providing access to up to 4 units may be 3 feet wide.
  - b. Except as allowed in subparagraph d, below, 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. Except as allowed in subparagraph d, below, 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 pedestrian circulation system may be within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.
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**

Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

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## Commentary

### 33.120.265 Amenity Bonuses

This section is being deleted, with provisions either being discontinued, included in the new Floor Area Bonus Options section (33.120.211 – see commentary on page 64), or replaced by new regulatory approaches such as increased outdoor space requirements or tree preservation FAR transfers.

A key reason most of the amenity bonuses are being discontinued is to prioritize affordable housing as a development outcome. Currently, the existing amenity bonuses can be combined to provide up to 50 percent more development than usually allowed. Projects do not have to include any affordable housing to achieve this increase. Also, the proposal to regulate development intensity by FAR provides flexibility for additional units, for which the amenity bonuses had been the primary means to achieve. The table below summarizes what is happening to the existing amenity bonuses.

| Existing Development Bonuses                        | Proposed Approach                                                                                                                                                             |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Affordable housing</b><br>(inclusionary housing) | Prioritize by increasing amount of development bonus to 50 percent additional FAR (see pages 62 – 67).                                                                        |
| <b>Three bedroom units</b>                          | Continue, in order to provide an incentive for family-sized units.                                                                                                            |
| <b>Outdoor recreation facilities</b>                | Remove as development bonuses, but address through new requirements for shared outdoor spaces (see pages 122 - 125).                                                          |
| <b>Play areas for children</b>                      |                                                                                                                                                                               |
| <b>Large outdoor areas</b>                          |                                                                                                                                                                               |
| <b>Storage areas</b>                                | Remove as development bonuses.<br><i>(In stakeholder discussions, community members felt these were lesser priorities than other outcomes, especially affordable housing)</i> |
| <b>Sound insulation</b>                             |                                                                                                                                                                               |
| <b>Crime prevention</b>                             |                                                                                                                                                                               |
| <b>Solar water heating</b>                          |                                                                                                                                                                               |
| <b>Tree preservation</b>                            | Remove as a development bonus, but address through a new transfer of development rights allowance for tree preservation (see pages 57 - 61).                                  |

### **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 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 including density increased through an inclusionary housing bonus allowed by 33.120.205.F. 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.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.

~~6. Covenants.~~

- ~~a. 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.~~
- ~~b. The covenant must comply with the standards in 33.700.060, Covenants with the City.~~
- ~~c. If the bonus density is earned through preservation of trees under Paragraph C.9, the covenant must also specify that if the trees are determined to be dead, diseased, or dangerous by an arborist, they must be removed and replaced under a tree permit in accordance with Title 11, Trees. If a tree used to earn bonus density is dead, diseased, or dangerous as the result of a violation, Tree Review is required.~~

**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, and manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment.~~
  - ~~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 units 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.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.

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 residential 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 the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon).~~
  - 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.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.

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, at least 96 square feet of outdoor area is required for each dwelling unit. All other standards of 33.120.240, above, must be met.~~
9. ~~Tree preservation. Development proposals that preserve more than the required number or percentage of the trees on the site may receive up to a maximum of 10 percent density bonus. The density bonus that may be received for each tree that is preserved in addition to those required to be preserved on the site is shown in Table 120-5.~~

| <b>Table 120-5</b>                                                 |                      |
|--------------------------------------------------------------------|----------------------|
| <b>Density Bonus for Tree Preservation in Multi-Dwelling Zones</b> |                      |
| <b>Diameter of Tree Preserved</b>                                  | <b>Density Bonus</b> |
| 12 to 20 inches                                                    | 2 percent            |
| 20 to 36 inches                                                    | 3 percent            |
| 36 inches or greater                                               | 5 percent            |

~~Each tree counted toward the bonus must be documented in an arborist report that the following are met:~~

- ~~a. Be at least 12 inches in diameter;~~
- ~~b. Not be dead, dying, or dangerous; and~~
- ~~c. Not be on the Nuisance Plants List.~~

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## Commentary

### 33.120.270 Alternative Development Options

#### C. Attached houses

Amendments to this paragraph reflect the following:

- Provisions specific to the R3 zone are not needed, as the R3 is being combined with the R2 zones to create the new RM1 zone.
- Building setbacks and building coverage regulations are being amended to match similar setback and building coverage standards for attached houses in single-dwelling zones.
- Subparagraph 7 is being deleted because it is no longer needed due to proposed limitations on front garages in Section 33.120.283 that apply to attached houses (see pages 168-173).

### 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:
- Accommodate a diversity of housing types and tenures;
  - 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;
  - Allow for greater flexibility within a development site while limiting impacts to the surrounding neighborhood;
  - Promote more opportunities for affordable housing; ~~and~~
  - Allow more energy-efficient development-;
  - Reduce the impact that new development may have on surrounding residential development-;
  - Allow a greater sense of enclosure within common greens and shared courts; and
  - Ensure adequate open area within common greens.
- 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. Sites in the RMP zone are not eligible for alternative development options.
- 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.~~
  34. 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. The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.~~
    - ~~b. Interior building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.~~
    - ~~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.~~

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## Commentary

### 33.120.270 Alternative Development Options (continued)

#### Figure 120-13

This figure is being deleted because rear setbacks will no longer be based on the size of the building wall plane, but will instead be a standard 5-foot setback.

#### D. Reduced Setbacks for Detached Houses

No major change to this existing exemption, which allows reduced 3-foot side setbacks for detached houses within the interior of a land division. On small lots, this allows wider, less "skinny" houses, and facilitates patterns of small lot detached houses common in some older neighborhoods. The primary change to this paragraph relates to when in the land division process the reduced setbacks should be shown and approved.

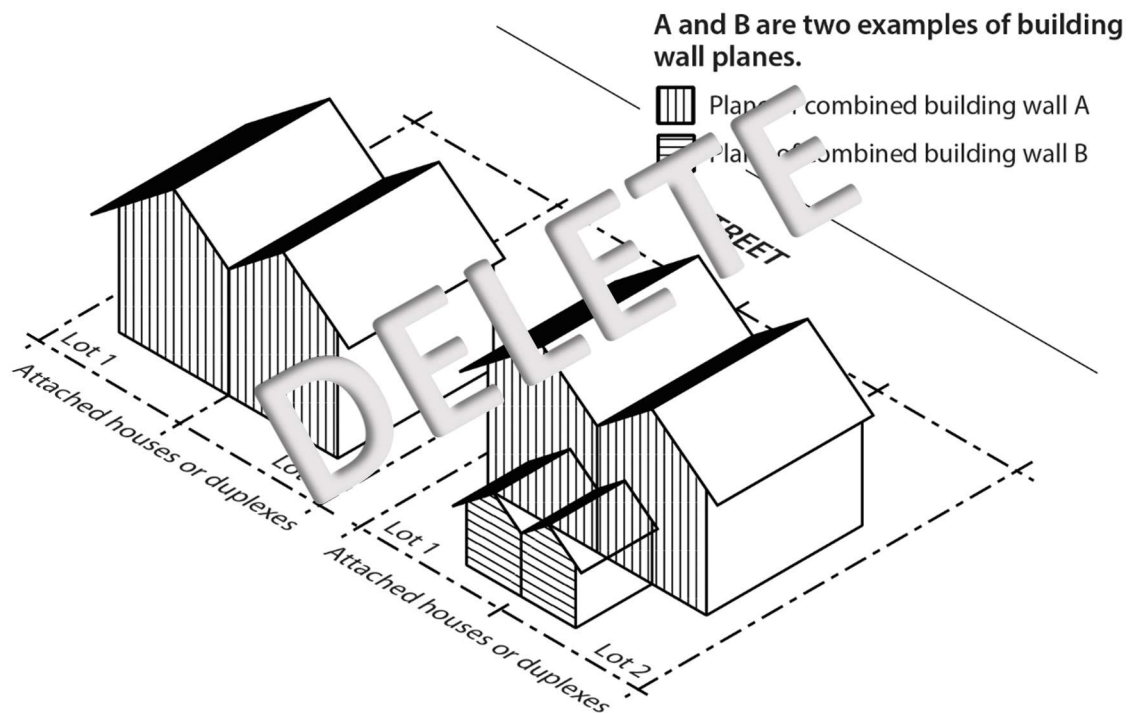
The Permit Ready houses provision of this paragraph because it refers to a program that has been discontinued.



*Recently-built narrow lot houses with small side setbacks. The smaller setbacks allow wider houses on 25'-wide lots (19' wide, compared to the 15'-wide "skinny" houses that are built on 25'-wide lots with 5' side setbacks).*

45. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project, however, the maximum building coverage for an individual lot is may not exceed 5 percent more than the base zone allowance.
56. Maximum building length. The maximum building length standard stated in Table 120-3 applies to the combined length of the street-facing facades of each unit.
7. ~~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.~~

**Figure 120-13**  
**Measuring Setback Standard for Attached Houses and Duplexes**



**D. Reduced setbacks for ~~Detached~~ houses.**

1. ~~Reduced side setbacks.~~ For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the land division Preliminary Plan ~~the supplemental plan of the land division at the time of final plat approval.~~ Eaves may project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.
2. ~~Permit Ready houses. Chapter 33.278 contains provisions for Permit Ready houses on narrow lots.~~

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## Commentary

### 33.120.270 Alternative Development Options (continued)

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys

No significant changes to this page.

- E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys.** These standards promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects on small sites. Standards within this section also promote pedestrian-oriented street frontages by facilitating the creation of rear alleys and allowing more efficient use of space above rear vehicle areas.
1. When these standards apply. These standards apply when the proposal includes a common green, shared court, or alley;
  2. Minimum density in ~~RM1R2~~ and ~~RM2R1~~ zones. The minimum density in the ~~RM1R2~~ zone is 1 unit per 3,000 square feet. The minimum density in the ~~RM2R1~~ zone is 1 unit per 2,000 square feet;
  3. Accessory structures.
    - a. Covered accessory structures for the common use of residents are allowed within common greens and shared courts. Covered accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
    - b. Structures for recycling or waste disposal are allowed within common greens, shared courts, private alleys, or parked tracts;
  4. Setbacks.
    - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet; and
      - (1) Minor architectural features such as eaves, awnings, and trellises are allowed in this setback; and
      - (2) On corner lots where there is one street lot line on a public street and one street lot line is on the common green or shared court, up to 30 percent of the area of the building facade facing the common green or shared court may extend into this setback. At least 30 percent of the area extending into this setback must include windows or glass block. Porches are exempt from the window standard.
    - b. The setbacks of garage entrances accessed from a shared court must be either 5 feet or closer to the shared court property line, or 18 feet or further from the shared court property line. If the garage entrance is located within 5 feet of the shared court property line, it may not be closer to the property line than the residential portion of the building.

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## Commentary

### 33.120.270 Alternative Development Options

#### **E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys (continued)**

The maximum height provisions of subparagraph E.5 are mostly being deleted due to changes to related height standards in the RM1 (R1) and RM3 and RM4 (RH) zones elsewhere in this chapter.

- c. For accessory structures in common greens, shared courts, private alleys, or parking tracts, the setbacks are:
  - (1) Adjacent to a public street. The minimum setback from a public street is 10 feet;
  - (2) Setback from project perimeter. If the common green, shared court, private alley, or parking tract abuts the perimeter property line of the project, the minimum setback for the accessory structure is 5 feet. The perimeter property line of the project is the boundary of the site before development;
  - (3) Setback from all other lot lines. The minimum setback from all other lot lines is 3 feet;
- 5. Maximum height. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.
  - ~~a. In the R1 and RH zones, where the front lot line abuts a shared court:~~
    - ~~(1) In the R1 zone, the maximum building height within 10 feet of a front property line abutting a shared court is 45 feet.~~
    - ~~(2) In the RH zone, the maximum building height within 10 feet of a front property line abutting a shared court is 65 feet.~~
  - ~~b. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.~~
- 6. Building coverage.
  - a. When a land division proposal includes common greens, shared courts, or private alleys, maximum building coverage is calculated based on the entire land division site, rather than for each lot.
    - (1) Buildings or structures in common greens, shared courts, private alleys, or parking tracts are included in the calculation for building coverage for the land division site;
    - (2) The combined building coverage of all buildings and structures in common greens or shared courts may not exceed 15 percent of the total area of the common greens or shared courts.
    - (3) Any amount of building coverage remaining from the calculation for the area of the common green, shared court, alley, or parking tract will be allocated evenly to all of the lots within the land division, unless a different allocation of the building is approved through the land division decision. The building coverage allocated to the lots will be in addition to the maximum allowed for each lot.
  - b. For attached houses, uncovered rear balconies that extend over an alley or vehicle maneuvering area between the house and rear lot line do not count toward maximum building coverage calculations.

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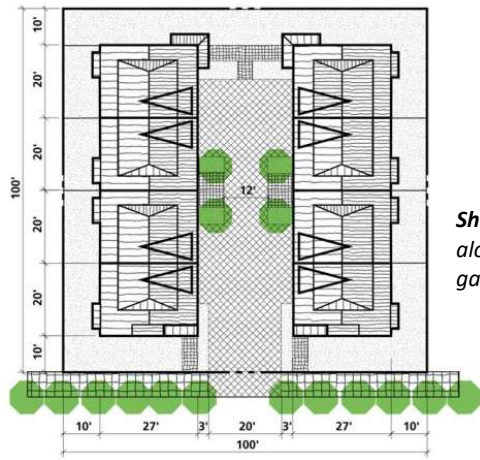
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## Commentary

### 33.120.270 Alternative Development Options

#### E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys (continued)

**Garages fronting onto shared courts.** This subparagraph is added to allow shared courts to continue to function to take garages off the public street frontage by clustering garages on the shared court. Standards are derived from what had been the general garage limitation, which provided an allowance for single-width (12 feet) garages. The requirement for living space above the garage has been continued here, but not the allowance to alternatively have a covered balcony.



**Shared court.** This configuration avoids having garages along the public street frontage, but often necessitates garages clustered closely on the shared court.

#### F. Attached duplexes

This subparagraph is being amended because the garage wall limitation is no longer needed, due to new limitations on front garages in Section 33.120.283 (see pages 170-173). Code language for building setbacks is also being modified to be consistent with similar regulations that apply to attached houses.

#### G. Duplexes on corners

This paragraph is being deleted, due to the discontinuation of the R3 zone where it applied.

7. Garages fronting onto shared courts. For garages accessory to houses or detached houses that are less than 24 feet wide that front onto shared courts, the length of the garage wall facing the shared court may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.

**F. 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. ~~The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.~~
  - a. ~~Interior (non-corner) lots. On interior lots, t~~The side building setback on the side containing the common wall is reduced to zero.
  - b. ~~Corner lots. On corner lots, either the rear setback or non-street side setback may be reduced to zero. However, the remaining non-street setback must comply with the requirements for a standard rear setback.~~
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.~~

**G. ~~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.~~

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## **Commentary**

### **33.120.270 Alternative Development Options (continued)**

#### **I. Flag lot development standards**

These regulations are being moved to a new section (33.120.284 Additional Development Standards for Flag Lots), for consistency with code section restructuring proposed by the Residential Infill Project.

**GH. Planned Development.** See Chapter 33.638, Planned Development.

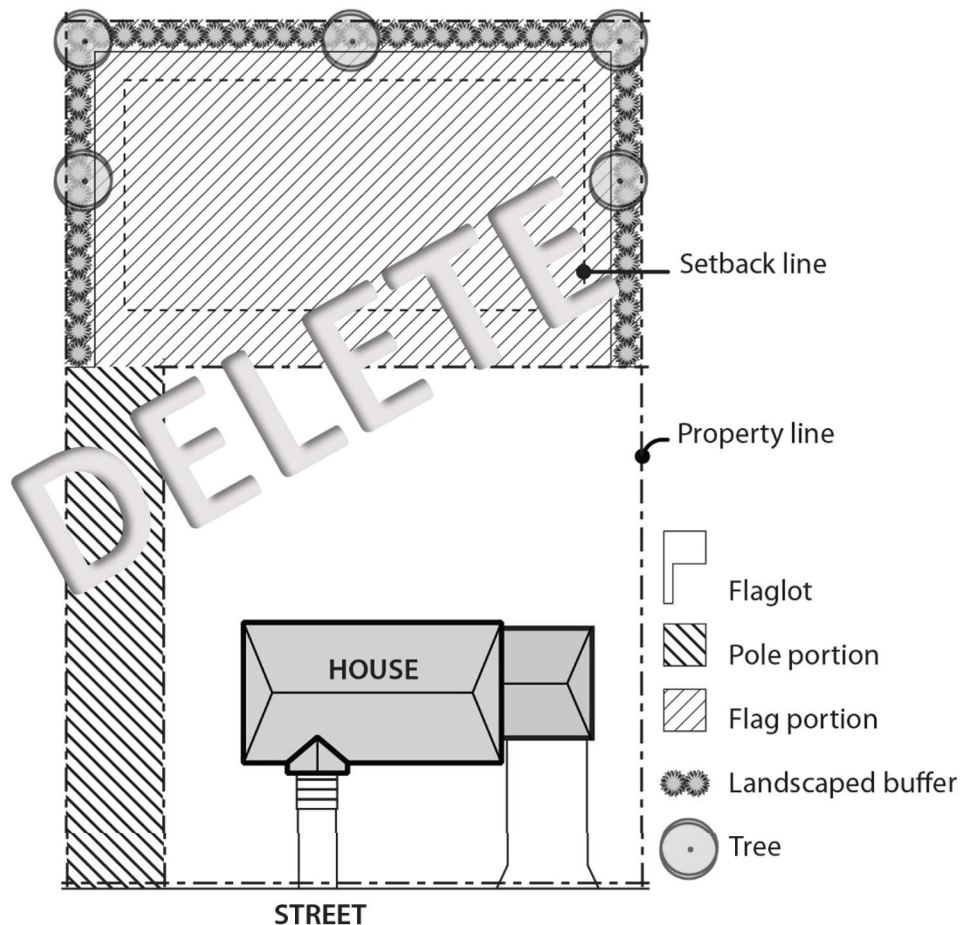
**~~I. Flag lot development standards.~~** The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots created before July 1, 2002:

1. ~~Setbacks.~~ Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

| Zone           | Setback |
|----------------|---------|
| R3, R2, R1, RH | 10 feet |

2. ~~Landscaped buffer area.~~ In the R3 through RH zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-8.

**Figure 120-8**  
**Flag Lot Description and Buffer**



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## Commentary

### 33.120.275 Development Standards for Institutions

This section is mostly unchanged, except for the following:

- Daycare uses are being excluded from the standards of this section (such as allowances for 75 building height and other development standards unique to Institutional uses), because Daycare uses do not have the same needs as the large-scale institutional uses for which the standards are intended, and can be accommodated by the regular base zone development standards.

### 33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the ~~R3 through RX~~ multi-dwelling 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.** Except for Daycare uses, ~~T~~the standards of this section apply to uses in the institutional group of use categories in the ~~R3 through RX~~ multi-dwelling zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports
- C. The standards.**
1. The development standards are stated in Table 120-~~57~~. If not addressed in this section, the regular base zone development standards apply.
  2. Setbacks on a transit street or in a Pedestrian District. 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. Except as specified in paragraph C.5, below, 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. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
  6. Electrical substations. In addition to the standards in Table 120-~~57~~, 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. Electrical substations that are in a fully enclosed building are exempt from this requirement.
  7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph C.2, above.
  8. Access for accessory Retail Sales And Service Uses. Areas occupied by an accessory Retail Sales And Service use may have no direct access to the outside of the building. Access to the area must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.
  9. Exterior signage for accessory Retail Sales And Service uses is prohibited.

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## Commentary

### Table 120-7 Institutional Development Standards

No substantial changes to this table.

**Table 120-57**  
**Institutional Development Standards [1]**

|                                                              |                                                                             |
|--------------------------------------------------------------|-----------------------------------------------------------------------------|
| 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 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~~Vehicle areas are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking, ~~And Loading,~~ and Transportation and Parking Demand Management.

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## **Commentary**

### **33.120.280 Detached Accessory Structures**

No significant changes to this page, except for additional clarifying purpose statement language and replacement of the term "separation of ownership" with "lot confirmation".

### 33.120.280 Detached Accessory Structures

- A. Purpose.** This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures and promote compatibility of design for larger accessory structures when they are in conjunction with single-dwelling development. The standards provide for necessary access around structures, help maintain privacy to abutting lots, provide flexibility for the location of accessory structures, and maintain open front yard areas.
- B. General standards.**
1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
  2. Detached accessory structures are allowed on a site only in conjunction with a primary building and may not exist on a site prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
  3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a lot confirmation~~separation of ownership~~, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.
    - a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
    - b. For a property line adjustment or a lot confirmation~~separation of ownership~~, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS approving~~confirming~~ the property line adjustment or lot confirmation~~separation of ownership~~ is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
    - c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.

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## Commentary

### 33.120.280 Detached Accessory Structures (continued)

#### C. Detached covered accessory structures.

This paragraph is being amended to provide the same allowances for small accessory structures to be located in required setbacks that currently apply to houses, attached houses and duplexes, so that this allowance applies to all development in the multi-dwelling zones. The intent is to facilitate efficient site design, including compact multi-dwelling buildings on small sites, which provides opportunities for small-scale development that can continue neighborhood patterns (see commentary on page 120). This will allow small accessory structures, such as bike sheds and recycling facilities, in the required setbacks to allow for more efficient use of the limited amount of site area available on the small sites typical of multi-dwelling development in Portland.

The amendments include an allowance for detached covered accessory structures to be located in side or rear setbacks as close as 10 feet (instead of the current 40 feet) from a street lot line (but no closer than the closest primary building). This is intended to reflect the characteristics of multi-dwelling zones, where buildings are typically clustered closer to the street than is the case with single-dwelling zones.



*Images shows small accessory structures set back from side property line (left edge of image). Proposed amendments will allow such structures to be located within required side and rear setbacks of multi-dwelling development, allowing for more space-efficient arrangements and usable outdoor space.*

**C. Detached covered accessory structures.** Detached covered accessory structures are items such as garages, greenhouse, artist's studios, guest houses, accessory dwelling units, laundry or community buildings, storage buildings, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.

1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.
  - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
  - b. ~~In the multi-dwelling zones d~~Detached covered accessory structures ~~accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot~~ are allowed in the side and rear building setbacks, if all of the following are met:
    - (1) The structure is at least ~~40~~10 feet from a ~~front street~~ lot line or no closer to a street line than the closest primary building, whichever distance is greater; and if on a corner lot, at least 20 feet from a side street lot line;
    - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
    - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
    - (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
    - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **C. Detached covered accessory structures.**

The changes to the regulations on this page bring consistency with similar regulations in the single-dwelling zones proposed by the Residential Infill Project.

- (6) Walls located within the setback may not have doors or windows facing the adjacent lot line;
  - (7) The structure does not have a rooftop deck; and
  - (8) Dormers are set back at least 5 feet from the side and rear lot lines that abut another lot.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.
- a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site.
  - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.
4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high, and are accessory to houses, attached houses, duplexes, attached duplexes, ~~and~~ manufactured homes, triplexes, or fourplexes on individual lots. Additions to existing structures that do not meet a standard are exempt from that standard.
- a. Exterior Finish Materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:
    - (1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or
    - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
  - b. Roof Pitch. The ~~roof~~ pitch of the roof with the highest ridgeline on the detached covered accessory structure must meet one of the following:
    - (1) The ~~predominant roof pitch of the roof with the highest ridgeline~~ must be the same as the ~~predominant roof pitch of the roof with the highest ridgeline~~ of the primary structure; or
    - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.
  - c. Trim. The trim on the detached covered accessory structure must meet one of the following:
    - (1) The trim must be the same in type, size, and location as the trim used on the primary structure; or
    - (2) The trim around all windows and doors must be at least 3 ½ inches wide.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **C. Detached covered accessory structures.**

No changes to the regulations on this page.

- d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:
  - (1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
  - (2) Each window must be square or vertical – at least as tall as it is wide.
- e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:
  - (1) The eaves must project from the building walls the same distance as the eaves on the primary structure;
  - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
  - (3) If the primary structure has no eaves, no eaves are required.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **D. Detached uncovered vertical structures**

Changes to this paragraph will provide consistent standards for detached uncovered accessory structures, regardless of the type of housing on the site.

**D. Detached uncovered vertical structures.** Vertical structures are items such as flag poles, trellises, arbors, and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. The following standards apply to uncovered vertical structures. Fences are addressed in Section 33.120.285 below:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet:
  - a. Antennas, utility power poles, and public safety facilities are exempt from height limits.
  - b. Flagpoles are subject to the height limit of the base zone for primary structures.
  - c. Detached small wind turbines are subject to the standards of 33.299.
2. Setbacks. Except as follows, detached uncovered vertical structures are subject to the required building setbacks:
  - a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setback.
  - b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in a front setback. The arbor must allow for pedestrian access under its span.
  - c. Flagpoles are allowed in required building setbacks.
  - d. Detached uncovered vertical structures ~~that are accessory to a house, attached house, duplex, attached duplex, and manufactured home~~ that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:
    - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
    - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet; and
    - (3) The structure is no more than 10 feet high;
    - (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and
    - (5) The structure does not have a rooftop deck.

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## Commentary

### 33.120.280 Detached Accessory Structures (continued)

#### **E. Detached uncovered horizontal structures.**

No changes.

#### **F. Detached mechanical equipment.**

Unlike other changes allowing detached accessory structures in required setbacks, the existing limitation on mechanical equipment in required setbacks is being retained because of the greater impacts of mechanical equipment for projects with larger numbers of units (mechanical noise, etc.). Triplexes and fourplexes have been added to the small housing types exception, to be consistent with similar regulations in the single-dwelling zones (proposed by RIP).

- E. Detached uncovered horizontal structures.** Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures:
1. Height. In general, the maximum height allowed for detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
  2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to the required building setbacks:
    - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
    - b. Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks.
- F. Detached mechanical equipment.** Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to the building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:
1. Height. In general, the maximum height allowed for detached mechanical equipment is the maximum height of the base zone. The maximum height allowed for detached mechanical equipment accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
  2. Setbacks. Except as follows, detached mechanical equipment is subject to required building setbacks. Detached mechanical equipment accessory to a house, attached house, duplex, attached duplex, ~~or~~ triplex, or fourplex on an individual lot is allowed in side or rear building setbacks if all of the following are met:
    - a. The equipment is no more than five feet high; and
    - b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

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## Commentary

### **33.120.283 Additional Standards for Structured Parking and Garages**

Amendments to this section expand its current focus on limiting the prominence of garages (accessory to houses, attached houses, manufactured houses, and duplexes) to also apply to structured parking associated with other residential building types, such as apartment buildings and other multi-dwelling structures and development. This helps implement policies that call for buildings to contribute to pedestrian-oriented street environments.

### 33.120.283 Additional Development Standards for Structured Parking and Garages

**A. 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 residential buildings~~the residence~~ and the street;
- Ensure that the location and amount of the living areas of residential buildings ~~the residence~~, as seen from the street, is~~are~~ more prominent than ~~the structured parking or~~ garages;
- Prevent structured parking and 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 structured parking and garages ~~and vehicle areas~~ from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing structured parking and garages from blocking views of the street from inside the residence.

**B. Additional regulations.** The regulations of this Section apply in addition to those of 33.120.280, Accessory Structures.

**C. Existing detached garages.**

1. 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. In this case, the rebuilt garage may be no more than 15 feet high, and the garage walls may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The rebuilt garage is not required to comply with other standards of this chapter.
2. Additions. An addition may be made to an existing detached garage that is nonconforming due to its location in a setback as follows:
  - a. The expanded garage meets all other standards of this chapter; or
  - b. The combined size of the existing foundation and the addition is no larger than 12 feet wide by 20 feet deep. In this case, the garage is no more than 15 feet high, and the walls of the addition may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The expanded garage is not required to comply with other standards of this chapter.

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### D. Length of street-facing walls of structured parking and garages

Currently, there are few limitations on front garages and structured parking for most housing types in the multi-dwelling zones. Current regulations limit front garages from occupying more than 50 percent of the width of detached houses, but provide an exemption that allows houses to always have a 12-foot wide garage, meaning that there is not an effective limit on front garages for the narrow-lot houses common in some of the multi-dwelling zones, and there are currently no limits on the front garages of attached houses (as in image) or any multi-dwelling housing types.



The proposed amendments will limit structured parking and garages from occupying more than half of the street-facing facades of all housing types. For narrow attached houses, the limit will apply to the combined frontage of attached units, allowing for a mix of units with and without front garages, and preserving some on-street parking (see page 172). This will promote arrangements such as the following:



*Rear parking arrangements, or options with no off-street parking.*



*Front garages that takes up no more than half of street frontages (above and below)*

Overall, the 50 percent limitation will apply in more situations than currently, but with exemptions for:

- Structured parking located more than 40 feet from street lot lines, to accommodate portions of multi-dwelling developments that are not located close to streets;
- Parking accessed from shared courts (where garages do not front on public street frontages);
- Structured parking that is partially underground;
- Secondary street frontages, with priority placed on limiting vehicle facilities along streets with higher transit classifications.

Note that other amendments will require that small sites that abut an alley provide parking access from the alley (see page 221). The alley access requirements will apply to multi-dwelling development on lots up to 10,000 square feet in size.



*The limits will also apply to the primary frontage of buildings with ground-level structured parking.*

**D. Length of street-facing garage or structured parking wall**

1. Where these regulations apply. The regulations of this subsection apply to structured parking and ~~garages that are accessory to houses, manufactured homes on individual lots, 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.
2. Exemptions.
  - a. ~~Garages that are accessory to attached houses, d~~Development on flag lots and, or development on lots ~~which that~~ slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this ~~s~~Subsection.
  - b. Garages and structured parking that are located more than 40 feet from a street lot line and sites where all parking access is from a shared court are exempt from the standards of this Subsection.
  - ~~c~~b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from the standard of this subsection.
  - d. Structured parking where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way is exempt from the standards of this Subsection.
  - ~~e~~e. On corner lots;
    - (1) Garages. On corner lots, only the street-facing garage wall that contains the garage door must meet the standards of this Subsection.
    - (2) Structured parking. On corner lots, only one street-facing façade of a building with structured parkinggarage wall must meet the standards of this sSubsection. For sites with more than one street frontage, the standards of this Subsection must be met along the street with the highest transit street classification. If two or more streets have the same highest transit street classification, then the standards must be met on the longest street-facing façade located within 40 feet of a street lot line. If two or more streets have the same highest transit street classification and the street-facing facades are the same length, the applicant may choose on which of those streets to meet the standards.
3. Standards.
  - a. Garages that are accessory to houses. For garages that are accessory to houses or manufactured homes, ¶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 120-129. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that façade.

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### D. Length of street-facing walls of structured parking and garages

The garage and structured parking limitation standards are similar to standards in the single-dwelling zones proposed by the Residential Infill Project. The standards include a provision for attached houses indicating that the 50% limit applies to each individual façade, or can be calculated based on the combined façade width of attached houses. This allows regulations to apply similarly to both attached houses on individual lots and to otherwise similar townhouses on undivided lots. The requirement for the portion of multi-dwelling structures and attached houses with four or more units that is not garage to be contiguous is intended to ensure that the majority of the façade (or combined façades) is not interrupted by garages or structured parking (see Figure 120-13 on page 177). Without this contiguous façade requirement, analysis indicates that a row of five attached houses or townhouse units on a 100-foot wide site could meet the standard with four units that each have front garages that exceed the 50% limit on a per unit basis, but could meet the combined façade calculation by having a fifth attached unit with no front garage on the same frontage. This would result in multiple front garages, driveways, and curb cuts, counter to objectives for limiting such features.

Amendments on this page also remove the exemption (former paragraph 4) that allowed structures on narrow lots (primarily houses) to have a front garage up to 12 feet wide, which resulted in narrow lot houses whose primary ground-level features were front garages.



*The amendments are intended to limit front garages but provide flexibility for some units (including attached houses) to have front garages when the majority of the length of the building (or the combined facades of attached houses) does not have garages. The amendments will allow configurations similar to these examples, regardless of whether they are duplexes, triplexes, or attached houses.*

- b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses and attached duplexes:
  - (1) 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 120-12. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facade; and
  - (2) When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facade must be without garage, and the 50 percent length without garage must be contiguous. See Figure 120-13.
- c. Garages and structured parking that are accessory to all other residential structure types. The following standards apply to garages and structured parking that are accessory to all residential structure types:
  - (1) The length of the garage or structured parking wall facing the street may be up to 50 percent of length of the street-facing building façade. See Figure 120-12. Where the length of the street-facing facade is less than 22 feet long, an attached garage and structured parking are not allowed; and
  - (2) For a fourplex or a multi-dwelling structure, at least 50 percent of the total length of the street-facing building facade must be without garage or structured parking, and the 50 percent length without garage or structured parking must be contiguous. See Figure 120-13.
- 4. ~~Exception. Where the street-facing facade 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 120-10.~~
  - a. ~~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~~
  - b. ~~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.~~

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## Commentary

### **33.120.283 Additional Standards for Structured Parking and Garages (continued)**

#### **E. Street lot line setbacks**

The street lot line setback standards are being modified so that the limitations on garages extending in front of the rest of the building also apply to structured parking and all housing types. Changes include replacing "dwelling unit" with "building" so that the standard works for more types of residential structures, such as multi-dwelling structures with multiple units. Other changes are intended to bring consistency with similar regulations in the single-dwelling zones.

**E. Street lot line setbacks.**

1. Where this standard applies. The standard of this paragraph applies to structured parking and garages that are accessory to houses, attached houses, manufactured homes on their own lots, 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.
2. Exemptions.
  - a. Development on flag lots or on lots ~~which~~that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
  - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
  - c. ~~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 facade on which the main entrance is located.~~
3. Standard. A structured parking or garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the building dwelling unit. 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 facade on which the main entrance is located. See Figure 120-~~11~~14.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the building dwelling unit, if:
  - a. The street-facing garage wall is 40 percent or less of the length of the building facade; and
  - b. 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-~~12~~15. The porch must meet the following:
    - (1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
    - (2) The porch must have a solid roof; and
    - (3) The roof may not be more than 12 feet above the floor of the porch.

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

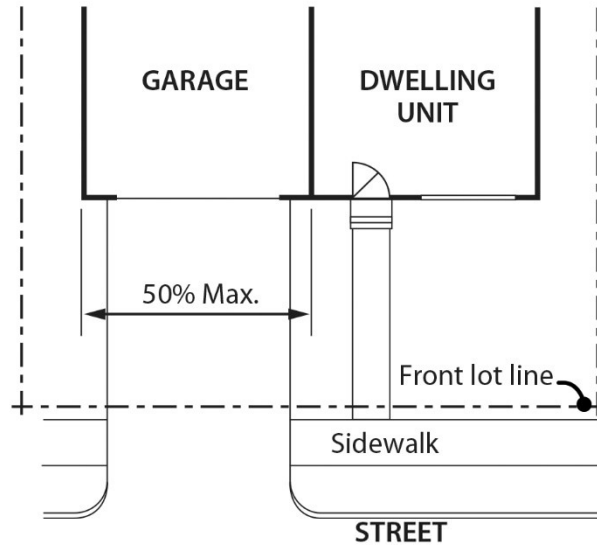
#### Figure 120-12

No change, except to figure number.

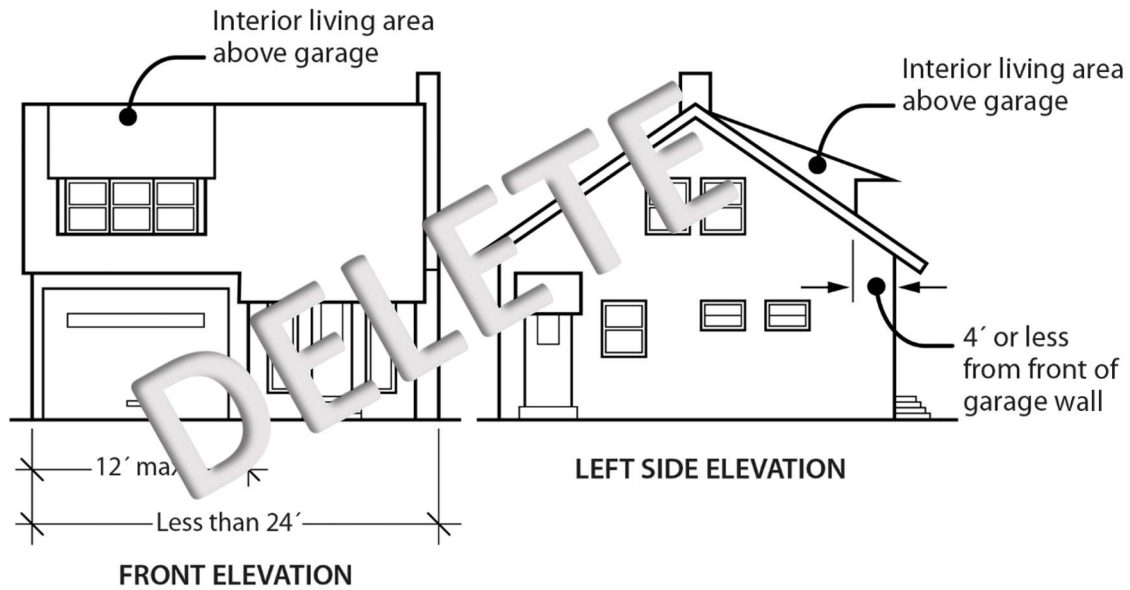
#### Figure 120-10

This figure is being deleted, as the exception it illustrates is being deleted.

**Figure 120-912**  
**Length of Street-Facing Garage Wall**



**Figure 120-10**  
**Length of Street-Facing Garage Wall Exception**



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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### Figure 120-13

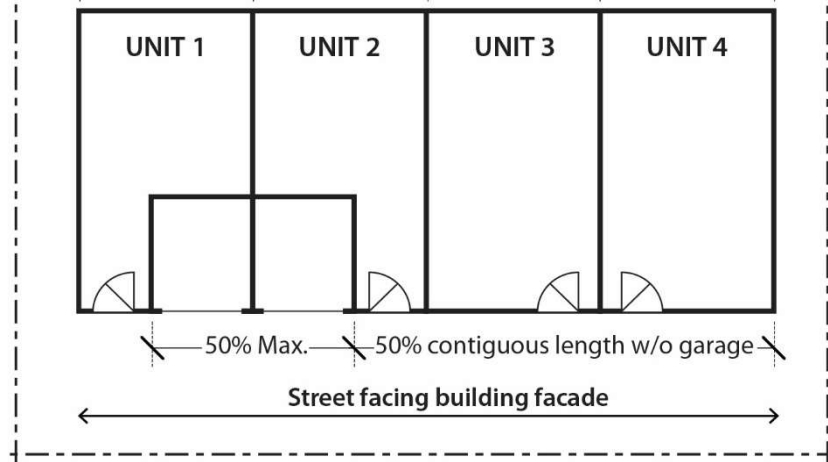
This new figure illustrates standards (in 33.120.283.D.3 b and c) in which the limitations on the length of structured parking and garages is based on the total length of the street-facing building façade. For attached houses, where any units are less than 22-feet wide, this illustrates how the garage limitation measurement applies based on the combined facades of the attached house units, including the requirement that the portion of the combined facades that is not garage must be at least 50 percent of the length of the combined facades (this percentage must be contiguous).

#### Figure 120-14

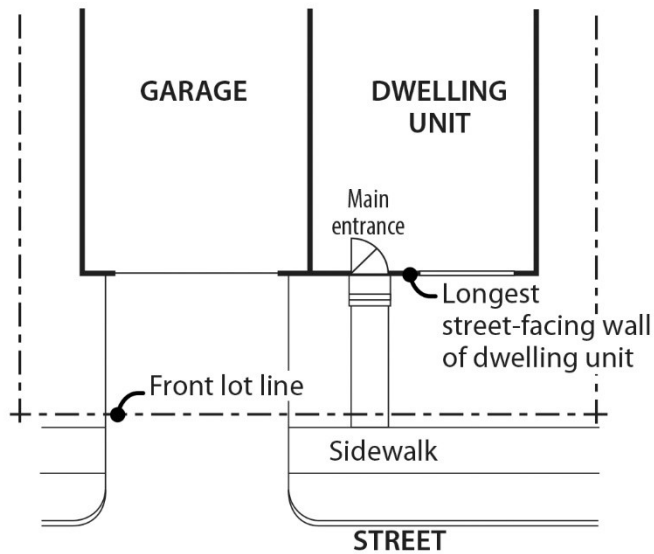
No changes, except to figure number.

Language to be **added** is underlined>  
Language to be **deleted** is shown in ~~strikethrough~~

**Figure 120-13**  
**Combined Length of Street-Facing Garage Wall**



**Figure 120-1114**  
**Street Lot Line Setback**



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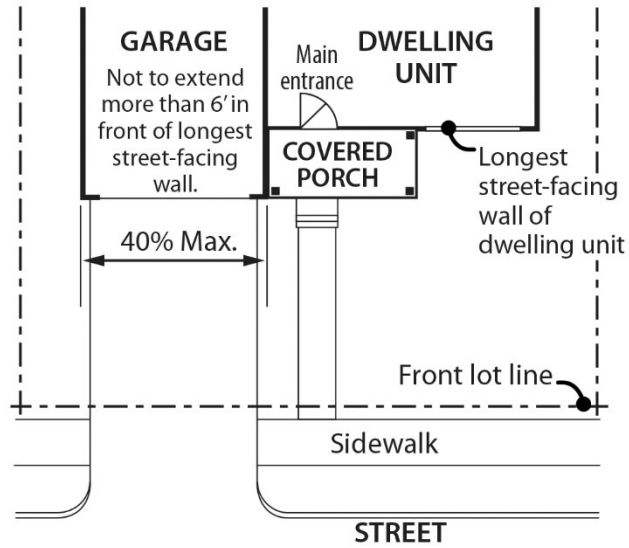
## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### Figure 120-15

No changes, except to figure number.

**Figure 120-~~12~~15**  
**Garage Front Setback Exception**



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## **Commentary**

### **33.120.284 Additional Development Standards for Flag Lots**

These regulations are essentially unchanged, but have been moved into this new section from 33.120.270 (Alternative Development Options), for consistency with code section restructuring proposed by the Residential Infill Project.

### **33.120.284 Additional Development Standards for Flag Lots**

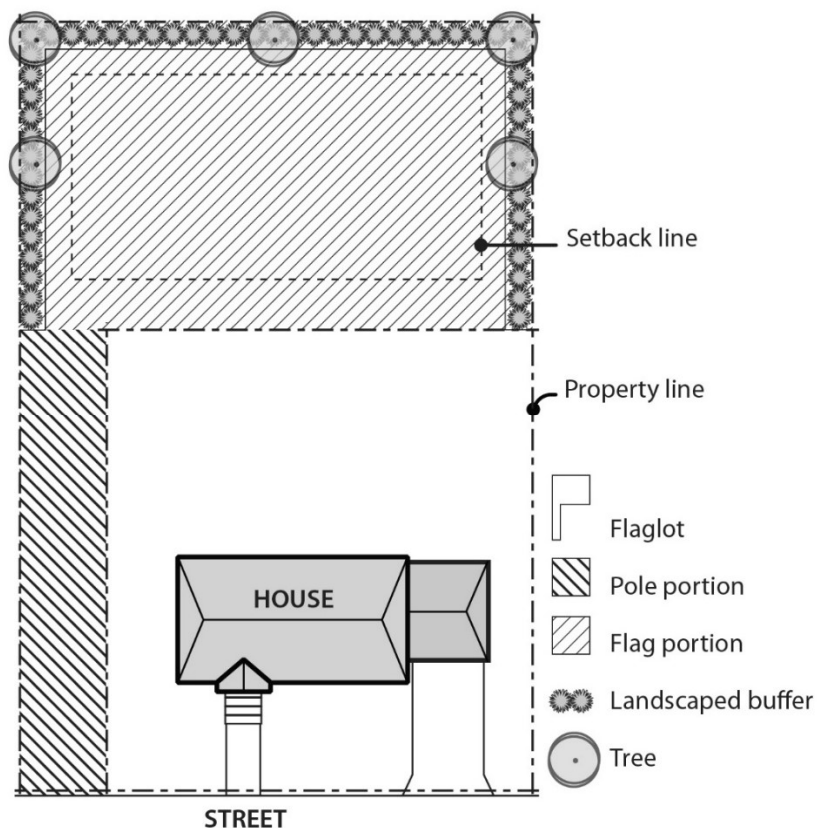
- A. Purpose.** These standards include required screening and setbacks to protect the privacy of abutting residences and increase the compatibility of new development on flag lots.
- B. Where these standards apply.** The additional standards of this section apply to flag lots in the multi-dwelling zones created before July 1, 2002.
- C. Standards.**

1. Setbacks. Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

| <u>Zone</u>        | <u>Setback</u> |
|--------------------|----------------|
| RM1, RM2, RM3, RM4 | <u>10 feet</u> |

2. Landscaped buffer area. In the RM1 through RM4 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 120-16.

**Figure 120-16**  
**Flag Lot Description and Buffer**



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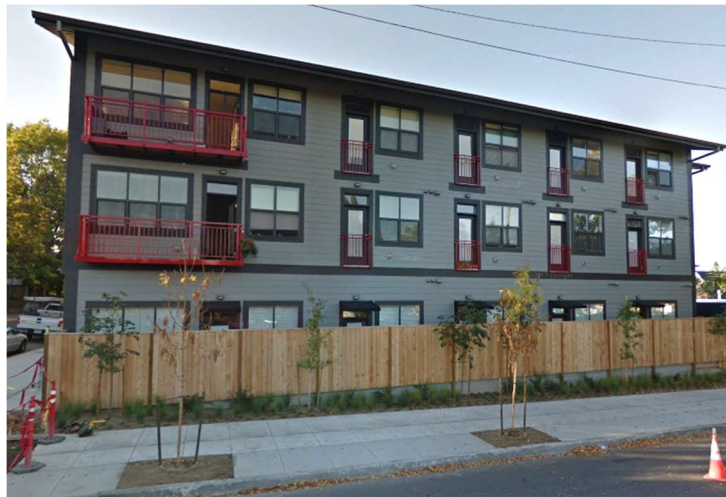
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## Commentary

### 33.120.285 Fences

This section is being reorganized for greater clarity, dividing the fence standards by housing type, with separate standards for houses and duplexes, versus other housing types.

The most substantive amendment to this section is that, for multi-dwelling structures and development, fences are always limited to 3.5 feet in height in required setbacks along street lot lines (including along pedestrian connections). Currently, this fence height limitation primarily applies to the front of lots, which are defined as being the narrower frontage of a corner site. For multi-dwelling development on corner sites, the longer "side" setback is often the primary frontage, where tall fences are not appropriate. Allowances for 8-foot high fences in some setbacks are being changed to only apply to houses/attached houses/duplexes, etc., which tend to more frequently have the narrow dimension of lots correspond to the "front" and have more of a convention of a private backyard on corner lots. Unlike some other standards, triplexes and fourplexes are not grouped with the other small housing types, because on corner lots the majority of townhouse-type triplexes and fourplexes are oriented to the longer "side" street lot line, where tall fences would not be appropriate.



*Tall fence in front of a new multi-dwelling building along a transit corridor, which the proposed amendments would not allow. This change will help implement policies that call for street-oriented buildings, especially along corridors that are intended to become pedestrian- and transit-oriented places.*

### 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 and height.**
1. House, attached house, duplex, attached duplex, and manufactured home. The following fence location and height standards apply to houses, attached houses, duplexes, attached duplexes, and manufactured homes:
    - a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front building setback, or within the first 5 feet of the front lot line, whichever is greater.
    - b. Side and rear building setback.
      - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that do not a pedestrian connection.
      - (2) Fences abutting a pedestrian connection.
        - Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
        - Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
    - c. Exception for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of Subparagraphs C.1.a. and C.1.b.:
      - (1) Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.
      - (2) Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;
      - (3) Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to c(1).
      - (4) Fences up to 8 feet high are allowed in all other side or rear building setbacks.

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## **Commentary**

### **33.120.285 Fences (continued)**

See previous commentary.

- d. 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.
24. All other development. The following fence location and height standards apply to development that is not a house, attached house, manufactured home, duplex or attached duplex:
- a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front building setback, or within the first 5 feet of the front lot line, whichever is greater.
- b2. Side and rear building setbacks.
- (1) Fences up to 3-1/2 feet high are allowed in required side building setbacks that abut a street.
- (2)b. Fences abutting a pedestrian connection.
- (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
  - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
- (3)a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a street or a pedestrian connection.
3. ~~Exception for corner lots in R3 and R2 zones. On corner lots in the R3 and R2 zones, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1. and C.2.:~~
- a. ~~Fences up to 3 1/2 feet high are allowed within the first 10 feet of the side street lot line.~~
- b. ~~Fences up to 3 1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;~~
- c. ~~Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3a.~~
- d. ~~Fences up to 8 feet high are allowed in all other side or rear building setbacks.~~
- c4. 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.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

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## Commentary

### **33.120.330 Street and Pedestrian Connections**

The intent of this new section is to require public pedestrian connections, meeting the connectivity requirements of Title 17, on large sites over 5 acres. The regulations allow flexibility for the location of such connections and provide exemptions for environmental overlay zones and steep slopes. This section mirrors standards recently adopted for the commercial/mixed use zones.

### **33.120.290 Demolitions**

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

### **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.

### **33.120.320 Inclusionary Housing**

The regulations pertaining to inclusionary housing are stated in Chapter 33.245, Inclusionary Housing.

### **33.120.330 Street and Pedestrian Connections**

#### **A. Large site pedestrian connectivity.**

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of right-of-way for pedestrian connections is required.

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## **Commentary**

### **33.120.310 Street and Pedestrian Connections (continued)**

See previous commentary.

4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:
  - a. The Central City plan district; and
  - b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of elements within, the pedestrian connections.
- B.** Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

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## Commentary

### **Civic and Neighborhood Corridors Map 120-1**

This new map shows where limited use allowances for Retail Sales and Service and Office uses apply for sites abutting a Civic or Neighborhood corridor (see 33.120.100.B). This map also shows where the 70 percent maximum building coverage allowance in the RM2 zone, indicated in Table 120-3, applies for sites that abut these types of corridors, as well as where allowances for no setbacks between properties along this corridors apply in the Inner Pattern Area (see pages 89-91).

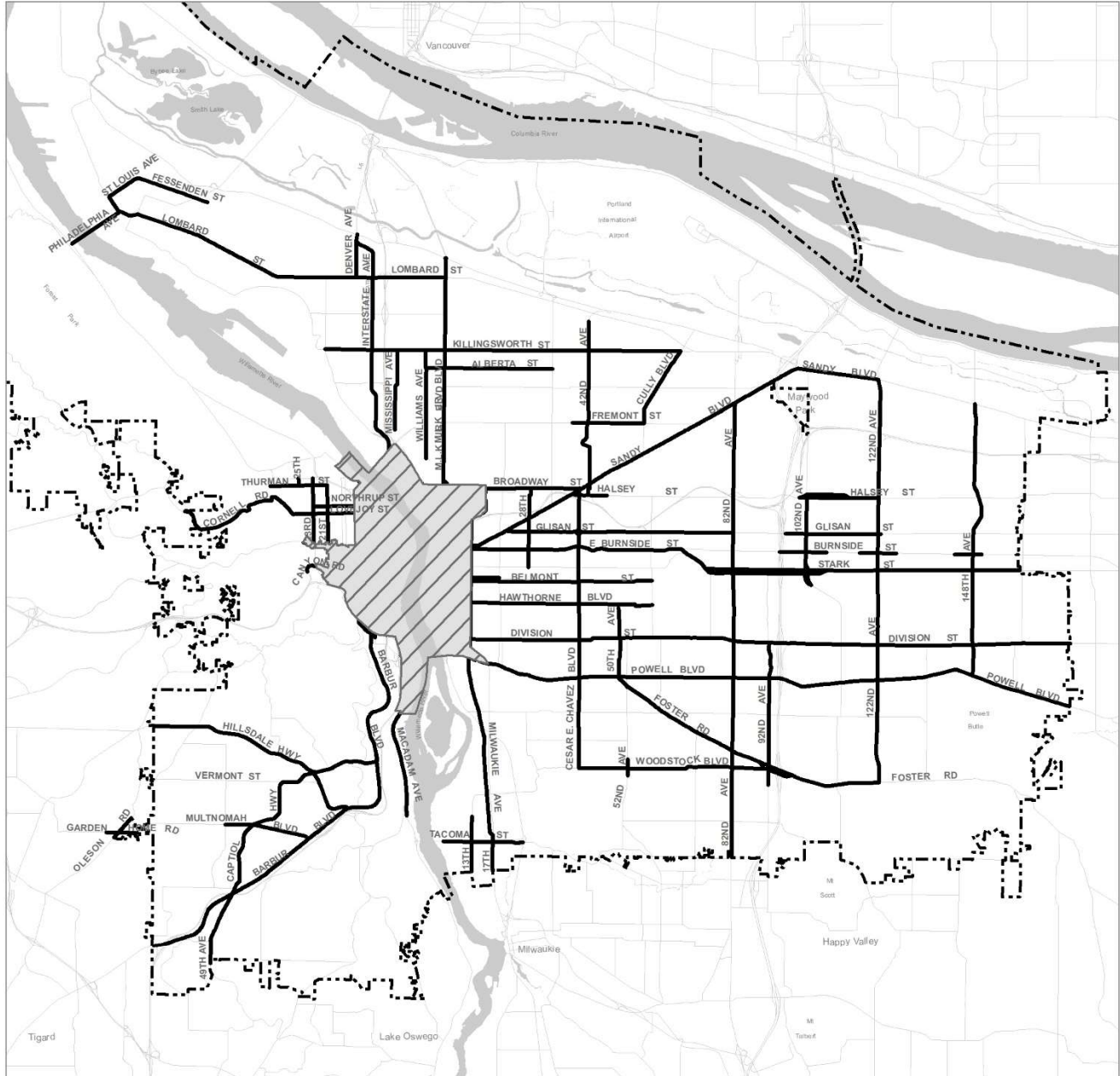
These Civic Corridors and Neighborhood corridors are streets classified on the Street Design Classification maps of the Transportation System Plan (TSP) as Civic or Neighborhood main streets and Civic or Neighborhood corridors.

Civic and Neighborhood corridors are indicated in the 2035 Comprehensive Plan as places intended to be locations for commercial activity and residential living, with transit-supportive densities of housing and employment.

## Civic and Neighborhood Corridors

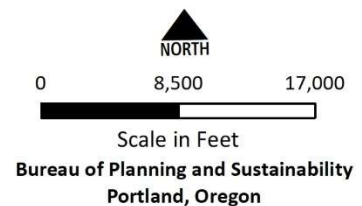
## Map 120-1

Map Revised Xxxxx X, 201X



- City Boundary
- Civic and Neighborhood Corridors
-  Central City Plan District

Source: Portland Bureau of Transportation, TSP, Street Design Classifications



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## Commentary

### Minimum Required Site Frontage Areas Map 120-2

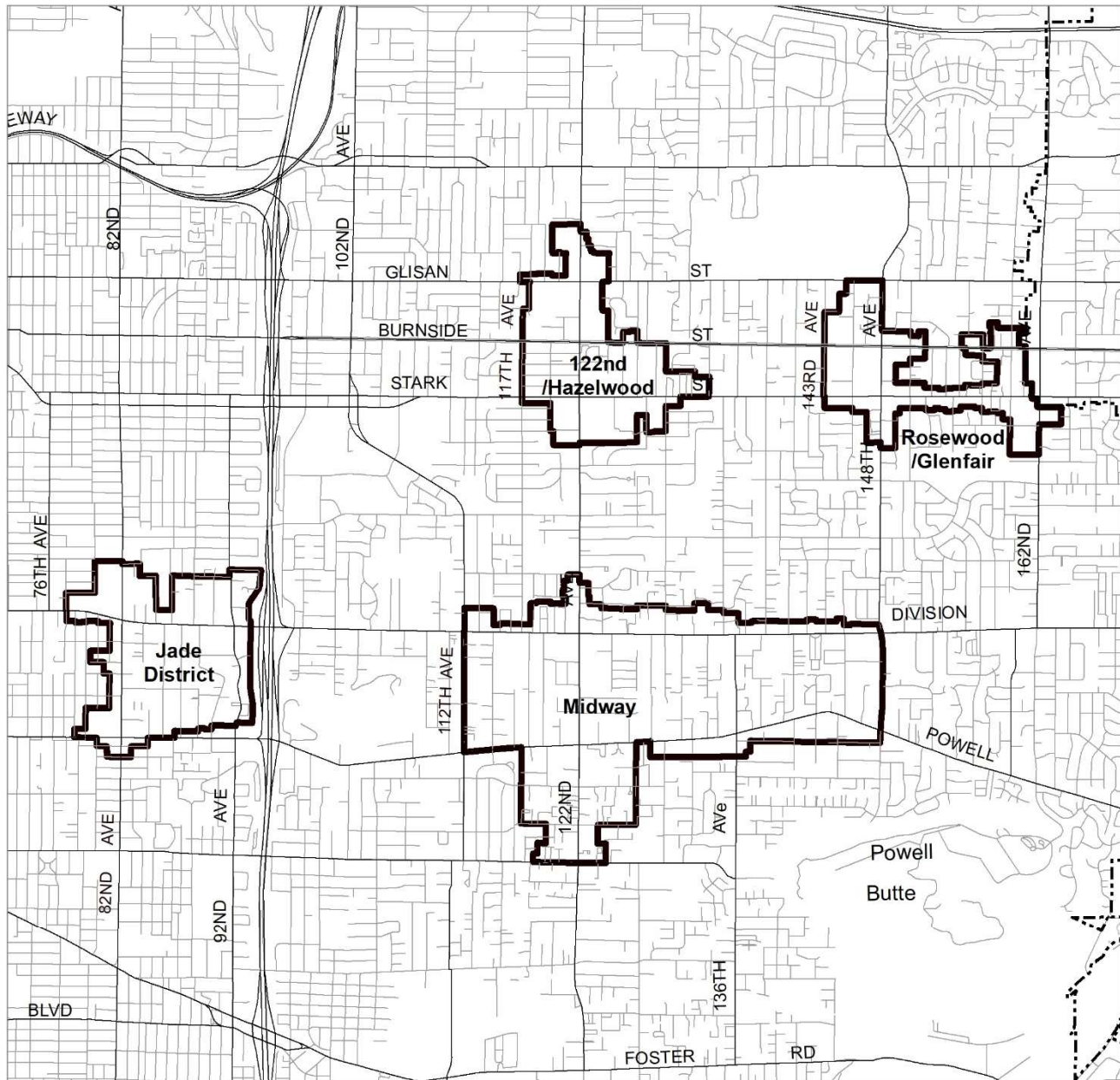
This new map shows where the Minimum Required Site Frontage for New Development requirements will apply to properties with multi-dwelling zoning (see 33.120.206, pages 52 to 53). The mapped areas correspond to the adopted center boundaries for the Jade District, 122<sup>nd</sup>/Hazelwood, and Rosewood/Glenfair centers. The Midway boundaries include areas within this center's adopted boundaries, plus a broader area with multi-dwelling zoning that was within the Division-Midway Neighborhood Street Plan area (this plan was a joint project undertaken in 2013-2014 by PBOT, ODOT, and BPS to improve street connectivity in the area).

The requirements of section 33.120.206 will apply only to properties with multi-dwelling zoning within the mapped areas and will not apply to properties within the single-dwelling or commercial/mixed uses zones.

## Minimum Required Site Frontage Areas

## Map 120-2

Map Revised Xxxxx X, 201X



----- City Boundary



Minimum required site frontage areas



0 2,500 5,000

Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon

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## Commentary

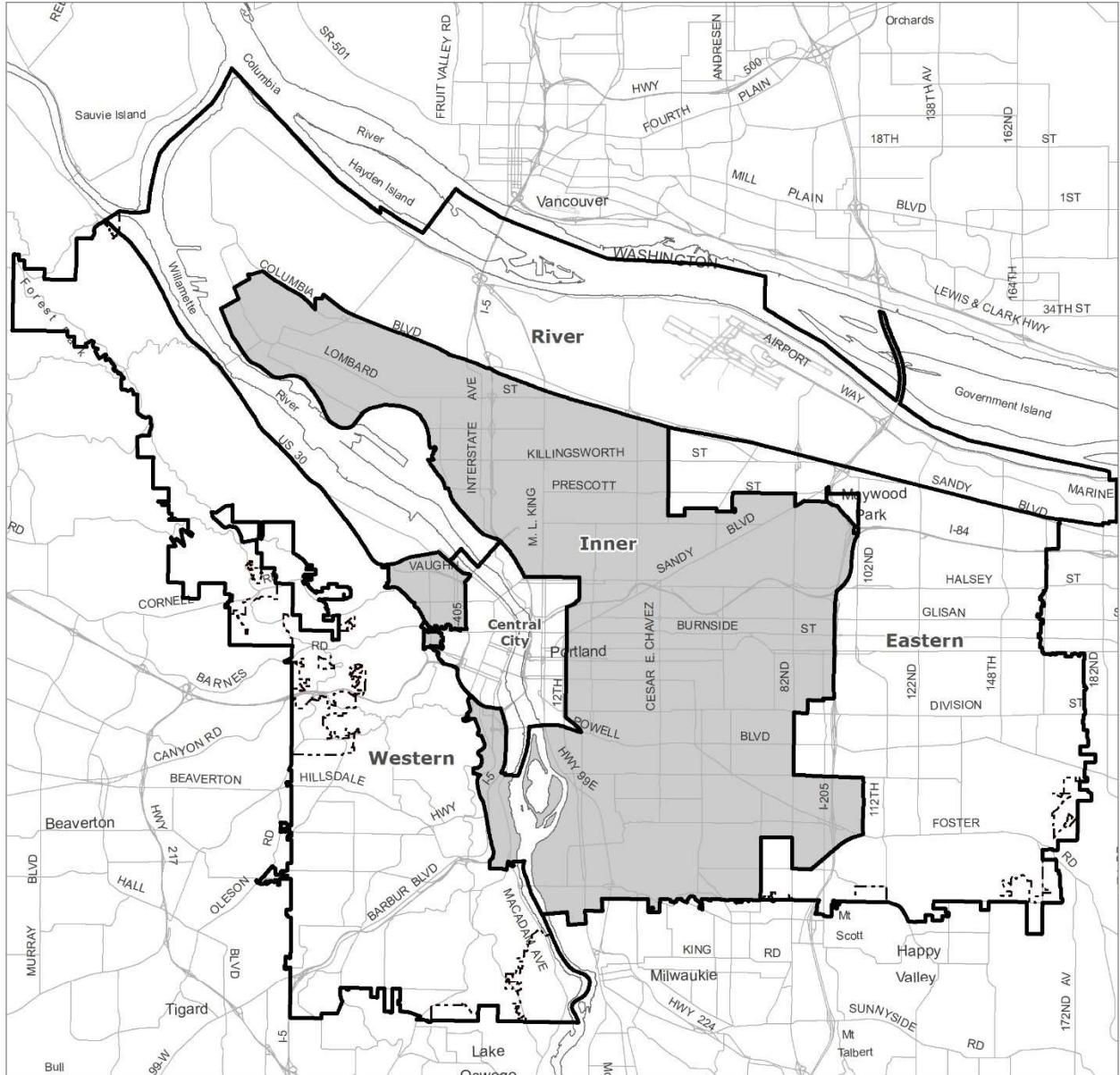
### Pattern Areas Map 120-3

This new map shows where the Eastern Pattern Area special rear setback applies. It also shows the Inner Pattern Area, where allowances for reduced side/rear setbacks apply along Civic and Neighborhood corridors. See 33.120.220 (Setbacks), pages 89 to 91.

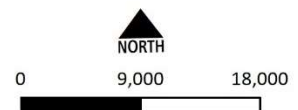
## Pattern Areas

## Map 120-3

Map Revised Xxxx XX, 201X



----- City Boundary  
----- Pattern Area Boundaries



Scale in Feet

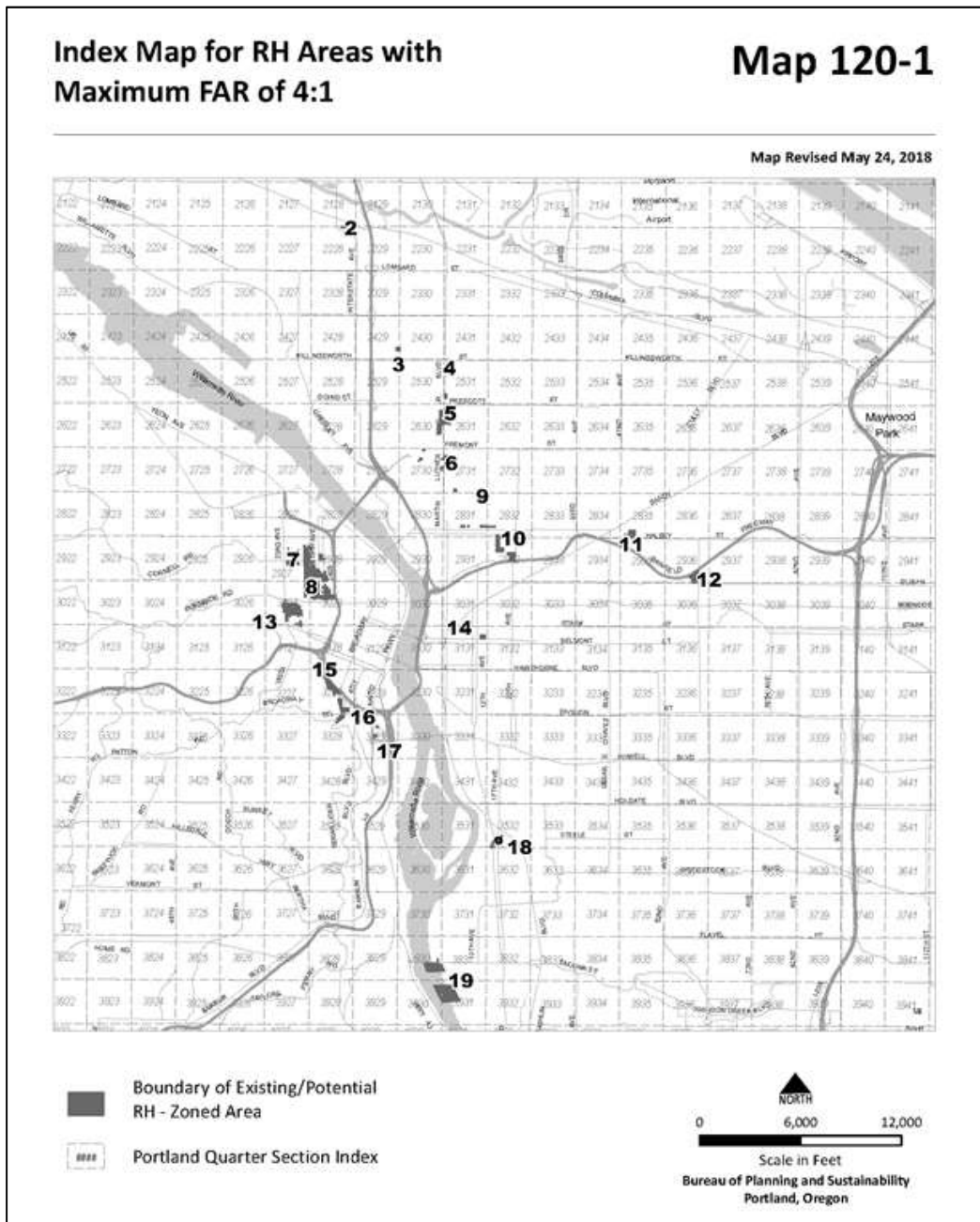
Bureau of Planning and Sustainability  
Portland, Oregon

## Commentary

### Maps of RH Areas with Maximum FAR of 4:1 (Maps 120-1 through Map 120-18)

Existing Maps 120-1 through Map 120-18 are being deleted because they will no longer be necessary due to the proposed new zoning framework. The RH areas with an FAR of 4 to 1 shown on these maps will now be assigned a separate Zoning Map designation, RM4, differentiating them on the Zoning Map from areas with RH zoning that have an FAR of 2 to 1 (which will be zoned RM3).

The existing Index Map (below) indicates the locations of the RH zoning shown on deleted Maps 120-2 through 120-19.



Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

***Delete Maps 120-1 through 120-19***

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## Commentary

# **Proposed Zoning Code Amendments to Chapters 258, 266, 405, 612, 910, and 930**

This section presents proposed zoning code amendments to other Zoning Code chapters that regulate development in the multi-dwelling zones. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### Chapter 33.258 Nonconforming Situations

Only those chapter sections that are proposed for amendments are included here.

#### 33.258.060 Nonconforming Residential Densities

This section is being amended to provide a limited number of ways for new units to be added to sites with existing development without coming all the way into conformance with minimum density standards. Currently, regulations allow any number of units to be added to existing development without having to meet the minimum density requirements. This has resulted in situations in which the majority of a site is redeveloped with new construction, but substantially underbuilds the intended density of the site's multi-dwelling zoning (see page 70). The amendments in this chapter provide a more targeted set of exceptions, so that most substantial development projects meet the intended densities of multi-dwelling zones, while providing some flexibility for the addition of units to existing buildings and manufactured home parks. These exceptions to requirements to come into conformance with minimum density standards include:

- Allowing accessory dwelling units (ADUs) to be added, to accommodate the fact that single-family houses are still the predominant housing in most multi-dwelling zones - this would retain the ability of homeowners to build ADUs.
- Allowing flexibility to add units within an existing building, as an alternative to demolition and new construction (this would allow, for instance, a house in a higher-density multi-dwelling zone to be converted into a duplex, when minimum density standards would otherwise require several additional units, which can be problematic to achieve in an existing house when commercial code requirements are triggered).
- Allowing for units to be added to sites in the RMP zone without coming into full conformance with minimum density standards to accommodate unique aspects of manufactured home parks, where units are often added incrementally to available spaces.
- Exemptions for sites in flood or landslide hazard areas.

The amendments would leave unchanged an existing provision that exempts properties with historic resources (individual landmarks and contributing structures in Historic or Conservation districts) from minimum density requirements (see 33.445.610.C.6). This is intended to help accommodate the preservation of historic resources.

Subparagraph A.2 is being deleted because it concerns maximum density regulations that are being deleted as part of the shift to regulating development intensity in the multi-dwelling zones by building scale/FAR.

## 33.258 Nonconforming Situations

258

### 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 the 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. The following apply to sites where the minimum residential density standard is not met:
    - (1) In multi-dwelling zones, there may not be a net decrease in the number of dwelling units, and the site may not move further out of compliance with base zone development standards. Generally, when dwelling units are being added to a site that is nonconforming in minimum density, the site must be brought into conformance with the minimum density requirement. However, units may be added to the site without coming all the way into conformance with the minimum residential density standard in the following situations:
      - An accessory dwelling unit is being added to an existing house, attached house, duplex, or manufactured home;
      - Dwelling units are being added within an existing structure and the footprint of the existing structure is not being enlarged;
      - Dwelling units are being added to a site in the RMP zone;
      - The site is within a flood hazard area or potential landslide hazard area.
    - (2) In all other zones, 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 33.120.205.C-33.120.210.C.

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## **Commentary**

### **33.258.060 Nonconforming Residential Densities (continued)**

The only amendment on this page is an update to a multi-dwelling zone name (new RM1 replaces R2).

**B. Discontinuance and damage.**

1. [No change]
2. Accidental damage or destruction.
  - a. More than one dwelling unit. When there is more than one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if a structure containing dwelling units is damaged or destroyed by fire or other causes beyond the control of the owner:
    - (1) [No change]
    - (2) [No change]
    - (3) If the repair cost is more than 75 percent of the assessed value of the structure, the new structure must comply with one of the following, whichever is less restrictive:
      - The development standards (except for density) that would apply to new development on the site; or
      - The development standards (except for density) that would apply to new development in the RM1R2 zone.
  - b. [No change]
3. [No change]

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## Commentary

### Chapter 33.266

Only those chapter sections that are proposed for amendments are included here.

#### **33.266.110.D Exceptions to the minimum number of parking spaces.**

These amendments change the affordable housing parking exception so that the exemption from minimum parking requirements for projects providing inclusionary housing units applies regardless of location, instead of limiting this exemption to locations within 500 feet of frequent-service transit lines or within 1,500 feet of transit stations. The amendment also adds the Deeper Housing Affordability Bonus to the types of affordable housing that can use this exemption. The intent of this amendment is to reduce costs and support the economic feasibility of projects that provide affordable housing units by making parking optional, instead of required.

95 percent of multi-dwelling and mixed use zone properties are located within 1,500 feet (just over a quarter mile) of frequent-service transit, meaning that most development in these zones is within walking distance of frequent transit. A feasibility analysis (see Appendix C - Part 2) indicated that parking requirements impact the economic feasibility of projects with inclusionary housing units (structured parking typically costs around \$40,000 per parking space and takes up building area that could be used for housing units).

## 33.266 Parking, Loading, And Transportation And Parking Demand Management

266

### 33.266.110 Minimum Required Parking Spaces

A.-C [No change]

**D. Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows:

1. ~~Affordable housing exceptions. The minimum number of required parking spaces may be reduced to zero when the applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.~~
  - a. ~~Exception for sites close to transit. The minimum number of required parking may be reduced to zero when the following are met:~~
    - (1) ~~The site is located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service; and~~
    - (2) ~~The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.~~
  - b. ~~Exception for sites far from transit. Affordable dwelling units are not counted toward the total number of dwelling units when calculating the number of required parking spaces when the following are met:~~
    - (1) ~~The site is located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service; and~~
    - (2) ~~The applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, or the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.~~
2. Other exceptions. [No change]

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## Commentary

### Table 266-1

This table is being revised to provide small sites in multi-dwelling zones the same allowance for no or low amounts of parking that applies in the commercial/mixed-use zones. For both types of zones, the small site threshold is being amended to include sites up to 10,000 square feet in size, instead of 7,500 square feet. This approach acknowledges the difficulty of including parking on small sites, and provides opportunities for small multi-dwelling structures, such as triplexes and fourplexes, that can more readily be integrated into neighborhood patterns when no off-street parking is required (including parking with multi-dwelling structures on small sites often results in structured parking occupying much of the ground level, with living spaces up above, requiring taller buildings). The parking requirements for small sites are similar to the parking ratios that apply in areas close to frequent transit, exempting small projects of less than 31 units from providing off-street parking.

This small-site exemption will also apply to small lots created through land divisions, such as attached houses, which will facilitate pedestrian-oriented building design that is not dominated by parking. This will provide an exemption similar to parking exemptions proposed by the Residential Infill Project, providing options for small-lot development that is not dominated by parking.



*Recent five-plex project with no off-street parking, allowing it to fit into neighborhood context.*

| <b>Table 266-1</b><br><b>Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zone</b>                                                                                       | <b>Requirement</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| OS, RF – <u>R2.5RH</u> , RMP, EG, I, IR                                                           | <p>Minimum is Standard A in Table 266-2.</p> <p>Maximum is Standard B in Table 266-2.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <u>RM1 – RM4</u> , CR, CM1, CM2, CM3, CE, CI                                                      | <p>Minimum for sites that are <u>10,000</u><del>7,500</del> square feet or less in size: No minimum except for Household Living, which has the following minimums:<br/> 0 for 1 to 30 units;<br/> 0.20 per unit for 31-40 units;<br/> 0.25 per unit for 41-50 units; and<br/> 0.33 per unit for 51+ units.</p> <p>Minimum for all other sites is Standard A in Table 266-2</p> <p>Maximum is Standard B in Table 266-2.</p>                                                                                                                                                         |
| EX                                                                                                | <p>No minimum except for Household Living, which has the following minimums:<br/> 0 for 1 to 3 units;<br/> 1 per 2 units for four+ units; and<br/> SROs are exempt.</p> <p>Maximum is Standard A in Table 266-2, except:<br/> 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area.<br/> 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area.<br/> 3) General office – Maximum is 1 per 400 sq. ft. of net building area.<br/> 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.</p> |
| RX, CX                                                                                            | <p>No minimum except for Household Living, which has the following minimums:<br/> 0 for 1 to 30 units;<br/> 0.2 per unit for 31-40 units;<br/> 0.25 per unit for 41-50 units; and<br/> 0.33 per unit for 51+ units.</p> <p>Maximum is Standard B in Table 266-2.</p>                                                                                                                                                                                                                                                                                                                |

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

[2] Uses subject to a Conditional Use, Impact Mitigation Plan, or Transportation Impat review may establish different parking minimum and maximum requirements through the review.

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## Commentary

**Table 266-2**  
**Parking Spaces by Use**

### Standard A

This table is being amended to assign to all multi-dwelling zones the minimum parking requirements that currently apply in the RH zone (Standard A). This standard is only applicable when off-street parking is required, such as for sites more than 10,000 square feet in size that are further than 500 feet from a frequent-service transit street (or more than 1,500 feet of a transit station). The amended standard will require 1 parking space for every 2 units, instead of the current standard of 1 parking space per each unit that had applied for residential development in other zones when not close to frequent transit. The allowance for projects with up to three units to include no parking is being deleted, as it is now redundant with parking regulations that will apply to small sites (see previous pages). For consistency, this parking ratio of 1 space per 2 units will apply to all household living uses in most zones, including within the mixed use zones (the RIP project proposes to require no off-street parking in the single-dwelling zones). No changes are proposed to existing allowances for no or low parking for sites close to frequent transit service.

Parking, especially when included along with the housing densities intended in the multi-dwelling zones, competes with other elements, such as outdoor spaces, for site area, and can add substantially to project costs. This change reduces the need to include as much parking on sites in the multi-dwelling zones, which is an especially challenging issue in these zones, which extend further from transit lines compared to the commercial/mixed use zones (as is the case with the multi-dwelling zones in the Jade District neighborhood center, which extend from SE Division south to SE Powell). 40 percent of land in the multi-dwelling zones is outside the distances that currently qualify for lower parking requirements, and generally have parking required at a 1 to 1 ratio of spaces to units.

### Standard B

Another amendment to this table is the application of a maximum parking ratio for development in the multi-dwelling zones in locations close to transit. This is indicated by the inclusion of the multi-dwelling zones in the Standard B column for Household Living. In areas close to transit, a maximum parking ratio of 1.35 parking spaces per unit will apply (this limit applies primarily to surface parking lots, not to structured parking or to houses, attached houses, or duplexes).



*Apartment development in East Portland providing parking at the current required ratio of one space for each unit, leaving little room for outdoor areas and trees.*

| <b>Table 266-2</b><br><b>Parking Spaces by Use [2]</b><br><b>(Refer to Table 266-1 to determine which standard applies.)</b> |                                                                                                                     |                                                                                                                                    |                                                                                                                                                                                                                                    |
|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Use Categories</b>                                                                                                        | <b>Specific Uses</b>                                                                                                | <b>Standard A</b>                                                                                                                  | <b>Standard B</b>                                                                                                                                                                                                                  |
| <b>Residential Categories</b>                                                                                                |                                                                                                                     |                                                                                                                                    |                                                                                                                                                                                                                                    |
| Household Living                                                                                                             |                                                                                                                     | 1 per <u>2 units</u> , except SROs exempt, <del>and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units</del> | None, except 1.35 per unit on sites that are both in a commercial/mixed use <u>or multi-dwelling</u> zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt. |
| Group Living                                                                                                                 |                                                                                                                     | 1 per 4 residents                                                                                                                  | None                                                                                                                                                                                                                               |
| <b>Commercial Categories</b>                                                                                                 |                                                                                                                     |                                                                                                                                    |                                                                                                                                                                                                                                    |
| Retail Sales And Service                                                                                                     | Retail, personal service, repair oriented                                                                           | 1 per 500 sq. ft. of net building area                                                                                             | 1 per 196 sq. ft. of net building area                                                                                                                                                                                             |
|                                                                                                                              | Restaurants and bars                                                                                                | 1 per 250 sq. ft. of net building area                                                                                             | 1 per 63 sq. ft. of net building area                                                                                                                                                                                              |
|                                                                                                                              | Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys | 1 per 330 sq. ft. of net building area                                                                                             | 1 per 185 sq. ft. of net building 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 net building area                                                                                             | 1 per 294 sq. ft. of net building area                                                                                                                                                                                             |
|                                                                                                                              | Medical/Dental office                                                                                               | 1 per 500 sq. ft. of net building area                                                                                             | 1 per 204 sq. ft. of net building area                                                                                                                                                                                             |
| Quick Vehicle Servicing                                                                                                      |                                                                                                                     | 1 per 500 sq. ft. of net building area                                                                                             | 1 per 196 sq. ft. of net building area                                                                                                                                                                                             |
| Vehicle Repair                                                                                                               |                                                                                                                     | 1 per 750 sq. ft. of net building area [1]                                                                                         | 1 per 500 sq. ft. of net building area                                                                                                                                                                                             |
| Commercial Parking                                                                                                           |                                                                                                                     | None                                                                                                                               | None                                                                                                                                                                                                                               |
| 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.     | 2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.                                                                                                      |
| Commercial Outdoor Recreation                                                                                                |                                                                                                                     | 20 per acre of site                                                                                                                | 30 per acre of site                                                                                                                                                                                                                |
| Major Event Entertainment                                                                                                    |                                                                                                                     | 1 per 8 seats                                                                                                                      | 1 per 5 seats                                                                                                                                                                                                                      |

## Commentary

### 33.266.120 Development Standards for Houses, Duplexes, Triplexes and Fourplexes.

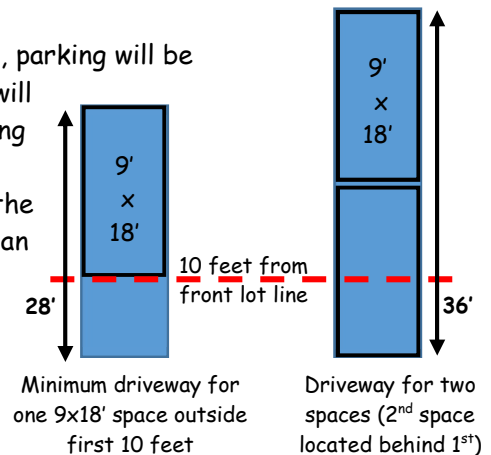
The existing parking standards are broken into two groups: standards for houses and duplexes and standards for all other development. These amendments group triplexes and fourplexes with houses and duplexes. These types of residential structures have relatively small numbers of units and parking spaces, compared to other types of development, such as large multi-dwelling buildings, retail, or office development. The regulations of this section apply to these types of small residential structures regardless of zone, including in the multi-dwelling and single-dwelling zones.

The amendments to these parking regulations are intended to improve the pedestrian experience along streets. These amendments were originally included as part of the Residential Infill Project proposals, but are now being included as part of the Better Housing by Design (BHD) amendments because the latter is moving forward to City Council consideration first. This will allow the amendments in this section to apply in conjunction with the other BHD parking- and garage-related amendments, as was originally intended.

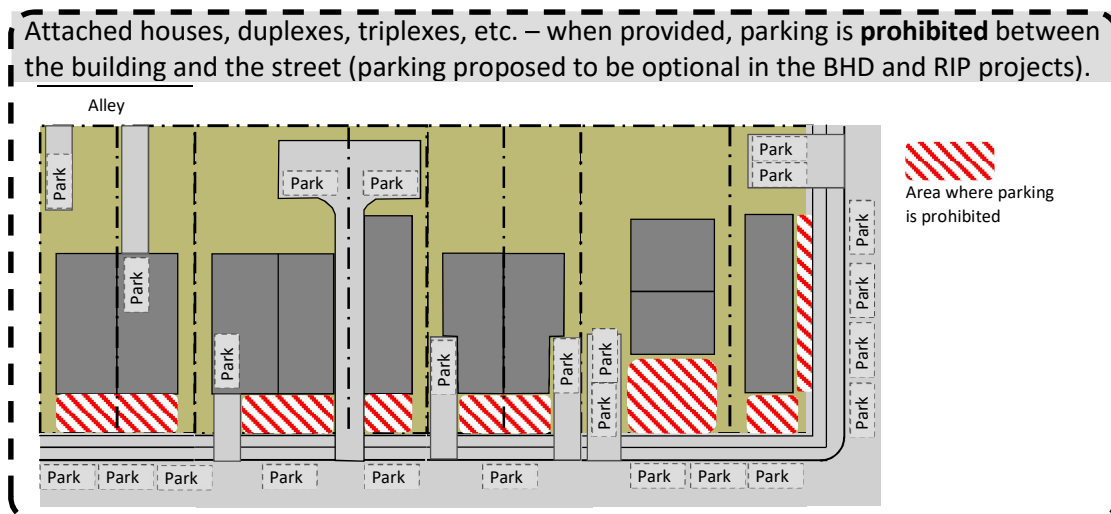
#### 33.266.120.C. Parking area locations

To reduce the prominence of vehicles in the front of residences, parking will be prohibited between the building and the street. Parking spaces will be allowed when they are either entirely behind the front building line (either in a garage or on a parking pad), or when they are located to the side of the building (i.e. not in the area between the building and the street). Driveways will only be allowed between an allowed parking space and the street.

Where the parking is proposed on the site to the side of a building the parking space must be outside the first 10 feet or street side setback. Parking in the first 10 feet is only allowed when it is directly behind another space that is located entirely outside the 10-foot area.



Paving in the front yard is limited to 40% (20% on a street side yard), except for flag lots which can have a 12-foot-wide driveway (otherwise the 40% limit would mean a maximum 4.8 foot wide driveway on a 12 foot wide pole).



### 33.266.120 Development Standards for Houses, ~~and Duplexes, Triplexes and Fourplexes~~

- A. Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.
- B. Structures these regulations apply to.** The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to all~~required and excess~~ parking areas. The following are exceptions to this requirement:
1. Parking that is in a parking tract is subject to the standards of Section 33.266.130 instead of the standards of this section. However, perimeter landscaping is not required where the parking tract abuts a lot line internal to the site served by the tract.
  2. Parking for manufactured dwelling parks is regulated in Chapter 33.251.
- C. Parking area locations.**
1. Vehicle area. The following standards apply to the location of vehicle area:
    - a. Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:
      - (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; and
      - (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed.
    - b. 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. See Figure 266-2. 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. For attached houses, this standard applies to the combined lot lines of attached house lots. As an exception to the area limitations in this subparagraph, a flag lot with a pole that allows vehicle access is allowed at least a 12-foot wide vehicle area.
  2. Parking spaces. The following standards apply to the location of parking spaces:
    - a. Generally, parking spaces are not allowed within the first 10 feet from a front lot, and on corner lots, parking spaces are not allowed within the side street setback.
    - b. Exceptions.
      - (1) A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.
      - (2) On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.

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## **Commentary**

### **33.266.120 Development Standards for Houses, Duplexes, Triplexes and Fourplexes.**

See previous commentary.

~~1. Required parking~~

- ~~a. Generally, 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.~~
- ~~b. Exception for common greens and shared courts. On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.~~

~~2. Non-required parking. Where non-required 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:~~

- ~~a. 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 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 subparagraph the following is allowed:
  - ~~(1) A lot is allowed at least a 9 foot wide vehicle area.~~
  - ~~(2) In the multi-dwelling, C, E, I, CI, and IR zones, on sites where the front lot line abuts a shared court, paving blocks or bricks may be used to surface the entire area between the front lot line and the front building line.~~~~
- ~~b. For flag lots, where the width of the pole is greater than 30 feet, 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.~~  
~~See Figure 266-2. As an exception to the area limitation of this subparagraph, a flag lot is allowed at least a 12-foot wide vehicle area.~~

34. ~~Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.~~

**D.-E.** [No change]

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## Commentary

**Figure 266-1**

With the changes to eliminate minimum required parking for small sites in the multi-dwelling zones, the figure delineating the distinction between “required” and “non-required” parking is being replaced to instead illustrate where parking spaces are/are not allowed. The amended graphic also includes hatching showing that parking is not permitted between the front building line and the street (a driveway and additional parking space are allowed between the street and a garage or parking space that is set behind the front building line).

### Duplex/Attached House Examples



*For small housing types such as houses, duplexes, and attached houses, the amendments to this section will allow parking to the side of the fronts of buildings (**right**), but will disallow parking spaces from being located entirely in front of buildings (**above**).*



### Triplex/Fourplex Examples



**Not Permitted**

Parking entirely in front of building.

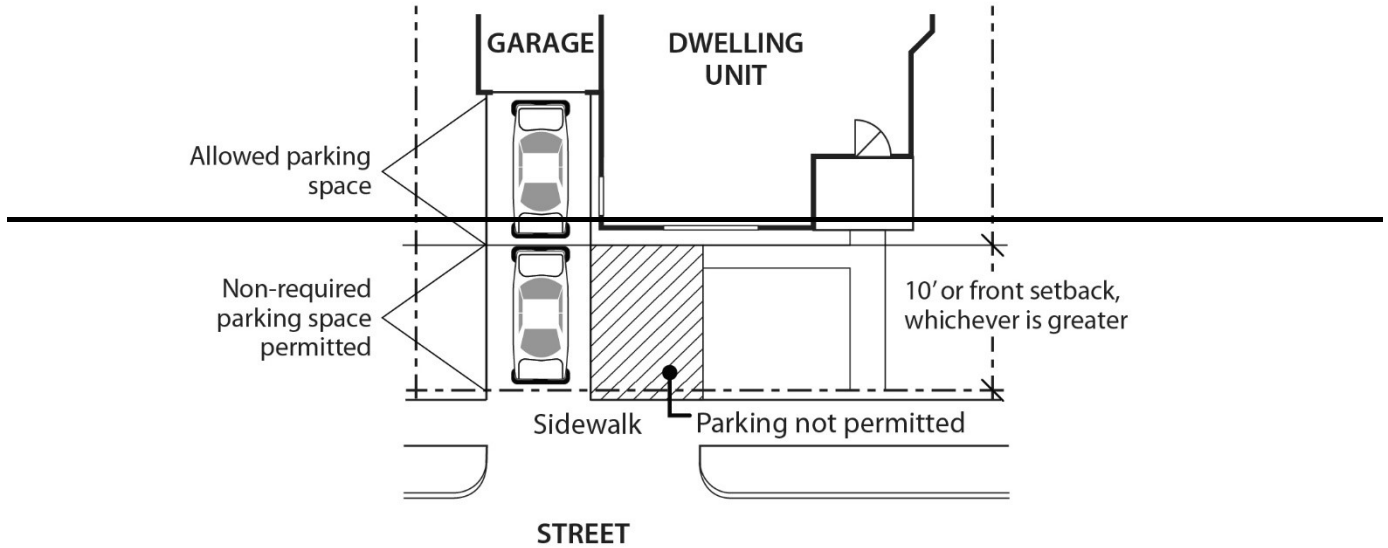


**Permitted**

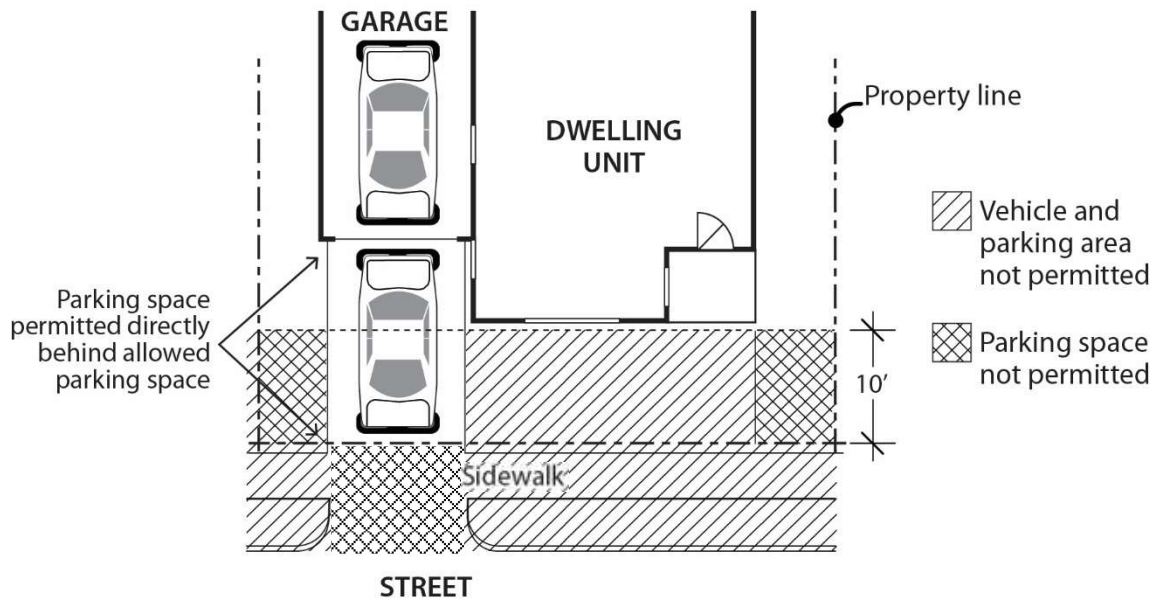
Parking to side of front of building (center) and also rear- and no-parking arrangements (right).



**Figure 266-1**  
**Non-Required Parking**



**Figure 266-1**  
**Parking Space Locations**



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## Commentary

### **33.266.130 Development Standards for All Other Development**

Changes to the purpose statement provide greater clarity regarding the intent of the regulations in this section, including amendments that limit large surface parking lots and asphalt paving.

### 33.266.130 Development Standards for All Other Development

- A. Purpose.** The development standards promote vehicle areas that 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 location regulations ~~for sites on transit streets and in Pedestrian Districts:~~

- Provide ~~a~~ pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and ~~Create a strong relationship between buildings and the sidewalk; and~~
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit the size of paved parking area and the type of paving material allowed in order to limit increases in temperature associated with asphalt and reduce impacts from urban heat islands.

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;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- 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~~ vehicle areas subject to the standards of 33.266.120.

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## Commentary

### 33.266.130.C On-site locations and size of vehicle areas.

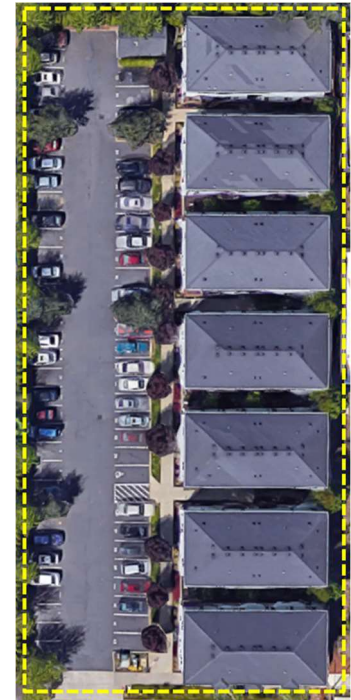
**Amendments to Subparagraph 1.** When small sites (up to 10,000 square feet) in multi-dwelling zones abut an alley, this amendment will require any parking provided to be accessed from the alley (the Residential Infill Project proposes a similar requirement for houses, attached houses and duplexes). In cases where an existing alley may not be accessible to vehicles, other amendments provide the option for small sites to not include off-street parking (see Table 266-1).

**Amendments to Subparagraph 3** limit vehicle areas in the RM1-RM4 zones from occupying more than 40 percent of street frontages (a reduction from the current 50 percent allowance). The new limit is consistent with the front vehicle area limitation that applies to houses, attached houses, and duplexes.

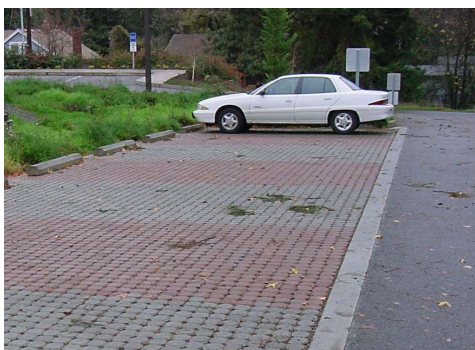
**New Subparagraph 4.** This new regulation is intended to reduce the proportion of site area that can be devoted to surface parking lots, with additional limits on asphalt paving. This helps implement Comprehensive Plan policies that call for reducing urban heat island effects and paved areas, and fosters design that is more pedestrian oriented.

Modeling of urban heat islands indicates that development with large amounts of asphalt paving can be over five degrees (°F) hotter than typical existing neighborhood conditions (see Better Housing by Design Concept Report, Appendix C). This modeling shows that similar amounts of other paved surfaces with higher levels of reflectivity, such as concrete, also increase temperatures, but to a lesser amount (concrete results in an increase of approximately three degrees). While existing multi-dwelling zone regulations limit the amount of building coverage, there is not a similar limit on the amount of surface parking area. Multi-dwelling development with large amounts of surface parking are a common development type in East Portland.

These regulations limit surface parking and driveway areas to 30 percent of a site. Because of the greater heat impacts of asphalt, this regulation limits asphalt paving to 15 percent of total site area. For a project seeking to maximize the amount of surface vehicle areas and fully utilize the 30 percent coverage, this would mean that up to half of this area could be paved with asphalt and the rest could be paved with concrete, paving blocks, or other materials.

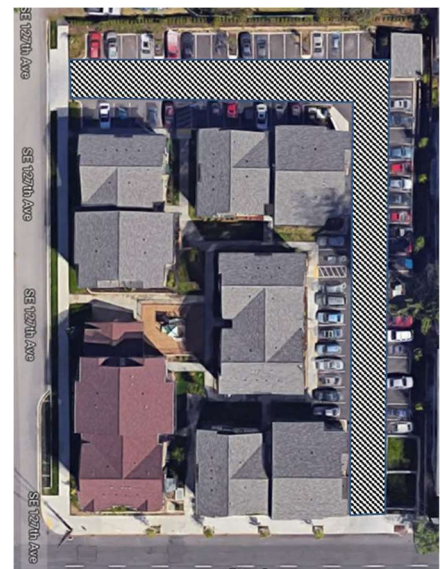


*Apartment development in East Portland with almost 40 percent of the site paved for vehicle areas.*



*Right: Apartment development with approximately 30 percent of site used for surface vehicle areas. The hatched area shows the maximum 15 percent of site area that could be paved with asphalt.*

*Left: parking lot with a mix of asphalt and permeable pavers that help manage stormwater.*



**C. On-site locations and size of vehicle areas.**

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Additionally, on sites in multi-dwelling zones that abut an alley and are 10,000 square feet or less in total site area, vehicle area may only be accessed from the alley.
2. Building setbacks for structures that contain vehicle areas.
  - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
  - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
  - c. Structured parking that does not allow exiting in a forward motion in C, E, I, CI or IR zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
  - a. The standard of this ~~s~~Subparagraph applies outside the Central City plan district in the ~~R3, R2, R1~~RM1, RM2, RM3, RM4 and RMP zones. No more than ~~540~~ percent of the frontage on a street may be used for vehicle areas. On sites with more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.
  - b. The standard of this ~~p~~Paragraph applies outside the Central City plan district in the ~~RH, RX, CR, CM1, CM2, CM3, CE, CX, EG1, EX, CI, and IR~~ 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.
4. Surface parking and driveway paving limitations. In the RM1 through RM4 zones, the following parking area and driveway size and paving material limitations apply:
  - a. No more than 30 percent of total site area may be paved or used for surface parking and driveways; and
  - b. Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.

**D.-E. [No change]**

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## Commentary

### 33.266.130.C On-site locations and size of vehicle areas (continued)

**Table 266-3**

**Location of Vehicle Areas**

Amendment to this table shift small sites (up to 10,000 square feet) in the multi-dwelling zones into the same category as other urban zones (such as the Commercial/Mixed Use zones), in terms of how the location of vehicle areas are regulated. This change will prevent parking from being located in front of multi-dwelling buildings in these zones. Off-street surface parking will need to be located to the rear or to the side of buildings in most situations. This will help implement policies that call for development to contribute to pedestrian oriented streets, where buildings are not separated from sidewalks by vehicle areas.

Larger sites in the RM1-RM3 zones, which sometimes have buildings far from public streets (especially on large sites in Eastern and Western Portland) are provided more flexibility to allow some vehicle areas in front of buildings, as long as vehicle areas are not located in areas subject to maximum street setbacks along transit streets and in pedestrian districts. All multi-dwelling development will also need to meet standards that prevent vehicles areas from occupying more than 40% of the street frontage (see previous page).

Table 266-3 applies to multi-dwelling development and structures, but does not apply to houses, attached houses, and duplexes. Parking location for these housing types are regulated by a different set of standards in 33.266.120, which also limit front parking (see pages 212-217).

A note is being added to clarify that the vehicle area limitations do not apply to parking that is located behind a building, but in front of other buildings further to the rear of a site.



*The proposed limitations on front parking in the multi-dwelling zones will help implement policies that call for street frontages that enhance neighborhood context and contribute to pedestrian-friendly street frontages.*

| <b>Table 266-3</b><br><b>Location of Vehicle Areas [1], [2]</b>                                                                                                                                                    |                                                                                                                                                                         |                                                                                                                                                |                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zone</b>                                                                                                                                                                                                        | <b>General Standard</b>                                                                                                                                                 | <b>Exception for Through Lots and Sites with Three Frontages</b>                                                                               | <b>Exception for Full-Block Sites</b>                                                                                                           |
| <b>OS, RF-R5, R2.5, R10, EG2, I</b>                                                                                                                                                                                | No restrictions.                                                                                                                                                        |                                                                                                                                                |                                                                                                                                                 |
| <b><del>R3, R2, R1, RH,</del> RMP, IR, CE, EG1, CI;<u> sites in RM1, RM2, and RM3 that are more than 10,000 square feet in total area; sites in CM1, CM2, and CM3 that are more than 2 acres in total area</u></b> | 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. |
| <b><del>RM4, RX, CX, CR, EX;</del> <u>sites in RM1, RM2, and RM3 that are 10,000 square feet or less in total area; sites in CM1, CM2, and CM3 that are 2 acres or less in total area</u></b>                      | 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] Vehicle areas that are separated from a street by a building are not subject to these regulations.

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## Commentary

### Chapter 33.266.130.C On-site locations and size of vehicle areas (continued)

**33.266.130.F Parking area layouts.** The only change to this paragraph is an amendment to subparagraph 1.b.(2). This change provides more flexibility to allow parking spaces accessed from alleys to be designed so that vehicles can back out into an alley. Currently, regulations allow parking areas with up to four spaces to have vehicles back out into alleys, which accommodates parking for single-family housing types and small multi-dwelling projects, but does not accommodate alley-accessed parking for mid-sized or larger multi-dwelling projects. The amendment removes the four-space limit in order to facilitate alley-accessed parking for more types of development, and works in conjunction with Chapter 33.120 and Chapter 33.266 amendments that place greater limits on front garages and front parking (including an amendment that requires parking access for small sites to be from an alley, where alleys exist – see pages 220-221).



*This amendment will allow parking to be designed so that vehicles can back out into alleys, as is currently allowed for driveways. This will facilitate rear parking arrangements for more types of development when adjacent to existing or new rear alleys.*

**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, except:
  - (1) Parking areas with one or two spaces whose only access is on a local service street;
  - (2) Parking areas ~~with up to four spaces~~ may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.

2.-5. [No change]

**G. [No change]**

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## Commentary

### 33.266.410 Transportation and Parking Demand Management (TDM)

These amendments add Transportation and Parking Demand Management (TDM) requirements to most of the multi-dwelling zones. TDM strategies are intended to help reduce drive-alone trips and to limit transportation impacts of new development, while providing people with incentives to ride transit, walk, bike, and carpool.

TDM requirements were previously adopted for the commercial/mixed use zones, and will now also apply to the new multi-dwelling zones (RM1, RM2, RM3, and RM4), which allow a similar scale of residential development. TDM requirements only apply to sites that are close to frequent transit service (e.g., within 500 feet from frequent bus lines), in recognition of the more limited transportation options outside of these areas.

Where the requirement applies, a TDM plan will be required of new development that includes a building with more than 10 units or that adds more than 10 units to an existing building. This threshold is a change from the current regulation, which had a threshold of 10 units with no reference to building size. This change is intended to accommodate the fact that some TDM approaches are not suited to small-scale housing types, such as houses and townhouses, that typically do not have building managers. The amended language ensures that the TDM requirements only apply to larger buildings.

The TDM requirements allow an applicant/building manager to adopt a pre-approved “off the shelf” TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review.

Pre-approved TDM plans will consist of the following components:

- **Multimodal financial incentives:** One-time multimodal financial incentives, equivalent in value to an annual TriMet pass (currently \$1,100), will be required for each residential unit (affordable units will be exempt through June of 2020, and then would have reduced fees). Options will be provided for the use of these funds to be applied toward TriMet passes for residents, bike share memberships, or car share programs.
- **Education and Information:** Print materials about walking, bicycling, transit, and other transportation options will be made available to building tenants and displayed in building common areas.
- **Surveys:** Building operators will be required to participate in an annual transportation options survey.

## Transportation and Parking Demand Management

### 33.266.410 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B.** Transportation and parking demand management in the commercial/mixed use and multi-dwelling zones. In the commercial/mixed use and multi-dwelling zones, a TDM plan is required when new development includes a building with more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units within a building. Sites in the Central City plan district, and sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
  2. Meet the objective standards of Title 17.107 as verified by the Portland Bureau of Transportation.

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## Commentary

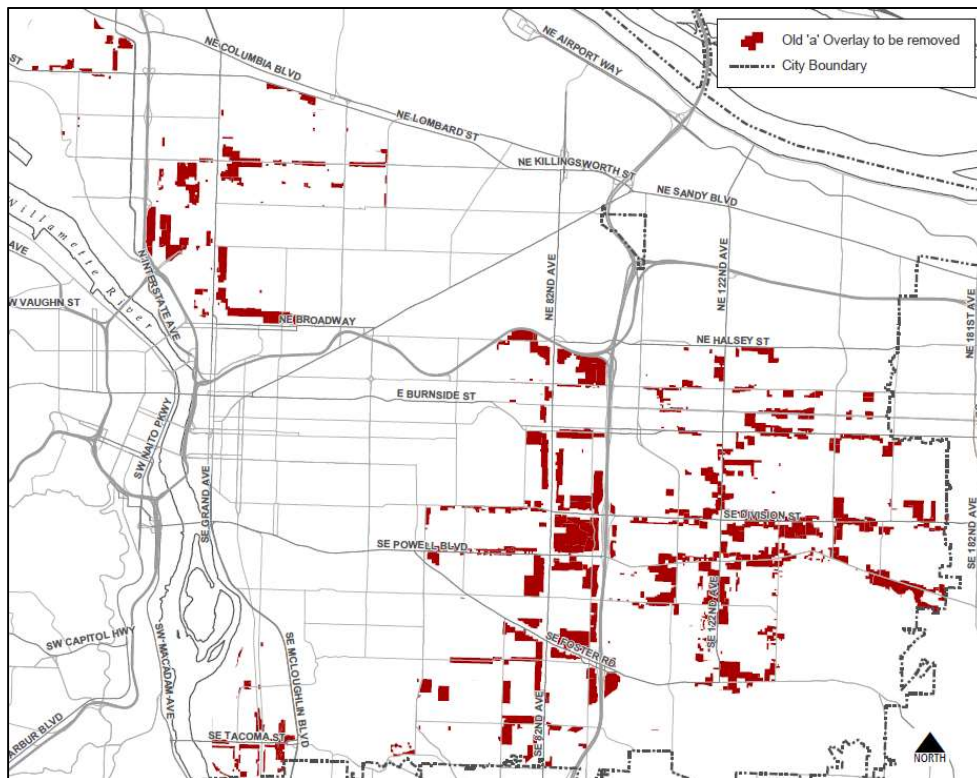
### Chapter 33.405 Alternative Design Density Overlay Overlay Zone

Chapter 33.405 (the "a-overlay") is proposed to be amended to delete the provisions it includes for the multi-dwelling zones. The existing components of the a-overlay zone provide options for additional housing density in the multi-dwelling zones where it is mapped. The current options include:

- 50 percent additional density in the R1, R2 and R3 zones for projects approved through discretionary design review (Type III process).
- In the R2 zone, allowances for triplexes on sites usually limited to two units and also allowances for flag lots, for projects meeting design standards or approved through design review.

These a-overlay provisions for the multi-dwelling zones are being deleted, since the proposed multi-dwelling zone regulations will allow much of the flexibility for additional housing units provided by the a-overlay allowances. This is primarily due to the proposed shift to regulating development intensity by FAR in the new RM1 and RM2 zones (former R3, R2, R1), instead of by unit density (see pages 54-57). For example, the new RM1 zone will allow a triplex or a fourplex (or more units) on a 5,000 square foot lot, instead of the current R2 zone limit of two units. This new base zone flexibility makes the a-overlay provisions for the multi-dwelling zones redundant.

In conjunction with the deletion of the a-overlay provisions for the multi-dwelling zones, the Zoning Map is being amended to remove a-overlay zoning from all the multi-dwelling zones, as well as from small areas of non-residential zoning (for which the a-overlay includes no regulations). This map shows areas where the a-overlay is being removed.



## 33.405 Alternative Design Density Overlay Zone

405

### Sections:

#### General

33.405.010 Purpose

33.405.020 Short Name and Map Symbol

33.405.030 Applying the Alternative Design Density Overlay Zone

#### Development Standards

~~33.405.050 Bonus Density for Design Review~~

33.405.060 Attached Houses on Vacant Lots in the R5 Zone

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

### General

#### 33.405.010 Purpose

The purpose of the Alternative Design Density Overlay Zone is to 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 concept for the zone is to allow increased density for development that meets additional design compatibility requirements.

#### 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 multi-dwelling ~~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.

### 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.~~

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## **Commentary**

### **Chapter 33.405 Alternative Design Density Overlay Overlay Zone (continued)**

#### **33.405.070 Alternative Development Options in the R2 and R2.5 Zones**

This section is being amended to remove the R2 (new RM1) zone, since proposed base zone amendments to Chapter 33.120 will allow triplexes (or even more units) on standard 5,000 square foot lots in the new RM1 zone, making this a-overlay provision redundant. See also previous commentary.

- ~~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 resource 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.~~

### **33.405.070 Alternative Development Options in the ~~R2 and R2.5~~ Zones**

- A. **Purpose.** The provisions of this section offer opportunities for enhancing the variety of housing types and building forms that are found in areas zoned for attached ~~or low-density multi-dwelling~~ 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. **Triplex.** [No change]
- 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.-5. [No change]
- D. **Design review required.** [No change]

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## Commentary

### Chapter 33.405 Alternative Design Density Overlay Overlay Zone

#### Table 405-1

Changes to this table reflect updates to the multi-dwelling zone names. Although the provisions of Chapter 33.405 will only apply to single dwelling zones, this table shows the maximum limits that apply to other zones in other situations where the Community Design Standards serve as an alternative to discretionary design review.

Language to be **added** is underlined  
 Language to be **deleted** is shown in ~~strikethrough~~

| <b>Table 405-1</b><br><b>Maximum Limits for Use of the Community Design Standards</b> |                                                                                                                                                                                                                                                                                                        |
|---------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zones</b>                                                                          | <b>Maximum Limit—New Dwelling Units or Floor Area</b>                                                                                                                                                                                                                                                  |
| Single Dwelling Zones                                                                 | 5 dwelling units                                                                                                                                                                                                                                                                                       |
| <u>RM1R2 &amp; R3</u> -Zones                                                          | 10 dwelling units                                                                                                                                                                                                                                                                                      |
| <u>RM2, RM3, RM4R1, RH, RX,</u><br>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.                                                                                                                                                                                                                               |
| <b>Zones</b>                                                                          | <b>Maximum Limit—Exterior Alterations</b>                                                                                                                                                                                                                                                              |
| All except IR                                                                         | <ul style="list-style-type: none"> <li>• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade.</li> <li>• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.</li> </ul> |
| IR Zone                                                                               | See institution's Impact Mitigation Plan or Conditional Use Master Plan.                                                                                                                                                                                                                               |

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## Commentary

### **Chapter 33.612 Lots in Multi-Dwelling Zones**

Amendments to this page relate to the proposed shift to regulating development intensity in the multi-dwelling zones by FAR, instead of maximum unit densities.

Also, reference to minimum density in Chapter 33.150 (Campus Institutional) is being removed, since this chapter has no minimum residential densities.

## 33.612 Lots in Multi-Dwelling Zones and IR

# 612

### 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 and IR 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 and IR zones.

### 33.612.100 Density

- A. Single-dwelling or duplex development.** When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet the minimum density and not exceed the maximum density stated in Chapter 33.120 ~~or in Chapter 33.150~~. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density. ~~However, the area used for common greens and shared courts is not subtracted from the total site area to calculate maximum density.~~
- B. All other development.** When development other than single-dwelling or duplex 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 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.** Minimum lot dimensions are stated in Table 612-1.
  - 1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.
  - 2. Nonconforming uses. Minimum lot dimensions for lots with nonconforming uses are the same as those for detached houses.

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## Commentary

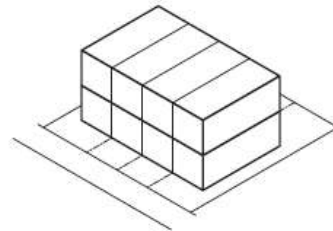
**Table 612-1**  
**Minimum Lot Dimensions**

The column for the R3 zone is being removed to reflect the R3 zone's deletion from Chapter 33.120 (Multi-Dwelling Zones).

"Attached Duplexes" are being added the section of the table that applies to Attached Houses, due to these housing types' similar characteristics. In many cities where rowhouses with attached sidewalls are common, attached duplexes are a common rowhouse variant and are often located on the same size lots as standard rowhouses. This change will provide attached duplexes with the same lot dimension requirements as applies to attached houses to allow for feasible development configurations.

"Triplexes" and "Fourplexes" are being added to the section of the table currently provided for duplexes. Triplexes and fourplexes are currently considered to be "multi-dwelling structures," which in most of the multi-dwelling zones require a minimum size of 10,000 square feet for new lots. The BHD amendments are redefining triplexes and fourplexes as distinct structure types appropriate for small residential lots, and regulate these housing types in Chapter 33.120 similarly to other small-lot "middle housing" types, such as duplexes and attached houses. The amendments to this table will allow triplexes and fourplexes on small lots, as is currently the case with duplexes.

"Duplexes" are being moved to the same section of the table for detached houses. Allowing duplexes on the same size lots as detached houses is necessary to comply with House Bill 2001, which requires duplexes to be allowed on each lot zoned for residential uses that allows for the development of detached single-family dwellings.



**Attached duplexes.** The move to a scale/FAR-based approach could open up new opportunities for this type of housing, which is similar in form to attached houses. When each duplex is built on a separate foundation, they can be constructed using 1-2 dwelling building code regulations.



*Example of a duplex on a small lot (less than 2,000 square feet in size).*

Language to be **added** is underlined  
Language to be **deleted** is shown in ~~strikethrough~~

| <b>Table 612-1</b><br><b>Minimum Lot Dimensions</b> |                          |                  |                  |                  |                       |           |                |                |
|-----------------------------------------------------|--------------------------|------------------|------------------|------------------|-----------------------|-----------|----------------|----------------|
|                                                     | <del>R3</del>            | <del>RM1R2</del> | <del>RM2R1</del> | <del>RM3RH</del> | <u>RM4</u>            | <u>RX</u> | <u>RMP</u>     | <u>IR (1)</u>  |
| <b>Lots to be developed with:</b>                   |                          |                  |                  |                  |                       |           |                |                |
| <b>Multi-Dwelling Structures or Development:</b>    |                          |                  |                  |                  |                       |           |                |                |
| Minimum Lot Area                                    | <del>6,000 sq. ft.</del> | 4,000 sq. ft.    | 10,000 sq. ft.   | 10,000 sq. ft.   | <u>10,000 sq. ft.</u> | None      | 10,000 sq. ft. | 10,000 sq. ft. |
| Minimum Lot Width                                   | <del>50 ft.</del>        | 33 ft.           | 70 ft.           | 70 ft.           | <u>70 ft.</u>         | None      | 70 ft.         | 70 ft.         |
| Minimum Lot Depth                                   | <del>70 ft.</del>        | 70 ft.           | 70 ft.           | 100 ft.          | <u>100 ft.</u>        | None      | 100 ft.        | 100 ft.        |
| Minimum Front Lot Line                              | <del>50 ft.</del>        | 30 ft.           | 70 ft.           | 70 ft.           | <u>70 ft.</u>         | 10 ft.    | 70 ft.         | 70 ft.         |
| <b><u>Attached Houses and Attached Duplexes</u></b> |                          |                  |                  |                  |                       |           |                |                |
| Minimum Lot Area                                    | <del>1,600 sq. ft.</del> | 1,600 sq. ft.    | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Lot Width                                   | <del>15 ft.</del>        | 15 ft.           | 15 ft.           | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Lot Depth                                   | <del>None</del>          | None             | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Front Lot Line                              | <del>15 ft.</del>        | 15 ft.           | 15 ft.           | 10 ft.           | <u>10 ft.</u>         | 10 ft.    | NA             | 10 ft.         |
| <b><u>Detached Houses and Duplexes</u></b>          |                          |                  |                  |                  |                       |           |                |                |
| Minimum Lot Area                                    | <del>1,600 sq. ft.</del> | 1,600 sq. ft.    | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Lot Width                                   | <del>25 ft.</del>        | 25 ft.           | 25 ft.           | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Lot Depth                                   | <del>None</del>          | None             | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Front Lot Line                              | <del>25 ft.</del>        | 25 ft.           | 25 ft.           | 10 ft.           | <u>10 ft.</u>         | 10 ft.    | NA             | 10 ft.         |
| <b><u>Triplexes and Fourplexes Duplexes</u></b>     |                          |                  |                  |                  |                       |           |                |                |
| Minimum Lot Area                                    | <del>4,000 sq. ft.</del> | 2,000 sq. ft.    | None             | None             | <u>None</u>           | None      | NA             | 2,000 sq. ft.  |
| Minimum Lot Width                                   | <del>50 ft.</del>        | 33 ft.           | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Lot Depth                                   | <del>50 ft.</del>        | 50 ft.           | None             | None             | <u>None</u>           | None      | NA             | None           |
| Minimum Front Lot Line                              | <del>50 ft.</del>        | 30 ft.           | 10 ft.           | 10 ft.           | <u>10 ft.</u>         | 10 ft.    | NA             | 30 ft.         |

Notes:

[1] This regulation may be superseded by an Impact Mitigation Plan.

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## Commentary

### 33.910 Definitions

#### Courtyard

This definition is being modified for clarity. The existing definition left uncertainty regarding whether or not a building setback could be considered to be a "courtyard" (regulations in some Zoning Code chapters require building entrance to either be oriented to a street or to a courtyard that provides a connection to a street).

The modified definition clarifies that courtyards are surrounded by buildings on at least two sides. The reference to courtyards being designed for use by pedestrians is intended to clarify that courtyards are not vehicle parking areas. Minimum dimensions for courtyards are found in specific regulations (these minimum dimensions can vary).



*Examples of two-sided (left) and three-sided (right) courtyards.*

#### Garage

This definition is being amended to include triplexes and fourplexes, which were both previously defined as multi-dwelling structures. This brings consistency in applying standards for garages to small residential structures, treating parking for triplexes and fourplexes in common with other small residential housing types, such as houses, attached houses, and duplexes (instead of applying standards for "parking structures" that apply to much larger multi-dwelling structures).

## 33.910 Definitions

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**Exterior Courtyard.** An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way. ~~An area enclosed in part by buildings or walls and open on at least one side to an adjacent right-of-way.~~

**Garage.** A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, manufactured dwelling, or houseboat, and that:

- Is designed to provide shelter for vehicles;
- Is connected to a right-of-way by a driveway; and
- Has an opening that is at least 8-feet wide.

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.

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## Commentary

### 33.910 Definitions (continued)

#### Residential Structure Types

**Fourplex.** A new definition of fourplex is being added to differentiate this small-scale housing type from multi-dwelling structures, which can be much larger in scale and numbers of units. Including this new definition also accommodates Residential Infill Project proposals to allow fourplexes (four units in one structure) on some R2.5, R5, and R7 lots.

**Multi-Dwelling Development.** The example in the definition is removed because it creates confusion. The terms "house" and "duplex" are defined as structures located on their own lots. Therefore, the statement that a "duplex in front with either 1 or more single dwelling houses behind or 1 or more duplex units or multi-dwelling structures behind " is not technically accurate. The moment a separate primary unit in a separate building is added to a site with a house or duplex, the site is considered multi-dwelling development.

**Multi-Dwelling Structure.** The definition is being changed to reflect that triplexes and fourplexes are no longer defined as a multi-dwelling structure type, but are their own distinct structure type, like "duplexes". This makes these residential structure types mutually exclusive and removes overlap.

**Triplex.** Triplexes are not a new residential structure type, but they had previously been considered a subset of multi-dwelling structures. They are now redefined as their own structure type (distinct from multi-dwelling structures), but continue to be defined as three dwelling units in one structure on a lot.

### Residential Structure Types

- **Accessory Dwelling Unit.** [no change]
- **Attached Duplex.** [no change]
- **Attached House.** [No change]
- **Duplex.** [No change]
- **Dwelling Unit.** [No change]
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.
- **Group Living Facility.** [No change]
- **House.** [No change]
- **Houseboat Moorage.** [No change]
- **Manufactured Dwelling.** [No change]
- **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~~five 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).** [No change]
- **Triplex.** ~~A multi-dwelling~~ structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.

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## Commentary

### 33.910 Definitions (continued)

#### **Street Types**

Street type definitions are being updated to correctly identify the Transportation System Plan (TSP) as the source of the transit street classifications.

**Local Service Street** - this new definition is being added because several zoning code regulations refer to "local service streets," but this is not currently defined and the term does not entirely match TSP terminology.

#### **Structured Parking**

The revisions to the definition of "garage" added triplexes and fourplexes. Consequently, these residential structure types are being identified as not being associated with "Structured parking".

**Street Types.** See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

**Arterial.** Any street that is not a Local Service Traffic Street according to the ~~Transportation Element of the Comprehensive Plan~~Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.

**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.

**Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

**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.

**Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.

**Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian 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.

**Through Street.** A street that connects to other streets at both ends.

**Transit Street.** A street that is classified in the ~~Transportation Element of the Comprehensive Plan~~Transportation System 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~~Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

**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, triplexes, fourplexes, manufactured dwellings, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

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## Commentary

### 33.930.025 Measuring Development Standards

This section is being amended to allow calculation of floor area ratios to be determined prior to right-of-way dedication. This will remove a disincentive to the creation of new street connections to facilitate the expansion of the street systems and connectivity as development occurs. Currently, floor area allowances are calculated after right-of-way dedication reduces the size of a property. This reduction of development potential when streets are provided has served as a barrier to creating new street connections, especially on small sites where area needed for street connections can occupy a relatively high portion of site area (such as the narrow, deep sites common in East Portland).

Not reflected in this paragraph is that land divisions will continue to have a separate methodology for calculating the effect of street dedications on allowed densities.

*Currently, development that provides a public street connection loses development allowances (above), while a development that only includes a private driveway (below) has no such loss of development potential.*



## 33.930 Measurements

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### 33.930.025 Measuring Development Standards

Unless otherwise stated below or elsewhere in this Title, all measurements involving development standards are based on the property lines and area of the site after dedication of public rights-of-way and/or designation of private rights-of-way. Standards include, but are not limited to, building coverage, floor area ratio, setbacks, and landscaping requirements. When site area is being dedicated for to widen ~~an existing~~ public right-of-way, calculation of floor area ratio is based on the site area at the time of building permit application.

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## Commentary

### 33.930.050 Measuring Height

Amendments to this page provide multi-dwelling structures in multi-dwelling zones the opportunity to use the same height measurement methodology that applies in the commercial/mixed use zones. This allows for height to be measured from the elevation of the adjacent sidewalk. This allowance anticipates changes to the base point height measurements proposed by the Residential Infill Project, which proposes to measure building height from the lower base point (instead of the current higher base point). For multi-dwelling structures, measurement from the low point would have the effect of penalizing projects with below-grade structured parking (as in image, below), because the new height measurement base point would be the elevation of the below-grade driveway ramp. The proposed amendments would allow the building height of multi-dwelling structures to instead be measured from the sidewalk, while also providing the option to use the standard height measurement methodology that will apply outside the commercial/mixed use zones. This helps accommodate below-grade structured parking, which can be preferable from a design perspective to structured parking that occupies the ground-level of buildings.

The amendment to the bulleted subparagraph regarding flat roofs accommodates allowances for parapets and railings to extend above building height limits in the multi-dwelling zones (see pages 82-83). Only the single-dwelling residential zones, where there is a greater priority on compatibility of building scale, will measure the height of flat roofs to the top of the parapet.

There are no changes to the rest of the text of this section or to the figures.



*Driveway ramp providing access to below-grade structured parking. Amendments to the Measuring Height section will allow for building height to be measured from the sidewalk elevation, instead of being based on the low point of the driveway ramp.*

### 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 A.1. or A.2., unless the site is in a commercial/mixed use zone, in which case the height of buildings is measured as described in Paragraph A.3, or the site is in a multi-dwelling zone and the structure is a multi-dwelling structure, in which case the applicant may choose to measure the height of the building from base point A.1 or A.2, or from base point A.3. ~~The base point used is the method that yields the greater height of building.~~ Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the highest point of the roof except in the single-dwelling residential zones where the measurement is to the top of the parapet, or if there is no parapet, to the highest point of the roof.
  - Mansard roof: Measure to the deck line.
  - Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
  - Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
  - Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
  - Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
  - Stepped or terraced building: Measure to the highest point of any segment of the building.
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.
  3. In the commercial/mixed use zones, the height measurement is based on the location of a building relative to a street lot line and the elevation of sidewalk area adjacent to the site, as follows:
    - a.-b [No change]

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## Commentary

