

DATE: October 1, 2024
FROM: Julie Ocken
RE: **Update Packet #211**

This code update packet includes Zoning Code changes from:

- Regulatory Improvement Code Update (RICAP) 10 Ordinance #191779 (contact [JP McNeil](#))
- Floodplain Resilience Ordinance #191477 (contact [Jeff Caudill](#))
- Lower Southeast Rising Ordinance #191698 (contact [Bill Cunningham](#))
- Land Division Code Update Ordinance #191848 (contact [Morgan Tracy](#))

Update Packet #211: RICAP 10; Floodplain Resilience; Land Division Code Update

Chapter	Remove Pages	Insert Pages	Changed because of
List of Chapters	All	All	RICAP 10, LDCU
TOC	1-6	1-6	RICAP 10, LDCU
10 How to Use	All	All	LDCU
10 Legal Framework	All	All	RICAP 10
33.110	All	All	RICAP 10, LDCU, typo
33.120	All	All	LSER, RICAP 10, LDCU
33.130	11-54	11-54	LSER, RICAP 10
33.140	All	All	RICAP 10
33.150	1-26	1-26	RICAP 10
200s contents	All	All	RICAP 10
33.203	All	All	RICAP 10, typo
33.205	All	All	RICAP 10
33.207	All	All	RICAP 10
33.218	27-34	27-34	RICAP 10
33.219	All [delete]	None [delete chapter]	RICAP 10
33.245	All	All	RICAP 10
33.251	All	All	RICAP 10
33.258	All	All	RICAP 10
33.266	21-38	21-38	RICAP 10
33.270	All	All	LDCU
33.284	All	All	RICAP 10
33.285	All	All	RICAP 10
33.288	All [delete]	None [delete chapter]	RICAP 10
33.296	All	All	RICAP 10
33.418	All	All	LDCU
33.420	All	All	RICAP 10
33.440	All	All	RICAP 10
33.445	All	All	RICAP 10
33.475	23-24; 31-32; 47-60	23-24; 31-32; 47-62	typo; Floodplains; RICAP 10
33.510	1-82	1-82	RICAP 10
33.526	1-18	1-18	RICAP 10, LDCU
33.563	1-6	1-6	RICAP 10, LDCU
33.567	1-2	1-2	RICAP 10

600s contents	All	All	LDCU
33.610	All	All	LDCU
33.611	All	None [delete chapter]	LDCU
33.612	All	All	LDCU
33.614	All	All	LDCU
33.615	All	All	LDCU
33.630	All	All	LDCU
33.631	All	All	LDCU
33.632	All	All	LDCU
33.633	All	All	LDCU
33.634	All	All	LDCU
33.635	All	All	LDCU
33.636	All	All	LDCU
33.639	All	None [delete chapter]	LDCU
33.640	All	All	LDCU
33.641	All	All	LDCU
33.651	All	All	LDCU
33.652	All	All	LDCU
33.653	All	All	LDCU
33.654	All	All	LDCU
33.655	All	None [delete chapter]	LDCU
33.660	All	All	LDCU
33.662	All	All	LDCU
33.663 -> 33.673*	All	All	RICAP 10, LDCU
33.670	All	All	LDCU
33.671	All	All	LDCU
33.675	All	All	LDCU
33.676	All	All	LDCU
33.677	All	All	LDCU
33.700	5-6, 11-14	5-6, 11-14	typo; RICAP 10
33.710	All	All	RICAP 10
33.720	All	All	RICAP 10
33.730	1-4, 19-40	1-4, 19-42	RICAP 10; LDCU
33.740	All	All	RICAP 10
800s contents	All	All	RICAP 10
33.805	All	All	RICAP 10
33.815	All	All	RICAP 10
33.820	All	All	RICAP 10
33.825	1-6	1-6	RICAP 10
33.830	n/a	All [new chapter]	RICAP 10
33.846	19-22	19-22	RICAP 10
33.854	5-10	5-10	LDCU
33.910	All	All	RICAP 10
33.920	3-20	3-20	RICAP 10
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* Chapter 33.663 was renumbered to 33.673 in the Land Division Code Update Project.

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	CI2	Campus Institutional 2	33.150
	CR	Commercial Residential	33.130
	CM1	Commercial/Mixed Use 1	33.130
	CM2	Commercial/Mixed Use 2	33.130
	CM3	Commercial/Mixed Use 3	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
	IG1	General Industrial 1	33.140
	IG2	General Industrial 2	33.140
	IH	Heavy Industrial	33.140
	IR	Institutional Residential	33.150
	OS	Open Space	33.100
	R2.5	Residential 2,500	33.110
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
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	R20	Residential 20,000	33.110
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	RM3	Residential Multi-Dwelling 3	33.120
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	v or 	Pleasant Valley Natural Resources Overlay Zone	33.465
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How To Use This Document

Organization of Title 33

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

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

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

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

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

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

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

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

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

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

Chapters 33.660 through 33.673 include the information on reviews of each phase of a Land Division, including the procedure types and approval criteria. Chapter 33.668 contains the regulations for amending an approved PUD. Chapters 33.675 through 33.677 include the regulations for reconfiguring properties and confirming lots.

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

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

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

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

Determining the Zoning Regulations for a Specific Site

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

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

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

Determining Where a Specific Use May Locate

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

Determining the Land Division Regulations for a Specific Site

To determine the Land Division regulations applicable to a site, you must first find the site on the Official Zoning Maps. The appropriate map will show the base zone that is applied to the site. This will tell you which chapters to look at in this Title; the 100s and 600s are organized by zone. The Zoning Map will also show if the site is subject to any overlay zones or plan districts, and if the site contains a historical landmark or major public trail. You then look up all the corresponding regulations. All of these regulations will tell you what uses are allowed, what housing types may be considered, and what development regulations affect your site. Some of these development regulations will help you determine how to design your Land Division.

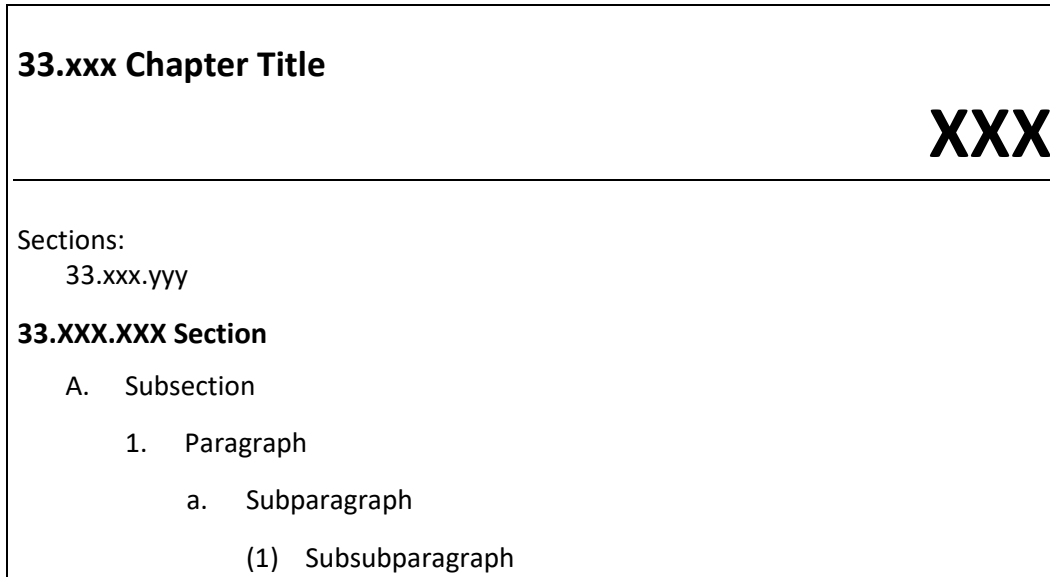
In the 600 series of chapters, you should first look in Chapters 33.605 through 33.615 for the zone of your site; these chapters contain the regulations on lot density and lot dimensions. Then review Chapters 33.630 through 33.641: Chapters 33.630, Tree Preservation, 33.635, Clearing, Grading, and Land Suitability, 33.636, Tracts and Easements, and 33.640, Streams, Springs, Seeps, and Wetlands apply to all Land Divisions. Chapters 33.631 and 33.632 apply only to sites that may be subject to flood or landslide; City maps can help you determine if your land may be subject to these hazards. Chapters 33.633, Phased Land Divisions and Staged Final Plats apply to proposals that include those elements, while Chapter 33.634 only applies to sites where a recreation area is required. A transportation impact study may be required as per 33.641. Chapter 33.642, Land Divisions of Manufactured Dwelling Parks and Chapter 33.644, Middle Housing Land Divisions contain regulations for these alternative types of development.

Chapters 33.651 through 33.654 contain the regulations for services that apply to land divisions. Finally, Chapters 33.660 through 33.677 will tell you what reviews are needed for your Land Division Property Line Adjustment, Replat, or Lot Confirmation, and what standards and approval criteria must be met for your request to be approved.

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

Format of Title 33

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



Referencing Within Title 33. References within Title 33 are made as follows:

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

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

Referencing Other Documents. When a reference is to a document outside of the Portland City Code, the referenced document's name is in italicized text, such as *Balch Creek Watershed Protection Plan*.

Terms

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

Amended by: Ord. No. 191848, effective 10/1/24.

33.10 Legal Framework and Relationships

10

Sections:

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

33.10.010 Purpose

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

33.10.020 Official Names

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

33.10.030 When the Zoning Code Applies

- A. All land and water.** The zoning code applies to all land and water within the City of Portland except as provided in Subsections B., C., and D. below. All land divisions, uses and development must comply with all of the requirements specified in the zoning code for that location.
- B. Clarification for rights-of-way.** Land within private rights-of-way, including rail rights-of-way and utility rights-of-way, is regulated by Title 33. Land within public rights-of-way is regulated by Title 17, Public Improvements, and not by Title 33, except in the following situations where both Titles apply:
 - 1. Rights-of-way in the greenway, river, environmental conservation, environmental protection, pleasant valley natural resource, and scenic resource overlay zones, including the creation of new rights-of-way and the expansion or vacation of existing rights-of-way;
 - 2. The act of creating or dedicating public rights-of-way through a land division;
 - 3. Development within the design overlay or historic resources protection overlay zone;
 - 4. Structures that project from private property over rights-of way, such as oriel windows; and
 - 5. Proposals for park-and-ride facilities for mass transit.
- C. Clarification for waterbodies.** The siting of fills or structures on or over waterbodies is subject to the zoning code provisions. The zoning code does not regulate shipping, dredging, boating, and other similar uses on or in water bodies. The zoning code does regulate dredging in the Willamette River Central and South reaches and the Greenway

overlay zone in the South Waterfront Subdistrict of the Central City but does not regulate dredging on or in any other portion of the Willamette River or any other water body.

- D. **Private rights-of-way.** The creation of private rights-of-way is regulated by Title 33, Planning and Zoning. Street improvements in private rights-of-way are allowed by right in all zones.

33.10.040 Other City, Regional, State, and Federal Regulations

- A. **Compliance required.** In addition to the requirements of the zoning code, all uses and development must comply with all other applicable City, regional, state, and federal regulations.
- B. **References to other regulations.** All references in the zoning code to other City, regional, state, or federal regulations are for informational purposes only, and do not constitute a complete list of such regulations. These references do not imply any responsibility by the City for enforcement of regional, state, or federal regulations.
- C. **Current versions and citations.** All references to other City, regional, state, or federal regulations in the zoning code refer to the most current version and citation for those regulations, unless specifically indicated otherwise. Where the referenced regulations have been repealed, zoning code requirements for compliance are no longer in effect.

33.10.050 Official Zoning Maps

- A. **Content of Official Zoning Maps.** The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, and existing and planned major public trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.
- B. **Changes to Official Zoning Maps.** A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.
- C. **Boundary lines.**
 1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.
 2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

33.10.060 Comprehensive Plan Designations

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

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

Comprehensive Plan Designation	Map Symbol
Mixed Use – Urban Center	MU – U
Mixed Use – Civic Corridor	MU – C
Mixed Use – Neighborhood	MU – N
Mixed Use – Dispersed	MU – D
Institutional Campus	CI
Mixed Employment	ME
Industrial Sanctuary	IS

33.10.070 Severability

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

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.110 Single-Dwelling Zones

110

Sections:

General

- 33.110.010 Purpose
- 33.110.020 List of the Single-Dwelling Zones
- 33.110.030 Other Zoning Regulations
- 33.110.050 Neighborhood Contact

Use Regulations

- 33.110.100 Primary Uses
- 33.110.110 Accessory Uses

Development Standards

- 33.110.200 Housing Types Allowed
- 33.110.202 When Primary Structures are Allowed
- 33.110.205 Minimum Dwelling Unit Density
- 33.110.210 Floor Area Ratio
- 33.110.215 Height
- 33.110.220 Setbacks
- 33.110.225 Building Coverage
- 33.110.227 Trees
- 33.110.230 Main Entrances
- 33.110.235 Street-Facing Facades
- 33.110.240 Required Outdoor Areas
- 33.110.245 Detached and Connected Accessory Structures
- 33.110.250 Additional Development Standards for Garages
- 33.110.255 Additional Development Standards for Flag Lots
- 33.110.260 Additional Development Standards for Narrow Lots
- 33.110.263 Additional Development Standards for Shared Courts, Common Greens, and Alleys in Private Ownership
- 33.110.265 Residential Infill Options
- 33.110.270 Institutional Development Standards
- 33.110.275 Fences
- 33.110.280 Retaining Walls
- 33.110.285 Demolitions
- 33.110.290 Nonconforming Situations
- 33.110.292 Parking and Loading
- 33.110.295 Signs
- 33.110.296 Recycling Areas

General

33.110.010 Purpose

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and

designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood.

- A. Use regulations.** The use regulations are intended to create, maintain and promote single-dwelling neighborhoods. They allow for some non-household living uses but not to such an extent as to sacrifice the overall image and character of the single-dwelling neighborhood.
- B. Development standards.** The development standards preserve the character of neighborhoods by providing six different zones with different densities and development standards. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for houses on flat, regularly shaped lots. Other situations are addressed through special regulations or exceptions.

33.110.020 List of the Single-Dwelling Zones

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

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

33.110.030 Other Zoning Regulations

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

33.110.050 Neighborhood Contact

Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:

- A. Neighborhood contact I.**
 1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I are

required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.

2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

Use Regulations

33.110.100 Primary Uses

- A. Allowed uses.** Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.
1. Group Living. This regulation applies to all parts of Table 110-1 that have note [1]. Up to 3,500 square feet of the total net building area on the site can be in a Group Living Use. More than 3,500 square feet of net building area in Group Living is a conditional use.
 2. Retail Sales And Service. This regulation applies to all parts of Table 110-1 that have a [2]. Retail plant nurseries are a conditional use. All other Retail Sales And Service uses are prohibited.
 3. Manufacturing And Production. This regulation applies to all parts of Table 110-1 that have a [3]. Utility Scale Energy Production from large wind turbines is a conditional use in the RF zone. All other Manufacturing And Production uses are prohibited.
 4. Basic Utilities. This regulation applies to all parts of Table 110-1 that have a [4].

- a. Basic Utilities that service 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. The requirements of Chapter 33.262, Off Site Impacts must be met.
 - c. All other Basic Utilities are conditional uses.
5. Community Service Uses. This regulation applies to all parts of Table 110-1 that have a [5]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 6. Parks And Open Areas. This regulation applies to all parts of Table 110-1 that have a [6]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that 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.
 7. Daycare. This regulation applies to all parts of Table 110-1 that have a [7]. Daycare uses are allowed by right if locating within a building that contains or contained a College, Medical Center, School, Religious Institution, or a Community Service use.
 8. Agriculture in RF and R20 zones. This regulation applies to all parts of Table 110-1 that have an [8]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
 9. Agriculture in R10 and R7 zones. This regulation applies to all parts of Table 110-1 that have a [9]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

10. Agriculture in R5 and R2.5 zones. This regulation applies to all parts of Table 110-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
 11. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 110-1 that have an [11]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
- C. Conditional uses.** Table 110-1. Uses that are allowed if approved through the conditional use review process are listed in Table 110-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 110-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

33.110.110 Accessory Uses

Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and accessory short-term rentals have specific regulations in Chapters 33.203, 33.205, and 33.207 respectively.

Table 110-1 Single-Dwelling Zone Primary Uses						
Use Categories	RF	R20	R10	R7	R5	R2.5
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
Commercial Categories						
Retail Sales And Service	CU [2]	CU [2]	CU [2]	CU [2]	CU [2]	CU [2]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	CU [3]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N

Table 110-1 Single-Dwelling Zone Primary Uses						
Industrial Categories						
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Parks And Open Areas	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Other Categories						
Agriculture	L [8]	L [8]	L/CU [9]	L/CU [9]	L [10]	L [10]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.110.200 Housing Types Allowed

- A. Purpose.** Housing types are limited in the single-dwelling zones to maintain the overall image and character of the City's single-dwelling neighborhoods. However, the regulations allow options to increase housing variety and opportunities, and to promote affordable and energy-efficient housing.
- B. Housing types.** The kinds of housing types allowed in the single-dwelling zones are stated in Table 110-2.

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See Chapter 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	No	Yes	Yes	Yes	Yes	Yes
Triplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Fourplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	Yes	Yes	Yes	Yes	Yes
Cottage Cluster (See 33.110.265.G)	No	No	Yes	Yes	Yes	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Congregate Housing Facility (See 33.110.100.B.1)	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplex	Only in Planned Developments, See Chapter 33.270.					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.

33.110.202 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section allow for development of primary structures on lots and lots of record that are an adequate size, but do not legitimize plots that were divided after subdivision and partitioning regulations were established. The regulations ensure that development on a site will in most cases be able to comply with all site development standards. The regulations also allow development of primary structures on lots that were large enough in the past, but were reduced by condemnation or required dedications for right-of-way.
- B. Adjustments.** Adjustments to this section are prohibited.
- C. Primary structures allowed.** Development of a primary structure is allowed as follows:
 1. On a lot created on or after July 26, 1979;

2. On a lot created through the Planned Development or Planned Unit Development process;
3. On a lot, lot of record, lot remnant, or combinations thereof that did not abut a lot, lot of record, or lot remnant under the same ownership on July 26, 1979, and has not abutted a lot, lot of record, or lot remnant under the same ownership since July 26, 1979;
4. On a lot or adjusted lot or combination thereof that either:
 - a. Meets the minimum lot size requirements stated in Table 110-3; or
 - b. Does not meet the minimum lot size requirements stated in Table 110-3 but meets all of the following:
 - (1) No portion of the lot, adjusted lot or combination is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot, adjusted lot or combination is in the combined flood hazard area; and
 - (3) The lot, adjusted lot or combination has an average slope of less than 25 percent.
5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 110-3.

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

Table 110-3 Minimum Lot Size Requirements	
RF through R5 Zones	
Lot	36 feet wide and meets the minimum lot area requirement for all other lots stated in Table 610-2. [1, 2, 3, 4, 5]
Adjusted Lot	
Lot Remnant	
Lot of Record	
R2.5 Zone	
Lot	1500 sq. ft. [1, 4]
Adjusted Lot	
Lot Remnants	
Lots of Record	

Notes:

- [1] A primary structure is allowed on a lot or lot of record that did meet the requirements of Table 110-3 in the past but was reduced below the requirements solely because of condemnation or required dedication by a public agency for right-of-way.
- [2] In the R5 zone, the minimum size requirements for adjusted lots and lot remnants approved through a property line adjustment under 33.677.300.A.4. or 33.677.300.C. are 36 ft. wide and 1,600 sq. ft.
- [3] In the R20 zone, a primary structure is allowed on a lot, lot of record, adjusted lot, lot remnant, or combination thereof that did meet the requirements of Table 110-3 in the past but no longer meets the requirements solely due to a zone change effective on May 24, 2018.

[4] A primary structure is allowed on a lot, lot of record, adjusted lot, lot remnant, or combination thereof that was separated from abutting lots through a lot confirmation that was finalized before September 11, 2020.

[5] Lot width for a flag lot is measured at the midpoint of the flag portion of the lot.

33.110.205 Minimum Dwelling Unit Density

- A. Purpose.** This standard promotes additional housing opportunities in areas of the city where services are available and restricts larger sites from being utilized for a single house.
- B. When this standard applies.** The minimum dwelling unit density standard applies to new development when at least one dwelling unit is proposed. Sites in the Constrained Sites overlay zone are exempt from this standard.
- C. Minimum dwelling unit density.**
 1. R7. In the R7 zone, a minimum of two dwelling units are required on sites that are 14,000 square feet or larger in total site area.
 2. R5. In the R5 zone, a minimum of two dwelling units are required on sites that are 10,000 square feet or larger in total site area.
 3. R2.5. In the R2.5 zone, a minimum of two dwelling units are required on sites that are 5,000 square feet or larger in total site area.

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R2.5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [2] - 3 total dwelling units [2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.5 to 1 0.6 to 1 0.7 to 1 [3] 0.8 to 1 [3]	0.7 to 1 0.8 to 1 0.9 to 1 [3] 1 to 1 [3]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [2] - 3 total dwelling units [2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	NA	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.5 to 1 0.7 to 1 0.8 to 1 0.9 to 1 [3]	0.7 to 1 0.9 to 1 1 to 1 1.1 to 1 [3]
Maximum Height (See 33.110.215 and 33.110.260)	30 ft.	30 ft. [3]	30 ft. [3]	30 ft. [3]	30 ft. [3]	35 ft.

Standard	RF	R20	R10	R7	R5	R2.5
Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.240)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

[1] Including any site with a congregate housing facility.

[2] Including accessory dwelling units.

[3] Additional FAR and height may be allowed. See 33.110.265.F.

33.110.210 Floor Area Ratios

- A. Purpose.** Floor area ratios (FAR) work with height, setback, and building coverage requirements to control the overall bulk and placement of buildings. The maximum FAR allowances have been calibrated by zone to:
- Define the character of each zone by establishing greater FAR allowances in the higher intensity zones;
 - Encourage the provision of additional dwelling units within existing neighborhoods by relating the allowed amount of FAR to the total number of units on a site; and
 - Ensure that the bulk of buildings on one lot does not overwhelm development on adjacent lots.
- B. Maximum FAR.** Maximum floor area ratios are stated in Table 110-4. Maximum FAR applies to all buildings on the lot, however the maximum allowed is based on the total number of dwelling units on the lot and whether a bonus option is chosen. In the R10 and R20 zones, the maximum FAR only applies to lots that are less than 10,000 square feet in area. The maximum FAR for a lot with a congregate housing facility is the same as shown in Table 110-4 for a lot with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.

C. Exceptions.

1. 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.
2. Stairwells are only counted as floor area on one level.

D. Maximum FAR with bonus.

1. Affordable housing bonus option. The maximum FAR for lots that provide at least one dwelling unit that is affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30 is stated in Table 110-4. To qualify for this maximum FAR with bonus:
 - a. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability standard stated above. The letter is required to be submitted before a building permit can be issued but is not required in order to apply for a land use review; and
 - b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. The covenant must ensure that the affordable dwelling unit will remain affordable to households meeting the income restriction and any administrative requirements of the Portland Housing Bureau.
2. Preserving existing dwelling units bonus option. The maximum FAR for lots that contain a primary residential structure that received final inspection at least 5 years ago is stated in Table 110-4. To qualify for this maximum FAR with bonus, an additional dwelling unit must be added to the site, and no more than 25 percent of the existing street-facing façade of the existing primary residential structure may be altered to add additional floor area.

33.110.215 Height

A. Purpose. The height standards serve several purposes:

- They foster a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's single-dwelling neighborhoods.

B. Maximum height. The maximum height allowed is stated in Table 110-4. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures. The maximum height standard for narrow lots is stated in 33.110.260, Additional Development Standards for Narrow Lots. The maximum height standard for small flag lots is stated in 33.110.255, Additional Standards for Flag Lots. The maximum height standard for institutional uses is stated in 33.110.270, Institutional Development Standards.

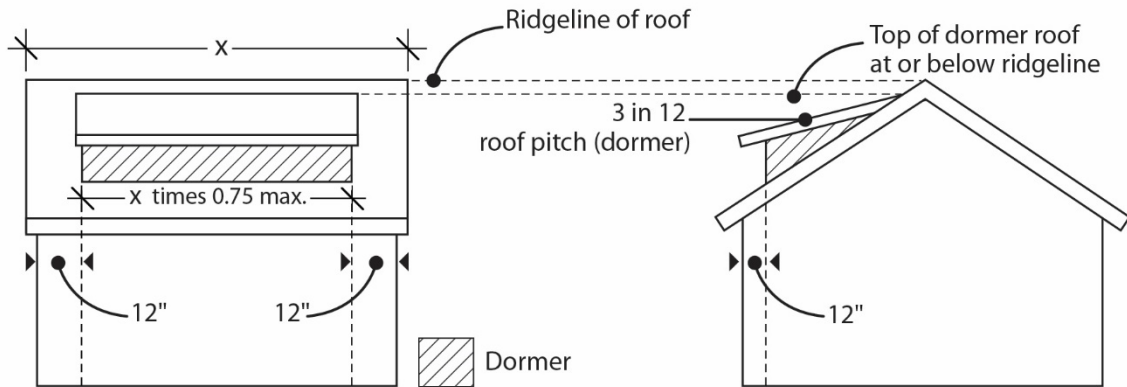
C. Exceptions to the maximum height.

1. Chimneys, vents, flag poles, satellite receiving dishes and other similar items with a width, depth, or diameter of 3 feet or less may extend above the height limit, as long

as they 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 3 feet in width, depth, or diameter, they are subject to the height limit.

2. Dormers are not included in the height calculation when:
 - a. The roof of the dormer has a pitch of at least 3 in 12 and no part of the dormer extends above the ridgeline of the roof;
 - b. The walls of the dormer are set back at least 12 inches from the plane of any exterior wall of the floor below; and
 - c. The width of the dormer is not more than 75 percent of the width of the roof from which it projects. See Figure 110-1
3. Farm buildings associated with an agricultural use, such as silos and barns are exempt from the height limit as long as they are set back from all lot lines, at least one foot for every foot in height.
4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
5. Small wind turbines are subject to the standards of Chapter 33.299, Wind Turbines.
6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:
 - a. For flat roofs or the horizontal portion of mansard roofs, the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped or gambrel roofs, 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.

Figure 110-1
Dormers



D. Alternative height limits for steeply sloping lots.

1. Downhill slope from street. On lots that slope downhill from the street with an average slope of 20 percent or greater, the height limit is the higher of either 23 feet above the average of the grade of the street or the normal height limit calculated as stated in Chapter 33.930, Measurements. In addition, the alternative height and setback standards of Subsection 33.110.220.D apply. For the purpose of this paragraph, the average grade of the street is measured at the street lot line property corners.
2. Uphill slope from the street. On lots that slope uphill from the street with an average slope of 20 percent or greater the alternative height and setback standards of Subsection 33.110.220.D apply.
3. Downhill and uphill slope from the street. On lots that slope uphill from one street and downhill from another street with an average slope of 20 percent or greater, the applicant may meet the alternative height limit of Paragraph D.1.

33.110.220 Setbacks

- A. Purpose.** The setback regulations for buildings and garage entrances serve several purposes:
- They maintain light, air, separation for fire protection, and access for fire fighting;
 - They reflect the general building scale and placement of residences in the city's single-dwelling neighborhoods;
 - They foster a reasonable physical relationship between residences;
 - They promote options for privacy for neighboring properties;
 - They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

- They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity; and
- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

B. Required setbacks. The required setbacks for buildings and garage entrances are stated in Table 110-4. The walls of the garage structure are subject to the front, side, and rear building setbacks stated in Table 110-4. The minimum setbacks for institutional uses are stated in 33.110.270, Institutional Development Standards. Other setbacks may apply to specific types of development or situations.

C. 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. However, the feature must be at least three feet from a lot line:
 - a. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Water collection cisterns and stormwater planters that do not meet the standard of Paragraph C.3;
 - c. Decks, stairways, wheelchair ramps and uncovered balconies that do not meet the standards of Paragraph C.3; and
 - d. Bays and bay windows 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 each 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.
2. Building eaves may extend up to 2 feet into a required building setback provided the eave is at least three feet from a lot line.
3. The following minor features of a building may extend into the 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. 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 façade of a building are allowed to extend into the required setback from a street lot line 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.
4. Detached accessory structures. The setback standards for detached-accessory structures, including detached mechanical equipment, are stated in 33.110.245. Fences are addressed in 33.110.275. Detached accessory dwelling units are addressed in Chapter 33.205.

D. Exceptions to the required setbacks.

1. Setback averaging. The front building setback, and the setback of decks, balconies, and porches may be reduced to the average of the respective setbacks on the abutting lots. See Chapter 33.930, Measurements, for more information.
2. Flag lots. The lot in front of a flag lot may reduce its side building setback along the flag pole lot line to zero. All other setback requirements remain the same.
3. Environmental zone. The front building 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.
4. Steeply sloping lots. This provision applies to lots that slope up or down from the street with an average slope of 20 percent or greater. See Chapter 33.930, Measurements, for more information on how to measure average slope.
 - a. In the RF, R20, R10, and R7 zones, the front building setback for the dwelling may be reduced to 10 feet. However, the height limitations of subparagraph c. below apply. See Figures 110-2 and 110-3.
 - b. In all single-dwelling residential zones, the front building setback for the garage wall and/or the garage entrance setback may be reduced to five feet. However, the height limitations of Paragraph D.4.c. apply. See Figures 110-2 and 110-3.
 - c. Height limitation. The height limit in the area of the reduced setback is lowered one foot for every foot of reduced setback. See Figures 110-2 and 110-3.
5. Established building lines. The front, side, or rear building setback for the primary structure may be reduced for sites with existing nonconforming development in a required setback. The reduction is allowed if the width of the portion of the existing wall of the primary structure within the required setback is at least 60 percent of the width of the respective facade of the existing primary structure. The building line created by the nonconforming wall serves as the reduced setback line. Eaves associated with the nonconforming wall may extend the same distance into the reduced setback as the existing eave. However, side or rear setbacks may not be reduced to less than 3 feet in depth and eaves may not project closer than 2 feet to

the side or rear property line. See Figure 110-4. This reduced setback applies to alterations that are no higher than the existing nonconforming wall. For example, a second story could not be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

6. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
7. Land divisions and Planned Developments with existing development. The following setback reductions are allowed when proposed as part of a land division or Planned Development:
 - a. The minimum setback between an existing building and a side lot line along a proposed right-of-way dedication or street tract may be reduced to three feet;
 - b. When a dedication of public right-of-way along the frontage of an existing street is required as part of a land division or Planned Development, 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. Future additions or development must meet required minimum setbacks.
 - c. Eaves on an existing building may extend one foot into the reduced setback allowed by D.7.a. or b., except they may not extend into the right-of-way.
8. Required dedication. When a dedication of public right-of-way along the frontage of an existing street is required by a public agency, 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. Future additions or development must meet required minimum setbacks. Eaves on an existing building may extend one foot into the reduced setback except they may not extend into the right-of-way.
9. Alley. No side, rear, or garage entrance setback is required from a lot line abutting an alley.

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

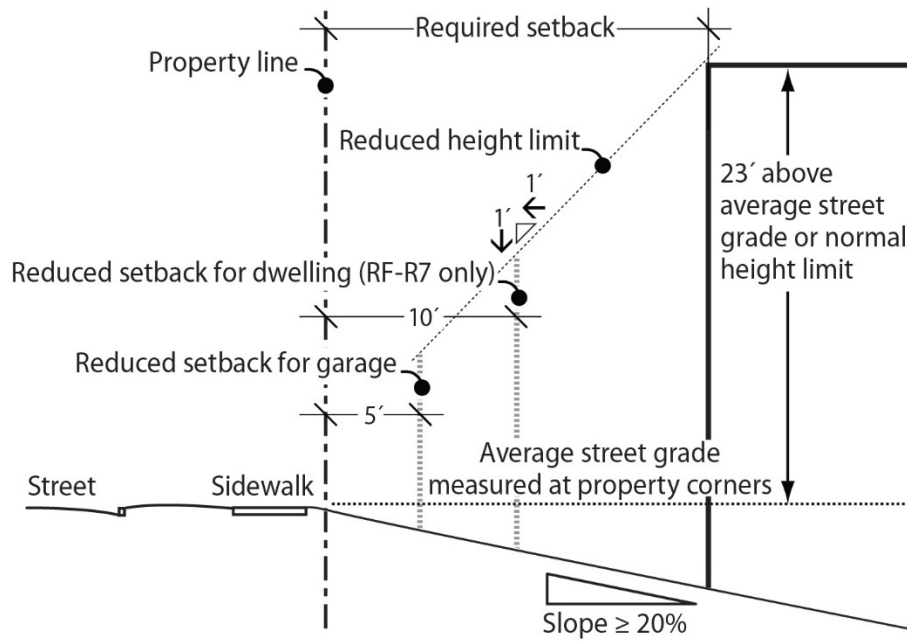
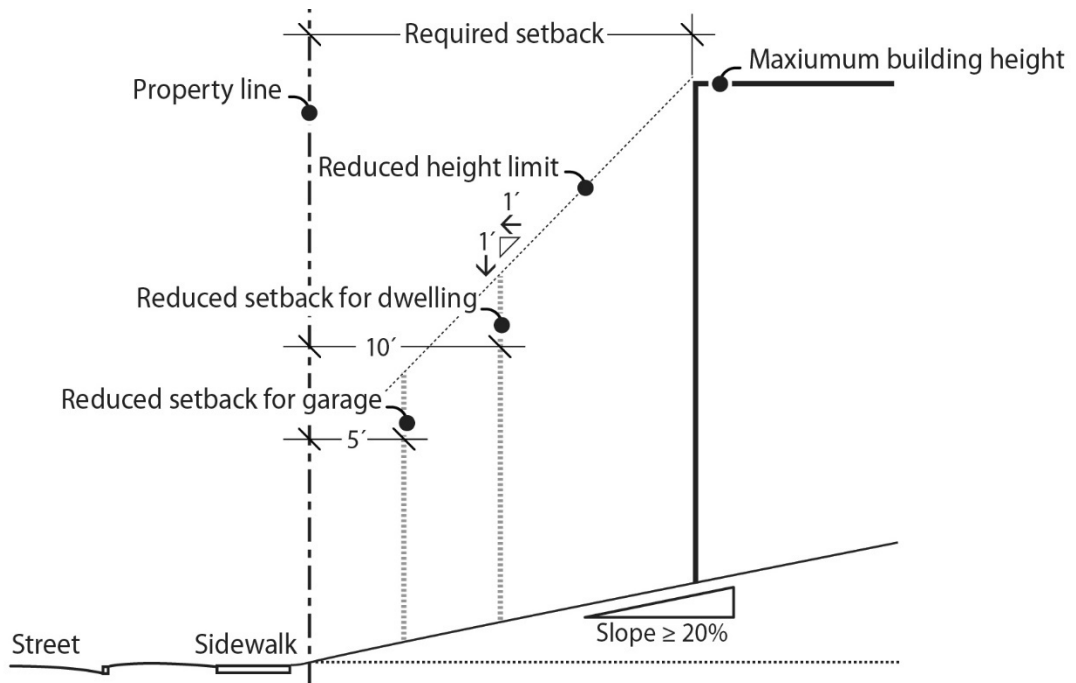
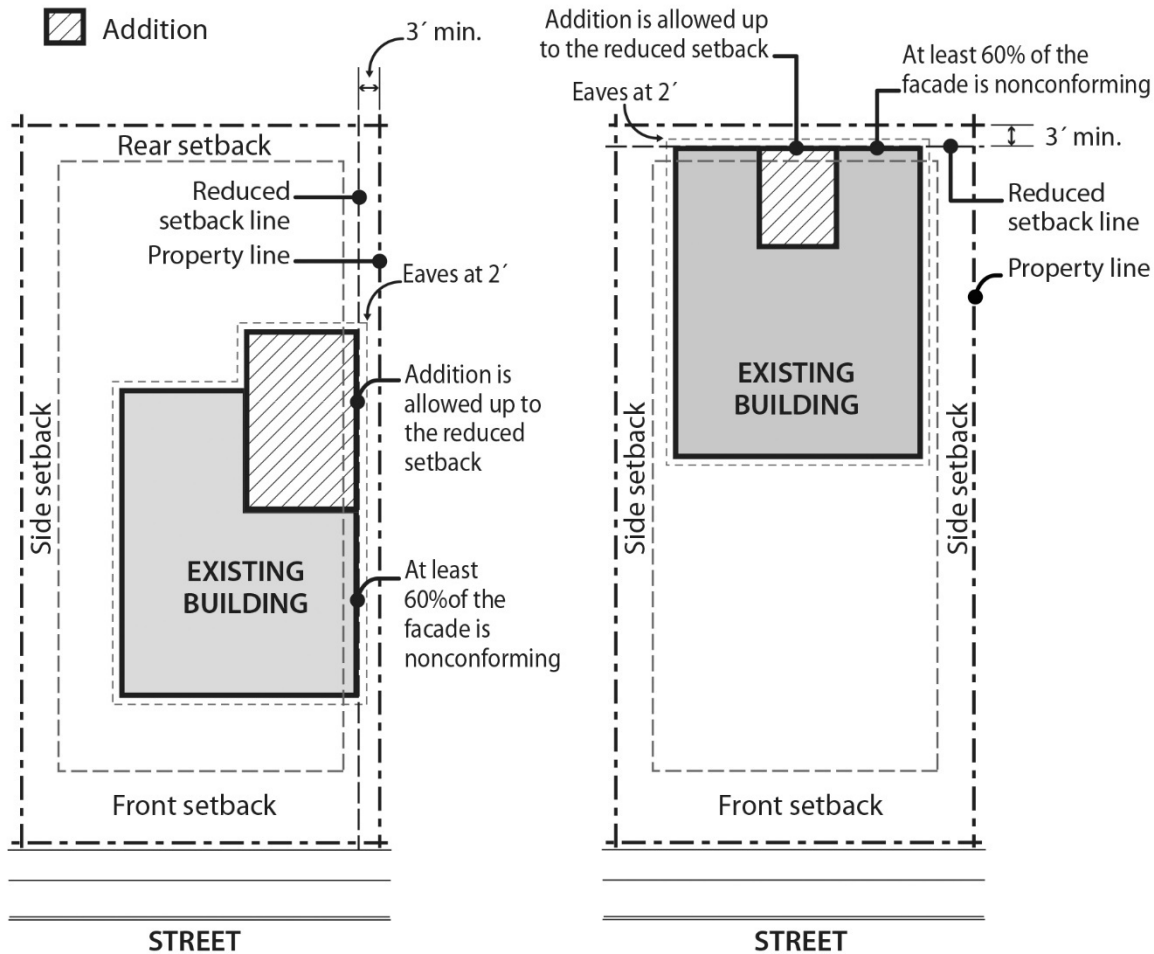


Figure 110-3
Exceptions To Front Building Setback And Garage Entrance Setback—Uphill



**Figure 110-4
Established Building Lines**



33.110.225 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work together with the height, setback, and floor area ratio standards to control the overall bulk of structures. They are intended to ensure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.
- B. Building coverage standards.** The maximum combined building coverage allowed on a site for all covered structures is stated in Table 110-5.

Table 110-5	
Maximum Building Coverage Allowed in the RF through R2.5 Zones	
Lot Size	Maximum Building Coverage
Less than 3,000 sq. ft.	50% of lot area
3,000 sq. ft. or more but less than 5,000 sq. ft.	1,500 sq. ft. + 37.5% of lot area over 3,000 sq. ft.
5,000 sq. ft. or more but less than 20,000 sq. ft.	2,250 sq. ft. + 15% of lot area over 5,000 sq. ft.
20,000 sq. ft. or more	4,500 sq. ft. + 7.5% of lot area over 20,000 sq. ft.

33.110.227 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.

33.110.230 Main Entrances

A. Purpose. These standards:

- Work with the street-facing facade and garage standards to 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 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 in the R10 through R2.5 zones except accessory dwelling units;
2. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
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 applicant may choose on which frontage to meet the standards;
4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards;
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards; and
6. Development on lots where any portion of the lot is in the combined flood hazard area is exempt from the standard in Subsection D.

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

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

2. Either:
 - a. Face the street. See Figure 110-5;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a porch. See Figure 110-6. The porch must:
 - (1) Be at least 25 square feet in area;
 - (2) Have at least one entrance facing the street; and
 - (3) Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- D. **Distance from grade.** The main entrance that meets Subsection C 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 110-7.

Figure 110-5
Main Entrance Facing the Street

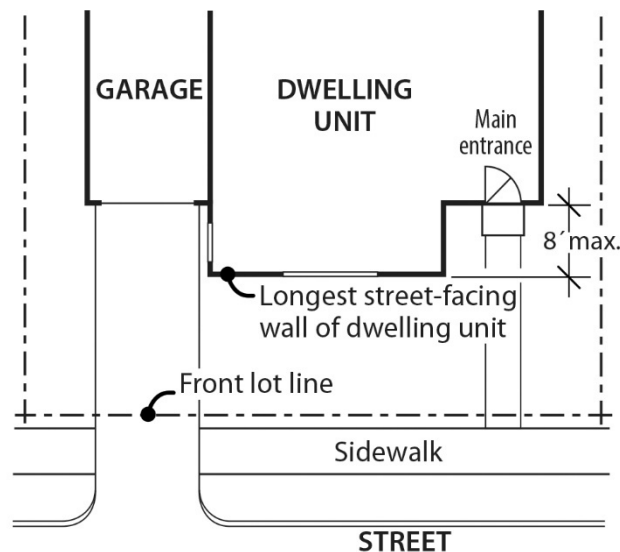


Figure 110-6
Main Entrance Opening onto a Porch

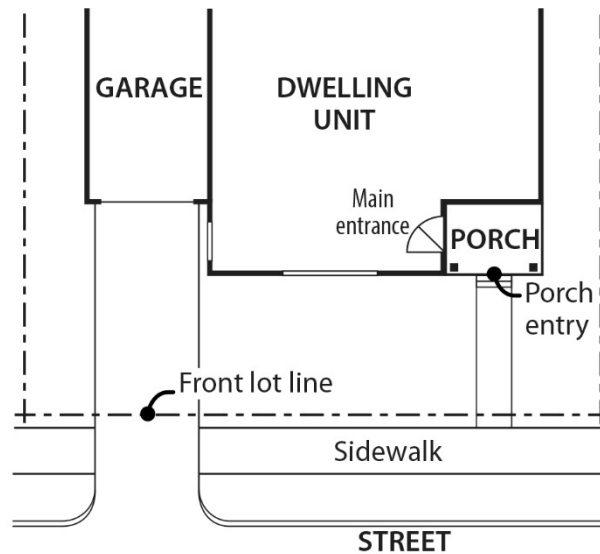
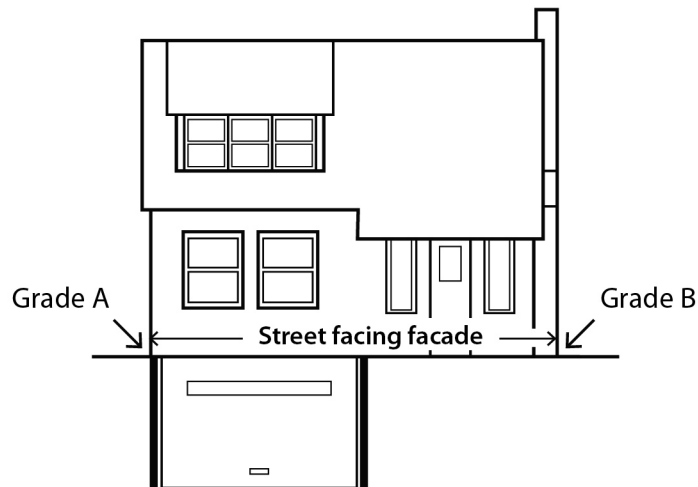


Figure 110-7
Calculation of Grade: (Grade A + Grade B) / 2



33.110.235 Street-Facing Facades

A. Purpose. The standards:

- 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 pleasant pedestrian environment along the street by preventing large expanses of blank facades and facade-obscuring staircases from interrupting the connection between the residence and the public realm.

B. Where the standards apply.

1. The street-facing façade standards apply to all residential structure types in the R10 through R2.5 zones except accessory dwelling units;
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. The side wall of a dormer is exempt from this standard;
3. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard; and
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

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

D. Exterior stairs. Fire escapes and exterior stairs providing access to an upper level are not allowed on any facade that faces a street lot line.

33.110.240 Required Outdoor Areas

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

B. Required outdoor area sizes. The minimum sizes of required outdoor area per lot is stated in Table 110-4. The shape of the outdoor area must be such that a square of the stated dimension will fit entirely in the outdoor area.

C. Requirements.

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

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

33.110.245 Detached and Connected Accessory Structures

- A. Purpose.** This section regulates detached and connected 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 these structures, promote compatibility of design for larger structures, provide for necessary access around larger structures, help maintain privacy between abutting lots, and maintain open front setbacks.
- B. General standards.**
 1. The regulations of this section apply to detached accessory structures and connected accessory structures. Farm structures associated with an agricultural use such as barns and silos are exempt from these standards as long as they are set back from all lot lines at least one foot for every foot in height. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
 2. Detached accessory structures are allowed on a lot only in conjunction with a primary building and may not exist on a lot prior to the construction of the primary structure, except as allowed by Paragraph B.3.
 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, 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, 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 the property line adjustment or lot confirmation 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. 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.
- C. Detached and connected covered accessory structures.** The following standards apply to all detached covered accessory structures and connected covered accessory structures. Detached covered accessory structures are items such as garages, carports, greenhouses, artist's studios, guest houses, accessory dwelling units, storage buildings, wood sheds,

water collection cisterns, and covered decks or patios that are not connected to the primary structure. Connected covered accessory structures include accessory structures that are connected to a primary structure via a roofed structure such as a breezeway. The standards of this subsection do not apply to the portion of the structure that connects the accessory structure to the primary structure. Garages are also subject to the standards of 33.110.250.

1. Height. The maximum height allowed for all detached covered accessory structures and connected covered accessory structures is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures and connected covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.110.250.
 - a. Water collection cisterns that are 6 feet or less in height are allowed in required side and rear setbacks.
 - b. In the R7, R5 and R2.5 zones, detached covered accessory structures other than water collection cisterns, are allowed in required side and rear building 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, is 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, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the F2 standards of Chapter 33.248, Landscaping and Screening;
 - (6) Walls located within the setback do 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 and connected covered accessory structures:
 - a. The combined building coverage of all detached and connected covered accessory structures may not exceed 20 percent of the total area of the site; and

- b. The building coverage of each detached covered accessory structure and each connected covered accessory structure may not be greater than the building coverage of the smallest primary structure, or 900 square feet, whichever is greater.
4. Additional development standards. The following additional standards apply to detached covered accessory structures and connected covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior finish materials. The exterior finish materials must meet one of the following:
 - (1) The exterior finish material must be the same in type, size and placement as the exterior finish material of a 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 pitch of the roof with the highest ridgeline-must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of a primary structure; or
 - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.
 - c. Trim. The trim must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on a primary structure; or
 - (2) The trim around all windows and doors must be at least 3 ½ inches wide.
 - d. Windows. The windows on all street facing facades must meet one of the following:
 - (1) The windows must match those on the street facing facade of a 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 must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on a 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.

D. Detached uncovered vertical structures. Detached uncovered vertical structures are items such as flag poles, trellises, arbors and other garden structures, play structures, antennas, satellite receiving dishes, detached structures that hold electric vehicle chargers, and lamp posts. The following standards apply to detached uncovered vertical structures. Fences are addressed in 33.110.275:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is 20 feet:
 - a. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 - 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, Wind Turbines.
2. Setbacks. Except as follows, detached uncovered vertical structures are subject to 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 setbacks.
 - 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 the front setback. The arbor must allow for pedestrian access under its span.
 - c. Flagpoles are allowed in required building setbacks.
 - d. In the R7, R5, and R2.5 zones, detached uncovered vertical structures 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;
 - (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.
3. Additional standard for detached uncovered vertical structures that hold electric vehicle chargers. In addition to Paragraphs 1. and 2. above, a detached uncovered vertical structure that holds at least a Level 2 electric vehicle charger must be located so that the electric vehicle charger is within 5 feet of a vehicle area.

- 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. The maximum height allowed for all detached uncovered horizontal structures is 20 feet.
 2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to required buildings 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 required building setbacks.
- F. Detached mechanical equipment.** Detached 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 a 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. The maximum height allowed for all detached mechanical equipment is 20 feet.
 2. Setbacks. Except as follows, detached mechanical equipment is subject to required buildings setbacks. Detached mechanical equipment is allowed in side or rear building setbacks if all of the following are met:
 - a. The equipment is no more than 5 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.

33.110.250 Additional Development Standards for 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 the residence and the street;
- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
- Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
- Enhance public safety by preventing garages from blocking views of the street from inside the residence.

B. 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 or rebuilt detached garage that is nonconforming due to its location in a setback as follows:
 - a. The expanded garage complies with 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 may be 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.

C. Length of street-facing garage wall.

1. Where these regulations apply. Unless exempted by Paragraph C.2, the regulations of this subsection apply to garages in the R10 through R2.5 zones.
2. Exemptions.
 - a. 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 are exempt from the standards of this subsection.
 - b. Subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.
 - c. On corner lots, only the street-facing garage wall that contains the garage door must meet the standards of this subsection.
3. Standards.
 - a. Garages that are accessory to houses. For garages that are accessory to houses and 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 facade. See Figure 110-8. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.
 - b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses:
 - (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building facade. See Figure 110-8. When all the units are 22 feet wide or wider, the standard applies to the street-facing

facade of each unit. In all other situations, the standard applies to the total length of the street-facing facades; 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 facades must be without garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.
- c. Garages that are accessory to duplexes, triplexes, and fourplexes. The following standards apply to garages that are accessory to duplexes, triplexes, and fourplexes:
- (1) The length of the garage wall facing the street may be up to 50 percent of the total length of the street-facing building facades. See Figure 110-8. Where the total length of the street-facing facades is less than 22 feet long, an attached garage is not allowed; and
 - (2) For a fourplex, at least 50 percent of the total length of the street-facing building facades must be without garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.

D. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to garages in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
 - 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 garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-10.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - 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 110-11. 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.

Figure 110-8
Length of Street-Facing Garage Wall

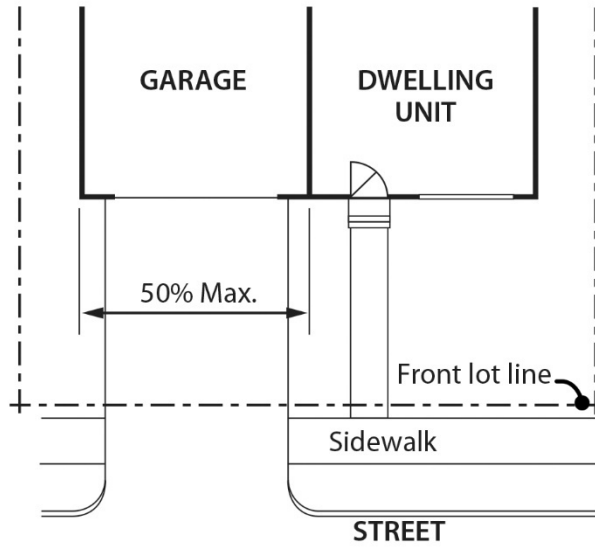


Figure 110-9
Combined Length of Street-Facing Garage Wall

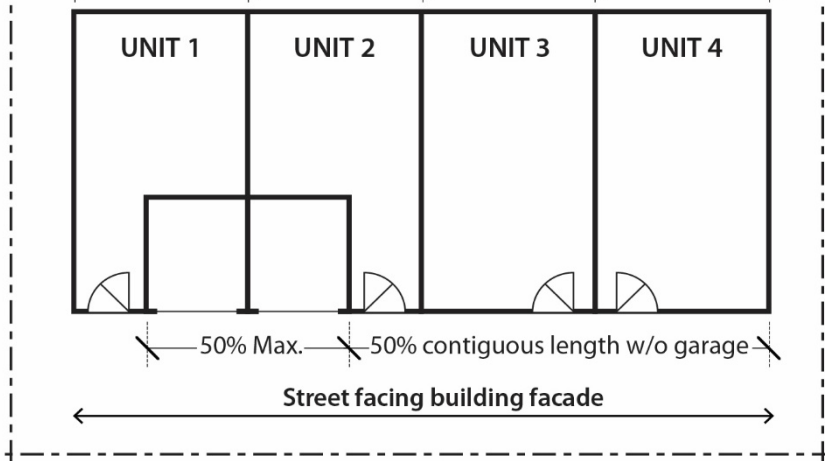
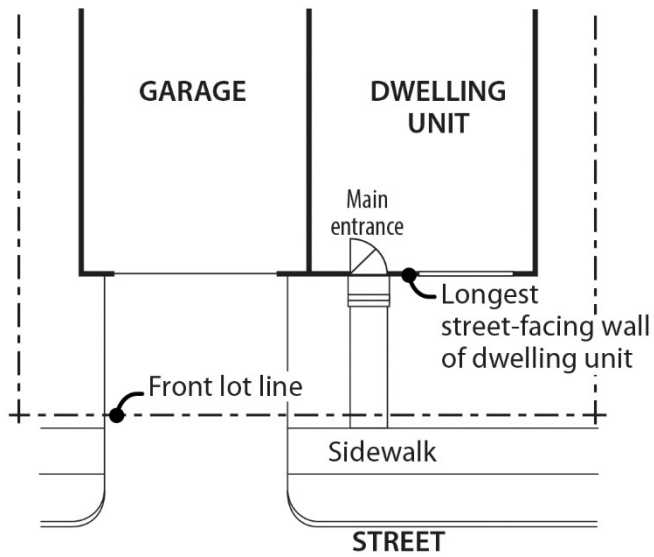
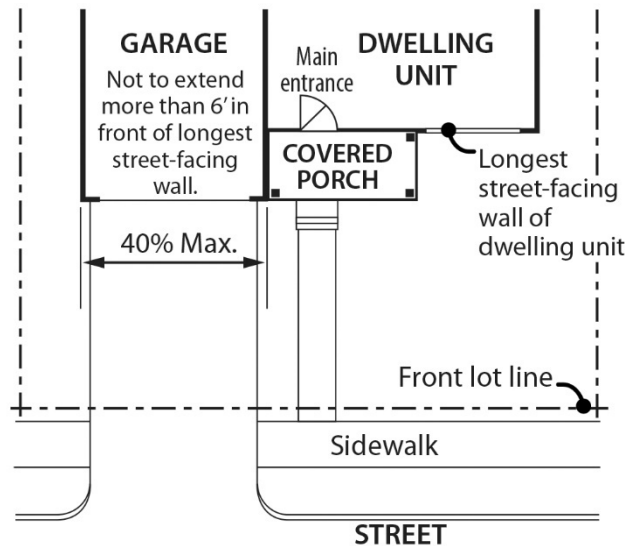


Figure 110-10
Street Lot Line Setback



**Figure 110-11
Garage Front Setback Exception**



33.110.255 Additional Development Standards for Flag Lots

A. Purpose. Flag lots encourage additional housing opportunities in a land efficient manner that allows existing homes to be retained. The standards in this section are intended to:

- Protect privacy between the flag lots and abutting residences; and
- Increase the compatibility of structures on small flag lots.

B. Flag lot standards.

1. Large flag lots. The following standards apply to flag lots that are 3,000 square feet or more in area. Only the area of the flag portion of the flag lot is included when calculating area. The pole portion of the flag lot is not included. See Figure 110-11:

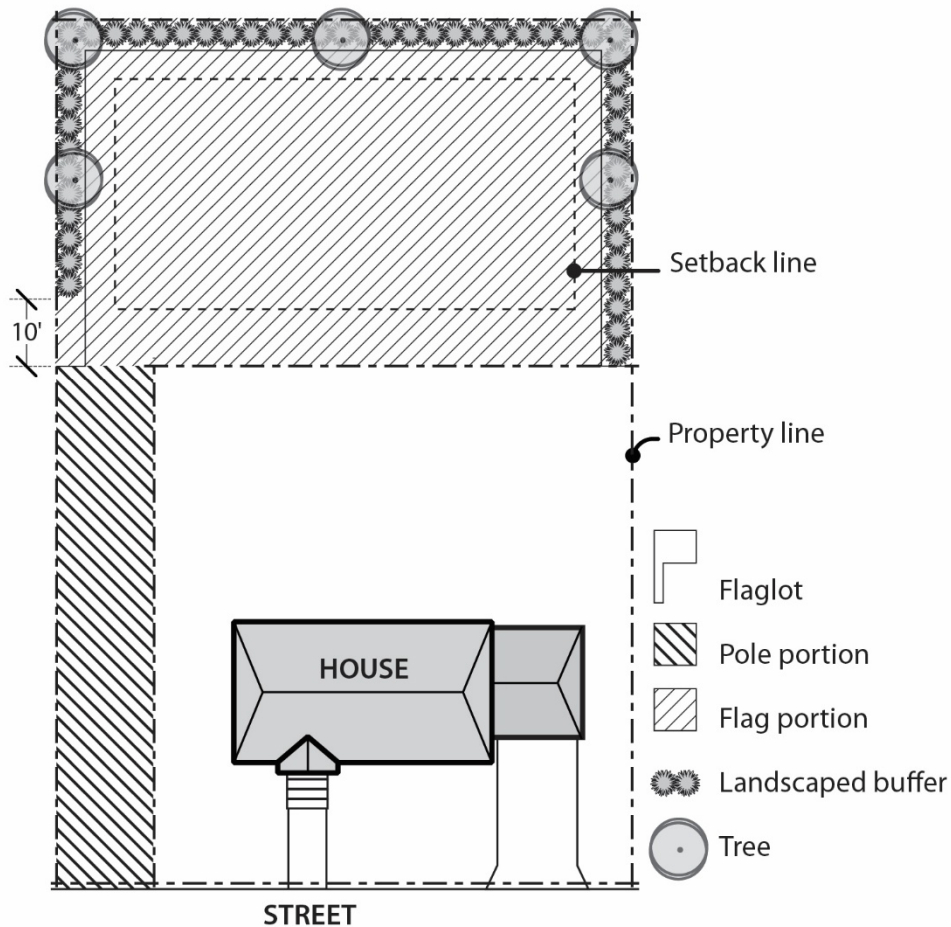
a. Setbacks. Large flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

Zone	Setback
RF, R20, R10	15 feet
R7, R5, R2.5	10 feet

b. Landscaped buffer area. A landscaped area is required around the perimeter of a flag lot that is 10,000 square feet or less in area to buffer the flag portion from surrounding lots. The pole portion of the flag lot is not included when calculating area, and the pole and the lot lines that are internal to the original land division site, or are adjacent to an alley, are exempt from the landscaped area requirement. The landscaped area must be at least 5 feet deep and must be landscaped to at least the L3 standard. Landscaping is not required within the first 10 feet from the point at which the pole portion meets the flag portion of the lot. See Figure 110-12;

- c. Building coverage. Only the area of the flag portion of the flag lot is included when calculating building coverage. The area of the pole portion of the lot is not included;
- d. Required outdoor area. The required outdoor area may not extend into the required landscaped buffer area required by Subparagraph B.1.b.; and
- e. Detached and connected accessory structures. Detached and connected accessory structures may project into the flag lot setbacks as allowed by 33.110.245, Detached and Connected Accessory Structures. However, these structures may not extend into the landscaped buffer area required by Subparagraph B.1.b.

Figure 110-12
Flag Lot Description and Buffer



2. Small flag lots. The following standards apply to flag lots where the flag portion of the lot is less than 3,000 square feet in area:
 - a. Setbacks. Small flag lots have a 5 foot required building setback along all lot lines;
 - b. Building coverage. Only the area of the flag portion of the flag lot is included when calculating building coverage. The area of the pole portion of the lot is not included;
 - c. Maximum FAR. In the RF through R5 zones, the maximum floor area ratio allowed on a small flag lot is 0.5 to 1.
 - d. Maximum height. In the RF through R5 zones, the maximum height allowed for all structures is 20 feet.
 - e. Design standards. In the RF through R5 zones, the following design standards apply to structures that are more than 15 feet high:
 - (1) The exterior finish material must be the same in type, size and placement as the exterior finish material on the primary structure on the lot in front of the flag lot, or be made from brick, stucco, wood, composite boards, vinyl or aluminum. Wood, composite boards, vinyl or aluminum siding must be arranged in a shingle, horizontal clapboard, or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - (2) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of the primary structure on the lot in front of the small flag lot or be at least 6/12.
 - (3) The trim around all windows and doors must be the same as the window and door trim on the primary structure on the lot in front of the flag lot or be at least 3-1/2 inches wide.
 - (4) The eaves must project the same as the eaves on the primary structure on the lot in front of the flag lot, or project from the building walls at least 1 foot on all elevations.

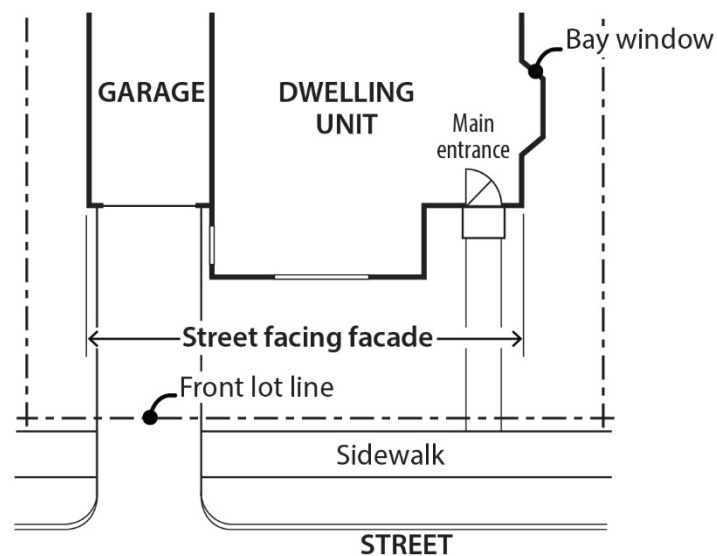
33.110.260 Additional Development Standards for Narrow Lots

- A. Purpose.** These standards increase the compatibility of residential structures on narrow lots by:
 - Ensuring a reasonably proportional relationship between the width and height of structures on narrow lots;
 - Promoting wider front facades by requiring two attached houses on very narrow lots;
 - Promoting open landscaped front yards.
- B. Where these regulations apply.** The following additional development standards apply to lots, adjusted lots, lot remnants, lots of record, and combinations of lots, adjusted lots, lot remnants, or lots of record that are less than 32 feet wide in the R20 through R2.5 zones. Lots in planned unit developments are exempt from the additional standards.

C. Standards.

1. Floor area ratio. In the R5 zone, the maximum floor area ratio for attached houses is the same as the maximum floor area ratio in the R2.5 zone stated in Table 110-4.
2. Maximum height. The maximum height allowed for all primary structures is 1.5 times the width of the structure, up to the maximum height limit listed in Table 110-4. Attached houses are exempt from this standard but are still subject to the maximum height limit listed in Table 110-4. For the purposes of this Paragraph, width is the length of the street-facing facade of the structure. See Figure 110-13.

Figure 110-13
Width of Street-Facing Facade



3. Landscaping.
 - a. All street-facing facades must have landscaping along the foundation. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - b. Sixty percent of the area between the front lot line and the front building line must be landscaped. At a minimum, the required landscaped area must be planted with ground cover. Up to one-third of the required landscaped area may be for recreational use or for use by pedestrians. Examples include walkways, play areas, and patios.

33.110.263 Additional Development Standards for Shared Courts, Common Greens and Alleys in Private Ownership

A. Purpose. These standards:

- Promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects;
- Allow a greater sense of enclosure within common greens and shared courts;
- Ensure adequate open area within shared courts and common greens;
- Allow the shared court or common green to be utilized as a shared yard; and

- Limit the potential traffic impacts from development on shared courts.

B. When these standards apply. The following standards apply to:

1. Development on lots with a front lot line on a common green or shared court; and
2. Development in a common green, shared court, or privately owned alley.

C. Standards.

1. Housing types allowed. On a lot with a front lot line on a shared court, housing types are limited to a house, house with one ADU, attached house, attached house with one ADU, or duplex.
2. Setbacks.
 - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet. Eaves, awnings, and trellises are allowed in this setback; and
 - b. The garage entrance 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.
3. Building coverage. The building coverage on lots with a front lot line on a shared court or common green is 5 percent greater than the building coverage of the base zone.
4. Minimum required outdoor area. For lots with a front lot line on a shared court or common green, the minimum size of required outdoor area is 48 square feet per dwelling unit with a minimum dimension of 6 feet. The standards in 33.110.240.C continue to apply.
5. Garages facing shared courts. For garages accessory to houses or attached houses that are less than 22 feet wide that face a shared court, 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.
6. The following standards apply to accessory structures in common greens, shared courts, and alleys in private ownership.
 - a. Detached accessory structures for the common use of residents are allowed within common greens and shared courts but are not allowed in privately owned alleys. Detached accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
 - b. Structures for enclosing recycling or waste disposal are allowed within common greens, shared courts, and privately owned alleys;
 - c. Accessory structures in common greens, shared courts, and privately owned alleys may be up to 15 feet high;

- d. The accessory structure must be setback at least 10 feet from a public street. The minimum setback from all other edges of the right-of-way is 3 feet; and
- e. The combined building coverage of all accessory structures located in common green, shared court, or privately owned alley tracts may not exceed 15 percent. In shared courts, at least 250 square feet must remain uncovered. In common greens, at least 400 square feet must remain uncovered.

33.110.265 Residential Infill Options

- A. Purpose.** The residential infill options allow for a variety of residential housing types in a manner that maintains the overall character of single-dwelling neighborhoods. These options have several public benefits:
 - They promote housing types that accommodate households of varying sizes and income levels;
 - They promote energy-efficient development;
 - They provide for a more efficient use of residential land; and
 - They promote better site layout and opportunities for private recreational areas.
- B. General requirements for all residential infill options.** The residential infill options listed in this section are allowed by right unless specifically stated otherwise. The project must comply with the applicable development standards of this section. The project must also conform with all other development standards of the base zone unless those standards are superseded by the standards in this section.
- C. Attached housing.** Attached housing allows for more efficient use of land and for energy-conserving housing. Attached houses are allowed in the R20 through R2.5 zones as follows:
 1. Lot dimensions. Attached houses are allowed on lots that comply with 33.110.202, When Primary Structures are Allowed.
 2. Number of attached houses.
 - a. In the R20 through R5 zones up to four attached houses may have a common wall. Structures made up of five or more attached houses are prohibited unless approved as a Planned Development.
 - b. In the R2.5 zones, up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.
 3. Building setbacks. The required building setback on the side containing the common 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.
 4. Alternative building coverage calculation. For attached houses, the maximum building coverage of the base zone may be calculated, combined, and shared among the attached house lots. However, no lot can exceed 5 percent more than the base zone maximum allows for that lot.

5. Floor area. The maximum floor area ratio may be combined and shared among the attached house lots. However, the floor area ratio on any lot cannot exceed .05 more than the base zone maximum allows for the site.

D. Duplexes.

1. Duplexes consisting of two primary dwelling units in one structure are allowed on lots in the R20 through R2.5 zones.
2. Duplexes consisting of two detached primary dwelling units are allowed on lots in the R20 through R2.5 zones, and must meet the following standards. Adjustments are prohibited:
 - a. Existing dwelling unit. The lot must contain a primary dwelling unit that received final inspection at least 5 years ago.
 - b. Maximum height. The maximum height allowed for the dwelling unit that is not the existing primary dwelling unit is 25 feet.

E. Triplexes and fourplexes. Triplexes and fourplexes that meet the following standards are allowed in the R20 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

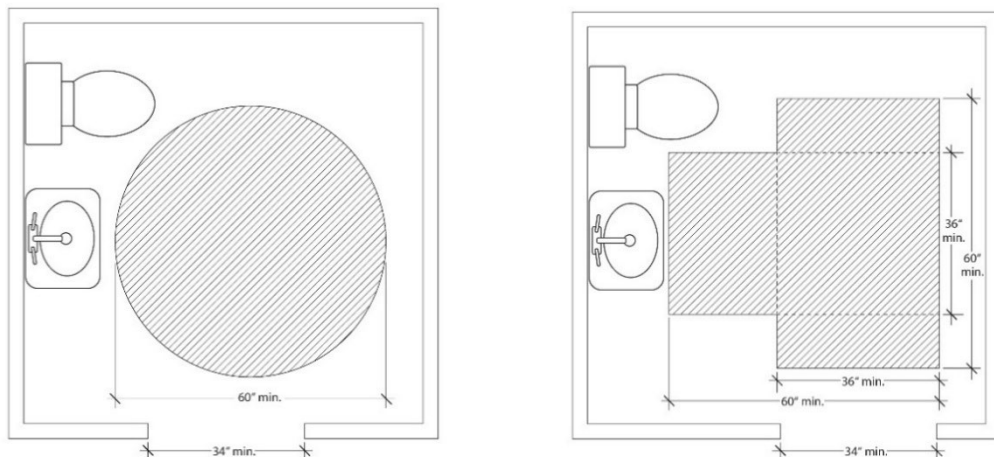
1. Density. Up to a maximum of four dwelling units are allowed.
2. Minimum lot area. Lots for triplexes and fourplexes must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.

Table 110-7 Triplex and Fourplex Minimum Lot Area Standard	
Zone	Minimum Lot Area
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,500 sq. ft.

3. Visitability.
 - a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.

- b. Visitable unit standard. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards:
- (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a triplex or fourplex.

Figure 110-14
Visitable Bathroom Clearances



- F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed in the R20 through R2.5 zones

when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

1. Density. A maximum of six dwelling units are allowed. More than six dwelling units are prohibited.
2. Affordability. 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option 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. Adjustments are prohibited.
3. Minimum lot area. Lots for affordable fourplexes and multi-dwelling structures must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.
4. Maximum FAR. The maximum FAR is 1.2 to 1. Adjustments are prohibited.
5. Maximum Height. The maximum height is 35 feet. Adjustments are prohibited.
6. Building Coverage.
 - a. Generally. The maximum building coverage allowed is stated in 33.110.225.
 - b. Exception. The maximum building coverage allowed per lot is 60 percent. In this case, the maximum height allowed is reduced to 25 feet. Adjustments are prohibited.
7. Required outdoor area.
 - a. Generally. Outdoor area is required as stated in 33.110.240.
 - b. Exception. At least 48 square feet of outdoor area must be provided per dwelling unit. Each outdoor area must be designed so that a 4-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. If the area is at ground level, it may extend into the entire required side and rear setback. The requirements of 33.110.240.C continue to apply. Adjustments are prohibited.
8. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;

- Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standard. Unless exempted by Subparagraph F.8.c., at least two dwelling units on the lot must meet all of the following visibility standards:
- (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) VISIBLE doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.
- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.
1. Minimum site dimensions.
 - a. Minimum site area.

- (1) R10 and R7. In the R10 and R7 zones, cottage cluster sites must be at least 7,000 square feet in area.
 - (2) R5 and R2.5. In the R5 and R2.5 zones, cottages clusters sites must be at least 5,000 square feet in area.
- b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
- 2. Maximum area. Cottage cluster sites must not be greater than one acre.
 - 3. Minimum density. The minimum number of dwelling units required is 3 or the minimum number stated in Table 110-8 whichever is greater.

Table 110-8 Cottage Cluster Minimum Density				
	R10	R7	R5	R2.5
Minimum density	1 unit per 12,500 sq. ft. of site area	1 unit per 8,750 sq. ft. of site area	1 unit per 6,250 sq. ft. of site area	1 unit per 3,125 sq. ft. of site area

- 4. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16.
- 5. Floor area. Cottage clusters are exempt from 33.110.210, Floor Area Ratio. However, the maximum average floor area for the cottage cluster site is 1,400 square feet per dwelling unit, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached or connected accessory structure is 400 square feet.
- 6. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that received final inspection at least 5 years ago that exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures.
- 7. Separation. Dwelling units within the cottage cluster site must be separated by at least 6 feet.
- 8. Building coverage. Cottage clusters are exempt from 33.110.225. Building Coverage. The following building coverage standards apply:
 - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
 - b. The building coverage of a detached or connected covered accessory structure may not be greater than the building coverage of the smallest primary structure.

9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:
 - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet, or 200 square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet.
 - b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
 - (3) Must be located outside the required front setback.
 - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.
 - d. 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, picnic areas, and open recreational facilities.
10. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.110.230. All other dwellings units are exempt from 33.110.230 but must meet the following dwelling unit orientation standards:
 - a. At least 50 percent of the dwelling units that are exempt from 33.110.230 must:
 - (1) Have at least one main entrance facing a common outdoor area; and
 - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.
 - b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.

11. Windows. Cottage clusters are exempt from 33.110.235.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street, pedestrian connection or common outdoor area. 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.
12. Pedestrian connections.
 - a. A pedestrian connection system is required that connects the main entrances of all of the dwelling units on the site to the street and to common outdoor areas. Sidewalks within the right-of-way can be included as part of the pedestrian connection system.
 - b. The pedestrian connection system must be hard surfaced and must be at least 3 feet wide for sites with 3 or 4 dwelling units and 4 feet wide for sites with 5 or more dwelling units.
13. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph G.13.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift;
 - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift; and

(4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide.

c. Exemption. The following are exempt from this Paragraph:

(1) Lots with an average slope of 20 percent or greater are exempt; and

(2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

H. Planned development. See Chapter 33.270, Planned Developments.

33.110.270 Institutional Development Standards

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

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

C. The standards.

1. The development standards are stated in Table 110-9. If not addressed in this section, the regular base zone development standards apply.

2. Setbacks on a transit street or in a Pedestrian District.

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

b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C.

c. Conflicts.

(1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.

- (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.
 - d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.
 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. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
 5. Recreational fields 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. 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 abutting R zoned lot:
 - a. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
 - c. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
 7. Electrical substations. In addition to the standards in Table 110-9, 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.
 8. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the L3 landscaping standard of Table 110-9 and are exempt from the setback standard of Paragraph 4, above.
 9. 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. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.

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

Table 110-9 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District [7]	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266
Signs	See Title 32, Signs and Related Regulations

Notes:

[1] The standards of this table are minimums or maximums as indicated. Compliance with the conditional use approval criteria might preclude development to the maximum intensity permitted by these standards.

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-4 3. The normal regulations for projections into setbacks and for detached accessory structures still apply.

[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must meet the setback standard. Elevator mechanical equipment that is set back at least 15 feet from all roof edges on street facing facades may extend up to 16 feet above the height limit. Other mechanical equipment and stairwell enclosures that provide rooftop access when these cumulatively cover no more than 10 percent of the roof area and are set back at least 15 feet from all roof edges on street facing facades may extend up to 10 feet above the height limit.

[4] Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

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

[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

[7] The maximum building setbacks are described in 33.110.270.C.

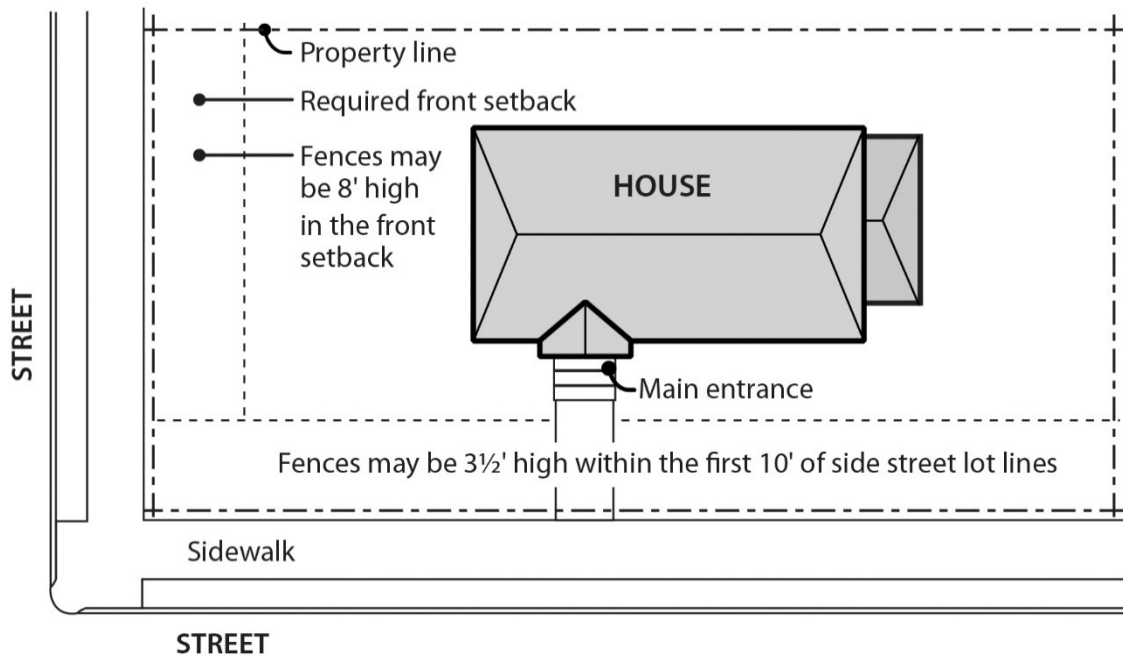
33.110.275 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a

sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and height.**
1. Front building setbacks. Fences up to 3-1/2 feet high are allowed in required front building setbacks, or between the front lot line and the front building line of the primary structure, whichever is less.
 2. Side and rear building setbacks.
 - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
 - 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. Exceptions 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 C.1 and C.2. See Figure 110-15.
 - 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 3_a.
 - d. Fences up to 8 feet high are allowed in all other side or rear building setbacks.
 4. 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.

Figure 110-15
Fence Height Option on Corner Lots



- 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.

33.110.280 Retaining Walls

- A. Purpose.** The standards of this section help mitigate the potential negative effects of large retaining walls. Without mitigation, such walls can create a fortress-like appearance and be unattractive. By requiring large walls to step back from the street and provide landscaping, the wall is both articulated and visually softened.
- B. Where these regulations apply.**
1. Generally. These regulations apply to the portions of street-facing retaining walls that are in required setbacks along street lot lines. Where there is no required setback, or the setback is less than 10 feet, the regulations apply to the first 10 feet from the line.
 2. Exceptions. The following are not subject to the regulations of this section:
 - a. Retaining walls in the areas described in B.1 that are less than four feet high, as measured from the bottom of the footing.
 - b. Retaining walls on sites where the site slopes downward from a street in the area described in B.1.
 - c. Retaining walls on sites where the site slopes upward from a street and the existing slope within the area regulated by B.1 is 50 percent or more.
 - d. Replacing an existing retaining wall, where the replacement will not be taller or wider than the existing wall.

- e. Retaining walls on sites where any portion of the site is in an environmental overlay zone.

C. Standards.

1. Retaining walls are limited to 4 feet in height measured from the bottom of the footing, as shown in Figure 110-16.
2. Retaining walls must be set back at least 3 feet from other street-facing retaining walls, as shown in Figure 110-16. The 3 foot setback area must be landscaped to at least the L2 standard, except that trees are not required. A wall or berm may not be substituted for the shrubs.

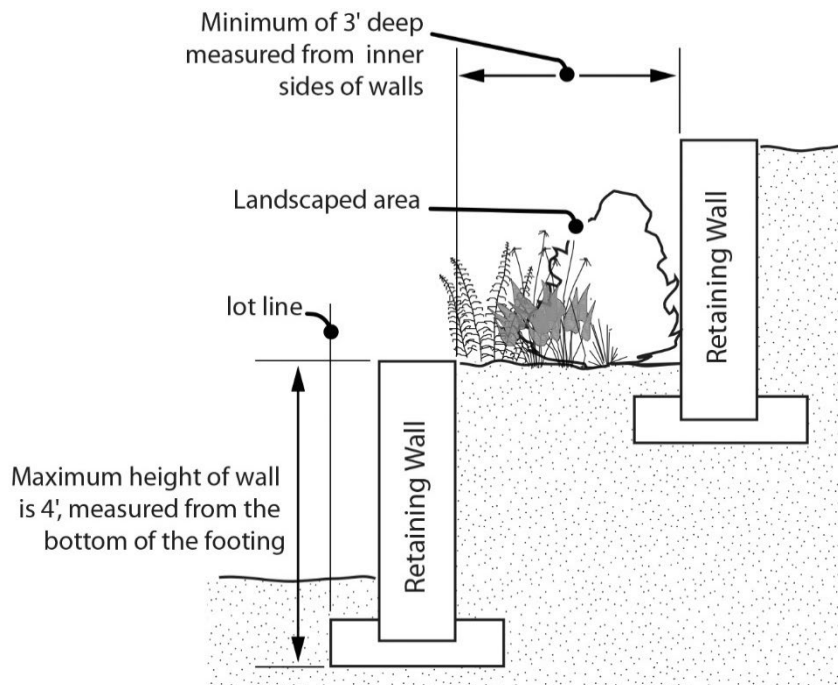
33.110.285 Demolitions

- 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.

33.110.290 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.

**Figure 110-16
Retaining Walls**



33.110.292 Parking and Loading

For parking and loading regulations, see Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.110.295 Signs

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

33.110.296 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.

(Amended by: Ord. No.165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177643, effective 7/10/03; Ord. No. 177701, effective 8/30/03; Ord. No. 177975, effective 11/14/03; Ord. No. 178045, effective 12/10/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179092, effective 4/1/05; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15. Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190093, effective 9/11/20 and 8/1/2021; Ord. No. 190380, effective 4/30/21 and 8/1/2021; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.120 Multi-Dwelling Zones

120

Sections:

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- 33.120.020 List of the Multi-Dwelling Zones
- 33.120.030 Characteristics of the Zones
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- 33.120.282 Additional Development Standards for Shared Courts, Common Greens, and Alleys in Private Ownership
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- 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

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 institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood 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 scale 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.

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

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.

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

Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:

A. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

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. Retail Sales And Service and Office uses. This regulation applies to all parts of Table 120-1 that have a [1].
 - 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.1.a. are a conditional use.
2. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [2]. 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.
3. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [3]. Most Community Service uses are regulated by Chapter 33.815,

Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor 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.
4. Community Service in RM1 through RM4 and RMP. This regulation applies to all parts of Table 120-1 that have a [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 5. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [5]. 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.
 6. Daycare. This regulation applies to all parts of Table 120-1 that have a [6]. Daycare uses are allowed as follows:
 - a. Allowed use. Daycare uses are allowed by right if located in within a building 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.6.a. or b. are a conditional use.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
8. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [8].
 - 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. All other Basic Utilities are a conditional use except in the RX zone where all other Basic Utilities are allowed but 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.
9. Agriculture. This regulation applies to all parts of Table 120-1 that have a [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.
10. Retail Sales and Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note [10]. 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.

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	RM1	RM2	RM3	RM4	RX	RMP
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	Y	Y	Y	Y	Y	N
Commercial Categories						
Retail Sales And Service	L [1]	L [1]	L [1]	L [1]	L [1]	L [10]
Office	L [1]	L [1]	L [1]	L [1]	L [1]	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [2]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [3]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	Y	Y	Y	L/CU [5]
Schools	CU	CU	CU	CU	L/CU [3]	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	Y	L/CU [6]
Other Categories						
Agriculture	L [9]	L [9]	L [9]	L [9]	L [9]	L [9]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.120.200 Housing Types Allowed

- A. Purpose.** A broad range of housing types are allowed in the multi-dwelling zones. This range allows for efficient use of land, provides options to increase housing variety and housing opportunities, and promotes affordable and energy-efficient housing.
- B. Housing types.** The types of housing allowed in the multi-dwelling zones are stated in Table 120-2.

Table 120-2						
Housing Types Allowed In The Multi-Dwelling Zones						
Housing Type	RM1	RM2	RM3	RM4	RX	RMP
House	Yes	Yes	Yes	Yes	Yes	No
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	No
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	No
Duplex	Yes	Yes	Yes	Yes	Yes	No
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	No
Triplex	Yes	Yes	Yes	Yes	Yes	No
Fourplex	Yes	Yes	Yes	Yes	Yes	No
Multi-Dwelling Structure	Yes	Yes	Yes	Yes	Yes	No
Cottage Cluster	Yes	No	No	No	No	No
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes [1]
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes [2]
Manufactured Dwelling Park (See Chapter 33.251)	Yes	No	No	No	No	Yes
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	No
Congregate Housing Facility	Yes	Yes	Yes	Yes	Yes	No

Yes = allowed; No = prohibited.

Notes:

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

[2] 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.

33.120.205 When Primary Structures are Allowed

- A. Purpose.** The regulations of this section require lots, adjusted lots, lot remnants, and lots of record to be an adequate size so that new development on a site will in most cases be able to comply with all site development standards, including density. 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 lots, adjusted lots, lot remnants, 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. Primary structures allowed.** Development of a primary structure is allowed as follows:
1. On a lot or adjusted lot created on or after July 26, 1979;
 2. On a lot created through the Planned Development or Planned Unit Development process;
 3. On a lot, adjusted lot, lot remnant or lot of record that did not abut a lot, adjusted lot, lot remnant, or lot of record, under the same ownership on July 26, 1979, and has not abutted a lot, adjusted lot, lot remnant, or lot of record under the same ownership since July 26, 1979;
 4. On a lot or adjusted lot or combination thereof that either:
 - a. Meets the minimum lot size requirements in Table 120-3; or
 - b. Does not meet the lot size requirements in Table 120-3, but meets all of the following:
 - (1) No portion of the lot, adjusted lot or combination is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot, adjusted lot or combination is in the combined flood hazard area; and
 - (3) The lot, adjusted lot or combination has an average slope of less than 25 percent.
 5. On a lot of record or lot remnant or combination thereof that meets the minimum lot size requirements of Table 120-3.

Table 120-3	
Minimum Lot Size Requirements	
RM1 through RM4 Zones	
Lot	33 feet wide and 4,000 sq. ft.
Adjusted Lot	
Lot Remnant	
Lot of Record	
RX Zone	
Lot	10 foot front lot line
Adjusted Lot	
Lot Remnant	
Lot of Record	
RMP Zone	
Lot	70 feet wide and 10,000 sq. ft.
Adjusted Lot	
Lot Remnant	
Lot of Record	

- D. Plots.** Development is prohibited on plots that are not lots, adjusted lots, lots of record, lot remnants, or tracts.

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 at least three primary dwelling units on the lot; or
 - (3) The lot is not zoned multi-dwelling.
 - c. Development approved through a Planned Development Review is allowed. See Chapter 33.270, Planned Development.

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

Notes: [1] See 33.120.220.B.2 for Eastern Pattern Area special rear building setback.

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 when at least 50 percent, or 6, of the parking spaces in the structure, whichever is greater, have at least a Level 2 charger adjacent to the space, up to a maximum of 0.5 to 1;
 2. Floor area for required long term bicycle parking that is not located in a dwelling unit, up to a maximum of 0.5 to 1; and
 3. 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
- 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.
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, the covenant for the site where trees will be preserved must:
- (a) Require that all trees be preserved for at least 50 years; and
 - (b) 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.

Table 120-5				
Transferable Floor Area for Tree Preservation in Multi-Dwelling Zones				
Diameter of Tree Preserved	Transferable Floor Area for Each Tree (by zone)			
	RM1	RM2	RM3	RM4 & RX
12 to 19 inches	1,000 sq. ft.	1,500 sq. ft.	2,000 sq. ft.	4,000 sq. ft.
20 to 35 inches	2,000 sq. ft.	3,000 sq. ft.	4,000 sq. ft.	8,000 sq. ft.
36 inches or greater	4,000 sq. ft.	6,000 sq. ft.	8,000 sq. ft.	16,000 sq. ft.

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.

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

[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.

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

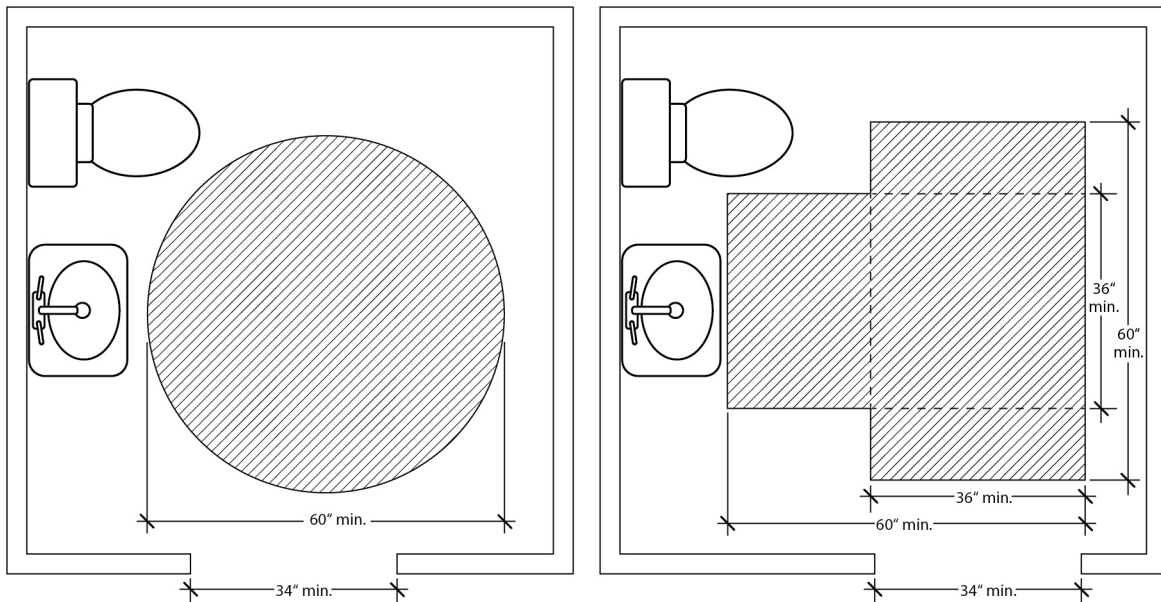
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines 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.
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 meet the following visitability standards, except that this bonus is not available for projects with buildings that are required by the Oregon Structural Specialty Code to include Type A or Type B accessible units:
 - a. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8;
 - b. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 120-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

- c. Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
- d. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

33.120.212 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 standard is used as one type of control of overall building bulk. The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. **Maximum density.** The maximum density for the RMP zone is stated in Table 120-3. There is no maximum density for any other multi-dwelling zone. 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.

Figure 120-1
Visitable Bathroom Clearances



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.
- B. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Group living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.
 - 1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.
 - 2. In the RMP zone, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
 - 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 120-6.
 - 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 dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, dying, 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, 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.

Table 120-7 Reduction in Minimum Residential Density from Tree Preservation		
Required Minimum Residential Density	No. of 12-Inch Trees To Be Preserved	Reduction of Minimum Residential Density
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

33.120.215 Height

A. Purpose. The height standards serve several purposes:

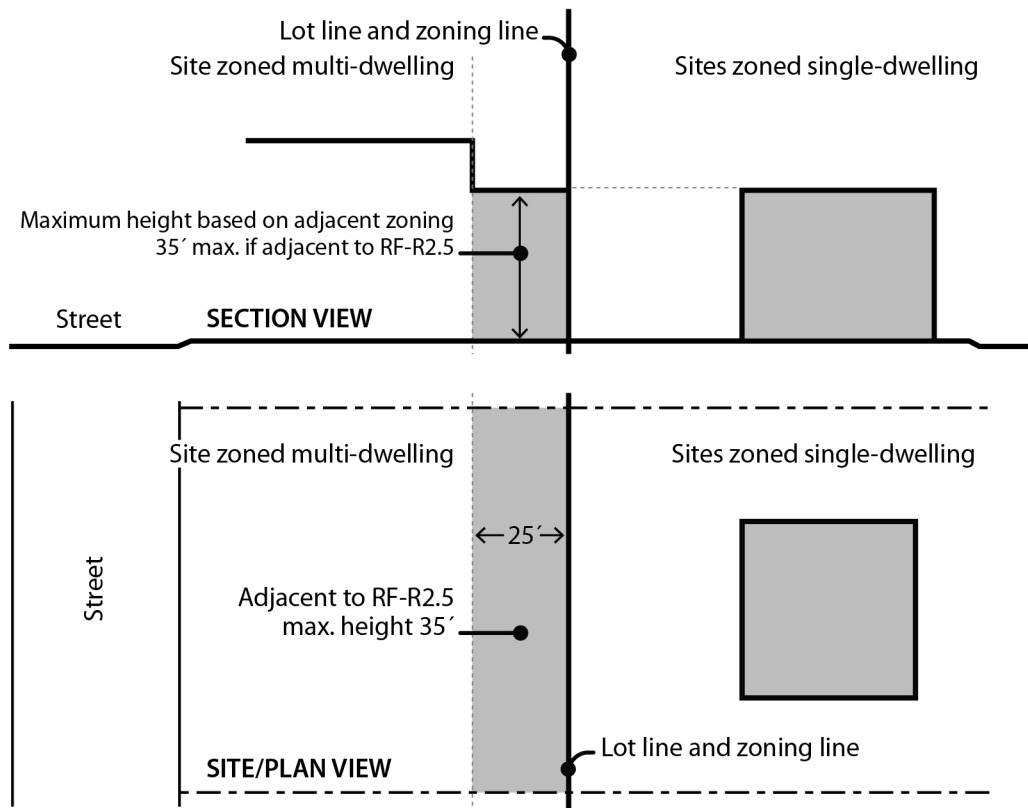
- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

B. Height standard.

1. Base height. The 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 120-2. 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.

Figure 120-2
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, with a width, depth, or diameter of 5 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 5 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.
 4. 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.
 5. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 6. Small wind turbines are subject to the standards of Chapter 33.299.
 7. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:
 - a. For flat roofs or the horizontal portion of mansard roofs, the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, 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.

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.

B. Minimum building setbacks. The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Setbacks for parking areas are in Chapter 33.266.

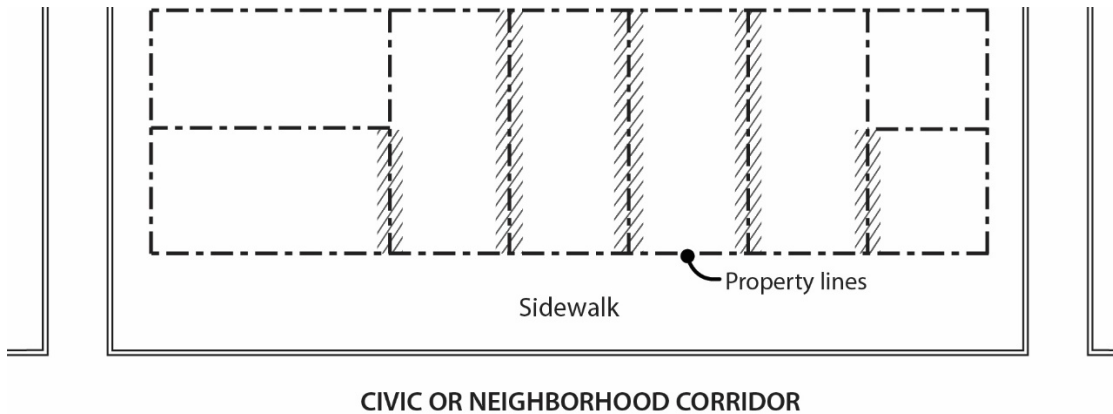
1. Generally. The required minimum building setbacks, if any, are stated in Table 120-3. In the RM3 and RM4 zones, the minimum side and rear building setbacks apply as follows:
 - a. Buildings that are up to 55 feet tall. The required minimum side and rear building setback for buildings that are up to 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) Cottage clusters allowed under section 33.120.270.G.
3. Exceptions to the required building setbacks.
 - a. Setback matching. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced to match the setback on an abutting lot.
 - 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 between 2 feet and 5 feet


above the grade of the closest adjoining sidewalk. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

- 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 between 2 feet and 5 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 façade 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.
- e. 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.
- f. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
- g. Alley. No side or rear building setback is required from a lot line abutting an alley.
- h. 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 120-3. 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.

Figure 120-3
No setbacks between properties on Civic or Neighborhood Corridors



 Locations where no setbacks are required.

C. Maximum building setbacks.

1. Maximum building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Table 120-3, 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.
 - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-4 and 120-5.
 - (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 120-6 and 120-7.
 - (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.
- b. 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 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 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 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 must be met on the frontages of the two streets with the highest transit classifications. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;
- c. 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.

Figure 120-4
Alteration to Existing Building in Conformance with Maximum Setback Standard

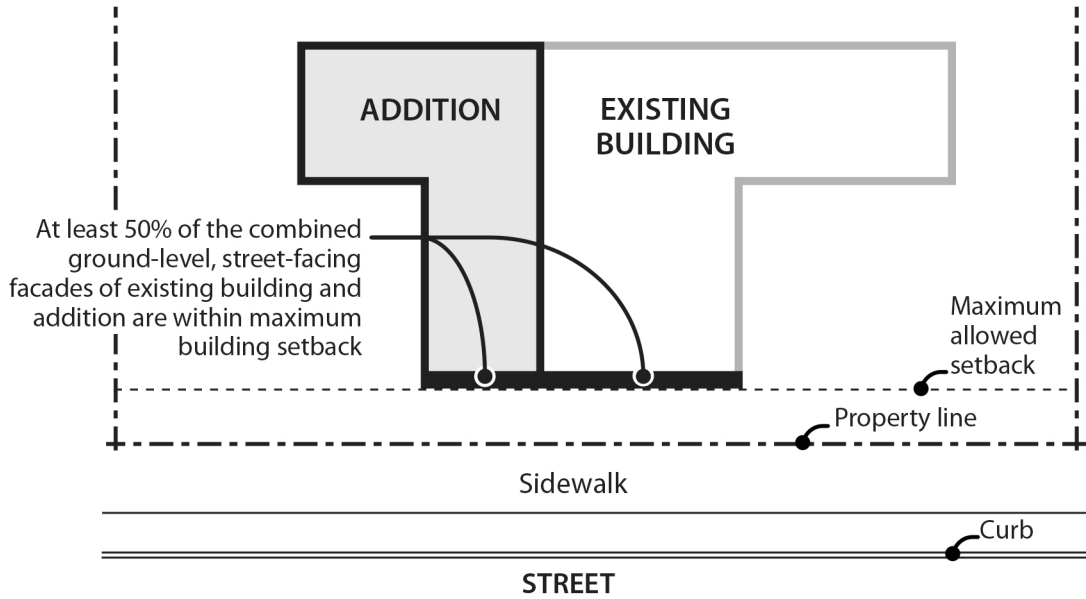
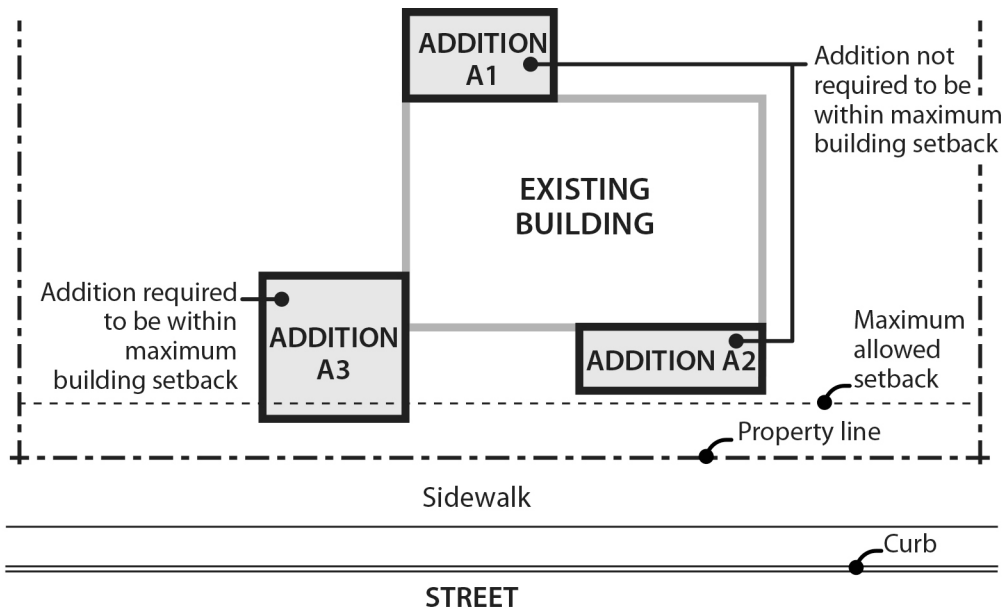


Figure 120-5
Alterations to Existing Building



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.

Figure 120-6
Calculating Maximum Building Setback When More Than One Building On Site

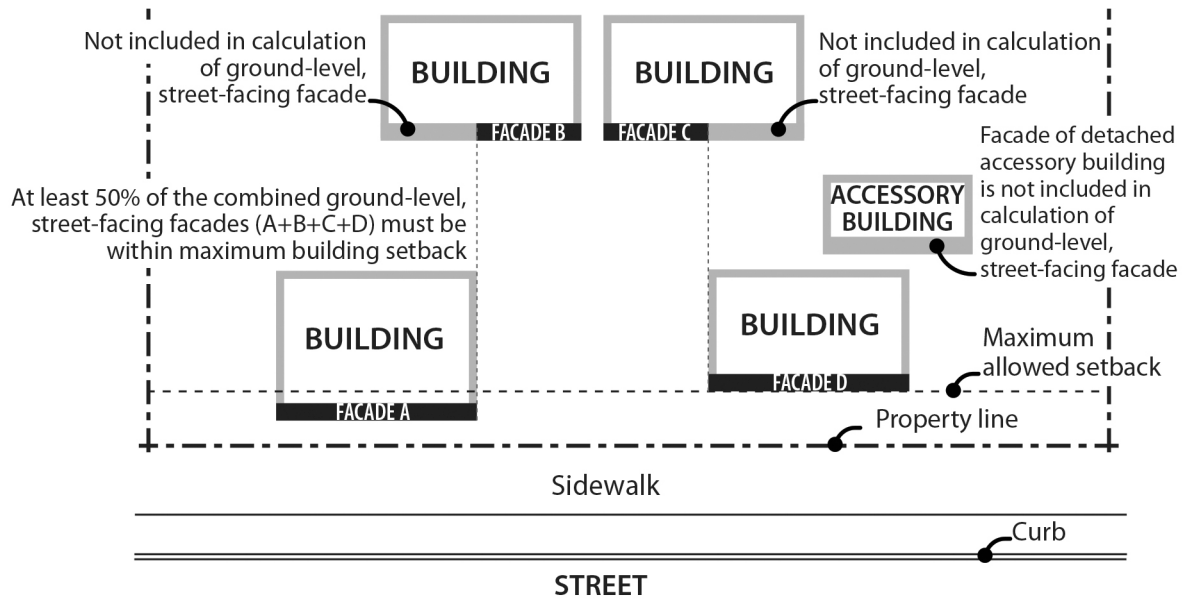
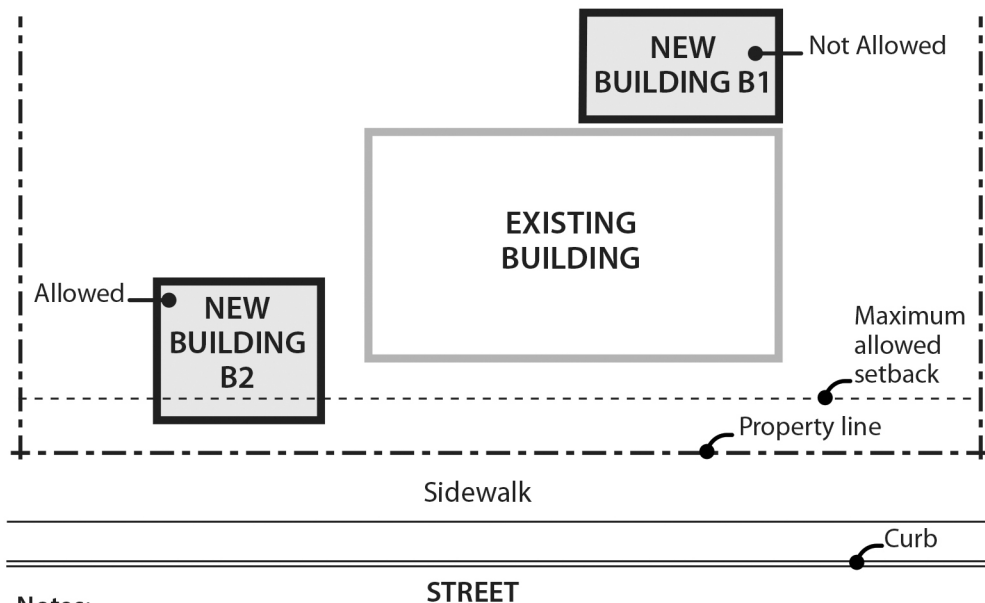


Figure 120-7
New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback



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.

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 120-6.

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. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of Paragraph D.4;
 - c. Decks, stairways, and uncovered balconies that do not meet the standard for Paragraph D.4, but only along a street lot line; and
 - d. Bays and bay windows but only along a street lot line and must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building 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.
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.
4. 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.
5. 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 the RM2, RM3, RM4, and RX zone, 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 facade of the residential portion of the building.
 - b. Exceptions. 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.

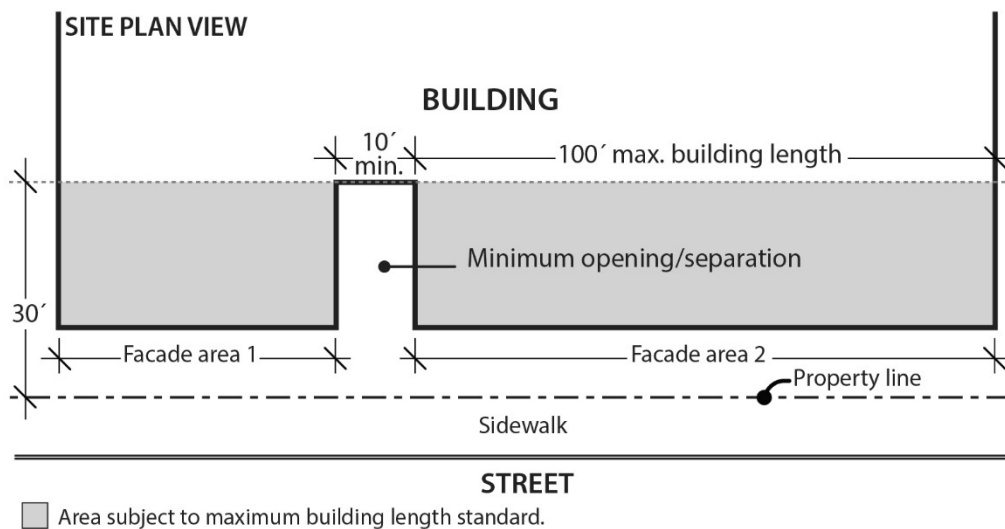
33.120.225 Building Coverage

- 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, along with the height and setback standard, limit the bulk of buildings close to the street. These standards help ensure 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.
- B. Maximum building length.** In the RM1, RM2, 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 120-8. Manufactured dwelling parks are exempt from this standard.

Figure 120-8
Maximum Building Length



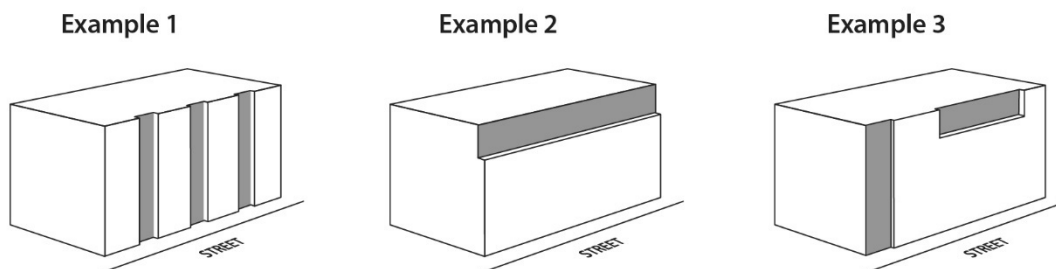
C. Façade articulation

1. Where the standard applies. This standard applies in the RM2 through RM4 zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - 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 120-8.

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, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 120-9.

Figure 120-9
Facade Articulation



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 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 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 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 combined flood hazard area is exempt from the standard in Subsection D.

C. Main entrance.

1. Standard. At least one main entrance for each structure must:
 - a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street. See Figure 120-10;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 120-11. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with 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 facade. See Figure 120-12.

Figure 120-10
Main Entrance Facing the Street

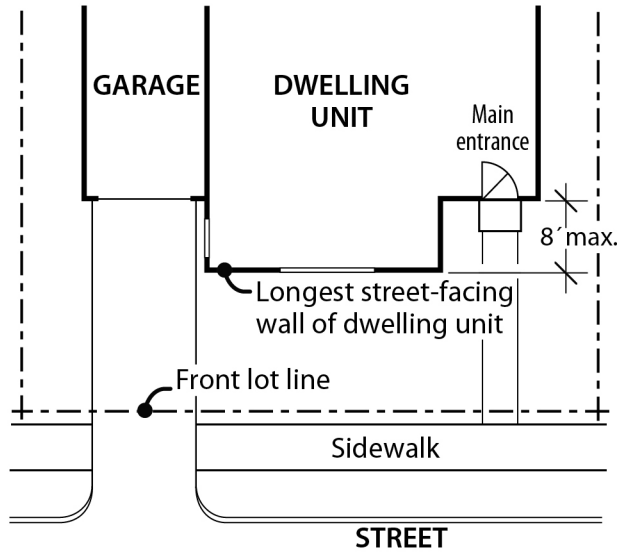


Figure 120-11
Main Entrance Opening Onto a Porch

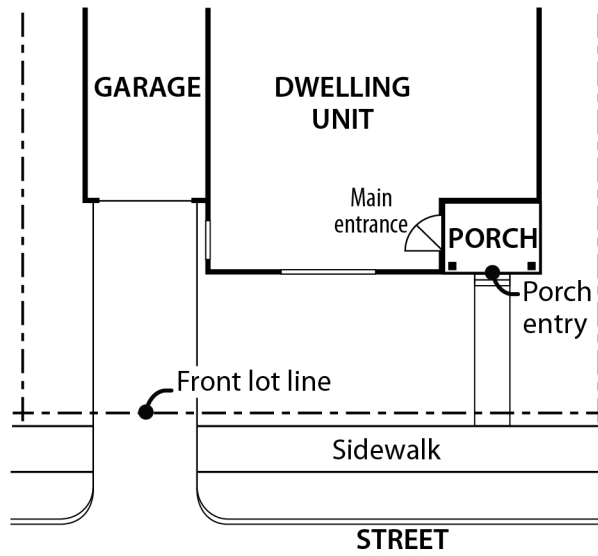
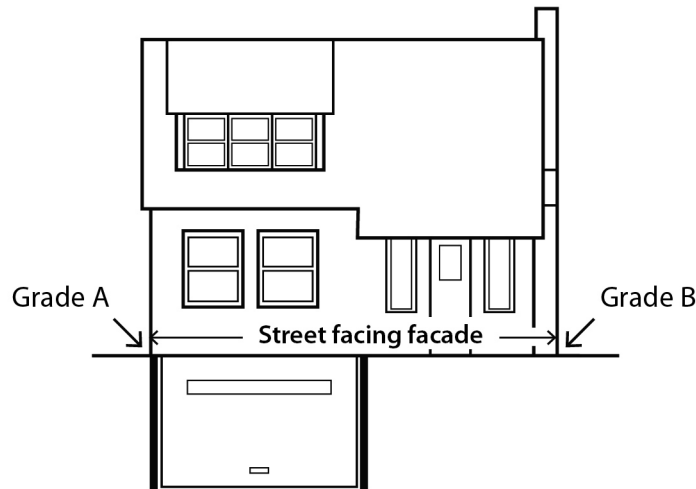


Figure 120-12
Calculation of Grade: (Elevation A + Elevation B) / 2



33.120.232 Street-Facing Facades

A. Purpose. The standards:

- 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 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 all residential structure types except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. The standards of this section also 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. For a residential building with up to 4 units, the side wall of a dormer is exempt from this standard.
3. 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.
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C.
5. For structures subject to ground floor window standard in Subsection D, windows used to meet the ground floor window standard may also be used to meet the requirements of Subsection C.

- C. Windows.** At least 15 percent of the area of each facade 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:
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.

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, duplex, or manufactured dwelling park are exempt from this standard. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area.
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.

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, detached 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 are also exempt from this standard.
2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

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 area standards ensure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to 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, on sites with a residential use, 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.

1. 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 per dwelling unit.
 - 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, and on sites with a congregate housing facility, 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.

C. Size, location and configuration.

1. Individual unit outdoor area. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-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. 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 C.5 below.
2. Common areas.

- a. Outdoor common area. Where an outdoor, shared common area is provided, 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. 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 C.1 above and each common area must meet C.2.a or C.2.b above, providing an amount equivalent to the total required by Paragraph B.1 or B.2.
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. 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.

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.

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, 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. 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 to the closest sidewalk or roadway if there are no sidewalks.
 - 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.

- 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 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.
 - (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.

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;
 - Allow more energy-efficient development; and
 - Reduce the impact that new development may have on surrounding residential development.
- B. General requirements for all alternative development options.** The alternative development options listed in this section are allowed by right unless it is specifically stated otherwise. They must conform with all other development standards of the base zone unless those standards are superseded by the ones in this section. Sites in the RMP zone are not eligible for alternative development option.
- C. Attached houses.** The development standards for attached housing are:
1. Density, height, and other development standards. The minimum 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. 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.
 4. 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 may not exceed 5 percent more than the base zone allowance.
 5. 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.
- D. Reduced setbacks for detached houses.** 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. 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.

- E. 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 side building setback on the side containing the common wall is reduced to zero.
 3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.
- F. Cottage cluster.** Cottage clusters that meet the following standards are allowed in the RM1 zone. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.
1. Minimum site dimensions.
 - a. Minimum site area. Cottage cluster sites must be at least 5,000 square feet in area.
 - b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
 2. Maximum area. Cottage cluster sites must not be greater than 40,000 square feet.
 3. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16.
 4. Floor area. Cottage clusters are exempt from 33.120.210, Floor Area Ratio. However, the maximum average floor area for all dwelling units on the cottage cluster site is 1,400 square feet, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached accessory structure is 400 square feet.
 5. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that that received final inspection at least 5 years ago exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.
 6. Separation. Dwelling units within the cottage cluster site must be separated by 6 feet.
 7. Building coverage. Cottage clusters are exempt from 33.120.225, Building Coverage. The following building coverage standards apply:
 - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that

- received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
- b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the smallest primary structure.
8. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.120.240:
- a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet or 200 square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet.
 - b. Each common outdoor area:
 - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
 - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
 - (3) Must be located outside the required front setback.
 - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.
 - d. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, picnic areas, and open recreational facilities.
9. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.120.231, Main Entrances. All other dwellings units are exempt from 33.120.231 but must meet the following dwelling unit orientation standards:
- a. At least 50 percent of the dwelling units that are exempt from 33.120.231 must:
 - (1) Have at least one main entrance facing a common outdoor area; and
 - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the facade with the main entrance to the nearest edge of the common outdoor area.

- b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.
10. Windows. Cottage clusters are exempt from 33.120.232.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street, pedestrian connection, or common outdoor area. 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.
11. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph G.11.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift;
 - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift; and
 - (4) VISIBLE doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide.
 - c. Exemption. The following are exempt from this Paragraph:
 - (1) Lots with an average slope of 20 percent or greater are exempt; and

- (2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

G. Planned Development. See Chapter 33.270, Planned Development.

33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the 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, the standards of this section apply to uses in the institutional group of use categories in the 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 120-7. 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 120-7, 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.

Table 120-8 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, Loading, and Transportation and Parking Demand Management
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] Vehicle areas are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

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, 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, 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 the property line adjustment or lot confirmation 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.

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, covered bicycle parking, 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. Detached covered accessory structures are allowed in the side and rear building setbacks, if all of the following are met:
 - (1) The structure is at least 10 feet from a street lot line or no closer to a street line than the closest primary building, whichever distance is greater;
 - (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 unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the F2 standards of Chapter 33.248, Landscaping and Screening;
 - (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 20 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, 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 pitch of the roof with the highest ridgeline on the detached covered accessory structure must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the 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.
- 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.

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, detached structures that hold electric vehicle chargers, 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 that are 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 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.
 3. Additional standard for detached uncovered vertical structures that hold electric vehicle chargers. In addition to Paragraphs 1. and 2. above, a detached uncovered vertical structure that holds at least a Level 2 electric vehicle charger must be located so that the electric vehicle charger is within 5 feet of a vehicle area.
- 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 horizontal structures is the maximum height of the base zone. The maximum height allowed for detached uncovered horizontal 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 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 that is 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, manufactured home, 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.

33.120.282 Additional Development Standards for Shared Courts, Common Greens, and Alleys in Private Ownership.

- A. Purpose.** These standards:
- Promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects;
 - Allow a greater sense of enclosure within common greens and shared courts;
 - Ensure adequate open area within shared courts and common greens;
 - Allow the shared court or common green to be utilized as a shared yard; and
 - Limit the potential traffic impacts from development on shared courts.
- B. When these standards apply.** The following standards apply to:
1. Development on lots with a front lot line on a common green or shared court; and
 2. Development in a common green, shared court, or privately owned alley.
- C. Standards**
1. Housing types allowed. On a lot with a front lot line on a shared court, housing types are limited to a house, house with one ADU, attached house, attached house with one ADU, attached duplex or duplex.

2. Minimum density in RM1 and RM2 zones. For lots with a front lot line on a shared court or common green, the minimum density in the RM1 zone is 1 unit per 3,000 square feet and the minimum density in the RM2 zone is 1 unit per 2,000 square feet;
3. Setbacks.
 - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet. Eaves, awnings, and trellises are allowed in this setback; and
 - b. The garage entrance 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.
4. Building coverage. The building coverage on lots with a front lot line on a shared court or common green is 5 percent greater than the building coverage of the base zone.
5. Minimum landscaped area. The minimum landscape area on lots with a front lot line on a shared court or common green is 5 percent less than the minimum landscape area of the base zone.
6. Garages facing shared courts. For garages accessory to houses or attached houses that are less than 22 feet wide and that face a shared court, 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.
7. The following standards apply to accessory structures in common greens, shared courts, and privately owned alleys.
 - a. Detached accessory structures for the common use of residents are allowed within common greens and shared courts but are not allowed in privately owned alleys. Detached accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
 - b. Structures for enclosing recycling or waste disposal are allowed within common greens, shared courts, and privately owned alleys;
 - c. Accessory structures in common greens, shared courts, and privately owned alleys may be up to 15 feet high;
 - d. The accessory structure must be setback at least 10 feet from a public street. The minimum setback from all other edges of the right-of-way is 3 feet; and
 - e. The combined building coverage of all accessory structures located in common greens, shared courts or privately owned alley tracts may not exceed 15 percent. In shared courts, at least 250 square feet must remain uncovered. In common greens, at least 400 square feet must remain uncovered.

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 and the street;
- Ensure that the location and amount of the living areas of residential buildings, as seen from the street, are more prominent than 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 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.

D. Length of street-facing garage or structure parking wall.

1. Where these regulations apply. The regulations of this subsection apply to structured parking and garages 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 and development on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this 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. 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. On corner lots:
 - (1) Garages. On corner lots, only one 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 facade of a building with structured parking must meet the standards of this Subsection. 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 facade. See Figure 120-13. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.
- 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 120-14.

- 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 120-14.

E. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to structured parking and garages 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 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.
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. 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 120-15.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the building, 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 120-16. 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.

Figure 120-13
Length of Street-Facing Garage Wall

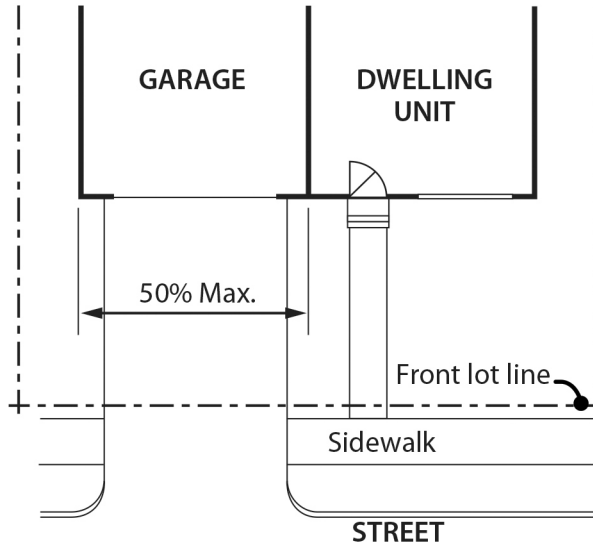


Figure 120-14
Combined Length of Street-Facing Garage Wall

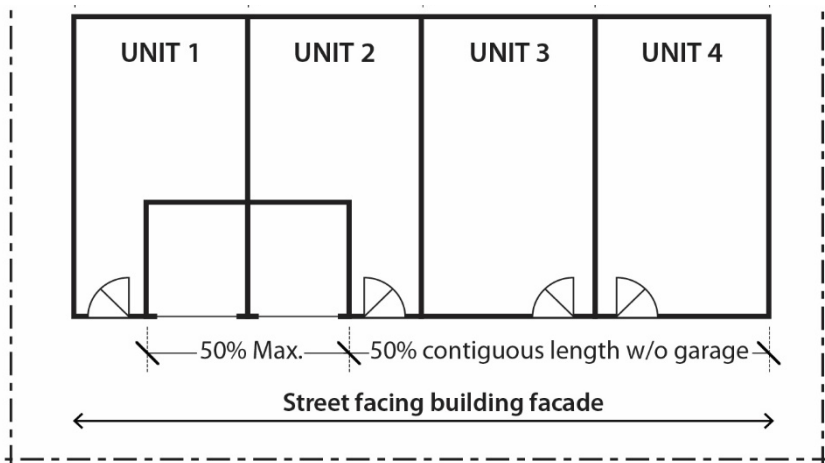


Figure 120-15
Street Lot Line Setback

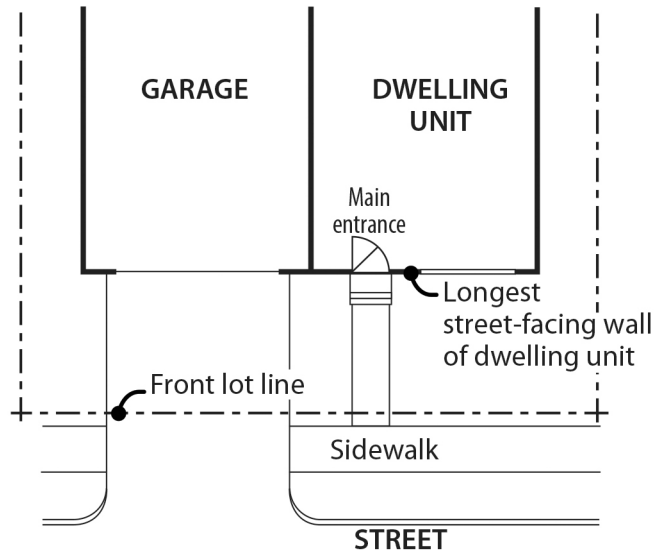
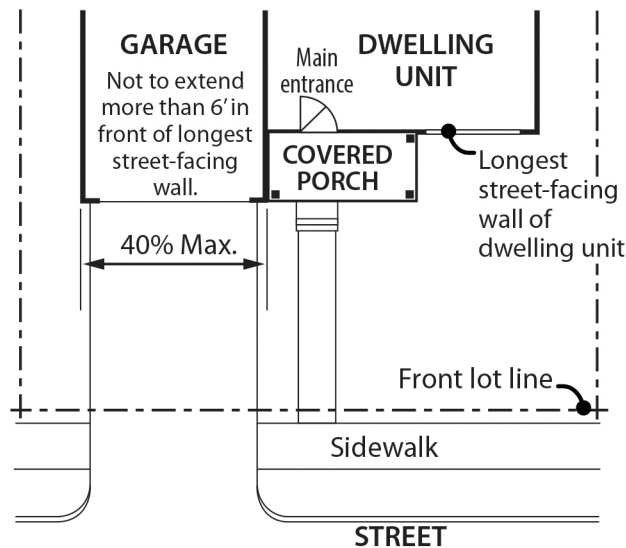


Figure 120-16
Garage Front Setback Exception



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.

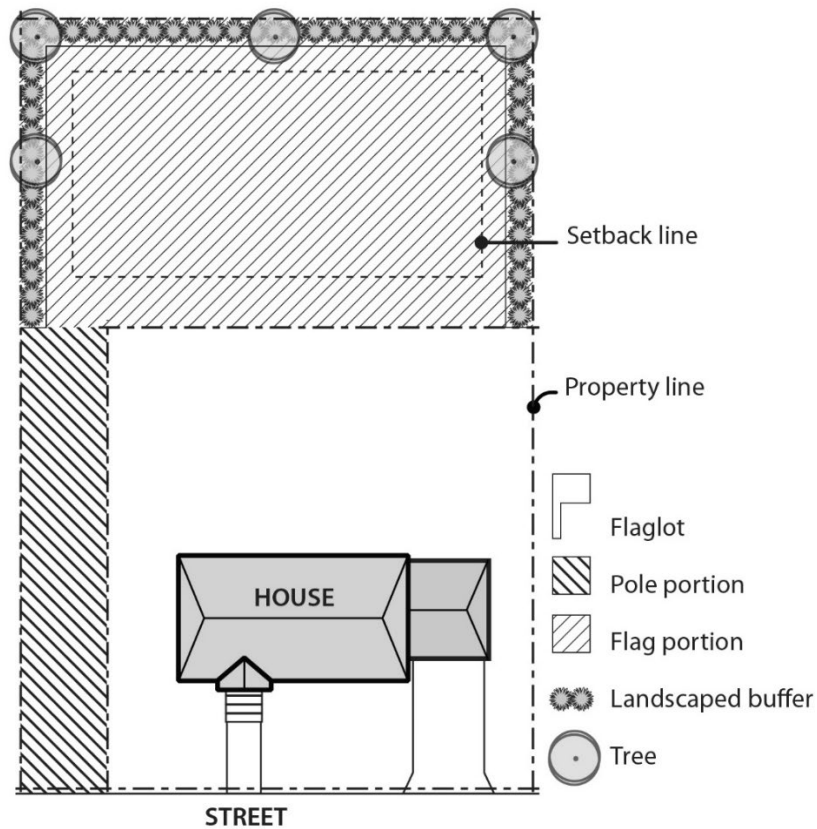
C. Standards.

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

Zone	Setback
RM1, RM2, RM3, RM4	10 feet

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 120-17.

**Figure 120-17
Flag Lot Description and Buffer**



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 abut 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.
 - 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.

2. 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.
 - b. 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) 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.
 - (3) 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.
 - c. 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.

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, Loading, and Transportation and Parking Demand Management

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

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.
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.

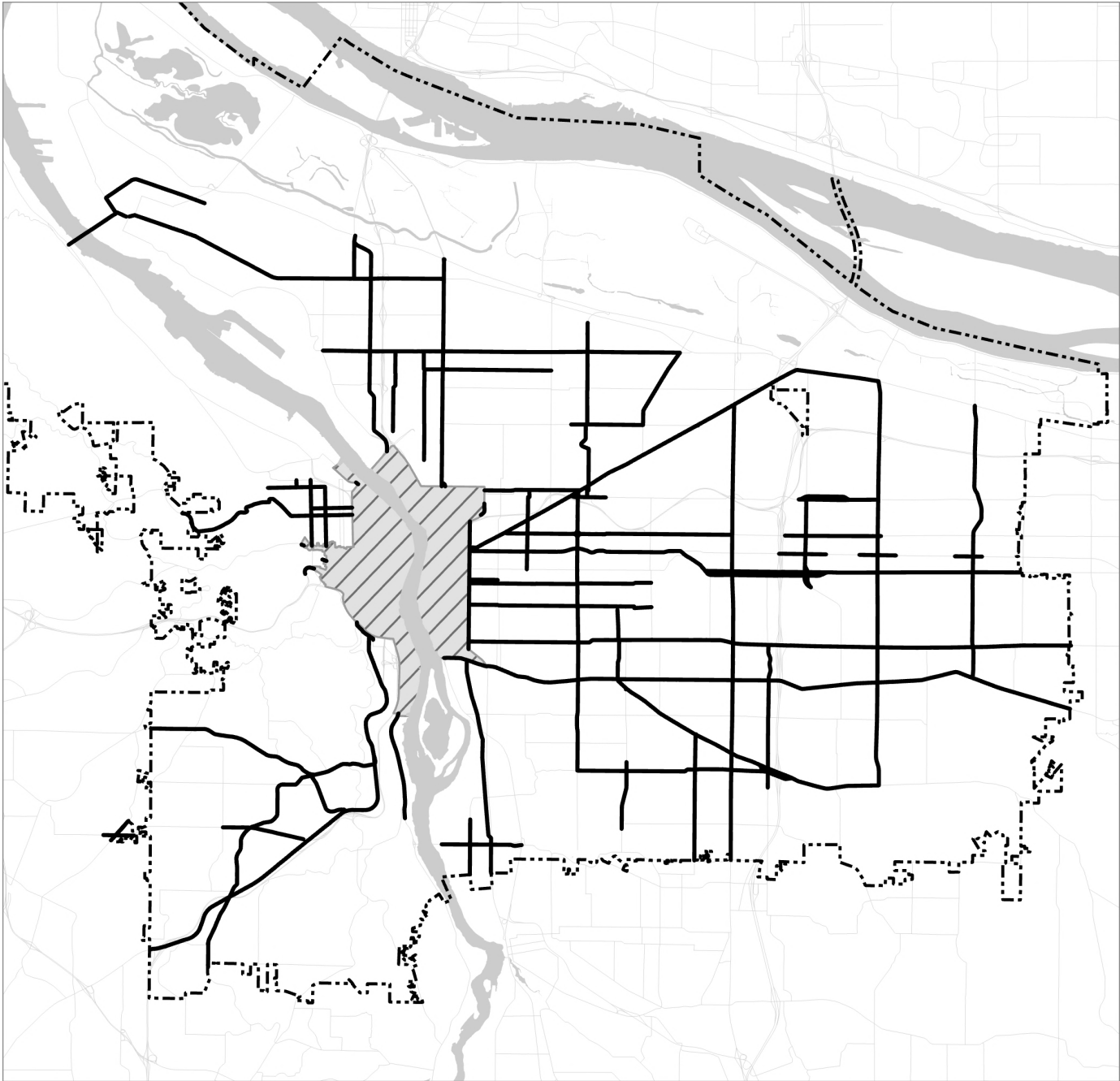
(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 174980,

effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 08/28/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

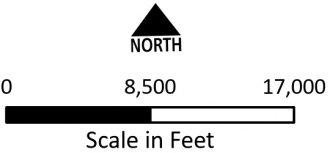
Civic and Neighborhood Corridors

Map 120-1

Map Revised October 1, 2024



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



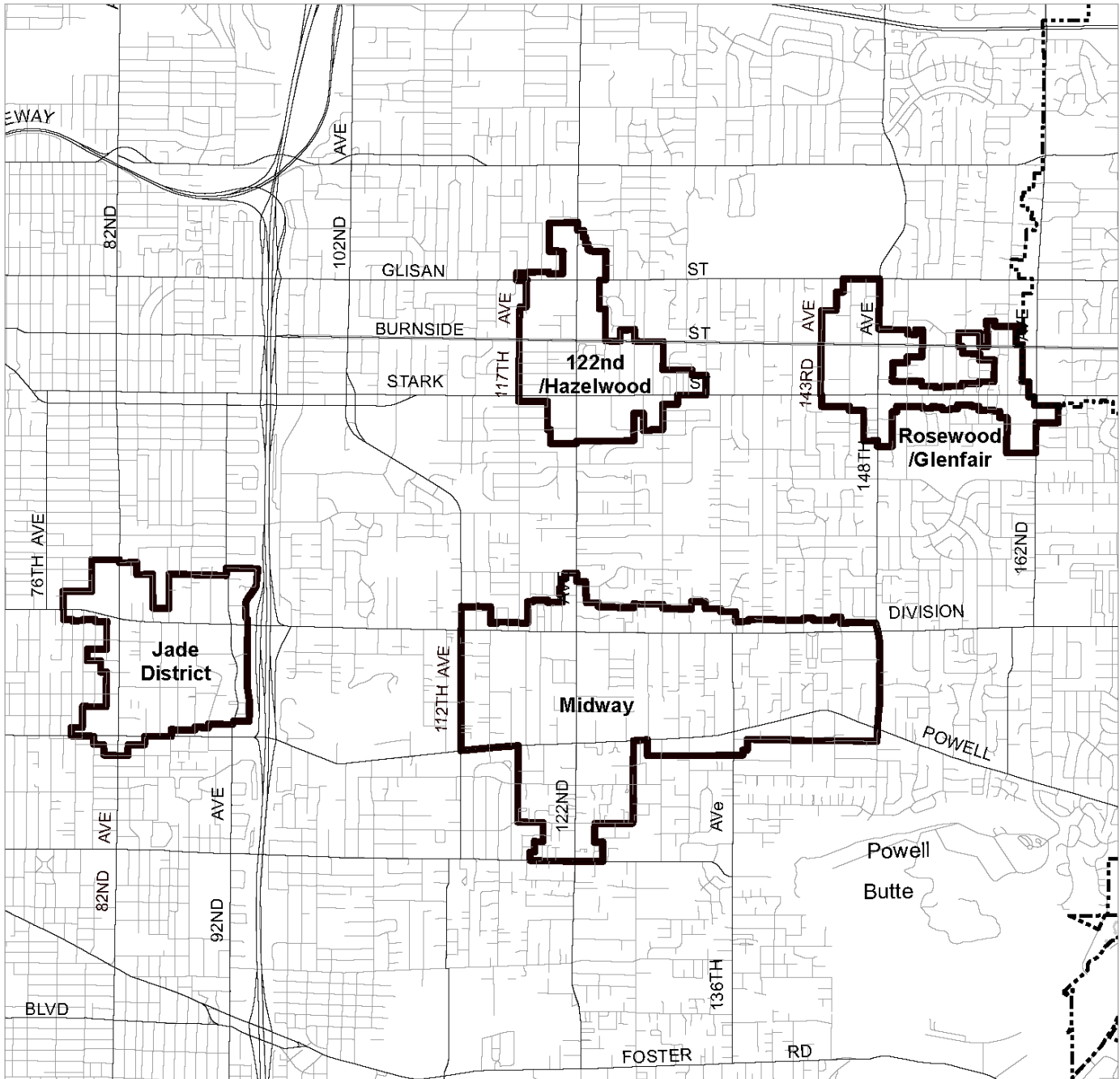
Source: Portland Bureau of Transportation, TSP, Street Design Classifications

Bureau of Planning and Sustainability
Portland, Oregon

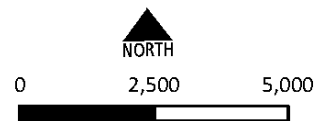
Minimum Required Site Frontage Areas

Map 120-2

Map Revised March 1, 2020



- City Boundary
- Minimum required site frontage areas

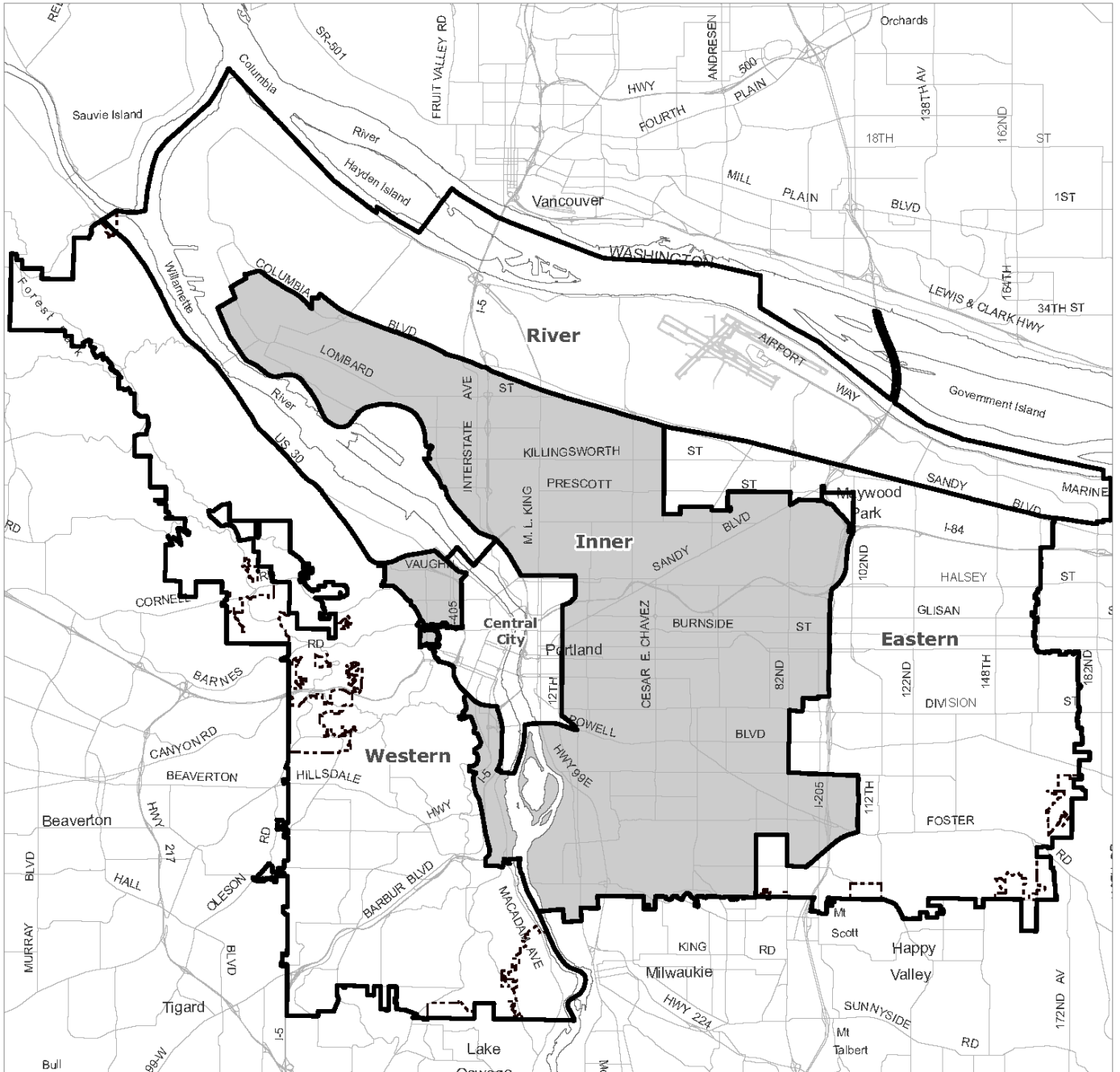


Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Pattern Areas

Map 120-3

Map Revised March 1, 2020



----- City Boundary

———— Pattern Area Boundaries



0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

- d. 0.5 to 1 in the CE zone.
4. Maximum increase in FAR in the CX zone. In the CX zone, an increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
5. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Paragraphs C.2 and C.3 above;
6. 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. The covenant must reflect the respective increase and decrease of potential FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.

33.130.207 Minimum Density

- A. **Purpose.** The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.
- B. **Minimum Density.** The minimum density requirements for the CM2 and CM3 zones are stated in Table 130-2. Minimum density applies to new development when at least one dwelling unit is proposed. Group Living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.

33.130.210 Height

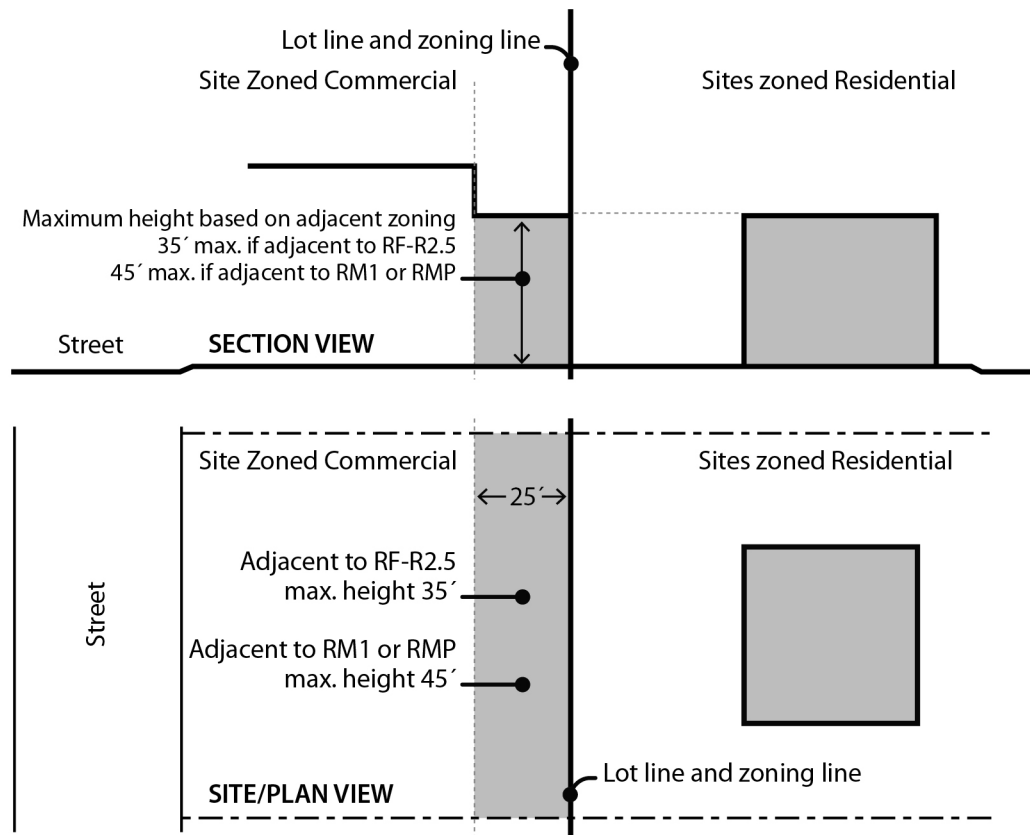
- A. **Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CR and CM1 zones allow buildings that are in scale with low rise residential areas. The height limits in the CM2 and CE zones allow for a greater building height at a scale that can accommodate the growth intended for centers and corridors, while relating to the low- to mid-rise scale of neighborhood residential areas. The CM3 zone allows the tallest buildings outside the Central City and Gateway plan districts, consistent with its intended role in accommodating higher-density development in areas well served by transit and other services. The CX zone allows the tallest buildings in the commercial/mixed use zones, consistent with its intended role in accommodating high-density development in the Central City and the Gateway plan districts.

In some situations, step downs in maximum height provide a transition in scale to adjacent lower-scale residential areas, and preserve opportunities for light, air and privacy. Exceptions to height limit standards accommodate minor projections that do not significantly increase the visual scale of buildings; provide flexibility in the height of parapets and railings to facilitate rooftop outdoor spaces and equipment screening; and accommodate ground-floor spaces with high ceilings to encourage ground-floor commercial uses, mechanical parking, and other uses that benefit from high ceilings.

B. Height standard.

1. Base height. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.
2. Step-down height. In the following situations, the base height is reduced, or stepped-down. Stepped-down height is not required in the CR zone:
 - a. Step-down adjacent to residential zones. The following step-down height limits apply within 25 feet of sites zoned residential. Sites with property lines that abut residential zones for less than a 5-foot length are exempt from these standards:
 - (1) On the portion of the site within 25 feet of a site zoned RF through R2.5, the step-down height limit is 35 feet. See Figure 130-1.
 - (2) On the portion of the site within 25 feet of a site zoned RM1 or RMP, the step-down height limit is 45 feet. See Figure 130-1.

Figure 130-1
Step-Down Height Adjacent to Residential Zones



b. Step-down across a local service street or alley from a residential zone. In the CM2, CM3, CX, and CE zones the following step-down height limit applies. The limit does not apply to portions of buildings within 100 feet of a transit street. 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 or RM1 or RMP, the step-down height limit is 45 feet. See Figure 130-2.

3. Bonus height. The base height limits can be increased through options described in Section 33.130.212. When a bonus option allowed by 33.130.212 is used to increase the base height, the step-down height limits do not increase.

C. Exceptions. Exceptions to the base height, step-down height, and bonus height limits are stated below:

1. Projections allowed. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limits, or 5 feet above the highest point of the roof, whichever is greater. Items that are greater than 5 feet in width, depth, or diameter are not allowed to project above the base, step-down, or bonus height limits.

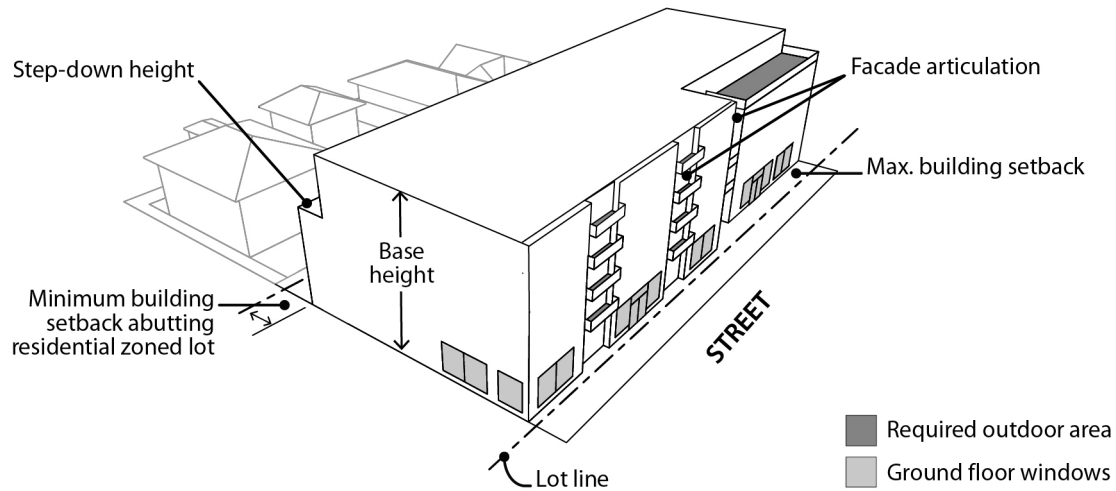
2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 4 feet above the height limits.
3. Walls and fences. In the CM1, CM2, CM3, CE and CX zones, walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits 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 and stairwell enclosures may extend up to 16 feet above the height limits; and
 - b. Other mechanical equipment that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.
5. Antennas and mounting devices, utility power poles, and public safety facilities are exempt from the height limits.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, the solar panel may extend up to 5 feet above the top of the highest point of the roof; and
 - b. For pitched, shed, hipped, or gambrel roofs, the 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.
8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams. This exception does not apply if any portion of the ground floor is more than 2 feet above the existing or proposed sidewalk.

Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones						
Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
- Bonus FAR (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2)						
- Within 25 ft. of lot line abutting RF-R2.5 zones	NA	NA	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting RM1 and RMP Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 zones and RM1 and RMP zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B)						
- Street Lot Line	none	none	none	none	none	none
- Street Lot Line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line across a local street from an RF – RM2 or RMP Zone.	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B)						
- Lot Line Abutting OS, RX, C, E, or I Zoned Lot	none	none	none	none	none	none
- Lot Line Abutting RF – RM4, RMP, or IR zoned Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C)						
- Street Lot Line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line Abutting Selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	None
Landscape Buffer Abutting an RF – RM4 or RMP Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230.B)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

[1] On sites that do not have a Retail Sales And Service or Office use, maximum density for Household Living is 1 unit per 2,500 square feet of site area.

**Example Illustration:
Some building form and setback development standards**



33.130.212 Floor Area and Height Bonus Options

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option regulations.**
1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone 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. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
 3. More than one bonus option may be used up to the overall maximums per site stated in Table 130-3. For development without any residential use, and for mixed use development that proposes fewer than 20 dwelling units and does not voluntarily provide units on the site per the standards of 33.245.040.A, the affordable commercial space bonus option must be used up to the maximum increment allowed for the zone before any other bonus is allowed. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
5. The increment of additional height allowed per bonus is stated in Table 130-3, except that additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.

Table 130-3 Summary of Bonus FAR and Height						
		CM1	CM2	CM3	CE	CX
Overall Maximums Per Zone						
Maximum FAR with bonus		2.5 to 1	4 to 1	5 to 1	4 to 1	6 to 1
Maximum height with bonus		35 ft.	55 ft. [1] 75 ft. [2]	75 ft. 120 ft. [2]	45 ft.	85 ft. 120 ft. [2]
Increment of Additional FAR and Height Per Bonus						
Inclusionary Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	1 to 1 none	2 to 1 10 ft.
Affordable Commercial Space (see 33.130.212.D)	FAR Height	0.5 to 1 none	0.75 to 1 10 ft.	1 to 1 10 ft.	0.5 to 1 none	1 to 1 10 ft.
Planned Development (see 33.130.212.E)	FAR Height	none none	1.5 to 1 up to 30 ft.	2 to 1 up to 55 ft.	1.5 to 1 up to 30 ft.	2 to 1 up to 45 ft.

[1] Bonus height in the CM2 zone is only allowed on sites that are within a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on 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 or the only structure on the site that was demolished was an accessory structure.

[2] This larger overall maximum is only allowed through the Planned Development bonus option and required Planned Development Review.

C. Inclusionary housing bonus. Maximum height and FAR may be increased as stated in Table 130-3 if one of the following is met:

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. 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
2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:
 - a. Bonus height and FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. 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

- b. Bonus height and 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.

D. Affordable commercial space bonus. Proposals that provide on-site affordable commercial space, or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:

1. The applicant must submit with the development application a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the administrative requirements of the Portland Development Commission or qualified administrator.

E. Planned Development bonus. Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus. Sites located within Historic or Conservation districts are not eligible to use this bonus.

33.130.215 Setbacks

A. Purpose. The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and

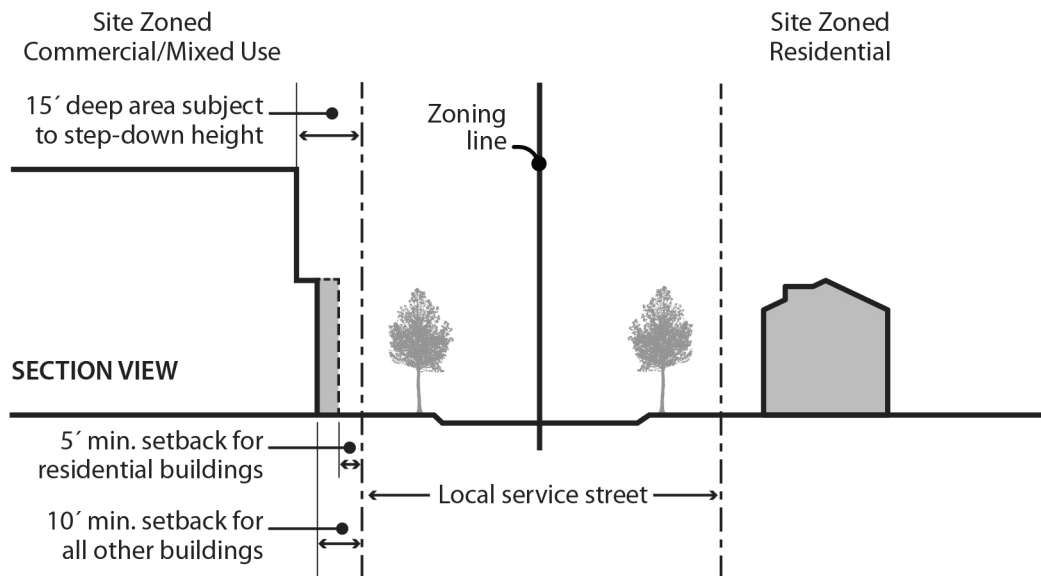
pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations, the building setback regulations promote street frontages with landscaping and residential uses to provide a transition and a cohesive street environment with similar street frontage characteristics on both sides of the street, and limit exterior display and storage to minimize impacts to nearby residentially-zoned areas.

B. Minimum building setbacks. Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.

1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:
 - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
 - b. The following minimum setbacks are required from a street lot line on the portion of the site that is across a local service street from an RF through RM2 or RMP zone. The setbacks do not apply in the CR or CM1 zones, or on or within 100 feet of a transit street:
 - (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be set back 5 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback.
 - (2) All other buildings must be set back 10 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.
 - c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.
 - d. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line. See 33.266.130.C.

Figure 130-2
Building Setbacks and Step-Down Height Across a Local Service Street from Residential Zones



2. Required setbacks from a lot line that is not a street lot line:
 - a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or CI zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
 - b. Except as follows, the required minimum setback from a lot line that abuts an RF through RM4, RMP, or IR zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through RM4 or RMP zone.
 - (1) In the Inner Pattern Area on sites that abut a Civic or Neighborhood Corridor shown on Map 130-3 no setback is required from a lot line that abuts a property in the RM2-RM4 zones that also has a lot line on a Civic or Neighborhood Corridor.
 - (2) Buildings that are 15 feet or less in height are exempt from the required setback.
 - (3) For both exceptions, any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.
 - c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor

area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4 or RMP zoned lot, and also must meet the following requirements:
 - 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;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
 - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
 - c. Uncovered decks are allowed to fully extend into required street setbacks.
4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.

- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.
 2. Applying the standard.
 - a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.
 - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.
 - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, 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 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 which street or streets to apply the standard.
 - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
 - e. 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:
 - (1) 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;
 - (2) The porch must have at least one entrance facing the street; and
 - (3) 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.

3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-5.

D. Improvements in the setback area between a building and a street lot line.

1. General standard. The land between any building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vegetated stormwater management facilities used to meet Bureau of Environmental Services stormwater management requirements, and residential outdoor areas, such as play areas and garden plots, as well as vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.
2. Improvements within transit street maximum building setbacks. Along transit streets, at least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Buildings entirely in a residential use are exempt from this standard.

Figure 130-3
Alteration to Existing Building in Conformance with Maximum Setback Standard

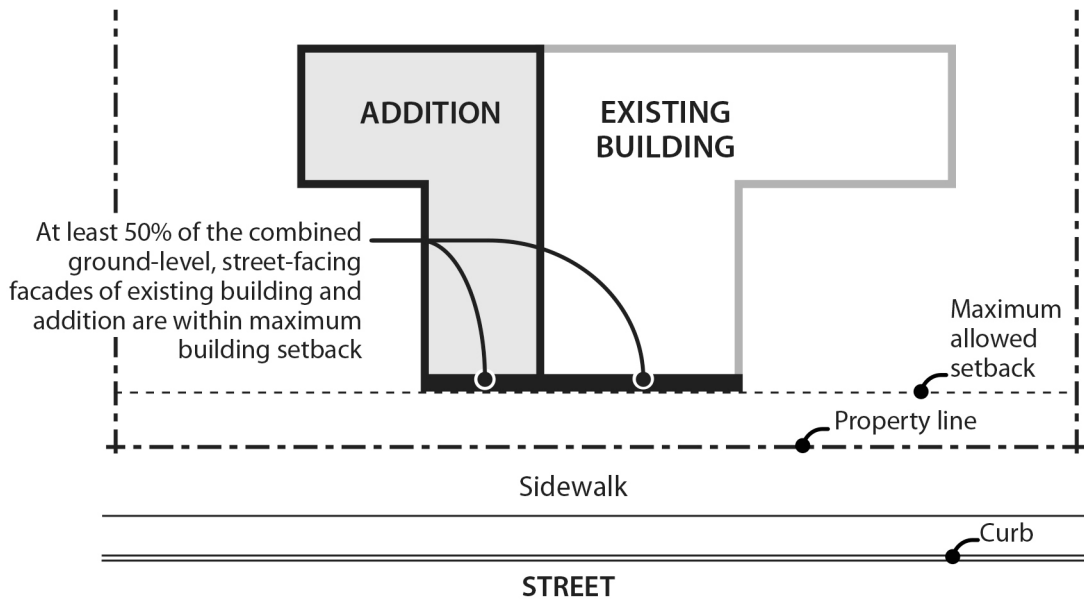
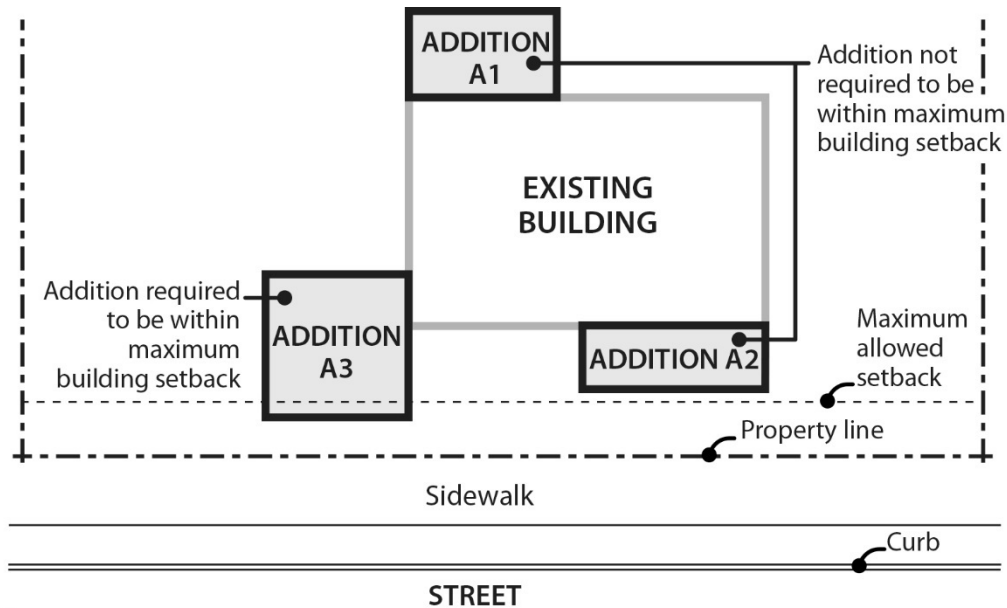


Figure 130-4
Alterations to Existing Building



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.

Figure 130-5
Calculating Maximum Building Setback When More Than One Building On Site

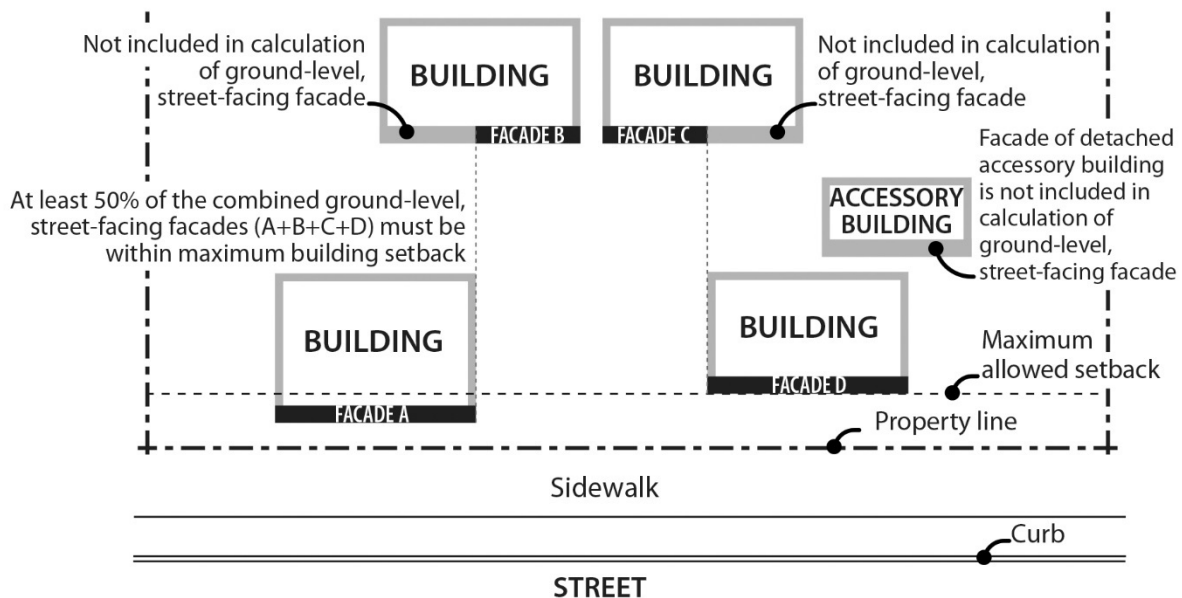
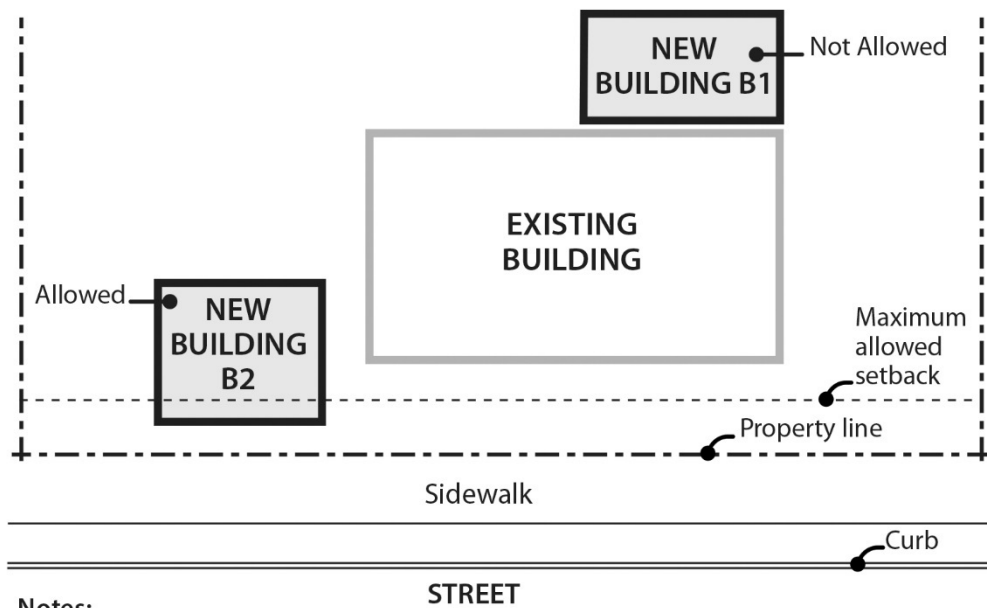


Figure 130-6
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

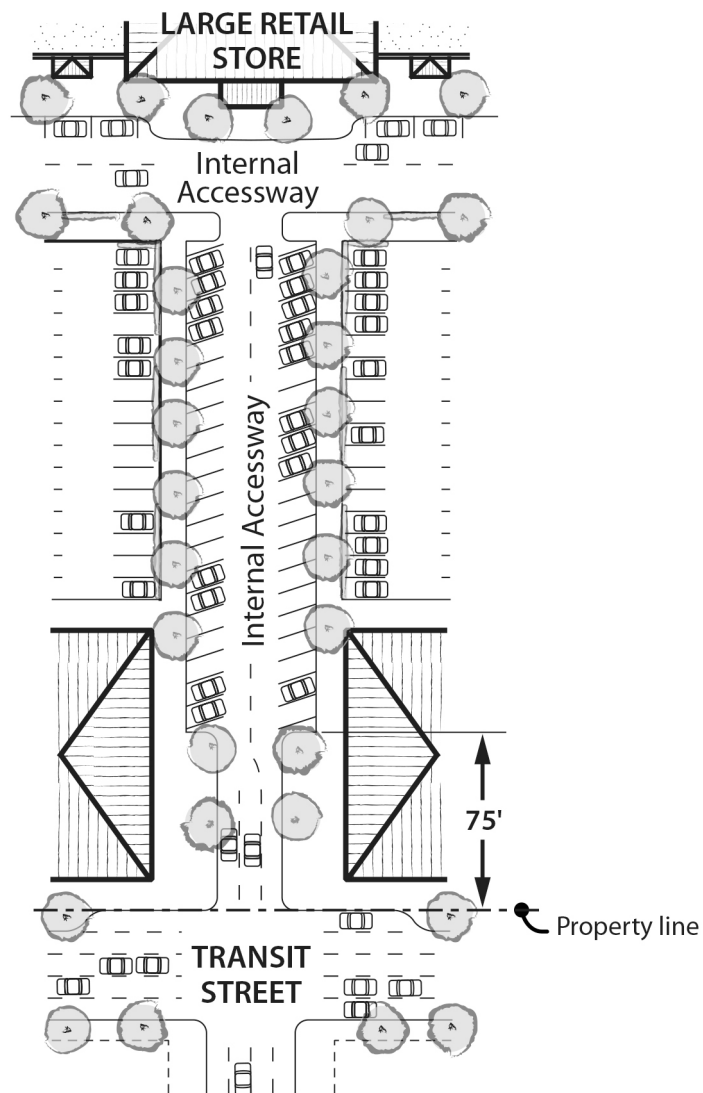
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

E. Alternative maximum building setback for large retailers.

1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites that have at least one building with at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;

- b. Internal circulation system. An internal circulation system that meets the following standards must be provided:
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
 - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, I, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

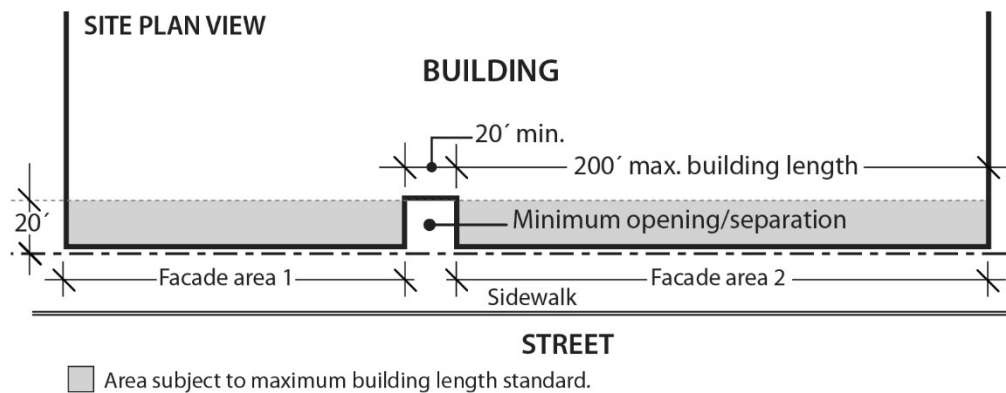
- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.

- B. Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Facade Articulation

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

Figure 130-8
Maximum Building Length



C. Facade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows. Development that includes a residential use is exempt from this standard until January 1, 2029:
 - a. In the CM2 and CE zones, 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 CM3 zone, 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 20 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 130-9.

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, and balconies that do not count toward floor area do not count toward meeting this standard. See Figure 130-10.

Figure 130-9
Facade Articulation

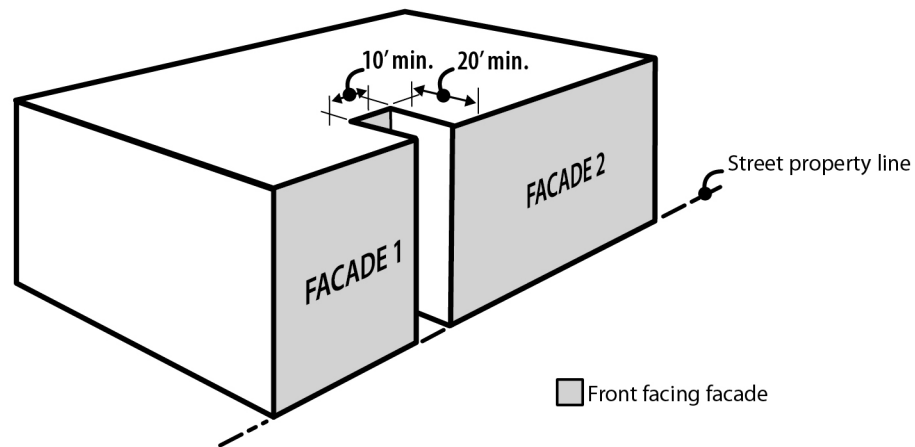
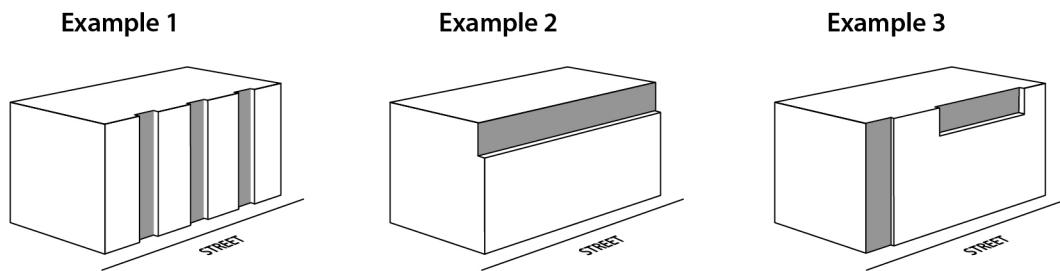


Figure 130-10
Facade Articulation



33.130.225 Landscaped Areas

- A. **Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area

to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.266) to provide buffering and promote livability.

B. Minimum landscaped area. The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:

1. Unless allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level, except when 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, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. 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.
2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape 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. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.
 - c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet 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.

- d. Pervious pavement. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

33.130.227 Trees

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

33.130.228 Required Outdoor Areas

A. Purpose. The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. The standards ensure that outdoor areas are located so that residents have convenient access. These standards also allow for outdoor area requirements to be met by indoor community facilities because they provide opportunities for recreation or gathering.

B. Requirements.

1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site;
 - c. For any site with a congregate housing facility, at least 10 percent total site area must be provided as common area.
2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
 - a. Individual unit outdoor areas. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.
 - b. Common areas. There are two types of common area:

- (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
 - (2) 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 Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
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.

33.130.230 Windows

A. Windows in street-facing facades.

1. Purpose. This standard:
 - Ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. This standard applies to street-facing facades of buildings. 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.
3. Windows in street-facing facades. At least 15 percent of the area of each facade 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 face the

street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.

4. Exemptions:

- a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
- b. Detached accessory structures located more than 20 feet from a street lot line are exempt from this standard.

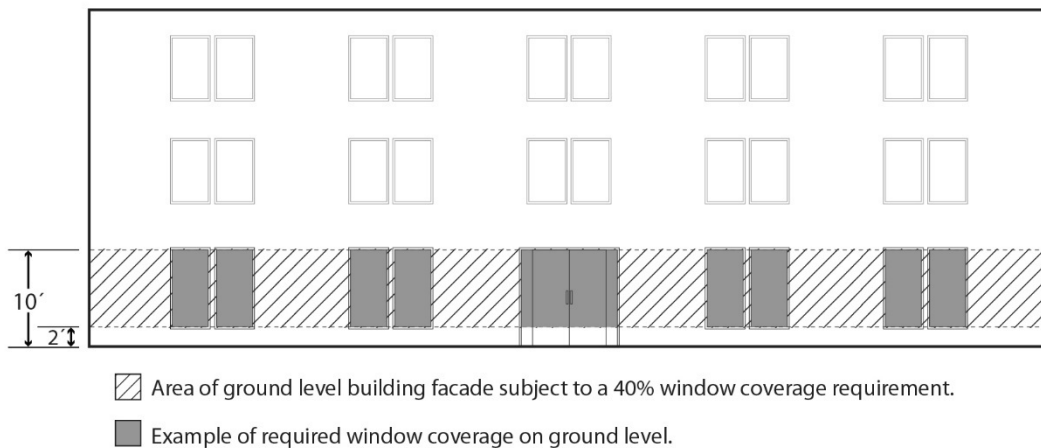
B. Ground floor windows.

1. Purpose. In the commercial/mixed use zones, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
2. Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing facade that is not the wall of a dwelling unit:
 - a. General standard.
 - (1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.
 - (2) If the lot has more than one street frontage, then the following apply:
 - The ground floor window standard in Subsubparagraph B.2.a(1) applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
 - If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard in Subsubparagraph B.2.a(1).
 - The walls of structured parking that are part of a street-facing facade that is not required to meet the higher standard in Subsubparagraph

B.2.a(1) may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows.

- b. Exemptions:
 - (1) Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes are exempt from this Section;
 - (2) Ground floor street-facing walls of dwelling units must meet the standards in Paragraph B.4; and
 - (3) One opening for vehicular access to onsite parking area.
- 3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, stairwells, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

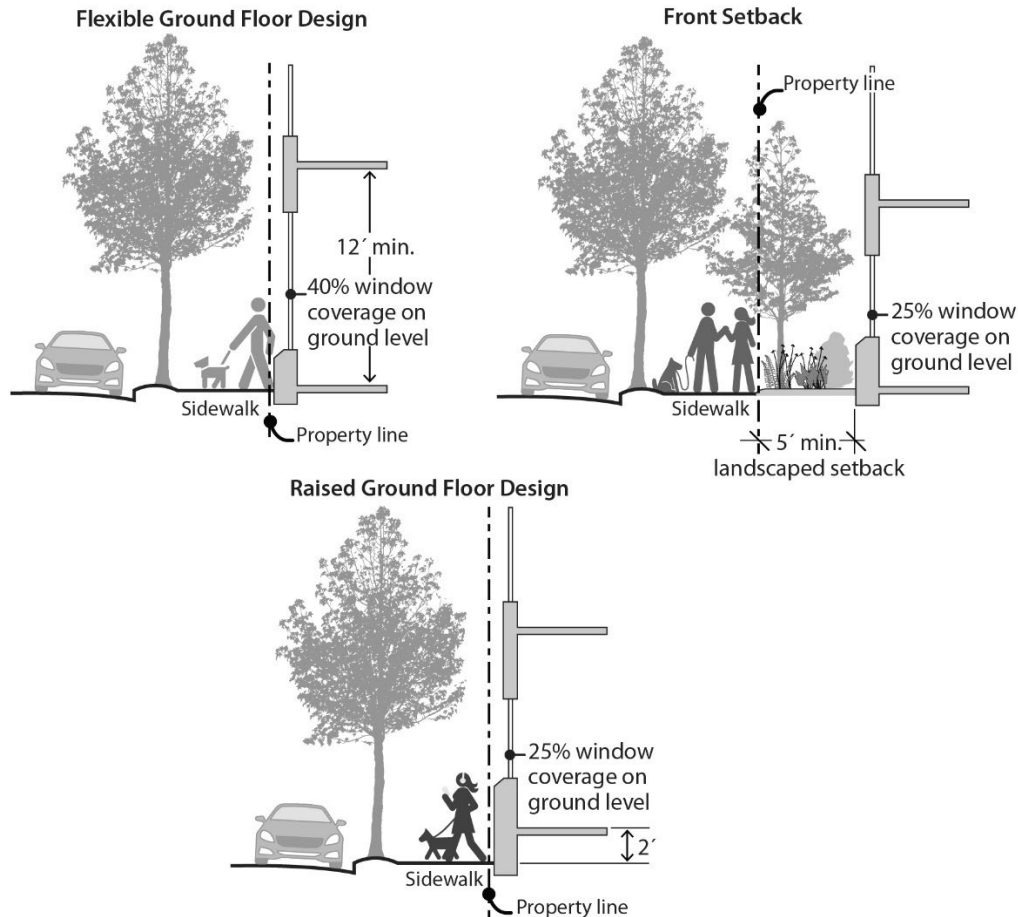
Figure 130-11
Ground Floor Windows



- 4. Ground floor window and frontage standards for dwelling units. The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards. For the purpose of these standards, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11:
 - a. Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:

- (1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - (2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
 - (3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
- b. Front setback.
- (1) The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
 - (2) Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
- c. Raised ground floor.
- (1) The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
 - (2) Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 130-12
Ground Floor Window Options for Dwelling Units



5. Exception for Public Art. Outside the Central City, public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the City Arts Program or its designee must be provided prior to approval of the building permit.

33.130.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use 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.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between 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.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. 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. 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. Buildings separated from the street by other buildings are exempt from this standard.
 - Household Living. If a building is located within 40 feet of a street lot line, and all of the floor area in the building is in a Household Living use, then there must be at least one connection between one main entrance 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.
 - 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 Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks;
 - 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.
 - b. Internal connections. The system must connect all main entrances on the site and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
2. Materials.
 - a. The circulation system must be hard-surfaced and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.
 - b. Except as allowed in Subparagraph B.2.d., 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 B.2.d., 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. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located 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.

33.130.242 Transit Street Main Entrance

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

B. Applicability.

1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.B, Residential Main Entrance, instead of the requirements of this section.

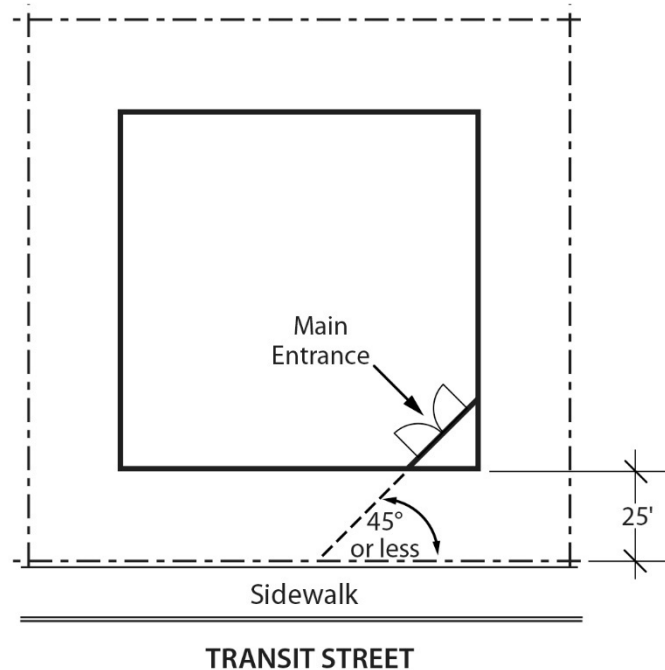
C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:

1. Be within 25 feet of the transit street;
2. Allow pedestrians to both enter and exit the building; and
3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-13; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that abuts the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within 60 feet of the transit street.

D. Distance between entrances. For portions of a building subject to the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

E. Unlocked during regular business hours. Each main entrance to nonresidential uses that meets the standards of Subsection C and D must be unlocked during regular business hours.

Figure 130-13
Transit Street Main Entrance



33.130.245 Exterior Display, Storage, and Work Activities

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

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

B. Exterior display.

1. CR zone. Exterior display of goods is not allowed.
2. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and the display of goods associated with an industrial use.
3. CE zone. Exterior display of goods is allowed except for the display of goods associated with industrial uses. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.
4. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

C. Exterior storage.

1. Exterior storage is not allowed in the CR, CM1, CM2, CM3, and CX zones.
2. Exterior storage is allowed in the CE zone if the storage area complies with the standards of this paragraph. Exterior storage is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. All exterior storage areas must be set back 5 feet from nonstreet lot lines and 10 feet from street lot lines, with the setback area landscaped to at least the L3 standard.

D. Exterior work activities. Exterior work activities are prohibited in the commercial/mixed use zones except for the propagation and sale of plants, sales of motor vehicle fuels, and car washes, which are allowed. Exterior work activities related to sales of motor vehicle fuels and car washes are not allowed within 25 feet of a lot line that abuts a residential zone.

E. Other exterior activities. The following exterior activities are allowed in the commercial/mixed use zones: outdoor eating areas, entertainment and recreation activities that are commonly performed outside, and outdoor markets and vendor stalls.

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

33.130.250 General Requirements for Small Housing Types

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

B. Residential main entrance.

1. Purpose. These standards:
 - Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - Enhance public safety for residents and visitors and provide opportunities for community interaction;
 - Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - Ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence;
 - Ensure a connection to the public realm for development of lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.
2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the commercial/mixed use zones.

- b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
 - c. 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 lot line, the applicant may choose on which frontage to meet the standards.
 - d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Location. At least one main entrance for each structure must:
- a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street, See Figure 130-14;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 130-15. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.
4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

Figure 130-14
Main Entrance Facing the Street

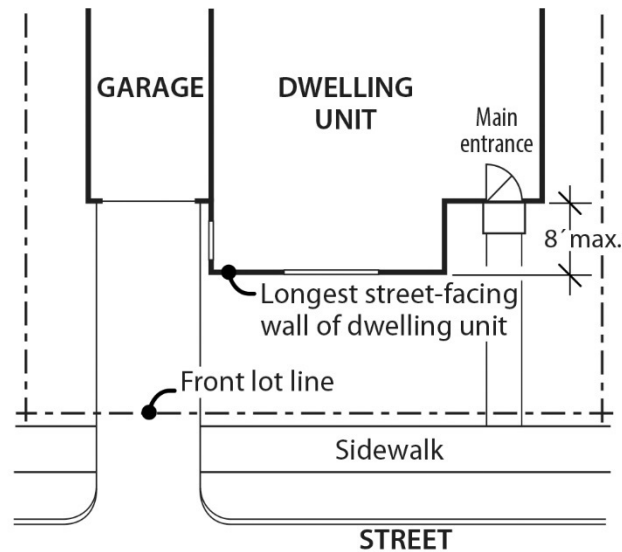
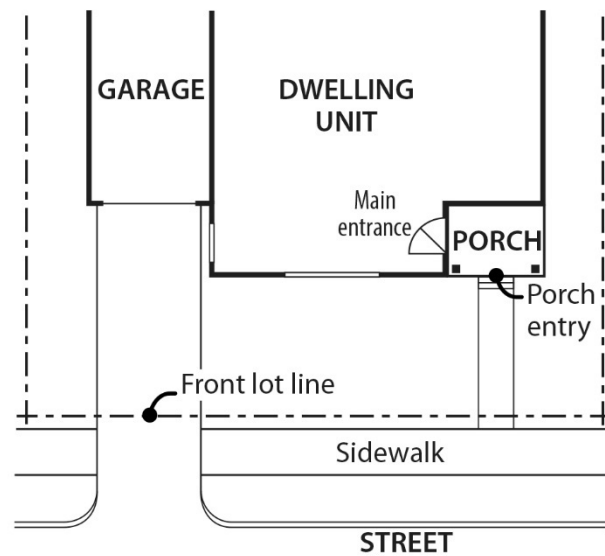


Figure 130-15
Main Entrance Opening On to a Porch



C. Garages.

1. Purpose. These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;

- Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk;
 - Enhance public safety by preventing garages from blocking views of the street from inside the residence;
 - Prevent cars from overhanging the street or sidewalk; and
 - Provide for adequate visibility for a driver backing out of a garage.
2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 130-16. For attached houses and attached duplexes, the standard applies to the combined length of the street-facing facades of the attached units.
4. Street lot line setbacks.
- a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-17.
 - b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-18. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
 - c. Exemption. 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.

5. Garage entrance setback. The garage entrance must be either 5 feet or closer to the street property line, or 18 feet or farther from the street property line. If the garage entrance is located within 5 feet of the front property line, it may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

Figure 130-16
Length of Street Facing Garage Wall

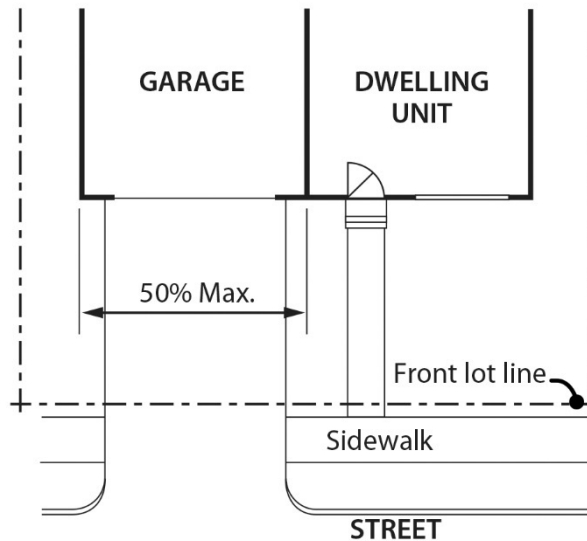


Figure 130-17
Street Lot Line Setback

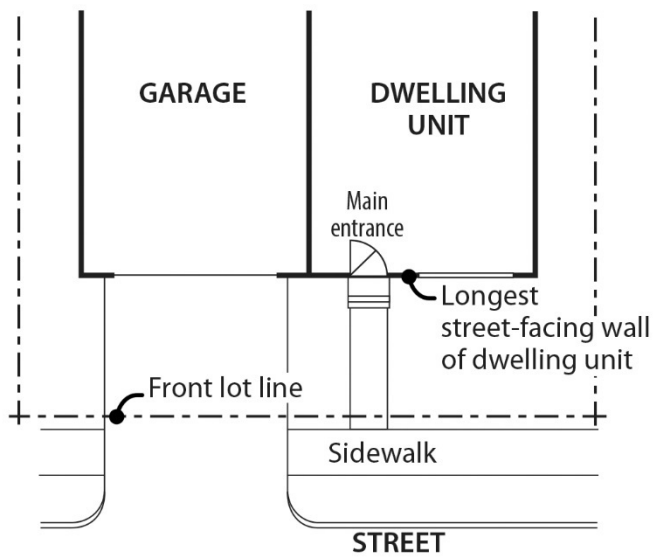
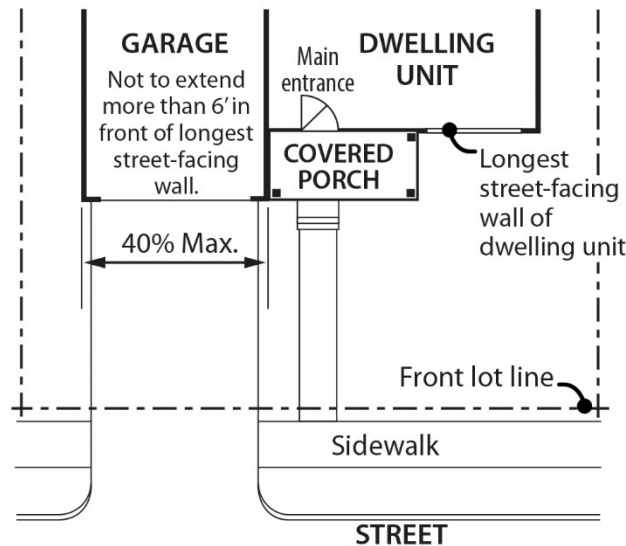


Figure 130-18
Garage Front Setback Exception



33.130.255 Trucks and Equipment

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the commercial/mixed use zones and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site which occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all commercial/mixed use zone areas that comply with the development standards for parking areas.
 2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all commercial/mixed use zones. The parking of all other medium trucks and similar equipment is allowed only in the CE and CM3 zone. Truck parking areas must comply with the development standards for auto parking areas.
 3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any commercial/mixed use zone.

33.130.260 Drive-Through Facilities

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these

zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.

- B. CR and CX zones.** Drive-through facilities are prohibited in the CR and CX zones.
- C. CM1, CM2, and CM3 zones.** The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
 - 1. New drive-through facilities are prohibited; and
 - 2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt, expanded, or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.
- D. CE zone.**
 - 1. New drive-through facilities are prohibited except for drive-through facilities associated with Quick Vehicle Servicing uses. Drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.; and
 - 2. Existing drive-through facilities are allowed. Existing facilities can be rebuilt, expanded, or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.

33.130.265 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential zoned lots from nonresidential development.
- B. General standards.**
 - 1. The regulations of this section apply only to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280.

Detached garages are also subject to the standards of 33.130.250, General Requirements for Small Housing Types.

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

C. Setbacks.

1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a required setback, but can be no closer than 5 feet to a lot line abutting an RF through RM4 zoned lot.
2. Covered structures.
 - a. Covered structures such as storage buildings, greenhouses, covered bicycle parking, and work sheds are subject to the setbacks for buildings.
 - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.
 - c. See Section 33.130.250, General Requirements for Small Housing Types, for additional requirements for garages that are accessory to residential development.

33.130.270 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
 1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
 3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 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.

33.130.275 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.
- C. CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.285 Nonconforming Development

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

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.130.292 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 ROW for pedestrian connections is required.
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 element 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.

33.130.295 Signs

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

33.130.305 Superblock Requirements

Development in the CM2, CM3, CE, and CX zones which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.130.310 Recycling Areas

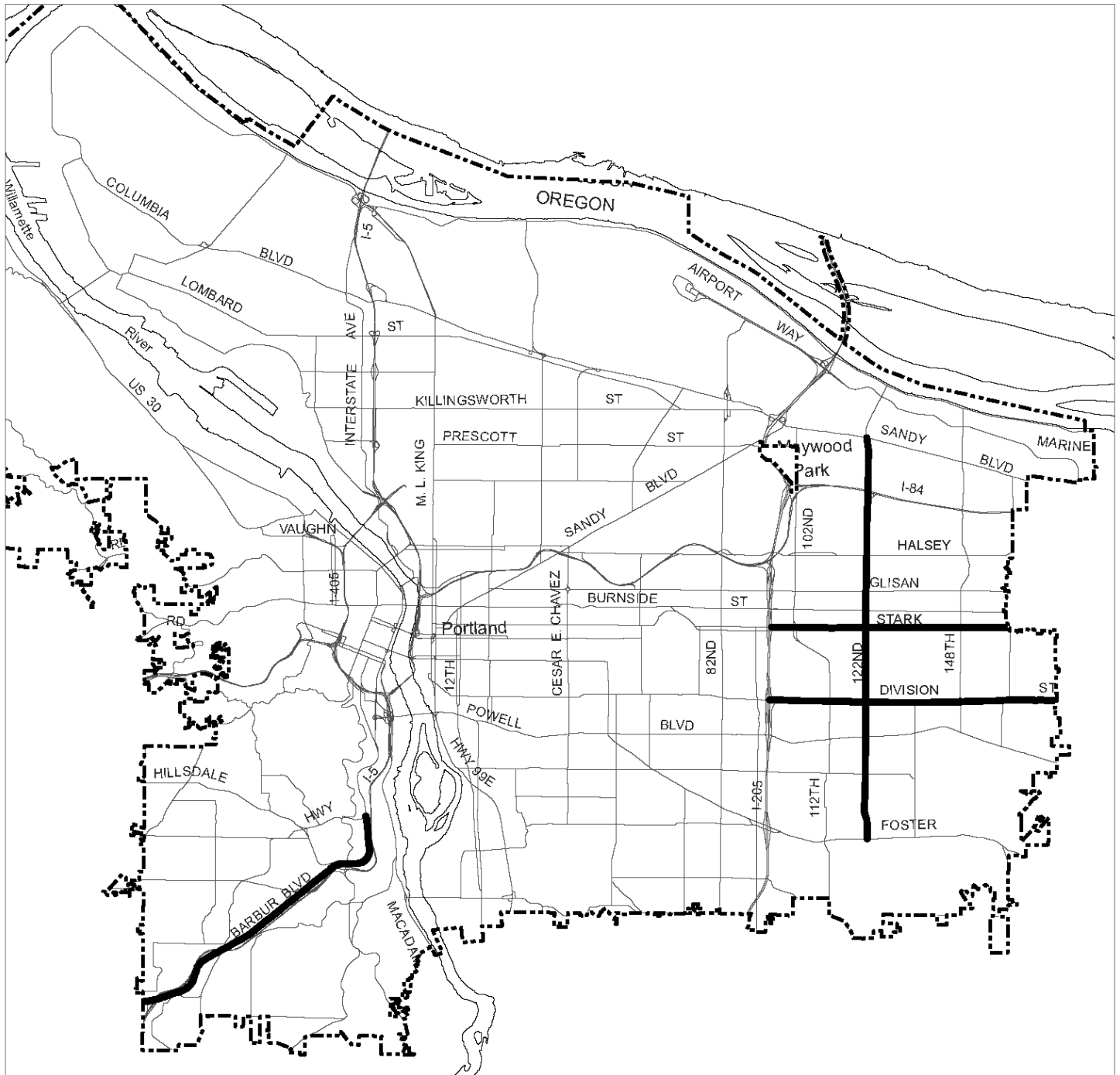
Requirements for recycling areas are regulated by the Bureau of Planning and Sustainability. See Section 17.102.270, Businesses and Multifamily Complexes Required to Recycle, of the Portland City Code.

(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

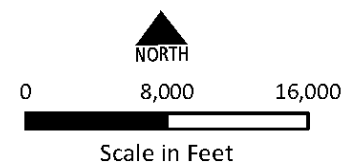
Civic Corridors with Required Setbacks

Map 130-1

Map Revised May 24, 2018



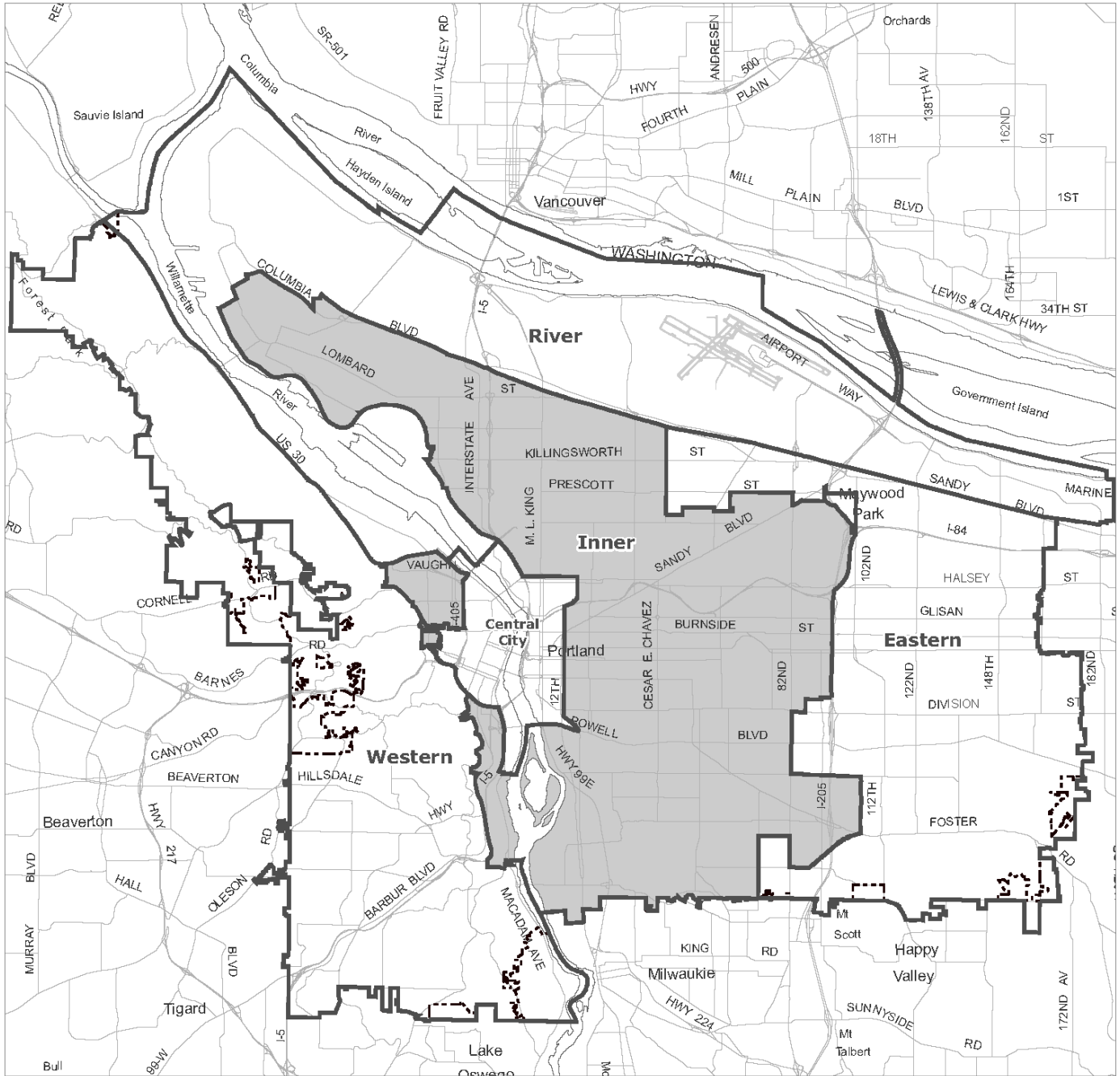
- City Boundary
- Civic Corridors where minimum 10-foot setbacks are required from street lot lines



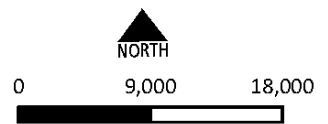
Pattern Areas

Map 130-2

Map Revised March 1, 2020



- City Boundary
- Pattern Area Boundaries

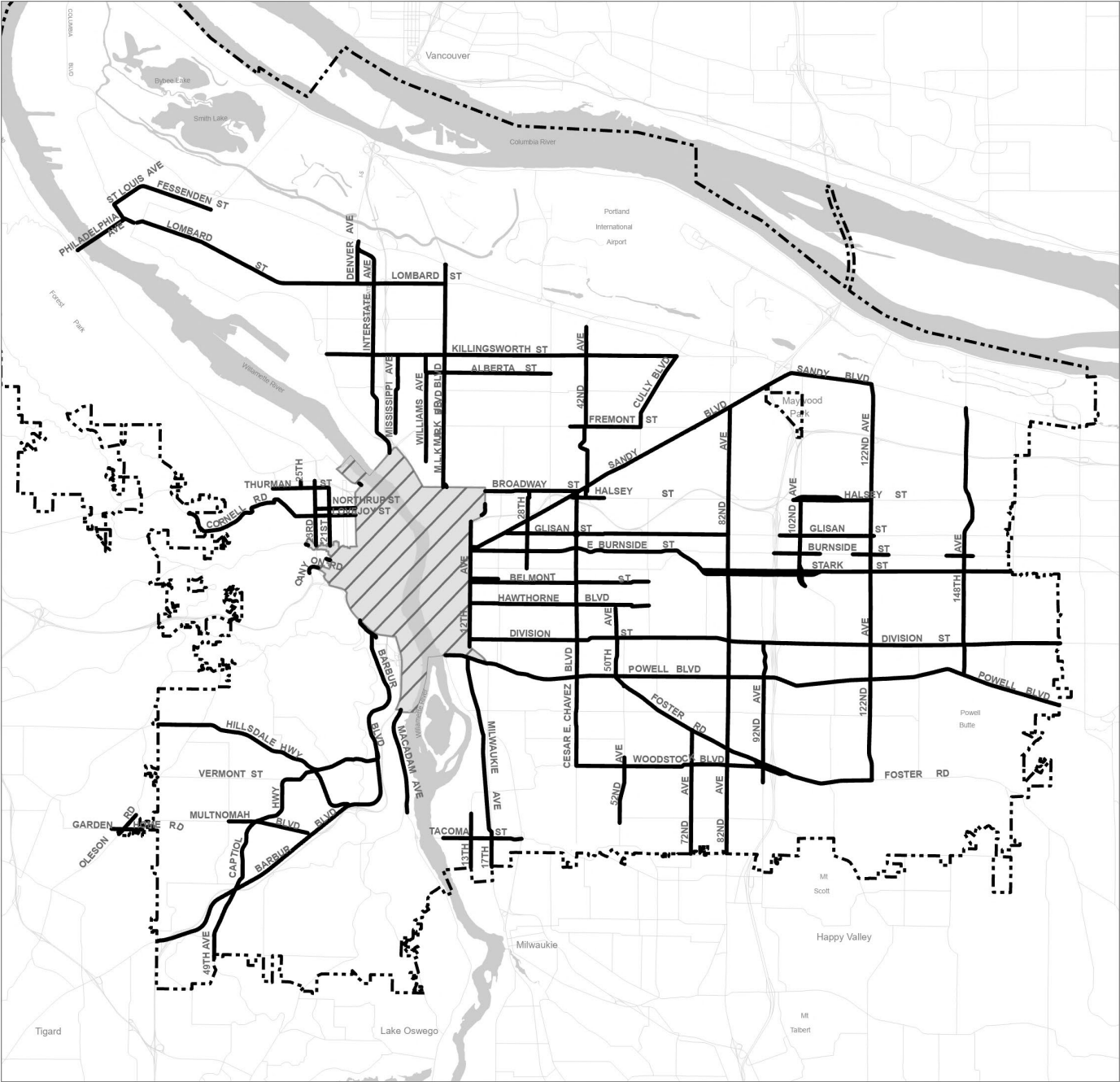


Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

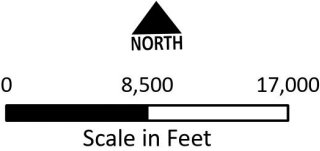
Civic and Neighborhood Corridors

Map 130-3

Map Revised October 1, 2024



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



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

33.140 Employment and Industrial Zones

140

Sections:

General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations
- 33.140.050 Neighborhood Contact in EG and I Zones
- 33.140.055 Neighborhood Contact in EX Zone

Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
- 33.140.250 Trucks and Equipment
- 33.140.255 Drive-Through Facilities
- 33.140.265 Residential Development
- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions
- 33.140.290 Nonconforming Development
- 33.140.295 Parking, Loading, and Transportation and Parking Demand Management
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas
- 33.140.320 Inclusionary Housing

General

33.140.010 General Purpose of the Zones

The employment and industrial zones are for areas of the City that are reserved for industrial uses and for areas that have a mix of uses with a strong industrial orientation. The zones reflect the diversity of industrial and business areas in the City. The zones differ in the mix of allowed uses, the allowed intensity of development, and the development standards. The regulations promote areas which consist of uses and developments which will support the economic viability of the specific zoning district and of the City. The regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

33.140.020 List of the Employment and Industrial Zones

The full and short names of the employment and industrial zones and their map symbols are listed below. When this Title refers to the employment or E zones it is referring to the first three listed. When this Title refers to the industrial or I zones, it is referring to the last three listed.

Full Name	Short Name/Map Symbol
General Employment 1	EG1
General Employment 2	EG2
Central Employment	EX
General Industrial 1	IG1
General Industrial 2	IG2
Heavy Industrial	IH

33.140.030 Characteristics of the Zones

- A. General Employment.** The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, industrially-related, and office uses, typically in a low-rise, flex-space development pattern. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.
 - 1. General Employment 1. EG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. EG1 zoned lands will tend to be on strips or small areas.
 - 2. General Employment 2. EG2 areas have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street. EG2 zoned lands will generally be on larger areas than those zoned EG1.
- B. Central Employment.** This zone implements the Central Employment map designation of the Comprehensive Plan. The zone allows mixed-uses and is intended for areas in the center of the City that have predominantly industrial type development. The intent of the zone is to allow industrial and commercial uses which need a central location. Residential

uses are allowed, but are not intended to predominate or set development standards for other uses in the area. The development standards are intended to allow new development which is similar in character to existing development.

- C. General Industrial.** The General Industrial zones are two of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and to preserve land for industry. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial areas.
1. General Industrial 1. IG1 areas generally have smaller lots and a grid block pattern. The area is mostly developed, with sites having high building coverages and buildings which are usually close to the street. IG1 areas tend to be the City's older industrial areas.
 2. General Industrial 2. IG2 areas generally have larger lots and an irregular or large block pattern. The area is less developed, with sites having medium and low building coverages and buildings which are usually set back from the street.
- D. Heavy Industrial.** This zone is one of the three zones that implement the Industrial Sanctuary map designation of the Comprehensive Plan. The zone provides areas where all kinds of industries may locate including those not desirable in other zones due to their objectionable impacts or appearance. The development standards are the minimum necessary to assure safe, functional, efficient, and environmentally sound development.

33.140.040 Other Zoning Regulations

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

33.140.050 Neighborhood Contact in EG and I Zones

- A. Purpose.** Neighborhood contact is required when a new storage structure for any type of fuel will be built on a Bulk Fossil Fuel Terminal because of the impacts that fuel projects can have on the surrounding community.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact steps of 33.705.020.B., Neighborhood Contact II. All of the steps in 33.705.020.B must be completed before an application for a building permit can be submitted.
1. The proposed development has not been subject to a land use review; and
 2. The proposed development includes at least one new structure for the storage of any type of fuel on a site with a Bulk Fossil Fuel Terminal use.

33.140.055 Neighborhood Contact in EX Zone

Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:

A. Neighborhood contact I.

1. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

B. Neighborhood contact II.

1. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.
2. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

Use Regulations

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
 1. Household Living and Group Living uses in EGI and EG2 zones. This regulation applies to all parts of Table 140-1 that have a [1].
 - a. Limited use. Household Living and Group Living are allowed uses when an existing hotel or motel is converted to dwelling units and all of the converted

dwelling units are affordable to those earning no more than 60 percent of the area median family income. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060. The covenant must reflect that all dwelling units will be affordable at the specified income level for a minimum of 30 years.

- b. Prohibited use. Except as specified in Subparagraph B.1.a, Household Living and Group Living use are prohibited.
2. Household Living and Group Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living and Group Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household and Group Living in other structures is prohibited.
 3. EG Retail Sales And Service limitation. The following regulations apply to all parts of Table 140-1 that have a [2].
 - a. Limited uses. Except for sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display, storage, work and other exterior activity area for Retail Sales And Service uses is limited to 20,000 square feet or twice the total square footage of the site area, whichever is less.
 - b. Conditional uses. Retail Sales And Service uses that exceed the area limits in Subparagraph B.2.a. are a conditional use.
 4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [3].
 - a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet.
 - b. Conditional uses.
 - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

- (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.

- (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, work and other exterior activity storage area is more than 3,000 square feet is a conditional use.
- c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 7. Self-Service Storage limitation. This regulation applies to all parts of Table 140-1 that have a [6]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
- 8. Waste-Related limitation. This regulation applies to all parts of Table 140-1 that have a [7]. All Waste-Related uses are conditional uses, unless they meet all of the following conditions in which case they are allowed by right.
 - a. The use must be approved by Metro under their authority as prescribed in ORS 268.317;
 - b. Metro's approval of the use must include a mitigation plan. The requirements for the mitigation plan must be approved by the City Council through an intergovernmental agreement with Metro, adopted prior to Metro's approval of the use; and
 - c. The location of the use must be in conformance with Metro's Regional Solid Waste Management Plan.
- 9. Community Service uses in E zones. This regulation applies to all parts of Table 140-1 that have a [8]. Most Community Service uses are allowed by right. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	L[1]	L[1]	Y	CU [2]	CU [2]	CU [2]
Group Living	L[1]	L[1]	Y	CU [2]	CU [2]	CU [2]
Commercial Categories						
Retail Sales And Service	L/CU [3]	L/CU [3]	Y	L/CU [4]	L/CU [5]	L/CU [6]
Office	Y	Y	Y	L/CU [4]	L/CU [5]	L/CU [6]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [14]	CU [14]	CU [14]	CU [14]	CU [14]	CU [14]
Self-Service Storage	L [8]	L [8]	L [7]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L [16]	L [16]	N	L [16]	L [16]	L [16]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [8]	L/CU [8]	L/CU [8]

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Institutional Categories						
Basic Utilities	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]	Y/CU [11]
Community Service	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [10]	L/CU [10]	L/CU [10]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [10]	L/CU [10]	L/CU [10]
Other Categories						
Agriculture	L [15]	L [15]	L [15]	L [15]	L [15]	L [15]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]	L/CU [13]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.140.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

- Daycare and Community Service in the I zones. This regulation applies to all parts of Table 140-1 that have a [9].
 - Short term and mass shelters are prohibited. Outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - Daycare and all other Community Service uses up to 3,000 square feet of net building area are allowed. Uses larger than 3,000 square feet of net building area are a conditional use.
- Basic Utilities in E zones. This regulation applies to all parts of Table 140-1 that have a [10]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. All other Basic Utilities are allowed.
- Basic Utilities in I zones. This regulation applies to all parts of Table 140-1 that have a [11]. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274. Public safety facilities which have more

than 3,000 square feet of floor area are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.

13. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [12]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 14. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [13]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.
 15. Agriculture. This regulation applies to all parts of Table 140-1 that have a [14]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
 16. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].
 - a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on August 31, 2022 are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on August 31, 2022. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on August 31, 2022 is prohibited. Adding storage tank capacity exclusively for renewable fuels or to comply with the Renewable Fuel Standard (PCC Chapter 16.60 Motor Vehicle Fuels) is not considered an increase in capacity. Storing coal on the site is prohibited.
 - b. New Bulk Fossil Fuel Terminals are prohibited.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

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

33.140.130 Nuisance-Related Impacts

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

- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

33.140.140 On-Site Waste Disposal

On-site disposal of solid wastes generated by a use is subject to the same regulations as for uses in the Waste-Related use category. See Table 140-1.

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-2. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Bonus FAR.** In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:
1. **Mandatory inclusionary housing.** Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-2. 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.
 2. **Voluntary inclusionary housing.** Bonus FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 is allowed when one of the following is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-2. 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
 - b. 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.

- D. Transfer of FAR from historic resources in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
 4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.
- E. Transfer of FAR from historic resources in the EG Zones.** Floor area may be transferred from a site zoned EG1 or EG2 that contains a Historic or Conservation Landmark or contributing resource in a Historic or Conservation District as follows:
1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
 2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
 3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and

- b. Within the recognized neighborhood where the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District is located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.

33.140.210 Height

- A. Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. The height standard.** The height limits for all structures, except detached accessory structures, are stated in Table 140-2. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.
 1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Parapets and rooftop railings may extend 4 feet above the height limit.
 3. 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.
 4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 5. Small wind turbines are subject to the standards of Chapter 33.299.
 6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:

- a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
- b. For pitched, hipped, or gambrel roofs, they 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.

Table 140-2 Development Standards						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum FAR with Inclusionary Housing Bonus (see 33.140.205.C)	NA	NA	5 to 1	NA	NA	NA
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-3	15 ft.	See Table 140-3	See Table 140-3	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

Table 140-3 Minimum Building Setbacks and Minimum Landscape Buffer From Residential Zone Lot Lines [1]			
Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @ L3	0 / none
	16 or more	10 ft. / 5 ft. @ L3	10 ft. / 5 ft. @ L3
EG2, IG2, IH	Any height	15 ft. / 10 ft. @ L3	15 ft. / 10 ft. @ L3

Notes:

[1] Does not apply to lot lines that abut lots in the RX zone. See 33.140.215.B.

33.140.215 Setbacks

- A. Purpose.** The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.
- B. Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
1. Generally. The required building setbacks are stated in Table 140-2.
 2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-3. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 3. Exceptions to the building setbacks.
 - a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
 4. Extensions into required building setbacks.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not project into the landscape buffer required by Paragraph B.2.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns, and planters;

- (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and
- (3) Bays and bay windows extending into the setback also must meet the following requirements:
 - 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;
 - At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
- b. The following minor features of a building are allowed to extend into required building setbacks but may not project into the landscaped buffer required by Paragraph B.2:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
 - (3) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
5. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of 33.120.280. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below.

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.
 - a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
 - b. Measurement.
 - (1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing facade of the entire building. See Figures 140-1 and 140-2.

- (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing 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.
- c. Standards. There are two standards. Subparagraphs C.1.d. and e. 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;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
- (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.

- e. In a Pedestrian District. Where the site is in a Pedestrian District:
- (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;
 - (5) 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 transit street with the highest classification and any intersecting transit street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting transit street;
 - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting street;
 - (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.

2. Exemption. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

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

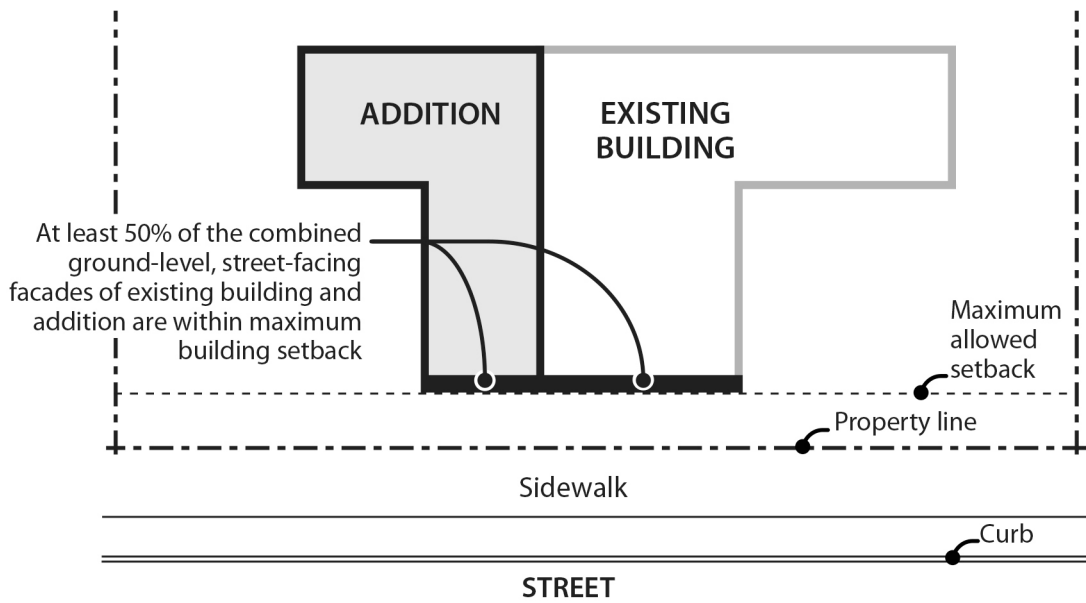
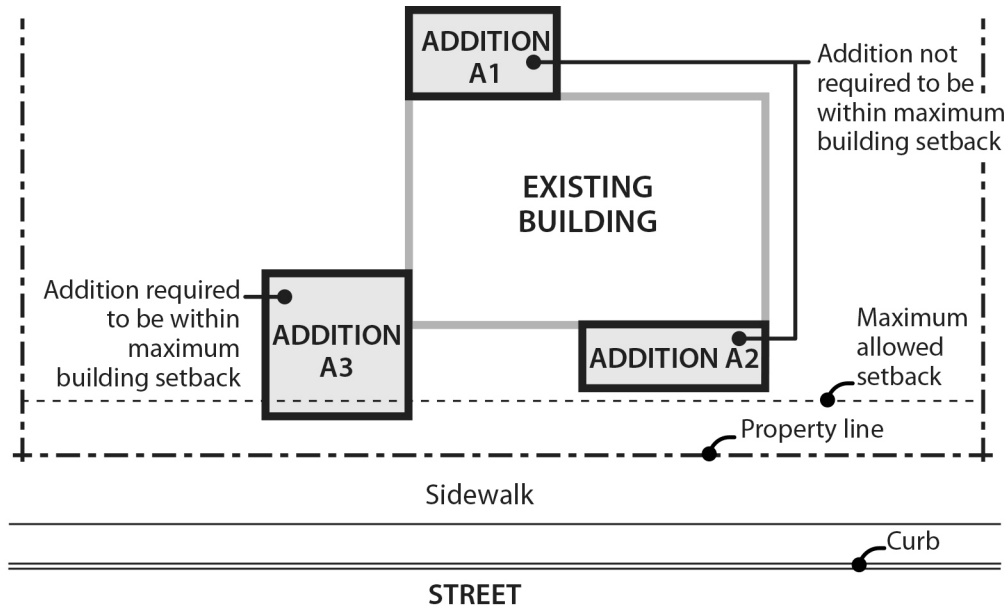


Figure 140-2
Alterations to Existing Building



Notes:

Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

Addition A2. Brings building closer to conformance with maximum setback standard because it does not increase the length of the street-facing facade, and it brings building closer to maximum building setback line.

Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.

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

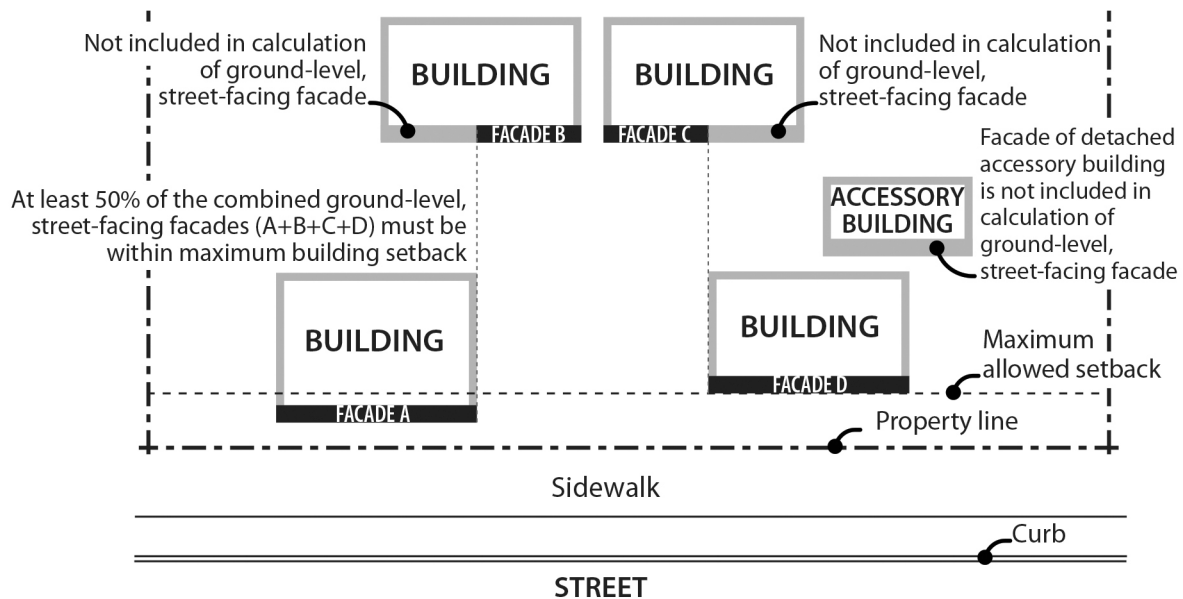
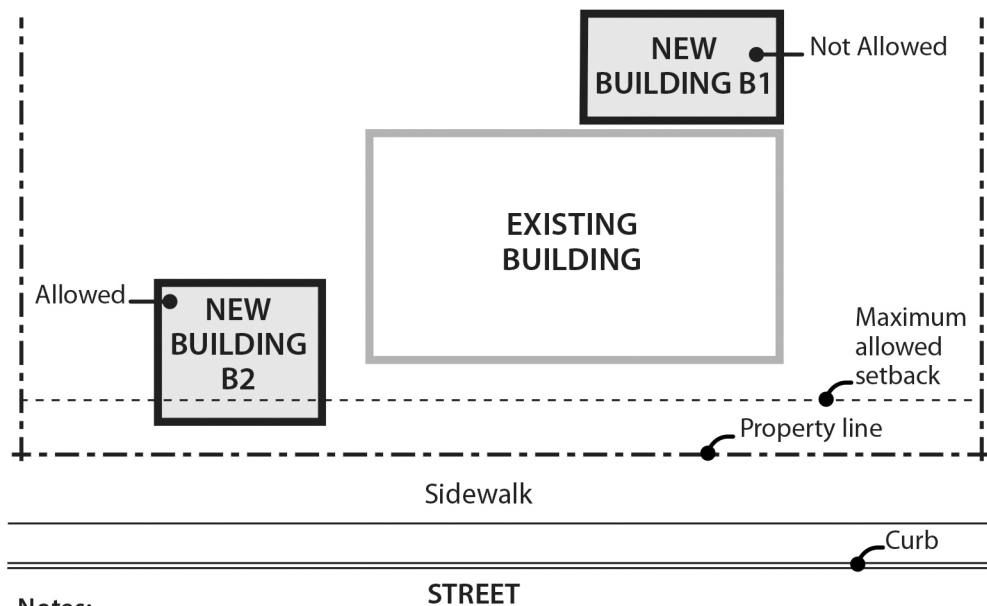


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

New Building B1. Not allowed because it moves site further out of conformance with maximum setback standard.

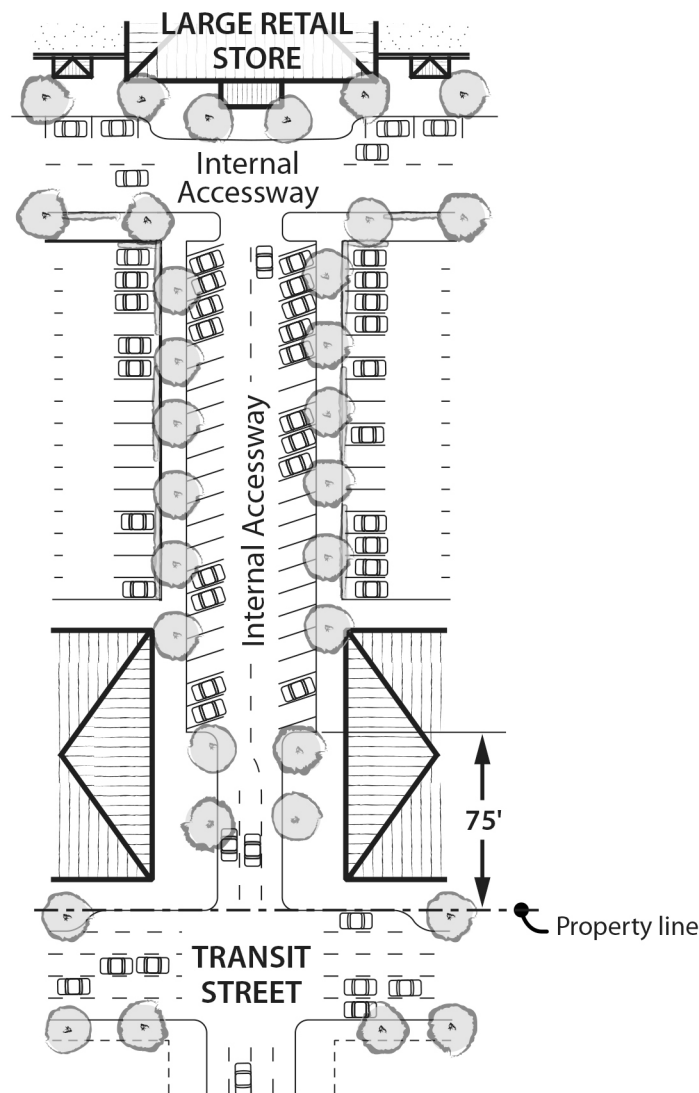
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

D. Alternative maximum setback option for large retailers.

1. Purpose. The intent of these regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.
2. Regulation. Sites with a building having at least 100,000 square feet of floor area in Retail Sales And Service uses are exempt from the maximum setback requirement of Table 140-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;

- b. Internal circulation system. An internal circulation system that meets the following standards must be provided.
- (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;
 - (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 140-5, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for commercial, office, or institutional use, or zoned C, E, or I. The system must connect the buildings on the site to these adjacent sites.

Figure 140-5
Internal Circulation System



33.140.220 Building Coverage

- A. Purpose.** The building coverage standards work with the FAR, height, and setback standards to control the overall bulk of structures. The standards assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent development or be inconsistent with the desired character of the zone. In the EG1, EG2, and IG2 zones, the standards work to assure that buildings will not dominate areas they are in. There is no limit to building coverage in the EX and IG1 zones because of the existing built-up character of the zones. There is no limit in the IH zone because the zone is designed to provide development flexibility.
- B. The building coverage standards.** The maximum building coverage for a site is stated in Table 140-2. The building coverage limits apply to all buildings and covered structures.

33.140.225 Landscaped Areas

- A. Purpose.** Landscaping is required to help soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. Landscaping is required for all employment and industrially zoned lands abutting R-zoned lands to provide buffering and promote the livability of the residential lands.
- B. Minimum landscaped area standard.** The required amounts of landscaped areas are stated in Table 140-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.

33.140.227 Trees

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

33.140.230 Windows in the EX Zone

- A. Windows in street-facing facades.**
1. Purpose. In the EX zone, this standard:
 - Ensures that there is a visual connection between activities occurring within a structure and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside a structure; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
 2. Where this standard applies. This standard applies to street-facing facades of buildings in the EX zone. 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.
 3. Windows in street-facing facades. At least 15 percent of the area of each facade 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 face the street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.
 4. Exemption. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

B. Ground floor windows.

1. Purpose. In the EX zone, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
2. Required amounts of window area. In the EX zone, all exterior walls on the ground level that are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. For the purposes of this standard, ground level wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.
3. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
4. Exceptions for Public Arts. Outside of the Central City plan district, public art is allowed instead of meeting the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the City Arts Program or its designee must be provided prior to approval of the building permit.

33.140.235 Screening

- A. **Purpose.** The screening standards address specific unsightly features which detract from the appearance of an area.
- B. **Garbage and recycling collection areas.** In all zones except the IH zone, exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. **Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators, must be screened from the street and any abutting residential zones by walls, fences, or vegetation. 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. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.140.240 Pedestrian Standards

A. Purpose. The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in developments in the employment zones. They ensure a direct pedestrian connection between 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.

B. The standards. The standards of this section apply to all development in the EG1, EG2, and EX zones except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.

1. Connections. 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. 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 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 connection meeting the standard of B.1.a(1) 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.
- b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
2. Materials.
- a. The circulation system must be hard-surfaced, and be at least 6 feet wide.
 - b. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.
4. EG1 and EX zones. The land between a building and a street lot line must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians. This area may be counted towards any minimum landscaped area requirements. Vehicle areas and exterior display, storage, and work activities, if allowed, are exempt from this standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.

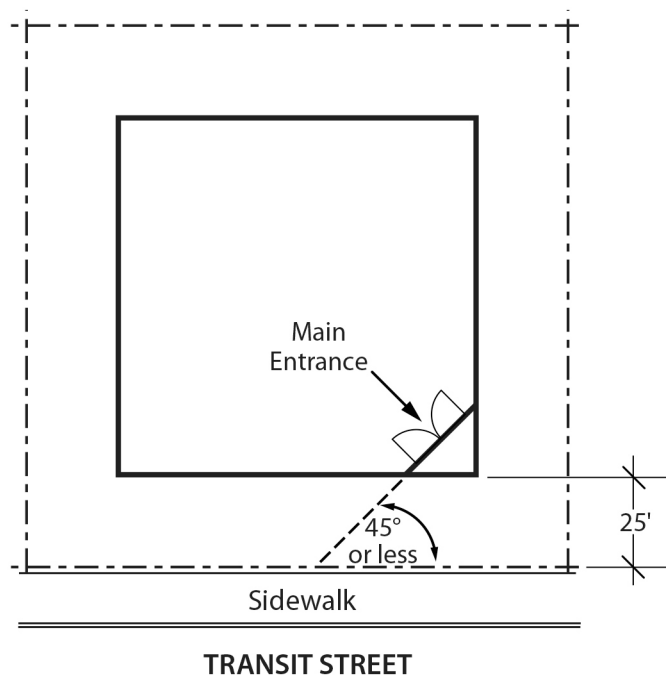
33.140.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
- 1. Generally. In the EX and EG1 zones, all sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, must meet the following standards for the nonresidential uses. If the site has frontage on more

than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;

2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of subsection 33.140.265.D, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For the portion of buildings that conform to the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Either:
 - a. Face the transit street; or
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 140-6.
- D. Unlocked during regular business hours.** The main entrance that meets the standards of Subsection C must be unlocked during regular business hours.

Figure 140-6
Transit Street Main Entrance



33.140.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of an employment or industrial area, and exterior activities in the EG1 zone will be limited to a similar level as exterior activities in the Commercial Employment zone;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.**
1. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-4:
 - a. Exterior display of goods is allowed in the EG1 zone except for uses in the Industrial categories. Exterior display of goods is not allowed for uses in the Industrial categories in the EG1 zone.
 - b. Exterior display of goods is allowed in the EG2 zone.
 - c. Exterior display of goods is allowed in the EX zone except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and goods associated with an industrial use.
 2. Industrial zones. Exterior display of goods is allowed in the I zones. The setback and landscaping standards for exterior display areas are stated in Table 140-4.
- C. Exterior storage.**
1. Employment zones. Exterior storage is allowed in the EG1 zones but is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. Exterior storage is allowed in the EG2 zones. Exterior storage is not allowed in the EX zones. The setback and landscaping standards for exterior storage areas are stated in Table 140-4.
 2. Industrial zones. Exterior storage is allowed in the I zones. The setback and landscaping standards for exterior storage areas area stated in Table 140-4.
- D. Exterior work activities.** Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are stated in Table 140-4.
- E. Other exterior activities.** Outdoor eating areas are allowed as an exterior activity in the employment and industrial zones.
- F. Paving.** All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Table 140-4 Exterior Development Setbacks and Landscaping [1]				
	EG1, IG1	EG2, IG2	EX	IH
Exterior Display				
Abutting a street	5 ft. / L1	10 ft. / L1	0	5 ft. / L1
Abutting a C, E, I, CI or IR zone lot	0	0	0	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	5 ft. / L3	10 ft. / L3
Exterior Storage				
Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4, or 10 ft. / L3	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3
Exterior Work Activities				
Abutting a street [2, 3]	Not allowed in EG1; 5 ft. / L3, or 5 ft./ F2 + L2 in IG1	Not allowed in EG2; 25 ft. / L3, or 25 ft. / F2 + L2 in IG2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	Not allowed in EG1; 0 / F1 in IG1	Not allowed in EG2; 0 / F1 in IG2	Not Allowed	0
Abutting an R zone lot	Not allowed in EG1; 5 ft. / L4, or 10 ft. / L3 in IG1	Not allowed in EG2; 25 ft. / L3 or 25 ft. / F2 + L2 in IG2	Not Allowed	25 ft. / L3

Notes:

[1] The development standards first state the required setback, then the required landscaping standard.

[2] If parking areas are placed between exterior storage areas and the street, an F2 screen only is required on the edge of the storage area.

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

33.140.250 Trucks and Equipment

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

- A. Light and medium trucks.** The parking of light and medium trucks and similar equipment is allowed in areas that meet the perimeter development standards for parking areas. The areas must be paved.

- B. Heavy trucks.** The parking of heavy trucks and similar equipment is allowed in zones that allow exterior storage. The development standards for exterior storage must be met in the area where the heavy trucks and similar equipment are parked.

33.140.255 Drive-Through Facilities

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

- A. EG and I zones.** Drive-through facilities are allowed in the EG and I zones.
- B. EX zone.** Drive-through facilities are prohibited in the EX zone.

33.140.265 Residential Development

When allowed, residential development is subject to the following development standards:

- A. Generally.** Except as specified in this section, base zone development standards continue to apply;
- B. Existing buildings.** Residential uses in existing buildings have no density limit within the building;
- C. New development.** Residential uses in new development are subject to the development standards of the EX zone, except as specified in this section;
- D. Residential main entrance.**
1. Purpose. The main entrance standards serve several purposes:
 - The main entrance standards, together with the window and garage standards ensure that there is a physical and visual connection between the living area of the residence and the street;
 - They enhance public safety for residents and visitors and provide opportunities for community interaction;
 - They ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
 - They ensure that pedestrians can easily find the main entrance, and so establish how to enter the residence.
 - 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.
 2. Where these standards apply.
 - a. The standards of this subsection apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the employment and industrial zones.

- b. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
 - c. 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 applicant may choose on which frontage to meet the standards.
 - d. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Location. At least one main entrance for each structure must:
- a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street. See Figure 140-7;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 140-8. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.
4. Duplexes on corner lots. Where a duplex is on a corner lot, the requirements of Paragraph C.3, above, must be met for both dwelling units. Both main entrances may face the same street.

E. Street-facing facades.

1. Purpose. The standard:
 - Together with the main entrance and garage standards, ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. The standard of this subsection applies to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes in the Employment and Industrial zones. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing

facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

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

Figure 140-7
Main Entrance Facing the Street

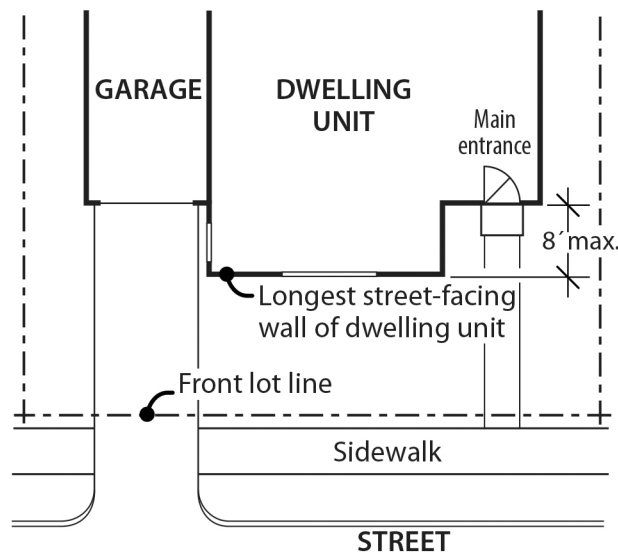
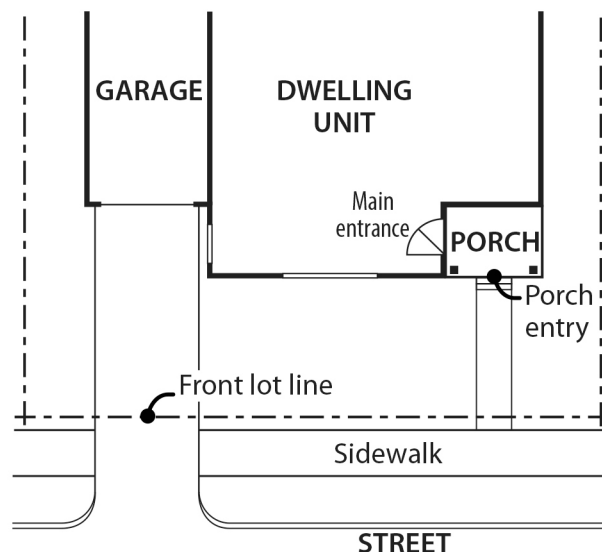


Figure 140-8
Main Entrance Opening Onto a Porch



F. Garages.

1. Purpose. These standards:
 - Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
 - Ensure that the location and amount of the living area of the residence, as seen from the street, is more prominent than the garage;
 - Prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
 - Provide for a more pleasant pedestrian environment by preventing garages and vehicle areas from dominating the views of the neighborhood from the sidewalk; and
 - Enhance public safety by preventing garages from blocking views of the street from inside the residence.
2. Where these standards apply. The requirements of Paragraphs F.3 and F.4, below, apply to houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
3. Length of street-facing garage wall. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 140-9. For attached houses and attached duplexes, the standard applies to the combined length of the street-facing facades of the attached units.
4. Street lot line setbacks.
 - a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 140-11.
 - b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 140-12. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.

- c. Exemption. 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.

33.140.270 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy to abutting residential lots from nonresidential development.
- B. General standards.**
 1. The regulations of this section apply to detached accessory structures on sites with non-residential uses. For sites where all of the floor area is in residential use, detached accessory structures are subject to the standards of Section 33.120.280. Detached garages that are accessory to residential development are also subject to the standards of 33.140.265, Residential Development.
 2. Unless stated in this section, the height and building coverage standards of the base zone apply to detached accessory structures.
- C. Setbacks.**
 1. Uncovered accessory structures. Uncovered accessory structures, such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts, are allowed in a street setback, but not in a required setback from an abutting residential zone.
 2. Covered structures.
 - a. Covered structures, such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures, are subject to the setbacks for buildings.
 - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks abutting a residential zone.
 - c. See Section 33.140.265, Residential Development, for additional requirements for garages that are accessory to residential development.

Figure 140-9
Length of Street-Facing Garage Wall

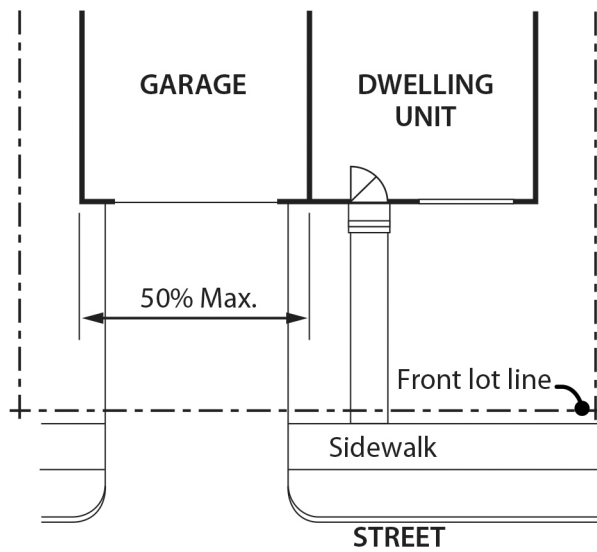


Figure 140-10
Length of Street-Facing Garage Wall Exception

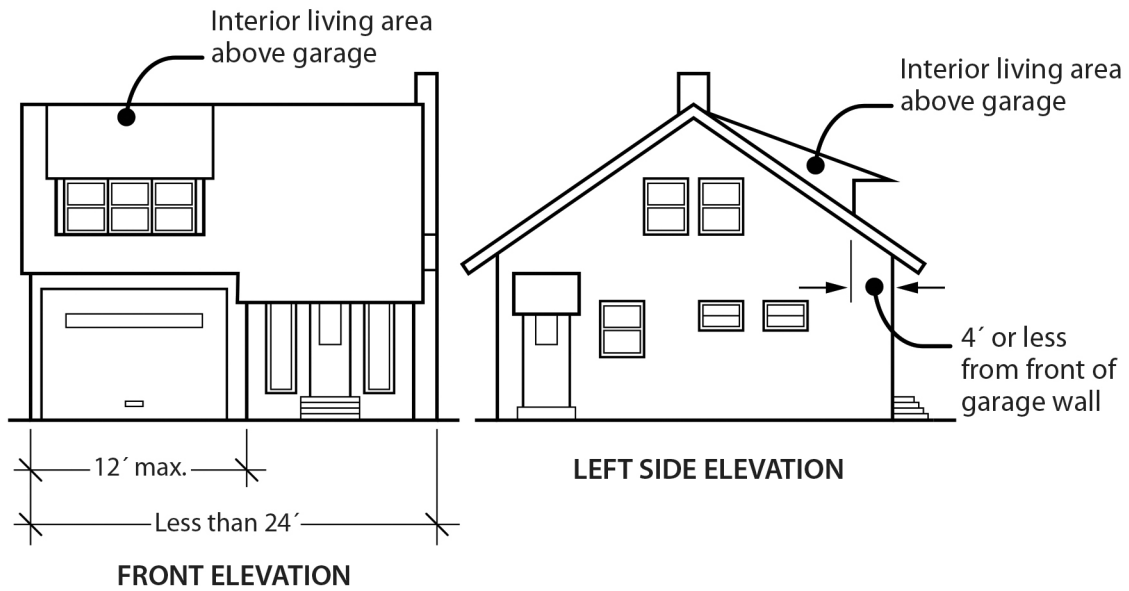


Figure 140-11
Street Lot Line Setback

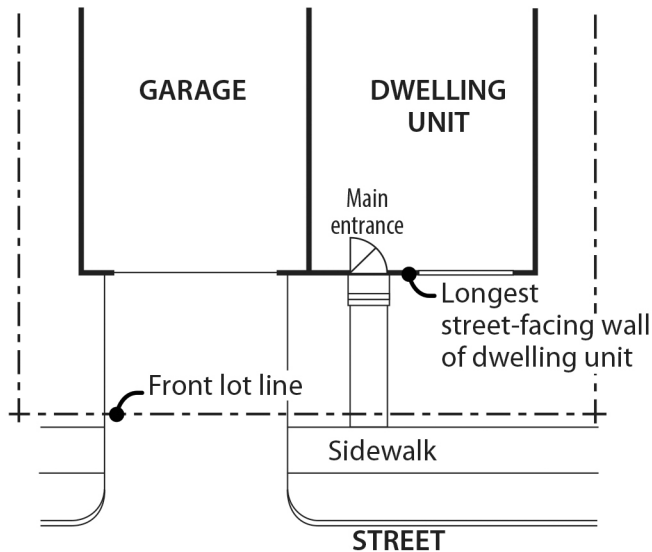
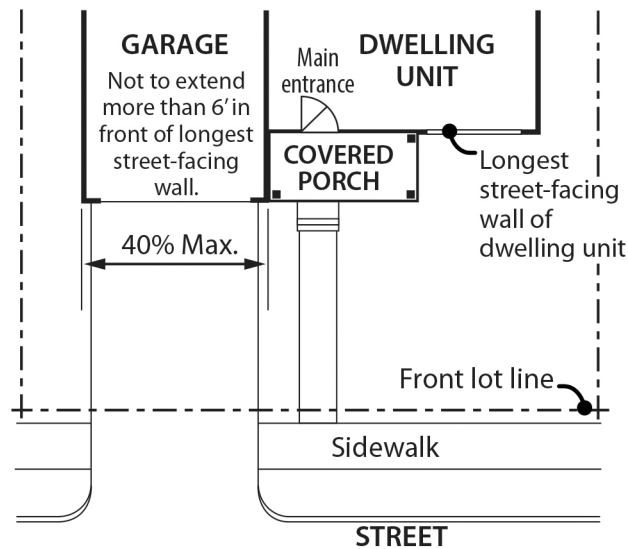


Figure 140-12
Garage Front Setback Exception



33.140.275 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.

- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
1. Fences along street lot lines, including pedestrian connections.
 - a. EG1, IG1 and IH zones. In EG1, IG1, and IH zones, fences up to 3-1/2 feet high are allowed in a required street building setback, including setbacks from pedestrian connections.
 - b. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:
 - (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;
 - (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 - c. EG2 and IG2 zones. In EG2 and IG2 zones, fences that are more than 50 percent sight-obscuring may be up to 8 feet high within the street building setback if they are more than 10 feet from the lot line.
 2. Fences along other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
 3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and 2 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.

33.140.280 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.** Demolitions of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

33.140.290 Nonconforming Development

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

33.140.295 Parking and Loading

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.140.300 Signs

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

33.140.310 Superblock Requirements

Developments in the EX zone which are on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.140.315 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.

33.140.320 Inclusionary Housing

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

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191079, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.150 Campus Institutional Zones

150

Sections:

General

- 33.150.010 Purpose
- 33.150.020 List of the Campus Institutional Zones
- 33.150.030 Characteristics of the Zones
- 33.150.040 Other Zoning Regulations
- 33.150.060 Neighborhood Contact and Outreach

Use Regulations

- 33.150.100 Primary Uses
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- 33.150.120 Nuisance-Related Impacts

Development Standards

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- 33.150.235 Building Length in the CI1 Zone
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- 33.150.295 Nonconforming Development
- 33.150.300 Parking, Loading, and Transportation and Parking Demand Management
- 33.150.305 Signs
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- 33.150.315 Recycling Areas

Maps 150-1 through 150-5 Maximum Heights and Minimum Setbacks

General

33.150.010 Purpose

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of

campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods. The CI1 and IR zones encourage development that is at a low to medium density residential scale, while the CI2 zone encourages development that is at a more intense, urban scale. The development standards allow flexibility for development and provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.150.020 List of the Campus Institutional Zones

The full and short names of the campus institutional zones and their map symbols are listed below. When this Title refers to the campus institutional zones, it is referring to the three zones listed here. When this Title refers to the CI zones, it is referring only to CI1 and CI2.

Full Name	Short Name/Map Symbol
Campus Institutional 1	CI1
Campus Institutional 2	CI2
Institutional Residential	IR

33.150.030 Characteristics of the Zones

- A. Campus Institutional 1 zone.** The Campus Institutional 1 (CI1) zone is intended for large colleges and medical centers located in or near low and medium density residential neighborhoods. Retail Sales and Service and other uses that serve or support the campus and neighborhood are allowed. Development is intended to be internally focused and compatible with the scale of the surrounding neighborhood. Setback and open space requirements create a buffer between the institution and the surrounding community.
- B. Campus Institutional 2 zone.** The Campus Institutional 2 (CI2) zone is intended for large medical centers, colleges and universities located in or near a Regional, Town or Neighborhood Center, or along a civic or neighborhood corridor that is served by frequent transit service. Development is intended to be pedestrian-oriented and at a scale that encourages urban-scale medical and educational facilities, while also ensuring compatibility with nearby mixed-use commercial and residential areas. Retail Sales and Service and Office uses are allowed to support the medical or college campus, and to provide services to the surrounding neighborhoods.
- C. IR zone.** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions.

Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the Design overlay zone.

33.150.040 Other Zoning Regulations

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

33.150.060 Neighborhood Contact and Outreach

- A. Purpose.** The requirements of this section promote ongoing communication between campus institutions and other uses and the surrounding communities. In addition to neighborhood contact, Colleges and Medical Centers are required to annually update the community on campus operations and development proposals. The annual meeting allows neighbors and campus administrators the opportunity to discuss and resolve potential impacts or conflicts. While the comments from the community are not binding, a collaborative approach is encouraged.
- B. Neighborhood contact.** Neighborhood contact is a set of outreach steps that must be taken before certain developments can be submitted for approval. Neighborhood contact is required as follows:
1. Neighborhood contact I.
 - a. Neighborhood contact I requirements. When proposed development will add at least 10,000 square feet and not more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. All the steps in 33.705.020.A. must be completed before an application for a building permit can be submitted.
 - b. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.
 2. Neighborhood contact II.
 - a. Neighborhood contact II requirements. When the proposed development will add more than 25,000 square feet of net building area to a site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. All of the steps in 33.705.020.B. must be completed before an application for a building permit can be submitted.
 - b. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.
- C. Annual meeting.** Colleges and Medical Centers must conduct at least one community meeting per year. The annual community meeting is intended to ensure that the College or Medical Center updates the community at least once a year regarding future development and other potential changes that could affect the surrounding area, and to provide a forum for discussion of a Good Neighbor Agreement:
1. The following information must be provided during the meeting:

- a. The status of and any updates to the College's or Medical Center's Transportation and Parking Demand Management Plan, Transportation Impact Analysis, and related mitigation measures;
 - b. Development that is anticipated to take place on the site during the next 12 months;
 - c. Potential impacts of other on-site activities that could affect the surrounding neighborhood; and
 - d. Updated contact information for the College or Medical Center;
2. The College or Medical Center must send notice of the meeting to the neighborhood association and business association for the area at least 30 days before the meeting. Notice must be by registered or certified mail, and must include the following:
 - a. The purpose of the meeting;
 - b. Information on how to contact the institution regarding details about this meeting;
 - c. The date, time, and location of the meeting.
 3. A copy of the notification, the mailing list, and registered or certified mail receipt must be retained by the College or Medical Center for at least 5 years and must be available for inspection by City staff upon request.

Use Regulations

33.150.100 Primary Uses

- A. Allowed uses.** Uses allowed in the campus institutional zones are listed in Table 150-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 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 150-1.
 1. Retail Sales And Service uses in the CI1 zone. This regulation applies to all parts of Table 150-1 that have note [1]. Up to 10,000 square feet of Retail Sales And Service use per site may be allowed as a conditional use in the CI1 zone.
 2. Manufacturing And Production and Industrial Service in the CI1 and CI2 zones. This regulation applies to all parts of Table 150-1 that have note [2]. In the CI 1 and CI2 zones, up to 10,000 square feet of Manufacturing And Production use and 10,000 square feet of Industrial Service use is allowed per site. More than 10,000 square feet of Manufacturing and Production use and 10,000 square feet of Industrial Service use may be allowed as a conditional use in the CI2 zone. More than 10,000 square feet of Manufacturing and Production and Industrial Service is prohibited in the CI1 zone.

3. Basic Utilities. These regulations apply to all parts of Table 150-1 that have note [3].
 - a. Basic Utilities that serve a development site are accessory uses to the primary use being served on that site.
 - 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 primarily from biological materials or byproducts from the site itself, or conditions on the site itself. Not more than 10 tons per week of biological material or byproducts from other sites may be used to generate energy. Not more than 20 percent of the floor area on a site, exclusive of parking area may be devoted to small scale energy production. The requirements of Chapter 33.262, Off Site Impacts must be met.
 - c. All other Basic Utilities are conditional uses.
4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses.
 - a. In the CI1 and IR zones, most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - b. In the CI2 zones, most Community Service uses are allowed by right. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
5. Parks And Open Areas. This regulation applies to all parts of Table 150-1 that have note [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities that require a conditional use review 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.
6. Colleges. This regulation applies to all parts of Table 150-1 that have note [6]. Colleges are allowed by right. However, outdoor sports facilities that include more than 1,500 square feet of accessory building floor area, more than 500 linear feet of spectator seating, outdoor lighting, or voice amplification require a conditional use review.
7. Agriculture. This regulation applies to all parts of Table 150-1 that have note [7]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.

8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 150-1 that have an [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Group Living uses in the IR zone are regulated as follows:
 - a. The Group Living use must be included in the mission statement of the campus's impact mitigation plan; and
 - b. The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living use will create.
10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [10].
 - a. Purpose. Retail Sales And Service uses are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.
 - b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
 - c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:
 - (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;
 - (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and
 - (3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each accessory parking space for the use. Size exceptions are prohibited.
 - d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
 - e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:
 - (1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;
 - (2) The office uses allowed are limited to the following:
 - Institutional administrative, faculty, staff, student, and educational offices;

- Blood collection facilities;
 - Medical office space and medical office buildings; and
 - Medical, scientific, educational research and development facilities and laboratories.
- (3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.
11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11].
- a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.
 - b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.
 - (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
 - (2) The institution has an approved impact mitigation plan or conditional use master plan.
 - (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.
 - c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.
 - d. Regulations for recreational fields for organized sports. 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.
12. Daycare in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.
- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 150-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 150-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.150.110 Accessory Uses

Uses that are accessory to a primary use are allowed if they comply with specific regulations for the accessory use and all applicable development standards. In addition, Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that are on a site with a College or a Medical Center in a CI1 or CI2 zone that have exterior access within 150 feet of a public right-of-way or have exterior signage are primary uses. Retail Sales and Service, Manufacturing and Production, and Industrial Service uses that have exterior access more than 150 from a public right-of-way and do not have exterior signage are accessory uses.

33.150.120 Nuisance-Related Impacts

- A. Off-site impacts.** All uses, including accessory uses, must comply with the standards of Chapter 33.262, Off-Site Impacts.
- B. Other nuisances.** Other nuisances are regulated by Title 29, Property and Maintenance Regulations.

Table 150-1 Campus Institutional Zone Primary Uses			
Use Categories	CI1	CI2	IR
Residential Categories			
Household Living	N	Y	Y
Group Living	N	Y	Y [9]
Commercial Categories			
Retail Sales And Service	CU [1]	Y	L/CU [10]
Office	N	Y	L/CU [10]
Quick Vehicle Servicing	N	N	N
Vehicle Repair	N	N	N
Commercial Parking	N	Y	N
Self-Service Storage	N	N	N
Commercial Outdoor Recreation	N	N	N
Major Event Entertainment	CU	CU	CU
Industrial Categories			
Manufacturing And Production	L [2]	L/CU [2]	CU
Warehouse And Freight Movement	N	N	N
Wholesale Sales	N	N	N
Industrial Service	L [2]	L/CU [2]	CU
Bulk Fossil Fuel Terminal	N	N	N
Railroad Yards	N	N	N
Waste-Related	N	N	N

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 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Table 150-1 Campus Institutional Zone Primary Uses			
Use Categories	CI1	CI2	IR
Institutional Categories			
Basic Utilities	L/CU [3]	L/CU [3]	L/CU [3]
Community Service	L/CU [4]	L/CU [4]	L/CU [4]
Parks And Open Areas	L/CU [5]	L/CU [5]	L/CU [5]
Schools	N	N	L/CU [11]
Colleges	Y/CU [6]	Y/CU [6]	L/CU [11]
Medical Centers	Y	Y	L/CU [11]
Religious Institutions	CU	CU	CU
Daycare	Y	Y	L/CU [12]
Other Categories			
Agriculture	L [7]	L [7]	L [7]
Aviation And Surface Passenger Terminals	N	N	N
Detention Facilities	N	N	N
Mining	N	N	N
Radio Frequency Transmission Facilities	L/CU [8]	L/CU [8]	L/CU [8]
Rail Lines And Utility Corridors	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

- The use categories are described in Chapter 33.920.
- Regulations that correspond to the bracketed numbers [] are stated in 33.150.100.B.
- Specific uses and developments may also be subject to regulations in the 200s series of chapters.

Development Standards

33.150.200 Lot Size

There is no required minimum lot size for development of land or for the creation of new lots in campus institution zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial and Campus Institutional Zones.

33.150.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.
- C. Inclusionary housing bonus FAR.** The following FAR bonus options are allowed in the CI2 zone. Sites in the CI1 and IR zone are not eligible for the bonus FAR options. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses, are prohibited.
 1. **Mandatory inclusionary housing.** Bonus FAR is allowed up to the maximum FAR allowed with inclusionary housing bonus stated in Table 150-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is

an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR allowed with bonus stated in Table 150-2. 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.

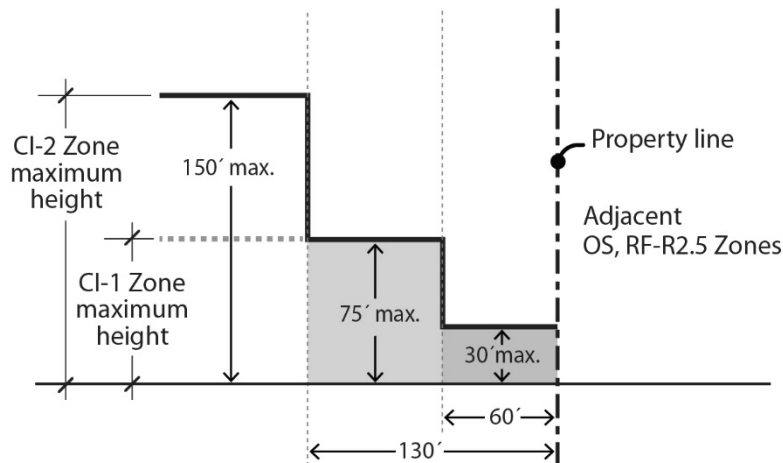
2. Voluntary inclusionary housing. Bonus FAR up to the maximum with inclusionary housing bonus stated in Table 150-2 is allowed when one of the following voluntary bonus options is met:
 - a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR allowed with bonus stated in Table 150-2. 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
 - b. Affordable Housing Fund. 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.

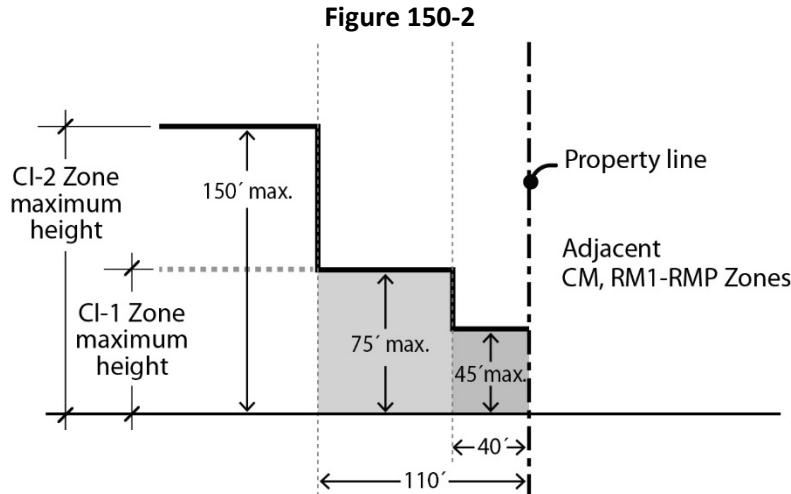
33.150.210 Height

- A. **Purpose.** Maximum height limits work with other development standards to control the overall scale of buildings. The height limits in the CI zones allow for urban scale development that generally reflects the intent of each zone. Height limits adjacent to residential and mixed use areas preserve light, air, and the potential for privacy in the adjacent zones, and discourage buildings that visually dominate adjacent development.
- B. **Maximum height.** The maximum height standards for all structures are stated in Table 150-2, or are shown on Maps 150-1 through 150-4. Maximum height is reduced adjacent to certain zones as described in Subsection C. The maximum heights shown on Maps 150-1 through 150-4 supersede the maximum height standards in Table 150-2 and Subsection C. Exceptions to all the maximum height standards are stated in Subsection E.
- C. **Reduced maximum height.** Maximum height is reduced adjacent to certain zones.
 1. In the CI1 zone, maximum height is reduced as follows.
 - a. On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.

- b. On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.
2. CI2 zone.
- a. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned OS, or RF through R2.5 as follows:
 - (1) On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
 - (2) On the portion of the site that is more than 60 feet but within 130 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 75 feet. See Figure 150-1.
 - b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned RM1 through RMP, or commercial/mixed use zones as follows:
 - (1) On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 45 feet. See Figure 150-2.
 - (2) On the portion of the site more than 40 feet but within 110 feet of a lot line abutting or across the street from a site zoned RM1 through RMP, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

Figure 150-1





D. Exceptions

1. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and rooftop railings may extend 4 feet above the height limit.
3. 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.
4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
5. Small wind turbines are subject to the standards of Chapter 33.299. Roof mounted solar panels are not included in height calculations, any may exceed the maximum height limit if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, they 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.
6. 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.

Table 150-2 Summary of Development Standards in Campus Institutional Zones			
Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum FAR with Inclusionary Housing Bonus [1] (see 33.150.205.C)	NA	3.75 to 1 [2] [3]	NA
Maximum Height (see 33.150.210)	75 ft. [4]	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an RM1-RMP, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District [5] (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area
Maximum Building Length [1] (see 33.150.235 and 33.150.255)	200 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:

[1] For Colleges and Medical Centers, the entire CI zone is treated as one site regardless of ownership. In this case, FAR is calculated based on the total square footage of the parcels within the zone rather than for each individual parcel, and setbacks, building length, facade articulation, ground floor windows and transit street main entrance regulations are measured from, or only apply to, the perimeter of the zone.

[2] Maximum FAR within the Legacy Good Samaritan Hospital and Health Center campus boundary shown on Map 150-3 is 3.7 to 1, and is 4.5 to 1 with inclusionary housing bonus.

[3] Maximum FAR within the PCC Sylvania campus boundary shown on Map 150-5 is .75 to 1, and is 1 to 1 with inclusionary housing bonus.

[4] Heights reduced on sites that are across the street from, or adjacent to, certain zones. See 33.150.210.C.

[5] For frontages where the maximum building setback applies, there is no minimum setback.

33.150.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the campus institutional zones, and reflect the diversity of neighborhoods within which the campus institutional zones are located. In instances where a campus institutional zone abuts a residential zone, the required setbacks centers complement the residential character of surrounding neighborhood and result in development that will maintain light, air, and the potential for privacy for adjacent residential zones. In instances where a campus institutional zone abuts a mixed-use zone, pedestrian district and/or transit street, the setback requirements promote buildings and activity that are inviting to pedestrians, and contribute to an active pedestrian environment.
- B. Minimum building setbacks.** The minimum building setback standards apply to all buildings and structures on the site. Minimum required building setbacks are stated in Table 150-2, or are shown on Maps 150-1 through 150-5. Minimum building setbacks shown on Maps 150-1 through 150-5 supersede Table 150-2. Exceptions to the minimum building setback standards are stated below:
1. Minor projections allowed. Minor features of a building, such as eaves, chimneys, fire escapes, water collection cisterns and planters, bay windows, uncovered stairways, wheelchair ramps, and uncovered decks or balconies, may project into a required building setback up to 20 percent of the depth of the setback. However, they may not be within 3 feet of a lot line. Bays and bay windows extending into the setback also must meet the following requirements:
 - a. Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - b. At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - c. Bays and bay windows must cantilever beyond the foundation of the building; and
 - d. The bay may not include any doors.
 2. Full projection allowed. In addition to Paragraph 1 above, the following features are allowed to fully project into required building setbacks:
 - a. Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - b. Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
 - c. Uncovered decks and stairways that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - d. On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.

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

C. Maximum building setbacks in the CI2 and IR zones.

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. 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 which streets to apply the standard.
2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

- D. Improvements within maximum building setbacks.** At least 50 percent of the setback area between the street lot line and the portion of the building that complies with the maximum building setback must be hard surfaced for use by pedestrians. Residential buildings are exempt from this standard.

33.150.220 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. In the CI1 zone, the standard promotes open spaces, both formal and informal, together with buildings at a scale that are compatible with surrounding single family residential development. In the CI2 zone the standards allow for buildings that represent an urban level of development and are consistent with adjacent mixed use zones.
- B. Building coverage standards.** The maximum building coverage covered structures are stated in Table 150-2

33.150.235 Building Length in the CI1 Zone

- A. Purpose.** The maximum building length standard, along with the height and setback standard, limits the amount of bulk that can be placed close to the street. The standard assures that long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.
- B. Maximum building length.** In the CI1 Zone, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site.

33.150.240 Landscaped Areas

- A. Purpose.** Landscaping is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing non-paved permeable surface. Landscaping is required for all campus

institutional zoned lands that abut or are across a street from residential zoned lands to provide buffering and promote the livability of the residential lands.

- B. Minimum landscaped area.** The required amount of landscaped areas is stated in Table 150-2. Required landscaped areas must be at ground level and comply with at least the L1 standard as stated in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and unenclosed recreational facilities. Any required landscaping, such as for required setbacks or parking lots, applies towards the landscaped area standard.
- C. Landscaping required in minimum building setbacks.** Landscaping is required in minimum building setbacks from lot lines abutting or across the street from a residential zoned lot. The depth and type of required landscaping are stated in Table 150-2.

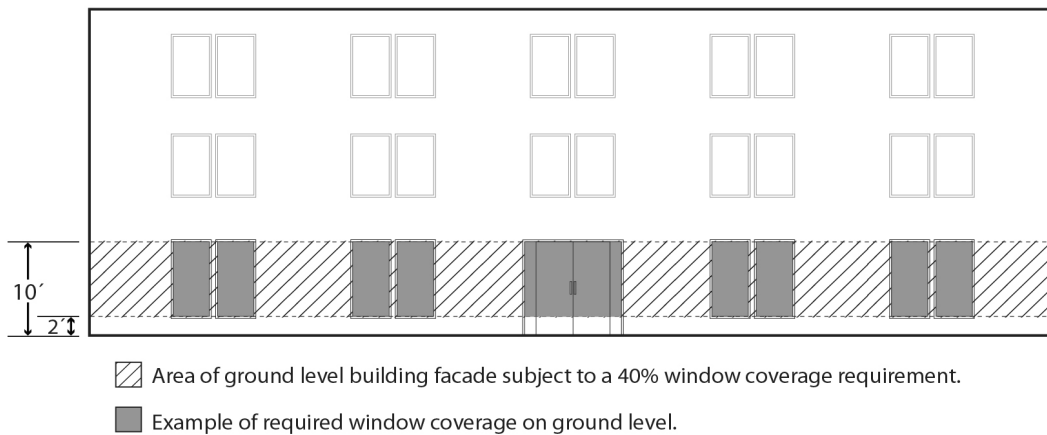
33.150.245 Trees

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

33.150.250 Ground Floor Windows in the CI2 and IR Zones.

- A. Purpose.** In the CI2 and IR zones, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of active street level uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Ground floor window standard.** The following standards apply in the CI2 and IR zones:
1. General standard.
 - a. Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 150-3.

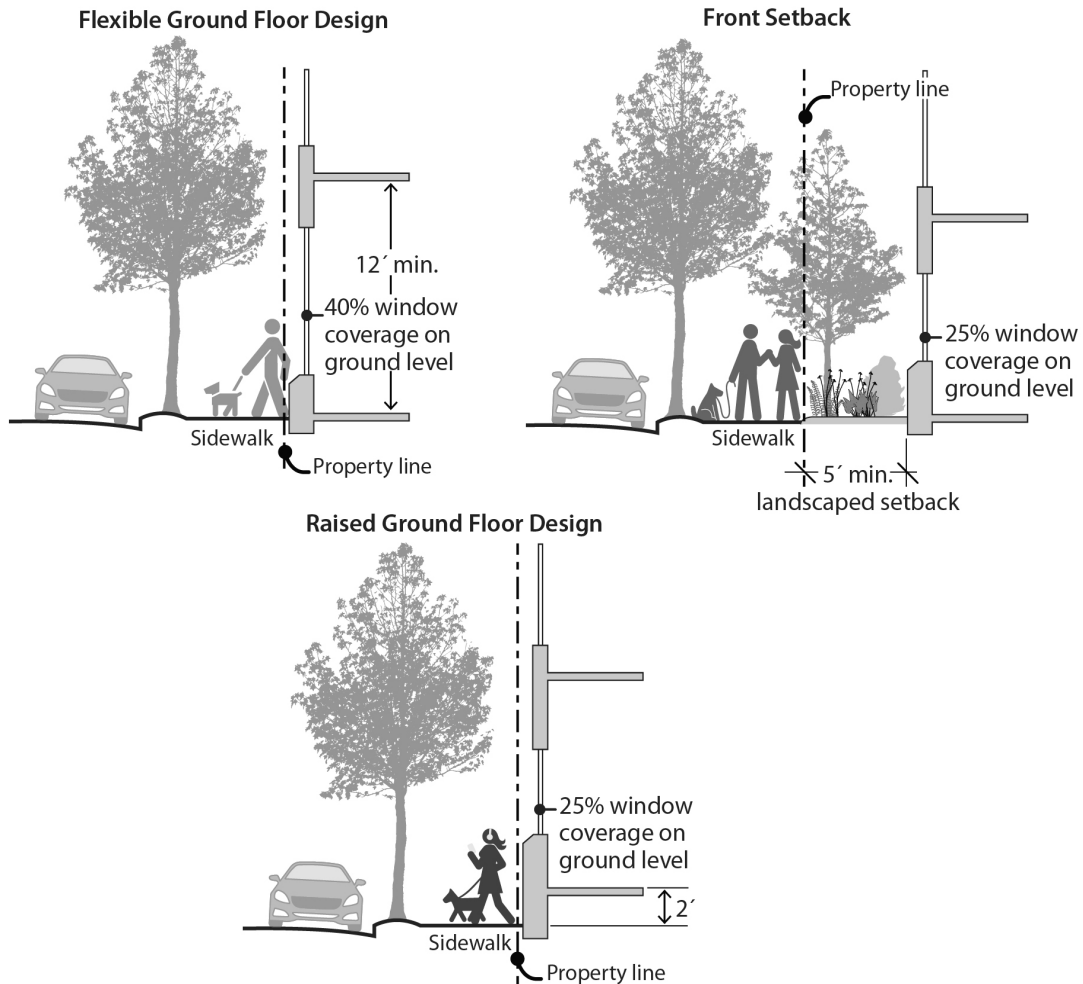
Figure 150-3
Ground Floor Windows



- b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
2. Exemptions:
 - a. Houses, attached houses, manufactured homes, duplexes, attached duplexes, and triplexes are exempt from this Section;
 - b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D; and
 - c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.
 - C. **Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle parking areas, mechanical and utility equipment areas, garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

- D. Ground floor window and frontage standards for dwelling units.** The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:
1. Flexible ground floor design. The ground floor window standard of Subparagraph B.1.a. must be met, and the ground level of the building must be designed and constructed as follows:
 - a. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
 - c. Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.
 2. Front setback.
 - a. The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
 - b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
 3. Raised ground floor.
 - a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
 - b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 150-4
Ground Floor Window Options



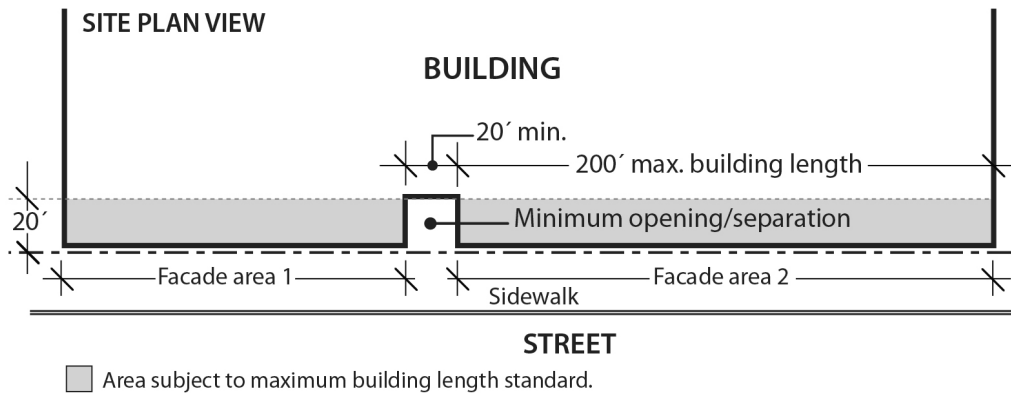
- E. Exception for Public Art.** Public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation, maintenance, and replacement of the public art. To qualify for this exception, documentation of approval by the City Arts Program or its designee must be provided prior to approval of the building permit.

33.150.255 Building Length and Facade Articulation in the CI2 Zone

- A. Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the CI2 zone, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject

to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 150-5.

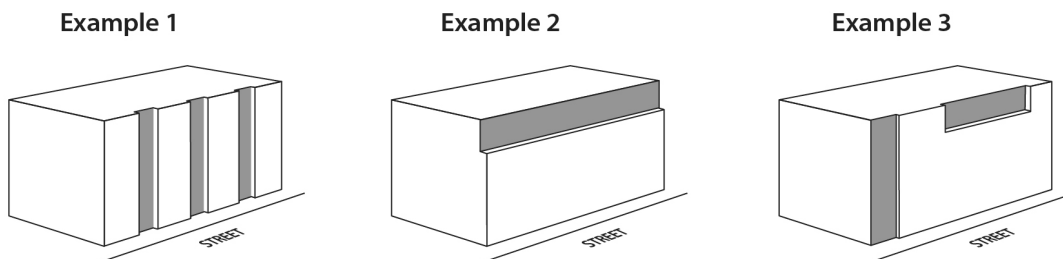
Figure 150-5
Maximum Building Length



C. Building Facade articulation in the CI2 Zone.

1. The standard applies to buildings more than 35 feet high and that have more than 3,500 square feet of street-facing facade area within 20 feet of a street property line.
2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet 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 150-6.

Figure 150-6
Facade Articulation



33.150.260 Screening

- A. Purpose.** The screening standards address specific unsightly features that detract from the appearance of campus institutional 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.

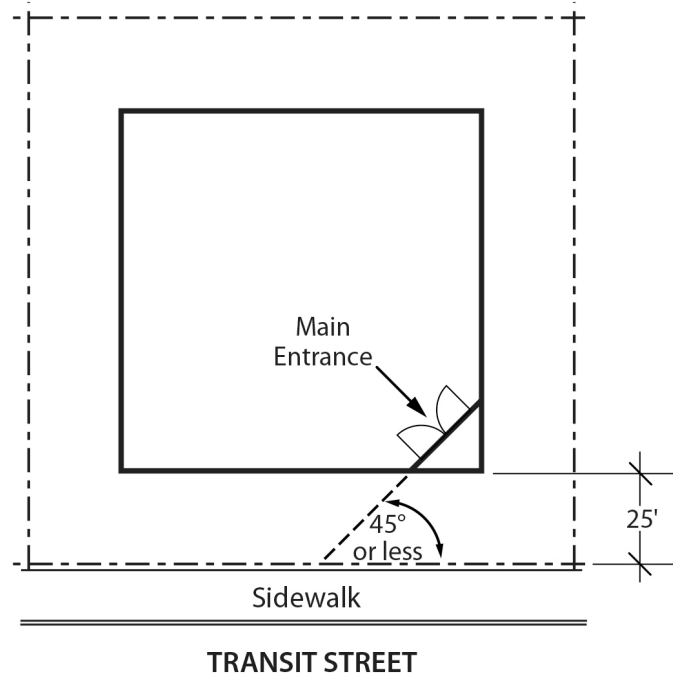
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 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.

33.150.265 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C must be met on at least one of the transit streets;
 2. Small housing types. Houses, attached houses, manufactured homes, duplexes, attached duplexes, triplexes, and fourplexes must meet the standards of 33.130.250.B, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 150-7; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that abuts the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and

- (2) Be within 60 feet of the transit street.

Figure 150-7
Transit Street Main Entrance



- D. Distance between entrances.** For portions of a building with any nonresidential uses within the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone

- A. Purpose.** The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.
- C. The standards.**
1. Access to accessory Retail Sales And Service uses must be from an interior space, or from an exterior space that is at least 150 feet from a public right of way.
 2. Exterior signage for accessory Retail Sales And Service uses is prohibited.
 3. The following subsections apply to development in the IR zone unless superseded by development standards in an approved impact mitigation plan or approved conditional use master plan:

- a. 33.120.200 Housing Types Allowed;
- b. 33.120.232 Street-Facing Facades;
- c. 33.120.240 Required Outdoor Areas; and
- d. 33.120.255 Pedestrian Standards.

33.150.270 Exterior Display and Storage,

- A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of a commercial area;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.** Exterior display of goods is prohibited except for the display of plants and produce.
- C. Exterior storage.** Exterior storage is allowed when the following are met:
1. Exterior storage is limited to 10 percent of the site area; and
 2. Exterior storage areas must be set back 10 feet from lot lines and the setback area must be landscaped to at least the L3 standard. Exterior storage areas located more than 100 feet from the perimeter of a College or Medical Center site are exempt from the landscape requirement. For colleges and medical centers, the entire CI zone is considered one site regardless of ownership.
- D. Paving.** All exterior display and storage areas, except for plant nurseries, must be paved.

33.150.275 Trucks and Equipment

- A. Purpose.** The parking and storage of trucks and equipment is regulated to ensure that it will be consistent with the desired character of the campus institutional zones, and to limit adverse effects on adjacent residential lands.
- B. Truck and equipment parking standards.** The standards for truck and equipment parking apply to business vehicles that are parked regularly at a site. The regulations do not apply to pick-up and delivery activities, to the use of vehicles during construction, or to services at the site that occur on an intermittent and short term basis. The truck categories are defined in Chapter 33.910.
1. Light trucks. The parking of passenger vehicles, light trucks, and similar equipment is allowed in all campus institutional zone areas that comply with the development standards for auto parking areas.
 2. Medium trucks. The parking of pickup trucks in the medium truck category is allowed in all campus institutional zones. The parking of all other medium trucks and similar equipment is allowed only in the CI2 zone. Truck parking areas must comply with the development standards for auto parking areas.
 3. Heavy trucks. The parking of heavy trucks and similar equipment is not allowed in any campus institutional zone.

33.150.277 Drive-Through Facilities

Drive-through facilities are prohibited in the campus institutional zones.

33.150.280 Detached Accessory Structures

- A. Purpose.** These standards are intended to maintain separation and privacy for abutting residential zoned lots from nonresidential development.
- B. General standards.**
 - 1. The regulations of this section apply to detached accessory structures.
 - 2. The height and building coverage standards of the base zone apply to detached accessory structures.
- C. Setbacks.**
 - 1. Uncovered accessory structures. Uncovered accessory structures such as flag poles, lamp posts, signs, antennas and dishes, mechanical equipment, uncovered decks, play structures, and tennis courts are allowed in a street setback, but not in a required setback from an abutting residential zone.
 - 2. Covered structures.
 - a. Covered structures such as storage buildings, greenhouses, work shed, covered decks, and covered recreational structures are subject to the setbacks for buildings.
 - b. Water cisterns that are 6 feet or less in height are allowed in side and rear setbacks, including setbacks for abutting a residential zone.

33.150.285 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
 - 1. Fences up to 8 feet high are allowed in required building setbacks except for required building setbacks along street lot lines or pedestrian connections. The following height limits apply to fences located within 10 feet of a street lot line or pedestrian connection. In the case of a college or medical center these limits apply to fences within 10 feet of all street lot lines or pedestrian connections within the zone.
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 - 2. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.

D. Reference to other regulations

1. Building permits. Building permits are required by BDS for certain fences pursuant to the building code.
2. Fence materials regulated by other bureaus. Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.150.290 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 a historic resource is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. Landscaping.** Sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through a land use review or building permit. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.150.295 Nonconforming Development

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

33.150.300 Parking, Loading, and Transportation and Parking Demand Management

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

33.150.305 Signs

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

33.150.310 Superblock Requirements

Development on land that includes vacated rights-of-way may be subject to the superblock standards of Chapter 33.293, Superblocks.

33.150.315 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.

(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

Additional Use & Development Regulations

- 33.203 Accessory Home Occupations
- 33.205 Accessory Dwelling Units
- 33.207 Accessory Short-Term Rentals
- 33.209 Aviation
- 33.218 Community Design Standards
- 33.224 Drive-Through Facilities
- 33.229 Elderly and Disabled High Density Housing
- 33.236 Floating Structures
- 33.237 Food Production and Distribution
- 33.243 Helicopter Landing Facilities
- 33.245 Inclusionary Housing
- 33.248 Landscaping and Screening
- 33.251 Manufactured Housing and Manufactured Dwelling Parks
- 33.253 Middle Housing Land Division Sites
- 33.254 Mining and Waste-Related
- 33.258 Nonconforming Situations
- 33.260 Occupied Recreational Vehicle
- 33.262 Off-Site Impacts
- 33.266 Parking and Loading
- 33.270 Planned Development
- 33.272 Public Recreational Trails
- 33.274 Radio Frequency Transmission Facilities
- 33.279 Recreational Fields for Organized Sports

33.281 Schools and School Sites

33.284 Self-Service Storage

33.285 Short Term, Mass, and Outdoor Shelters

33.293 Superblocks

33.296 Temporary Activities

33.299 Wind Turbines

33.203 Accessory Home Occupations

203

Sections:

- 33.203.010 Purpose
- 33.203.015 Adjustments and Modifications
- 33.203.020 Description of Type A and Type B Accessory Home Occupations
- 33.203.030 Use-Related Regulations
- 33.203.040 Site-Related Standards
- 33.203.050 Impact-Related Standards
- 33.203.060 Type B Home Occupation Permit

33.203.010 Purpose

Accessory home occupations are activities accessory to uses in the Household Living category. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use, and that the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effects on the surrounding neighborhood.

33.203.015 Adjustments and Modifications

Adjustments and modifications to the requirements of this chapter are prohibited.

33.203.020 Description of Type A and Type B Accessory Home Occupations

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

- A. Type A.** A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.
- B. Type B.** A Type B home occupation is one where the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.
- C. Accessory short-term rentals.** The regulations for accessory short-term rentals are stated in Chapter 33.207.
- D. Family child care homes.** Registered or certified family child care homes for up to 16 children, that also meet the State's requirements of ORS 329A, are exempt from the regulations of this chapter.

33.203.030 Use-Related Regulations

- A. Allowed uses.** The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a

specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.

B. Prohibited uses.

1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
3. A Type B accessory home occupation is prohibited in a dwelling unit with any accessory short-term rental.

C. Additional Type B home occupation regulations. The following additional regulations apply to Type B home occupations.

1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.
2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation. For the purpose of this Chapter, the term "one nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation.
3. Customers. Up to 15 customers or clients may visit the site in a day.
4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

33.203.040 Site-Related Standards

A. Outdoor activities.

1. All activities associated with an accessory home occupation must be in completely enclosed structures on the site, excluding activities or services that, by their nature, must be conducted off site. Examples of accessory home occupations where activities or services must be conducted off site include house painting, landscape maintenance, or chauffeuring services.
2. Exterior storage or display of goods or equipment is prohibited.

B. Appearance of structure and site. The dwelling and site must remain residential in appearance and characteristics. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting.

33.203.050 Impact-Related Standards

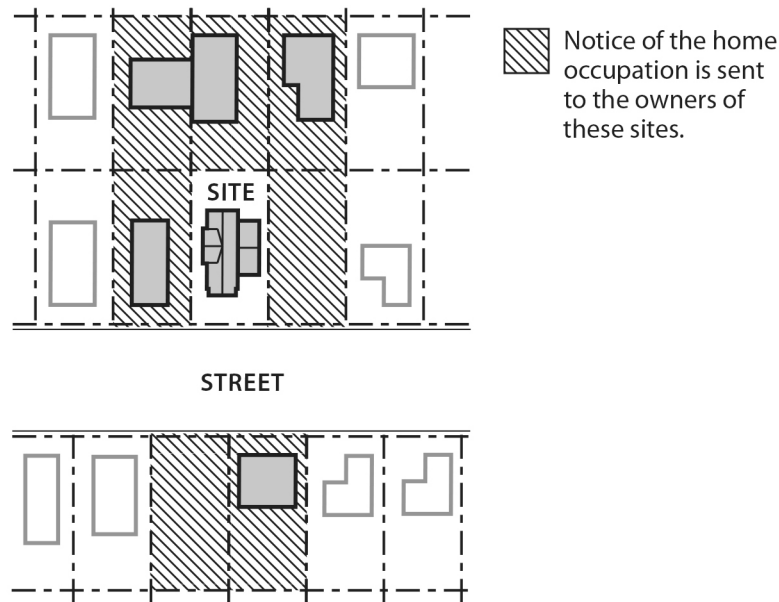
- A. Nuisances.** Accessory home occupations are regulated by the standards contained in Chapter 33.262, Off-Site Impacts, except noise, which is regulated by Subsection C. below.
- B. Hazardous substances.** Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- C. Noise.** The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard.
- D. Vehicles.** No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.
- E. Deliveries.** Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

33.203.060 Type B Home Occupation Permit

- A. Purpose.** Permits for Type B home occupations must be obtained from BDS prior to their establishment, to ensure the following:
 - That the applicant is aware of the provisions of this chapter which govern accessory home occupations;
 - That the City has all information necessary to evaluate whether the proposal initially meets and continues to meet code regulations; and
 - That the distribution and location of Type B home occupations can be documented.
- B. Procedure.** A home occupation permit for Type B home occupations will be issued by BDS for a two year period. It is the responsibility of the applicant to obtain the permit every two years. The review process requires the applicant to agree to abide with the requirements of this chapter and sign a form showing agreement to these conditions and documentation that the proposal is a Type B home occupation. The applicant must demonstrate compliance with the neighborhood notice requirement, described in Subsection C. below.
- C. Neighborhood notice.**
 1. **Purpose.** The purpose of this requirement is to notify the neighborhood association and nearby property owners of the establishment of a Type B accessory home occupation, the type of activities which will occur, and the regulations under which the use must operate.

2. Process.
 - a. Notice content. The applicant must complete a notice which describes the standards set forth in this chapter, the type of business activities to take place at the site, the hours of operation, and either the nonresident employee or the expected number of customers on a daily basis.
 - b. Notice recipients. All recognized organizations whose boundaries include the site must receive the notice. In addition, all owners of the property abutting or across the street from the site must receive the notice. See Figure 203-1 for a description of the notice area. The applicant must submit to BDS a list of the addresses notified, a copy of the notice which was sent, and a signed statement verifying that this requirement has been met. It is the responsibility of the applicant to gather the information to fulfill this requirement.

Figure 203-1
Home Occupation Notice Area



- D. Revocation.** A Type B home occupation permit can be revoked for failure to comply with the regulations of this Chapter, through the procedures identified in Section 3.30.040 of Title 3, Administration. When a Type B home occupation permit has been revoked, a new Type B home occupation permit will not be issued to the applicant or other persons residing with the applicant for 2 years.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 178509, effective 7/16/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 191779, effective 10/1/24.)

33.205 Accessory Dwelling Units

205

Sections:

- 33.205.010 Purpose
- 33.205.020 Where These Regulations Apply
- 33.205.030 General Requirements
- 33.205.040 Development Standards
- 33.205.050 Density

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

- Create new housing units while respecting the look and scale of single-dwelling development;
- Increase the housing stock of existing neighborhoods in a manner that is less intense than alternatives;
- Allow more efficient use of existing housing stock and infrastructure;
- Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship and services; and
- Provide a broader range of accessible and more affordable housing.

33.205.020 Where Accessory Dwelling Units are Allowed

- A. RF.** One accessory dwelling unit is allowed on a site with a house, attached house or manufactured home in the RF zone.
- B. R20 through R2.5.**
 - 1. One accessory dwelling unit is allowed as follows:
 - a. On a site with a house or manufactured home in the R20 through R2.5 zones when the lot complies with Section 33.110.202, When Primary Structures are Allowed.
 - b. On a site with an attached house when the lot meets the minimum lot area stated in Table 205-1.

Zone	Minimum Lot Area
R20	10,000 sq. ft.
R10	5,000 sq. ft.
R7	3,500 sq. ft.
R5	2,500 sq. ft.
R2.5	1,500 sq. ft.

- c. On a site with a duplex:

- (1) When allowed. Except as prohibited by Subsubparagraph B.1.c.(2), one accessory dwelling unit is allowed on a site with a duplex when the lot meets the minimum lot area requirements stated in Table 205-2. The accessory dwelling unit must be detached from the duplex.
- (2) When prohibited. An accessory dwelling unit is prohibited on lots that contain a duplex made up of two detached primary dwelling units, and on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

Table 205-2 Minimum Lot Area	
Zone	Minimum Lot Area
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,500 sq. ft.

2. Two accessory dwelling units are allowed as follows:
 - a. When allowed. Except as prohibited by Subparagraph B.2.b., two accessory dwelling units are allowed on a site with a house, attached house or manufactured home in the R20 through R2.5 zones when the lot meets the minimum lot area requirement stated in Table 205-2. If there are two accessory dwelling units on the site, at least one must be detached from the primary structure.
 - b. When prohibited. Two accessory dwelling units are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

C. Multi-dwelling, C and EX.

1. Up to two accessory dwelling units are allowed on a site with a house, attached house or manufactured home in the multi-dwelling, C and EX zones. If there are two accessory dwelling units on the lot, at least one must be detached from the primary structure.
2. One accessory dwelling unit is allowed on a site with a duplex in the multi-dwelling, C and EX zones. The accessory dwelling unit must be detached from the duplex.

33.205.030 General Requirements

- A. Type A accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type A accessory short-term rental.

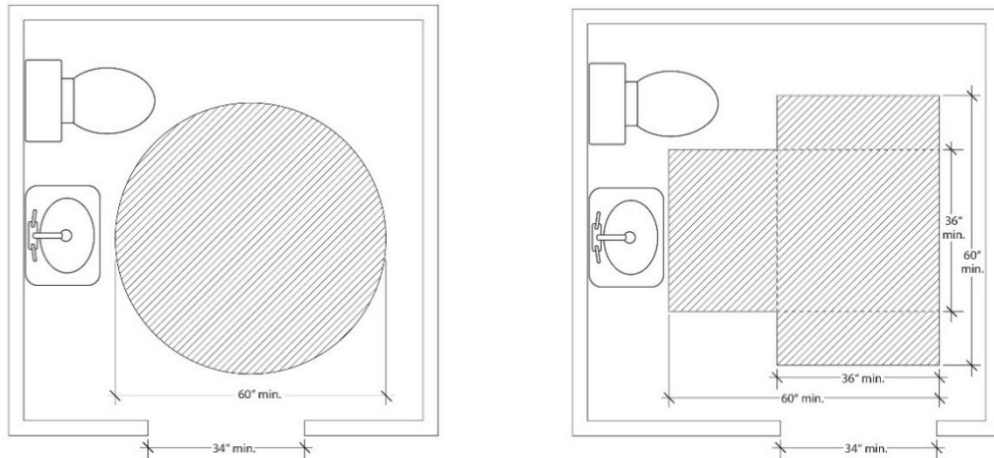
- B. Type B accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type B accessory short-term rental if the accessory dwelling unit meets the standards of Paragraph 33.815.040.B.1.

33.205.040 Development Standards

- A. **Purpose.** Standards for creating accessory dwelling units address the following purposes:
- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland’s residential zones;
 - Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
 - Ensure that accessory dwelling units are smaller in size than primary dwelling units; and
 - Provide adequate flexibility to site buildings so that they fit the topography of sites.
- B. **Generally.** The development standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
- C. **Requirements for accessory dwelling units.** Accessory dwelling units must meet the following:
1. **Maximum size.** The living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the larger of the two primary units or 800 square feet of living area, whichever is less.
 2. **Setbacks.** Detached and connected accessory dwelling units must be:
 - a. Set back 40 feet from the front lot line; or
 - b. Located behind the rear building wall of the primary dwelling. For the purpose of this regulation, the rear wall of the primary dwelling unit is the wall furthest from the wall with the main entrance to the street.
 3. Detached and connected accessory dwelling units must meet the development standards for covered accessory structures in the base zone.
 4. **Visitability.**
 - a. **Purpose.** Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting a residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;

- Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
- b. When the visitable unit standards apply. Unless exempted by Subparagraph C.4.d, the visitable unit standards apply to the following situations:
- (1) When there are two accessory dwelling units on a site with a house, attached house or manufactured home; and
 - (2) When there is one accessory dwelling unit on a site with a duplex.
- c. Visitability standard. Unless exempted by Subparagraph C.4.d, at least one dwelling unit on the lot must meet the following visitability standards:
- (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1 The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

Figure 205-1
Visitable Bathroom Clearances



- d. Exemptions. The following are exempt from the visitable unit standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing accessory structure that is at least 5 years old or converting space in a house that is at least 5 years old to an accessory dwelling unit.

33.205.050 Density

Accessory dwelling units are included in the minimum density calculations but are not included in the maximum density calculations.

(Amended by: Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. No. 183598, effective 4/24/10; Ord. No. , effective 8/29/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187471, effective 1/1/16; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

33.207 Accessory Short-Term Rentals

207

Sections:

- 33.207.010 Purpose
- 33.207.020 Description and Definitions
- 33.207.030 Where These Regulations Apply
- 33.207.040 Type A Accessory Short-Term Rentals
- 33.207.050 Type B Accessory Short-Term Rentals
- 33.207.060 Monitoring
- 33.207.070 Pre-Established Bed and Breakfast Facilities

33.207.010 Purpose

This chapter provides standards for the establishment of accessory short-term rentals. The regulations are intended to allow for a more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential. In some situations, the operator can take advantage of the scale and architectural or historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

33.207.020 Description and Definitions

- A. Description.** An accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days. There are two types of accessory short-term rental:
 - 1. Type A. A Type A accessory short-term rental is where no more than 2 bedrooms are rented to overnight guests.
 - 2. Type B. A Type B accessory short-term rental is where 3 or more bedrooms are rented to overnight guests.
- B. Definitions.** For the purposes of this chapter, the following words have the following meanings:
 - 1. Resident. The individual or family who resides in the dwelling unit. The resident can be the owner or a long-term renter.
 - 2. Operator. The resident or a person or entity that is designated by the resident to manage the accessory short-term rental.

33.207.030 Where These Regulations Apply

- A.** Except as follows, the regulations of this chapter apply to accessory short-term rentals in all zones.

- B.** In zones where Retail Sales And Service uses are allowed, limited or conditional uses, the following applies:
1. In multi-dwelling and campus institutional zones, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 2. In commercial/mixed use, employment, and industrial zones the following applies:
 - a. Type A accessory short-term rentals. Type A accessory short-term rentals may be regulated as either a Retail Sales and Service use or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 - b. Type B accessory short-term rentals. The Type B accessory short-term rental regulations do not apply in the commercial, employment and industrial zones. Accessory short-term rentals where 3 or more bedrooms are rented to overnight guests are regulated as a Retail Sales and Service use.

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type A accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .040.B.2 or .040.B.3, the bedrooms rented to overnight guests must be within the dwelling unit that the resident occupies.
2. Permit required. A Type A accessory short-term rental requires a Type A accessory short-term rental permit consistent with Subsection 040.C.
3. Allowed structure type. A Type A accessory short-term rental is allowed in all residential structure types when accessory to a residential use.
4. Cap. The number of dwelling units in a multi-dwelling structure, triplex, fourplex, or cottage cluster that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure or on the site, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

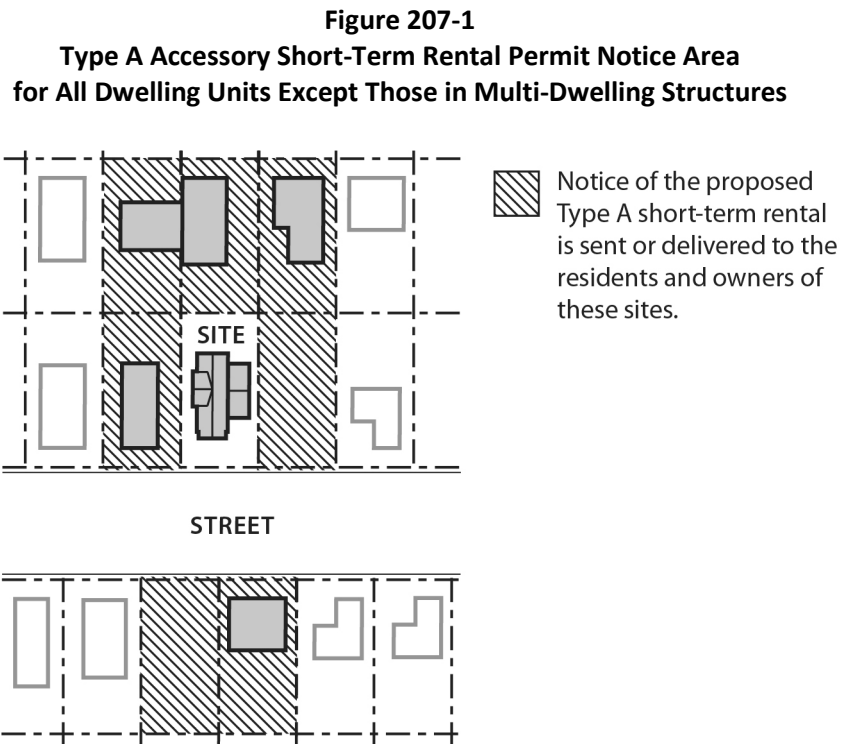
B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling

unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.

3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
 4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
 5. Number of guests. The maximum number of guests occupying a Type A accessory short-term rental may not exceed 5.
 6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
 7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This is not considered a commercial meeting.
 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
 10. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type A accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.
- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:

1. Notification. The resident must:
 - a. Prepare a notification letter that:
 - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
 - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
 - (3) Describes how the standards in Subsection .040.A and B are met.
 - b. Mail or deliver the notification letter as follows:
 - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.
 - (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
 - a. Two copies of the completed application form bearing the address of the property, and the name, signature, address, and telephone number of the following:
 - (1) Resident;
 - (2) Operator; and
 - (3) Property owner or their authorized agent.
 - b. A copy of the notification letter.



- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued for the dwelling unit for 2 years.

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. In residential and campus institutional zones, A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a residential use.

4. Cap. The number of dwelling units in a multi-dwelling structure, triplex, fourplex, or cottage cluster that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure or on the site, whichever is greater.
5. Prohibition.
 - a. Type B accessory short-term rentals are prohibited in commercial/mixed use, employment, and industrial zones.
 - b. Accessory short-term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.

7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings.
 - a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:
 - (1) In the single-dwelling zones, commercial meetings are prohibited;
 - (2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
 - b. Historic resources. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This does not count as a commercial meeting.
 - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.
9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.
10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.
11. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type B accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.

33.207.060 Monitoring

All accessory short-term rental permit holders must provide transactional data of guest stays upon City request. Transactional data is data provided directly from the listing platform and must include guest names, guest home addresses, guest phone numbers, dates of stay, and number of guests. Failure to provide transactional data within 30 days of City request is a violation and subject to enforcement or permit revocation.

33.207.070 Pre-Established Bed and Breakfast Facilities

- A. Facilities without a revocable permit.** Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to

operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.

1. The facility was operating with a City business license or was granted exemption from the business license requirement;
 2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
 3. The owner or operator can document that the Portland Bureau of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.
- B. Alterations and Expansions.** The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.
- C. Facilities with a revocable permit.** Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24.)

top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.

K. Rooftop solar energy systems.

1. Rooftop solar energy systems must meet the following requirements:
 - a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or
 - (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.
 - b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
3. Photovoltaic glazing may be integrated into windows or skylights.
4. Ground pole mounted solar energy systems are subject to the following additional standard: On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone.

L. Water cisterns. Above-ground cisterns for rainwater or greywater collection meet the following:

1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and
2. Cisterns must either
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.

M. Ground floor windows. Street-facing elevations must meet the standards of 33.130.230.B, Ground floor windows. As an alternative to providing ground floor windows, proposals in E zones may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;

2. The artist and the specific work or works of art must be approved by the City Arts Program or its designee; and
 3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.
- N. Distinct ground floor.** This standard applies to buildings that have any floor area in non-residential uses. The ground level of the primary structure must be visually distinct from upper stories. This separation may be provided by:
1. A cornice above the ground level;
 2. An arcade;
 3. Changes in material or texture; or
 4. A row of clerestory windows on the building's street facing elevation.
- O. Roofs. Buildings must have either:**
1. A sloped roof with a pitch no flatter than 6/12; or
 2. A roof with a pitch of less than 6/12 and a cornice that meets the following:
 - a. There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and
 - b. The height of the cornice is based on the height of the building as follows:
 - (1) Buildings 10 feet or less in height must have a cornice at least 12 inches high.
 - (2) Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - (3) Buildings 30 feet or greater in height must have a cornice at least 24 inches high.
- P. Base of buildings.** Buildings must have a base on all street-facing elevations. The base must be at least 2 feet above grade and be distinguished from the rest of the building by a different color or material.
- Q. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
1. Zero setbacks. For structures where none of the floor area is in residential use, no setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.

2. Exterior siding.
 - a. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 - b. Where horizontal siding is used, it must be shiplap or clapboard siding composed of wooden boards with a reveal of 3 to 6 inches, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
 - c. The siding material may not cover the window and door trim.
3. Building features to be retained. In RH zones the following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:
 - a. Entrances;
 - b. Front porches;
 - c. Balconies;
 - d. Bay windows; and
 - e. Dormers.
4. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.
5. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.
6. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.
7. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.
8. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.
9. Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial/mixed use zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.
10. Wood facades in Woodlawn. In the Woodlawn Conservation District, commercial buildings and commercial portions of mixed use buildings must have wood as their exterior finish material on their street facing elevations.
11. Facade height in Russell Street, Woodlawn, and Piedmont. In the Russell Street, Woodlawn and Piedmont Conservation Districts, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.

12. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
13. Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
14. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.150 Standards for I Zones

The standards of this section apply to development of all structures in the I zones. These standards also apply to exterior alterations in these zones.

- A. Building placement and the street.** Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

Structures built to the street lot line are exempt from the requirements of this subsection. Where there is more than one street lot line, only those frontages where the structure is built to the street lot line are exempt from the requirements of this paragraph.

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:
 - a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of openings that are at least 6 feet wide and which run the full length of the street facing elevation;
 - c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and

- d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.
3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk.
 - a. The building walls may be set back no more than 10 feet from the street lot line; and
 - b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.
 - (1) A bench or other seating;
 - (2) A tree;
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
- B. Landscape coverage.** On sites outside conservation districts, at least 15 percent of the total site area must be landscaped. Other required landscaping may count toward this requirement.
- C. Reinforce the corner.** On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:
 1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
 2. At least one of the street-facing walls must be at least 40 feet long;
 3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
 4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
 5. There is no parking within 40 feet of the corner.
- D. Pedestrian standards.** Buildings that include any non-residential uses and are on a transit street or City Walkway, or within a Pedestrian District must meet the pedestrian standards of the Employment Zones.
- E. Vehicle areas.**
 1. Parking between building and street. There may be only one double-loaded aisle of parking between the building and any street.

2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.
- F. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- G. Exterior finish materials.** The standards of this subsection must be met on all building facades:
1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, sheet pressboard, and horizontal shiplap or clapboard siding may not be used except as secondary finishes if they cover no more than 10 percent of each facade.
 2. Compatible exterior finish materials. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finish materials on the existing building do not meet the standards of Paragraph G.1, any material that meets the standards of Paragraph G.1 may be used.
- H. Roof-mounted equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection K below, and exempt from standard of this subsection:
1. A parapet as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment;
 3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
 4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.
- I. Rooftop solar energy systems.**
1. Rooftop solar energy systems must meet the following requirements:
 - a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or
 - (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the

parapet, or roofline when there is no parapet, the system must be set back 4 feet.

- b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
 3. Photovoltaic glazing may be integrated into windows or skylights.
 4. Ground or pole mounted solar energy systems are subject to the following additional standards:
 - a. On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone;
 - b. The system may not be located closer to the street than the portion of the street-facing facade that is closest to the street.
- J. Ground floor windows.** All street-facing elevations of a development must meet the Ground Floor Windows Standards of the EX zone. As an alternative to providing ground floor windows, a project may provide public art if the following conditions are met:
1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
 2. The artist and the specific work or works of art must be approved by the City Arts Program or its designee; and
 3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.
- K. Large building elevations divided into smaller areas.** When the front elevation of a structure is more than 1,500 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
1. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations; or
 2. Setting part of the facade back at least three feet from the rest of the facade.
- L. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
1. Zero setbacks. No setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.
 2. Distinct ground floor. The ground level of the primary structure must be visually distinct from upper stories. This separation is provided by:
 - a. A cornice above the ground level;

- b. An arcade;
 - c. Changes in material or texture; or
 - d. A row of clerestory windows on the building's street facing elevation.
3. Ground level glass. All glass in ground level street-facing windows and doors must be clear or ornamental stained glass. Restrooms may have reflective or opaque glass.
4. Clerestory windows. There must be clerestory windows above all windows and doors on the ground floor of street-facing elevations of buildings or parts of buildings with commercial uses.
5. Parapets. Flat roofs must be surrounded by a parapet at least 18 inches in height.
6. Arched windows in Russell Street. In the Russell Street Conservation District, all top floor windows on street-facing elevations must have an arch at the top of their window framing.
7. Red brick in Russell Street. In the Russell Street Conservation District, street-facing elevations must be red brick or a combination of block (basalt or cast stone) and red brick. Up to 20 percent of the facade may be stone or precast concrete.
8. Facade height in Russell Street. In the Russell Street Conservation District, the street-facing elevations of commercial and mixed use buildings must be at least 20 feet in height.
9. Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

(Added by Ord. No. 171589, effective 11/1/97. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 174325, effective 5/5/00; Ord. No. 175210, effective 1/26/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178452, effective 7/10/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24.)

33.245 Inclusionary Housing

245

Sections:

- 33.245.010 Purpose
- 33.245.020 Where These Regulations Apply
- 33.245.030 Exemption
- 33.245.040 Inclusionary Housing Standards
- 33.245.050 Compliance

33.245.010 Purpose

The purpose of these regulations is to promote the production of affordable housing for a diversity of household types by linking of the production of affordable housing to the production of market-rate housing.

33.245.020 Where These Regulations Apply

The regulations of this chapter apply to the following:

- A. New buildings with 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC; and
- B. Alterations to existing buildings that add 20 or more dwelling units. Dwelling units in a continuing care retirement community (CCRC), as defined in ORS 101.020, that are operated as a CCRC do not count toward the 20 unit threshold when a covenant has been executed with the City that meets the requirements of 33.700.060, and specifies that the units will be operated as a CCRC.

33.245.030 Exemption

This chapter does not apply to Group Living, Medical Center, and College uses.

33.245.040 Inclusionary Housing Standards

Affordable dwelling units must be provided as follows, or a fee-in-lieu of providing affordable dwelling units must be paid. Adjustments are prohibited:

- A. **On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purpose of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
 - 1. 10 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
 - 2. 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.
- B. **Off-site affordable dwelling units.** Off-site affordable dwelling units can be provided by constructing new dwelling units or by dedicating existing dwelling units as affordable. When the affordable dwelling units will be located off-site, 20 percent of the total number of dwelling units must be affordable to those earning no more than 60 percent of the area median family

income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter.

- C. Alternate calculation method.** As a way to encourage the creation of larger affordable dwelling units, Title 30 allows reconfiguration based on the total number of bedrooms in the new or altered building. See Title 30.01.120.D.

33.245.050 Compliance

To comply with the inclusionary housing standards in Section 33.245.040, the following must be met. Adjustments are prohibited:

- A.** The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the standards stated above and any administrative requirements. The letter is required to 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; and
- B.** If affordable dwelling units will be provided the property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of the building permit for the development that triggers this chapter, and the covenant must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau.

(Adopted by Ord. No. 188162, effective 2/1/17; Amended by Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189303, effective 12/31/18; Ord. No. 190076, effective 8/10/20; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.251 Manufactured Homes and Manufactured Dwelling Parks

251

Sections:

- 33.251.010 Purpose
- 33.251.020 Manufactured Homes on Individual Lots
- 33.251.025 More Than One Manufactured Home on a Site
- 33.251.030 Manufactured Dwelling Park Regulations

33.251.010 Purpose

This chapter provides standards that allow the placement of manufactured homes, mobile homes and manufactured dwelling parks in residential areas without changing the character of existing neighborhoods. These regulations promote additional housing options and provide locational opportunities for manufactured dwellings.

33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
 1. In all zones where houses are an allowed housing type;
 2. In zones where cottage clusters are allowed, three to six manufactured homes may be allowed if they meet the provisions of this chapter;
 3. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this chapter; and
 4. On individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.

33.251.025 More Than One Manufactured Home on a Site

The following standards apply when more than one manufactured home is located on a site:

- A. Two or three manufactured homes.**
 1. Two or three manufactured homes on a site may be regulated as primary and accessory dwelling units in zones that allow up to two accessory dwelling units, as a cottage cluster in zones that allow cottage clusters, or multi-dwelling development in zones that allow multi-dwelling development.

2. The manufactured homes are subject to the density and development standards that would apply to primary and accessory dwelling units, cottage clusters, or multi-dwelling development on the site.
 3. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site.
 4. The manufactured homes must also meet the standards of 33.251.020.D, above.
- B. Four to six manufactured homes.** Four to six manufactured homes on a site must meet one of the following standards:
1. Four to six manufactured homes on a site may be regulated as a cottage cluster in zones that allow cottage clusters or as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to cottage clusters or multi-dwelling development on the site. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or
 2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- C. Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

33.251.030 Manufactured Dwelling Park Regulations

- A. Purpose.** Manufactured dwelling parks are allowed in certain multi-dwelling residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.
- C. Zones allowed.** Manufactured dwelling parks are allowed only in the RM1 and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.
- D. Uses allowed.** In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- E. Density.** The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four or more manufactured dwelling spaces.
- F. Development Standards.** Manufactured dwelling parks must meet the development standards of the base zone in addition to the standards of this section. Development

standards are measured related to the property lines of the site, not the boundaries or dimensions of the individual manufactured dwelling space.

G. Types of structures allowed.

1. All types of manufactured dwellings are allowed in manufactured dwelling parks.
2. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling Parks, residential structure types other than manufactured dwellings are prohibited.

H. General park requirements.

1. Perimeter landscape area. A 10-foot deep area landscaped to at least the L1 standard must be provided around the perimeter of the manufactured dwelling park. Vehicle areas, including driveways and parking areas, must meet the perimeter landscaping requirements in Section 33.266.130.G.
2. Individual outdoor areas. An individual area landscaped to at least the L1 standard or surfaced with pavers or decking is required for each manufactured dwelling space. The minimum size is 48 square feet. The minimum dimension is 6 feet. The individual outdoor area must be placed on or adjacent to each manufactured dwelling space. Common outdoor areas, as required by Paragraph 3, below, may not be counted towards meeting this requirement.
3. Common outdoor areas.
 - a. Generally. A common outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required common open areas must be available for the use of all park residents. The open area(s) must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.
 - b. Exemption. A manufactured dwelling park that does not accommodate children who are under 14 years of age does not have to meet this requirement if the property owner executes a covenant with the City of Portland specifying that the manufactured dwellings will not accommodate children under 14 years of age. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more manufactured dwelling spaces, within a manufactured dwelling park as provided in 20.40, Street Tree and Other Public Tree Regulations.
5. Other structures. Other structures within the manufactured dwelling park for uses accessory to the operation of the manufactured dwelling park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within common outdoor areas.

I. Vehicle and pedestrian circulation and parking.

1. Vehicle areas, access, and circulation.
 - a. Access and circulation within the manufactured dwelling park may be provided by streets, public or private, or driveways. All public streets must be approved by the City Engineer. All private streets, private alleys, and driveways must meet the standards of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title. Circulation plans for manufactured dwelling parks must be approved by the Fire Bureau and Bureau of Transportation.
 - b. Vehicle areas. Where the site abuts a street that is not part of the site, the standard of 33.266.130.C.3.a must be met.
2. Pedestrian circulation.
 - a. A pedestrian circulation system must connect each space with the internal street or driveway system, to other areas of the site, such as parking areas, recreational areas, and to adjacent streets.
 - b. The pedestrian circulation system must be at least 4 feet wide and hard-surfaced. Where the pedestrian system crosses driveways or parking areas, it must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used, it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
 - d. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by residents.
3. Parking. Parking must be provided in conformance with the parking regulations of the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks, which supersede the requirements of this Title.

J. Individual manufactured dwelling space requirements. Spaces for manufactured dwellings must be a minimum of 30 feet in width and a minimum of 40 feet in depth.

K. Nonconforming manufactured dwelling parks. Existing manufactured dwelling parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development. Listed below are situations where the manufactured dwelling park is given nonconforming status.

1. Existing manufactured dwelling parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.
2. Existing manufactured dwelling parks may have nonconforming densities and development depending on the standards of the base zone. In a manufactured

dwelling park that is nonconforming in minimum residential density, there may be a net decrease in the number of manufactured dwelling units, but there may not be a net decrease in the number of manufactured dwelling spaces, unless the decrease in spaces is the result of meeting the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks.

3. Existing manufactured dwelling parks in the RM1 and RMP zones may have nonconforming densities and/or development depending on individual situations.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 182429, effective 1/16/09; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

33.258 Nonconforming Situations

258

Sections:

- 33.258.010 Purpose
- 33.258.030 Types of Nonconforming Situations
- 33.258.035 Where These Regulations Apply
- 33.258.037 Documenting Conforming Development
- 33.258.038 Documenting A Nonconforming Situation
- 33.258.040 Regulations that Apply to All Nonconforming Situations
- 33.258.050 Nonconforming Uses
- 33.258.060 Nonconforming Residential Densities
- 33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones
- 33.258.070 Nonconforming Development
- 33.258.075 Determination of Legal Nonconforming Status
- 33.258.080 Nonconforming Situation Reviews

33.258.010 Purpose

Nonconforming situations are created when the application of a specific zone to a site changes, or a zoning regulation changes. As part of the change, existing uses, density, or development might no longer be allowed. The intent of the change is not to force all noncomplying situations to be immediately brought into conformance. Instead, the intent is to guide future uses and development in a new direction consistent with City policy, and, eventually, bring them into conformance.

This chapter provides methods to determine whether situations have legal nonconforming status. This is based on whether they were allowed when established, and if they have been maintained over time. This chapter also provides a method to review and limit nonconforming situations when changes to those situations are proposed. The intent is to protect the character of the area by reducing the negative impacts from nonconforming situations. At the same time, the regulations assure that the uses and development may continue and that the zoning regulations will not cause unnecessary burdens.

Nonconforming situations that have a lesser impact on the immediate area have fewer restrictions than those with greater impacts. Nonconforming uses in residential zones are treated more strictly than those in commercial/mixed use, employment, industrial, or campus institutional zones to protect the livability and character of residential neighborhoods. In contrast, nonconforming residential developments in residential zones are treated more liberally because they do not represent a major disruption to the neighborhood and they provide needed housing opportunities in the City.

33.258.030 Types of Nonconforming Situations

A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. Nonconforming uses, nonconforming residential densities, and nonconforming development are defined in Chapter 33.910, Definitions.

33.258.035 Where These Regulations Apply

The nonconforming situation regulations apply only to those nonconforming situations which were allowed when established or which were approved through a land use review. Additionally, they must have been maintained over time. These situations have legal nonconforming status. Nonconforming situations which were not allowed when established or have not been maintained over time have no legal right to continue and must be removed.

33.258.037 Documenting Conforming Development

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

33.258.038 Documenting A Nonconforming Situation

The applicant must provide evidence to show that the situation was allowed when established and was maintained over time. If the applicant provides standard evidence from the list below, the Director of BDS will determine if the evidence is satisfactory. The Director of BDS will also determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920. If the applicant provides evidence other than the standard evidence listed below, a Determination of Legal Nonconforming Status is required. (See 33.258.075.)

- A. Situation allowed when established.** Standard evidence that the situation was allowed when established is:
 - 1. Building, land use, or development permits; or
 - 2. Zoning codes or maps;

- B. Situation maintained over time.** Standard evidence that the use has been maintained over time is:
 - 1. Utility bills;
 - 2. Income tax records;
 - 3. Business licenses;
 - 4. Listings in telephone, business, or Polk directories;
 - 5. Advertisements in dated publications;
 - 6. Building, land use, or development permits;
 - 7. Insurance policies;
 - 8. Leases;
 - 9. Dated aerial photos;
 - 10. Insurance maps that identify use or development, such as the Sanborn Maps; or
 - 11. Land use and development inventories prepared by a government agency.

33.258.040 Regulations that Apply to All Nonconforming Situations

- A. **Ownership.** The status of a nonconforming situation is not affected by changes in ownership.
- B. **Change to a conforming situation.** A nonconforming situation may be changed to a conforming situation by right. Once a conforming situation occupies the site, the nonconforming rights are lost and a nonconforming situation may not be re-established.
- C. **Change to conditional use.** A nonconforming use may change to a conditional use if approved through a conditional use review. Some previously nonconforming uses receive automatic conditional use status, as described in 33.815.030. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.
- D. **Maintenance.** Normal maintenance and repair of nonconforming situations is allowed.

33.258.050 Nonconforming Uses

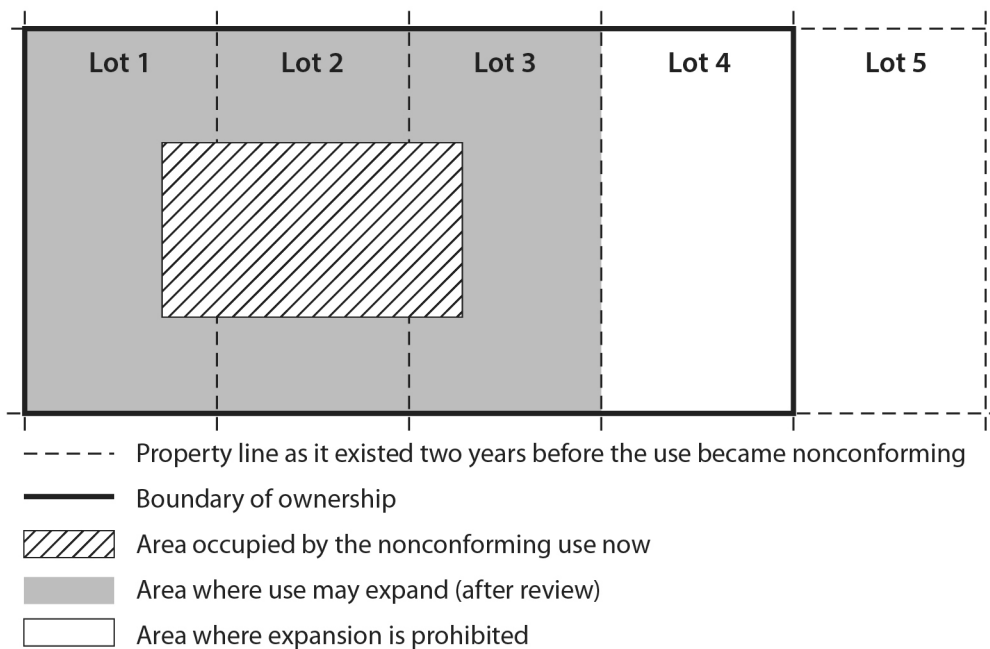
- A. **Continued operation.** Nonconforming uses may continue to operate. Changes in operations, such as changes in ownership, hours of operation and the addition or subtraction of accessory uses, are allowed. However, nonconforming uses in residential zones may not extend their hours of operation into the period of 11 pm to 6 am.
- B. **Change of use in the same use category.** A change to a different use in the same use category, such as a change from one type of Community Services use to another type of Community Services use, is allowed by right, provided that the off-site impact standards of Chapter 33.262, Off-Site Impacts, are met. The applicant must document in advance that the nonconforming use will meet the off-site impact standards. For changes of use within the same use category which do not meet the off-site impact standards, the change may be allowed through a nonconforming situation review.
- C. **Change of use in a different category.** A change to a use in a different use category which is prohibited by the base zone may be allowed through a nonconforming situation review. In R zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density may be allowed through a nonconforming situation review. An example of this is conversion of a storefront in an R7 zone (nonconforming use) to a triplex (allowed use, nonconforming residential density).
- D. **Expansions.** Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of gross building area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of gross building area occupied by a nonconforming use within an existing building.

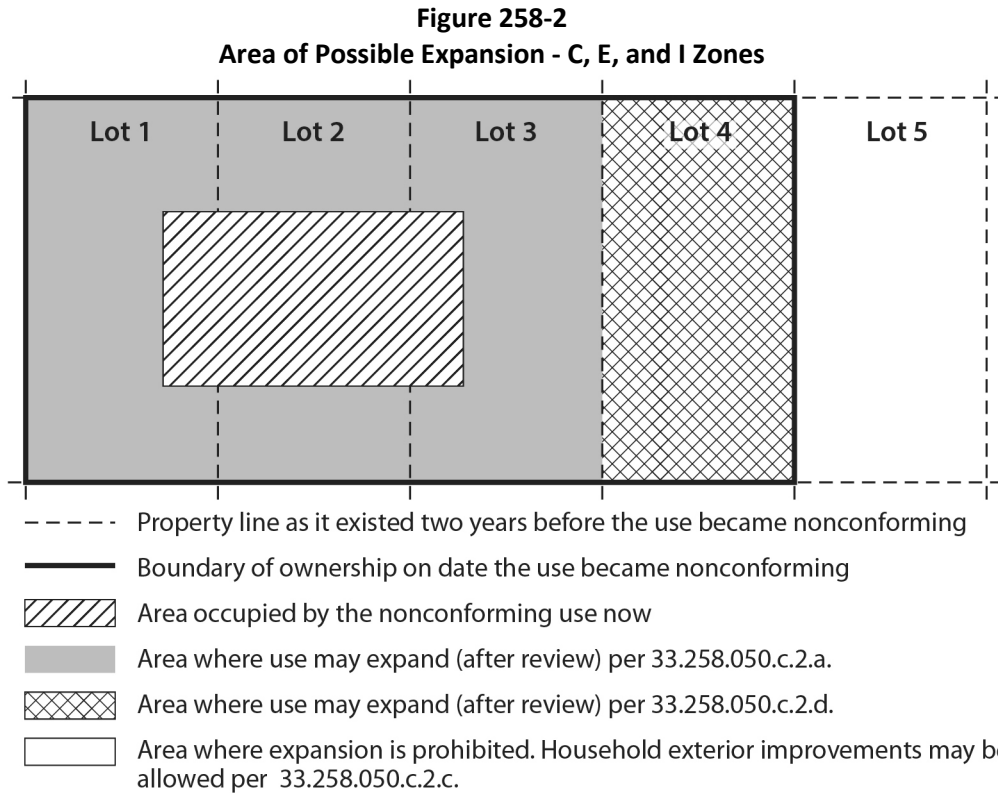
Expansion of nonconforming uses and development is generally limited to the area bounded by the property lines of the use as they existed two years before the use became nonconforming. The property lines are the lines nearest to the land area occupied by the

nonconforming use and development and its accessory uses and development, moving in an outward direction. Property lines bound individual lots, parcels, and tax lots; a site or ownership may have property lines within it. See Figures 258-1 and 258-2. The applicant must provide evidence to show the location of property lines as they existed two years before the use became nonconforming.

1. OS, R, and IR zones. The standards stated below apply to all nonconforming uses in OS and R zones.
 - a. Expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met.
 - b. Expansion of gross building area or exterior improvements beyond the property lines as they existed two years before the use became nonconforming, is prohibited.

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





2. C, E, I, and CI zones. The standards stated below apply to all nonconforming uses in C, E, I, and CI zones.
 - a. Except as allowed by Subparagraph C.2.b, below, expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.
 - b. In EG1, EG2, and I zones, expansions of gross building area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:
 - (1) The expansion will not increase the gross building area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the gross building area by more than 500 square feet over the gross building area that existed when the use became nonconforming may be requested through a nonconforming situation review;
 - (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and
 - (3) The addition of new dwelling units is prohibited.

- c. In E and I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.
- d. Expansion of gross building area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:
 - (1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; and
 - (2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and
 - (3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and
 - (4) The expansion is approved through a nonconforming situation review.

E. Loss of nonconforming use status.

- 1. Discontinuance. If a nonconforming use is discontinued for 3 continuous years, the nonconforming use rights are lost. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. If a nonconforming use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the legal nonconforming use has been discontinued. A nonconforming use that has been discontinued for more than 3 continuous years may request re-establishment through a nonconforming situation review. Re-establishment of a nonconforming use that has been discontinued for 5 or more continuous years is prohibited.
- 2. Accidental destruction. When a structure containing a nonconforming use is damaged by fire or other causes beyond the control of the owner, the re-establishment of the nonconforming use is prohibited if the repair cost of the structure is more than 75 percent of its assessed value.
- 3. Intentional destruction. When a structure containing a nonconforming use is intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use is prohibited.

33.258.060 Nonconforming Residential Densities

A. Changes to dwellings.

- 1. Generally. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to 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 the combined flood hazard area or potential landslide hazard area.
 - (2) In all other zones, 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.

B. Discontinuance and damage.

1. Building unoccupied but standing. Nonconforming residential density rights continue even when a building has been unoccupied for any length of time.
2. 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) If the structure is rebuilt within 5 years, nonconforming residential density rights are maintained;

- (2) If the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant;
- (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 RM1 zone.
- b. One dwelling unit. When there is only one dwelling unit on a site, and when the site is nonconforming for residential density, the following applies if the structure containing the dwelling unit is damaged or destroyed by fire or other causes beyond the control of the owner:
 - (1) If the repair cost is 75 percent or less of the assessed value of the structure, nonconforming residential density rights are maintained and the structure may be rebuilt;
 - (2) If the repair cost is more than 75 percent of the assessed value of the structure, the structure may be rebuilt within 5 years if it complies with the development standards (except for density) that would apply to new development on the site;
 - (3) If the repair cost is more than 75 percent of the assessed value of the structure, and the structure is not rebuilt within 5 years, the nonconforming residential density rights are lost, and the site is considered vacant.
3. Intentional damage, destruction or demolition. When a structure that is nonconforming for residential density is intentionally damaged, destroyed or demolished by fire or other causes within the control of the owner, the nonconforming residential density rights are lost, and the new development must meet all development standards for the site.

33.258.065 Nonconforming Lots, Lots of Record, and Lot Remnants in Single-Dwelling Zones

- A. Changes to Dwellings.** Existing dwelling units on nonconforming lots, lots of record, or lot remnants may continue, may be removed or enlarged, and amenities may be added to the site, but the building may not move further out of compliance with the base zone development standards.
- B. Damage.**
 1. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is damaged or destroyed by fire or by other causes beyond the control of the owner, the structure may be rebuilt as specified in 33.258.070.E.
 2. When a nonconforming lot, lot of record, or lot remnant contains a dwelling unit that is intentionally damaged or demolished, the structure may be rebuilt if it complies with the development standards that would apply to new development on the site.

33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.**
1. Changes to the site that do not alter the nonconforming development are allowed.
 2. Changes to the nonconforming development are allowed as follows:
 - a. Changes that bring the nonconforming development closer to conformance are allowed; and
 - b. Changes to the nonconforming development that do not move it closer to conformance are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
 - a. Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
 - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
 - d. Screening; and
 - e. Paving of surface parking and exterior storage and display areas.

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits. Sites with residential uses are exempt from the requirements until January 1, 2029.
 - a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$356,000. The following alterations and improvements do not count toward the threshold:
 - (1) Replace a manufactured dwelling in a manufactured dwelling park;
 - (2) Alterations required by approved fire/life safety agreements;
 - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
 - (8) Landscaping required by 33.475.220;
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900; and
 - (10) The installation of electric bike and electric vehicle chargers and accessory equipment.
 - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
 - (1) Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;

- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
- (2) Exception for sites with ground leases or permanent utility easements. Required improvements may be limited to a smaller area if there is a ground lease or permanent utility easement for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease or permanent utility easement will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
- The signed ground lease, utility easement – or excerpts from the lease document or utility easement – must be submitted to BDS. The portions of the lease or utility easement must include the following:
 - The term of the lease or utility easement. There must be at least one year remaining on the ground lease or utility easement; and
 - A legal description of the boundaries of the lease or utility easement.
 - The boundaries of the ground lease or utility easement must be shown on the site plan submitted with the building permit application;
 - The area of the lease or utility easement must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease or easement; and
 - Screening is not required along the boundaries of ground leases or utility easement that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:

- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
- (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
 - Before a building permit is issued, the applicant must submit the following to BDS:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
 - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$356,000. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
 - By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.
 - If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During

the grace period, no upgrades to nonconforming development are required.

- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.

Table 258-1 Compliance Periods for Option 2	
Square footage of site	Compliance period
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

E. Loss of nonconforming development status.

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 3 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 3 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.
2. Destruction. When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

- F. Sites that are nonconforming in parking spaces.** If changes to a use or building are made on a site that is nonconforming in the number of maximum allowed parking spaces, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-stripped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management are met.

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

33.258.075 Determination of Legal Nonconforming Status Review

- A. Purpose.** This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.
- B. When this review is required.** Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director of BDS does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.
- C. Procedure.** Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.
- D. Approval criteria.**
1. The legal status of the nonconforming situation will be certified if the review body finds that:
 - a. The nonconforming situation would have been allowed when established; and
 - b. The nonconforming situation has been maintained over time.
 2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

33.258.080 Nonconforming Situation Review

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
1. With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - a. The hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter; and
 - e. The amount, location, and nature of any outside displays, storage, or activities; and
 2. If the nonconforming use is in an OS, R, or IR zone, and if any changes are proposed to the site, the appearance of the new use or development will not lessen the residential

character of the OS, R, or IR zoned area. This is based on taking into account factors such as:

- a. Building scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the nonconforming use is in a C, E, I, or CI zone, and if any changes are proposed to the site, the appearance of the new use or development will not detract from the desired function and character of the zone.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190076, effective 8/10/20; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

3. Fire trucks and emergency vehicles are allowed if they are parked within a completely enclosed building.
- E. Utility trailers and accessory recreational vehicles.** Utility trailers and accessory recreational vehicles may be parked in other allowed parking areas, except they may not be parked or stored between the front lot line and the building line.
- F. Inoperable vehicles.** The outdoor accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.
- G. Vehicle service and repair.** Service and repair of vehicles not owned by and registered to a resident of the site is prohibited. Vehicles may be serviced and repaired if:
 1. The vehicles are owned by and registered to residents of the site; and
 2. The service and repair is minor. Minor service and repair includes tune-ups, replacement and servicing of oil and other fluids, and replacement and adjustment of minor parts such as tires, hoses, belts, filters, fuses, and similar items. It does not include: body and fender repair and replacement; painting; engine or transmission removal or replacement; or any work using welders, torches, or air-driven power tools.

OR

3. The vehicles are owned by and registered to a resident of the site; and
4. All work occurs within a completely enclosed building; and
5. The off-site impact standards of Chapter 33.262 are met.

Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

- A. Purpose.** Bicycle parking is required for most use categories to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by different uses. Minimum bicycle parking facilities are based on the City's mode split goals, while acknowledging the usage rates for different uses. These regulations will help meet the City's goal that 25 percent of all trips be made by bicycle, while still acknowledging that to meet the citywide goal the bicycle mode split will vary by geographic area.
- B. Number of spaces required.**
 1. The required minimum number of bicycle parking spaces for each use category is shown in Table 266-6. No bicycle parking is required for uses not listed. Minimum bicycle parking is calculated on a geographic hierarchy based on the current and future bicycle usage. Standard A in Table 266-6 applies to the areas shown as Standard A on Map 266-1. Standard B in Table 266-6 applies to all other areas of the city.
 2. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses on a site, the required

bicycle parking for the site is the sum of the required parking for each primary use.

Table 266-6

Minimum Required Bicycle Parking Spaces [1]

Uses	Specific Uses	Long-term Spaces		Short-term Spaces	
		Standard A	Standard B	Standard A	Standard B
Residential Categories					
Household Living	5 or more units on site	2, or 1.5 per unit [4]	2, or 1.1 per unit [5]	2, or 1 per 20 units	2, or 1 per 20 units
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy [2]	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces
Commercial Categories					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area

Table 266-6					
Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Industrial Categories					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area
Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Institutional Categories					
Basic Utilities	Transit centers	30 spaces	30 spaces	12 spaces	12 spaces
	Light rail stations	12 spaces	12 spaces	4 spaces	4 spaces
Community Service		2, or 1 per 6,700 sq. ft. of net building area	2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 6,300 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area
	Libraries, community centers and museums	2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 5,900 sq. ft. of net building area	2, or 1 per 1,200 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
	Park and ride	12, or 5 per acre	12, or 5 per acre	6 spaces	6 spaces
Parks and Open Areas		None	None	Per CU Review	Per CU Review
Schools	Grades K through 8	6 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
	Grades 9 through 12	5 per classroom	5 per classroom	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Colleges	Excluding dormitories (see group living, above)	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 10,000 sq. ft. of net building area	2, or 1 per 16,000 sq. ft. of net building area
Medical Centers		2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 5,500 sq. ft. of net building area	2, or 1 per 50,000 sq. ft. of net building area	2, or 1 per 100,000 sq. ft. of net building area
Religious Institutions		2, or 1 per 11,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 14,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area
Daycare		2, or 1 per 3,000 sq. ft. of net building area	2, or 1 per 6,000 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area

Table 266-6 Minimum Required Bicycle Parking Spaces [1]					
		Long-term Spaces		Short-term Spaces	
Uses	Specific Uses	Standard A	Standard B	Standard A	Standard B
Other Categories					
Aviation and Surface Passenger Terminals		2, or 1 per 4,500 sq. ft. of net building area	2, or 1 per 4,500 sq. ft. of net building area	None	None
Detention Facilities		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 5,000 sq. ft. of net building area	None	None

Notes:

- [1] Wherever this table indicates two numerical standards, such as “2, or 1 per 3,000 sq. ft. of net building area,” the larger number applies.
- [2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living development meets any income restrictions and administrative requirements. The letter is required to 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. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.
- [3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.
- [4] Standard A for development that includes a Household Living use is 1.0 space per unit until January 1, 2029.
- [5] Standard B for development that includes a Household Living use is 0.7 space per unit until January 1, 2029.

33.266.210 Bicycle Parking Development Standards

- A. Purpose.** These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.
- B. Where these standards apply.** The standards of Subsection C and D apply to required long-term bicycle parking, and the standards of Subsection C and E apply to required short-term bicycle parking.
- C. Standards for all bicycle parking.** The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:

1. Bicycle parking area standards. The area devoted to bicycle parking must be hard surfaced.
2. Bicycle racks. Where bicycle parking is provided in racks, the racks must meet the following standards:
 - a. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
 - b. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and
 - c. The rack must be securely anchored with tamper-resistant hardware.

Table 266-7 Minimum Dimensions for Bicycle Parking Spaces [1]						
		Bicycle Space Depth	Bicycle Space Width	Bicycle Space Height	Maneuvering Depth	Clearance to rack from walls
Standard Spacing						
	Standard Bicycle Spacing	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
Alternative Spacing						
	Horizontal: Side by Side	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	2 ft. 6 in.
	Horizontal: Wall Attached	6 ft.	2 ft.	3 ft. 4 in.	5 ft.	1 ft.
	Horizontal: Diagonal (45-60 degree)	6 ft.	1 ft. 6 in.	3 ft. 4 in.	5 ft.	3 ft.
	Vertical Spaces [2]	3ft. 4 in.	1 ft. 5 in.	6 ft.	5 ft.	--
	Stacked Spaces [3]	--	1 ft. 5 in.	--	8 ft.	--
	Larger Bicycle Space	10 ft.	3 ft.	3 ft. 4 in.	5 ft.	3 ft.

Notes:

[1] See Figures 266-8 through 266-14.

[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

[3] The alternative spacing allowed for stacked bicycle parking spaces requires a vertical stagger to be included in the manufacturer design.

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions contained in Table 266-7.
 - a. Standard Bicycle Parking Space Requirements.
 - (1) The standard required bicycle space is 2 feet wide, 6 feet long and 3 feet 4 inches tall. See Figure 266-8;

- (2) There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way;
 - (3) A wall clearance of 2 feet 6 inches must be provided. See Figure 266-9.
- b. Alternative Spacing Requirements. The following bicycle parking layouts may be provided as an exception to the standard spacing requirements in Subparagraph C.3.a. See Table 266-7 for the alternative spacing dimensions.
- (1) Horizontal bicycle parking spaces. Horizontal bicycle parking spaces secure the parked bicycle horizontal to the ground.
 - Horizontal: Side by Side. Horizontal bicycle parking that is placed side by side as shown in Figure 266-9 may meet the alternative side by side dimensions in Table 266-7.
 - Horizontal: Wall Attached. Horizontal bicycle parking that is attached to the wall as shown in Figure 266-10 may meet the alternative wall attached dimensions in Table 266-7.
 - Horizontal: Diagonal. Horizontal bicycle parking that is placed at a diagonal as shown in Figure 266-11 may meet the alternative diagonal, 45-60 degree dimensions in Table 266-7.
 - (2) Vertical bicycle parking space. Vertical bicycle parking secures the parked bicycle perpendicular to the ground. Vertical bicycle parking that is placed as shown in Figure 266-12 may meet the alternative vertical dimensions in Table 266-7.
 - (3) Stacked bicycle parking spaces. Stacked bicycle parking are racks that are stacked, one tier on top of another. Bicycles are horizontal when in the final stored position. Stacked bicycle parking that is placed as shown in Figure 266-13 may meet the alternative stacked dimensions in Table 266-7 and the following:
 - The rack must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier.

Figure 266-8
Standard Spacing Requirements

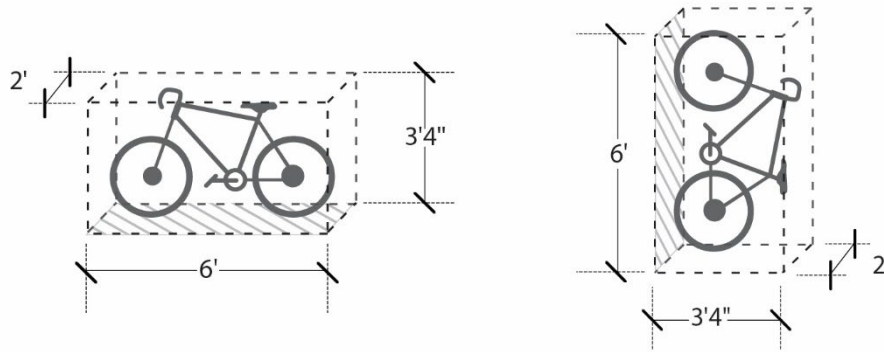


Figure 266-9
Horizontal Spaces: Side-by-Side

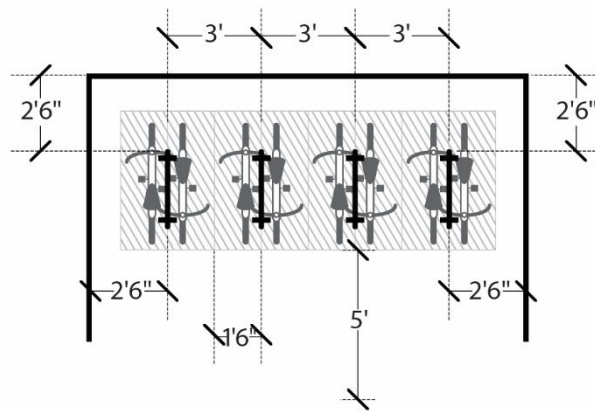


Figure 266-10
Horizontal Spaces: Wall Attached

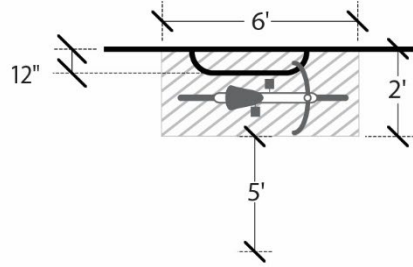


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)

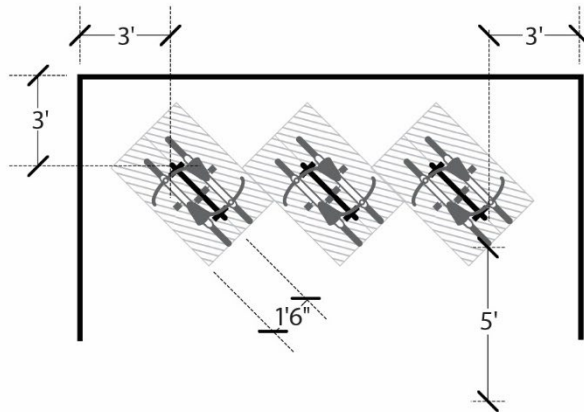


Figure 266-12
Vertical Spaces

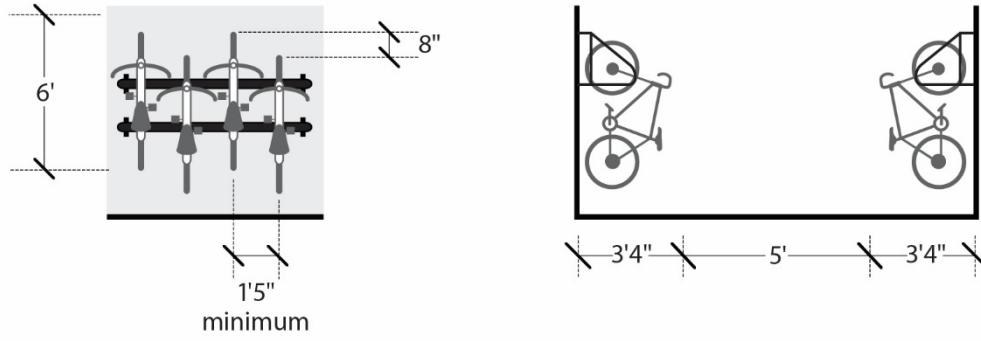


Figure 266-13
Stacked Spaces

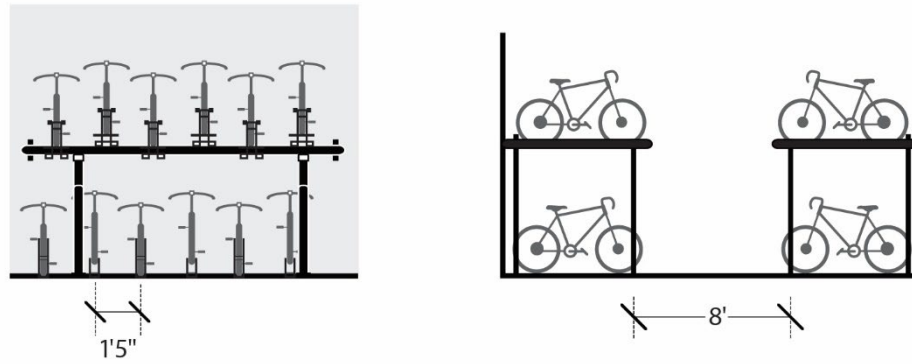
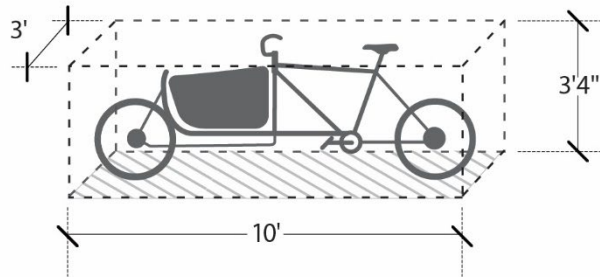


Figure 266-14
Large Bicycle Space



4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
 - a. The locker must be securely anchored to the ground.
 - b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
 - c. Locker Dimensions. All bicycle lockers must meet one of the following:
 - (1) The locker space has a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide.
 - (2) A locker provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide on each end.
5. Signage
 - a. Light rail stations and transit centers. If bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the bicycle parking.
 - b. Other uses. If bicycle parking is not visible from the streets or main building entrances, a sign must be permanently posted at the main entrance indicating the location of the bicycle parking.
6. Bicycle parking information in plans. The following information must be submitted with applications for a building permit or land-use review:
 - a. Location, access route to long-term bicycle parking and number of bicycle parking spaces for short-term and long-term bicycle parking requirements;
 - b. The model or design of the bicycle parking facilities to be installed;
 - c. Dimensions of all aisles and maneuvering areas; and

- d. If applicable, information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:
 - a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:
 - (1) Within a building, including on the ground floor or on individual building floors;
 - (2) On-site, including in parking areas and structured parking;
 - (3) In an area where the closest point is within 300 feet of the site; or
 - (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
 - The bicycle parking includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.
 - For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.
 - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.
 - b. Exceptions. Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. All other in-unit standards in Subsubparagraph D.1.a.(4)., above must be met.
 - c. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.
 - d. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:
 - (1) Permanent;
 - (2) Impervious; and
 - (3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.
2. Security Standards.
 - a. Long-term bicycle parking must meet the following security standards:

- (1) Long-term bicycle parking for residential uses must be provided in one of the following:
 - A restricted access, lockable room or enclosure, designated primarily for bicycle parking;
 - A bicycle locker; or
 - In a residential dwelling unit meeting Subsubparagraph 1.a.(4), above.
- (2) Long-term bicycle parking for all other uses must be located in one of the following locations. For Schools, a minimum of 10 percent of bicycle parking must be located in the following:
 - A restricted access, lockable room or enclosure; or
 - A bicycle locker.
- b. All access routes and the bicycle parking spaces must be lighted to a level where the system can be used at night by the employees and residents.
3. Additional Development Standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:
 - a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.
 - b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14. Development that includes a residential use is exempt from this standard until January 1, 2029.
 - c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.

E. Standards for Short-term Bicycle Parking

1. Development Standards. Short-term bicycle parking must meet the following standards:
 - a. Location Standards. Short-term bicycle parking must meet the following location standards:
 - (1) On-site, outside a building;
 - (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
 - (3) Within the following distances of the main entrance:
 - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-15)
 - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades

with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)

- Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
- Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
 - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
 - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.

b. Bicycle Parking Fund

- (1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:
 - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
 - Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
 - The open areas meet the location requirements of Subparagraph E.1.a., above.
- (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

Figure 266-15
Short-term bike parking – one building, one entrance

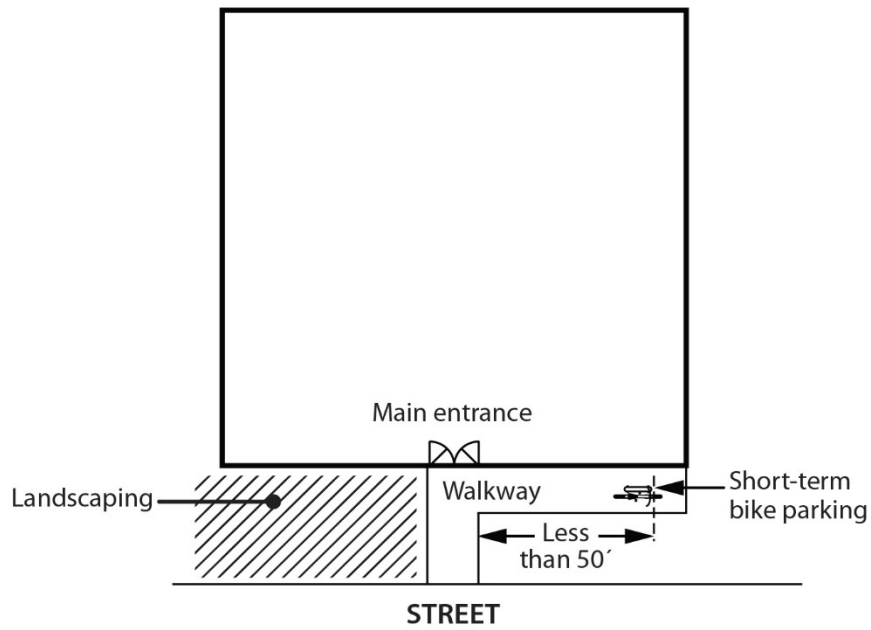


Figure 266-16
Short-term bike parking – one building, multiple entrances

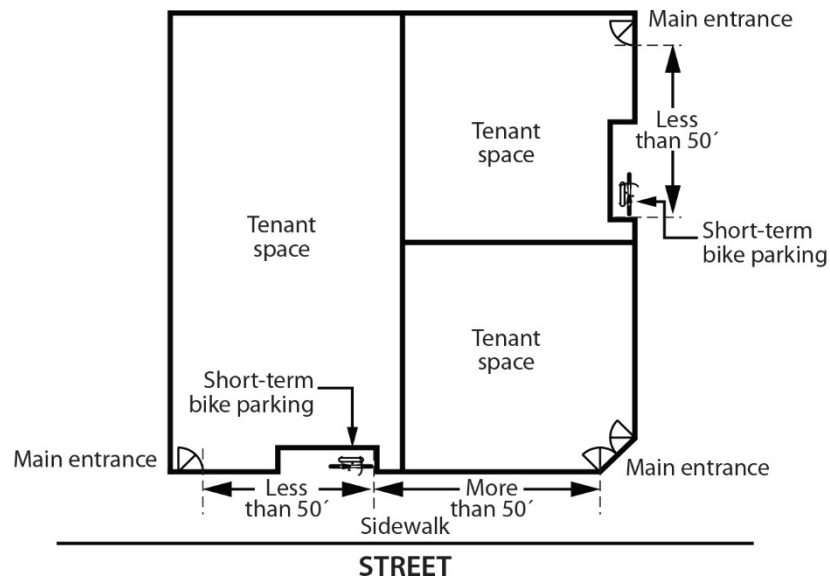
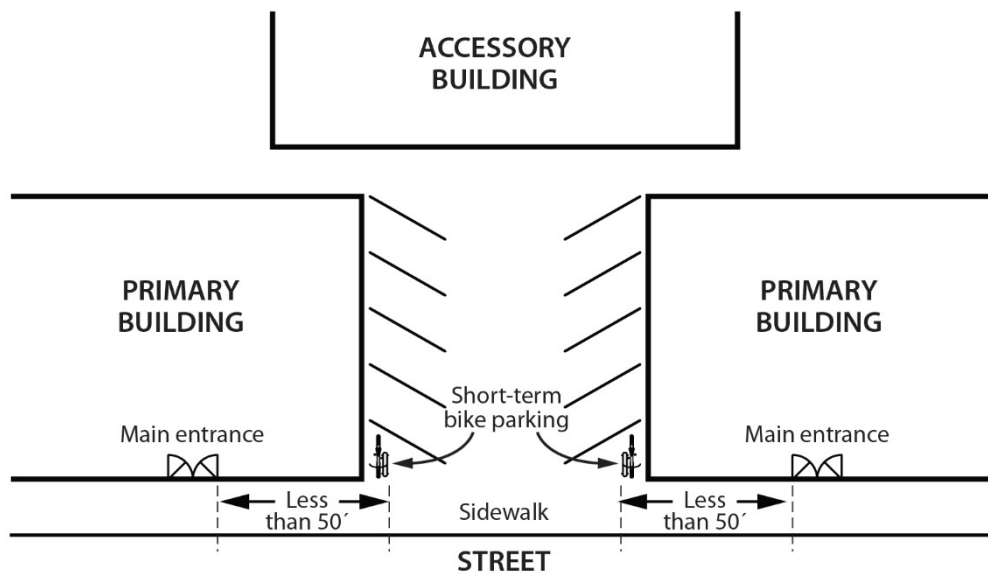


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



Loading

33.266.310 Loading Standards

- A. Purpose.** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.
- B. Where these regulations apply.** The regulations of this section apply to all required and non-required loading areas.
- C. Number of loading spaces.**
 1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
 - a. One loading space meeting Standard B is required where there are more than 50 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
 - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
 - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building. This standard does not apply until January 1, 2029.

2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
 - a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.
 - b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.
 - c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.
- D. Size of loading spaces.** Required loading spaces must meet the standards of this subsection.
1. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
 2. Standard B: The loading space must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.
- E. Placement, setbacks and landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.
- F. Forward motion.**
1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement
 2. In the Central City plan district. In the Central City plan district, loading facilities that abut a light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.
- G. Paving.** In order to control dust and mud, all loading areas must be paved.

Table 266-8		
Minimum Loading Area Setbacks And Perimeter Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, I, or CI zone lot line	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft. / L3	10 ft. / L3
Lot line abutting an R or IR zone lot line	5 ft. / L4	10 ft. / L4

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 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.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

Development on a site zoned CI with a College or Medical Center use must conform to an approved Transportation Impact review. Development that is not in conformance with an approved Transportation Impact review requires Transportation Impact review when the development:

- A.** Increases the net building area on the campus by more than 20,000 square feet; or
- B.** Increases the number of parking spaces on the campus by more than 4.

(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18;

Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.270 Planned Development

270

Sections:

- 33.270.010 Purpose
- 33.270.020 Relationship to Other Regulations
- 33.270.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in R20 through R5 zones
- 33.270.210 Additional Requirements for Planned Developments
in Commercial/Mixed Use Zones

33.270.010 Purpose

The Planned Development regulations provide an opportunity for innovative and creative development. Planned Development provides a master planning mechanism for allowing additional housing types and uses, the transfer of density and floor area to different portions of a site, and across internal zoning boundaries, and bonus floor area and increased height on large sites in commercial/mixed use zones. In this case, the flexibility is allowed when the development includes features that provide public benefits.

These regulations allow flexibility, and in some cases increased intensity of development, beyond that allowed by other chapters of this Title, if the proposed development is well-designed and can be successfully integrated into the neighborhood and provides public benefits. Overall, a Planned Development is intended to promote:

- High quality design that is integrated into the broader urban fabric, and complements existing character within the site and adjacent to the site;
- Development that is pedestrian-oriented, with a strong orientation towards transit and multimodal transportation alternatives;
- Building bulk, height, and orientation that ensures that light and air is accessible within the public realm, and that public view corridors are protected;
- A safe and vibrant public realm, with buildings and uses that are oriented to activate key public gathering spaces, be they public open space, transit stations, or the Willamette River;
- Open space areas that include gathering spaces and passive and/or active recreation opportunities;
- Affordable housing; and
- Energy efficient development.

33.270.020 Relationship to Other Regulations

- A. **Flexibility.** Approval of a Planned Development allows certain kinds of flexibility for development in residential zones and commercial/mixed use zones. Some of the flexibility allowed by Planned Developments may also be allowed under other provisions of this Title. Where such situations exist, the applicant may choose which provision to apply.

- B. Density.** Adjustments to density regulations are prohibited.
1. Maximum dwelling unit density.
 - a. RF. In the RF zone, maximum density is expressed as a number of lots. Maximum density for the RF zone is specified in 33.610.100. Maximum density can be met in the Planned Development by providing the same number of dwelling units.
 - b. R20 through R2.5. In the R20 through R2.5 zones, maximum density is calculated as follows:
 - (1) If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density C in 33.610.100;
x 2
= Maximum number of dwelling units allowed.
 - (2) For all other Planned Developments, maximum density is calculated as follows:

Maximum number of lots allowed as specified for maximum density C in 33.610.100;
x 4
= Maximum number of dwelling units allowed.
 2. Minimum density. Minimum density must be met in the Planned Development. Minimum density for single-dwelling zones is expressed as a number of lots. Minimum density can be met in a Planned Development by providing the same number of dwelling units. Minimum density for single-dwelling zones is stated in 33.610.100. Minimum density for all other zones is stated in the base zone chapters.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required. Maximum dwelling unit density in a Planned Development does not equate to maximum lot density in a Land Division.

33.270.100 Additional Allowed Uses and Development

In addition to the housing types and uses allowed by other chapters of this Title, the following uses and development may be requested through Planned Development Review. More than one of these elements may be requested:

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;

- D. Triplexes.** Triplexes may be requested in the RF through R2.5 zones;
- E. Fourplexes.** Fourplexes may be requested in the RF through R2.5 zones;
- F. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- G. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- H. Modification of site-related development standards.** Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.
- I. Alternative residential dimensions.** Proposals for lots that do not meet the lot dimension regulations for land divisions may be requested in the RF through RM4 zones.
- J. Commercial uses.** Commercial uses that are allowed in the CM1 zone may be requested in the RF through RM2 zones;
- K. Additional height and FAR.** For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;
- L. New dwelling units.** New dwelling units may be requested on lots that are zoned multi-dwelling and are less than 90 feet wide;
- M. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
 - 1. RF through R2.5 zones.
 - a. Dwelling units. If the site is located in more than one zone, and all the zones are RF through R2.5, the total number of dwelling units allowed is calculated by adding up the number of dwelling units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.
 - b. Floor area. If the site is located in more than one zone, and all the zones are R7 through R2.5, the total amount of floor area allowed is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
 - 2. RM1 through RX zones. If the site is located in more than one zone, and the zones are RM1 through RX, the total amount of floor area allowed is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
 - 3. C, E, I, CI, and IR zones. If the site is located in more than one zone, and all the zones are C, E, I, CI, and IR zones, the total amount of floor area allowed is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.

4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R2.5, and at least one of the zones is RM1 through RX, C, or EX, then the total number of dwelling units allowed is calculated as follows:
 - a. The number of units allowed on the RF through R2.5 portion of the site is calculated in terms of dwelling units;
 - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
 - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.
- N. Transfer of development between sites.** Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers require a Planned Development, both the sending and receiving sites must be part of a Planned Development.

33.270.110 Limitations on Residential Uses and Development

The following limitations apply to Planned Developments proposed in EG or I Zones:

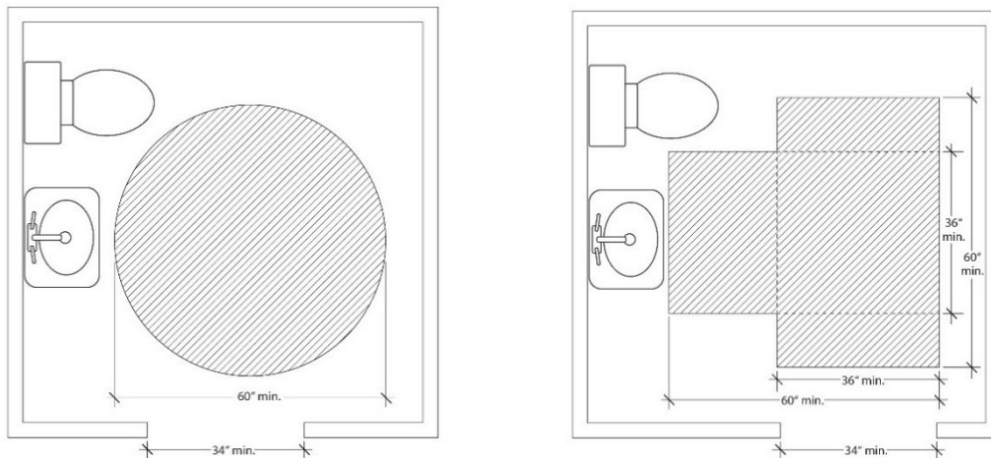
- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.

33.270.200 Additional requirements for Planned Developments in the R20 through R5 Zones

- A. Where this standard applies.** In the R20 through R5 zones, unless exempted by Subsection C., the standards of this section apply when the total number of proposed dwelling units is at least 75 percent of the maximum number of dwelling units allowed through the Planned Development,
- B. Visitability.** At least 33 percent of the dwelling units on the Planned Development site must meet the following standards:
 1. **Visitable entrance.** At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 2. **Visitable bathroom.** At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 270-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

3. Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 4. Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- C. Exemptions.** The following are exempt from the standards of Subsection B:
1. Sites with an average slope of 20 percent or greater
 2. Sites where fewer than 3 units are proposed.
 3. Sites with a concurrent land division where no multi-dwelling development or multi dwelling structures are proposed. For these sites, the visitability standards are applied to each lot according to 33.110.265.E.3. at the time of development.

Figure 270-1
Visitable Bathroom Clearances



33.270.210 Additional Requirements for Planned Developments in the Commercial/Mixed Use Zones

Planned Developments in the CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts, that are using the Planned Development bonus, must meet all of the following requirements:

- A. Affordable housing.** The applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of Paragraph 33.130.212.C.1. or C.2. have been met.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
 1. The plaza or park must be:

- a. Located outside on the site;
 - b. Located adjacent to a public street; and
 - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
2. The plaza must have a minimum dimension of 50 feet by 50 feet;
 3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
 4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.2.a, and there must be at least one building entrance facing the plaza or park; and
 5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.
- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through design review or meet the design standards in 33.420.050 as follows. Development associated with a plaza or park required by Subsection B must go through design review and is not eligible to use the design standards:
1. The Design overlay zone design standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Section 33.420.050. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

Table 270-1	
Maximum Limits for Use of the Design Standards [1]	
	Maximum Limit
New Floor Area	20,000 sq. ft. of floor area
Exterior Alterations	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.

Notes: [1] There are no maximum limits for proposals where any of the floor area is in residential use.

2. Proposals that are not allowed to use the Design overlay zone design standards, or do not meet the design standards, must go through the design review process.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191609, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.284 Self-Service Storage

284

Sections:

- 33.284.010 Purpose
- 33.284.020 Use Regulations
- 33.284.030 Development Standards
- 33.284.040 Design Review

33.284.010 Purpose

Self-Service Storage uses have some characteristics in common with both commercial use and industrial uses. This chapter provides regulations so that Self-Service Storage uses can be appropriately sited in either industrial zones or some commercial/mixed use zones, while maintaining the desired character and function of the specific zones. In general, Self-Service Storage uses are similar to other commercial uses in that they provide a service to residential and business uses. The character of their development is often more similar to industrial buildings. The supplemental use and design standards ensure that development of self-service storage facilities add to the vitality of commercial areas and transit-oriented locations.

33.284.020 Use Regulations

- A. Prohibited Use.** Outside of the Central City Plan District, Self-Service Storage is prohibited on a site where any portion of the site is within 500 feet of a transit station.
- B. Required Ground Floor Active Use.** The following ground floor active use regulations apply outside of the Central City Plan District in the CM3, CE, CX, EG1, EG2 and EX zones on the following sites:
 - 1. When ground floor active use is required. The ground floor active use standard applies when a site with a Self-Service Storage use has frontage on a neighborhood corridor, civic corridor or streetcar line.
 - 2. Ground floor active use standard. At least 50 percent of the ground-level floor area located within 100 feet of a neighborhood corridor, civic corridor or streetcar line must be in one or more of the ground floor active uses listed in Paragraph B.3, where allowed by the base zone. Parking areas do not count toward the required amount of ground floor active use. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area.
 - 3. Ground floor active uses:
 - a. Retail Sales and Service;
 - b. Office;
 - c. Vehicle Repair;
 - d. Industrial Service;
 - e. Manufacturing and Production;
 - f. Wholesale Sales;

- g. Daycare;
- h. Community Service;
- i. Religious Institutions.

33.284.030 Development Standards

The development standards of the base zone apply unless the standard is superseded by regulations in this section.

- A. Purpose.** The special development standards in the C and EX zones are intended to allow self-service storage facilities to locate on certain sites in these zones where they can be close to the residential and business uses that they serve. At the same time, the development standards direct their location to sites that do not have major frontage on commercial streets. This prevents large sections of the commercial streets from being developed with uses that have extremely low activity levels that detract from the vitality and desired interaction among commercial uses in the area. This also allows them to locate on odd-shaped or infill sites that are difficult to develop for many commercial uses.
- B. Maximum site frontage.** In the C and EX zones, the maximum site frontage along a street is 100 feet. This limitation applies only to sites for the construction of new buildings that are 30 feet or less in height.
- C. Storage areas.** The maximum size of individual storage areas in C and EX zones is 500 square feet.
- D. Internal circulation.** The internal circulation between buildings must be wide enough so that there is a 12-foot wide travel lane for emergency vehicles to pass while tenant's vehicles are parked at their storage areas.
- E. Parking.** For parking requirements see Chapter 33.266, Parking and Loading.
- F. Ground floor active use standards.** The ground level floor area that must be in active use as required by 33.284.020 must meet the following standards:
 - 1. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - 2. The area must be at least 25 feet deep measured from the street-facing façade; and
 - 3. The area must have at least one main entrance that faces the street.

33.284.040 Design Review

- A. Purpose.** Design review is required for new buildings in the C and EX zones to ensure that the development has a high design quality appropriate to the desired character of the zone and to avoid the monotonous look of many industrial-style buildings.
- B. Design review required.** In the C and EX zones, all Self-Service Storage uses to be located in newly constructed buildings must be approved through Design review.
- C. Procedure.** Design review for Self-Service Storage uses is processed through a Type II procedure. However, uses that require design review because of an overlay zone or plan district are processed as provided for in those regulations.

- D. Design review approval criteria.** A design review application will be approved if the review body finds that the applicant has shown that the Portland Citywide Design Guidelines have been met. If the site is within a design district, the guidelines for that district apply instead of the Portland Citywide Design Guidelines. Design districts are shown on maps 420-1 through 420-4. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

(Added by: Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 191079, effective 3/31/23; Ord. No. 191779, effective 10/1/24.)

33.285 Short Term, Mass, and Outdoor Shelters

285

Sections:

- 33.285.010 Purpose
- 33.285.020 Description
- 33.285.030 Where These Regulations Apply
- 33.285.040 Use Regulations
- 33.285.050 Standards

33.285.010 Purpose

This chapter provides regulations for Community Service uses that provide short term, mass, or outdoor shelter. These regulations recognize that it is in the public interest to provide shelter to people who would otherwise not receive it, and to ensure that standards of public health and safety are maintained. The regulations are intended to reduce conflicts between these and other uses. These regulations recognize that short term shelters, mass shelters, and outdoor shelters have differing impacts, and encourages providers to locate in existing structures and work with neighbors. These regulations also focus on the land use impacts of these uses.

33.285.020 Description

Short term shelters, mass shelters, and outdoor shelters are defined in Chapter 33.910, Definitions. These facilities are Community Service uses, and are managed by public or non-profit agencies. They may be in a variety of structures, from conventional houses to large institutional buildings, or may include a group of small accommodations.

In zones where Retail Sales and Services uses are allowed, limited, or conditional uses, the applicant may choose to classify a short term shelter as a hotel, which is included in the Retail Sales and Services category.

33.285.030 Where These Regulations Apply

The regulations of Sections 33.285.040 through 33.285.050 apply to short term shelters, mass shelters, and outdoor shelters in all zones.

33.285.040 Use Regulations

A. Short term shelters.

1. R, CI1, and IR zones. A new short term shelter, an expansion of net building area, or an increase in the number of occupants in an existing short term shelter in R, CI1, and IR zones is subject to the following regulations:
 - a. Allowed use. A new short term shelter and alterations to an existing short term shelter is allowed as follows:
 - (1) A short term shelter with up to 20 beds is an allowed used in the RF – R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.

- (2) A short term shelter with up to 30 beds is an allowed use in the RM1 – RMP, CI1, and IR zones when the standards of 33.285.050 are met.
 - (3) An alteration or expansion that does not increase the net building area of the short term shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
 - b. Conditional use. If the short term shelter does not meet Subparagraph A.1.a, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The short term shelter must also meet the standards of 33.285.050:
 - (1) If the short term shelter is provided in an existing structure, or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
 - (2) All other short term shelter proposals are reviewed through a Type III procedure.
2. C, E, and CI2 zones. A short term shelter is allowed in C, E, and CI2 zones when the standards of Section 33.285.050 are met. Expansion of net building area or increase in the number of occupants in an existing short term shelter is allowed if it meets the standards in Section 33.285.050.
3. OS and I zones. A short term shelter is prohibited in OS and I zones.
4. Exemption. A short term shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1-RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a short term shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet.

B. Mass shelters.

1. RF-R2.5, RM1, RM2, RMP, CI1, and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RF-R2.5, RM1, RM2, RMP, CI1, and IR zones may choose to be an allowed use or a conditional use, as stated below.
 - a. Allowed use. A new mass shelter and alteration of an existing mass shelter is allowed if it meets one of the following:
 - (1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.
 - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.

- b. Conditional use. If the mass shelter does not meet Subparagraph B.1.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.
 - (1) If the mass shelter is provided in an existing structure or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
2. RM3, RM4, and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RM3, RM4, and RX zones may choose to be an allowed use or a conditional use, as stated below.
 - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter, is allowed if it meets one of the following:
 - (1) A mass shelter that meets the standards of Section 33. 285.050 is an allowed use.
 - (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
 - b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditionals uses.
 - (1) If the mass shelter is provided in an existing structure or is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C, EX, and CI2 zones may choose to be an allowed use or a conditional use, as stated below.
 - a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:
 - (1) A mass shelters that meets the standards of Section 33. 285.050 is an allowed use.

- (2) An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
 - b. Conditional use. If the mass shelter does not meet the Subparagraph B.3a, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E, and I zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - (1) If the mass shelter is provided within an existing structure, or on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had an increase of more than 10 percent in net building area within the past 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
4. EG zones. Generally, a mass shelter in EG zones is a conditional use, reviewed through the following procedures. Certain alterations to an existing mass shelter may be allowed if they meet Subparagraph B.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E, and I Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - a. The following procedures apply to new mass shelter and alterations to an existing mass shelter that do not meet Subparagraph B.4.b:
 - (1) If the mass shelter is provided within an existing structure, or on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure. An existing structure is one that is at least 5 years old and has not had any increase in net building area within the past 5 years.
 - (2) All other mass shelters are reviewed through a Type III procedure.
 - b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
5. OS and I zones. Mass shelters in OS and I zones are prohibited.
6. Exemptions:
 - a. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1 – RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet.
 - b. The conversion of an existing hotel or motel to a mass shelter is allowed by right in the EG1 and EG2 zones if done in conjunction with converting the rooms to a short-term shelter. There is no limit to the number of beds allowed with a hotel/motel conversion.

C. Outdoor shelters.

1. OS zones. Outdoor shelters are prohibited in the OS zone.
2. R, CI1, and IR zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in R, CI1, and IR zones is subject to the following regulations:
 - a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:
 - (1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
 - (2) An outdoor shelter with up to 30 individual shelters is an allowed use in the RM1, RM2, RMP, CI1, and IR zones when the standards of 33.285.050 are met.
 - (3) An outdoor shelter with up to 60 individual shelters is an allowed use in the RM3, RM4, and RX zones when the standards of 33.285.050 are met.
 - (4) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.
 - b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.
 - c. Conditional use. If the outdoor shelter does not meet Subparagraph C.2.a, and it is not prohibited, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The outdoor shelter must also meet the standards of 33.285.050:
 - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
 - (2) All other outdoor shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in C, EX, and CI2 zones is subject to the following regulations:
 - a. Allowed use. A new outdoor shelter, or an alteration or expansion of an existing outdoor shelter is allowed if it meets one of the following:
 - (1) An outdoor shelter with up to 60 individual shelters is an allowed use if it meets the standards of Section 33.285.050.
 - (2) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or

expansion complies with all conditions of approval and the standards of Section 33.285.050.

- b. Conditional use. If the outdoor shelter does not meet Subparagraph C.3.a., it is a conditional use and is reviewed through the following procedures. The approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
 - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
 - (2) All other outdoor shelters are reviewed through a Type III procedure.
4. EG and I zones. Generally, outdoor shelters in EG and I zones are a conditional use, reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E, and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
 - a. The following procedures apply to new outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.4.b:
 - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
 - (2) All other outdoor shelters are reviewed through a Type III procedure.
 - b. Existing outdoor shelters. An alteration or expansion that does not increase the net building or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.

33.285.050 Standards

A. Short term shelters.

1. Existing structures and additions to existing structures. A short term shelter provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
2. New structures. A short term shelter provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
3. Hours of operation. The short term shelter must be open 24 hours a day.
4. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.

B. Mass shelters.

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, CM3, and CE	200
CM2 and CI2	140
RX, RM3, and RM4	60
RM1, RM2, RMP, CI1, IR, CR, CM1	30
RF-R2.5 [1]	20

Notes:

[1] The mass shelter must be operated on the site of an existing institutional use, excluding sites in a Parks and Open Areas use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.

C. Outdoor shelters. Outdoor shelters are exempt from development standards in base zones, overlay zones, and plan districts. Outdoor shelters are subject to the following standards:

1. An outdoor shelter is prohibited in the following:
 - a. Environmental overlay zones;
 - b. Pleasant Valley Natural Resource overlay zone;
 - c. River Natural overlay zones;
 - d. River Environmental overlay zones;

- e. Scenic overlay zones;
 - f. Within and riverward of the greenway setback;
 - g. Within and riverward of the river setback; and
 - h. The combined flood hazard area.
2. Minimum and maximum site size.
 - a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
 - b. In I zones, the maximum size for an outdoor shelter is 2 acres. Adjustments are prohibited.
 3. The facility must operate 24 hours a day.
 4. The facility must have a designated supervisor.
 5. Development associated with the outdoor shelter, other than screening required by Paragraph C.6., must be setback at least 5 feet all lot lines.
 6. The outdoor shelter must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F1 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F1 standards of Chapter 33.248, Landscaping and Screening.
 7. The maximum height for structures associated with the outdoor shelter is 20 feet.
 8. An outdoor shelter located in the South Subdistrict of the Johnson Creek Basin plan district is subject to the development standards in section 33.537.140.
 9. An outdoor shelter located in a River overlay zone, the Columbia South Shore plan district, or the Portland International Airport plan district is subject to the respective archeological resource protection standards of the overlay zones or plan districts.

(Added by Ord. No. 167189, effective 1/14/94. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.296 Temporary Activities

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Sections:

- 33.296.010 Purpose
- 33.296.020 Description
- 33.296.030 Temporary Activities Allowed
- 33.296.040 General Regulations

33.296.010 Purpose

This chapter allows short-term and minor deviations from the requirements of the zoning code for uses that are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate.

33.296.020 Description

Temporary activities are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary activities include: construction staging, garage sales, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales. Temporary activities that meet the regulations described in this chapter are not considered primary or accessory uses. There are two categories of temporary activities. First, there are those which are allowed by the zone but do not meet the development standards. Examples include Christmas tree sales and a parking lot sale in a commercial zone. Second, there are temporary activities which if permanent, would not be allowed by the base zone. Examples include church carnivals in residential zones and retail warehouse sales in industrial zones.

33.296.030 Temporary Activities Allowed

- A. Residential sales offices.** Sales offices for major subdivisions or planned unit developments are allowed in the IR, CI2, and RF through RM4 and RMP zones. Sales offices are allowed at the development site until all lots or houses are sold or for 10 years after the final plat is approved, whichever is less. Use of the sales office for sites outside of the project is prohibited.
- B. Show of model homes.** The viewing of model homes within a subdivision for a fee is allowed in the IR, CI2, and RF through RM4 and RMP zones for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.
- C. Incidental Sales.** Incidental sales of items are allowed based on the zone in which the site is located:
 - 1. Garage sales. Garage sales and other sales of items from the site may occur in the IR, CI1, and RF through RM4 and RMP zones for no more than 3 consecutive days on 2 different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.

2. Parking lot sales. Parking lot sales in the RX, C, E, I, and CI2 zones where outdoor display is not otherwise allowed, are allowed for up to 2 consecutive weeks at any one time. The time between parking lot sales events must be 4 times as long as the duration of the last event.
 3. Warehouse sales. In Industrial zones, retail warehouse sales are allowed for up to 1 week at any one time. The time between warehouse sales events must be 4 times as long as the duration of the last event.
 4. Seasonal outdoor sales.
 - a. In the RX, C, E, I, and CI2 zones, sales events are allowed for up to 1 month at any one time. The time between seasonal outdoor sales events must be four times as long as the duration of the last event.
 - b. In the IR, CI1, and RF through RM4 and RMP zones, seasonal outdoor sales of plants and produce are allowed twice a year for up to 5 consecutive weeks each time.
- D. Farmers Markets.** Farmers Markets are allowed on a site with an institutional use, and on sites in the IR, RM1 – RM4, RX, C, E, I, CI, and OS zones as follows:
1. The market may be open up to 70 days per calendar year.
 2. Vendors. Calculations are based on the number of vendors, rather than linear or square footage. Those who do not sell any products or services, such as community groups and music areas, are not included in these calculations.
 - Category One: Agricultural Producers. At least 50 percent of vendors must be farmers, ranchers, and other agricultural producers who sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised.
 - Category Two: Other Food. Up to 50 percent of market vendors may be those who sell food, but do not fit into the first category. This includes sales of wild-caught fish, freshly made food available for immediate consumption on site, cheesemakers who do not raise their own animals, and the like.
 - Category Three: All Other. Up to 20 percent of market vendors are not required to be related to agriculture or food.

For example, a market may have 50 percent of vendors in Category One, 30 percent in Category Two, and 20 percent in Category Three. Another market may have 70 percent of vendors in Category One, 10 percent in Category Two, and 20 percent in Category Three. A third may have 60 percent of vendors in Category One, 35 percent in Category Two, and 5 percent in Category Three.
 3. The market cannot obstruct a path that is part of a required pedestrian circulation system.

4. The market manager must retain organic certification information on site and must post a sign in a prominent location that reads "Questions about organic certification? Contact market manager," and that also includes a phone number for the market manager.

E. Fairs, carnivals, and other major public gatherings.

1. In the CI1 and RF through RM4 and RMP zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
2. In the IR zone, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. Temporary events must be listed in the institution's approved mission statement and impact mitigation plan. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
3. In the RX, C, E, I, and CI2 zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.
4. In the OS zone, fairs, carnivals, and other major public gatherings are allowed by right. A permit is required from the Bureau of Parks when such activities occur in public parks and open spaces.

F. Construction activities

1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RM4 and RMP zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or manufactured dwelling must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or manufactured dwelling.
2. Building relocation. In all zones except the OS zone, a site may be used once per year to store a building for up to 6 months while the building is awaiting permanent placement. Site development standards of this Title do not apply to the building while it is being stored; however other city requirements may still apply such as stormwater management and erosion control. A performance bond in conformance with 33.700.050, Performance Guarantees or other form acceptable to the Director of BDS must be posted to ensure removal of the building if is not permanently placed within 6 months.

3. Construction parking. In all zones, temporary parking areas are allowed 30 days prior to and during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.
4. Construction staging areas
 - a. General construction projects. Staging areas for construction projects in the RM4, RX, C, E, and CI2 zones are allowed 30 days prior to and during construction on the site subject to subparagraph .030.F.4.c. The staging area may be located off-site, however in no case can the staging area be located within an OS or single-dwelling zone.
 - b. Public utility projects. Staging areas for public utility improvement projects, such as the installation of sewer pipes, water pipes, and transportation improvements, are allowed in all zones and are subject to the regulations below.
 - c. Staging area standards. Adjustments to the following standards are prohibited
 - (1) Staging areas that last more than one year require that a community relations representative is designated for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.
 - (2) Staging areas located within an Environmental, River Environmental, River Natural, or Pleasant Valley Natural Resource overlay zone are subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.
 - (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
 - (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirement does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, I, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.

- (5) Permit. Prior to the start of the construction project, a building or zoning permit must be obtained from the City. The application for the permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

G. Natural disasters and emergencies. Temporary activities and structures needed as the result of a natural disaster, shelter shortage, or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, medical facilities, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

H. Mass and outdoor shelters.

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.
2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located outside of Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, the Pleasant Valley Natural Resource overlay zone, and the combined flood hazard area.

I. Radio Frequency Transmission Facilities. Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

J. Commercial filming. In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

33.296.040 General Regulations.

All temporary activities are subject to the regulations listed below.

- A.** Permanent development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.
- B.** Temporary activities may occupy parking areas but cannot block driveways that provide site access for emergency vehicles.
- C.** Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.

- D. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.
- E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.418 Constrained Sites Overlay Zone

418

Sections:

- 33.418.010 Purpose
- 33.418.020 Map Symbol
- 33.418.030 Applying the Constrained Sites Overlay Zone
- 33.418.040 Housing Type Limitations

33.418.010 Purpose

Under some circumstances, more than two dwelling units are allowed on lots in the R20 through R2.5 zones. The Constrained Sites overlay zone reduces development potential to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. This overlay zone reduces risk to life or property from certain natural hazards.

33. 418.020 Map Symbol

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter “z” map symbol.

33. 418.030 Applying the Constrained Sites Overlay Zone

The Constrained Sites overlay zone is applied to lots in the R20, R10, R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints. When property is rezoned out of an R20, R10, R7, R5, or R2.5 zone, the Constrained Sites overlay zone is automatically removed from the zoning map:

- A. Environmental Conservation overlay zone, Environmental Protection overlay zone, or Pleasant Valley Natural Resource overlay;
- B. Combined flood hazard area;
- C. Floodway;
- D. Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- E. Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.
- F. Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;
- G. Sites in the R10 and R20 zones with a high or extreme risk rating as shown on the 2001 Multnomah County Community Wildfire Protection Plan map 13B that are not also included in the 1998 City of Portland Wildfire Hazard Zone map;
- H. Land within an industrial sanctuary comprehensive plan designation;
- I. Land within the Portland International Airport Noise Impact overlay zone with a 68DNL or higher noise contour.

33.418.040 Housing Type Limitations

The following residential infill and accessory dwelling unit options do not apply to lots where any portion of the lot is in the Constrained Sites overlay zone:

- A.** 33.110.265.D.2 which allows duplexes consisting of two detached primary dwelling units in the R20 through R2.5 zones;
- B.** 33.110.265.E which allows triplexes and fourplexes in the R20 through R2.5 zones;
- C.** 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R20 through R2.5 zones;
- D.** 33.110.265.G which allows cottage clusters in the R10 through R2.5 zones;
- E.** 33.205.020.B.1.c which allows an accessory dwelling unit on a site with a duplex in the R20 through R.25 zones; and
- F.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R20 through R2.5 zones.

(Added by: Ord. No. 190093, effective 8/1/21; Amended: Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.420 Design Overlay Zone

420

Sections:

- 33.420.010 Purpose
- 33.420.020 Map Symbol
- 33.420.021 Applying the Design overlay zone
- 33.420.025 Where These Regulations Apply
- 33.420.041 When These Regulations Apply
- 33.420.045 Items Exempt From Design Review and Design Standards
- 33.420.050 Design Standards
- 33.420.060 Design Guidelines

Map 420-1 Design Districts in the Central City and South Auditorium Plan Districts

Map 420-2 Terwilliger Design District

Map 420-3 Marquam Hill Design District

Map 420-4 Gateway Design District

33.420.010 Purpose

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

33.420.020 Map Symbol

The Design overlay zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design overlay zone

The Design overlay zone is applied to current and emerging urban locations including centers and corridors. The Design overlay zone is also applied to areas outside of centers and corridors that have distinct features with important development context, and to specific zones identified through the Comprehensive Plan. Application of the Design overlay zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Some areas of the Design overlay zone are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-4 at the end of this chapter.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Meeting the regulations of this chapter may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision. This chapter does not apply to sites located within the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District.

33.420.041 When Design Review or Meeting Design Standards is Required

Unless exempted by Section 33.420.045, Items Exempt From This Chapter, the following must meet the design standards or be approved through design review:

- A.** New development;
- B.** Exterior alterations to existing development;
- C.** Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, landscaping, and new bridges. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer's standards are exempt from this chapter;
- D.** Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- E.** Removal of trees 6 or more inches in diameter in the South Auditorium plan district;
- F.** Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure; and
- G.** Floating structures, except individual houseboats.

33.420.045 Items Exempt From This Chapter

The following items are exempt from the regulations of this chapter:

- A. General exemptions:**
 - 1. Development that does not require a permit;
 - 2. Development when:
 - a. The only use on the site will be Household Living;
 - b. There will be no more than four dwelling units total on the site;
 - c. All new buildings and additions to existing buildings on the site are no more than 35 feet in height; and
 - d. The site is not zoned RX, EX, or CX;
 - 3. Houseboats in a houseboat moorage;
 - 4. Manufactured dwelling parks;
 - 5. Outdoor shelters;

6. Development associated with a Rail Lines and Utility Corridor use;
7. Development associated with a Parks and Open Areas use when the development does not require a conditional use review;
8. Anemometers, and small wind energy turbines that do not extend into a view corridor designated in the Scenic Resources Protection Plan; and
9. New bridges in the right-of-way, and alterations to existing bridges in the right-of-way. However, a new bridge in the right-of-way with a horizontal span more than 100 feet must complete a design advice request with the Design Commission as specified in 33.730.050.B.

B. Exterior alterations

1. Repair, maintenance, and replacement with comparable materials;
2. Exterior alterations to a structure required to meet the Americans With Disabilities Act's requirements, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Exterior work activities associated with an Agriculture use;
4. Detached accessory structures when the structure has a building coverage no more than 300 square feet in area and is located at least 20 feet from all street lot lines, or located within an existing vehicle area;
5. Exterior alterations for parking lot landscaping, short-term bicycle parking, and pedestrian circulation systems when all relevant development standards of this Title are met;
6. Fences and retaining walls that meet the standards of this Title;
7. Electric vehicle chargers and equipment.
8. Except in the South Auditorium plan district, signs with a sign face area of 32 square feet or less;
9. The following alterations to the facade of a building:
 - a. Awnings as follows:
 - (1) If awnings were approved on the same facade through design review, then a new or replacement awning is exempt if it meets the previous design review conditions of approval; or
 - (2) If there are no previous conditions of approval for awnings on the same facade, then a new or replacement awning is exempt if the awning projects at least four feet from the wall, and the area of the awning does not exceed 200 square feet measured from the building elevation, except in the Central City, where it does not exceed 100 square feet measured from the building elevation;

- b. Alterations to an existing ground floor storefront glazing and mullion system that uses the same materials and profile as the existing system without reducing the percentage of ground floor windows on the facade;
 - c. Louvers or vents for mechanical systems that meet the following:
 - (1) The louver or vent opening affects 1 square foot or less of the facade and is the same color as the adjacent facade; or
 - (2) The louver or vent is placed within an existing window mullion, is the same color as the mullion, and is at least 8 feet above the adjacent grade;
 - d. Radon systems on non-street facing facades;
 - e. The removal of fire escapes;
 - f. Seismic bracing, except on street-facing facades within the Central City plan district; or
 - g. Any other alteration to a facade when the total area of the alteration is 200 square feet of the facade or less measured from the building elevation and the alteration meets one of the following. This exemption does not apply to signs or within the Central City plan district:
 - (1) On street-facing facades, the alteration is above the ceiling of the ground floor or is setback at least 20 feet from the street lot line; or
 - (2) The alteration is on a facade that does not face the street;
10. The following alterations to the roof of a building when the roof has a 1/12 pitch or less:
- a. Ecoroofs, landscaping on a roof, solar panels, skylights, and roof hatches;
 - b. Protective railings that project up to 4 feet above the adjoining roof;
 - c. Rooftop alterations and equipment that do not increase floor area when:
 - (1) The proposed alteration or equipment is screened by an existing parapet, screen, or enclosure that is as tall as the tallest part of the equipment or alteration;
 - (2) The proposed alteration or equipment is set back 4 feet from the edge of the roof for every 1 foot of height above the roof surface or top of parapet;
 - (3) The proposed alteration or equipment is located entirely within 5 feet of the facade of an existing equipment penthouse, does not extend above the penthouse, and is the same color as the penthouse; or
 - (4) The proposed alteration or equipment does not exceed 3 feet in width, depth, length, diameter or height.
 - d. Radio frequency transmission facilities as follows:

- (1) New or replacement antennas that are mounted to the side of an existing stairwell enclosure or an existing or extended equipment penthouse when the antennas do not extend above the penthouse and are the same color as the existing penthouse or stairwell enclosure.
 - (2) New or replacement equipment associated with the antennas when screened by an existing penthouse or located entirely within 5 feet of the facade of an existing penthouse. As an alternative, an existing penthouse may be extended to screen the equipment if:
 - The penthouse extension is at least 15 feet from any street facing roof edge;
 - The equipment does not extend above the penthouse; and
 - The penthouse extension is the same color as the existing penthouse;
 - (3) Alterations to an existing facility that comply with a previous design review approval for the facility including screening or concealment; or;
 - (4) Alterations to an existing eligible facility, that qualifies under the terms pursuant to 47 U.S.C. §1455, when approved measures of concealment are maintained.
11. The following alterations and additions to the roof of a building when the roof has a pitch that is greater than 1/12:
 - a. The addition or alteration is parallel with the roof surface and extends no more than 12 inches above the roof surface; or
 - b. The addition or alteration extends no more than 18 inches from the surface of the roof and is less than 2 feet in diameter.
 12. Public Art as defined in Chapter 5.74, or a Permitted Original Art Mural as defined in Title 4.
 13. Gates, outdoor lighting, and video or digital cameras are exempt until January 1, 2029. Gates and outdoor lighting must meet the following:
 - a. The gate must be less than 50 percent site obscuring;
 - b. The exterior light fixture is located no more than 15 feet above grade, and only projects light downward.

C. Geographically specific:

1. In the South Auditorium plan district shown in Map 420-1, signs that meet the following:
 - a. Except within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 32 square feet or less; and
 - b. Within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 3 square feet or less;
2. In the Marquam Hill Design District shown on Map 420-3:

- a. Additions of less than 25,000 square feet of floor area;
- b. Exterior alterations that affect less than 50 percent of the area of the facade where the area affected is also less than 3,000 square feet;
- c. Exterior improvements that are less than 5,000 square feet in total area, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; and
- d. Landscaping not associated with formal open areas required under 33.555.260.

33.420.050 Design Standards

The design standards provide an alternative process to design review for some proposals. Proposals that are eligible to use the design standards are stated in Subsection A. The standards for signs are stated in Title 32, Signs and related Regulations. Adjustments to the design standards are prohibited. Proposals that do not meet the design standards stated in Subsection C — or where the applicant prefers more flexibility — must go through the design review process.

- A. Unless excluded by Subsection B, proposals that are within the maximum limits of Table 420-1 may use the design standards stated in Subsection C as an alternative to design review.

Table 420-1	
Maximum Limits for Use of the design standards [1]	
Zones	Maximum Limit—New Floor Area
RM2, RM3, RM4, C, E, I, & CI Zones	40,000 sq. ft. of floor area
IR Zone	No limit unless stated in the institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	No limit unless stated in the institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

[1] There are no maximum limits for proposals where any of the floor area is in residential use.

- B. The design standards may not be used as an alternative to design review as follows:
 - 1. In the Central City plan district. See Map 420-1;
 - 2. In the Gateway plan district as follows. See Map 420-4;
 - a. New development and alterations to existing development when any portion of the new development or alteration exceeds 35 feet in height not including additional height allowed through a height exception in the base zone; and
 - b. Development subject to the requirements of 33.526.240, Open Area;

3. New buildings or additions when any portion of the new building or addition exceeds 75 feet in height not including additional height allowed through a height exception in the base zone;
4. For Institutional uses in residential zones, unless specifically allowed by the base zone, overlay zone, plan district, or an approved Impact Mitigation Plan or Conditional Use Master Plan;
5. Non-standard improvements in the right-of-way or other encroachments identified in City Titles as requiring design review;
6. In the CM3 zone within the St. Johns plan district, structures that exceed 45 feet in height not including additional height allowed through a height exception in the base zone;
7. For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and
8. In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.

C. Design standards

1. New development.
 - a. Required design standards. New development must meet all the design standards identified in Table 420-2 as required standards. Only the standards applicable to the development apply; and
 - b. Optional design standards. New development must meet the optional design standards as follows. Unless otherwise stated, if a standard is required, no optional points are earned:
 - (1) Buildings up to 55 feet tall. New development with buildings that are 55 feet tall or less must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or one point for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories;
 - (2) Building more than 55 feet tall. New development with buildings that are more than 55 feet tall must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or two points for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories.
2. Alterations to existing development must meet all the design standards identified in Table 420-2 as required. Only the standards applicable to the alteration apply. In addition, major remodels must meet enough of the standards identified in Table 420-2 as optional to total 5 points, or one point for every 1,000 square feet of site area, whichever is less. If the proposal is not a major remodel and there are no applicable

required standards, design review is not required.

Table 420-2 Design Standards			
CONTEXT (C1 – C18)			
The standards for context provide an opportunity for development to respond to the surrounding natural and built environment and build on the opportunities provided by the site itself. The context standards are split into the following categories: Building Massing and Corners, Older Buildings/History, Landscaping, and Adjacent Natural Areas.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
BUILDING MASSING AND CORNERS			
X	C1	Corner Features on a Building	
	New development on a site on a corner lot, located within a neighborhood or town center, where the zoning does not require a minimum building setback from a street lot line:	<p>At least one of the following must be met:</p> <ul style="list-style-type: none"> At least one building must be within 5 feet of the intersecting street lot lines and meet the following: <ul style="list-style-type: none"> Each street facing wall meeting this standard must be at least 25 feet long; At least 30 percent of the street-facing building wall within 25 feet of the corner must be windows or main entrance doors. Windows and doors used to meet ground floor window requirements may be used to meet this standard; and At least one main entrance to a lobby or individual commercial tenant space must be located within 15 feet of the two intersecting street lot lines, and face the street with the highest transit designation. At least one building must abut a plaza at the corner of the two intersecting street lot lines. The plaza must meet the following standards: <ul style="list-style-type: none"> The plaza must measure at least 20 feet in all directions; The plaza must be hard surfaced for use by pedestrians or be an extension of the sidewalk; No more than 25 percent of the plaza may be covered; The plaza must include benches or seating that provides at least 10 linear feet of seating surface. The seating surface must be at least 15 inches deep, and between 16 and 24 inches above the grade upon which the seating or bench sits; and At least one main entrance to a lobby or commercial tenant space must face the plaza. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C2 Building Facade on Local Service Streets.</p> <p>New building with at least one street-facing facade of 1,500 square feet or more facing a local service street</p>	<p>Divide the building elevation on the facade facing a local service street into distinct wall planes measuring 1,500 square feet or less.</p> <p>To qualify, the wall plane must be offset in depth by at least 2-feet from adjacent facades. Facades may also be separated by balconies or architectural projections that project at least 2 feet from adjacent facades for a minimum distance of 8 feet. Projections into street right-of-way do not count toward meeting this standard.</p>	3
	<p>C3 Buildings in Inner Neighborhoods with Centers Main Street overlay zone</p> <p>New building located in the Centers Main Street (m) overlay zone within the Inner Pattern area shown on Map 130-2.</p>	<p>Meet any of the following standards up to a maximum of 4 points:</p> <ul style="list-style-type: none"> • The portion of the street-facing facade that fronts a non-residential use must provide the following: <ul style="list-style-type: none"> • A transom window must be provided above each ground floor window and door opening. The transom window must be at least 12 inches in height and separated from main ground floor windows by at least 4 inches. Mullions within a storefront glazing system do not count toward the window separation. • A base sill or bulkhead must be provided at the ground level. The base must be at least 18 inches above grade, but is not required where access doors are located. • Street-facing ground floor windows must be split up into sections no more than 25 feet wide, separated by a column made up of a different material than the storefront glazing system and at least 12 inches wide. • The following must be provided on street-facing facades: <ul style="list-style-type: none"> • The ground floor of the building must be visually distinct from upper stories by providing either a cornice, belt course or projecting band between the first and second floor of the building, or a change of material between the first floor and upper floors of the building. 	<p>2</p> <p>1</p>

		<ul style="list-style-type: none"> The top of the building must have a parapet or cap that extends at least 18 inches above the roofline and is distinguished from the rest of the building by a different color or material. 	
		<ul style="list-style-type: none"> The street-facing windows on floors above the ground floor must be vertical – taller than it is wide. Street-facing windows on each upper floor must be directly above the one below, excluding the ground floor. Upper floors that step back per the standard below do not need to be vertical or aligned. 	1
		<ul style="list-style-type: none"> On street-facing facades, floors that are more than 35 feet above the existing or proposed sidewalk adjacent to the site must be set back at least 5 feet from the exterior walls below. 	2
		<ul style="list-style-type: none"> On corner sites, a main entrance for a ground floor tenant must be located at the corner of the intersecting streets and be at an angle of 30 to 45 degrees from the transit street with the highest classification. 	1
	C4	Preservation of Existing Facades	
	Alteration or addition to a building that: <ul style="list-style-type: none"> is at least 50 years old and has at least 1,000 square feet of net building area 	Meet one of the following standards:	
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and meet the standards of 33.415.200 Required Ground Floor Active Use. 	2
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. 	3
		<ul style="list-style-type: none"> Retain at least 90 percent of the area of the existing street-facing facade and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. This option is only available if the building is listed on the City’s Historic Resources Inventory. 	5

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C5 Building addition above the existing wall of a building that is at least 50 years old</p>	<p>Vertical Addition to Existing Building. The building addition must include one of the following features:</p> <ul style="list-style-type: none"> • Set back the walls above the existing facade at least 2 feet from the exterior edge of the existing wall. • Place windows on the vertical extension directly above the existing windows. The area of the new windows may be up to 20 percent larger or smaller than the area of the existing windows, but the center of the new window must align with the vertical plane of the center of the existing windows. 	2
	<p>C6 Site that contains a building that is at least 50 years old</p>	<p>Historical Plaque. Install a plaque on a street-facing facade of the building that provides information on the previous uses of the building or site. The plaque must be:</p> <ul style="list-style-type: none"> • at least 2 square feet in area, • made of metal with stamped lettering and • be permanently secured to the building facade. 	1

Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
X	C7	Building Abutting a Historic Landmark		
	<p>New building located on a site that abuts a site containing a Historic Landmark.</p> <p>If the new building abuts a site containing a historic landmark and the historic landmark contains only residential uses, C9 applies instead of this standard.</p>		<p>Meet one of the following standards. Additional features may be provided for optional points up to a maximum of 3 points.</p>	
			<ul style="list-style-type: none"> The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. This standard only applies to new buildings not subject to Standards PR1 or PR2. 	1
			<ul style="list-style-type: none"> Street-facing ground floor windows in the new building must be as tall as the ground floor windows in the Historic Landmark. 	1
			<ul style="list-style-type: none"> The base of the street-facing ground floor windows must be the same distance above grade as the ground floor windows in the Historic Landmark. 	1
			<ul style="list-style-type: none"> If the Historic Landmark has transom windows on the ground floor, the new building must include transom windows that match in location, size, and distance above grade as the transom window on the historic building. 	1
			<ul style="list-style-type: none"> The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building's street-facing facade. 	1
			<ul style="list-style-type: none"> Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. 	1
<ul style="list-style-type: none"> If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 			2	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C8	Building Near Historic Landmark or Property on Historic Resource Inventory.	
	New building that is either: <ul style="list-style-type: none"> • located on a site that is across the street from a site containing a historic landmark, or • located on a site that abuts or is across the street from a site containing a building on the Historic Resources Inventory (HRI) 	Meet any of the following standards, up to a maximum of 2 points: <ul style="list-style-type: none"> • The ground floor height in the new building must match the ground floor height in the Historic Landmark or HRI building, or be at least 10 feet tall, whichever is greater. This standard only applies to new buildings not subject to Standards PR1 or PR2. • Street-facing ground floor windows in the new building must be as tall as the ground floor windows in the Historic Landmark or HRI building. • The base of the street-facing ground floor windows must be the same distance above grade as the ground floor windows in the Historic Landmark or HRI building. • If the Historic Landmark or HRI building has transom windows on the ground floor, the new building must include transom windows that match in location, size, and distance above grade as the transom window on the historic building. • The exterior materials on the new building must match the exterior materials on the Historic Landmark or HRI building on at least 80 percent of the new building's street-facing facade. • Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark or HRI building. 	1 1 1 1 1 1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C9 Building Abutting a Residential Historic Landmark.</p> <p>New building located on a site that abuts a site that contains a Historic Landmark that:</p> <ul style="list-style-type: none"> • only contains residential uses, and • is located within 10 feet of the street lot line <p>If the new building abuts a site containing a historic landmark and the historic landmark contains non- residential uses, C7 applies instead of this standard.</p>	<p>Meet any of the following standards up to a maximum of 2 points.</p> <ul style="list-style-type: none"> • The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. • The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building’s street-facing facade • Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. • If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 	<p>1</p> <p>1</p> <p>1</p> <p>2</p>
LANDSCAPING			
	<p>C10 Tree Preservation.</p> <p>Site with at least one tree 20 inches or greater in diameter</p>	<p>Earn one point for each tree 20 inches or greater in diameter that is protected as specified in Title 11, Trees. No more than 6 points can be earned.</p> <p>A report from a certified arborist is required documenting the diameter of each tree to be preserved and that the trees are not nuisance trees and are not dead, dying or dangerous.</p>	<p>1-6</p>
	<p>C11 Grouping of Trees.</p> <p>Site located within the Eastern Pattern Area shown on Map 130-2</p>	<p>Plant a minimum of 5 evergreen trees in an area that is at least 500 square feet in area and measures at least 20 feet in all directions.</p> <p>Trees planted must be a minimum of 5 feet in height and listed on the Portland Plant List.</p>	<p>2</p>

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C12 Native landscaping. Site that is 20,000 square feet or larger and located outside of environmental zones	<ul style="list-style-type: none"> • Plant at least 80 percent of the total landscaped area with native species listed on the Portland Plant List, and • Plant at least 80 percent of all trees on site with native trees listed on the Portland Plant list. 	2
	C13 Trees in Setbacks along a Civic Corridor. Site with at least 100 feet of street frontage on a civic corridor identified on Map 130-1	Plant trees within the 10-foot required building setback for the civic corridor. The row of trees must meet the following. <ul style="list-style-type: none"> • The row must extend along at least 50 percent of the street frontage. • A minimum of 4 trees must be planted and the trees must meet the L1 standard for tree spacing. • Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard. 	1
ADJACENT NATURAL AREAS			
	C14 Setback from Waterbodies. Site that: <ul style="list-style-type: none"> • Has at least one wetland, water body, seep or spring, and • Is located outside of environmental zones 	Locate all buildings, structures, and outdoor common areas that are more than 50 percent impervious a minimum of 50 feet from the edge of wetlands, the top of bank of water bodies, and seeps or springs located on the site.	4

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C15 Public View of Natural Feature.</p> <p>Site that:</p> <ul style="list-style-type: none"> • Has at least one existing natural feature on site, such as a grove of native trees, rock outcropping, wetland, water body, seep or spring, and • is located outside of environmental zones 	<p>Provide a view corridor between the public street and an existing natural feature on site. The area of the natural feature must be at least 500 square feet and measure 20 feet in all directions.</p> <p>The view corridor must:</p> <ul style="list-style-type: none"> • be a minimum of 20 feet wide and • be landscaped with shrubs and ground cover or include a pedestrian connection to a viewing platform accessible from the street. <p>Trees greater than 6 inches in diameter that are not on the nuisance plant list must be preserved in the view corridor.</p>	2
X	<p>C16 Maximum Building Length Adjacent to Willamette River.</p> <p>In the River overlay zones, a new building located in, or within 25 feet landward of, the river setback.</p> <p>See 33.475 for a description of the river setback.</p>	<p>The maximum building length of the portion of the building located within 25 feet landward of the river setback is 100 feet.</p> <p>The portions of a building subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.</p>	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	C17	Building Features Adjacent to Willamette River.	
	<p>In the River overlay zones, a new building that:</p> <ul style="list-style-type: none"> • is located within 50 feet landward of the River setback; and • contains commercial or residential uses. 	Meet one of the following standards. Additional standards may be met for optional points up to a maximum of 3 points.	
		<ul style="list-style-type: none"> • At least 25 percent of the building facade facing the river 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. See Figure 130-10. 	2
		<ul style="list-style-type: none"> • Provide balconies on at least 75 percent of the dwelling units that have facades that face a lot line abutting the Willamette River and are located above the ground floor. 	1
		<ul style="list-style-type: none"> • Ground floor windows must cover at least 40 percent of the ground floor wall area of facades facing a lot line abutting the Willamette river. Ground floor wall area includes all exterior wall areas from 2 feet to 10 feet above finished grade. Windows must meet the standards for qualifying window features stated in 33.130.230.B.3. 	1
		<ul style="list-style-type: none"> • Windows must cover at least 15 percent of the area of facades facing the property line along the river above the ground level wall areas. This requirement is in addition to any required ground floor windows. 	1
<ul style="list-style-type: none"> • One main entrance must be located on the facade facing a lot line abutting the Willamette river. The main entrance must provide access to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. The entrance must be unlocked during regular business hours. 	1		

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	<p>C18 Open Area Adjacent to Willamette River Greenway Trail.</p> <p>New development on a site that is at least 20,000 square feet in site area, located within the River overlay zone that has the major public trail designation.</p>	<p>Provide an outdoor area of at least 500 square feet and a minimum 20 feet dimension in all directions.</p> <p>The open area must:</p> <ul style="list-style-type: none"> • be adjacent to and landward of the greenway trail. • include a minimum of 15 percent landscaping, with one small canopy tree per 100 square feet of landscaping, • include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • include one of the following: <ul style="list-style-type: none"> • The open area must connect directly to the Willamette Greenway trail through a pedestrian connection that is hard surfaced and at least 6 feet wide. • If there is a building located directly adjacent to the open area, the building must have a main entrance to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. • At least 15 percent of the open area is covered by awnings, building eaves or other covered structures. • The open area includes a 5-foot setback from the Willamette Greenway trail landscaped to the L2 standard. 	

PUBLIC REALM (PR1 – PR2)			
The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
GROUND FLOORS			
X	PR1	Ground Floor Height	
	New building in a C or E zone with street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3. Until January 1, 2029, this standard does not apply to development that includes a residential use.	At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following: <ul style="list-style-type: none"> • The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams; and • The area meeting this standard must be at least 25 feet deep measured from the street-facing facade on the civic or neighborhood corridor. 	
X	PR2	Ground Floor Height for Taller Buildings	
	New building in a C or E zone with a street-facing facade on a street identified as a civic or neighborhood corridor on Map 130-3 as follows: The standard is required for a new building with a height that exceeds 55 feet. The standard is optional for a building that is 55 feet or less in height. Until January 1, 2029, this standard is optional for all new buildings that include a residential use.	At least 50 percent of the ground floor walls that are at an angle of 45 degrees or less from the civic or neighborhood corridor must meet the following: <ul style="list-style-type: none"> • The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and • The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade on the civic or neighborhood corridor. 	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
		<p>PR3 Ground Floor Active Floor Area</p> <p>Site that is at least 10,000 square feet in total site area except for a site located within the Centers Main Street Overlay Zone or where a commercial use in excess of 1,500 square feet is prohibited.</p>	<p>The site must have:</p> <ul style="list-style-type: none"> at least 1,500 square feet of floor area on the ground floor in one of the following active uses: Retail Sales and Service, Office, Manufacturing and Production, Community Service, or Daycare; and at least one main entrance to the space that faces the street and is within 5-feet of the street lot line.
	<p>PR4 Affordable Ground Floor Commercial Space</p> <p>Site where commercial uses are allowed or limited</p>	<p>Provide at least 1,500 square feet of floor area located on the ground floor for an affordable commercial space that meets the affordable commercial space program administrative requirements of the Portland Development Commission. To qualify the applicant must:</p> <ul style="list-style-type: none"> Submit a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and Execute a covenant with the City, complying with the requirements of 33.700.060, that ensures that the floor area will meet the administrative requirements of the Portland Development Commission or qualified administrator. 	2
	<p>PR5 Oversized Street-Facing Opening</p> <p>New building that has at least one ground floor tenant space with a facade that faces the street lot line and is used for Retail Sales And Service uses</p>	<p>At least 50 percent of the ground floor tenant spaces, with a minimum of one, must meet the following:</p> <ul style="list-style-type: none"> Provide a roll-up door or movable storefront that provides an opening to the street; and The opening must be at least 8 feet wide and cannot open onto storage areas, mechanical equipment and utility areas, garbage and recycling areas, or vehicle parking areas. 	1

X	PR6	Louvers and Vents	
	New louver or vent	<p>All new louvers or vents must be the same color as the adjacent facade material.</p> <p>For new louvers or vents on street-facing facades within 5 feet of the street, one of the following standards must be met. The measurement is made from the adjacent grade:</p> <ul style="list-style-type: none"> • The bottom of the louver or vent is at least 7 feet above the adjoining grade; or • The top of the louver or vent is a maximum of 2 feet above the adjoining grade 	
Required (X)	APPLIES TO:		THE DESIGN STANDARD
X	PR7	Exterior Lighting	
	New building with a street-facing facade within 20 feet of the street	<p>Provide exterior light fixtures on the street facing facade that meet the following:</p> <ul style="list-style-type: none"> • The fixtures must be spaced a maximum of 30-feet apart; • The bottom of each fixture is a maximum of 15 feet above the adjoining grade or sidewalk; and • Lights may only project light downward. 	
	PR8	Ground Floor Bicycle Parking	
	Long-term bicycle parking racks located within the ground floor of a building	Set back the bicycle racks at least 10 feet from any exterior walls that are adjacent to, and facing, a street lot line.	1
ENTRIES / ENTRY PLAZAS			
X	PR9	Nonresidential Main Entrance Location	
	New building with at least one main entrance for a nonresidential tenant space, or an existing building where the main entrance to a nonresidential tenant space is being moved.	<p>Locate the main entrances at least 25-feet from a lot line that abuts an RF through R2.5 zone.</p> <p>For alterations that impact the location of an existing main entrance, the applicant must either meet the standard or move the existing entrance further from the single dwelling zone lot line.</p>	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR10 Residential Entrance</p> <p>New building with ground floor dwelling unit main entrances adjacent to a street that is not identified as a civic or neighborhood corridor on <i>Map 130-3</i>.</p>	<p>At least 50 percent, or four, whichever is more, of the dwelling units on the street-facing ground floor of the building must have a pedestrian connection between the street and the main entrance of the dwelling unit.</p> <p>The entrance must be set back at least 6 feet from the street lot line and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the right of way; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the right of way. <p>In addition, the dwelling units meeting this standard must not have windows into bedrooms located on the ground floor that face the street.</p>	3

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR11 Separation of Dwelling Unit Entry from Vehicle Areas</p> <p>New building with ground floor dwelling unit entrances adjacent to a parking area</p>	<p>At least four of the ground floor dwelling units must provide pedestrian entrances adjacent to a parking area.</p> <p>Doors leading to the ground floor dwelling units that face a vehicle area on site must be set back at least 8 feet from the vehicle area and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the vehicle area; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the vehicle area. 	2
	<p>PR12 Seating Adjacent to Main Entrance</p> <p>Main entrance to a lobby or to a non-residential tenant space.</p>	<p>Provide at least 10 linear feet of seating or bench within 25 feet of a main entrance. The seating or bench must be accessible to the sidewalk or a completed trail and the access must be open to the public. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.</p>	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	PR13 Pedestrian Access Plaza. New development	Provide an outdoor plaza that abuts a sidewalk on a public right-of-way. The plaza must meet the following requirements: <ul style="list-style-type: none"> • The plaza is designed so that it is at least 500 square feet in area and must measure at least 20-feet in all directions. • A maximum of 25 percent of the plaza may be covered by structures or overhangs. • A minimum of 15 percent of the plaza must be landscaped with a small canopy tree for each 100 square feet of landscaping. • The plaza must include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • A plaza provided to meet C1 does not count toward meeting this standard. 	4
WEATHER PROTECTION			
X	PR14 Weather Protection at Entrances New main entrances at a new or existing building	Provide weather protection at new main entrances that face a street lot line. The weather protection may be an awning, a portion of the building, a balcony, or other covered structure. The weather protection must meet the following: <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the wall above the doorway; • The weather protection is four feet wider than the doorway, unless there is a building wall that prohibits this width; and • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	PR15 Weather Protection Along a Transit Street	<p>Weather protection must be provided along at least 50 percent of the street-facing facade located within 20 feet of a transit street lot line. The weather protection must meet the following:</p> <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the adjoining wall. • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. <p>When this standard is met as an optional standard, the street facing facade within 20 feet of a transit street lot line must have a length of at least 50 feet.</p>	2
	<p>New building on a transit street as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>		
UTILITIES			
X	PR16 Location of Utilities	<p>Screen new electric meters, gas meters and radon mitigation equipment located at ground level from the street or a completed major recreational trail by meeting one of the following standards:</p> <ul style="list-style-type: none"> • The meters or equipment are enclosed by a building; • The meters or equipment are screened by a fence or wall meeting the F2 standards that is as tall as the tallest part of the meters or equipment, excluding the conduit or pipe; • The meters or equipment are mounted to a wall that does not face a street or major recreational trail. Electric and gas meters must be set back at least 5-feet from a street lot line or lot line along a major recreational trail; or • The meters or equipment are set back at least 20-feet from all street lot lines or a major recreational trail. 	
	<p>New electric meters, gas meters and radon mitigation equipment located at the ground level of a building</p>		

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
VEHICLE AREAS			
	PR17	Pervious Paving Materials	
	New surface parking area with at least 10 parking spaces	At least 50 percent of the vehicle area must be paved with pervious pavement, approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.	2
	PR18	No Parking Area	
	Site with a minimum area of 10,000 square feet	Provide no parking areas on site.	1
	PR19	Structured Parking and Vehicle Areas	
	New vehicle area	At least 80 percent of the proposed vehicle area is covered by a building. The vehicle area may meet PR19 or PR20, but not both.	2
	PR20	Alternative Shading of Vehicle Areas	
	New surface vehicle area smaller than 21,780 square feet	At least 50 percent of the proposed vehicle area is covered by structures containing photovoltaic panels, reflective roof shade structures with a Solar Reflectance Index (SRI) greater than 75, or tree canopy. The amount of shade from tree canopy is determined by the diameter of the mature crown spread stated for the species of tree. The vehicle area may meet PR19 or PR20, but not both.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ART AND SPECIAL FEATURES			
	<p>PR21 City Approved Public Art Installation</p> <p>Any site</p>	<p>Provide an art feature or mural on the site that has been approved by the City Arts Program or its designee.</p> <p>The feature must be set back a maximum of 15 feet from the street lot line with the highest street classification.</p> <p>To meet this option, the applicant must provide the following prior to the issuance of the building permit:</p> <ul style="list-style-type: none"> • A letter from the City Arts Program or its designee indicating the approval of the art. • A covenant in conformance with 33.700.060, Covenants with the City. The covenant must state the steps to be taken by the property owner and the City Arts Program or its designee to ensure the installation, preservation, maintenance, and replacement of the public art. 	2
	<p>PR22 Water Feature</p> <p>Any site</p>	<p>Provide a water feature, such as a fountain, waterfall, or reflecting pool. The feature must be setback a maximum of 20 feet from the street lot line with the highest street classification. The water feature must have the following:</p> <ul style="list-style-type: none"> • A feature area of at least 6 square feet that contains water year-round; and • A bench or seat with 6 linear feet of seating adjacent to it. 	1

QUALITY AND RESILIENCE (QR1 – QR23)			
The standards for Quality and Resilience provide an opportunity for development of quality buildings that provide benefits to current users and can adapt to future changes. They also provide an opportunity for successful site designs that enhance the livability of those who live, work and shop at the site. The quality and resilience standards are split into the following categories: Site Planning and Pedestrian Circulation, On-site Common Areas, Windows and Balconies, Building Materials, and Roofs.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
SITE PLANNING AND PEDESTRIAN CIRCULATION			
X	QR1	On-site Building Separation	
	New building containing dwelling units on the ground floor	Set back any building on the site that contains dwelling units on the ground floor at least 10 feet from other buildings on the site that contain dwelling units on the ground floor.	
X	QR2	Vertical Clearance to Pedestrian Circulation System	
	New building	Projections from a building, such as a balcony, bay window, or skybridges must be at least 9 feet above the grade of any pedestrian circulation system below.	
	QR3	Pedestrian Connection to a Major Public Trail	
	New development on a site with the major public trail designation.	Provide a pedestrian connection from a completed trail to the site’s pedestrian circulation system. The pedestrian connection must be unlocked during business or daylight hours. This standard is not available if the major public trail designation is located within a street.	1
	QR4	Windows Facing a Pedestrian Walkway	
	New buildings that are within 15 feet of, and face the on-site pedestrian circulation system	At least 15 percent of the area of each facade that faces the circulation system must be windows or main entrance doors.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ON-SITE COMMON AREAS			
	QR5	On-site Outdoor Common Area	
	New Development	<p>Provide a common outdoor area designed so that it is at least 600 square feet in area and measures 20 feet in all directions. On sites in the Western or Eastern pattern area identified on Map 130-2, provide a common outdoor area designed so that it is at least 800 square feet in area and measures 20 feet in all directions. Up to 20 percent of the outdoor area may be landscaped to the L1 standard. The remainder of the outdoor area must meet one of the following:</p> <ul style="list-style-type: none"> • The outdoor area is hard-surfaced or meets the surfacing materials requirement in 33.130.228.B.3. The outdoor area includes at least 4 linear feet of seating per 100 square feet of area; • The entire outdoor area is a community garden with the area divided into individual raised garden beds. The beds are raised at least 12 inches above grade and can each be between 12 and 50 square feet in area. Individual beds are separated by pathways at least 3 feet in width; or • The entire outdoor area is a children’s play area that includes a play structure at least 100 square feet in area and manufactured to the American Society for Testing and Materials (ASTM) standards for public playground equipment. At least 4 linear feet of seating per 100 square feet of area must be located adjacent to the play structure. 	2
X	QR6	Facades Adjacent to Outdoor Common Area	
	New building with facade facing and within 10 feet of an outdoor common area	<p>Meet the following standards:</p> <ul style="list-style-type: none"> • At least 15 percent of the facade that faces the outdoor common area must be windows; or doors leading to lobbies, tenant spaces or dwelling units; and • Pedestrian access must be provided between the outdoor common area and at least one entrance for a lobby, tenant space or dwelling unit. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR7 Buildings Walls Adjacent to Outdoor Common Area		
	New building with walls located within 10 feet of an outdoor common area meeting QR5	Walls located within 10 feet of an outdoor common area meeting QR5 must not be taller than two-times the shortest width of the outdoor area. As an example, if the outdoor area is 20-feet by 30-feet, the building walls within 10-feet of this open area may be up to 40-feet above the grade of the open area.	2
WINDOWS AND BALCONIES			
X	QR8 Street-Facing Window Detail		
	New street-facing facade	<p>Meet the following window standard on the street-facing facade:</p> <ul style="list-style-type: none"> • Provide trim that is at least 3 inches wide around 80 percent of the windows; or • Recess the window glazing at least 3 inches behind the exterior wall or window frame for 80 percent of the windows. <p>Ground floor storefront or curtain wall glazing systems are exempt from this standard.</p> <p>Alterations must either meet this standard or match the window trim and recess of the existing building for all new windows on street facing facades.</p>	
	QR9 Upper Floor Windows		
	New building, and an expansion of existing building above the ground floor	<p>At least 30 percent of the area of the new street-facing facade above the ground floor must be:</p> <ul style="list-style-type: none"> • Windows; or • Doors opening up to balconies. 	2
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR10 Street-Facing Balconies		
	New building with six or more dwelling units located above the ground floor that have facades that face a street lot line	Provide balconies for at least 50 percent, or six whichever is greater, of the dwelling units with facades that face a street lot line and are located above the ground floor. The balconies must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. If the balcony has glazed railings,	3

		they must have a treatment pattern that is applied using techniques from the <i>Portland Bird Safe Windows</i> list.	
	QR11	Sunshades for Windows	
		New windows above the ground floor on south facing and west facing facades	Provide awnings or eaves directly above 50 percent of the window openings on facades that are facing within 45 degrees of south and facades facing within 45 degrees of west. The awning or eave must project out at least 2 feet.
	QR12	Bird-Safe Glazing for Windows	
		Facades that contain more than 30 percent glazing	At least 90 percent of the windows must provide bird-safe glazing. Treatment patterns and application techniques must be from the <i>Portland Bird Safe Windows</i> list.
	QR13	Operable Windows on Upper Level Units	
		Dwelling units or commercial tenant spaces located above the ground floor	Provide at least one operable window in an exterior wall of each dwelling unit or tenant space. Each window meeting this standard must provide an operable opening of at least 6 square feet.
X	QR14	Ground Floor Windows	
		New building as follows: The standard is required for a new building with a height that exceeds 55 feet. The standard is optional for new buildings that are 55 feet or less in height	The 60 percent ground floor window standard in 33.415.340 of the Centers Main Street Overlay Zone applies to all street-facing elevations. Other ground floor window standards of the base zone apply.

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points	
BUILDING MATERIALS				
X	QR15 Exterior Finish Materials	<p>New building that has a net building area of at least 5,000 square feet</p> <p>Alterations to buildings with a net building area of at least 5,000 square feet may choose to meet the standard above or use materials which are the same as, or visually match the appearance of, those on the existing building.</p>	<p>Meet the following standards:</p> <ul style="list-style-type: none"> • The exterior finish materials on 80 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. • The exterior finish materials on 90 percent of the street facing facade of the ground floor must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. • No more than 3 exterior finish material types listed on Table 420-3 may be used per building. • There may be no more than one unlisted material used per facade. 	
	QR16 Exterior Finish Materials Option	<p>New building</p>	<p>The exterior finish materials on 100 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. No more than 3 exterior finish material types listed in Table 420-3 may be used per building.</p>	2
	QR17 Building Materials Application to Side Walls of Building	<p>New building located 20 feet or closer to the street lot line</p>	<p>Exterior finish materials on the street-facing facade of buildings located 20 feet or closer to a street lot line and on the first 2 feet of the adjoining, but not street-facing, facades must be the same exterior finish materials.</p>	1
	QR18 Sustainable Wood	<p>Building using wood products where allowed as an exterior material in Table 420-3</p>	<p>Provide at least one of the following Forest Stewardship Council (FSC) certified materials on at least 500 square feet of the exterior of a building:</p> <ul style="list-style-type: none"> • Salvaged/reclaimed wood having “FSC Recycled” certification. • Wood from well-managed forests having a “FSC 100%” certification. 	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR19 Low Carbon Concrete		
	New building using concrete as allowed for an exterior material in Table 420-3	Use mixes that have a global warming potential (GWP) that is 15 percent lower than the GWP limits referenced in the City's Pre-Approved Concrete Mix Design List maintained by the Bureau of Environmental Services' materials testing lab.	1
ROOFS			
X	QR20 Rooftop Equipment		
	New rooftop equipment	New rooftop equipment must be screened by a parapet that is as tall as the equipment, or the rooftop equipment must be set back 3 feet for every 1 foot of height above the roof or parapet.	
	QR21 Ecoroof		
	New building or alteration	Provide an ecoroof that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater. The ecoroof must meet the Stormwater Management Manual's <i>Ecoroof Facility Design Criteria</i> .	2
	QR22 Solar Energy System		
	New building or alteration	Provide a rooftop solar energy system that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater.	2
	QR23 Reflective Roof Surface		
	New building or alteration	Meet the Energy Star requirements for solar reflectance on at least 90 percent of the roof area not covered by rooftop equipment, vents, skylights, stairwells or elevator enclosures. This standard does not apply if either standard QR21 or QR22 are met.	1

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Brick		
All brick and brick veneer	Brick and Brick veneer	n/a
Stucco		
Stucco that is one of the following: <ul style="list-style-type: none"> Portland cement based three coat stucco system; or Cement board stucco system 	Stucco	n/a
Wood		
<ul style="list-style-type: none"> The wood must be painted or sealed. If clear-finished or stained wood is used on a facade, the facade that contains this wood product must be protected from the elements. Protection from the elements means the wood is recessed at least two feet back from the exterior walls, or there is an eave or awning that extends out two feet from the edge of the wood wall; and On the ground floor, the wood must be at least 6 inches above the foundation grade. 	Wood: boards	<ul style="list-style-type: none"> The boards have a width of 6 inches or less. Wood with a larger dimension must contain a reveal or board pattern that has dimension of 6 inches or less.
	Wood: shakes/shingles	The shingles or shakes must contain a reveal of 10 inches or less.

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Metal Wall Cladding		
The cladding must have a factory applied color or coat finish. Exterior paint applied to the panels does not count to meet this requirement. Metal wall cladding made of zinc or copper does not need a factory applied color or coat finish;	Metal: narrow format panels	If the material has a vertical or horizontal dimension of 12 inches or less, the material must have a minimum thickness of 24-gauge.
	Metal: large format panels	If the material has a vertical or horizontal dimension greater than 12 inches, the material must meet one of the following: <ul style="list-style-type: none"> • The material has a minimum thickness of 20-gauge. The panels must include a rib or reveal of 4 inches or less. The rib or reveal must have a minimum depth of 7/8 inch. • The material is bonded to a minimum 1/8" thick solid phenolic resin or plastic core.
Fiber Cement Wall Cladding		
In Town Centers and on Civic Corridors, fiber cement wall cladding cannot be used on the ground floor except on the portion of the ground floor containing residential uses;	Fiber Cement: planks	If the product has a vertical or horizontal dimension or reveal of 6 inches or less, it must have a thickness of at least 5/16 inch. If the product has a vertical or horizontal dimension or reveal more than 6 inches and less than 12 inches, it must have a thickness of at least 5/8 inch.
	Fiber cement: shake/shingles	If the product is composed of shingles or shakes, the installation of the shingles or shakes must contain a reveal of 10 inches or less and have a thickness of at least 5/16 inch.

	Fiber cement: panels	If the product has a vertical or horizontal dimension greater than 12 inches, the panel must have a density greater than 80 pounds per cubic foot.
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Concrete		
	Concrete: Poured in Place	Poured in place Architectural Concrete meeting ACI 117 Class A Surface and ACI 301 Surface Finish 3.0, used as an exterior material; or Poured in place concrete used as an exterior material for the foundation and ground floor up to the floor level of the second floor;
	Concrete Masonry Units (CMU)	CMU may be used as a foundation material if the material is not revealed more than 3 feet above the finished grade adjacent to the foundation wall.

33.420.060 Design Guidelines

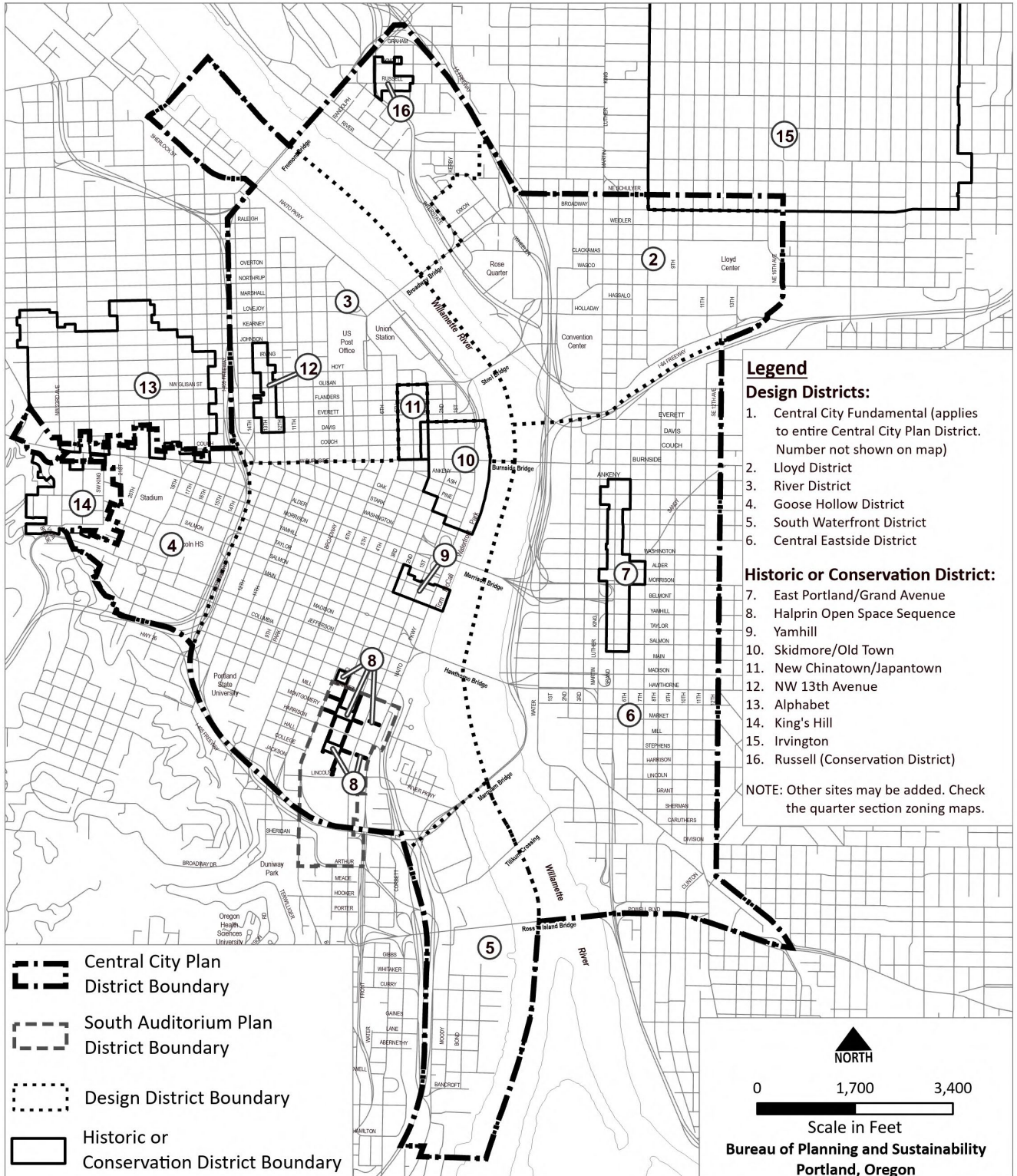
For projects subject to design review, guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 at the end of this chapter. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict. All other areas within the Design overlay zone use the Portland Citywide Design Guidelines.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 01/07/05, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

Design Districts in the Central City and South Auditorium Plan Districts

Map 420-1

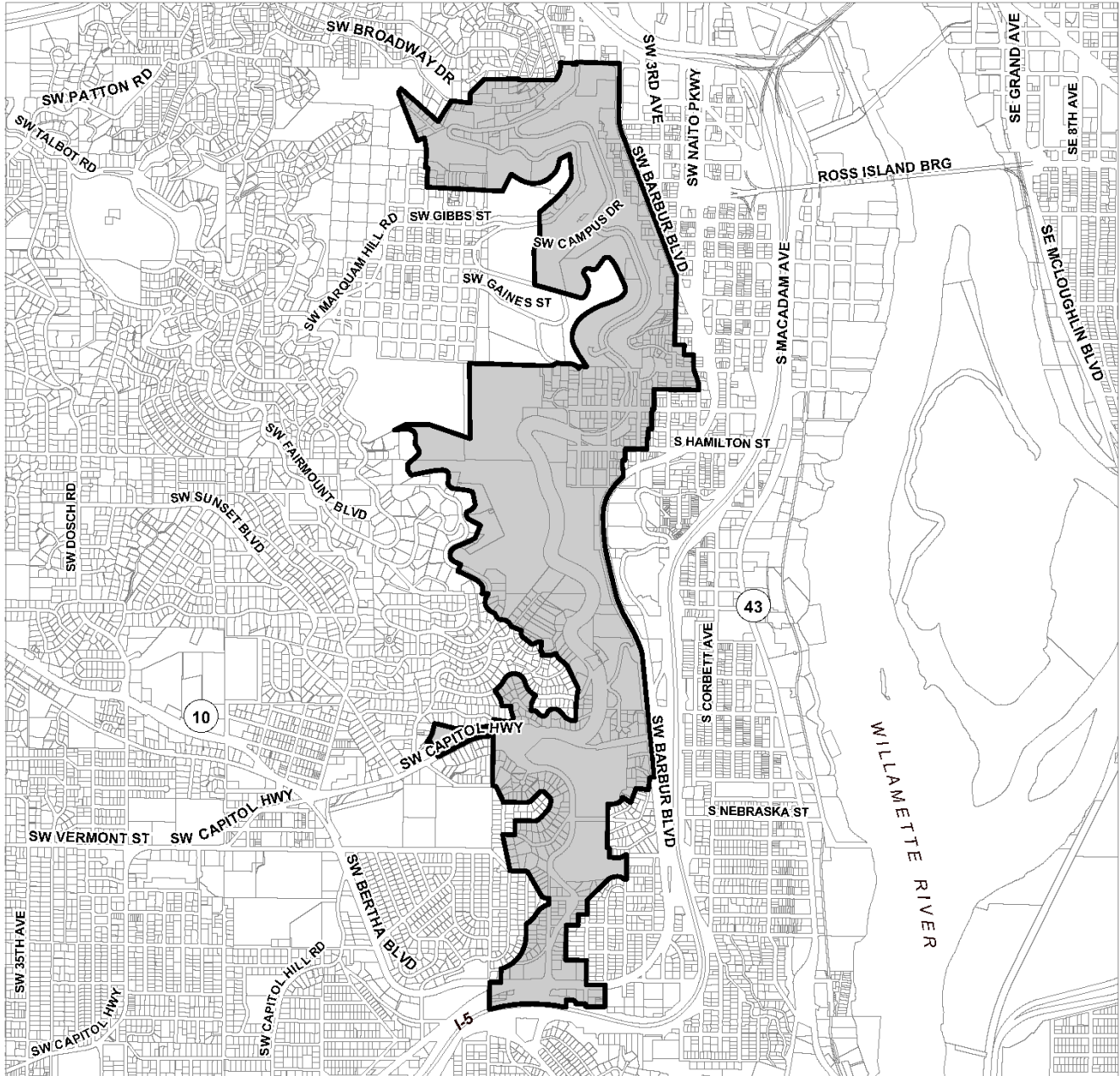
Map Revised October 1, 2024



Terwilliger Design District

Map 420-2

Map Revised August 1, 2021



 Design District Boundary



0 1,500 3,000

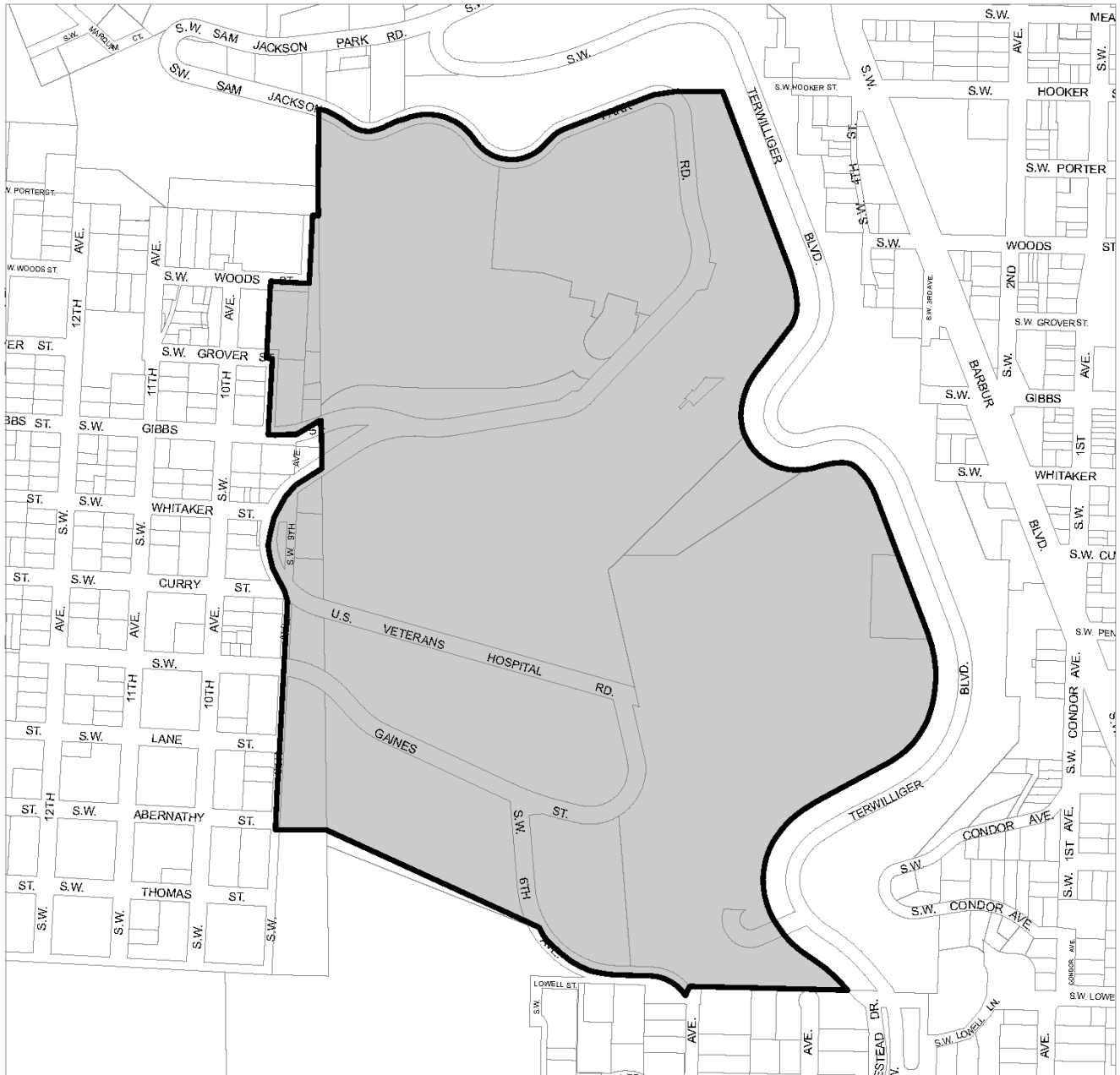
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Marquam Hill Design District

Map 420-3

Map Revised August 1, 2021



 Design District Boundary



0 375 750

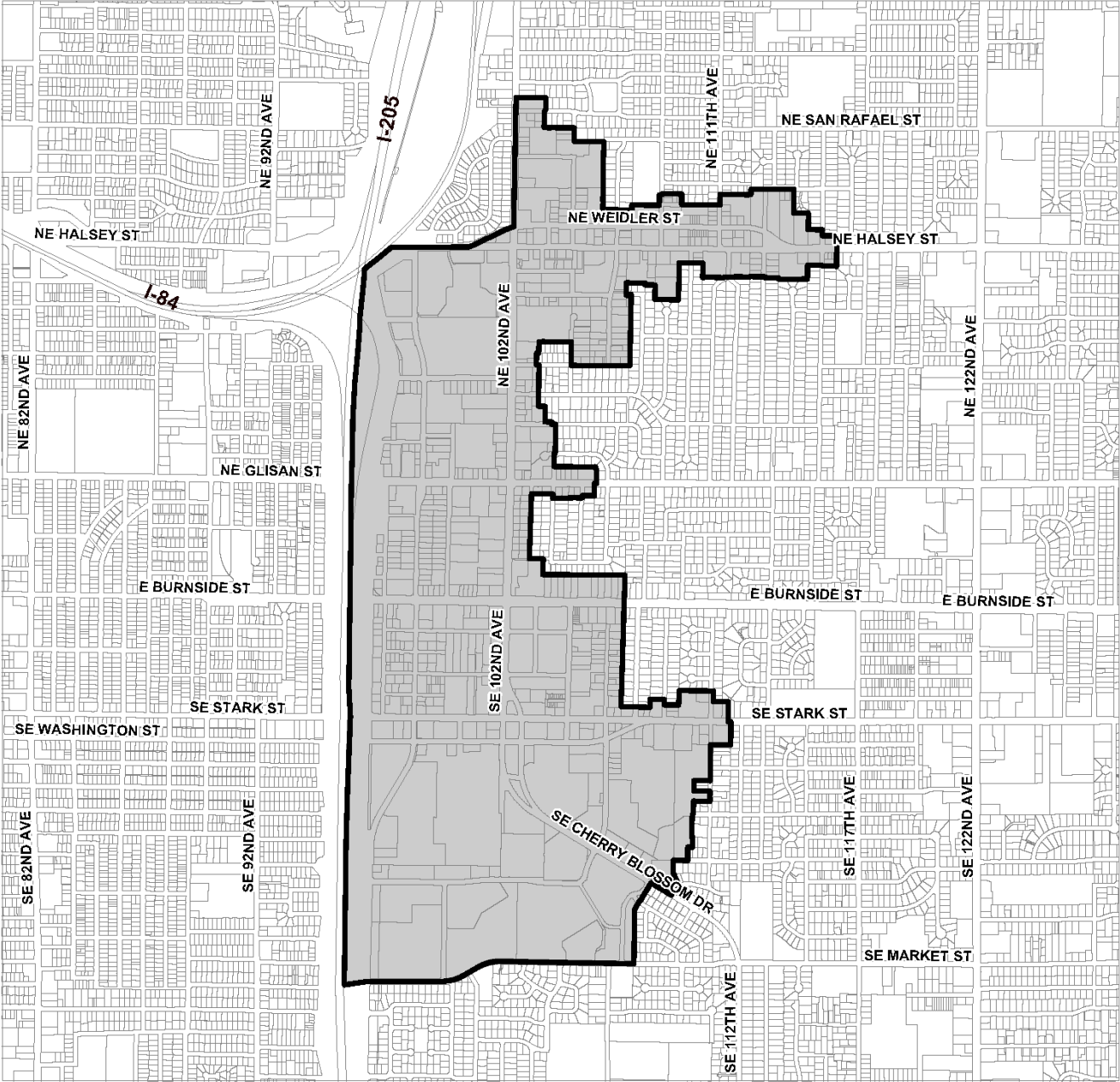
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Design District

Map 420-4

Map Revised August 1, 2021



 Design District Boundary



33.440 Greenway Overlay Zones

440

Sections:

General

- 33.440.010 Purpose
- 33.440.030 Greenway Overlay Zones
- 33.440.050 Relationship to State and Federal Reviews
- 33.440.060 Sunset Provision

Use Regulations

- 33.440.100 Use-Related Restrictions

Development Regulations

- 33.440.200 Application of the Development Standards
- 33.440.210 Development in the Greenway Setback
- 33.440.220 Floor Area Ratios
- 33.440.230 Landscaping
- 33.440.240 Major Public Trails
- 33.440.250 Public Viewpoints
- 33.440.260 View Corridors
- 33.440.270 Nonconforming Uses and Development

Greenway Review

- 33.440.300 Purpose
- 33.440.310 Where Greenway Review Applies
- 33.440.320 Items Exempt from Greenway Review
- 33.440.330 Procedures
- 33.440.340 Notice to State Parks and Recreation Division
- 33.440.345 Supplemental Application Requirements
- 33.440.350 Approval Criteria

Map 440-1 Willamette Greenway Public Access

Map 440-2 River Industrial Zone Use-Related Restrictions

General

33.440.010 Purpose

The Greenway regulations are intended to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along Portland's rivers;
- Establish criteria, standards, and procedures for the development of land, change of uses, and the intensification of uses within the greenway;
- Increase public access to and along the Willamette River for the purpose of increasing recreational opportunities, providing emergency vehicle access, assisting in flood protection and control, providing connections to other transportation systems, and helping to create a pleasant, aesthetically pleasing urban environment; and

- Implement the City's Willamette Greenway responsibilities as required by ORS 390.310 to 390.368; and
- Implement the water quality performance standards of Metro's Title 3, which are intended to protect and improve water quality to support designated beneficial water uses, and to protect the functional values of the water quality resource area which include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

33.440.030 Greenway Overlay Zones

- A. Purpose.** The purpose of the greenway overlay zones is to implement the land use pattern identified in the Willamette Greenway Plan and the water quality requirements of Metro Code 3.07.340.B (Title 3). There are five greenway overlay zones, each with its own focus and purpose. The purpose of each of the overlay zones is stated below.
1. **River Natural.** The River Natural zone protects, conserves, and enhances land of scenic quality or of significant importance as wildlife habitat.
 2. **River Recreational.** The River Recreational zone encourages river-dependent and river-related recreational uses which provide a variety of types of public access to, along and in the river, and which enhance the river's natural and scenic qualities.
 3. **River General.** The River General zone allows for uses and development which are consistent with the base zoning, which allow for public use and enjoyment of the riverfront, and which enhance the river's natural and scenic qualities.
 4. **River Industrial.** The River Industrial zone encourages and promotes the development of river-dependent and river-related industries which strengthen the economic viability of Portland as a marine shipping and industrial harbor, while preserving and enhancing the riparian habitat and providing public access where practical.
 5. **River Water Quality.** The River Water Quality zone is designed to protect the functional values of water quality resources by limiting or mitigating the impact of development in the setback.
- B. Where these regulations apply.**
1. **General.** The regulations of this chapter apply to all land and fills and structures in water within the North reach and industrially zoned sites within the Central reach of the Willamette Greenway. The North reach and industrially zoned sites within the Central reach of the Willamette Greenway are shown on Map 440-1, and are designated on the Official Zoning Maps with River Natural, River Recreational, River General, River Industrial, or River Water Quality overlay zones.
 2. **Exceptions.** The major public trail standards of Section 33.440.240 apply to all lands within the Willamette Greenway Plan boundary designated with the major public trail symbol but which are outside of the greenway zones.

- C. Removal or remediation of hazardous substances.** For projects limited to the removal or remediation of hazardous substances conducted under ORS 465.200 through 465.510 and 465.900, the regulations of this chapter apply only to the portion of the site located within the boundaries of the removal or remedial action areas, as delineated by the Department of Environmental Quality.
- D. Map symbols.** The greenway overlay zones are shown on the Official Zoning Maps with the following map symbols:

Overlay Zone	Map Symbol
River Natural	n
River Recreational	r
River General	g
River Industrial	i
River Water quality	q

33.440.050 Relationship to State and Federal Reviews

In addition to any City requirements, development within or riverward of the greenway setback, including fills, may be regulated by the Oregon Division of State Lands and the U.S. Army Corp of Engineers. City approval does not imply approval by these agencies.

33.440.060 Sunset Provision

The River Water Quality Overlay Zone will be deleted from the Zoning Code when revised Willamette River Greenway regulations are adopted.

Use Regulations

33.440.100 Use-Related Restrictions

- A. Generally.** In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.
- B. Use restrictions.**
 - 1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.
 - 2. River Industrial zone.
 - a. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river.
 - b. Primary uses that are not river-dependent or river-related are allowed by right on sites that front the river when:
 - (1) The non-river-dependent or non-river-related use is located entirely on lots within the site that do not have river frontage;

- (2) The site is owned by a public agency; and
 - (3) The site is shown on Map 440-2.
 - c. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below.
 - d. There are no special use restrictions on sites that do not have river frontage.
3. River Natural and River General zones. There are no special use restrictions in the River Natural and River General zones.
 4. River Water Quality zone. There are no special use restrictions associated specifically with the River Water Quality zone. However, any use restrictions that apply as a result of an accompanying Greenway Overlay Zone also apply within the River Water Quality zone.

Development Standards

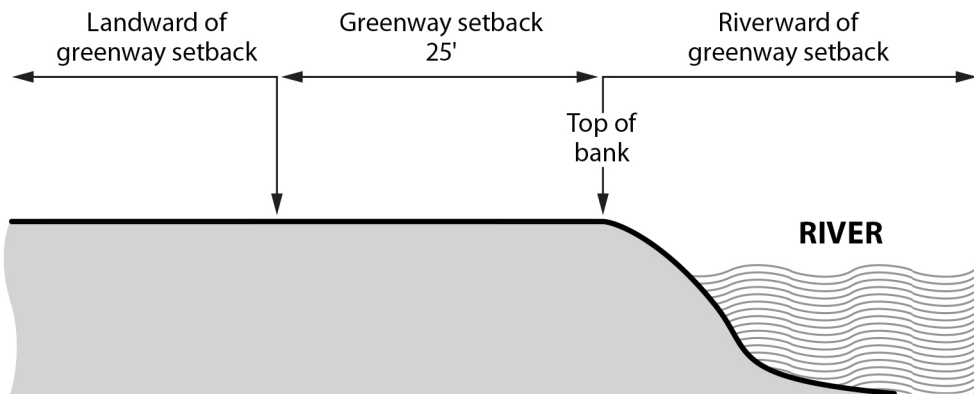
33.440.200 Application of the Development Standards

Any changes to land or development within the greenway zones, including rights-of-way, are subject to the development standards of this chapter.

33.440.210 Development in the Greenway Setback

- A. General.** The requirements of this section focus on whether the development is river-dependent or river-related. The focus is not on the primary use of the land. For example, a marine freight terminal is a river-dependent primary use, but not all development associated with the terminal is river-dependent. The dock and loading cranes are river dependent, but the parking lot, storage areas, and corporate offices are not. Another example is a multi-dwelling complex. The residential units are not a river-dependent or river-related primary use. A boat dock for the residents is river-dependent, but parking and storage areas are not.
- B. The setback areas.**
 1. Generally. The greenway setback extends from the top of the bank to a point 25 feet landward of the top of the bank, except in the River Water Quality overlay zone. See Figure 440-1.

**Figure 440-1
Greenway Setback**



2. River Water Quality overlay zone. The greenway setback in the River Water Quality zone extends from the top of the bank to a point 50 feet landward of the top of the bank for sites with less than 25 percent slope, or to a point 200 feet landward for sites with 25 percent or greater slope. See Figure 440-2 and Table 440-1.
3. Wetlands in the River Water Quality overlay zone. The greenway setback is 50 feet around the delineated edge of the wetland in addition to the setback from the top of the bank.

**Figure 440-2
Greenway Setback in the River Water Quality Zone**

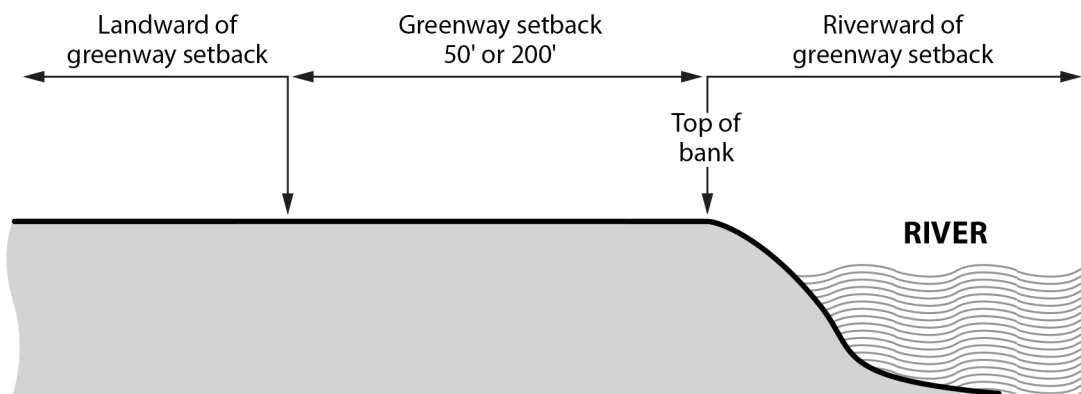


Table 440-1 Setbacks for River Water Quality Zone	
Slope Landward of Top of Bank	Width of Vegetated Corridor [1]
< 25%	50 feet
> 25% for 150 feet or more [2]	200 feet

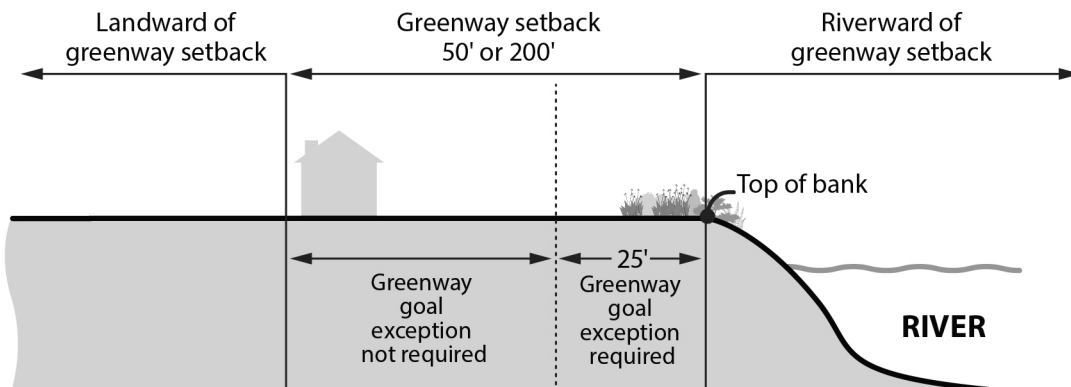
[1] To establish the width of the vegetated corridor, slope is measured in 25-foot increments landward of top of bank until slope is less than 25%

[2] Vegetated corridors in excess of 50 feet apply on steep slopes only in the uphill direction from the protected water feature.

C. Development regulations.

1. Development landward of the greenway setback. Development, exterior alterations, excavations, and fills landward of the greenway setback are not required to be river-dependent or river-related and are subject to greenway review, unless exempt under Section 33.440.320, Exemptions.
2. Development within the greenway setback.
 - a. River-dependent and river-related development. Development, exterior alterations, excavations, fills, and associated tree removal within the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions.
 - b. Development that is not river-dependent or river-related.
 - (1) General. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate in the greenway setback.
 - (2) Exception. Within the River Water Quality zone, development, exterior alterations, excavations, and fills that are not river-dependent or river-related do not require a Greenway Goal Exception when located outside of the area that is within the first 25 feet landward of the top of bank. See Figure 440-3.
3. Development riverward of the greenway setback. Development, exterior alterations, excavations, fills, and associated tree removal riverward of the greenway setback that are river-dependent or river-related may be allowed if approved through greenway review, unless exempt under Section 33.440.320, Exemptions. Development, exterior alterations, excavations, or fills that are not river-dependent or river-related require greenway review and a Greenway Goal Exception to locate riverward of the greenway setback.

**Figure 440-3
Greenway Goal Exception in the River Water Quality Zone**



33.440.220 Floor Area Ratios

The maximum floor area ratio (FAR) is 2 to 1 for the first 200 feet inland measured from the ordinary high water line, except in any of the following situations:

- A. The site is already subject to a more restrictive FAR; or
- B. The use is an industrial use in an IH or IG base zone.

33.440.230 Landscaping

- A. **Required landscaping.** Landscaping must be provided to conserve or re-establish vegetative cover within or riverward of the greenway setback. The landscaping must comply with the standards specified below. This is in addition to any landscape requirements of other chapters of this Title. The greenway landscape requirements may be included in any overall percentage-of-site landscape requirements of the base zone. Landscaping is not required where it would significantly interfere with a river-dependent or river-related use or development, or where the Fire Marshal finds that it would pose a safety hazard.
- B. **Landscaping standards.** Required greenway landscaping must comply with the standards stated below.
 - 1. A minimum of one tree for every 20 feet of river frontage.
 - 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 - 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 - 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 - 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. **Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. **Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by

Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.

1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$356,000. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the

river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may be expanded within the greenway setback when the building coverage of the development is not increased.

Greenway Review

33.440.300 Purpose

Greenway review ensures that all proposed changes to a site are consistent with the Willamette Greenway Plan, the Willamette Greenway design guidelines and, where applicable, the water quality element of Title 3 of Metro's Urban Growth Management Functional Plan. The purpose of greenway review is to ensure that:

- Development will not have a detrimental impact on the use and functioning of the river and abutting lands;
- Development will conserve, enhance and maintain the scenic qualities and natural habitat of lands along the river;
- Development will conserve the water surface of the river by limiting structures and fills riverward of the greenway setback;
- Practicable alternative development options are considered, including outside the River Water Quality zone setback; and
- Mitigation and enhancement activities are considered for development within the River Water Quality zone.

33.440.310 When Greenway Review Applies

Unless exempted in 33.440.320 below, the following items are subject to greenway review:

- A.** New development;

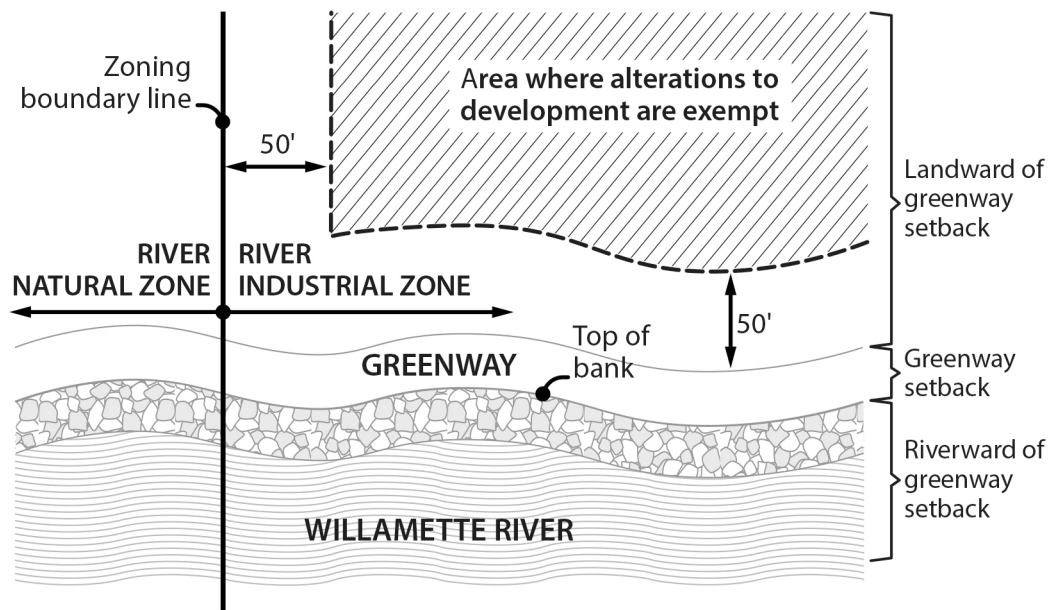
- B. Exterior alterations to development, including the removal of trees and shrubs and the application of herbicides;
- C. A change of use or development within or riverward of the greenway setback, where the use or development is no longer river-dependent or river-related;
- D. Changes to the land and structures in the water, including excavations and fills, bridges, and docks;
- E. The dedication or extension of rights-of-way and any new development or improvements in rights-of-way when within the River Natural zone or within or riverward of the greenway setback;
- F. Non river-dependent or river-related primary uses in the River Industrial Zone; and
- G. Non river-dependent or river-related primary uses in the River Water Quality Zone.

33.440.320 Exemptions from Greenway Review

Greenway review is not required for any of the situations listed below. The situations listed below are still subject to the Greenway development standards. When no development is proposed, removal of trees allowed under the exemptions below are subject to the tree permit requirements of Title 11, Trees. Exempt situations are:

- A. As illustrated in Figure 440-4, alterations to development in the River Industrial zone that are outside of the areas listed below:
 - 1. The greenway setback;
 - 2. Riverward of the greenway setback;
 - 3. Within 50 feet landward of the greenway setback; or
 - 4. Within 50 feet of River Natural zoned land;
- B. Alterations to development landward of the greenway setback when not in or within 50 feet of River Natural zoned land, that either do not require a building permit or are valued at less than \$25,000;
- C. Changes to the interior of a building where there are no exterior alterations;
- D. Development of or changes to the greenway trail or access paths provided that all development standards including the standards of Chapter 33.272, Major Public Trails, are met. Development of or changes in a viewpoint or view corridor, as indicated on Map 440-1, will require greenway review;
- E. Activities allowed by the base zone which are usual and necessary for the use and enjoyment of an existing house, including the modification of existing accessory structures or facilities, and the construction of driveways;
- F. Excavations and fills under 50 cubic yards;
- G. The normal maintenance and repair necessary for an existing development;

Figure 440-4
Exemptions from Greenway Review



- H. Dredging, channel maintenance, and the removal of gravel from rivers;
- I. Emergency procedures necessary for the safety or protection of property. In the River Water Quality overlay zone setback, temporary emergency procedures for the safety or protection of property that result in permanent measures must meet the regulations of this chapter after the emergency has passed;
- J. The placement of up to 4 single piles, or 2 multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use;
- K. Signs;
- L. Removal of vegetation on the Nuisance Plants List; and
- M. Removal of trees not located within or riverward of the greenway setback or within the boundaries of the n and q overlays. However, trees removed using this exemption continue to be subject to other applicable regulations of this title and Title 11, Trees.

33.440.330 Procedures

All development that does not require a Greenway Goal Exception is processed through the Type II procedure. All development that requires a Greenway Goal Exception is processed through a Type III procedure, and must be approved by City Council. See Chapter 33.840, Greenway Goal Exception and Chapter 33.850, Statewide Planning Goal Exceptions.

33.440.340 Notice to State Parks and Recreation Division.

BDS will forward a copy of all applications for greenway review to the Parks and Recreation Division of the Oregon Department of Transportation. The applications will be sent certified mail-return receipt requested. The notice of decision on all greenway reviews will also be forwarded to the Parks and Recreation Division.

33.440.345 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, Application Requirements, the information below is required for Greenway review applications.

- A. Supplemental site plans.** One copy of each plan must be at a scale of at least one inch to 100 feet.
1. An existing conditions site plan, showing the following:
 - a. Topography shown by contour lines at two foot vertical contours in areas of slope less than 10 percent and at five foot vertical contours in areas of slope ten percent or greater;
 - b. The top of bank and the setback area and the structures and topographic contours referenced to determine the top of bank. The site plan depicting the top of bank must be drawn accurately to scale, and be suitable for reproduction on paper no smaller than 8.5 x 11 inches and no larger than 36 x 48 inches. The scale of the drawing must be between 1 inch = 50 feet, and 1 inch = 10 feet. Ground elevations must be shown by contour lines at 2-foot vertical intervals. See the definition of top of bank in 33.910.030;
 - c. Distribution outline of shrubs and ground covers with a list of most abundant species;
 - d. Trees identified by species, including the location of the drip line;
 - e. Streams, wetlands, other water bodies, and drainage patterns, using arrows to indicate the direction of major drainage flow;
 - f. Existing improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, and bridges;
 - g. Areas of known soil or groundwater contamination, areas of uncontained hazardous materials, and underground storage tanks; and
 - h. Stormwater management facilities.
 2. A development proposal site plan including:
 - a. A grading plan showing proposed alteration of the ground at two foot vertical contours in areas of slopes less than 10 percent and at five foot vertical contours in areas of slopes ten percent or greater;
 - b. Proposed improvements such as structures, buildings, utility lines, fences, paved areas, roads, culverts, bridges; stormwater facilities; and
 - c. Areas where existing topography and vegetation will be left undisturbed.
 3. A construction management site plan including:
 - a. Areas that will be disturbed, including equipment maneuvering areas;
 - b. Location of site access and egress;

- c. Equipment and material staging and stockpile areas;
- d. Erosion control measures; and
- e. Tree protection measures for trees to be preserved that meet the requirements of Title 11, Chapter 11.60, Technical Specifications.

B. River Quality overlay zone. The following information is required for Greenway review applications for development, exterior alterations, excavations, and fills in the River Water Quality overlay zone setback:

1. A mitigation or remediation plan including:
 - a. Detailed plans or drawings describing any proposed mitigation or remediation activities;
 - b. Distribution outline, species composition, and percent of ground covered with ground cover plants, shrubs, and trees to be seeded or planted;
 - c. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
 - d. Water bodies to be created, including depth; and
 - e. Planting specifications consistent with Section 33.248.090, Mitigation and Restoration Plantings.
2. Narrative. The following written narratives are required:
 - a. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular development. The alternatives must be evaluated on the basis of their impact on the functional values of the water quality resource area. The impact evaluation is based on the functional values identified in the Purpose Statement, Section 33.440.010. An impact evaluation includes:
 - (1) Identification, by characteristics and quantity, of the functional values found on the site;
 - (2) Evaluation of alternative locations including outside the River Water Quality overlay zone setback, design modification, or alternative methods of development to determine which options reduce the significant detrimental impacts on the functional values of the site; and
 - (3) Determination of the alternative that best meets the applicable approval criteria and identification of significant detrimental impacts that are unavoidable.
 - b. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe the timing of construction, how construction equipment will be controlled, and describe how trees will be protected in conformance with Chapter 11.60, Technical Specifications, and erosion

controlled in conformance with Title 10, Erosion and Sediment Control Regulations.

- c. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to counteract unavoidable significant detrimental impacts that result from the chosen development alternative as identified in the impact evaluation. A mitigation or remediation plan includes:
 - (1) A description and analysis of how significant detrimental impacts will be avoided, minimized, or mitigated, as follows:
 - Significant detrimental impacts must be avoided where practicable;
 - Where avoiding significant detrimental impacts is not practicable, the impact must be minimized, and the impacts mitigated. The mitigation must meet the following:
 - The mitigation must be on the construction site, and must enhance the same kind of resource.
 - If it is not practicable to mitigate impacts using the same kind of resource, a different kind of resource may be used.
 - (2) Functional values to be restored, created, or enhanced on the mitigation or remediation site;
 - (3) Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
 - (4) Construction timetables;
 - (5) Operations and maintenance practices;
 - (6) Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

- A. For all greenway reviews.** The Willamette Greenway design guidelines must be met for all greenway reviews.
- B. River frontage sites in the River Industrial zone.** In the River Industrial zone, uses that are not river-dependent or river-related may locate on a site that fronts the river when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.
- C. Development within the River Natural zone.** The applicant must show that the proposed development, excavation, or fill within the River Natural zone will not have significant detrimental environmental impacts on the wildlife, wildlife habitat, and scenic qualities of

the lands zoned River Natural. The criteria applies to the construction and long-range impacts of the proposal, and to any proposed mitigation measures. Excavations and fills are prohibited except in conjunction with approved development or for the purpose of wildlife habitat enhancement, riverbank enhancement, or mitigating significant riverbank erosion.

- D. Development on land within 50 feet of the River Natural zone.** The applicant must show that the proposed development or fill on land within 50 feet of the River Natural zone will not have a significant detrimental environmental impact on the land in the River Natural zone.
- E. Development within the greenway setback.** The applicant must show that the proposed development or fill within the greenway setback will not have a significant detrimental environmental impact on Rank I and II wildlife habitat areas on the riverbank. Habitat rankings are found in the Lower Willamette River Wildlife Habitat Inventory.
- F. Development riverward of the greenway setback.** The applicant must show that the proposed development or fill riverward of the greenway setback will comply with all of the following criteria:
1. The proposal will not result in the significant loss of biological productivity in the river;
 2. The riverbank will be protected from wave and wake damage;
 3. The proposal will not:
 - a. Restrict boat access to adjacent properties;
 - b. Interfere with the commercial navigational use of the river, including transiting, turning, passing, and berthing movements;
 - c. Interfere with fishing use of the river;
 - d. Significantly add to recreational boating congestion; and
 4. The request will not significantly interfere with beaches that are open to the public.
- G. Development within the River Water Quality overlay zone setback.** If the proposal includes development, exterior alterations, excavations, or fills in the River Water Quality overlay zone setback the approval criteria below must be met. River-dependent development, exterior alterations, excavations, and fills in the River Water Quality zone are exempt from the approval criteria of this subsection.
1. Streets, right-of-way dedications, driveways, walkways, outfalls, and utilities. For streets, right-of-way dedications, driveways, walkways, outfalls, and utilities, the applicant's impact evaluation must demonstrate that all of the following are met:
 - a. Proposed development or right-of-way (ROW) locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;

- b. The location, design, and construction method of any outfall or utility proposed within a River Water Quality overlay zone has the least significant detrimental impact to the functional values of the water quality resource area than other practicable alternatives including alternatives outside the River Water Quality overlay zone setback;
 - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the functioning of the water body and considering practicable alternatives;
 - d. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - e. All significant detrimental impacts on functional values that cannot be avoided will be mitigated by meeting the requirements of Subsection 33.440.350.H; and
 - f. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
2. Public safety facilities. For public safety facilities, the applicant's impact evaluation must demonstrate that all of the following are met:
- a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - b. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - c. All significant detrimental impacts on functional values will be offset through a mitigation plan;
 - d. The mitigation plan meets the requirements of Subsection 33.440.350.H; and
 - e. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.
3. Resource enhancement projects. In the River Water Quality overlay zone setback, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
- a. There will be no significant detrimental impact on functional values;
 - b. There will be a significant improvement of at least one functional value; and
 - c. The project is generally consistent with the recommendations of any applicable City-adopted watershed restoration plans.

4. Public recreational facilities. Public recreational trails, rest points, view points, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:
 - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - b. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts. Where a water body is crossed, the location, design, and construction method of that crossing has the least significant detrimental impact to the natural functioning of the water body, considering practicable alternatives;
 - c. The public benefits of the proposal outweigh all significant detrimental impacts;
 - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found on the *Portland Plant List*;
 - e. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed within the River Water Quality overlay zone setback;
 - f. All significant detrimental impacts on functional values that cannot be avoided will be compensated for through a mitigation plan meeting the requirements of Subsection 33.440.350.H; and
 - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time.

5. Other development, excavations, and fills in the River Water Quality overlay zone setback. Where development, exterior alterations, excavation, or fill is proposed in the River Water Quality overlay zone setback, the applicant's impact evaluation must demonstrate that all of the following are met:
 - a. Proposed development minimizes the loss of functional values, consistent with allowing those uses generally permitted or allowed in the greenway overlay zone without a land use review;
 - b. Proposed development locations, designs, and construction methods are less detrimental to the functional values of the water quality resource area than other practicable and significantly different alternatives including alternatives outside the River Water Quality overlay zone setback;
 - c. There will be no significant detrimental impact on functional values in areas designated to be left undisturbed;
 - d. Areas disturbed during construction that do not contain permanent development will be restored with native vegetation appropriate to the site conditions and found in the *Portland Plant List*;

- e. All significant detrimental impacts on functional values will be offset through mitigation;
 - f. The mitigation plan meets the requirements of Subsection 33.440.350.H;
 - g. The mitigation plan ensures that the proposed development will not contribute to a cumulative loss of functional values over time; and
 - h. Where significant restoration or enhancement opportunities have been identified in City-adopted watershed restoration plans or where previous restoration projects have taken place, the proposed development will not preclude those restoration or enhancement opportunities or damage existing restoration projects.
- H. Mitigation or remediation plans.** Where a mitigation or remediation plan is required by the approval criteria of this chapter, the applicant's mitigation or remediation plan must demonstrate that the following are met:
- 1. Except when the purpose of the mitigation could be better provided elsewhere, mitigation will occur:
 - a. On site and as close as practicable to the area of disturbance;
 - b. Within the same watershed as the proposed use or development; and
 - c. Within the Portland city limits.
 - 2. The applicant owns the mitigation or remediation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation or remediation plan; or can demonstrate legal authority to acquire property through eminent domain;
 - 3. The mitigation or remediation plan contains a construction timetable and a minimum 1 year monitoring and maintenance plan that demonstrates compliance with Subsection 33.248.090.E and includes the following elements:
 - a. Identification of the responsible party or parties that will carry out the mitigation or remediation plan;
 - b. Identification of clear and objective performance benchmarks that will be used to judge the mitigation or remediation plan success; and
 - c. A contingency plan that indicates the actions to be taken in the event that performance benchmarks are not met.

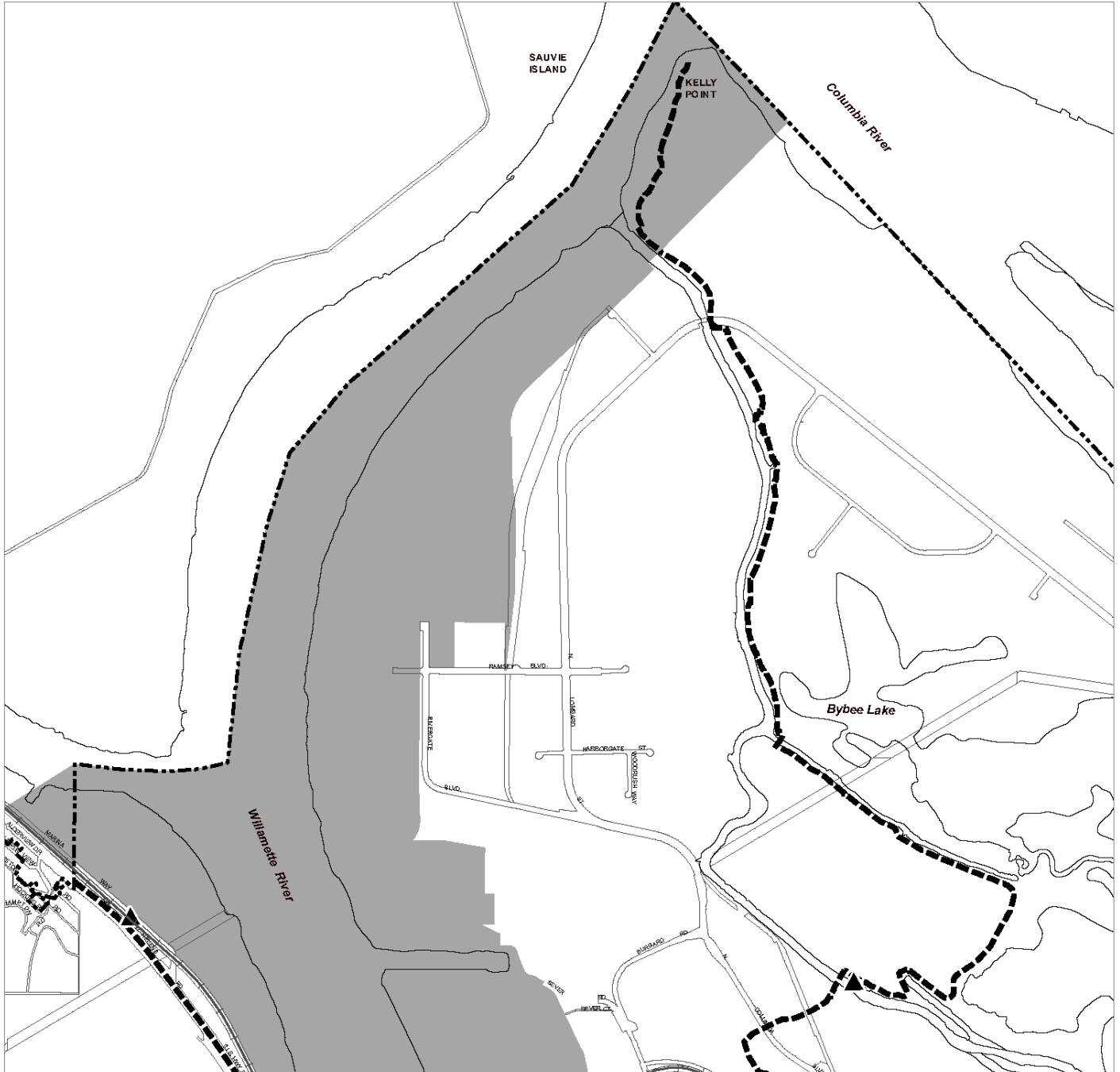
(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. No. 176784, effective 9/6/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177368, effective 5/17/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183534, effective 7/1/10; Ord. No. 186053, effective 1/1/15; Ord. No. 189000, effective 7/9/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 191779, effective 10/1/24.)

Willamette Greenway Public Access Map

Map 440-1

Map 1 of 4

Map Revised March 1, 2021



Legend

----- City Boundary

Greenway Boundary

----- Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



0 2,000 4,000

Scale in Feet

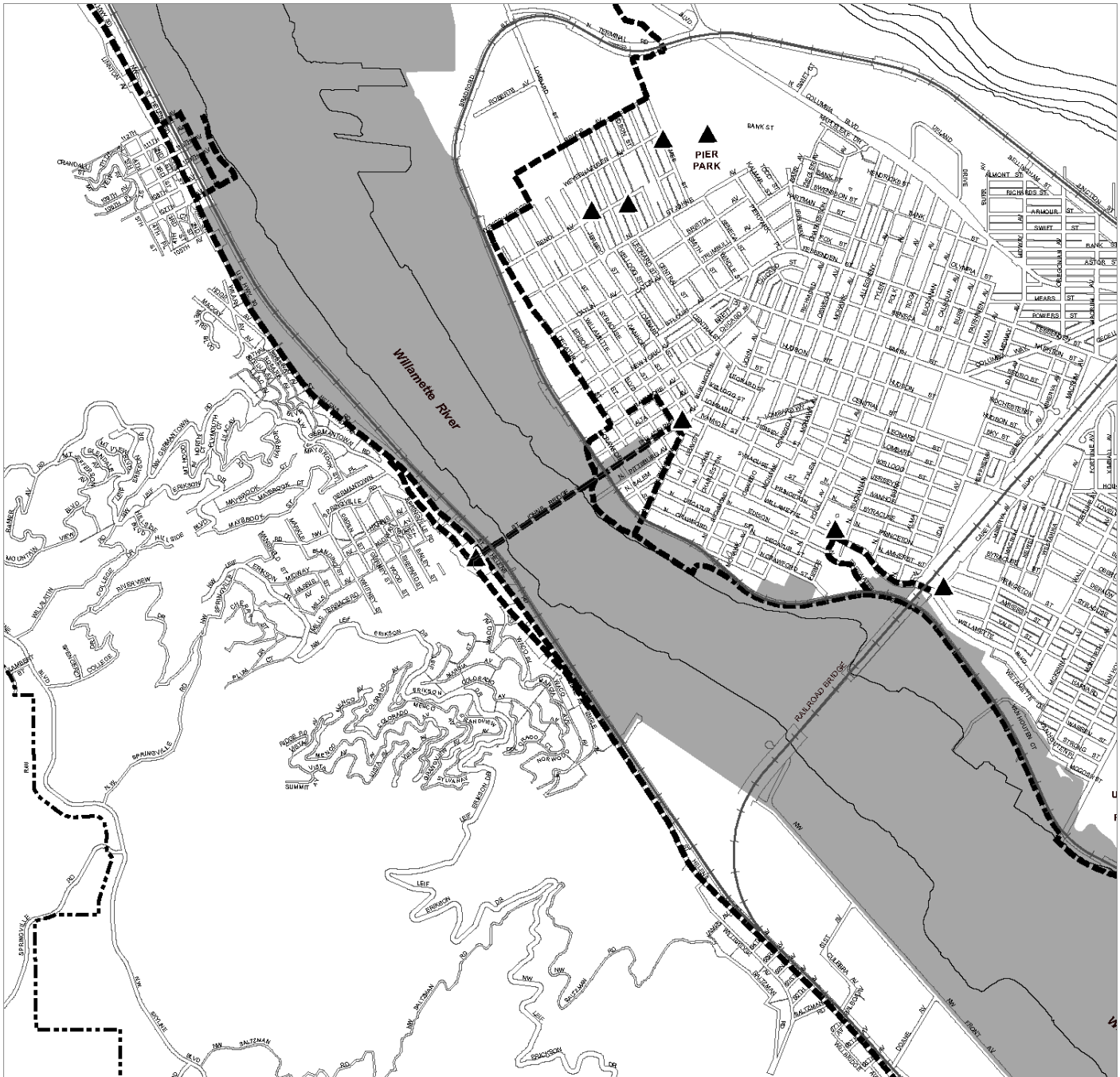
Bureau of Planning and Sustainability
Portland, Oregon

Willamette Greenway Public Access Map

Map 440-1

Map 2 of 4

Map Revised March 1, 2021



Legend

- City Boundary
- Greenway Boundary
- Major Public Trails

▲ Connection points to other pedestrian paths and bicycle routes



0 2,000 4,000



Scale in Feet

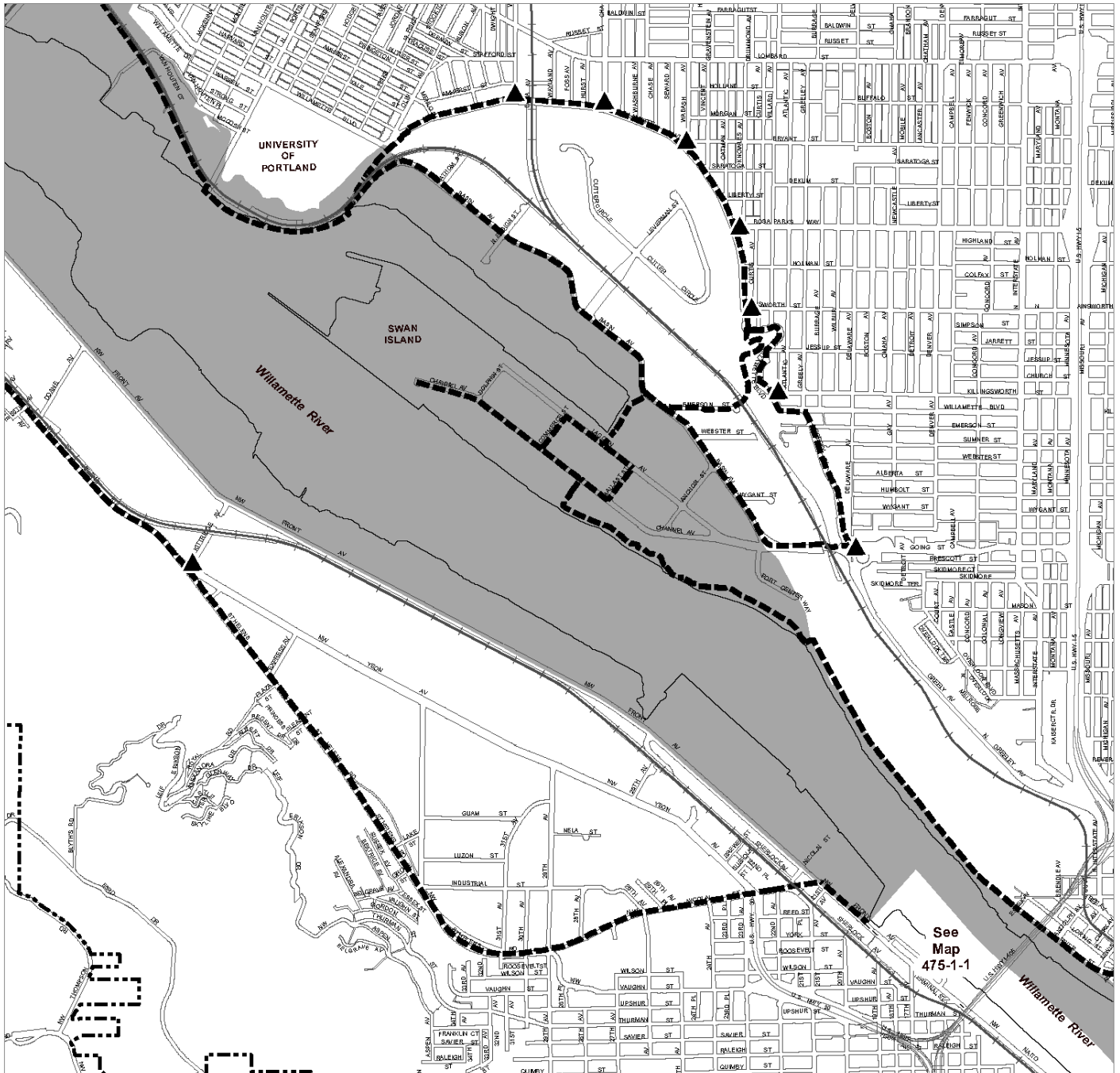
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Portland, Oregon

Willamette Greenway Public Access Map

Map 440-1

Map 3 of 4

Map Revised March 1, 2021



Legend

----- City Boundary

Greenway Boundary

----- Major Public Trails



Connection points to
other pedestrian paths
and bicycle routes



0 2,000 4,000

Scale in Feet

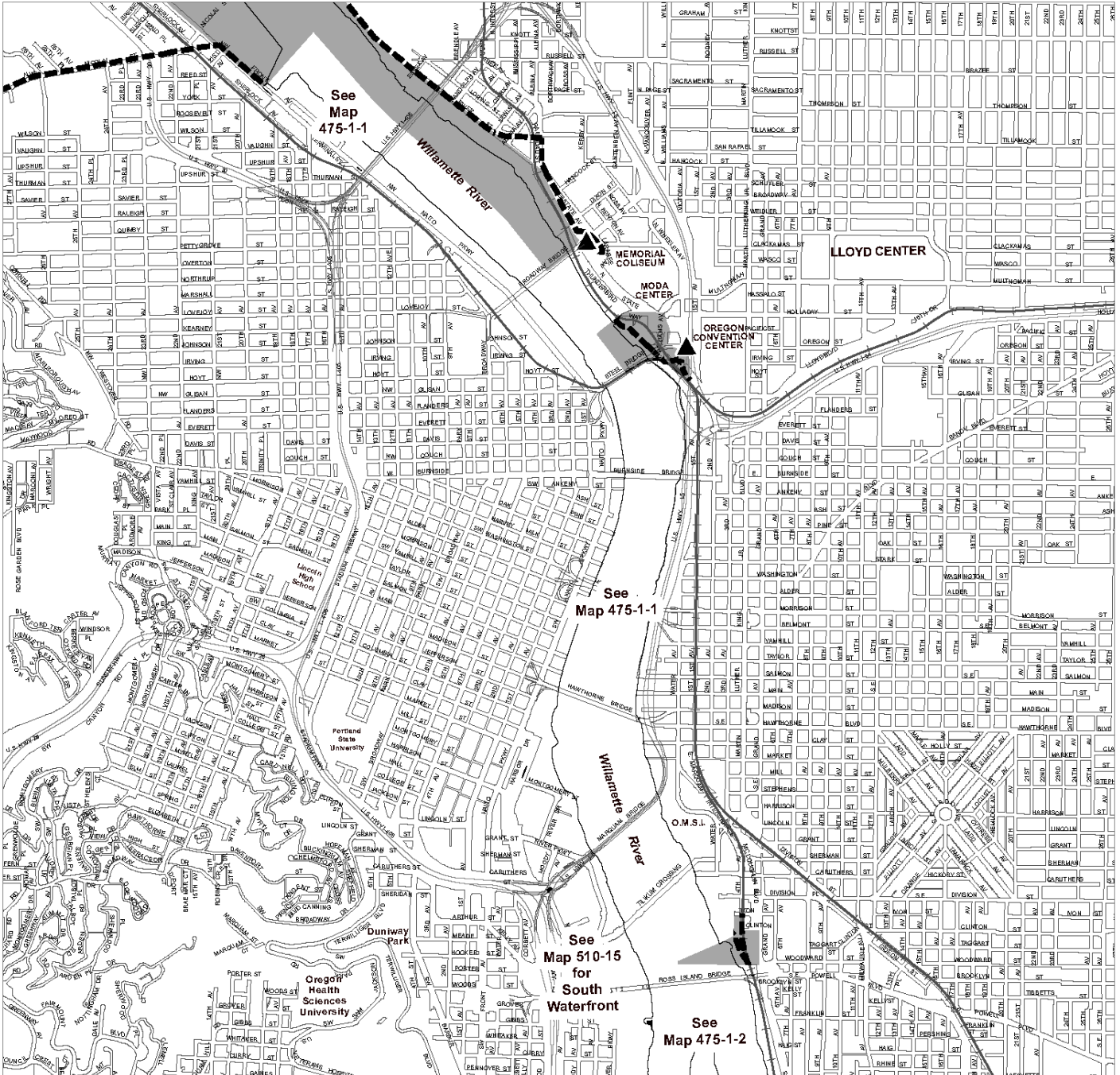
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Portland, Oregon

Willamette Greenway Public Access Map

Map 440-1

Map 4 of 4

Map Revised March 1, 2021



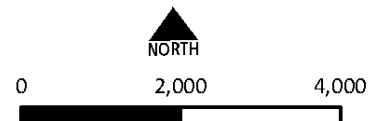
Legend

----- City Boundary

Greenway Boundary

Major Public Trails

▲ Connection points to other pedestrian paths and bicycle routes



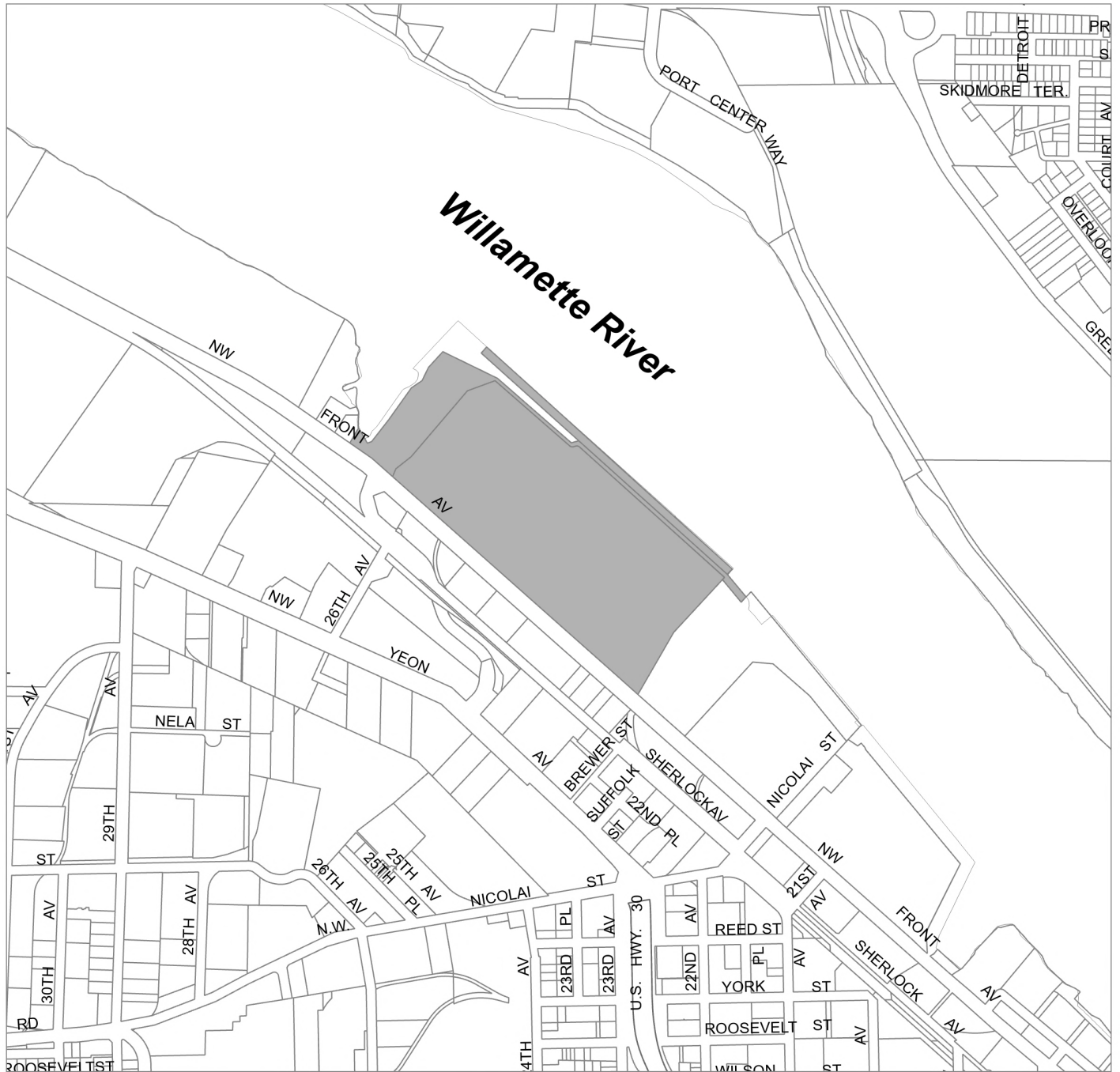
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon



River Industrial Zone Use-Related Restrictions

Map 440-2

Map revised October 1, 2024



Legend

-  Taxlots
-  Site where non-river-dependent and non-river-related uses may be allowed



33.445 Historic Resource Overlay Zone

445

Sections:

General

- 33.445.010 Purpose
- 33.445.020 Historic Resource Inventory
- 33.445.030 Where These Regulations Apply
- 33.445.040 Types of Historic Resources and Map Symbols
- 33.445.050 Adoption of Design Guidelines
- 33.445.060 Notice of Building and Housing Code Violations

Landmarks

- 33.445.100 Historic Landmark
- 33.445.110 Conservation Landmark
- 33.445.120 National Register Landmark

Districts

- 33.445.200 Historic District
- 33.445.210 Conservation District
- 33.445.220 National Register District

Significant Resources

- 33.445.300 Identifying a Significant Resource
- 33.445.310 Removal of a Significant Resource
- 33.445.320 Relocation of a Significant Resource
- 33.445.330 Demolition of a Significant Resource
- 33.445.340 120-Day Delay

Historic Preservation Incentives

- 33.445.400 Historic Preservation Incentives

Community Design Standards

- 33.445.500 Purpose
- 33.445.510 When Community Design Standards May be Used

General

33.445.010 Purpose

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

33.445.020 Historic Resource Inventory

Portland’s Historic Resource Inventory is a record of the buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having architectural, historical, or cultural significance. Historic resources addressed by this chapter are included in the Historic Resource Inventory.

33.445.030 Where These Regulations Apply

- A. Sections 33.445.010 through .060 and .400 through .500 apply to all historic resources.
- B. Sections 33.445.100 through .340 apply as shown in Table 445-1.

Table 445-1 Where These Regulations Apply				
	In Historic District	In Conservation District	In National Register District	Not in a district
Historic Landmark	33.445.100	33.445.100	33.445.100	33.445.100
Conservation Landmark	33.445.200	33.445.110	33.445.110	33.445.110
National Register Landmark	33.445.200	33.445.210	33.445.120	33.445.120
Significant Resource	33.445.200	33.445.210	33.445.220	33.445.300 through 33.445.340
Not a Landmark or Significant Resource	33.445.200	33.445.210	33.445.220	N/A

33.445.040 Types of Historic Resources and Map Symbols

- A. **Types of historic resources.** The following types of historic resources are regulated by this chapter. Each type of historic resource may contain contributing resources. The definition of each type of historic resource can be found in Chapter 33.910.
 - 1. Historic Landmarks;
 - 2. Conservation Landmarks;
 - 3. National Register Landmarks;
 - 4. Historic Districts;
 - 5. Conservation Districts;
 - 6. National Register Districts; and
 - 7. Significant Resources.

- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

33.445.050 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are recommended by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations and new development proposals affecting certain historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.060 Notice of Building and Housing Code Violations

When the Bureau of Development Services declares a Historic Landmark, Conservation Landmark, National Register Landmark, or contributing resource in a Historic District, Conservation District, or National Register District to be a dangerous building or posts a landmark to remain vacant, the Bureau of Development Services will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within ten working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the historic resource.

Landmarks

33.445.100 Historic Landmark

A. Designation of a Historic Landmark

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic Landmark may be established through a legislative or quasi-judicial procedure. Designating a City Historic Landmark includes establishing a new Historic Landmark, expanding the boundaries of an existing Historic Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Historic Landmark:
 - a. Legislative designation. Historic Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 - b. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

B. Removal of a Historic Landmark designation

1. Removal of a resource's City designation as a Historic Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.3. and B.4. Removing a resource's City designation includes removing an existing Historic Landmark designation, changing a Historic Landmark designation to Conservation Landmark designation, reducing the boundaries of an existing Historic Landmark, and reclassifying a contributing resource as noncontributing within the boundary of an existing Historic Landmark.
2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.
3. If the Historic Landmark is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
4. If the Historic Landmark is demolished, after approval of demolition through demolition review, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

C. Relocation of a Historic Landmark. Relocating a Historic Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation. When a Historic Landmark or contributing resource is relocated after approval of relocation through historic resource review, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

D. Development within a Historic Landmark boundary. Certain development within the boundary of a Historic Landmark requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
 - a. Exterior alterations;

- b. Building a new structure within the boundary of a Historic Landmark;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review;
 - e. Painting an unpainted exterior surface; and
 - f. Alteration of an interior space when that interior space is specifically designated by the City as a Historic Landmark. Alteration of an interior space of a Historic Landmark that has been listed by the federal Keeper of the National Register of Historic Places but has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure does not require historic resource review.
2. Exempt from historic resource review.
- a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title;
 - i. New or existing paths unless the path is specifically identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;

- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;

- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
- (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1;
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
 - (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a detached accessory structure when the following are met:
 - (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line;
- y. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees.

Figure 445-1
Solar Energy System, Skylight and Roof Hatch Location on a Landmark Rooftop

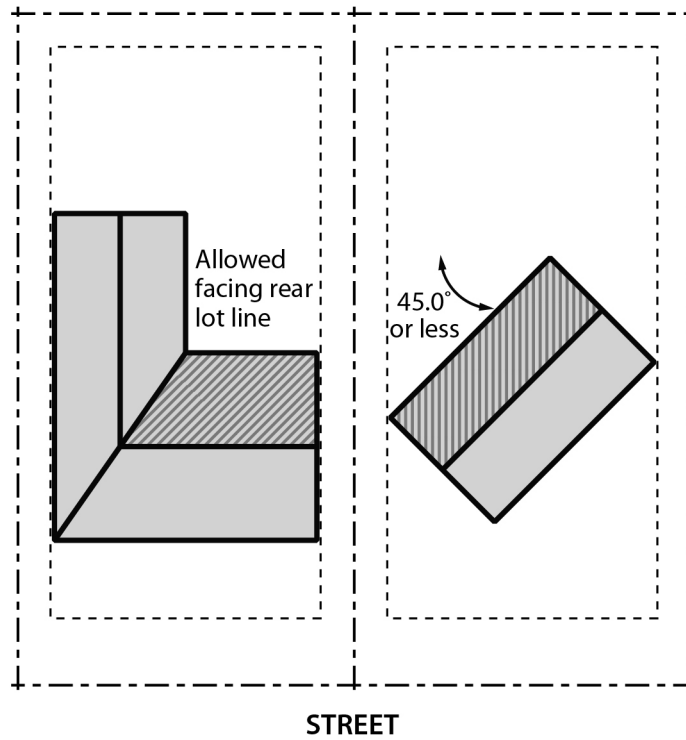
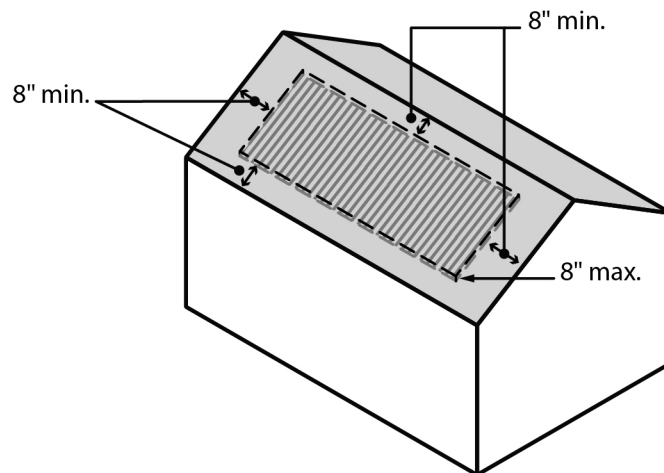


Figure 445-2
Solar Energy Systems on a Pitched Roof



- E. Demolition of a Historic Landmark.** Demolition of a Historic Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Historic Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of Historic Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees;
 - d. Alterations to Historic Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and

- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.110 Conservation Landmark

- A. Designation of a Conservation Landmark.** A Conservation Landmark may be designated through a legislative or quasi-judicial procedure. Designating a Conservation Landmark includes establishing a new Conservation Landmark, expanding the boundaries of an existing Conservation Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Conservation Landmark.
 1. Legislative designation. Conservation Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 2. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.
- B. Removal of a Conservation Landmark designation**
 1. Removal of a resource's City designation as a Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.2. and B.3. Removing a resource's City designation includes removing an existing Conservation Landmark designation, reducing the boundary of an existing Conservation Landmark, and reclassifying a contributing resource as noncontributing within the boundaries of an existing Conservation Landmark.
 2. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 3. If the resource is demolished, after approval of demolition through demolition review, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a Conservation Landmark.** Relocating a Conservation Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a Conservation Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a Conservation Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the Conservation Landmark; and

- c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
 3. When a Conservation Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
 1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Conservation Landmark;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;

- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone, unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;

- The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1.
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
- (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape; and
- x. Construction of a detached accessory structure when the following are met:
- (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line.
- E. Demolition of a Conservation Landmark.** Demolition of a Conservation Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Conservation Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review.
- a. Demolition of noncontributing resources;
 - b. Demolition of Conservation Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Alterations to Conservation Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review;
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.120 National Register Landmark

- A. Listing of a National Register Landmark.** Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Landmarks. Listing by the federal Keeper of the National Register of Historic Places also includes expanding the boundaries of

the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

- B. Removal of a National Register Landmark listing.** A National Register Landmark that is removed by the federal Keeper of the National Register of Historic Places is automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a National Register Landmark.** Relocating a National Register Landmark requires historic resource review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a National Register Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a National Register Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the National Register Landmark; and
 - c. Relocating a detached accessory structure including those that are identified as a contributing resource.
 3. When a National Register Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a National Register Landmark boundary.** Historic resource review is not required for development within the boundary of a National Register Landmark. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.120.E.2.d.
- E. Demolition of a National Register Landmark.** Demolition of a National Register Landmark requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a National Register Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of National Register Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Alterations to National Register Landmarks, or contributing resources, that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations were approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
 3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Districts

33.445.200 Historic District

A. Designation of a Historic District

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
 - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
 - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

B. Removal of a Historic District designation

1. Removal of a resource's City designation as a Historic District or changing the City designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.
2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.
3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map

Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

- C. Relocation of a contributing resource in a Historic District.** Relocating a contributing resource in a Historic District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
- D. Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
1. When historic resource review is required. Unless exempted by Paragraph D.2, the following proposals in a Historic District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
 - e. Painting an unpainted exterior surface.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and

- (3) The seismic improvements do not penetrate through the exterior walls;
- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;

- (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
- (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area., Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and

- The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
- (2) When the solar energy system is on a pitched roof the following must be met:
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, ~~or~~ metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
- (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
- (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
- (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

Figure 445-3
Skylight and Roof Hatch Location on a District Rooftop

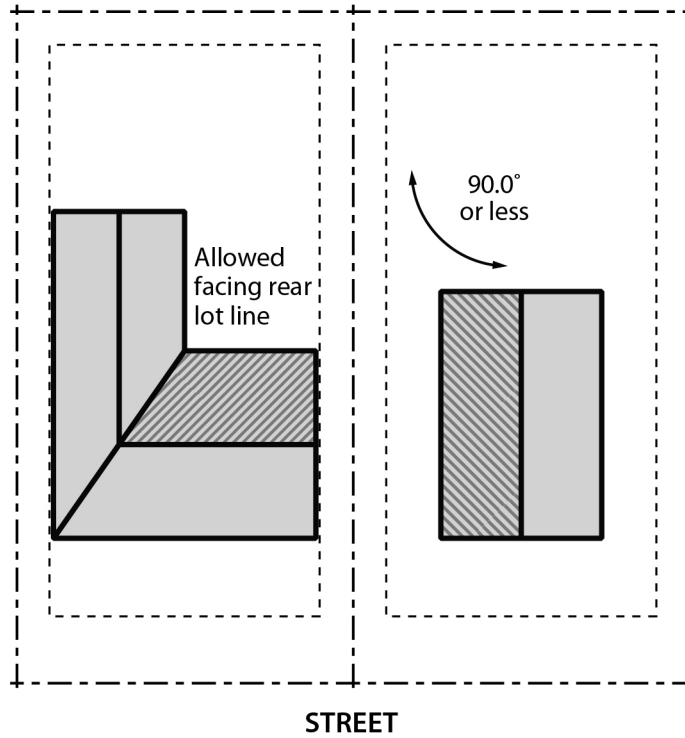
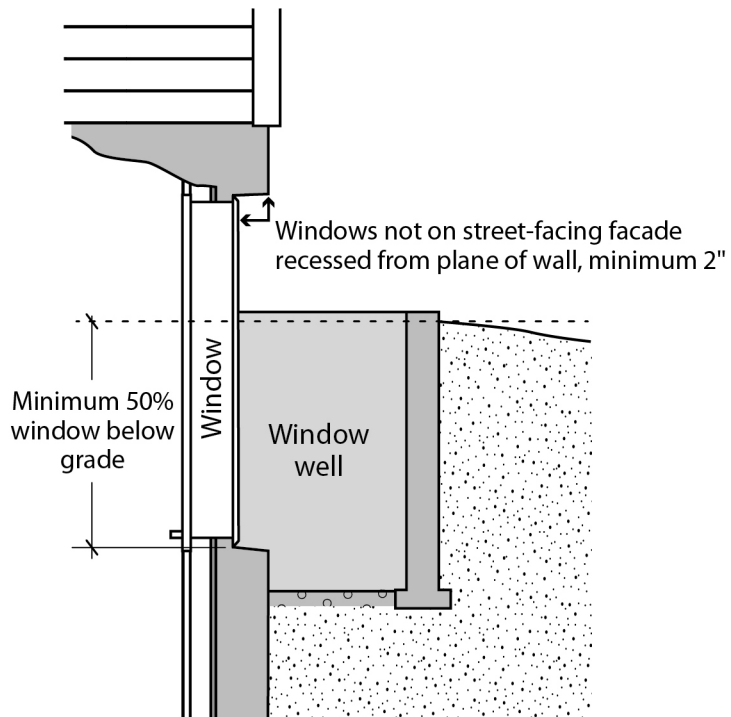


Figure 445-4
Basement Windows



E. Demolition of resources in a Historic District. Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Historic District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:

- (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.210 Conservation District

- A. Designation of a Conservation District.** Conservation Districts may be designated through a legislative or quasi-judicial procedure. Designating City Conservation Districts includes establishing new Conservation Districts, expanding the boundaries of existing Conservation Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Conservation Districts.
1. Legislative designation. Conservation District designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D.
 2. Quasi-judicial designation. Expanding the boundaries of existing Conservation Districts and reclassifying noncontributing resources as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Conservation District quasi-judicially is prohibited.
- B. Removal of a Conservation District designation.** Removal of a resource's City designation as a Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C. However, reclassifying a contributing resource to noncontributing or reducing the boundary of a Conservation District is allowed quasi-judicially through historic designation removal review.
- C. Relocation of a contributing resource in a Conservation District.** Relocating a contributing resource in a Conservation District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a Conservation District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a Conservation District.** Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals in a Conservation District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;

- g. Landscaping unless the landscaping is identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title;
- i. New or existing paths unless the path is specifically identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment and associated ductwork will be installed has a pitch of 1/12 or less;
 - (2) The mechanical equipment and associated ductwork is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The equipment and associated ductwork has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or pipe has a matte finish or is painted to match the facade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
 - (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area. Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:

- An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof, the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - (4) Photovoltaic glazing may be integrated into windows or skylights.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - On contributing resources:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;

- Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
- The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
- (1) New windows are wood, metal-clad wood, or fiberglass;
- (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
- (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and

- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

E. Demolition of resources in a Conservation District. Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or

- (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:

- a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Conservation Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of

- the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
- (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
- c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and
 - b. The removal of 50 percent or more of the total roof area of a structure; or
 5. For structures that are not buildings, an alteration that results in removal of 50 percent or more of the structure.
- B. Exempt from 120-day delay.** The following are exempt from 120-day delay:
1. Demolition of noncontributing resources;
 2. Significant Resources that are required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.

33.445.340 120-Day Delay

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.

- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.
1. Application. The applicant must submit an application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A. Current or historic photographs of the features of the resource that were included when the resource was identified as a Significant Resource must be included with the application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A.
 2. Notice of application.
 - a. Posting notice on the site. Within 14 days of applying for a demolition or other alteration that qualifies as demolition as defined by Subsection 33.445.330.A, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:
 - (1) Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the Significant Resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;
 - (2) Content of the posted notice. The notice must include the following information:
 - The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.
 - (3) Removal of the posted notice. The posted notice must not be removed until the date on which the permit for demolition is issued. The posted notice must be removed within 30 days of that date.
 - b. Mailed notice. Within 14 days of receiving the application for a demolition or other alteration that qualifies as demolition as defined by this Chapter, the Director of BDS will mail a notice of the proposed demolition to all properties within 150 feet of the site of the resource, all recognized organizations within

1,000 feet of the site of the resource, and to the State Historic Preservation Office. The notice will include the same information as in Subsubparagraph C.2.a.(2).

3. Decision. The Director of BDS will issue the permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

Historic Preservation Incentives

33.445.400 Historic Preservation Incentives

- A. **Purpose.** Historic preservation incentives increase the potential for historic resources to be preserved, rehabilitated, and reused. Incentives make preservation and rehabilitation more attractive to tenants and owners of historic resources because they provide use flexibility and economic opportunities. Some incentives also allow for broader public access to certain historic resources.
- B. **Eligibility for historic preservation incentives.** The following are eligible for historic resource incentives:
 1. Historic Landmarks and Conservation Landmarks are eligible to use all of the historic preservation incentives in Subsection C. The incentives only apply within the boundary of the Historic Landmark or Conservation Landmark;
 2. Sites in Historic or Conservation Districts that have at least one contributing resource are eligible to use all of the incentives in Subsection C except for the incentives in Paragraphs C.9 and C.10;
 3. Sites in Historic Districts that have no contributing resources are only eligible to use the incentives in Paragraph C.1 and C.2.
- C. **Incentives.** The following incentives are allowed. Adjustments to the incentives are prohibited:
 1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
 - a. Density. There is no limit on the number of dwelling units allowed on the site;
 - b. Maximum FAR.
 - (1) R7. Maximum FAR in R7 is 0.7 to 1;
 - (2) R5. Maximum FAR in R5 is 0.8 to 1;
 - (3) R2.5. Maximum FAR in R2.5 is 1 to 1;

- (4) CR. Maximum FAR in CR is 1 to 1;
- c. Exception. This incentive does not apply to any site where a historic resource was demolished after September 14, 2020 unless the resource demolished was exempt from demolition review or 120-day delay, or the resource demolished was an accessory structure.
2. Accessory dwelling units. Up to two accessory dwelling units are allowed on a site with a duplex, triplex, fourplex, or multi-dwelling structure in the R7, R5, R2.5, or CR zone.
3. Daycare use in residential and IR zones. Daycare is an allowed use in residential and IR zones.
4. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI and IR zones, applications for conditional uses are processed through a Type II procedure.
5. Exemption from minimum density. Minimum housing density regulations do not apply.
6. Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:
 - a. The site contains a Historic or Conservation Landmark and the following are met:
 - (1) No more than two dwelling units that existed on September 14, 2020 are removed from the site;
 - (2) No more than 5,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
 - b. The site contains a contributing resource in a Historic or Conservation District that had a legally established nonresidential use in the historic resource in the past or the site contains a contributing resource in a Historic or Conservation District and it 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. In both cases, the following must be met:
 - (1) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020;
 - (2) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and

- (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
7. Manufacturing and Production and Industrial Service uses in multi-dwelling zones. In the RM1, RM2, RM3, RM4, and RX zones, if there was a legally established nonresidential use in the historic resource in the past, then Manufacturing and Production and Industrial Service uses are allowed uses when there is no reduction in the total number of dwelling units on the site.
8. Nonresidential uses in the RX zone. In the RX zone Retail Sales And Service, Office, Major Event Entertainment, and Manufacturing and Production uses may be approved through historic preservation incentive review. Sites that front on the Park Block frontages shown on Map 510-14 are not eligible for this incentive.
9. Major adaptive reuse. Except for the following primary uses, primary uses not otherwise allowed by the base zone may be approved through historic preservation incentive review. Sites in industrial zones are not eligible for this incentive:
 - a. Self-Service Storage;
 - b. Bulk Fossil Fuel Terminal;
 - c. Basic Utilities;
 - d. Waste-Related; and
 - e. Detention Facility.
10. Major Event Entertainment and Retail Sales And Service uses in industrial zones. In industrial zones, Major Event Entertainment and Retail Sales And Service uses, excluding lodges, hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days, may be approved through historic preservation incentive review. Sites in the Prime Industrial overlay zone are not eligible for this incentive.

Community Design Standards

33.445.500 Purpose

The Community Design Standards provide a clear and objective alternative to historic resource review for some proposals affecting Conservation Landmarks and Conservation Districts. In this case, the applicant may choose to go through the historic resource review process set out in Chapter 33.846.060, Historic Resource Review, or meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review. Allowing some proposals to be approved through the Community Design Standards provides Conservation Landmarks and Conservation Districts more options for physical changes than is generally acceptable for Historic Landmarks and Historic Districts.

33.445.510 When Community Design Standards May Be Used

The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;
- D. Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;
- E. Proposals to relocate a Conservation Landmark or relocate a contributing resource in a Conservation District that is not a detached accessory structure are not eligible to use the Community Design Standards as an alternative to historic resource review;
- F. Alterations to a Conservation Landmark when the Conservation Landmark is not a building or alterations to a contributing resource within a Conservation District when the contributing resource is not a building are not eligible to use the Community Design Standards as an alternative to historic resource review.

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord. No. 178946, effective 1/7/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 3/6/13.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24.)

- I. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the Nuisance Plants List;
- J. Changes to existing disturbance areas to accommodate outdoor activities such as events, play areas and gardens as long as plantings do not include plants on the Nuisance Plants List and no trees 1.5 or more inches in diameter are removed within or riverward of the river setback and no trees 3 or more inches in diameter are removed landward of the river setback;
- K. Development located on an existing legally-permitted dock, wharf, or pier. A dock, wharf, or pier includes the gangway that provides access to the dock, wharf or pier;
- L. Removal or pruning of vegetation as follows:
 - 1. Removal or pruning of non-tree vegetation listed on the Nuisance Plant List and other non-tree, non-native vegetation located within the riparian buffer area or within or riverward of the river setback. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
 - 2. Removal or pruning in areas landward of the river setback and outside the riparian buffer area.
 - a. Removal or pruning of non-native trees and trees on the Nuisance Plants List that are not more than 3 inches in diameter. Temporary disturbance area must be replanted to meet the subarea 3 standard of Table 475-1.
 - b. Removal or pruning of other non-native vegetation and vegetation on the Nuisance Plants List. Temporary disturbance must be replanted to meet the relevant subarea standards of Table 475-1.
- M. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi;
- N. Improvements that are located within the developed portion of a public right-of-way.
- O. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations when access is by foot only;
- P. Installation of security cameras provided that no more than 100 square feet of ground surface is disturbed landward of top of bank, no ground is disturbed riverward of the top of bank, no native trees over 1.5 inches in diameter are removed within or riverward of the river setback, no trees over 3 inches are removed landward of the river setback, and disturbed area is planted with the following (top of bank is shown on Map 475-2):
 - 1. Three shrubs per 100 square feet; and
 - 2. Grass and forb seed mix at a ratio of 30 pounds per acre restored to pre-construction conditions;
- Q. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed landward of the top of bank, no ground is disturbed riverward of top of bank, no trees over 1.5 inches in diameter are removed within or riverward of the river

setback, no trees over 3 inches are removed landward of the river setback, and disturbance area is planted with the following (top of bank is shown on Map 475-2):

1. Three shrubs per 100 square feet; and
 2. Grass and forb seed mix at a ratio of 30 pounds per acre;
- R.** Utilities installed above or below developed portions of the public right-of-way, and stormwater management facilities within the developed portions of a public right-of-way provided that no ground is disturbed riverward of top of bank (top of bank is shown on Map 475-2);
- S.** Installation of fencing in the following situations:
1. Fencing on an existing paved surface;
 2. Fencing around stormwater facilities that meet the Stormwater Management Manual; or
 3. Temporary fencing to protect resource enhancement project planting areas, prevent access to hazardous material spill areas or contaminated sites, or to close off or control the use of illegal trails. The fence must be removed within five years;
- T.** Installation of signage and maintenance within 5 feet to preserve the visibility of signage provided no trees over 1.5 inches in diameter are removed within or riverward of the river setback, and no trees over 3 inches are removed landward of the river setback; and
- U.** Removal of trash, provided that native vegetation is not removed or damaged. This includes removal of trash from the river bed and from the water. Removal of trash does not include the removal or remediation of hazardous substances.
- V.** Trails meeting all of the following:
1. Trails must be confined to a single ownership or be within a public trail easement
 2. Trail width does not exceed 36 inches, stair or ramp width does not exceed 50 inches, and trail grade does not exceed 20 percent except for the portion of the trail containing stairs;
 3. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 475-5;
 4. No native trees 1.5 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
 5. The trail is not paved; and
 6. The trail is at least 15 feet from the top of bank of all water bodies.

- (3) Within the disturbance area for installation or replacement of stormwater outfalls;
 - (4) Within a public trail;
 - (5) Within a public viewing area associated with a viewpoint designated in the *Central City Scenic Resources Protection Plan* or *River Plan / South Reach Scenic Resources Protection Plan*;
 - (6) Within a Scenic overlay zone;
 - (7) Within a resource enhancement area;
 - (8) Within the disturbance area associated with development in a City of Portland park; or
 - (9) Within the disturbance area associated with a residential structure.
- e. Trees less than 3 inches in diameter planted within a resource enhancement area may be removed when the relevant subarea standards of Table 475-1 are met. For the purposes of this standard, approved resource enhancement area means the area meets the resource enhancement standards of Subsection H., or was approved through a land use review.
5. Except for dead, dying and dangerous trees, vegetation removal or pruning within the riparian buffer area is prohibited between April 15 and July 31.
6. Trees removed must be replaced as shown in Table 475-2 and must meet the following:
- a. Replacement vegetation must meet all of the following:
 - (1) Trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent;
 - (2) The planting must occur within the River Overlay zones. Trees must not be planted within a Scenic overlay zone. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation. If tree removal on the project site is located in the combined flood hazard area, tree planting must also be within the combined flood hazard area; and
 - (3) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met. When at least five trees are planted for replacement, written proof that all specifications of 33.248.090 have been met must be provided annually for three years after planting is complete. The requirement for three years of written proof does not apply if all of the trees being removed are dead, dying, or dangerous trees, as determined by

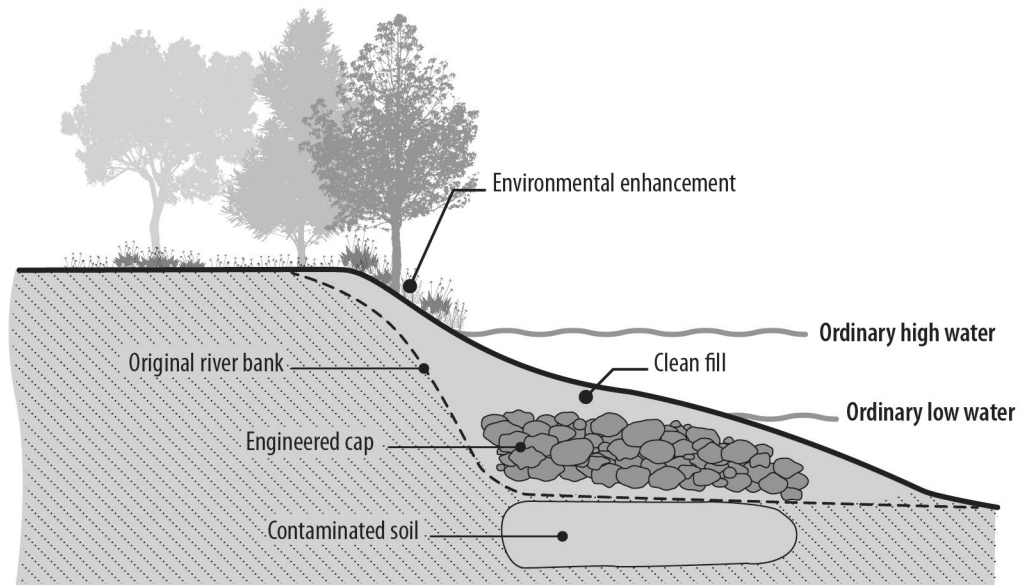
the City Forester or an arborist, or are nuisance trees. In this case, written proof that all specifications of 33.248.090 have been met must be provided one year after the planting is complete. The property owner must provide this documentation to the Bureau of Development Services; and

- b. Vegetation planted to meet the landscaping requirements of 33.475.220 may be counted towards meeting the tree replacement standard.

Table 475 – 2		
Tree Replacement in River Environmental Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- L. **Standards for mitigation.** The following standards apply to mitigation required by Subsections A., C., J., O., and P.
 - 1. Mitigation ratio. Mitigation must be provided as follows:
 - a. On-site mitigation and mitigation purchased from a City-approved mitigation bank must occur at a minimum 1.5:1 ratio of mitigation area to project disturbance area;
 - b. All other mitigation must occur at a minimum 3:1 ratio of mitigation area to project disturbance area.
 - 2. Location of mitigation. The mitigation area must be located as follows:
 - a. If mitigation will be provided as credits from a mitigation bank, the credits must be purchased from a City-approved mitigation bank located along the Lower Willamette River that is as close as possible to the disturbance area;
 - b. All other mitigation areas must be located in the River Environmental overlay zone and if the disturbance area is located within the combined flood hazard area, the mitigation area must also be located within the combined flood hazard area.
 - 3. If the mitigation area is not on the site where the disturbance occurs and is not credits purchased from a City-approved mitigation bank, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation;
 - 4. Nuisance plants identified on the *Portland Plant List* must be removed within the area to be replanted. Trees removed to meet this Paragraph must be replaced as specified in Subsection K.;

Figure 475-8
Example 2: In-Water Contamination Cleanup



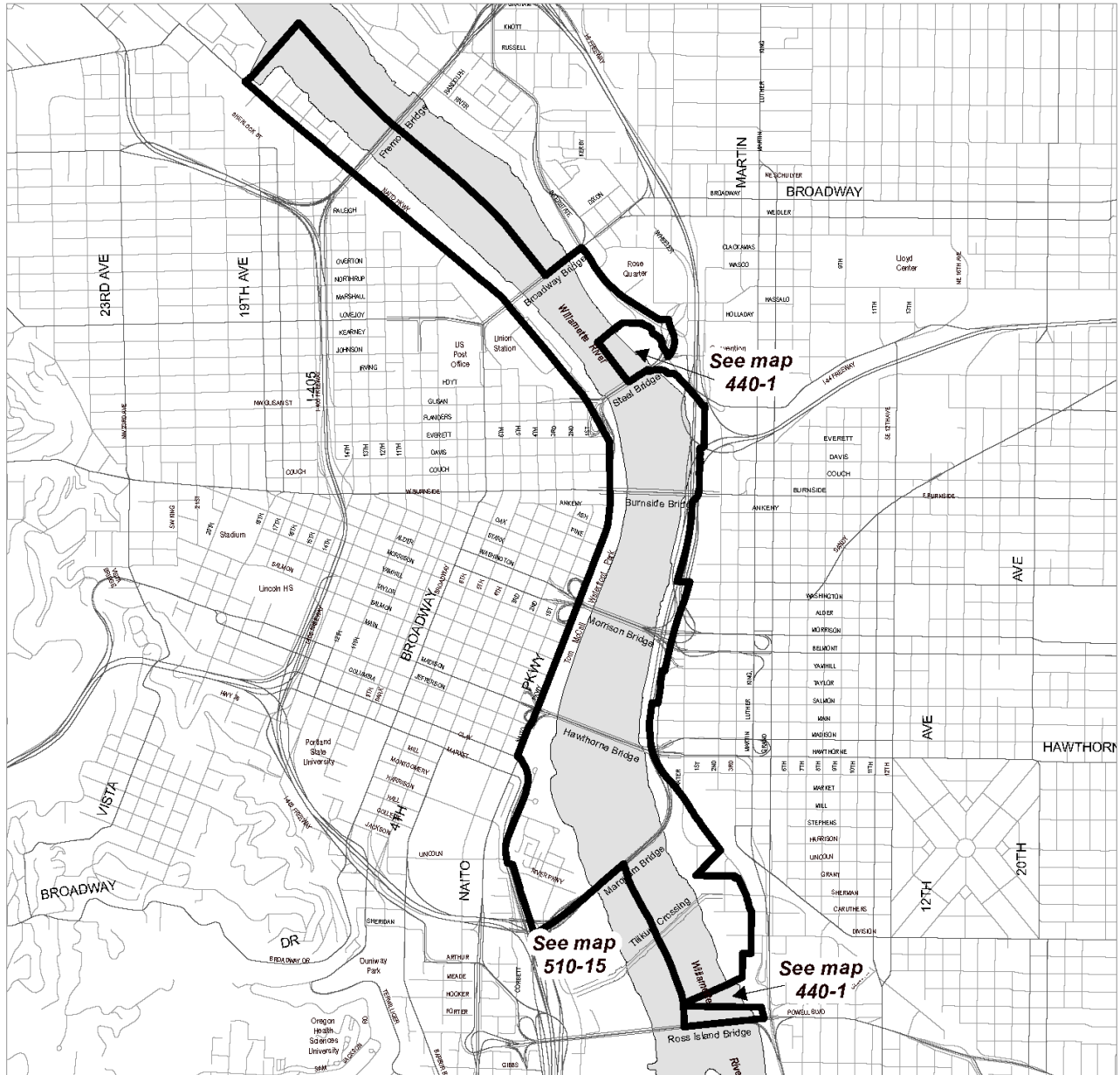
(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191477, effective 10/1/24; Ord. No. 191779, effective 10/1/24.)

Central Reach River Overlay Boundary

Map 475-1

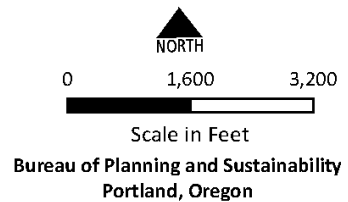
Map 1 of 2

Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- River Overlay Boundary

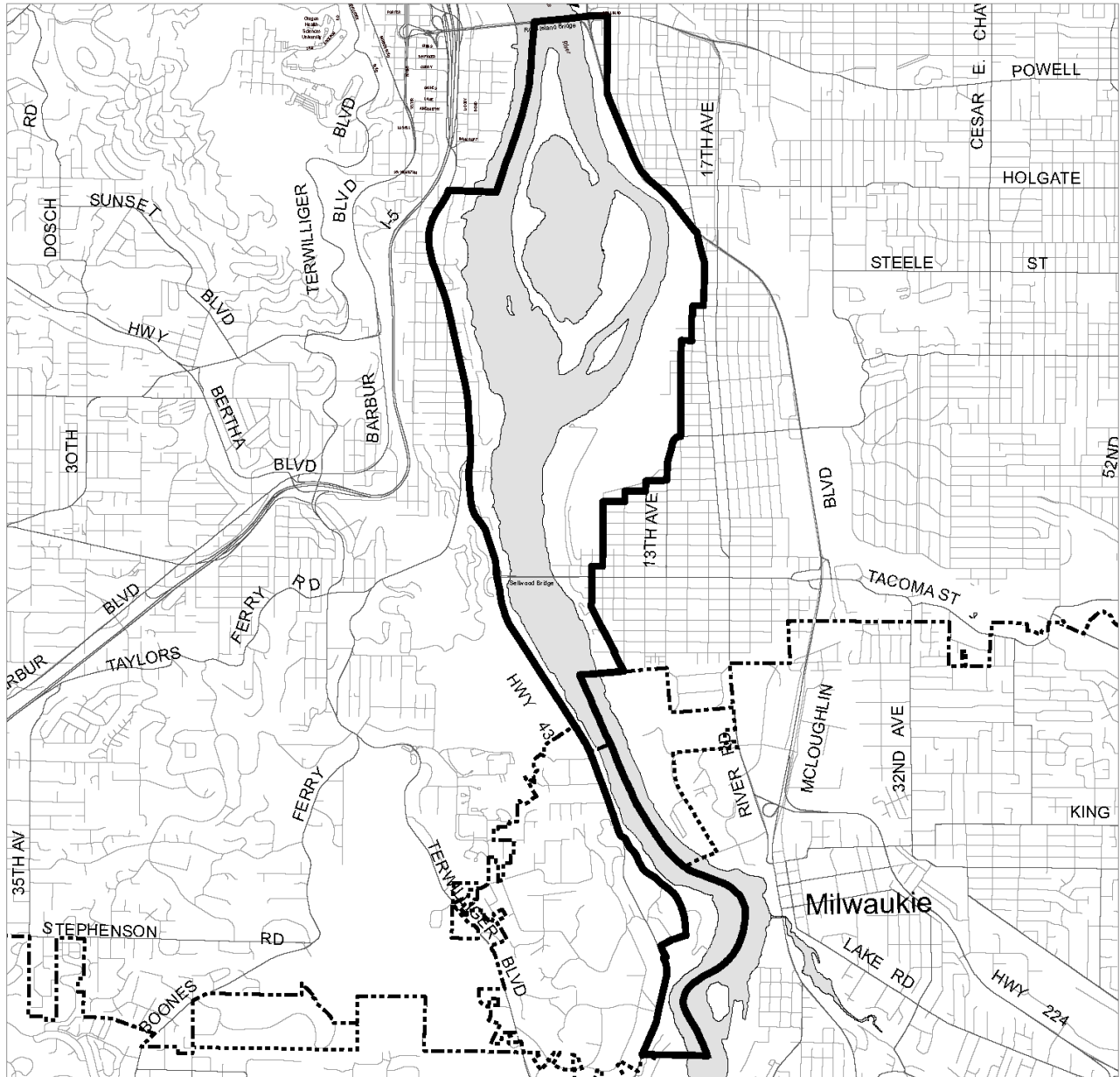


South Reach River Overlay Boundary

Map 475-1

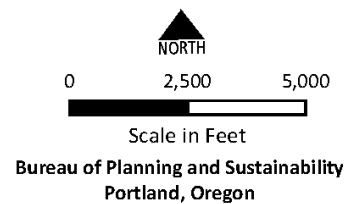
Map 2 of 2

Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- ▭** River Overlay Boundary

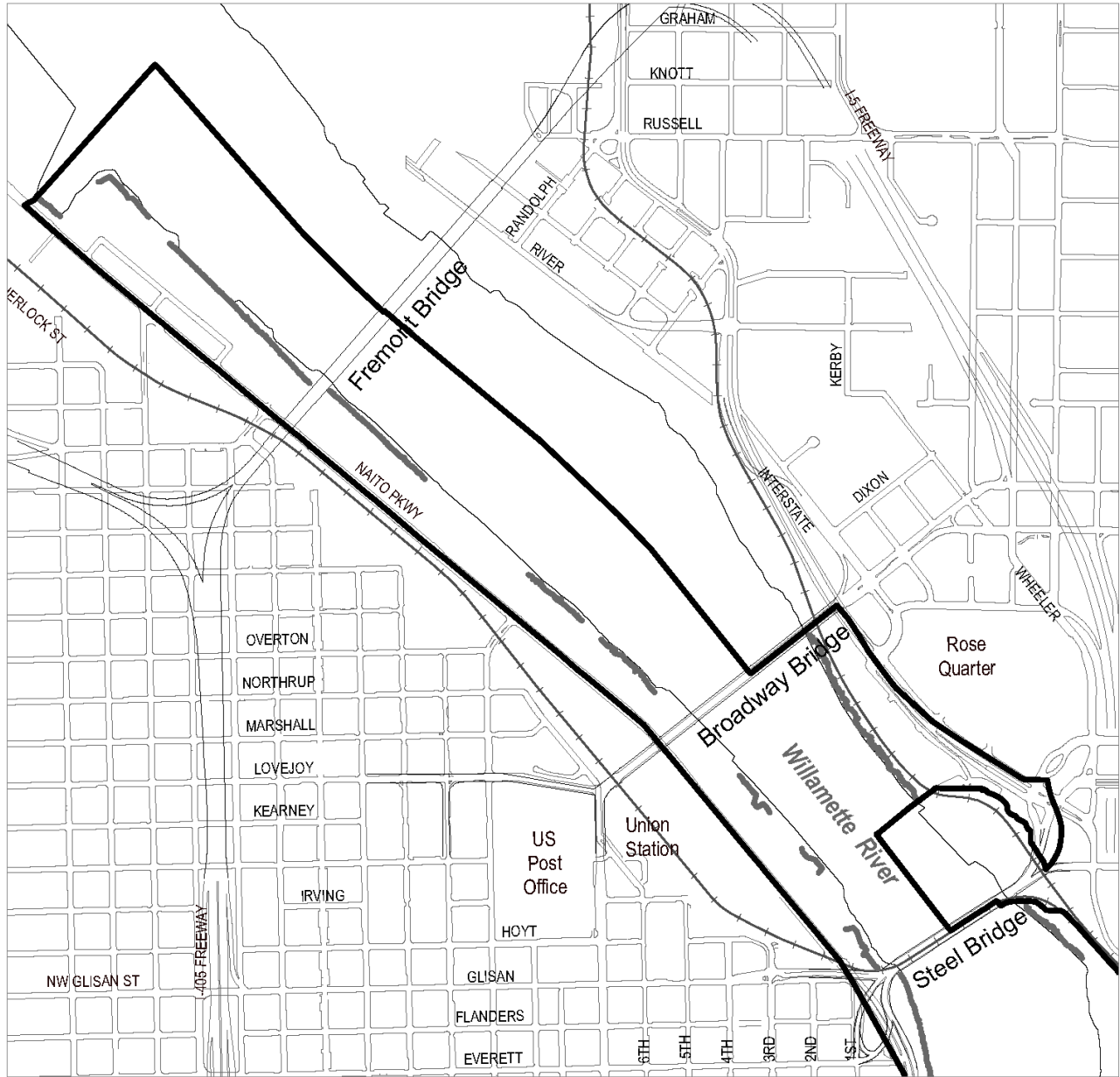


Central Reach Top of Bank

Map 475-2

Map 1 of 6

Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)



Central Reach Top of Bank

Map 475-2

Map 2 of 6

Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)

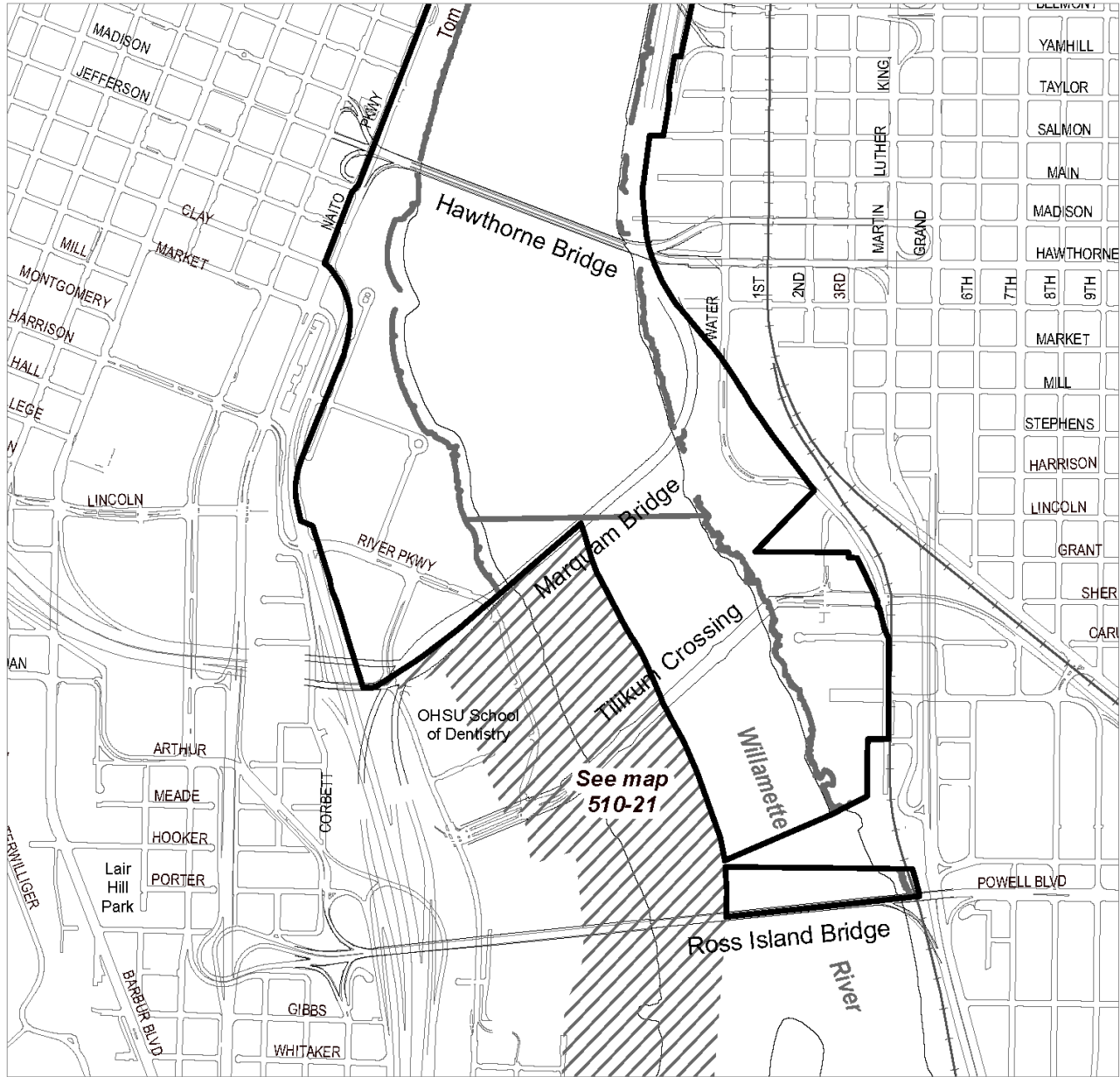


Central Reach Top of Bank

Map 475-2

Map 3 of 6

Map Revised March 1, 2021

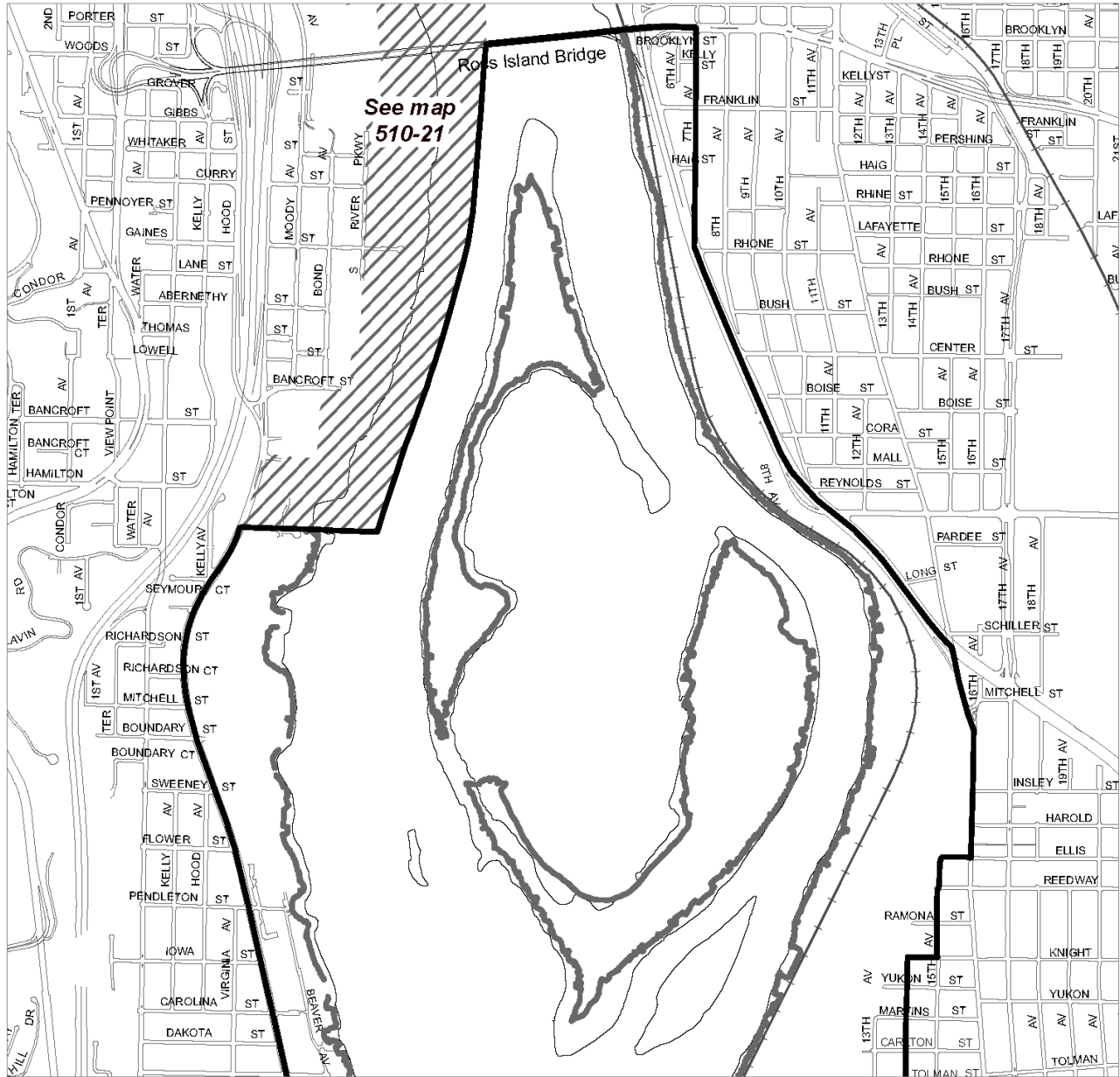


Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)



Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)

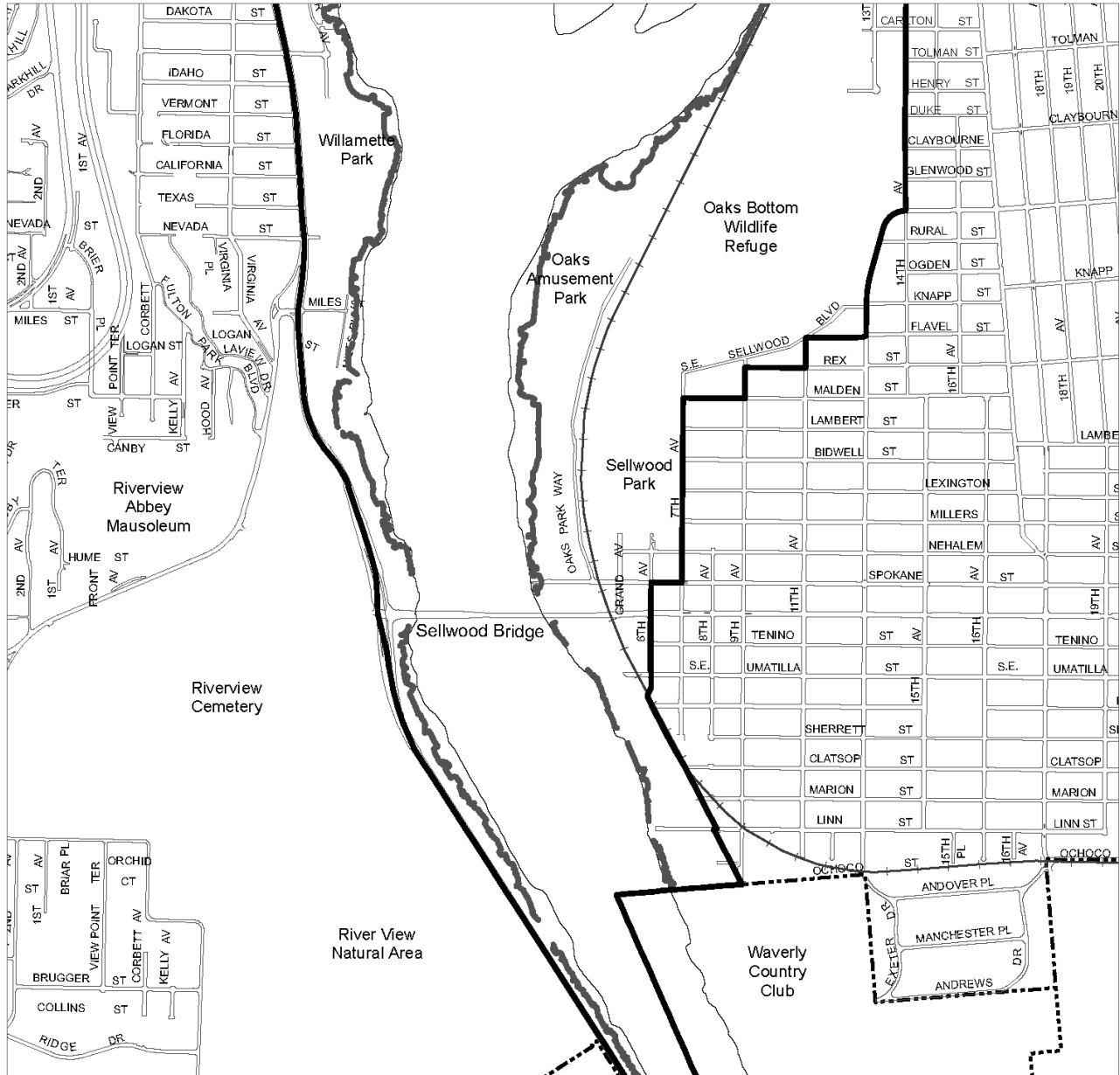


South Reach Top of Bank

Map 475-2

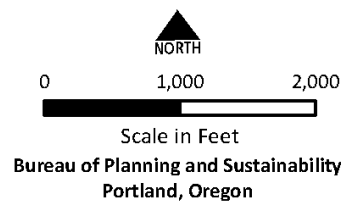
Map 5 of 6

Map Revised March 1, 2021



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)

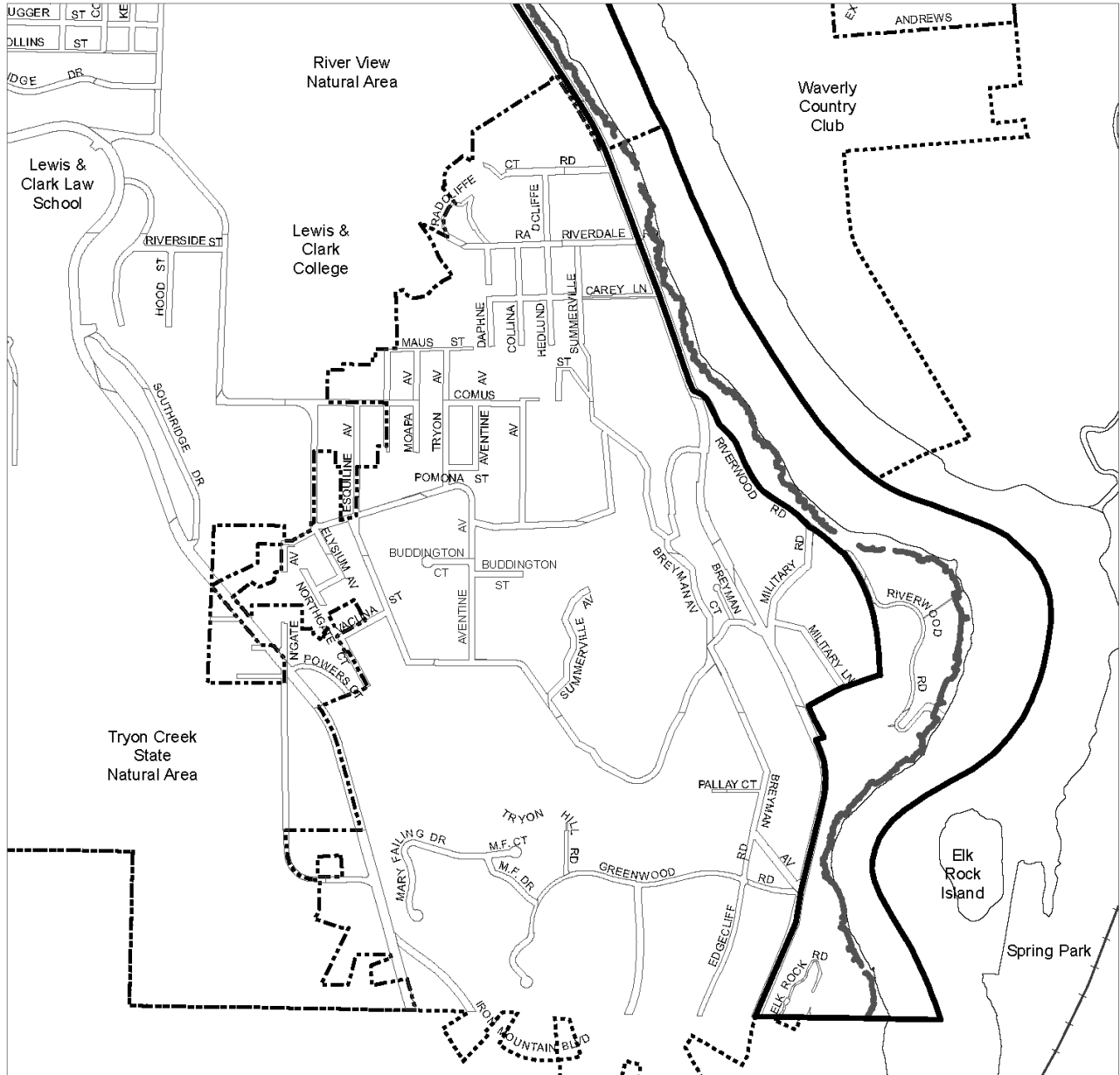


South Reach Top of Bank

Map 475-2

Map 6 of 6

Map Revised March 1, 2021



Legend

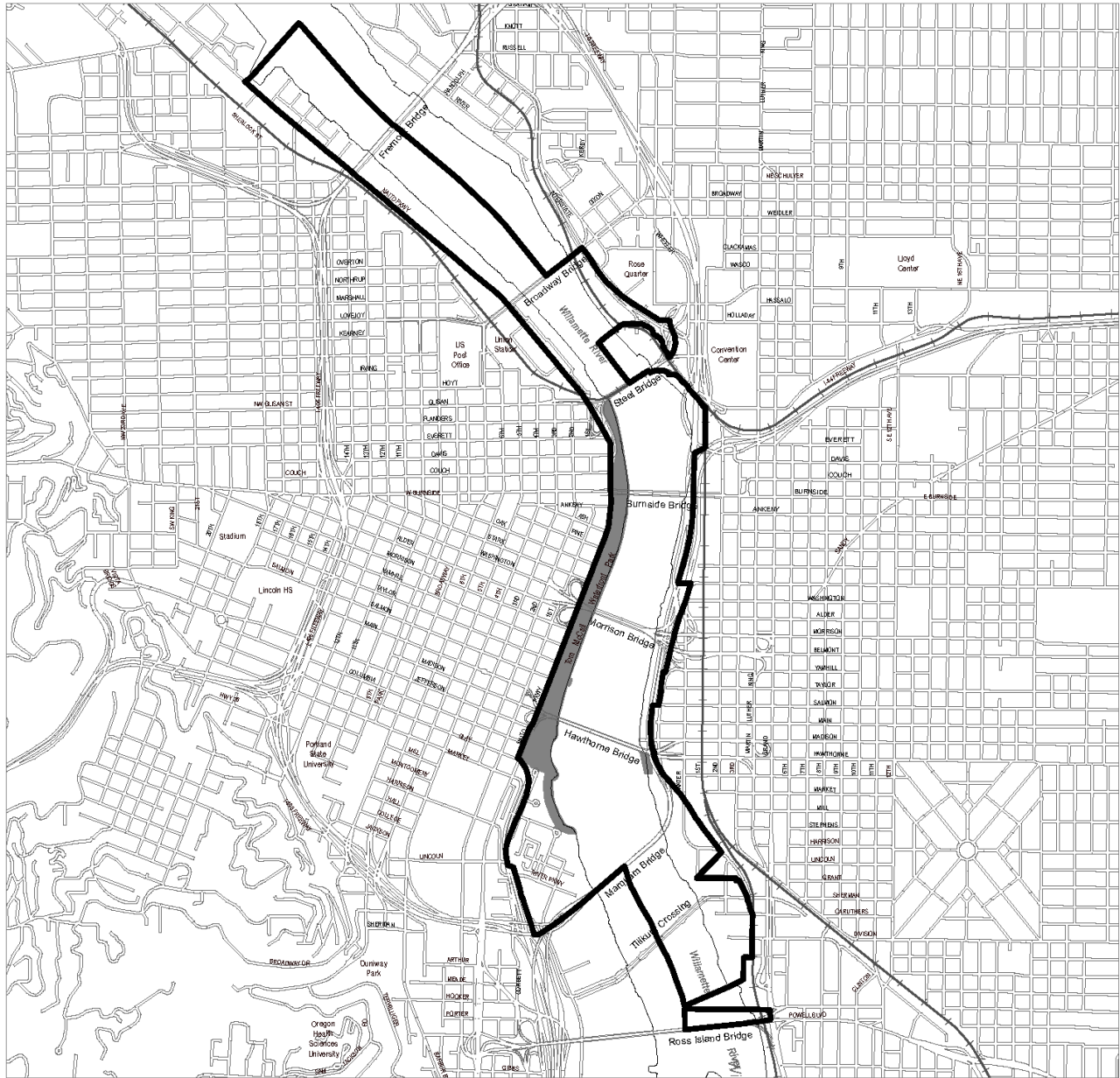
- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- Top of Bank (where mapped)





Areas Exempt from Landscaping Requirements

Map 475-3

Map Revised March 1, 2021



Legend

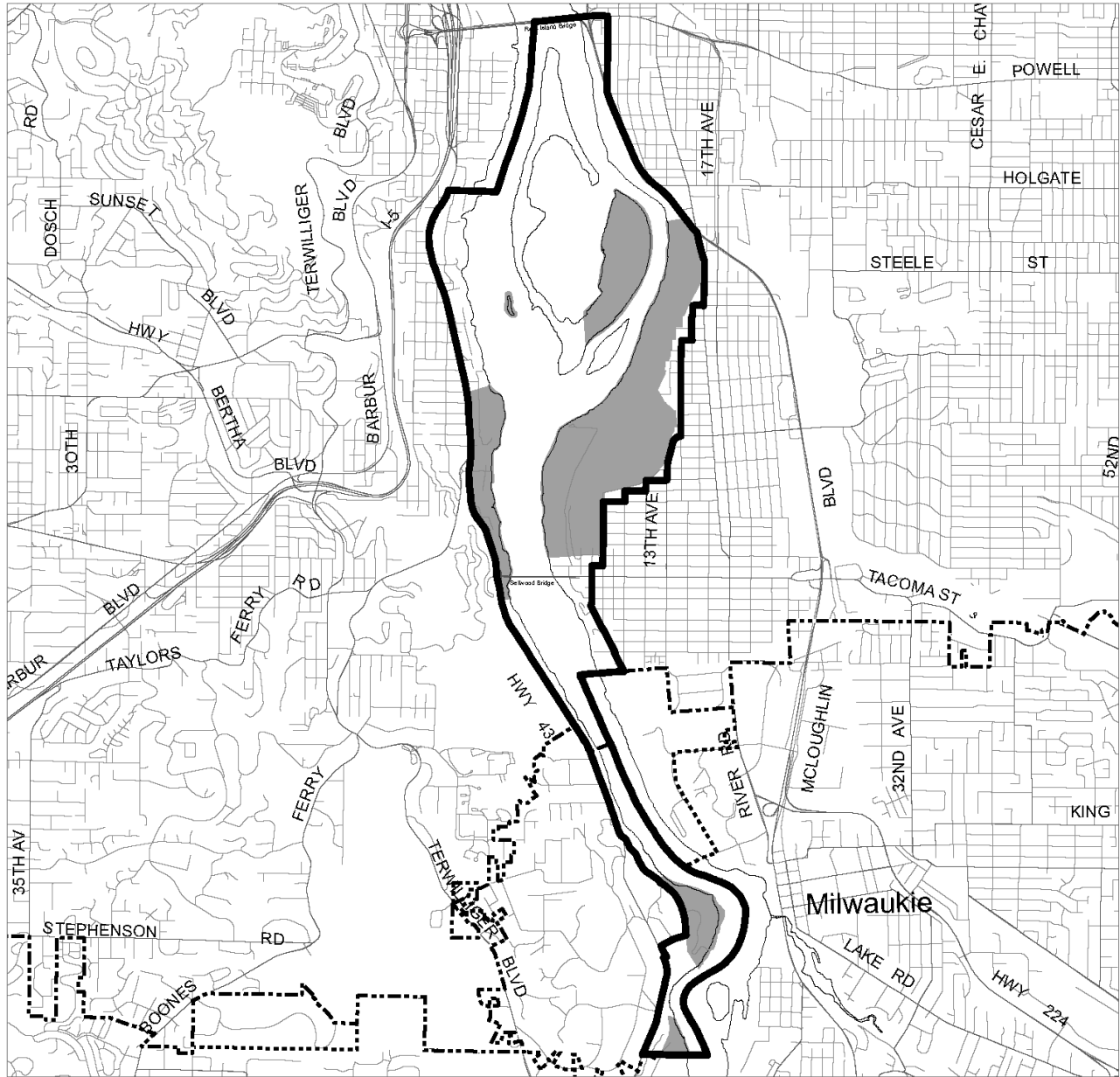
-  River Overlay Boundary
-  Exempt Areas



South Reach Archaeological Sensitivity Areas

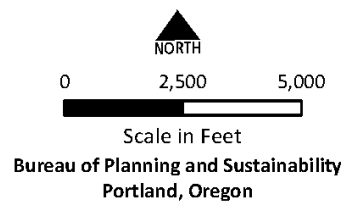
Map 475-4

Map Revised March 1, 2021



Legend

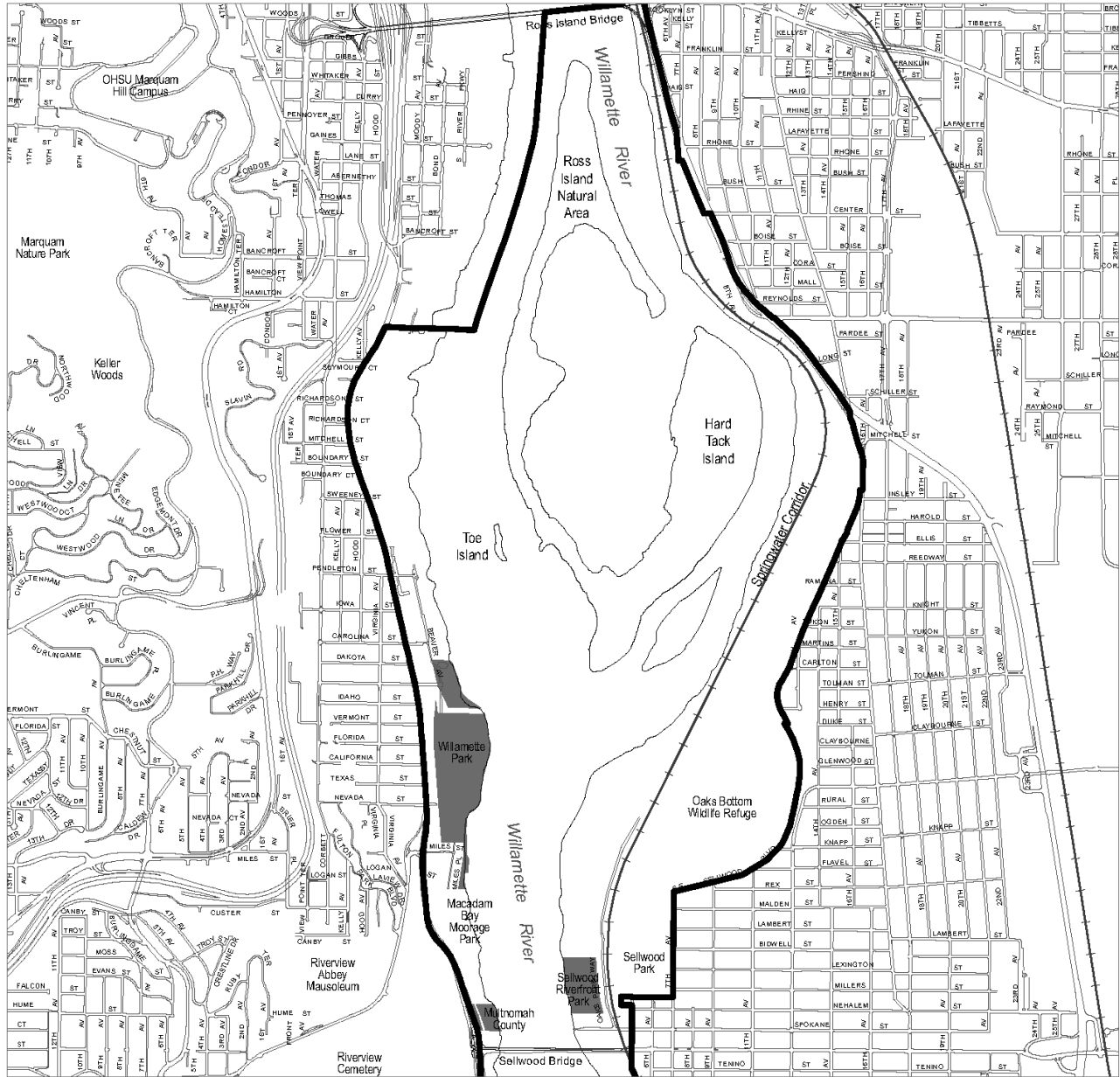
- Urban Service Boundary
- - - - - City Boundary
- River Overlay Boundary
- High Sensitivity areas





South Reach Retail Sales and Services Allowed in OS

Map 475-5

Map Revised March 1, 2021



Legend

-  River Overlay Boundary
-  OS zoned sites where retail sales and services are allowed



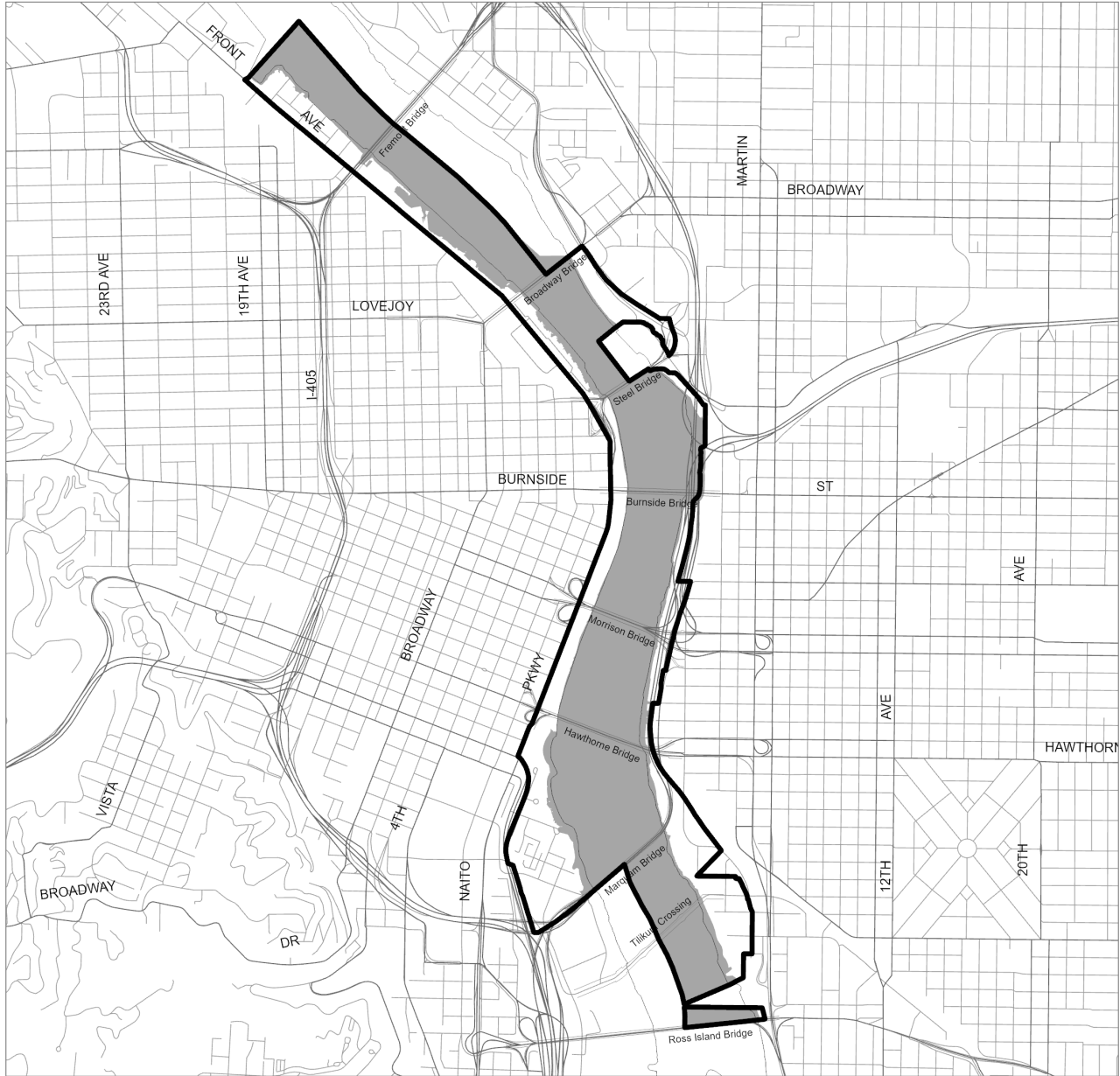
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Central Reach Riparian Buffer Area

Map 475-6

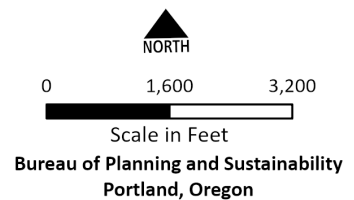
Map 1 of 2

Map Revised October 1, 2024



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- ▭ Riparian Buffer Area

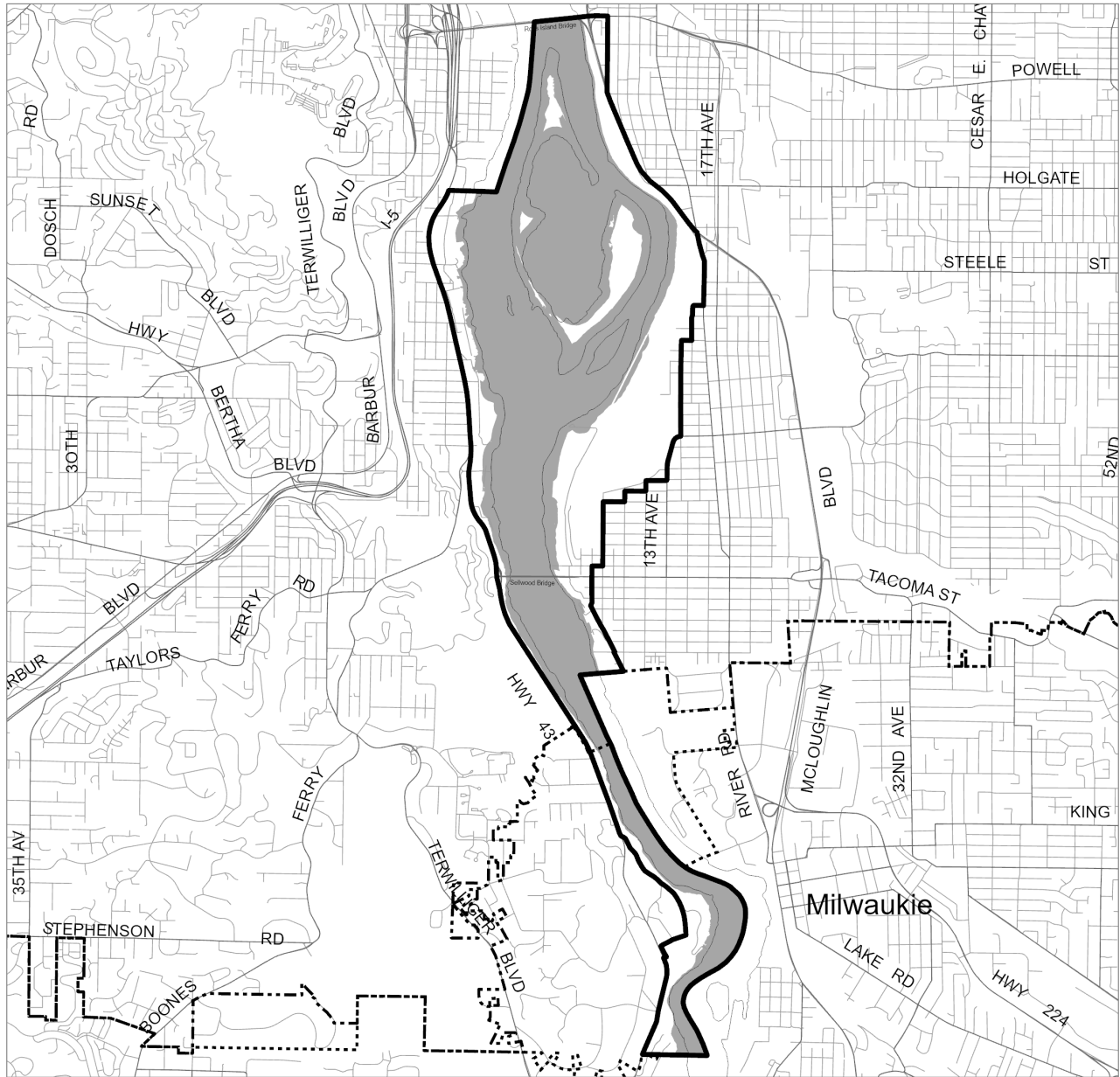


South Reach Riparian Buffer Area

Map 475-6

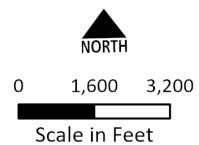
Map 2 of 2

Map Revised October 1, 2024



Legend

- City Boundary
- Urban Service Boundary
- ▭ River Overlay Boundary
- ▭ Riparian Buffer Area



Bureau of Planning and Sustainability
Portland, Oregon

33.510 Central City Plan District

510

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General

33.510.010 Purpose

The Central City plan district implements the Central City 2035 Plan. The regulations address the unique role the Central City plays as the region's premier center for jobs, health and human services, tourism, entertainment and urban living. The regulations encourage a high-density urban area with a broad mix of commercial, residential, industrial and institutional uses, and foster transit-supportive development, pedestrian and bicycle-friendly streets, a vibrant public realm and a healthy urban river.

33.510.020 Where the Regulations Apply

The regulations of this chapter apply to the Central City plan district. The boundaries of the plan district and its subdistricts are shown on Map 510-1 at the end of this chapter, and on the Official Zoning Maps. For other regulations, in cases of conflict the most restrictive regulation controls. The

information depicted on Maps 510-1 through 510-23 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Where Maps 510-1 through 510-23 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

- A.** If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.
- B.** If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Bureau of Transportation and is documented in the Transportation Element of Portland’s Comprehensive Plan.

Use Regulations

33.510.100 Vehicle Repair and Vehicle Sales or Leasing

- A.** Vehicle Repair uses are prohibited in the areas shown on Map 510-17.
- B.** The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, trucks, travel trailers, and other recreational vehicles, is prohibited in the areas shown on Map 510-17, with the following exceptions:
 - 1. Offices for the sale or leasing of consumer vehicles where the vehicles are displayed or stored elsewhere are allowed; and
 - 2. The temporary sale or leasing of consumer vehicles is allowed for up to 14 consecutive days. The time between temporary sales or leasing events must be 4 times as long as the duration of the last event.

33.510.110 Mixed Use Waterfront Development

- A. Purpose.** The Central City 2035 Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Central City 2035 Plan, Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.
- B. Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.
- C. Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:

1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and
2. Marinas.

D. Minimum residential density. Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 and 33.510.262. Visitor Parking and Undedicated General Parking, as described in Sections 33.510.261 and 33.510.262, are Commercial Parking. The other types of parking are accessory parking, although either may operate as commercial parking according to 33.510.261 and 33.510.262.

33.510.114 Exemptions for Portland State University

Development by Portland State University within the University District / South Downtown is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

33.510.115 Additional Uses Allowed in the Open Space Zone

- A. Purpose.** Additional uses are allowed on sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.
- B. Additional uses allowed.**
1. Retail Sales and Service uses are allowed as follows:
 - a. On sites that are 1 acre or less in size, the total net building area of all Retail Sales and Service uses on the site may be up to 2,500 square feet.
 - b. On sites that are more than 1 acre in size, the total net building area of all Retail Sales And Service uses on the site may be up to 10,000 square feet, or 5 percent of the total site area, whichever is less.
 2. Parking that is totally below grade and existed as of February 9, 2000; and
 3. The uses listed in Subparagraph B.3.a. are allowed on sites that meet the requirements of Subparagraph B.3.b. Adjustments to this paragraph are prohibited.

- a. Uses allowed:
 - (1) Major Event Entertainment;
 - (2) Commercial Outdoor Recreation; and
 - (3) Up to 15,000 square feet of Office.
- b. Requirements for sites where uses in Subparagraph B.3.a. are proposed:
 - (1) The site must be at least 5 acres in area;
 - (2) The site must be within 500 feet of a Transit Station;
 - (3) The site is not within the River General (g*) overlay zone;
 - (4) The standards of Chapter 33.262, Off-Site Impacts, must be met;
 - (5) The site must have an unexpired Good Neighbor Agreement that is approved by City Council as described in 33.510.115.C, below;
 - (6) The site must have a Comprehensive Transportation Management Plan that is approved by City Council as described in 33.510.115.D, below; and
 - (7) If the site is not managed by the owner, the site must have an Operating Agreement that is approved by City Council.

C. Good Neighbor Agreement

1. Purpose. The Good Neighbor Agreement requirements provide an opportunity to consider the impacts of a Major Event Entertainment or Commercial Outdoor Recreation use on nearby residents and businesses. This is achieved by requiring owners or operators to meet with interested parties and by requiring the formulation of a written implementation program referred to as a "Good Neighbor Agreement" before a building permit is issued.
2. When a Good Neighbor Agreement is required. A Good Neighbor Agreement, approved by the City Council, is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use. The Good Neighbor Agreement does not have to be updated before each building permit is issued, but it must be current at the time of permit issuance.
3. Required process for development and approval of a Good Neighbor Agreement. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator.
 - a. Develop a Draft Good Neighbor Agreement. The applicant must develop a Draft Good Neighbor Agreement that includes all of the elements listed in Paragraph C.4., below.
 - b. Contact the neighbors. The applicant must contact neighboring property owners and organizations as described below:

- (1) Schedule a meeting. The applicant must schedule a meeting to discuss the draft agreement;
 - (2) Mail notice of the meeting to neighbors. The applicant must mail written notice of the meeting, as specified below:
 - The notice must be mailed at least 14 days before the date of the meeting;
 - The notice must be mailed to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site; and
 - The notice must include the date, time, and place of the meeting, and a copy of the Draft Good Neighbor Agreement.
- c. Hold the Good Neighbor Agreement meeting. Hold the meeting as described below:
- (1) Purpose of meeting. The purpose of the meeting is to provide the opportunity for all interested parties to identify concerns that should be considered through the Good Neighbor Agreement. The anticipated outcome of the meeting is an agreement between the neighbors—including residents and businesses—and the applicant as to how each issue will be considered in the Good Neighbor Agreement. However, a consensus is not required;
 - (2) Attendance by City staff. City staff may attend the meetings to offer suggestions or information, identify potential problems with the Draft Good Neighbor Agreement, or to observe. Participation by City staff in the meeting is not required and does not indicate City approval of the Good Neighbor Agreement;
 - (3) Additional meetings. Additional meetings may be held.
- d. City Council hearing. The applicant must request a City Council hearing. The applicant must request City Council to consider both the Comprehensive Transportation Management Plan and the Good Neighbor Agreement at the same hearing. The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Good Neighbor Agreement required by Paragraph C.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Good Neighbor Agreement.
- At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:
- (1) A copy of the notice of the Good Neighbor Agreement meeting mailed to neighbors as required by C.3.b.(2), above;
 - (2) The names and addresses of all those to whom the notice of the Good Neighbor Agreement meeting was mailed;
 - (3) The names and addresses of those who attended the meeting;

- (4) The Draft Good Neighbor Agreement and, if different, the version of the Good Neighbor Agreement that the applicant requests Council to approve;
 - (5) Any other versions of the Good Neighbor Agreement which were reviewed at the meeting;
 - (6) A copy of the notice of City Council hearing required by C.3.e.(1), below; and
 - (7) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- e. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to those who attended the Good Neighbor Agreement meeting;
 - (2) The notice must also be published in a recognized newspaper;
 - (3) The notice must be mailed at least 14 days before the hearing; and
 - (4) The notice must contain at least the following information:
 - The date, time, and place of the City Council hearing;
 - A copy of the Good Neighbor Agreement that is filed with the City Auditor's Office, as specified in C.3.d.(4);
 - The street address or other easily understood geographical reference to the property to be covered by the Good Neighbor Agreement;
 - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.C.3. of the Zoning Code, and has included the elements in the Good Neighbor Agreement required by Paragraph 33.510.115.C.4. of the Zoning Code;
 - A statement that Council may approve, approve with modifications, or reject the Good Neighbor Agreement;
 - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
 - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
 - A statement that all information submitted by the applicant is available for review from the City Auditor, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.

- f. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.
4. Elements of a Good Neighbor Agreement. The Good Neighbor Agreement must consider all of the following items:
 - a. Event schedules, including coordination with nearby facilities to minimize impacts on the neighborhood of concurrent events;
 - b. Event limitations;
 - c. Noise management;
 - d. Box Office hours of operation;
 - e. Litter management;
 - f. Lighting;
 - g. Communications, including a process for receiving, recording, and responding to community comments;
 - h. Alcohol management;
 - i. Security;
 - j. Hours of operation including those for set-up and take-down;
 - k. Community use of the site;
 - l. Motorized events;
 - m. Oversight committee;
 - n. Enforcement of the Good Neighbor Agreement;
 - o. Exceptions to the Good Neighbor Agreement;
 - p. Process and requirements for updating, amending, or terminating the Good Neighbor Agreement; and
 - q. Effective date, term of the agreement, and date of expiration.

D. Comprehensive Transportation Management Plan

1. Purpose. The Comprehensive Transportation Management Plan requirements provide an opportunity to consider the impacts of traffic and parking on nearby residents and businesses. This is achieved by requiring owners or operators to complete an analysis of traffic issues, suggest mitigation measures, and make the draft report available to the neighbors of the site.

2. When a Comprehensive Transportation Management Plan is required. A Comprehensive Transportation Management Plan is required before a building permit will be issued for sites with a Major Event Entertainment or Commercial Outdoor Recreation use.
3. Required process for development and approval of a Comprehensive Transportation Management Plan. The owner or operator of the Major Event Entertainment or Commercial Outdoor Recreation use must complete the steps listed in this paragraph. For purposes of this requirement, "applicant" means the owner or operator
 - a. Develop a Draft Comprehensive Transportation Management Plan. The applicant must develop a Draft Comprehensive Transportation Management Plan that includes all of the elements listed in Paragraph D.4., below.
 - b. Notice of Draft Plan. The applicant must mail written notice to all property owners within 1,000 feet of the site and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site that the Draft Comprehensive Transportation Management Plan is available.
 - c. City Council hearing. The applicant must request a City Council hearing. The Comprehensive Transportation Management Plan must be considered at a City Council hearing held to also consider the Good Neighbor Agreement. The hearing must be at least 14 days after the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by Subparagraph D.3.b., above, is mailed.

The purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by this paragraph and has adequately addressed the elements in the Comprehensive Transportation Management Plan required by Paragraph D.4. City staff from the Office of Management and Finance and the Bureau of Transportation will provide advice to City Council. The Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan.

At least 14 days before the hearing, the applicant must file the following materials with the City Auditor's Office:

- (1) A copy of the notice to neighbors that the Draft Comprehensive Transportation Management Plan is available, as required by D.3.b., above;
- (2) The names and addresses of all those to whom notice that the Draft Comprehensive Transportation Management Plan is available was mailed;
- (3) The Draft Comprehensive Transportation Management Plan that has been made available to the neighbors, and, if different, the version of the Comprehensive Transportation Management Plan that the applicant requests Council to approve;
- (4) A copy of the notice of City Council hearing required by Subparagraph D.3.d., below; and

- (5) The names and addresses of all those to whom the notice of City Council hearing was mailed.
- d. Notice of City Council hearing. The applicant must mail written notice of the City Council hearing as specified below:
- (1) The notice must be mailed to all property owners within 1,000 feet of the site, and to recognized organizations in which the site is located and recognized organizations within 1,000 feet of the site;
 - (2) The notice must also be published in a recognized newspaper;
 - (3) The notice must be mailed at least 14 days before the hearing; and
 - (4) The notice must contain at least the following information:
 - The date, time, and place of the City Council hearing;
 - A copy of the Comprehensive Transportation Management Plan requested to be approved by Council and filed with the City Auditor's Office, as specified in D.3.c.(3);
 - The street address or other easily understood geographical reference to property to be covered by the Comprehensive Transportation Management Plan;
 - A statement that the purpose of the hearing is for Council to ensure that the applicant has taken the procedural steps required by Paragraph 33.510.115.D.3. of the Zoning Code, and has included the elements in the Comprehensive Transportation Management Plan required by Paragraph 33.510.115.D.4. of the Zoning Code;
 - A statement that Council may approve, approve with modifications, or reject the Comprehensive Transportation Management Plan;
 - An explanation of the local decision-making process for making this decision, as described in this section of the Zoning Code;
 - An invitation to comment, in writing, on the proposal and the place, date, and time that comments are due. This date and time must be at least 14 days from the mailing date of the notice;
 - A statement that all information submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised before the comment period expires and that such issues must be raised with sufficient specificity to afford the City Council an opportunity to respond to the issues.
- e. Notice of City Council decision. The City Auditor will file the notice of decision by the next working day after the decision is made. Within 5 days of filing the notice of decision, the City Auditor will mail a notice of the decision to all property owners within 1,000 feet of the site, to all neighborhood associations and business associations within 1,000 feet of the site, and to all who testified at the Council hearing, submitted written comments, or requested such notice in writing.

4. Elements of a Comprehensive Transportation Management Plan. The Comprehensive Transportation Management Plan must consider all of the following items:
 - a. Existing conditions, including traffic counts, parking availability, attendee mode splits, and site access and circulation;
 - b. Impacts of anticipated Major Event Entertainment and Commercial Outdoor Recreation uses, including a parking demand analysis; and
 - c. Proposed mitigation measures.

33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones

- A. Purpose.** Limits on the size of Retail Sales And Service uses promote neighborhood-serving commercial development and help reduce traffic congestion associated with large-scale retailers.
- B. Retail Sales and Service Limitation.** On sites shown on Map 510-12, Retail Sales And Service uses are limited to 50,000 square feet of net building area per use. Approval through a conditional use review is required for any individual Retail Sales And Service use over 50,000 square feet of net building area, but individual Retail Sales And Service uses with more than 60,000 square feet of net building area are prohibited. These limitations do not apply to hotel uses.

33.510.117 Retail Sales And Service and Office Uses in the RX Zone

- A. Purpose.** The provisions of this section enhance the residential character of the RX zone, improve the economic viability of residential development and promote active streetscapes by allowing commercial uses. At the same time, commercial uses are regulated to assure that residential uses are the primary use in the zone.
- B. Where these regulations apply.** The regulations of this section apply to sites in the RX zone.

The regulations of Paragraph D.2. apply to sites that are not on the Park Block frontages; the regulations of Paragraph D.3. apply to sites that are on the Park Block frontages. The South Park Block frontages are shown on Map 510-14.

- C. Adjustments prohibited.** Adjustments to the regulations of this section are prohibited.
- D. Retail Sales And Service and Office uses in the RX zone.**
 1. Outdoor activities on all sites. All commercial uses must be conducted entirely within fully enclosed buildings. Exterior display of goods and exterior storage are not allowed. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.
 2. Sites not on Park Block frontages. On sites that are not on the South Park Block frontages, shown on Map 510-14, the following regulations apply:
 - a. New multi-dwelling development. Retail Sales And Service or Office uses are allowed as part of a new multi-dwelling development as follows:

- (1) Up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use; or
 - (2) Up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office use if at least 50 percent of the area of the ground floor contains Retail Sales And Service or Office uses.
- b. Conversion of existing development.
- (1) Up to 60 percent of net building area in a multi-dwelling development that existed on July 9, 2018 may be converted to Retail Sales And Service and Office uses.
 - (2) Up to 100 percent of the net building area of any building may be converted to Retail Sales And Service and Office use if:
 - A legally-established non-residential use was operating in the building on July 9, 2018 and
 - The development maintains the same number of dwelling units in the building after the conversion.
3. Sites on South Park Block frontages. On sites that are on the Park Block frontages, shown on Map 510-14, the following regulations apply:
- a. Up to 100 percent of the floor area of the ground floor of a building may be in Retail Sales And Service and Office use; and
 - b. Up to 20 percent of the net building area located somewhere other than the ground floor is allowed if approved through a Conditional Use review.

33.510.119 Retail Sales And Service and Office Uses in the IG1 Zone

A. Generally.

1. The regulations of this subsection apply to sites in the IG1 zone that are not subject to Subsections B. or C., below.
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the net building area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
 - a. More than one Retail Sales And Service or Office use on a site is a conditional use.
 - b. Retail Sales And Service uses where the net building area plus the exterior display and exterior storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the net building area plus the exterior display and storage area is more than 25,000 square feet, or the square footage of the site area, whichever is less, are prohibited.
 - c. Office uses where the net building area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the net

building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.

B. Historic Resources

1. The regulations of this subsection apply in the IG1 Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
2. Allowed uses.
 - a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and exterior storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
 - b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on July 9, 2018. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on July 9, 2018 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. Central Eastside Subdistrict

1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside.
2. Where these regulations apply. The regulations of this subsection apply to sites zoned IG1 in the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
 - a. Retail And Service and Traditional Office uses.
 - (1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:
 - Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More

than 5,000 square feet in Retail Sales And Service use on a site is prohibited.

- Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.
- (2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:
- Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
 - Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.
- b. Industrial Office.
- (1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.
- (2) Exceptions.
- Exception 1. When the following four standards are met, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to an amount equal to four times the total square footage of the site. Industrial Office use in excess of four times the square footage of the site is prohibited:
 - At least 33 percent or 5,000 square feet, whichever is more, of the total amount of ground-floor floor area on the site must be in a Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service use. The required industrial use can be consolidated in one building on the site or can be spread out through multiple buildings on the site;
 - Each space for the required industrial use must be on the ground floor and must be at least 5,000 square feet in area;
 - The minimum floor to ceiling height of each space for the required industrial use must be 20 feet; and
 - Each space for the required industrial use must include at least one loading door or entrance that serves the industrial space. If more than one industrial space is created then each space must have at least one loading door or entrance, or must have access to a shared loading door or entrance in a common area accessible from each industrial space located on the ground floor.

- Exception 2. If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
 - Exception 3. Industrial Office uses are allowed in buildings that existed on December 21, 2016. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on December 21, 2016. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on December 21, 2016 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
- c. Group Living, Daycare and Community Services uses. Group Living, Daycare and Community Services uses are allowed on sites that had Group Living, Daycare and Community Service uses operating at the same time on July 9, 2018. The total amount of net building area allowed for Group Living, Daycare and Community Service uses combined is an amount equal to 3 times the total site area. If the Group Living use allowed by this section is discontinued for 3 continuous years, Group Living uses are no longer allowed on the site. If the Daycare or Community Service uses allowed by this subparagraph are discontinued for 3 continuous years, new Daycare or Community Service uses are subject to the use provisions of the IG1 zone.

33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the IH Zones

- A. Where these regulations apply.** The regulations of this subsection apply in the IH Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
- B. Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

33.510.121 Residential Uses in the EX Zone

- A. Purpose.** Residential uses are restricted in portions of the EX zone in the Lower Albina and Central Eastside subdistricts in order to avoid conflicts between residential and industrial activities.
- B. Residential use restrictions.**
1. Residential uses are prohibited in the areas shown on Map 510-6.

2. Residential uses are only allowed through a Central City Master Plan in the areas shown on Map 510-6.

Development Standards

33.510.200 Floor Area Ratios

- A. Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region's premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of development on a vacant site, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including:
- Locating the largest floor area ratios along the Transit Mall and high-capacity transit lines;
 - Varying building bulk across the Central City;
 - Generally, stepping down allowed building bulk to the Willamette River and neighborhoods adjacent to the Central City; and
 - Ensuring that building bulk is compatible within historic districts.
- B. Adjustments.** Adjustments to floor area ratio regulations are prohibited.
- C. Floor area ratio.**
1. Generally, maximum floor area ratio (FAR) for sites in the Central City plan district are shown on Map 510-2. Maximum FAR can be increased on a site if FAR is transferred or earned through a bonus as allowed by 33.510.205, Floor Area Bonus and Transfer Options. Increases in FAR on a site are limited as described in Subsection D. Exemptions are in Subsection E.
 2. On the site shown on Map 510-2 as requiring residential use, the maximum FAR for the entire site is 9 to 1 if all floors above the ground floor on the western half of the block are in a residential use.
 3. Minimum floor area ratio. Minimum FAR is required as follows:
 - a. For sites where the maximum allowed FAR before bonuses and transfers is up to 4 to 1, the minimum FAR is 1 to 1;
 - b. For sites where the maximum allowed FAR before bonuses and transfers is between 5 to 1 and 8 to 1, the minimum FAR is 2 to 1; and
 - c. For sites where the maximum allowed FAR before bonuses and transfers is 9 to 1 or greater, the minimum FAR is 3 to 1.
- D. Limits on increased floor area.** Maximum FAR can be increased on a site if FAR is transferred or bonus FAR is earned as allowed by 33.510.205, Floor Area Bonus and Transfer Options. The following limits apply to increases in FAR:

1. Unless otherwise specified in Paragraphs D.2. and D.3, the maximum amount of FAR that can be earned on a site through use of bonus options is 3 to 1. There is no limit on the amount of FAR that can be transferred to a site.
2. South Park Blocks frontages. Transferring floor area to sites, or portions of sites, zoned RX is prohibited within the South Park Block frontage areas shown on Map 510-14.
3. South Waterfront subdistrict. In the South Waterfront subdistrict the following applies:
 - a. An FAR of more than 3 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, the open space fund bonus option, or the South Waterfront Willamette River Greenway bonus option. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1.
 - b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:
 - (1) The floor area above the 9 to 1 ratio is transferred from the South Waterfront Greenway Setback Area shown on Figure 510-2; and
 - (2) The portion of the South Waterfront Greenway Setback Area that floor area is being transferred from must have been dedicated to the City after September 1, 2002.

E. Exemptions. The following are exemptions from the regulations in Subsection C.:

1. Neighborhood facilities.
 - a. Purpose. This regulation encourages creation of facilities to serve those who live and work in the Central City. These facilities are necessary elements of a complete neighborhood.
 - b. Standards. Floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
 - (1) Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.
 - (2) Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. The facility must be open at least five days each week and fifty weeks each calendar year.
 - (3) Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.

- (4) Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.
- (5) All facilities. All neighborhood facilities must meet the following:
 - The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed;
 - The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
 - The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified above. The covenant must comply with the requirements of Section 33.700.060.
2. South Waterfront subdistrict. In South Waterfront subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.
3. Minimum FAR. Sites zoned Industrial or Open Space sites with a school that will be operated by or for a public school district, and sites with a basic utility use are exempt from the minimum floor area ratio.

33.510.205 Floor Area Bonus and Transfer Options

- A. Purpose.** Floor area bonus and transfer options allow additional floor area as an incentive for certain uses and types of development that provide a public or community benefit. The bonus floor area can be gained in exchange for affordable housing or riverfront open space in new development. Transfer options can be used in exchange for historic preservation and transferring FAR within a subdistrict. In the South Waterfront subdistrict new development gains bonus floor area and height in exchange for creating open space and expanding the Willamette River Greenway within the subdistrict.
- B. Priorities for the use of bonus and transfer options.** When FAR will be increased using bonuses or transfers, the following regulations specify which bonus and transfer options must be used before other bonus or transfer options:
 1. Unless otherwise specified in Subparagraph B.2. the first 3 to 1 of any increase in FAR on a site must be earned or gained through use of one of the following options:
 - a. The inclusionary housing bonus option described in Subparagraph C.2.a;
 - b. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;
 - c. The historic resources transfer provisions described in Paragraph D.1. or
 - d. The riverfront open space bonus option described in Subparagraph C.2.c.

2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:
 - a. The South Waterfront subdistrict is exempt from the bonus and transfer options usage priorities specified in Paragraph B.1. However, if the site is within the Greenway bonus target area shown on Map 510-5, and the development does not trigger the requirements of 33.245, Inclusionary Housing, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;
 - b. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.
- C. Floor area bonus options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
1. General regulations.
 - a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.
 - b. Bonus FAR is only available to sites zoned RM3, RM4, RX, CX, or EX, unless specifically stated otherwise.
 - c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.
 - d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.
 - e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
 2. Bonus floor area options.
 - a. Inclusionary housing bonus option. Projects that include buildings that trigger 33.245, Inclusionary Housing, receive bonus floor area. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245, up to a maximum increase of 3 to 1 FAR on the site.
 - b. Affordable Housing Fund bonus option. Proposals that contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The applicant will receive 1 square foot of bonus floor area for each square foot purchased. The Portland Housing

Bureau collects and administers the Affordable Housing Fund, and 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 option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

- c. Riverfront open space bonus option. The riverfront open space bonus provides an opportunity to expand publicly accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must be located outside of but adjacent to the river or greenway setback. When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, the open space must be located outside of but adjacent to the increased setback area;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;
 - (3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 midnight unless otherwise specified by the terms of the easement; and
 - (4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must abut the South Waterfront Greenway Setback Area, as shown on Figure 510-2;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;

- (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
 - (4) Ownership and use. One of the following must be met:
 - The open space and pedestrian connection must be dedicated to the City; or
 - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
 - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.b.(2) and E.5.g.(5) that apply to South Waterfront Greenway subarea 3;
 - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
 - (2) Ownership and use. One of the following must be met:
 - The open space must be dedicated to the City; or
 - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
 - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open

space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and

(5) The bonus floor area may be used only in the South Waterfront subdistrict.

f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$14.30 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:

(1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;

(2) The bonus floor area may be used only in the South Waterfront subdistrict; and

(3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:

a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.

b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

(1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and

(2) Contain a Historic Landmark, Conservation Landmark, or a contributing resource in a Historic District or Conservation District for which the Bureau of Development Services verifies 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- BPOE 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.
- c. Sites eligible to receive floor area:
- (1) Must be zoned RM3, RM4, RX, CX or EX; and
 - (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.
- d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
- e. Exceptions.
- (1) Sending sites with eligible historic resources in a RM3, RM4, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if the receiving site meets the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.
 - (2) Sending sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if the receiving site meets the standards of 33.120.210.D.
2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;
 - b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
 - c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the

deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.510.210 Height

A. Purpose. The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

B. Base height.

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Adjustments to height limits shown on Map 510-3 are prohibited.
2. Exceptions to base height.
 - a. Generally, the minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3. Small wind turbines are subject to the standards of Chapter 33.299.
 - b. However, on portions of a site in a view corridor shown on Map 510-20, minor projections are allowed as follows:
 - (1) If the site is located within a historic or conservation district, the minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3;
 - (2) If the site is located outside of a historic or conservation district:
 - The minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3 when the site is eligible for a height increase. Eligibility for a height increase is shown on Map 510-3. The projection must not extend above the height limit shown on Map 510-4.
 - If the site is not eligible for a height increase, projections above the height limit shown on Map 510-3 are prohibited. Eligibility for a height increase is shown on Map 510-3.

3. Minor projections.
 - a. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth or diameter of 5 feet or less may extend 10 feet above the base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is more than 5 feet wide, deep, or tall, it is subject to the height limit;
 - b. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the base height limit;
 - c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the wall or fence is set back at least 4 feet from the edges of the roof;
 - d. Rooftop mechanical equipment and any required screening for the mechanical equipment, and stairwell enclosures that provide rooftop access may extend above the base height limit as follows. The equipment and enclosures must be set back at least 15 feet from roof edges on street facing facades:
 - (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and
 - (2) Other mechanical equipment, required screening, and stairwell enclosures may extend up to 10 feet above the base height limit if the equipment or enclosures do not cumulatively cover more than 10 percent of the roof area;
 - e. Roof mounted solar panels may extend above the height limit as follows:
 - (1) On flat roofs and on the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and
 - (2) On pitched, shed, hipped or gambrel roofs, solar panels 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; and
 - f. Antennas, power poles and public safety facilities.
- C. Shadow study.** Sites shown on Map 510-3 as requiring a shadow analysis must provide a shadow study that shows that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
- D. Bonus height options.** Bonus height can be achieved through the following options:
 1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus as follows:

- a. In the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.
 - b. In the area located between 150 feet landward of the South Waterfront height reference line shown on Map 510-16 and the western boundary of the subdistrict, buildings earn a height bonus of 125', up to a maximum building height of 250 feet. Adjustments are prohibited.
2. South Waterfront height opportunity area.
- a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
 - Support the growth of an Innovation Quadrant in the Central City;
 - Provide diverse housing opportunities;
 - Support the density goals of the subdistrict while ensuring quality design;
 - Create additional opportunities for visual access through the subdistrict;
 - Promote the development of slender towers with an east-west orientation;
 - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade Range to the east;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
 - Create an urban form that is visually permeable; and
 - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
 - b. Additional building height may be requested as a modification through design review as follows:
 - (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;
 - (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
 - (3) One of the following must be met:
 - The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
 - Floors of the building above 75 feet must be 10,000 square feet in area or less;
 - Adjustments to the standards of this subsubparagraph are prohibited; however, modifications through design review may be requested as follows:
 - A modification to the 25,000 square foot limitation may be requested;

- A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
 - (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;
 - (6) The applicant must contribute \$28.10 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
 - (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.
3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections

above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:

- a. The site must be shown on Map 510-3 as eligible for a height increase;
- b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
 - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b;
 - (3) The riverfront open space bonus option of Subparagraph 33.510.205.C.2.c.;
or
 - (4) The historic resource transfer of Paragraph 33.510.205.D.1.
- c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
 - (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
 - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.
- d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:
 - (1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and

- (2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:
 - The building must not be taller than 175 feet; or
 - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.
- e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:
 - (1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:
 - Provide diverse housing opportunities;
 - Support high quality design;
 - Create additional opportunities for visual access through the area;
 - Promote the development of slender towers with an east-west orientation;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Create open space amenities connecting to the riverfront;
 - Contribute to the area's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the area;
 - Create an urban form that is visually permeable and maintains all protected public views and view corridors.
 - (2) Standard. If the building is taller than 75 feet, the floors of the building above 75 feet must not be more than 10,000 square feet each. Adjustments are prohibited, however modification through design review may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.
 - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
 - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.

3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.
 - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.3.
 - b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Design Review.
 - a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.
 - b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - (1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;
 - (2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and
 - (3) The Parks Bureau approves of the site.

33.510.211 Shadow Study Required

A shadow study is required for new structures that are 100 feet or more in height on sites shown on Map 510-11, and for major remodels to existing structures that increase the height of the existing structure to 100 feet or higher on sites that are shown on Map 510-11. The shadow study must show that the shadow cast by the new or remodeled structure does not cover more than 50 percent of the adjacent open space at 10 am on March 21. Adjacent includes open space located across a right-of-way from the site. Adjustments are prohibited.

33.510.215 Required Building Lines

- A. Purpose.** The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.

- B. Required building line standards.** Major remodeling that includes a residential use is exempt from the required building line standards until January 1, 2029.
1. General Standards. Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
 2. Standards for sites with frontage on a street shown on Map 510-7. New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or
 - b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
 - (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;
 - (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.
 3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or

- b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
 - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
 - (2) Be landscaped in one of the following ways:
 - The proposed landscaping meets the L2 standard;
 - The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.g(5) for subarea 3 of the South Waterfront Greenway Setback Area except that trees are not required; or
 - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge. Sites where this standard applies are exempt from the maximum building setback of the base zone.

33.510.220 Ground Floor Windows

- A. **Purpose.** In the Central City plan district, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level;
 - Avoid a monotonous pedestrian environment; and

- The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.

B. Ground floor windows. The following ground floor window standards apply in the RX, CX and EX zones. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:

1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade. Until January 1, 2029, the standard for development that includes a residential use is 40 percent of the ground level wall area.
2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.223 Bird-Safe Exterior Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.
- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing, including spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered facade has 30 percent or more glazing, including

spandrel glazing, within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.

- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
 2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
 3. The glazed portions of sky bridges or fences.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies and other common areas of the building, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.
- B. Sites and development subject to the ground floor active use standard.** The ground floor active use standards apply on sites with frontage on a street shown on Map 510-9. Standards C.1 and C.3 apply to new development and major remodels. Standard C.2 only applies to new development.
- C. Ground floor active use standards.**
1. Dwelling units are prohibited on the ground floor within 25 feet of the street lot line of a street shown on Map 510-9. Development that includes a residential use is exempt from this standard until January 1, 2029.
 2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of a street shown on Map 510-9, a plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards. Accessory structures are exempt from the standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing façade or wall;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade or wall must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-6. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre).
- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Central City plan district.

33.510.242 Demolitions

In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.510.243 Ecoroofs

- A.** Purpose. Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- B.** Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards. Until January 1, 2029, development that includes a residential use can choose to meet Subsection B. or C. below:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 - b. Areas used for fire evacuation routes;
 - c. Stairwell and elevator enclosures;
 - d. Skylights;
 - e. Solar panels;
 - f. Wind turbines;
 - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;
 - h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
 - i. Uncovered individual unit outdoor area directly accessible to the dwelling unit.
 2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.
- C.** Temporary exception for solar panels. Until January 1, 2029, in the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more that include a residential use can provide solar panels as an option to meeting Subsection B above. The solar panels, including the access space between panels, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:

1. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
2. Areas used for fire evacuation routes;
3. Stairwell and elevator enclosures;
4. Skylights;
5. Wind turbines;
6. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system;
7. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance; or
8. Uncovered individual unit outdoor area directly accessible to the dwelling unit.

33.510.244 Low-Carbon Buildings

- A. Purpose.** The low-carbon building standard encourages development that achieves third party green building certification. Buildings that are third party certified tend to have a lower carbon footprint and increased energy efficiency as compared to buildings that do not have green building certifications. In addition, green buildings help to preserve natural resources and protect the health of occupants.
- B. Low-carbon building standard.** New development with a net building area of at least 50,000 square feet, and alterations to existing development that increase net building area by at least 50,000 square feet must provide a letter from the Bureau of Planning and Sustainability that verifies that the project has registered for a green building certification program, approved by the Bureau of Planning and Sustainability, and has prepared a preliminary description of how the building can achieve the certification.

33.510.250 Additional Standards in the Pearl Subdistrict. Sites in the Pearl subdistrict south of the Fremont Bridge and north of NW Lovejoy Street must meet the following standards:

- A. Special building height.** A special building height corridor shown on Map 510-18 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments to this requirement are prohibited.
- B. Pearl subdistrict waterfront development.**
 1. Purpose. These standards are intended to ensure both physical and visual connections to the river and river-based activities.
 2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Pearl subdistrict.
 3. Development standards.

- a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
- b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Overlay zones; see Chapter 33.475.
- c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
- d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the major public trail.

33.510.251 Additional Standards in the South Waterfront Subdistrict

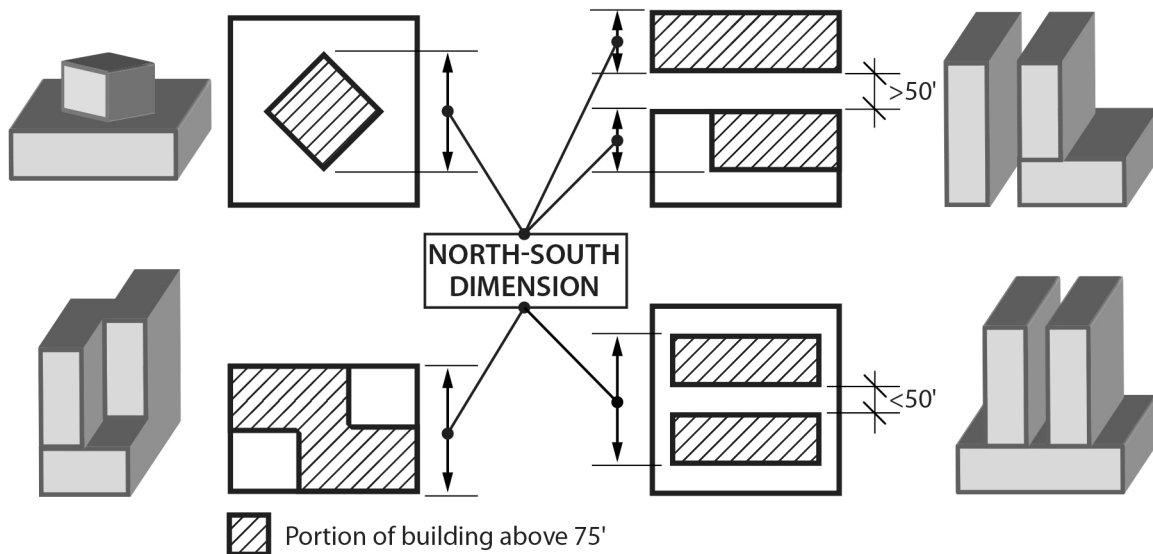
Sites in the South Waterfront subdistrict must meet the following standards.

A. Special building height corridors and tower orientation.

1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.
3. Maximum north-south dimension. The north-south dimension is measured as specified in Subparagraph A.3.e. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:
 - a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
 - b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
 - c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;

- d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
- e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
 - (1) The north-south dimension of a building is measured as follows:
 - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - A line drawn at right angles between the two east-west lines is the north-south dimension;
 - (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

Figure 510-1
Measuring North-South Dimension



B. Accessways.

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Setback Area and provide a transition from the

natural emphasis of the South Waterfront Greenway Setback Area to the urban emphasis of the rest of the district.

2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;
4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.5.g(5) that apply to subarea 3 of the South Waterfront Greenway Setback Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

C. Locker rooms and additional bicycle parking.

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;
2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Exception for existing long-term bicycle parking.
 - a. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.
 - b. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the South Waterfront subdistrict of the Central City plan district.
 - c. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
 - (1) The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;

- (2) The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
- (3) The bicycle parking area does not exceed 500 spaces;
- (4) The bicycle parking must be within 100 feet of a suspended cable transportation system; and
- (5) The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.
2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

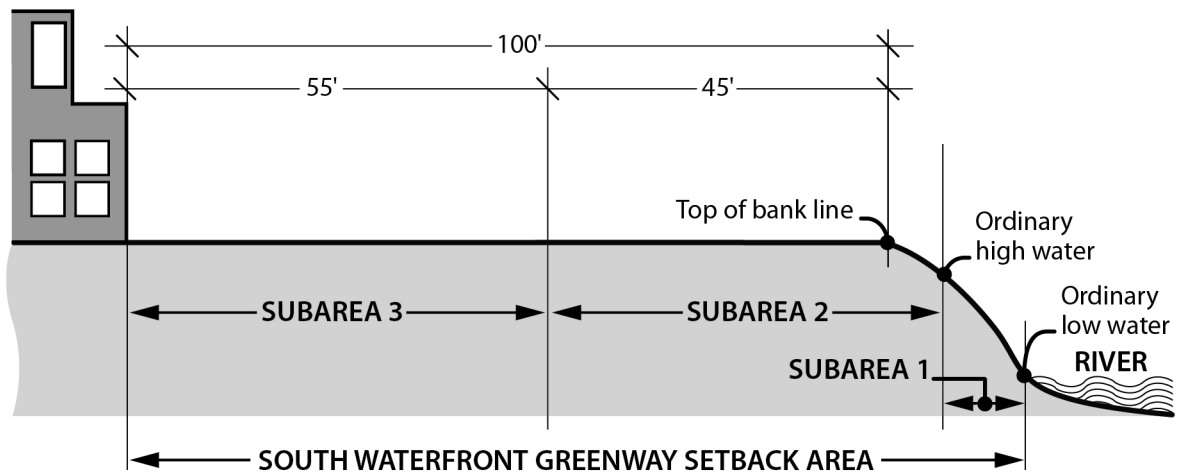
B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

- A. Purpose.** The regulations of this section:
1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
 2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
 3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
 4. Ensure a clean and healthy river for fish, wildlife, and people;
 5. Embrace the river as Portland's front yard;
 6. Enhance stormwater management in the South Waterfront Subdistrict;
 7. Respond to the federal Endangered Species Act and Clean Water Act; and
 8. Implement the Willamette Greenway Plan and State law.
- B. Relationship to other regulations.** Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.
- C. Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



Greenway Setback Area = from ordinary low water to 100' from top of bank line
Subarea 1 = from ordinary low water to ordinary high water
Subarea 2 = from ordinary high water to 45' in from top of bank line
Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

D. Required South Waterfront Greenway Setback Area improvements. Adjustments and modifications to this subsection are prohibited.

1. Required landscaping.

- a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$356,000, the site must be brought into conformance with the landscape requirements of Paragraph E.5.g. that apply to subareas 2 and 3 of the South Waterfront Greenway Setback Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
- (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;

- (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
 - (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
 - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.g, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.g for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.e., and Subparagraph E.5.f. The requirement to provide an access easement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
 - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
 - (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph E.5.g., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

E. Review thresholds and development standards.

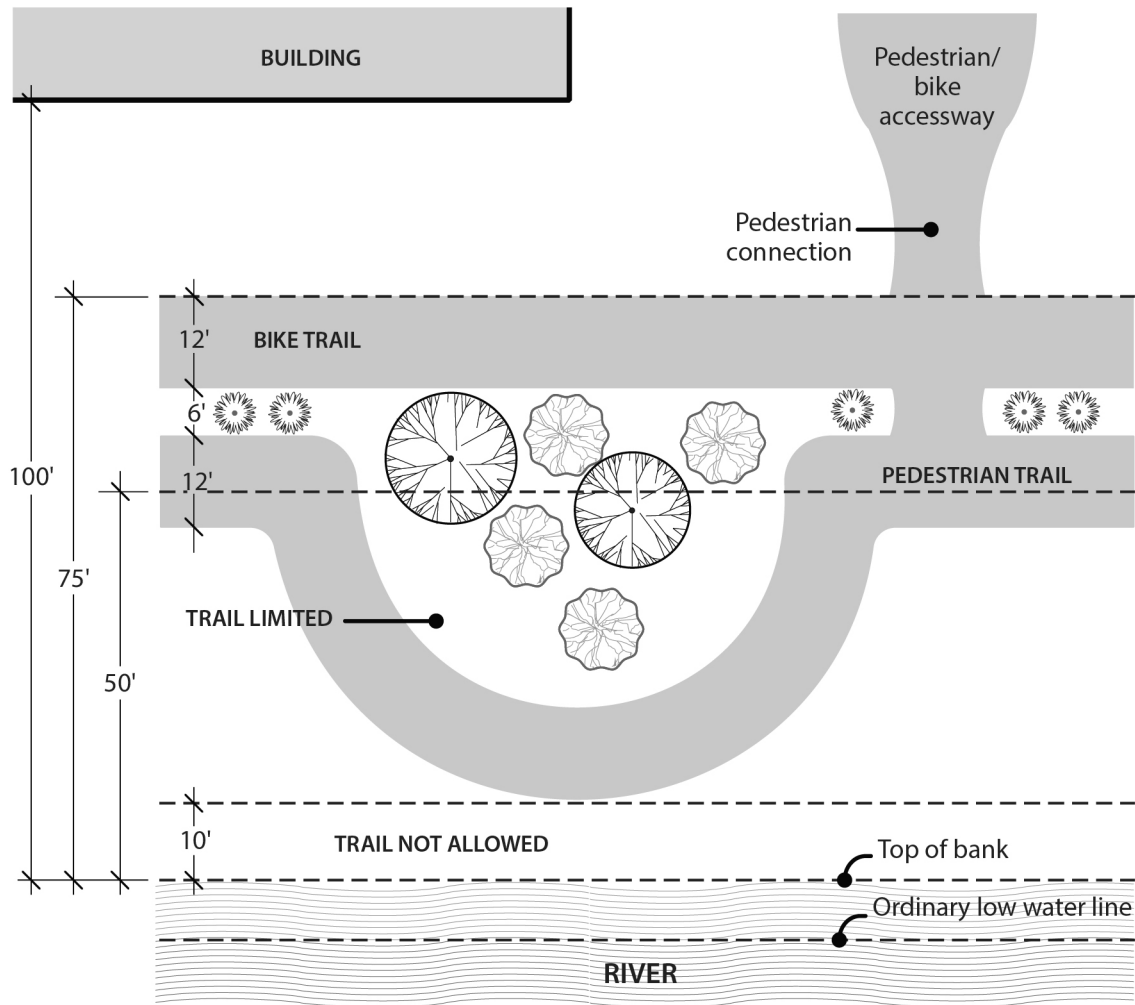
1. Design review. Within the South Waterfront Greenway Setback Area show on Figure 510-2, new development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
2. South Waterfront greenway review. South Waterfront greenway review is required for the following:
 - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 b through E.5.i and are not exempted by Paragraph E.4. South Waterfront greenway review is not required for exterior alterations to nonconforming development in the South Waterfront Greenway Setback Area if the exterior alteration brings the site closer to conformance with the applicable standards in E.5;
 - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.
3. Adjustment review. An adjustment, or modification through design review, is required for new development or exterior alterations that do not meet the standards of Paragraph E.5.j and are not exempted by Paragraph E.4.
4. Exemptions. The following are exempt from this Subsection:
 - a. Changes to the interior of a building;
 - b. Normal maintenance and repair;

- c. Dredging, channel maintenance, and the removal of gravel from the river as follows:
 - (1) Dredging, channel maintenance and the removal of material within the federal navigation channel.
 - (2) Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
 - Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
 - Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
 - (3) The placement of dredged materials within the River General overlay zone is not exempt.
 - d. Emergency procedures necessary for safety or the protection of property.
 - e. Development of public streets identified in the adopted *South Waterfront District Street Plan, Criteria and Standards* are exempt from design review, but not greenway review.
 - f. Planting of native vegetation listed on the Portland Plant List when planted with hand-held equipment or equipment with a wheel surface-to-ground pressure of no more than 7.5 psi.
 - g. Tree removal as follows. Trees removed must be replaced as shown in Table 510-1.
 - (1) Trees on the Nuisance Plants List;
 - (2) Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist;
 - (3) Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan; or
 - (4) In addition to the trees listed above, up to a combined total diameter of 50 inches of non-native, non-nuisance trees.
5. Development standards.
- a. Where these standards apply:
 - (1) Standards E.5.b through E.5.h apply in the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to standards E.5.b through E.5.h are prohibited.
 - (2) The standards in E.5.i apply within the combined flood hazard area and within the South Waterfront Greenway Setback Area shown on Figure 510-2. South Waterfront greenway review is required for proposals that do not meet the standards. Adjustments to the standards in E.5.i are prohibited.

- (3) The standards in E.5.j apply within the River General overlay zone. Adjustments or modifications through design review are allowed for the standards in E.5.j.
- b. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Setback Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
 - (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.f., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line;
 - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
- c. Buildings. Buildings are allowed within the South Waterfront Greenway Setback Area if they meet E.5.c.(1) and (2) and either E.5.c.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Setback Area. Alterations to nonconforming buildings are allowed provided the building and any projections are not expanded within the South Waterfront Greenway Setback Area.
 - (1) The site meets the non-landscaped area requirements under E.5.b., above; and
 - (2) The building does not obstruct required pedestrian connections and trails; and
 - (3) The building is river-dependent or river related; or
 - (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
 - The building has less than 1,000 square feet of floor area;
 - The building is entirely within subarea 3 and not located within the combined flood hazard area; and
 - The building is located landward of the South Waterfront recreational trail.
- d. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Setback Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Setback Area.
- e. Major public trails and pedestrian connections.

- (1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.
- (2) Major public trails. Major public trails must meet the following standards. When required by Subsection D., sites with major public trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.
 - Location. The major public trail must be located in the South Waterfront Greenway Setback Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.b.;
 - Width. The major public trail must consist of two paths, each at least 12 feet in width;
 - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.5.f. The landscaping may be interrupted by public access connections between the two paths;
 - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
 - Connectivity.
 - The major public trail or major public trail easement must connect to the existing major public trails or trail easements on adjacent sites; and
 - The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.
 - Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Trails, must also be met.
- (3) Pedestrian connections. When a major public trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Figure 510-3
South Waterfront Greenway Trail

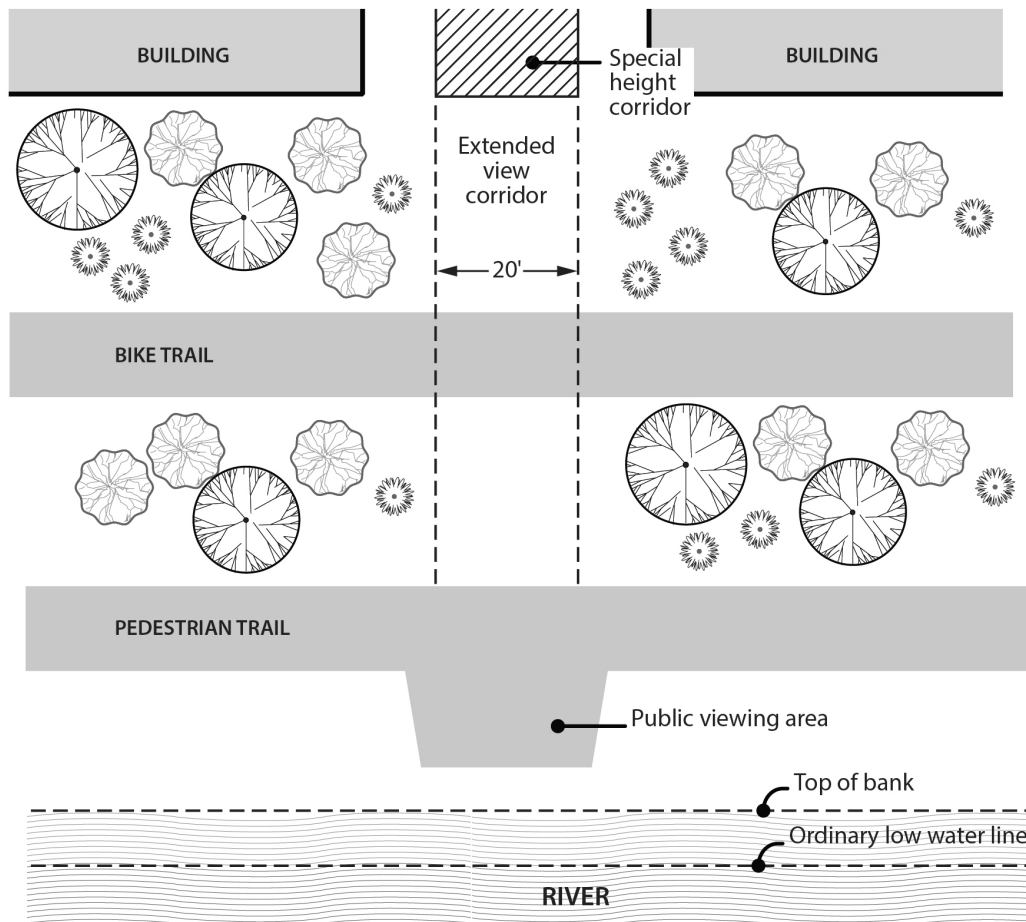


f. Public viewpoints.

- (1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- (2) Viewpoint requirements. A public viewpoint must be provided on sites designated in the Central City Scenic Resources Protection Plan.
 - Sites with a viewpoint designation must provide a viewpoint area that meets the following standards:
 - The viewpoint area must be at least 500 square feet in area;
 - The viewpoint area must abut the Greenway trail or a public access connection must be provided from the Greenway trail to the viewpoint area;

- The viewpoint area and any public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails;
 - Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.
- g. Landscaping.
- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
 - (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.040. However, plants identified in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List* must be removed.

Figure 510-4
Public Viewpoint and View Corridor



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
 - Trees. Trees are not required, but are allowed;
 - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 1 Plant list of the *Portland Plant List* may be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
 - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. At least eight different species must be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Plant list. Except as allowed by (1), (2) and (3), only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. The following plants are prohibited:
 - Plants included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
 - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*.
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- h. Other development. Other development is allowed within the South Waterfront Greenway Setback Area if it meets E.5.h.(1) and (2) and either E.5.h.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.5.b;
- (2) The development does not obstruct required pedestrian connections and trails; and

- (3) The development is located in subarea 3; or
 - (4) The development is river-dependent or river-related.
- i. Trees.
- (1) Trees must be preserved except as follows:
 - Trees on the Nuisance Plants List may be removed;
 - Trees located within 10 feet of existing or proposed buildings and structures attached to buildings may be removed;
 - Trees that exceed the height restriction of a view corridor within special height restrictions designated in the Central City Scenic Resources Protection Plan may be removed;
 - Dead, dying or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or certified arborist may be removed; and
 - In addition to the trees listed above, up to 50 inches of non-native, non-nuisance trees may be removed.
 - (2) Trees removed within the South Waterfront Greenway Setback Area that are 1.5 inches in diameter or greater and trees located in the combined flood hazard area landward of the South Waterfront Greenway Setback Area that are 3 inches in diameter or greater must be replaced as shown in Table 510-1.
 - (3) Replacement trees must meet the following:
 - Replacement trees must be a minimum ½-inch caliper, bareroot or live stakes, unless they are oak or madrone, which may be one gallon size. No more than ten percent of the trees may be oak or madrone. Shrubs must be a minimum of one gallon size or bareroot. All other species must be a minimum of four-inch pots or equivalent; and
 - Replacement trees must not be planted within a view corridor. Planting to replace trees removed from the combined flood hazard area must be within the combined flood hazard area. If the vegetation is not planted on the applicant's site, then the applicant must own the property or possess a legal instrument, such as an easement or deed restriction, that is approved by the City as sufficient to ensure the right to carry out, monitor, and maintain the mitigation.
 - (4) The requirements of Section 33.248.090, Mitigation and Restoration Planting must be met.
 - (5) All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site.

- (6) Temporary disturbance area must be replanted to meet the subarea 3 standards in 33.510.253.F.2.f.(5).

Table 510-1 Tree Replacement in the South Waterfront Greenway Overlay Zone		
Size of tree to be removed (inches in diameter)	Option A (no. of native trees to be planted)	Option B (combination of native trees and shrubs)
At least 1.5 and up to 6	1	Not applicable
More than 6 and up to 20	3	Not applicable
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

j. Exterior lighting.

- (1) Purpose. The standards for exterior lighting are intended to:
- Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along the major public trail, pedestrian connections to the major public trail, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river dependent operations associated with docks.
- (2) General standards. The following standards apply to all exterior lights.
- Exterior lights must not project light upward or to the side of the fixture; and
 - The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials; and
 - Lamps must fall below 3000K or within an S/P ratio range of 1 to 1.2.
- (3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Exterior lights within public streets are exempt from this Subsubparagraph.
- Exterior lights are allowed only if the lights are for the following use or development:
 - Park and Open Area uses;
 - The major public trail or pedestrian connections to the major public trail;
 - Public viewing areas; or
 - River-dependent or river-related development.
 - Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;

- Structures that support exterior light fixtures must be spaced at least 25 feet apart;
- Exterior lights must not project directly into the Willamette River.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.840.200, Greenway Goal Exception.

33.510.255 Central City Master Plans

A. Purpose. A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:

- A development site that has a strong orientation towards transit and multimodal transportation alternatives.
- A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
- A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants, and
- Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm, and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.

B. When a Central City Master Plan review is required.

1. Central City Master Plan review is required for the following types of development in the areas shown on Map 510-19:
 - a. New development; and
 - b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.
2. Exemption. The following are exempt from Central City Master Plan review:
 - a. Development associated with a School use; and
 - b. Development on a lot that is 40,000 square feet or less in total area. This exemption does not apply if the lot is part of a site that is more than 40,000 square feet in total area.

C. Voluntary Central City Master Plan. An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan

review is 160,000 square feet of lot area. There can be more than one lot and more than one site within the boundaries of a voluntary Central City Master Plan.

- D. Flexibility allowed.** An approved Central City Master Plan review allows additional flexibility in the following situations:
1. Floor area may be transferred among sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;
 2. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a site-by-site basis;
 3. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.3; and
 4. Residential uses may be allowed on the sites shown on Map 510-6 as allowing residential uses through a Central City Master Plan.
- E. Review procedure.** A Central City Master Plan is processed through a Type III procedure.
- F. Design advice request.** A design advice request is required prior to submitting an application for a Central City Master Plan review.
- G. Components.** A Central City Master Plan must include the following components:
1. **Boundaries.** The boundaries of the master plan area must be shown on a site plan. For sites where a Central City Master Plan is required, the boundary must include all contiguous lots in common ownership within the area shown on Map 510-19. Contiguous includes lots across a shared right-of-way. Lots in separate ownership may be included, but are not required.
 2. **Proposed urban design and development framework.** The following materials must be included to provide clear visual information about the proposal:
 - a. A site plan showing the following:
 - (1) Location, size, and dimensions of all existing and proposed structures, and the location of all main entrances to existing and proposed buildings;
 - (2) Location, size and dimensions of the building coverage of all proposed structures;
 - (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;
 - (4) Existing and proposed internal pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public rights-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;
 - (5) Existing and proposed location of public rights-of-way;
 - (6) Location of bicycle and vehicle parking; and

- (7) Location, size and shape of all open areas such as parks, plazas, landscaped and hardscaped areas and outdoor recreation amenities including those that are required in 33.510.255.K.
 - b. A three-dimensional massing diagram that identifies the maximum existing and proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and
 - c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.
 3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan involves the transfer of floor area, information about the location of the receiving and sending sites, the ownership of the sites, and amount of floor area to be transferred and retained at each site must be included.
 4. Infrastructure capability. The adequacy of infrastructure must be addressed. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure needs of the development associated with that phase.
 5. Design advice. A copy of the design advice request summary.
- H. Approval Criteria.** A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.
1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;
 2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;
 3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;
 4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;
 5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent

- public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;
6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;
 7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent open space. Internal open areas enhance visual permeability through the site, especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.
 8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern;
 10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development; and
 11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.
 12. The proposal will not have a significant adverse effect on truck and freight movement;
 13. City-designated scenic resources are preserved;
 14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and
 15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.
- I. Amendments to a Central City Master Plan.** Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.
1. Major change. The following major changes are processed through a Type III review:
 - a. Changes to the boundary of the master plan area;

- b. Removing a proposed public right-of-way, or moving a proposed public right-of-way more than 10 feet;
 - c. Removing an open area, or changing the location, dimension, or area of an open area as required by 33.510.255.K by more than 5 percent or 10 feet; or
 - d. Changing a condition of approval of the master plan.
 2. Minor change. A minor change is one that is neither major nor administrative. Minor changes are processed through a Type II review.
 3. Administrative change. Administrative changes are allowed without a land use review. An administrative change meets all of the following:
 - a. The change is consistent with all conditions of the master plan approval and the conditions of any concurrent approval;
 - b. The change meets all development standards not modified by the master plan; and
 - c. Other than the boundary of the master plan, the change does not change any location, quantity, dimension, or area identified in the approved plans or narrative by more than 5 percent or 10 feet. Changes to the boundary of the master plan are a major change.
- J. Duration.** An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires 10 years from the date of the final decision if none of the development or activity allowed by the plan has commenced.
- K. Open area requirement.**
 1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common through the Central City.
 2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, or landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.
 3. Required open area development standards.
 - a. At least 20,000 square feet, or 50 percent, whichever is less, of the required open area must be designed as parks or plazas. At least one of the parks or plazas must have dimensions that allows a 50 foot by 50 foot square to fit entirely within it, and in Central City Master Plan Area 6, shown on Map 510-19, at least one park or plaza must be located directly adjacent to the OS zone.

- b. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.
- c. The open space must meet one of the following tree density standards. Tree canopy sizes are defined in 33.248.030.C.2:
 - (1) A minimum of one tree per 1,000 square feet of park or plaza area is required if all of the trees are small canopy trees; or
 - (2) A minimum of one tree per 2,000 square feet of park or plaza area is required if at least one medium or large canopy tree is provided.
- d. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

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

Parking and Access

33.510.261 Parking Built After July 9, 2018

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
 - 1. **Growth Parking.** Growth Parking. Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.

2. **Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
3. **Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.

C. Organization of parking regulations. This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors. There are maximums for parking in all of the parking sectors. In some cases, Central City Parking Review may be required, while other proposals may need adjustments.

- D. Where these regulations apply.** The regulations of Sections 33.510.261 apply to parking built after July 9, 2018. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.
- E. Sites split by parking sector boundaries.** If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.
- F. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.
 1. **When Growth Parking is allowed.** Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
 2. **Maximum allowed parking.** Growth Parking is limited to the maximum ratios in Table 510-2. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
 3. **Operation.** Growth Parking may be operated as either accessory or commercial parking at all times.

Table 510-2 Maximum Parking Ratios [1]						
Uses	Parking Sectors					
	1 North Pearl	2 North/ Northeast	3 Goose Hollow	4 Core	5 Central Eastside	6 South Waterfront
Household Living	1.2 per dwelling unit	1.2 per dwelling unit	1.2 per dwelling unit	1.2 per dwelling unit	1.2 per dwelling unit	1.2 per dwelling unit
Group Living	1 per 4 bedrooms	1 per 4 bedrooms	1 per 4 bedrooms	1 per 4 bedrooms	1 per 4 bedrooms	1 per 4 bedrooms
Office, Retail Sales And Service, Schools, Colleges, Daycare	1.5	1.35	1.5	1.0	2.0	2.0
Grocery Store	2.0	2.0	2.0	2.0	2.0	2.0
Anchor Retail [2]	1.5	1.5	1.5	1.5	1.5	1.5
Hotel/motel and meeting or conference rooms	1 per hotel/motel room, plus 1 per 1,000 square feet of meeting/conference rooms.					
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	1.0	2.0	1.0	1.0	2.0	1.0
Medical Center	1.5	1.35	1.5	1.5	2.0	2.0
Major Event Entertainment, Commercial Outdoor Recreation, Parks And Open Areas	Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.					
Community Service, Religious Institutions, Theaters, and all other uses	.5	.5	.5	.5	.5	.5

[1] Unless stated otherwise in the table, maximum ratios are per 1,000 square feet of net building area.

[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

G. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with

Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking.

2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-2. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Required covenants. Preservation Parking requires the following covenants:
 - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
 - (1) The owner must specify which buildings the parking is based on;
 - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.
 - b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
 - (1) Covenant:
 - There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
 - A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.
 - (2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

- (3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.
 5. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.
- H. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.
 1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
 2. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
 3. Operation. Visitor Parking is operated as commercial parking, except as follows:
 - a. "Early Bird" discounts are prohibited on weekdays, and
 - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
- I. All parking built after July 9, 2018.** The regulations of this subsection apply to all new parking regardless of type.
 1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
 2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.
 - a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;
 - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking;
 - c. At least twenty percent of the carpool spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger; and
 - d. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.
 3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:

- a. Parking on top of a structure is allowed.
 - b. Up to 100 parking spaces may be on a surface parking lot or in structured parking with no gross building area above it if the parking is for a public school use;
 - c. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:
 - (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;
 - (2) The parking is located in the IH or IG1 zones; and
 - (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.
 - d. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site will be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.
4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to the following standards are prohibited.
- a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson Streets.
 - b. The structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.
 - c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues.
 - d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
 - e. Street-facing facades.
 - (1) Street-facing facades in Parking Sector 6. Within Parking Sector 6, 50 percent of facades that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must be designed to accommodate Retail Sales And Service or Office uses at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
 - (2) Street facing facades in all other Parking Sectors. In all other parking sectors, 50 percent of the street-facing facade must be designed to accommodate

Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
 - a. The number of parking spaces and the amount of net building area on the site.
 - b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
 - (1) Short-term (less than 4 hours);
 - (2) Long-term daily (four or more hours);
 - (3) Average number of monthly permits issued (other than carpool);
 - (4) Number of signed monthly Carpool stalls in the facility; and
 - (5) Number of spaces that include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
 - c. Rate schedule for:
 - (1) Hourly parking;
 - (2) Daily Maximum Rate;
 - (3) Evening Parking;
 - (4) Weekend Parking;
 - (5) Monthly parking;
 - (6) Carpool parking; and
 - (7) Electric vehicle parking if different from above rates
 - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
 - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.

- b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

33.510.262 Parking Built before July 9, 2018

- A. Purpose.** With adoption of the Central City 2035 Plan, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, operation restrictions have been reduced.

The new regulations do not supersede other types of approvals such as existing Preservation Parking covenants, design review and adjustments.

- B. Where these regulations apply.** These regulations apply to all parking that legally existed on July 9, 2018. The regulations also apply to all parking where a complete application was received before July 9, 2018, or parking that received either a land use or building permit before July 9, 2018.

- C. Assignment of parking types.** The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if not assigned below the parking is Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with a particular development.

1. If the parking was built as Growth Parking it continues to be Growth Parking.
2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
5. All other parking is Undedicated General Parking.

- D. Operation.**

1. If the parking is in a structure:
 - a. Growth and Preservation parking may operate as accessory or commercial parking.
 - b. Visitor Parking is operated as commercial parking except as follows:
 - (1) "Early Bird" discounts are prohibited on weekdays, and
 - (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
 - c. Undedicated General Parking is subject to all previous conditions of approval.
2. If the parking is on a surface parking lot:
 - a. Growth Parking:

- (1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:
 - Monthly permits are only allowed for residents and employees of the subdistrict;
 - Hourly and daily parking is prohibited; and
 - (2) Growth Parking that was operating as RX Zone Parking on July 9, 2018 must operate as accessory to a Residential use.
- b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, Preservation parking that operates as commercial parking is subject to the following limitations:
- (1) Monthly permits are only allowed for residents and employees of the subdistrict; and
 - (2) Hourly and daily parking is prohibited.
- c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.
- E. Changes.** Changes to parking regulated by this Section are regulated as follows.
1. Changes that would be prohibited if requested for new parking are prohibited.
 2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.
 3. Changes in conditions of approval requires Central City Parking Review.
 4. An increase in the number of spaces for all other parking types is subject to the regulations of Section 33.510.261.
 5. An increase in the number of spaces for Undedicated General Parking is prohibited.
 6. An increase in site area devoted to surface parking is prohibited.
- F. Operation reports.** The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
1. The number of parking spaces and the amount of net building area on the site.
 2. A description of how the parking spaces were used in the following categories.
Percentage of parking used for:
 - a. Short-term (less than 4 hours);
 - b. Long-term daily (four or more hours);
 - c. Average number of monthly permits issued (other than carpool),
 - d. Number of signed monthly Carpool stalls in the facility; and

- e. Number of spaces that include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
3. Rate schedule for:
 - a. Hourly parking;
 - b. Daily Maximum Rate;
 - c. Evening Parking;
 - d. Weekend Parking;
 - e. Monthly parking;
 - f. Carpool parking; and
 - g. Electric vehicle parking if different from above rates.
 4. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

33.510.263 Parking and Loading Access

The regulations of this section apply to all parking and loading access.

A. Purpose. The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.

B. Parking and loading access standards.

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
 - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
 - c. On SW Park between SW Jackson Street and SW Salmon Street;
 - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
 - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;

- f. On 1st Ave between NW Davis Street and SW Stark Streets;
 - g. On 1st Ave between SW Washington and SW Yamhill Streets; and
 - h. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area, loading area, or parking structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.
2. Unless addressed by Paragraph B.1., motor vehicle access to any parking area, loading area, or parking structure is not allowed in the following situations:
 - a. To or from any of the following streets:
 - (1) Major City bikeway;
 - (2) Major City Traffic Street;
 - (3) Major Truck Street; and
 - (4) Major Transit Priority Street.
 - b. To or from any parking area, loading area, or parking structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking or loading access measured from the property line.
 3. All other streets. Motor vehicle access to any parking area, loading area, or parking structures is allowed.

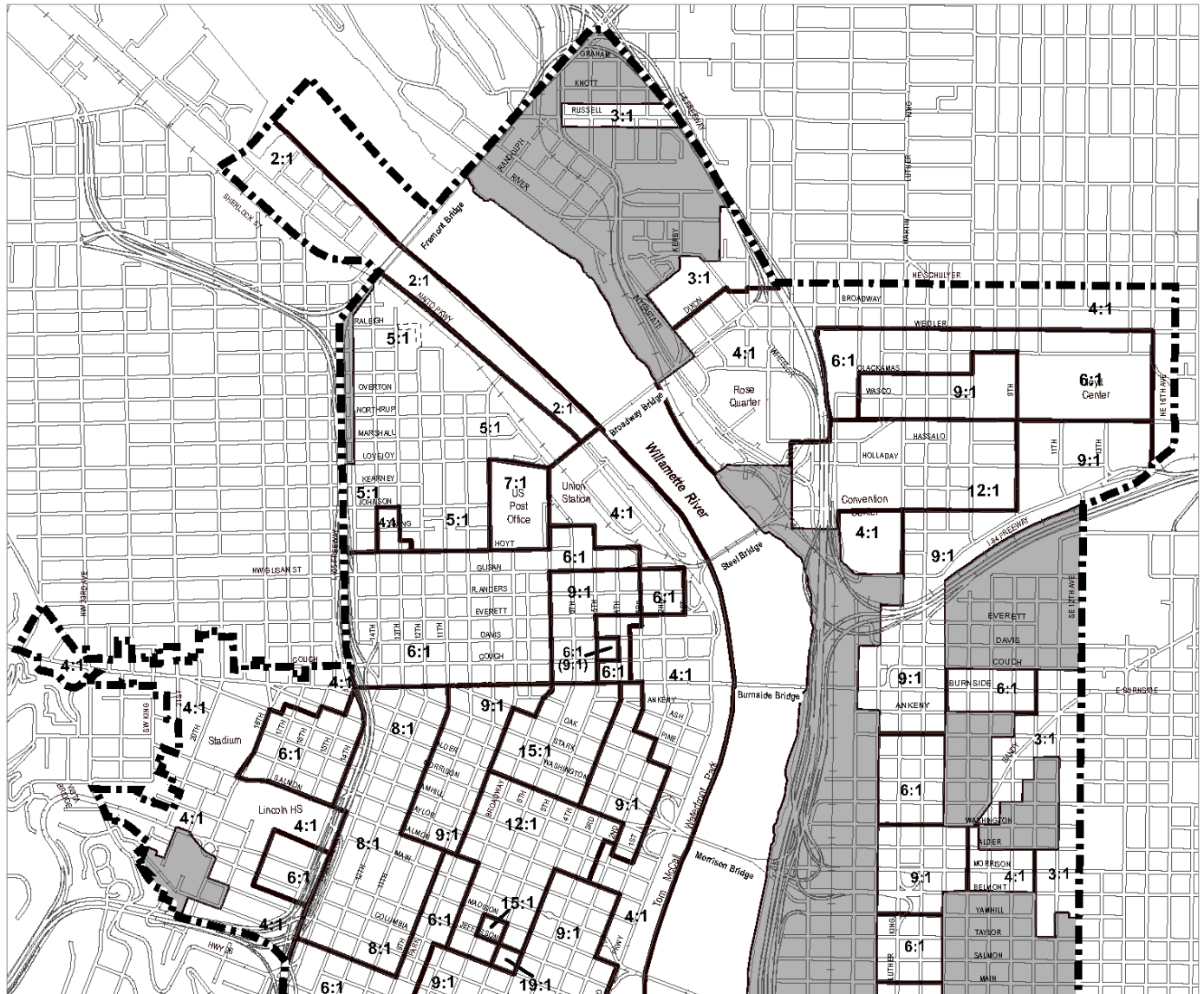
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Maximum Floor Area Ratios






Map 510-2

Map 1 of 2

Map Revised August 10, 2020

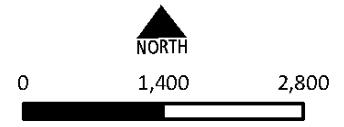


Legend

-  Central City Plan District boundary
-  Maximum FAR area boundary
-  Area where floor area ratio (FAR) is determined by base zone
-  Proposed right-of-way
-  Proposed accessway

X:Y Maximum FAR
 X = Gross square foot of building
 Y = Square foot of site

(X:Y) Residential required
 see 33.510.200.C.2.



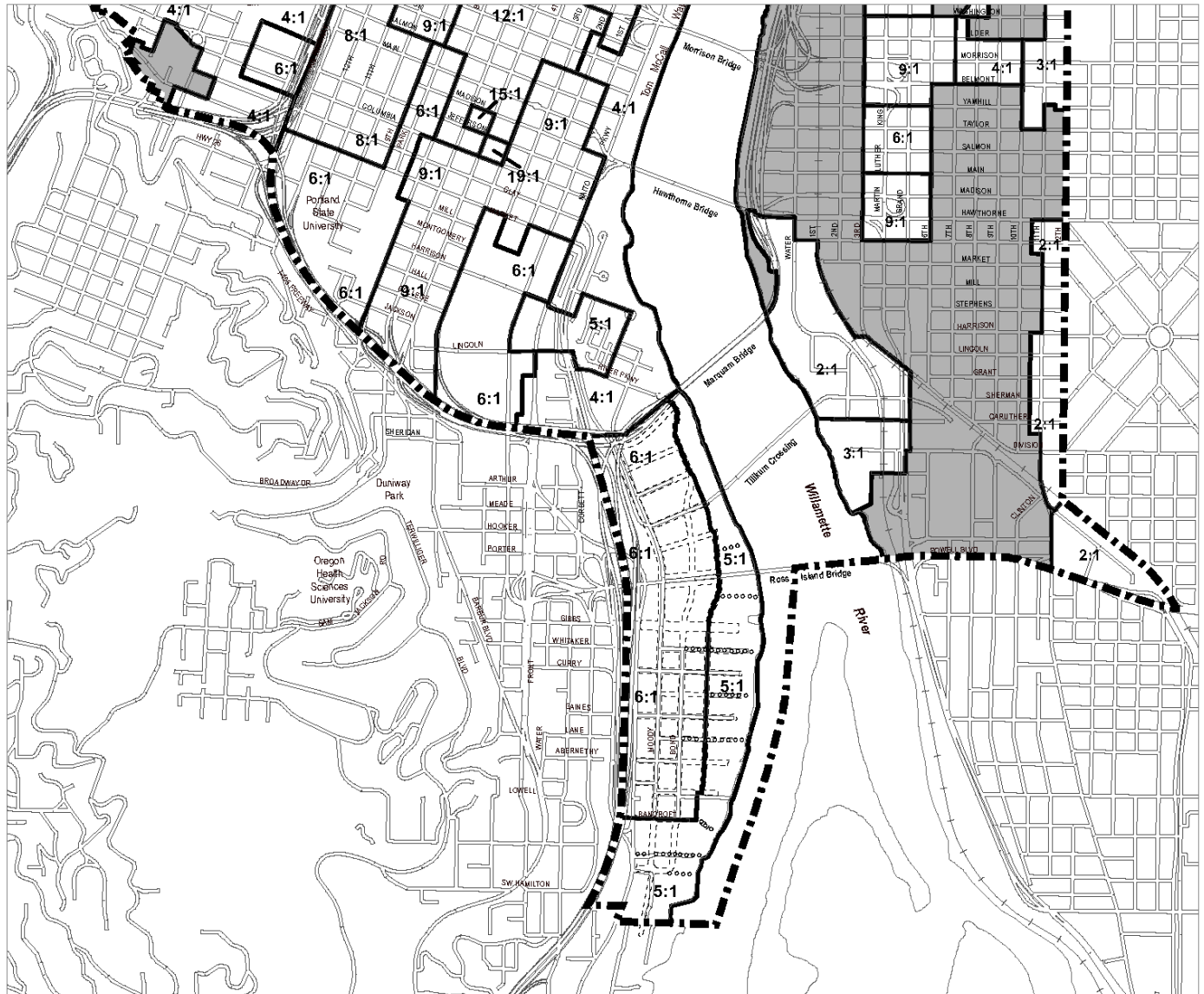
Scale in Feet
 Bureau of Planning and Sustainability
 Portland, Oregon

Maximum Floor Area Ratios






Map 510-2

Map 2 of 2

Map Revised September 11, 2020

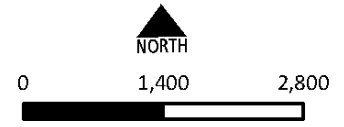


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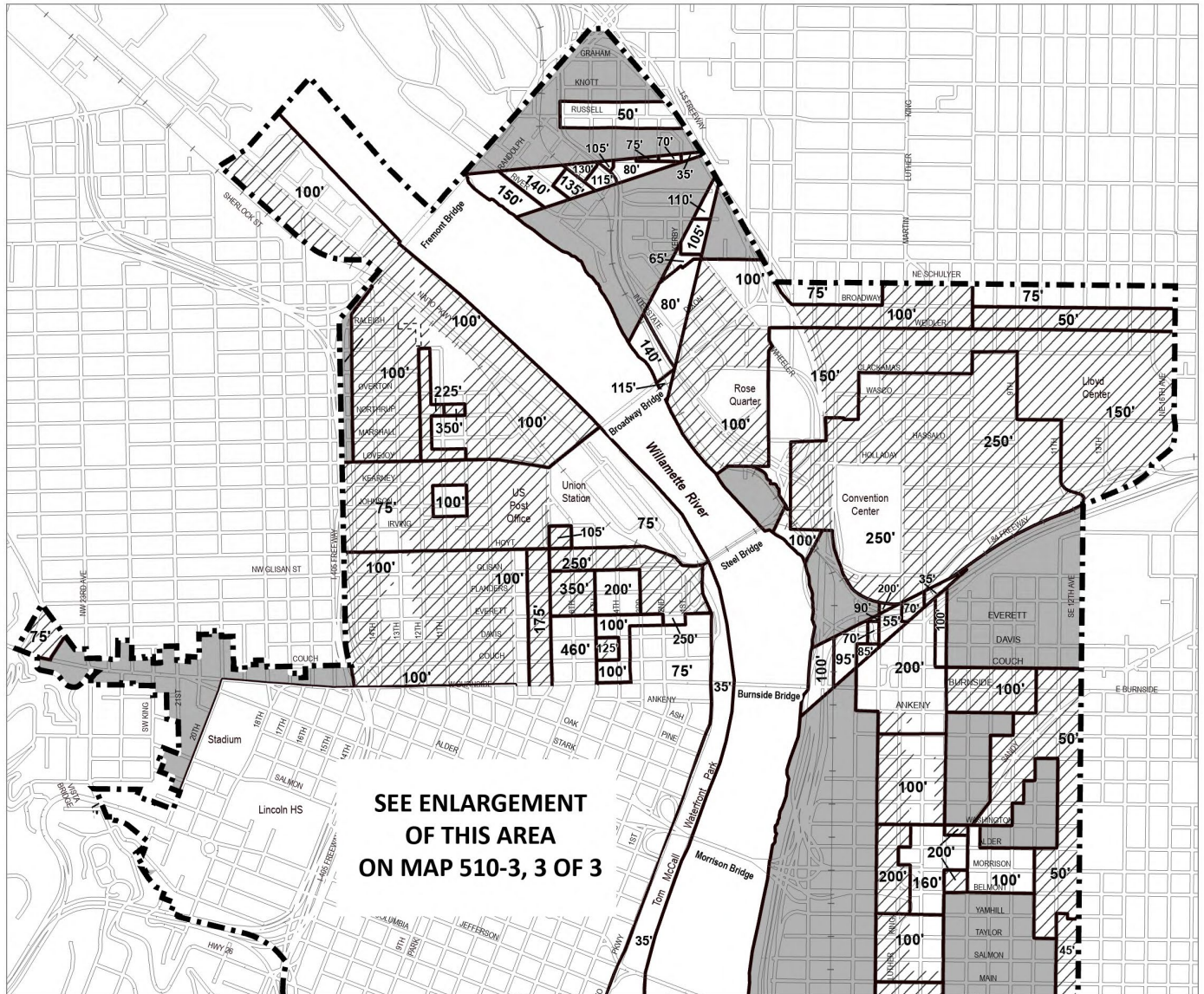
-  Central City Plan District boundary
-  Maximum FAR area boundary
-  Area where floor area ratio (FAR) is determined by base zone
-  Proposed right-of-way
-  Proposed accessway

X:Y Maximum FAR
 X = Gross square foot of building
 Y = Square foot of site









(X:Y) Residential required
 see 33.510.200.C.2.



Scale in Feet
 Bureau of Planning and Sustainability
 Portland, Oregon



Legend

-  Central City Plan District boundary
-  Base building height
-  Areas where height is determined by base zone
-  Proposed right-of-way
-  Proposed accessways
-  Area eligible for height increase
-  Base height limit of 75' for first 125 feet from top of bank
-  Areas where a shadow analysis is required



0 1,400 2,800



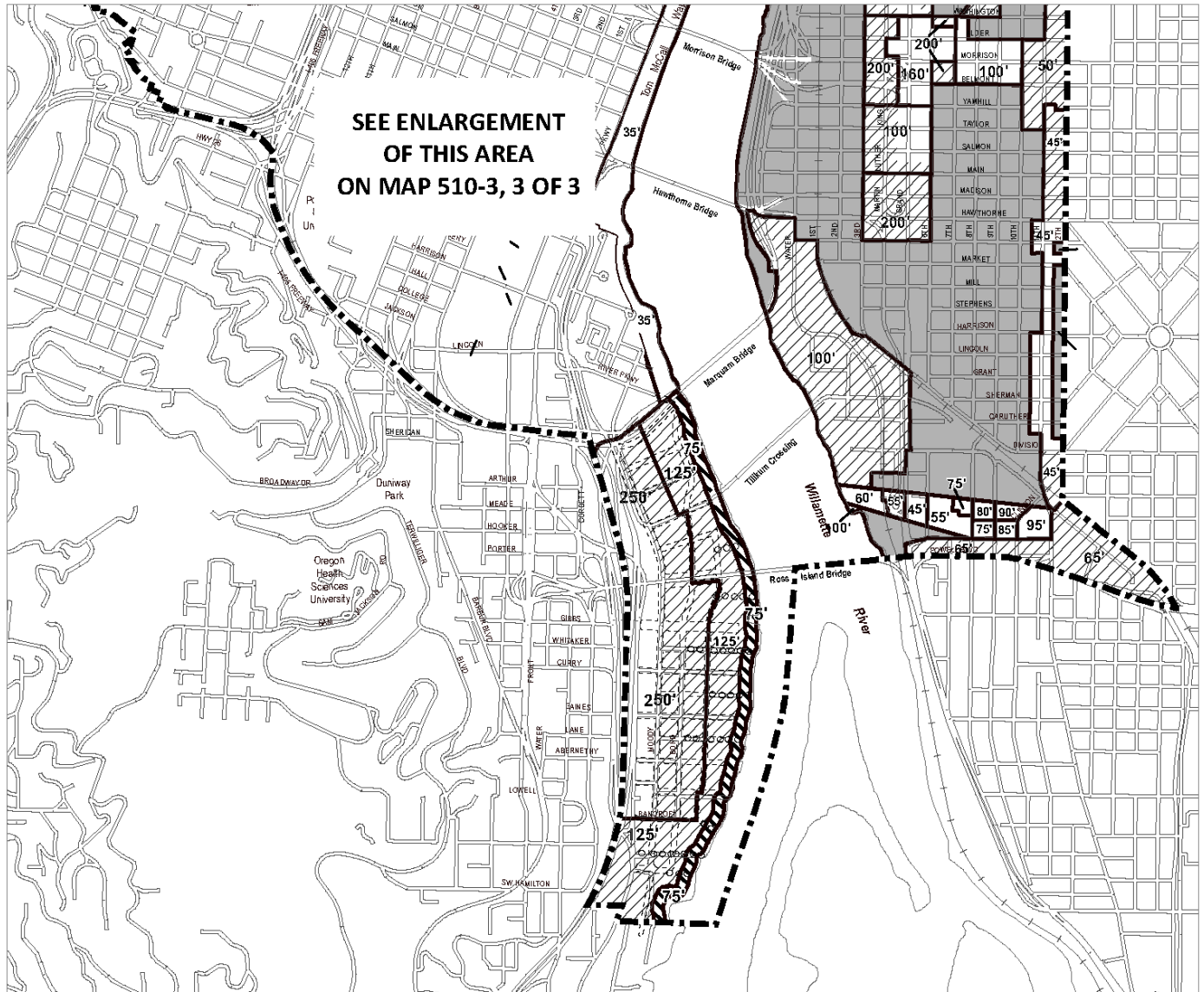
Scale in Feet

Base Heights

Map 510-3

Map 2 of 3

Map Revised August 10, 2020



Legend



Central City Plan District boundary



Base building height



Areas where height is determined by base zone

Proposed right-of-way

Proposed accessways



Area eligible for height increase



Base height limit of 75' for first 125 feet from top of bank



Areas where a shadow analysis is required



0 1,400 2,800

Scale in Feet

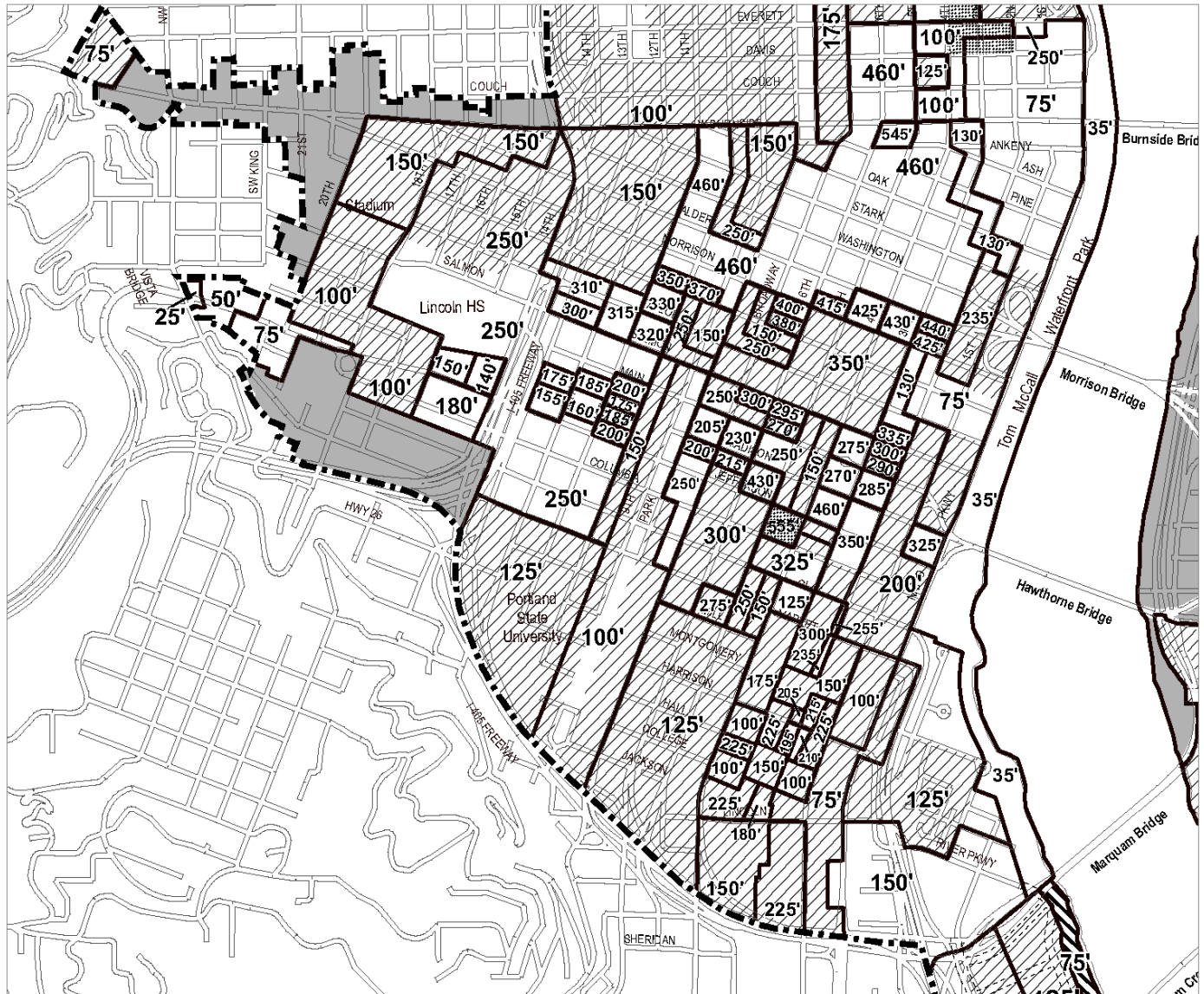
Bureau of Planning and Sustainability
Portland, Oregon

Base Heights

Map 510-3

Map 3 of 3

Map Revised August 10, 2020



Legend



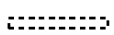
Central City Plan District boundary



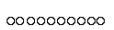
Base building height



Areas where height is determined by base zone



Proposed right-of-way



Proposed accessways



Area eligible for height increase



Base height limit of 75' for first 125 feet from top of bank



Areas where a shadow analysis is required



NORTH

0 1,000 2,000

Scale in Feet

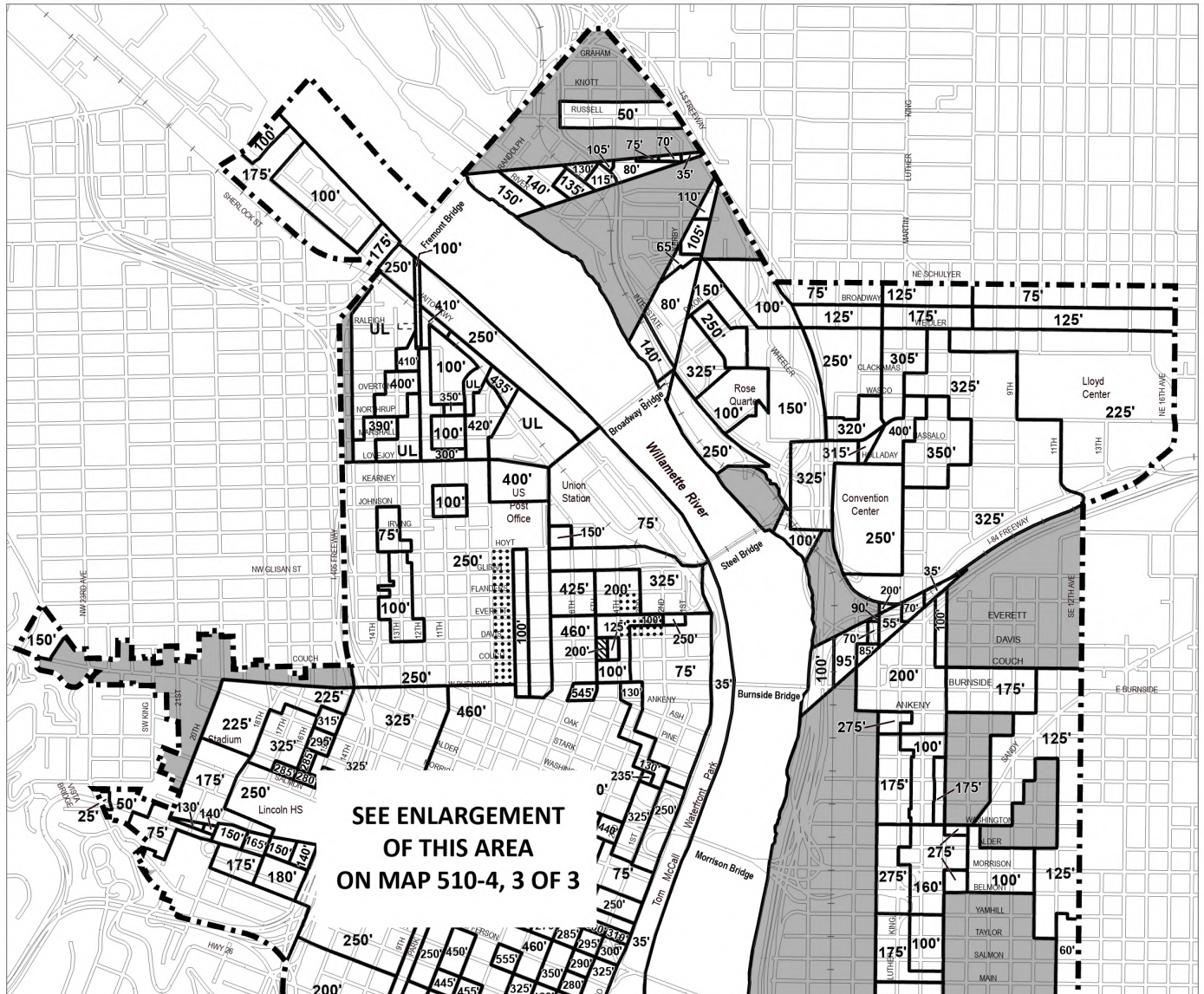
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Bonus Heights










Map 510-4

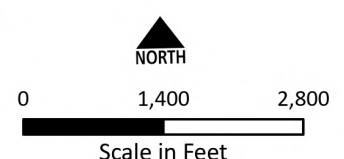
Map 1 of 3

Map Revised October 1, 2024

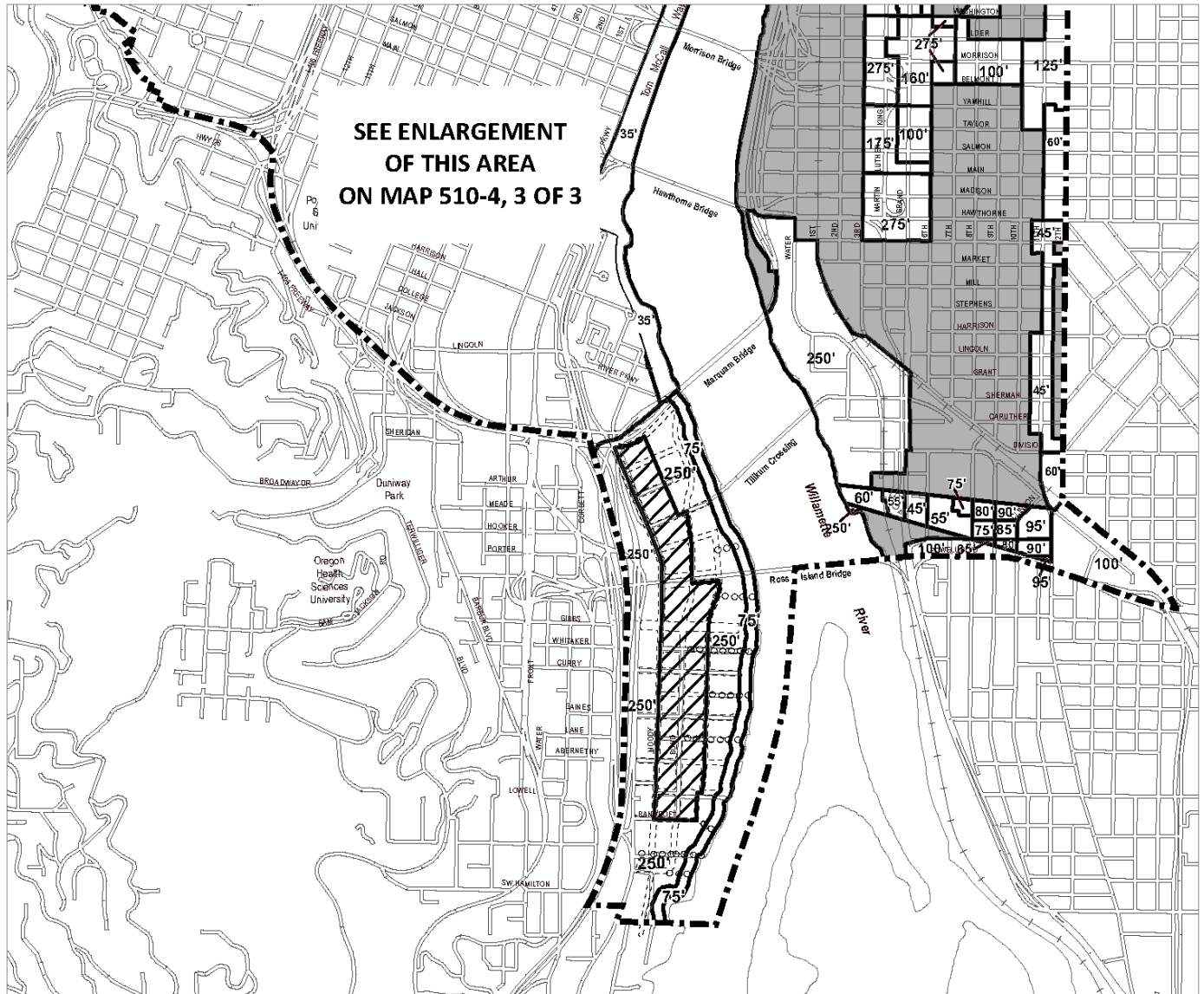


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







-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Area where residential required
-  Proposed right-of-way
-  Proposed accessways
-  Unlimited height allowed
-  Areas where a shadow analysis is required
-  Area eligible for additional height under 33.510.210.D.2

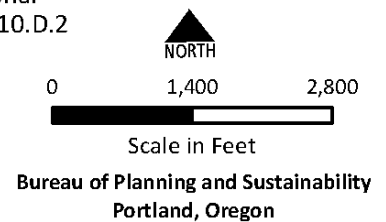


Bureau of Planning and Sustainability
Portland, Oregon



Legend

-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Area where residential required
-  Proposed right-of-way
-  Proposed accessways
-  Unlimited height allowed
-  Areas where a shadow analysis is required
-  Area eligible for additional height under 33.510.210.D.2



Bonus Heights







Map 510-4




Map 3 of 3

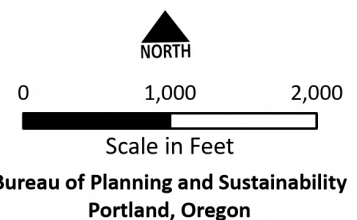
Map Revised October 1, 2024



Legend

-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Area where residential required
-  Proposed right-of-way
-  Proposed accessways

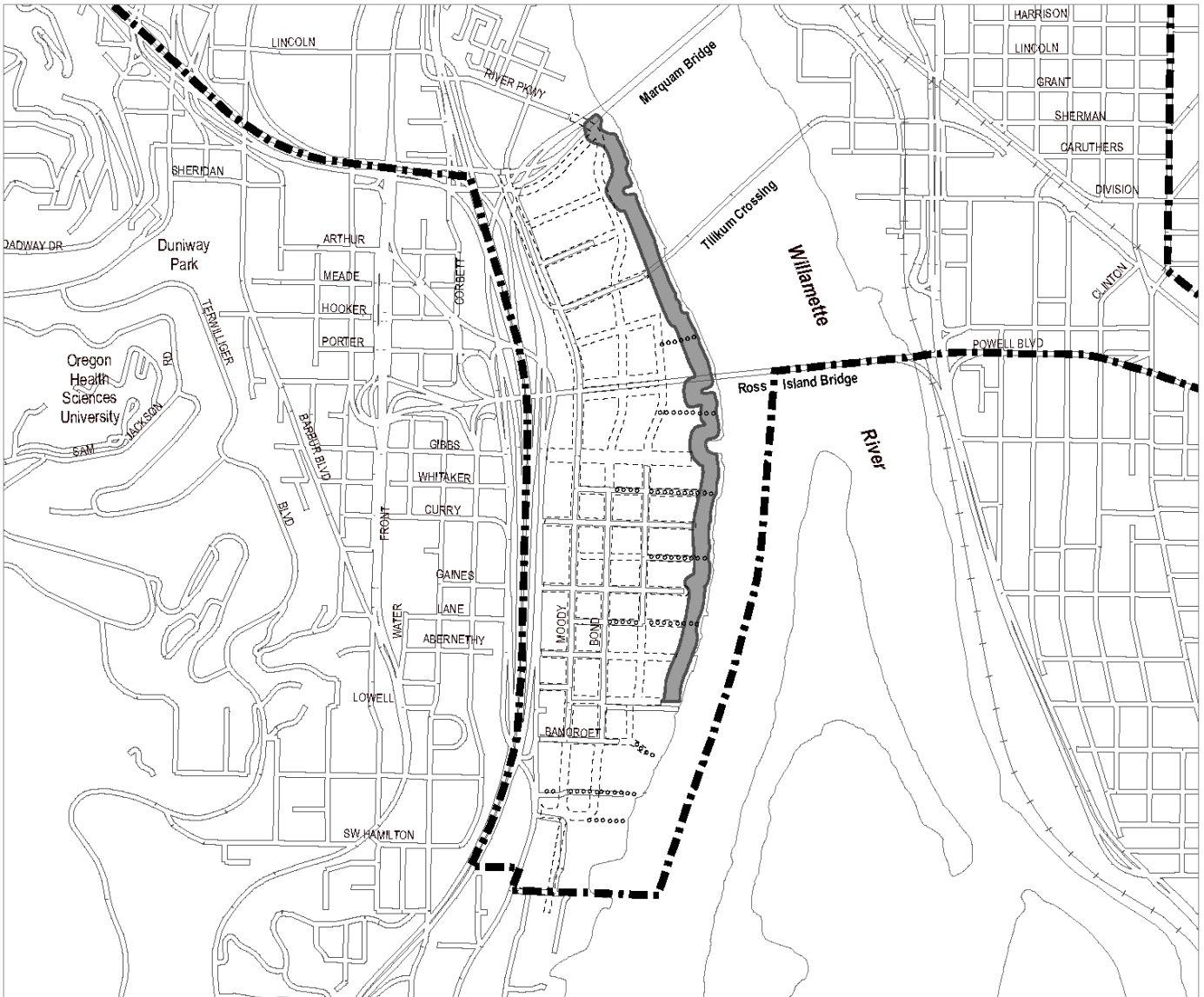
-  Unlimited height allowed
-  Areas where a shadow analysis is required
-  Area eligible for additional height under 33.510.210.D.2 and 33.510.210.D.3.e



Greenway Bonus Target Area

Map 510-5

Map Revised August 10, 2020



Legend



Central City Plan District boundary



Greenway bonus target area extends 150' back from top of bank

Proposed right-of-way

Proposed accessway



0 1,000 2,000



Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.526 Gateway Plan District

526

Sections:

General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Project Consultation

Use Regulations

- 33.526.100 Purpose
- 33.526.110 Prohibited Uses
- 33.526.120 Retail Sales and Service and Office Uses

Development Standards

- 33.526.200 Purpose
- 33.526.210 Building Height
- 33.526.220 Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- 33.526.240 Open Area
- 33.526.250 Connectivity
- 33.526.260 Pedestrian Standards
- 33.526.270 Entrances
- 33.526.280 Enhanced Pedestrian Street Standards
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

33.526.020 Where These Regulations Apply

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

33.526.030 Early Project Consultation

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, the Bureau of Development Services, the Portland Development Commission, the Portland Bureau of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

Use Regulations

33.526.100 Purpose

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

33.526.110 Prohibited Uses

- A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.

- B. Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles is prohibited on the portion of a site within 200 feet of a light rail alignment. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere, are allowed.

33.526.120 Retail Sales and Service and Office Uses

- A. On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of net building area for each use.
- B. On sites in the EG1 zone, Retail Sales and Service uses are allowed up to 5,000 square feet of floor area for each use, up to a total of 20,000 square feet, or the square footage of the site, whichever is less.
- C. On portions of sites zoned Institutional Residential, IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of net building area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of net building area for each use are prohibited.
- D. On sites in the RX zone, Retail Sales And Service and Office uses are allowed as follows. Adjustments to the regulations of this paragraph are prohibited.
 - 1. Commercial uses in new residential development.
 - a. Up to 40 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - b. On the portion of a site within 1/4 mile of a Transit Station, up to 50 percent of the net building area of a new residential building may be in Retail Sales And Service or Office uses.
 - 2. Commercial uses in existing residential buildings. Up to 40 percent of existing net building area in a building that is totally residential may be converted to Retail Sales And Service or Office uses. The conversion may not result in a net loss in the number of dwelling units on the site.

Development Standards

33.526.200 Purpose. The development standards foster an intense mixed-use urban character with a high quality pedestrian environment and an interconnected, dense street grid.

They do this by:

- Promoting the Enhanced Pedestrian Streets as the primary pedestrian routes in the plan district and focusing more active uses and pedestrian amenities on these streets;
- Increasing the development potential throughout the district and focusing the most intense development potential around the light rail stations;
- Discouraging development, such as exterior display and storage and drive-throughs, that adversely affect the pedestrian environment;
- Requiring larger sites within the plan district to provide connectivity, open space and a mixture of uses; and

- Ensuring an attractive transition between the higher density zones within the plan district and the adjacent single-dwelling residential zones.

33.526.210 Building Height

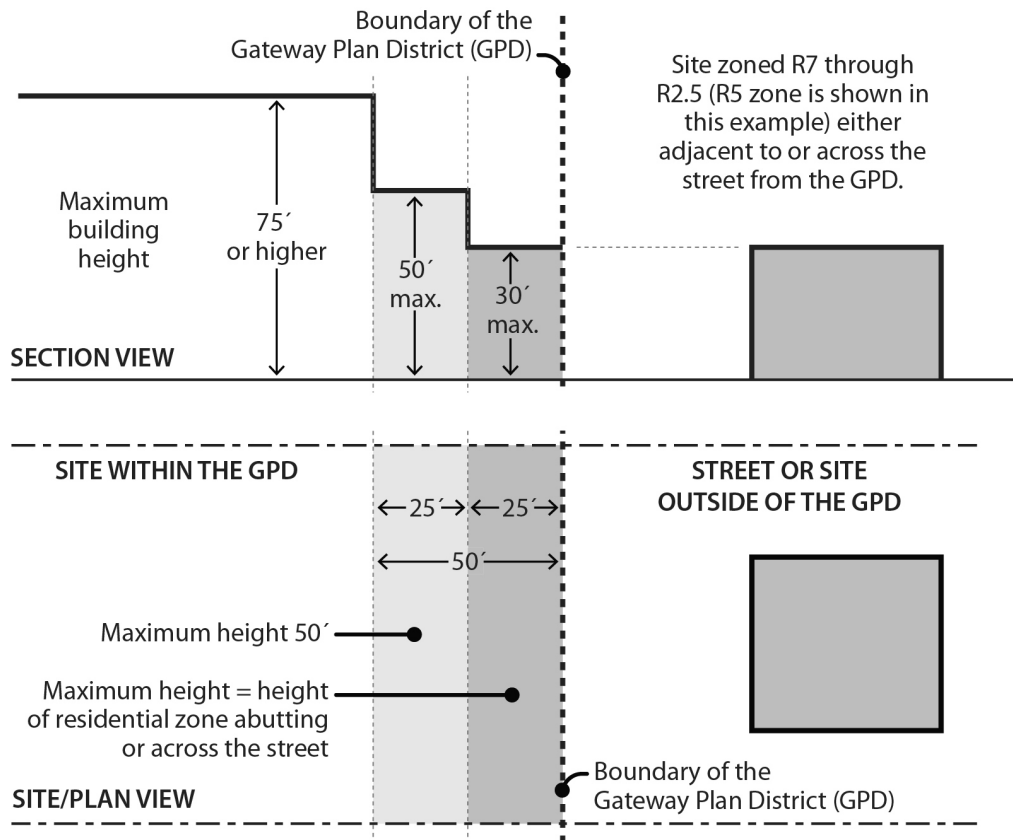
- A. Purpose.** These regulations encourage intense development throughout the plan district, with the highest level of intensity occurring around the light rail stations. This increased development opportunity reinforces Gateway's role as a regional center. In addition, the regulations reduce adverse effects on adjacent single dwelling zones by creating a step-down of building heights at the edge of the plan district.
- B. Maximum building height.** The maximum building heights are shown on Map 526-2, except as specified in Subsection C. Heights greater than shown on Map 526-2 are prohibited unless allowed by Section 33.526.230.
- C. Transition at edges of plan district.**
1. Where these regulations apply. The regulations of this subsection apply to sites that have a maximum building height of 75 feet or more and either:
 - a. Abut a site zones R7 through R2.5 that is not in the plan district; or
 - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the plan district.
 2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
 - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
 3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 526-1:
 - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
 - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

33.526.220 Floor Area Ratio

- A. Purpose.** These regulations encourage intense development throughout the plan district with a higher level of intensity occurring around light rail stations. This increased development reinforces Gateway's role as a regional center. In addition, the standards ensure a minimum level of development on some sites.
- B. Maximum floor area ratio.** The maximum floor area ratios (FAR) allowed are shown on Map 526-3 at the end of this chapter.

- C. **Minimum floor area ratio.** The minimum floor area ratio (FAR) for new development is shown on Map 526-3.
- D. **Limit on increased floor area.** Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

Figure 526-1
Height Limits on Sites Abutting R7 – R2.5 Zones



33.526.230 Floor Area and Height Bonus Options

- A. **Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.
- B. **General regulations.**
 1. **Eligible sites.** The inclusionary housing and Affordable Housing Fund bonus options may be used in the multi-dwelling, commercial, EX, and CI2 zones in the Gateway plan district. The other bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan.
 2. **New floor area.** Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.

3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
 4. Maximum floor area increase. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.526.220.D.
 5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.
- C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.
1. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. 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.
 2. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .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
 - b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and 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 option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
 3. Open Space bonus option. Proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of one square foot of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - a. Size and dimensions. The open space must include at least 5,000 square feet of contiguous area;

- b. Ownership and use. One of the following must be met:
 - (1) The open space must be dedicated to the City, subject to paragraph 2.d.; or
 - (2) A public access easement must be provided that allows for public access to and use of all the open space;
 - c. Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features, and that meets the requirements of 33.700.060, Covenants with the City; and
 - d. Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau.
4. Eco-roof bonus option. Eco-roofs are encouraged in the Gateway Regional Center because they reduce stormwater run-off, counter the increased heat of urban areas, and provide habitat for birds. An eco-roof is a rooftop stormwater facility that has been certified by the Bureau of Environmental Services (BES).
- a. Bonus. Proposals that include eco-roofs receive bonus floor area as follows:
 - (1) Where the total area of the eco-roof is at least 10 percent but less than 30 percent of the building's footprint, each square foot of eco-roof earns one square foot of additional floor area.
 - (2) Where the total area of the eco-roof is at least 30 percent but less than 60 percent of the building's footprint, each square foot of eco-roof earns two square feet of additional floor area.
 - (3) Where the total area of the eco-roof is at least 60 percent of the building's footprint, each square foot of eco-roof earns three square feet of additional floor area.
 - b. Before an application for a land use review will be approved, the applicant must submit a letter from BES certifying that BES approves the eco-roof. The letter must also specify the area of the eco-roof.
 - c. The property owner must execute a covenant with the City ensuring installation, preservation, maintenance, and replacement, if necessary, of the eco-roof. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
- D. General bonus heights.** Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.
- 1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;

2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
 - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
 - a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
 - b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
 - c. For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

E. Bonus height option for housing.

1. Generally. In the areas eligible for bonus height shown on Map 526-5, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.
2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be exclusively for housing.
3. Approval criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:
 - a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and
 - b. The increased height will result in a project that better meets the applicable design guidelines.

33.526.240 Open Area

- A. Purpose.** The open area requirement ensures provision of adequate amounts of open area, including light and air, for those who live, work and visit the Gateway plan district. Open area can provide passive or active recreational opportunities, and help to soften the built

environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.

- B. Calculations.** For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;
- C. Where these regulations apply.** The requirements of this section apply to sites 5 acres or more in area.
- D. Additions of floor area to the site.** The requirements of this subsection apply to sites where the proposal will result in an increase of at least 10,000 square feet of floor area on the site. The applicant may choose from the three options below:
 - 1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children’s play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site’s pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must measure at least 20 feet in all directions.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.
 - 2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. The area that will be used to meet this requirement must be:
 - (1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (2) Under the applicant’s control; and
 - (3) Vacant or used for surface parking.
 - b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.

- c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.
 3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:
 - a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;
 - b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.
- E. Land divisions.** The standards and approval criteria of this subsection apply to sites where a land division is proposed:
 1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.
 2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.
 - a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.
 - b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.
 - (1) If the open area requirement will be met on the lot, the applicant must specify the location.
 - (2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.
 - (3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs D.2 or D.3 must be met:
 - c. If the requirements of this paragraph will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the open area, what the extent of the improvements will be, and who will be responsible for the improvements and maintenance of the improvements. The following additional approval criteria must also be met:

- (1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet requirements of Subparagraphs D.1.b. through D.1.e;
- (2) Improvements. The proposed improvements must be consistent with the purpose of this section; and
- (3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

33.526.250 Connectivity

- A. Purpose.** The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Gateway Master Street Plan and improves vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those most sensitive to the lack of direct connections.
- B. Where these regulations apply.** The requirements of this section apply to all sites in the plan district.
- C. Requirements.**
 1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Gateway Master Street Plan in the Transportation Element of the Comprehensive Plan.
 2. Proposed development that may obstruct new street alignments as identified in the Gateway Master Street Plan is regulated by Chapter 17.88.

33.526.260 Pedestrian Standards

- A. Purpose.** These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.
- B. Standards.**
 1. All sites in the plan district are subject to the Pedestrian Standards of Paragraph 33.130.240.B.1. through 3.
 2. Generally, development must meet either B.2.a. or B.2.b. On sites with frontage on an Enhanced Pedestrian Street shown on Map 526-4, standard B.2.b. must be met along the Enhanced Pedestrian Street frontage, except where there has been a school use on the site since 2004, in which case either B.2.a. or B.2.b. can be met.
 - a. Landscaped. A landscape buffer must be provided when a building or exterior improvement is setback at least 5 feet from a street lot line. The entire area

between the building or exterior improvement and the street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;

- b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. If the area is greater than three feet deep, then the area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback.
3. Bicycle parking may be located in the area between a building and a street lot line.

33.526.270 Entrances

- A. **Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. **Where these regulations apply.** In RM2, RM3, RM4, RX, C, E, and CI zones, buildings must meet the standards of Subsection C., below.
- C. **Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:
 1. Face a public street or light rail alignment;
 2. Be within 15 feet of the public street or light rail alignment it faces;
 3. Be oriented to nearby transit facilities as follows:
 - a. If a site abuts a light rail alignment along East Burnside Street, the main entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
 - b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
 - c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.

- d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45 degree angle to both streets or within 25 feet of the corner along either transit street.

33.526.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment along key streets in the Gateway plan district. The standards help maintain an urban character along the Enhanced Pedestrian Streets by reinforcing the continuity of pedestrian-oriented, active ground-level uses and strengthening the relationship between those uses and the pedestrian environment. Active uses include but are not limited to: lobbies, retail, residential, commercial, and office. Together with the ground floor window, entrance, and pedestrian standards, the Enhanced Pedestrian Street standards foster an efficient, safe, and interesting route for pedestrians to move through the Gateway plan district.
- B. Where these regulations apply.** Except as follows, the standards of this section apply to new development and alterations to existing development that add at least 40,000 square feet of net building area on sites that abut an Enhanced Pedestrian Street shown on Map 526-4. The following are exempt from the standards.
 1. Development in the RM1, RM2, and RM3 zones;
 2. Development where there has been a school use on the site since June 18, 2004; and
 3. Accessory structures.
- C. Required building lines.** Either Paragraph C.1. or C.2., must be met. This standard only applies along the Enhanced Pedestrian Street. Exterior walls of buildings designed to meet the requirements of this subsection must be at least 15 feet high. Sites where this standard applies are exempt from the maximum building setbacks of the base zone.
 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
 2. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes or vendor's stands.
- D. Ground floor active uses.** Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A, above. Areas designed to accommodate these uses may be developed at the time of construction, or may be designed for later conversion to active uses. This standard must be met along at least 50 percent of the ground floor of walls that are at an angle of 45 degrees or less from the street lot line of an Enhanced Pedestrian Street, a plaza, or other public open space. Areas designed to accommodate active uses must meet the following standards. Development that includes a residential use is exempt from the ground floor active use standard until January 1, 2029:
 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;

2. The area must be at least 25 feet deep, measured from the street-facing facade or wall;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing façade must include windows, or be structurally designed so doors and windows can be added when the space is converted to active building uses; and
5. Parking is not allowed in the areas that are required to meet the standard of this subsection.

33.526.290 Ground Floor Windows

- A. Purpose.** In the Gateway plan district, blank walls on the ground level of buildings are limited in order to:
- Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- B. Standard.** All exterior walls on the ground level that face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

33.526.300 Required Windows Above the Ground Floor

- A. Purpose.** These regulations prevent large blank walls above the ground floor from facing residential sites outside the plan district. Together with the height regulations, this helps lessen the impact of tall buildings in the regional center on adjacent residential neighborhoods.
- B. Required windows above the ground floor.** Sites across a street and within 50 feet of R7 through R2.5 zones outside the plan district must provide windows in façades that face a residential zone. The windows must cover at least 15 percent of the area of the façade above the ground level. This requirement is in addition to any required ground floor windows.

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

33.526.320 Drive-Through Facilities

Drive-through facilities are prohibited.

33.526.330 Gateway Master Plan

- A. Purpose.** The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new

development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.

- B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:
1. Allocates allowed floor area to individual development sites that will not remain in the same ownership;
 2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted, except that household living is prohibited in EG zones.
 3. Allows the development of required housing at an alternate location;
 4. Defers the building of required open area;
 5. Defers the construction of required streets, accessways, and other transportation elements; or
 6. Allows applicants to take advantage of bonus options in 33.526.230.
- C. Contents of a Gateway master plan.** In addition to the application requirements of Section 33.730.060, a Gateway master plan must contain the components listed below. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases. The plan must include:
1. Floor area. How allowable floor area will be distributed throughout the site. This can be shown by location of buildings, by subareas of the site, or by amount assigned to each lot. Floor area may be reallocated within the site.
 2. Location of uses. The location of proposed uses on the site. If a use is allowed on the site, it may be located on a portion of the site where the zoning would otherwise not permit it. Regardless of use, the base zone development standards will apply.
 3. Housing.
 - a. The location, density, and general type of housing to be built. If residential development is required by the base zone, the plan must show how the requirement will be met.
 - b. If the required housing is proposed for a location outside of the residentially-zoned area, the proposed site must meet the following requirements. The site must be under the applicant's control. The site must be vacant or used for surface parking, or have improvements with an assessed value less than one-third the value of the land. The site must be within the Gateway plan district and be zoned CX or EX. The proposed housing site must be of suitable size and location to be attractive for the required amount of housing.

4. Minimum and maximum requirements. The total combined floor area for the entire site and for each use must be within the minimum required and maximum allowed, including bonus floor area, for the plan area. Floor area transfers outside of the Gateway master plan site are prohibited.
5. Infrastructure capability. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure service needs of the development associated with that phase.
6. Circulation. The plan must identify a clear internal circulation system that joins the surrounding street system at logical points and meets the needs of pedestrians, bicyclists, and drivers.
7. Open area. The plan must identify when and where the open area will be built.
8. Connectivity. The plan must identify when and where the streets, accessways, and other internal connections will be built.
9. Proposed reviews and criteria. Required reviews, such as design and other land use reviews, for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development.
 - a. If the applicant requests that all of the required reviews be done as part of the review of the master plan, the plan must explain and provide enough detail on how the proposals comply with the approval criteria for the reviews.
 - b. If the applicant decides to defer these reviews to the time of future development, the plan must specify what review procedures and approval criteria will be used for reviewing that development.
 - c. Adjustments and modifications. If any adjustments or modifications are being requested in conjunction with the Gateway master plan review, the application must include a statement as to how each adjustment and modification complies with the approval criteria for the adjustment or modification.

D. Duration and expiration of a Gateway master plan.

1. A Gateway master plan must include currently proposed developments and developments that might be proposed within at least 3 years.
2. An approved Gateway master plan remains in effect until development allowed by the plan has been completed, the plan is amended or superseded, or it becomes void as specified in Paragraph D.3., below.
3. If there has been no development on the site within 10 years after the Gateway master plan is approved, the Gateway master plan is void, and no further development will be allowed on any area previously covered by the plan until a new or updated plan is approved.

E. Implementation.

1. Development in conformance with a Gateway master plan.

- a. Development that is consistent with and conforms to the specific Gateway master plan is not required to go through another Gateway master plan review, but may be subject to additional reviews specified by the plan.
 - b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

A. Purpose. The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Maximum allowed parking spaces.

1. Maximum allowed parking spaces. Except as specified in B.2., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. The maximums apply to both surface and structured parking.
2. Exceptions.
 - a. Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 200 square feet of net building area. The maximum applies to both surface and structured parking.
 - b. Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 300 square feet of net building area.
 - c. Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:

- a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
 - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
 - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

D. Structured parking near light rail. In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D.1. through D.5, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and face a sidewalk, plaza, or other public open space.

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.563 Northwest Hills Plan District

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Sections:

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- 33.563.020 Where the Regulations Apply
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Map 563-1 Northwest Hills Plan District

33.563.010 Purpose

The Northwest Hills plan district protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The Linnton Hillside subarea within the Forest Park subdistrict contains a residential area that is constrained by natural conditions and limited existing infrastructure. The development standards for this subarea are intended to protect the public health and safety by limiting the potential number of new housing units consistent with these constraints. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development. These regulations provide the higher level of protection necessary for the plan district area. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites.

33.563.020 Where the Regulations Apply

The regulations of this chapter apply to the Northwest Hills plan district and subdistricts as shown on Map 563-1 at the end of this chapter, and on the Official Zoning Maps. The regulations of section 33.563.030 apply to the entire plan district. The regulations of Sections 33.563.100 through .120 apply only to the Balch Creek subdistrict. The regulations of Sections 33.563.200 through .210 apply only to the Forest Park subdistrict. The regulations of Sections 33.563.220 and .225 apply only to the Linnton Hillside subarea of the Forest Park subdistrict. The regulations of Sections 33.563.400 through .410 apply only to the Skyline subdistrict.

33.563.030 Transfer of Development Rights

Transfer of development rights between sites in the Northwest Hills plan district is allowed as follows. Development rights are the number of potential dwelling units that would be allowed on the site. Adjustments to the provisions of this Section are prohibited.

- A. Sending sites.** Sites in the single-dwelling zones that are entirely within the Environmental Protection overlay zone may transfer development rights.
- B. Receiving sites.** Sites in the RF zone inside the Urban Growth Boundary may receive development rights from sending sites. Dwelling units resulting from the transfer may not be placed within an environmental zone.
- C. Maximum density.** The density of the receiving site may not exceed 0.75 units per acre, except that when the following standards are met, total density may be increased to 1 unit per acre:
 - 1. For every unit transferred to the receiving site, there is one acre of land with slopes of less than 10 percent; and
 - 2. Approval for on-site septic disposal has been granted by the Bureau of Development Services or sanitary sewer is available to all lots proposed as part of a land division.
- D. Procedure.** Transfer of development rights is allowed as follows:
 - 1. Planned Development required. The receiving site must be approved for development as a Planned Development. The purpose of the Planned Development Review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.638 Planned Development.
 - 2. Sending site included. The sending site must be a part of the application for Planned Development Review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.
 - 3. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded before approval of the Planned Development or if the Planned Development includes a land division, before the approval of the Final Plat.
- E. Adjustments prohibited.** Adjustments to the provisions of this section are prohibited.

Balch Creek Subdistrict

33.563.100 Prohibitions

The following items are prohibited in environmental zones within the Balch Creek Subdistrict:

- A.** Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. Exceptions to this prohibition are planting of native plants with hand-held equipment, emergency repair of existing structures, and emergency procedures necessary for the protection of life, health, safety, or property; and
- B.** In commercial zones with an environmental overlay zone, residential uses are prohibited.

33.563.110 Additional Development Standards

All development must meet the following standards. Adjustment of these standards or modification of these standards through environmental review is prohibited. The development standards of this Section apply in addition to the standards of Sections 33.430.110 through .190.

- A. Stormwater runoff.** Post-development stormwater flows from a site must not exceed pre-development stormwater flows from that site. Stormwater systems shall meet Bureau of Environmental Services and BDS design and construction standards.
- B. Soil erosion.**
 - 1. All cleared areas which are not within a building footprint or a graveled entranceway must be covered with mulch, matting, or other effective erosion control features within 15 days of the initial clearing.
 - 2. Temporary erosion control features must be removed by October 1 of the same year the development was begun; and
 - 3. All permanent vegetation must be seeded or planted by October 1 of the same year the development was begun, and all soil not covered by buildings or other impervious surfaces must be completely vegetated by December 1 of the same year the development was begun.
- C. Forest cover.** Ninety percent of the portion of the site in the environmental zones must be retained or established in closed canopy forest with the following exceptions:
 - 1. Sites less than 30,000 square feet in area may have up to 3,000 square feet of unforested area.
 - 2. Parks and Open Areas and Agriculture uses are exempt from this standard.
- D. Land divisions.** All required closed canopy forest areas in land divisions and Planned Developments must be within an environmental resource tract.

33.563.120 Additional Approval Criterion. In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that the location, quantity, and quality of forest and contiguous forest cover will be sufficient to provide habitat for deer and elk and to provide for the passage of deer and elk between Forest Park and Pittock Acres Park.

Forest Park Subdistrict

33.563.200 Prohibition

Within environmental zones in the Forest Park subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. Exceptions to this prohibition are planting of native plants with hand-held equipment, emergency repair of existing structures, and emergency procedures necessary for the protection of life, health, safety, or property.

33.563.210 Additional Approval Criteria

In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that all of the following approval criteria are met:

- A. Wildlife.** The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-

legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

- B. Parks and Open Space.** Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and
- C. Miller Creek Subarea.** Within the Miller Creek Subarea, shown on Map 563-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68°F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea

The regulations of Section 33.110.202 do not apply to lots of record and lot remnants in the Linnton Hillside Subarea. In this subarea, primary structures are allowed on lots of record and lot remnants in single-dwelling residential zones as specified in this section. The regulations of 33.110.202 apply to lots and adjusted lots in the Linnton Hillside Subarea. Adjustments to the standards of this section are prohibited. Primary structures are only allowed if one of the requirements in A. through D. are met:

- A.** The lot of record, lot remnant, or combination thereof:
 - 1. Is at least 36 feet wide; and
 - 2. Meets the minimum area standard of Table 563-1;
- B.** The lot of record, lot remnant, or combination thereof:
 - 1. Is at least 36 feet wide;
 - 2. Meets the minimum area standard of Table 610-2, but does not meet the minimum area standard of Table 563-1; and
 - 3. Did not abut any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;
- C.** The lot of record, lot remnant, or combination thereof:
 - 1. Does not meet the minimum area standard of Table 610-2; and
 - 2. Did not abut any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;
- D.** On a lot of record, lot remnant, or combination thereof that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;
- E.** Additional regulations for property line adjustments.
 - 1. The lot of record, lot remnant, or combination thereof described in Subsection A may not be reduced in area below the standards of Table 563-1;
 - 2. The lot of record, lot remnant, or combination thereof described in Subsections B and C may not be reduced in area;
 - 3. There are no minimum lot area or width standards for the lot of record, lot remnant, or combination thereof described in Subsection C;

Table 563-1 Minimum Area Standards	
Zone	Minimum Area
RF	87,120 square feet
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

Skyline Subdistrict

33.563.400 Zoning Map Amendments

All requests for quasi-judicial Zoning Map Amendments within the Skyline subdistrict must meet the following:

- A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and
- B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

33.563.410 Land Divisions and Planned Developments

The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

- A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:
 - 1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:
 - a. The potential daily and peak hour traffic volumes that will be generated by the site;
 - b. Distribution on the street system of the traffic that will be generated by the site;
 - c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,
 - d. Current traffic volumes on the principal roadways relative to the site; and
 - 2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.
- B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:
 - 1. Public sewer and water service must be available to the site; and

2. The applicant must either:
 - a. Show that the existing public transportation is adequate; or
 - b. Participate in or subsidize a private transportation service.

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 180095, effective 5/26/06; Ord. No. 187216, effective 7/24/15; Ord. No. 190093, effective 9/11/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.567 Powell Boulevard Plan District

567

Sections:

- 33.567.010 Purpose
- 33.567.020 Where the Regulations Apply
- 33.567.040 Construction of Noise-Buffering Walls

Map 567-1 Powell Boulevard Plan District

33.567.010 Purpose

The regulations of the Powell Boulevard plan district are intended to buffer residences from the noise and traffic of Powell Boulevard. The regulations of this chapter support the intent of the highway improvements which widened Powell Boulevard and created public off-street parking. The Powell Boulevard Environmental Impact Statement required noise protection for the adjacent residential neighborhood.

33.567.020 Where the Regulations Apply

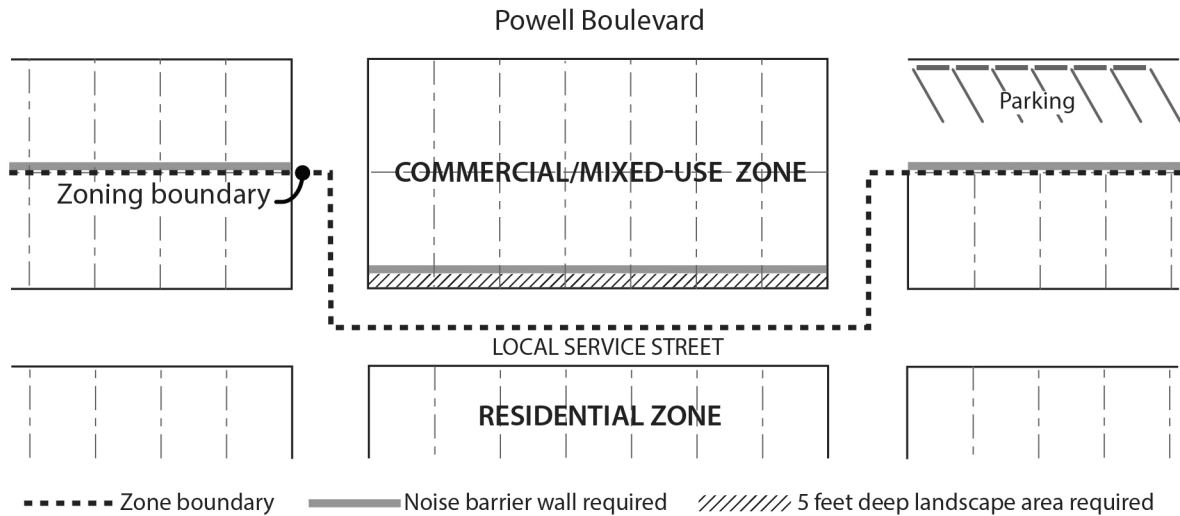
The regulations of this chapter apply to the Powell Boulevard plan district area. The boundaries of the plan district are shown on Map 567-1 at the end of this chapter, and on the Official Zoning Maps.

33.567.040 Construction of Noise-Buffering Walls

The construction of a noise-buffering wall is required for new development as follows:

- A. Location.** A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. See Figure 567-1.
- B. Standards.** The wall must be solid, continuous, a minimum of 8 feet high, and extend the entire length of the lot line. The design of the wall must be compatible with the existing walls constructed by the State.
- C. Landscaping.** For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 567-1.
- D. Buildings integrated into the wall.** Where a rear lot line abuts the rear lot line of a residential zone, a building with a height of no more than 10 feet may be integrated into the design of the wall.

**Figure 567-1
Buffer for C Zones**



(Amended by Ord. No. 167650, effective 6/10/94. Formerly Chapter 33.565; renumbered by Ord. No.178961, effective 6/13/05; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

Land Divisions

Lots

- 33.605 Lots in the Open Space Zone
- 33.610 Lots in RF through R2.5 Zones
- 33.612 Lots in Multi-Dwelling and IR Zones
- 33.613 Lots in Commercial/Mixed Use and CI Zones
- 33.614 Lots in Employment Zones
- 33.615 Lots in Industrial Zones

Additional Regulations

- 33.630 Tree Preservation
- 33.631 Sites in the Combined Flood Hazard Area
- 33.632 Sites in Potential Landslide Hazard Areas
- 33.633 Phased Land Divisions and Staged Final Plats
- 33.634 Required Recreation Area
- 33.635 Clearing, Grading and Land Suitability
- 33.636 Tracts and Easements
- 33.640 Streams, Springs, Seeps, and Wetlands
- 33.641 Transportation Impacts
- 33.642 Land Divisions of Manufactured Dwelling Parks
- 33.644 Middle Housing Land Divisions

Services and Utilities

- 33.651 Water Service
- 33.652 Sanitary Sewer Disposal Service
- 33.653 Stormwater Management
- 33.654 Rights-of-Way

Reviews

33.660 Review of Land Divisions in Open Space, Residential, and IR Zones

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

33.664 Review on of Land Divisions on Large Sites in Industrial Zones

33.668 Review of Changes to an Approved Planned Unit Development

33.669 Review of Changes to an Approved Industrial Park

33.670 Review of Land Divisions of Manufactured Dwelling Parks

33.671 Review of Middle Housing Land Divisions

33.673 Final Plats

33.675 Replat

33.676 Lot Confirmation

33.677 Property Line Adjustment

33.610 Lots in RF Through R2.5 Zones

610

Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R2.5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R2.5 zones.

33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
 1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
 2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
 3. When lots will be created using more than one maximum density, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

C. No street created. Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an Environmental or River Environmental, or Pleasant} \\ & \quad \text{Valley Natural Resources overlay zone, potential landslide hazard area, or} \\ & \quad \text{combined flood hazard area;} \\ & \quad \times 0.80; \\ & \quad \div \text{Maximum density C from Table 610-1;} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

D. Street created. Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A, B, or C from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an Environmental or River Environmental, or Pleasant} \\ & \quad \text{Valley Natural Resources overlay zone, potential landslide hazard area, or} \\ & \quad \text{combined flood hazard area;} \\ & \quad \times 0.68 \\ & \quad \div \text{Maximum density C from Table 610-1} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

E. Exceptions to minimum density. Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;
2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

Table 610-1 Maximum Density Standards						
	RF	R20	R10	R7	R5	R2.5
Maximum Density A: Maximum density for lots that <ul style="list-style-type: none"> • Will be developed with attached houses; • Will be located entirely outside the Constrained Sites overlay zone; and • Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles. 	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.	1 lot per 1,500 sq. ft.
Maximum Density B: Maximum density for lots that will be developed with attached houses.	NA	1 lot per 10,000 sq. ft.	1 lot per 5,000 sq. ft.	1 lot per 3,500 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 2,000 sq. ft.
Maximum Density C: Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.

33.610.200 Lot Dimension Regulations

Lots in the RF through R2.5 zones must meet the lot dimension regulations of this section.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized house;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Lots that can be divided in the future without exceeding the maximum allowed density for the original land division site are of a size and shape to reasonably be divided;

- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with the planned intensity of the zone;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

Table 610-2 Lot Dimension Standards						
	RF	R20	R10	R7	R5	R2.5
Minimum Lot Area						
Attached house lots [1]	NA	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
All other lots	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.	1,500 sq. ft.
Maximum Lot Area						
Cottage cluster lots [2]	NA	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.	43,560 sq. ft.
All other lots	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.	NA
Minimum Lot Width [2]						
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	60 ft.	60 ft.	50 ft.	40 ft.	36 ft.	25 ft.
Minimum Front Lot Line						
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.	40 ft.

Notes:

[1] This dimensional standard is only allowed for lots that will be developed with attached houses.

[2] This dimensional standard is only allowed for lots that are located entirely outside the Constrained Sites overlay zone, have frontage on a maintained street or a private street that connects to a maintained street or a self-contained pedestrian connection created solely for pedestrians and bicycles, and will be developed with cottage clusters.

[3] See 33.930.100.A for how lot width is measured.

- B. Minimum lot area.** Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments are prohibited.
- C. Maximum lot area.** Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from the maximum lot area standard.
- D. Minimum lot width.** Each lot must meet the minimum lot width standard stated in Table 610-2. Lots that do not meet the standard may be requested through Planned

Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments are prohibited.

- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review or, when the site is in an environmental overlay zone, as a modification through environmental review. Other than as specified in this Subsection, adjustments to this standard are prohibited.
- G. Regular lot lines.** Proposed lot lines in the R10 through R2.5 zones must meet one of the following regulations. Adjustments are prohibited.
 - 1. Standard. All lot lines must be straight and traverse in a single uniform direction except for lot lines that follow a zoning line, right of way, or boundary of a tract.
 - 2. Approval criterion. As far as is practical, all lot lines must be straight and traverse in a uniform direction taking into consideration topography and other natural features, existing development, zoning, or other clearly identifiable boundary markers such as fences or hedgerows.

33.610.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
 - 1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or

- b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
 2. Up to three lots are proposed, only one of which is a flag lot; and
 3. Minimum density requirements for the site will be met.
 - C. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 1. The pole must connect to a street;
 2. The pole must be at least 12 feet wide for its entire length; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
 - D. **Lot area.** Only the area of the flag portion is included when calculating the minimum and maximum lot area. The area of the pole portion of the lot is not included.
 - E. **Minimum lot dimensions.**
 1. Flag lots are exempt from the minimum front lot line standard.
 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
 - F. **Vehicle access.** Flag lot vehicle access must meet one of the following regulations:
 1. Vehicle access standard. Vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Access easements may be used. Adjustments are prohibited. For proposals that cannot meet this standard, the approval criterion stated in Paragraph F.2. applies.
 2. Vehicle access approval criterion. Separate access may be allowed when the location of existing garages, driveways including driveways on abutting lots, alleys, curb cuts, stormwater management needs, or tree preservation make shared access impractical.

33.610.500 Split Zoned Lots

- A. **Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. **Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.612 Lots in Multi-Dwelling and IR Zones

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 development.** Except in the IR zone, when a house, attached house, duplex, attached duplex, triplex, or fourplex is proposed for some or all of the site, the applicant must show how the proposed lots can meet the minimum density stated in Chapter 33.120. Site area devoted to streets is subtracted from the total site area in order to calculate minimum density.
- B. All other development.** When development other than a house, attached houses, duplex, attached duplex, triplex, or fourplex is proposed, minimum 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.**
 1. 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 houses.

Table 612-1 Lot Dimension Standards							
	RM1	RM2	RM3	RM4	RX	RMP	IR (1)
Lots to be developed with:							
Multi-Dwelling Structures or Development:							
Minimum Lot Area	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	33 ft.	70 ft.	70 ft.	70 ft.	None	70 ft.	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	70 ft.	70 ft.	None	70 ft.	70 ft.
Minimum Front Lot Line	30 ft.	70 ft.	70 ft.	70 ft.	10 ft.	70 ft.	70 ft.
Cottage Clusters							
Minimum Lot Area	5,000 sq. ft.	NA	NA	NA	NA	NA	NA
Maximum Lot Area	40,000 sq. ft.	NA	NA	NA	NA	NA	NA
Minimum Lot Width	36 ft.	NA	NA	NA	NA	NA	NA
Minimum Lot Depth	70 ft.	NA	NA	NA	NA	NA	NA
Minimum Front Lot Line	30 ft.	NA	NA	NA	NA	NA	NA
Attached Houses							
Minimum Lot Area	1,000 sq. ft.	1,000 sq. ft.	None	None	None	NA	None
Minimum Lot Width	15 ft.	15 ft.	10 ft.	10 ft.	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.
Houses, Duplexes, Attached Duplexes, Triplexes, and Fourplexes							
Minimum Lot Area	1,500 sq. ft.	1,500 sq. ft.	None	None	None	NA	None
Minimum Lot Width	25 ft.	25 ft.	20 ft.	20 ft.	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	25 ft.	25 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.

Notes:

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

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 179845, effective 1/20/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191848, effective 10/1/24.)

33.614 Lots in Employment Zones

614

Sections:

- 33.614.010 Purpose
- 33.614.020 Where These Standards Apply
- 33.614.100 Minimum Lot Dimension Standards
- 33.614.200 Exception

33.614.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an employment zone. These standards ensure that lots are consistent with the desired character of the employment zones. Lots may vary in size and shape to accommodate a range of employment uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.614.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the employment zones.

33.614.100 Minimum Lot Dimension Standards.

All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.614.200.

- A. EG1 zone.** All lots in the EG1 zone must meet Standard B stated in Table 614-1.
- B. EG2 zone.** The following standards apply in the EG2 zone.
 1. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 614-1 and the remainder must meet Standard B.
 2. For land divisions of less than 10 lots, all but one lot must meet Standard A stated in Table 614-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.
- C. EX zone.** Each lot must have a front lot line that is at least 10 feet long. There are no other required minimum lot dimensions for lots in the EX zone.

	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	20,000 sq. ft.	100 ft x 100 ft	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

33.614.200 Exception

Land under an existing building may be divided when the ownership of the existing building is also being divided. There are no minimum lot sizes in these cases. However, all zoning code development standards must be met.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 191848, effective 10/1/24.)

33.615 Lots in Industrial Zones

615

Sections:

- 33.615.010 Purpose
- 33.615.020 Where These Standards Apply
- 33.615.100 Minimum Lot Dimension Standards
- 33.615.200 Exception

33.615.010 Purpose

This chapter contains the lot dimension standards for approval of a Preliminary Plan for a land division in an industrial zone. These standards ensure that lots are consistent with the desired character of the industrial zones. Lots may vary in size and shape to accommodate a range of industrial uses. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses.

33.615.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the industrial zones.

33.615.100 Minimum Lot Dimension Standards

All lots must meet the following minimum size and dimension standards. An exception is allowed under the provisions of Section 33.615.200.

- A. IG1 zone.** All lots in the IG1 zone must meet Standard B stated in Table 615-1.
- B. IG2 and IH zones.**
 1. For land divisions of 10 or more lots, at least 80 percent of the lots must meet Standard A stated in Table 615-1 and the remainder must meet Standard B.
 2. For land divisions of fewer than 10 lots, all but one lot must meet Standard A stated in Table 615-1. One lot may meet Standard B. The lots that meet Standard A may not be redivided unless they continue to meet Standard A.

	Minimum Lot Area	Minimum Dimension	Minimum Front Lot Line
Standard A	40,000 sq. ft.	150 ft. x 150 ft.	35 ft
Standard B	10,000 sq. ft.	75 ft. x 75 ft.	35 ft

- C. Additional regulations for large sites.** To ensure an adequate supply of large sites for future industrial uses, the following regulations apply to sites larger than 50 acres:
 1. Except as allowed by C.2, after the land division, at least one lot must be at least 50 acres; or
 2. A land division may result in all lots and tracts being less than 50 acres if one of the following is met:

- a. The site proposed for the land division includes existing buildings and exterior improvements that cover more than 40% of the site and are currently in use by industrial uses allowed in the zone;
- b. The proposed configuration of lots is necessary to provide a public facility or service; or
- c. The proposed configuration of lots is necessary to protect a natural resource, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality as described in ORS 465.225.

33.615.200 Exception

Land under an existing building may be divided when the ownership of the existing building is also being divided. There are no minimum lot sizes in these cases. However, all zoning code development standards must be met.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 191848, effective 10/1/24.)

33.630 Tree Preservation

630

Sections:

- 33.630.010 Purpose
- 33.630.020 Where These Regulations Apply
- 33.630.030 Exempt From These Regulations
- 33.630.100 Tree Preservation Standards
- 33.630.200 Tree Preservation Approval Criteria
- 33.630.400 Modifications That Will Better Meet Tree Preservation Requirements
- 33.630.500 Tree Preservation Credit
- 33.630.600 Recording Tree Preservation Plans and Related Conditions

33.630.010 Purpose

The land division process provides the flexibility and opportunity to promote creative site design that considers multiple objectives, including integration of trees. The regulations of this chapter require that trees be considered early in the design process with the goal of preserving high value trees and mitigating for the loss of trees. Desired benefits of trees include:

- Protecting public health through the absorption of air pollutants, contamination, and capturing carbon dioxide;
- Buffering from noise, wind, and storms;
- Providing visual screening and summer cooling;
- Reducing energy demand and urban heat island impacts;
- Filtering stormwater and reducing stormwater runoff;
- Reducing erosion, siltation, and flooding;
- Stabilizing slopes;
- Enhancing property values;
- Providing fish and wildlife habitat, including support for native species biodiversity through the preservation and planting of native trees;
- Providing food for people and wildlife; and
- Contributing to the beauty of the City, its natural heritage, and the character of its neighborhoods.

33.630.020 Where These Regulations Apply

- A. Generally. The regulations of this chapter apply to all proposals for land divisions on sites outside the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.
- B. Sites in C, E, I, and CI zones where all of the proposed lots are currently developed with commercial, employment, industrial, or institutional development may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development. Sites in the IH, IG1, EX, and CX zones are not eligible to use this provision.

- C. Proposals to divide sites that are partially within an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review, River Review, or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply to these proposals.

33.630.030 Exempt From These Regulations

The following trees are exempt from the regulations of this chapter:

- A. Trees that are on the Nuisance Plants List;
- B. Trees that are less than 6 inches in diameter;
- C. Trees that are dead, dying, or dangerous as determined by an arborist. The review body may require additional analysis or documentation to confirm the condition of the tree;
- D. Trees where the trunk is within 10 feet of an existing building that will remain on the site;
- E. Trees where the trunk is located completely or partially within an existing right-of-way that is not part of the land division site;
- F. Trees where the trunk is located completely or partially within Environmental, River Environmental or Pleasant Valley Natural Resources Overlay zones. Those trees are instead subject to the regulations of Chapter 33.430, Environmental Zones, 33.475.400, River Environmental Overlay Zone, or 33.465, Pleasant Valley Natural Resources Overlay Zones.

33.630.100 Tree Preservation Standards

- A. At least one of the following tree preservation standards must be met. Adjustments to the standards are prohibited. For proposals that cannot meet at least one standard, the approval criteria stated in 33.630.200 apply. Where a proposal can meet the standards, the applicant may choose to meet the approval criteria stated in 33.630.200 instead of the standards. The total tree diameter on the site is the total diameter of all trees completely or partially on the site, minus the diameter of trees that are listed in Section 33.630.030, Trees exempt from these regulations.
 1. Option 1: Preserve all of the trees that are 20 or more inches in diameter and at least 30 percent of the total tree diameter on the site;
 2. Option 2: Preserve at least 75 percent of the trees that are 20 or more inches in diameter and at least 35 percent of the total tree diameter on the site;
 3. Option 3: Preserve at least 50 percent of the trees that are 20 or more inches in diameter and at least 40 percent of the total tree diameter on the site;
 4. Option 4: Where all trees are less than 20 inches in diameter, preserve at least 45 percent of the total tree diameter on the site; or
 5. Option 5: If one or more tree groves are located on the site, preserve all of the grove trees located on the site and at least 20 percent of the total tree diameter or canopy area on the site.

- B. Heritage Trees.** Heritage Trees located on the land division site may be counted toward meeting preservation standards. Heritage Trees must be preserved unless removal has been approved by Portland Parks and Recreation.
- C. Location of preserved trees.** Trees, other than grove trees, may be preserved on lots, within tree preservation tracts, or within other privately managed tracts, such as flood hazard, recreation area or stream, spring, seep, and wetlands tracts. Grove trees preserved to meet 33.630.100.A.5. must be preserved in tree preservation tracts or other privately managed tracts. Proposed tree preservation within tracts that are to be managed by the City of Portland or a service district, must be approved by the City or service district.

33.630.200 Tree Preservation Approval Criteria

The following tree preservation approval criteria apply to land divisions that cannot, or choose not to, meet 33.630.100, Tree Preservation Standards. Applicants must demonstrate how the proposed tree plan will meet the following tree preservation criteria. In meeting these criteria, applicants may use options available in this and other chapters of this Title to modify development standards and minimum density in order to preserve trees.

- A.** Tree preservation is maximized to the extent practicable while allowing for reasonable development of the site, considering the following:
 - 1. The specific development proposed;
 - 2. The uses and intensity of development expected in the zone and the area in which the site is located;
 - 3. Requirements to provide services to the site under Chapters 33.651 through 33.654, including street connectivity and street plan requirements. Options to limit impacts on trees while meeting these service requirements must be evaluated;
 - 4. Requirements to protect resources in Environmental, Pleasant Valley Natural Resources, or Greenway Natural, Water Quality, and River Environmental overlay zones. Protection of environmental resources and retention of benefits from trees should be maximized for the site as a whole; and
 - 5. Other site constraints that may conflict with tree preservation, such as small or oddly shaped sites or trees located in existing utility easements.
- B.** To the extent practicable, trees proposed for preservation provide the greatest benefits as identified in the purpose of this chapter. In general, healthy, native or non-nuisance trees that are 20 or more inches in diameter and tree groves, are the highest priority for preservation. However, specific characteristics of the trees, site and surrounding area should be considered and may call for different priorities, such as native tree growth rates and priority tree sizes as described in the *Portland Plant List*, buffering natural resources, preventing erosion or slope destabilization and limiting impacts on adjacent sites;
- C.** Trees proposed for preservation are suitable based on their health, overall condition and potential for long-term viability, considering the anticipated impact of development and tolerance typical for the tree species;

- D. Mitigation.** If the applicant’s tree preservation plan does not fully meet at least one applicable tree preservation standard stated in 33.630.100 or there is a concurrent environmental review, River Review or Pleasant Valley Resource review, mitigation must be provided as needed to replace the functions of trees removed from the site. Options for mitigation may include preservation of smaller diameter or native trees, permanent preservation of trees within a tree preservation or environmental resource tract, tree planting, payment into the City’s Tree Planting and Preservation Fund, or other options that are consistent with the purpose of this chapter.

33.630.400 Modifications That Will Better Meet Tree Preservation Requirements

- A. Site-related development standards.** The review body may consider modifications to site-related development standards as part of the land division review. These modifications are done as part of the land division process and do not require an adjustment. Adjustments to use-related development standards are subject to the adjustment process of Chapter 33.805, Adjustments. Modification to a regulation that contains the word “prohibited,” or a regulation that is a qualifying situation or threshold is prohibited.

In order to approve the modification, the review body must find that the modification will result in improved tree preservation, considering the tree preservation priorities for the site, and will, on balance, be consistent with the purpose of the regulation being modified.

B. Minimum Density.

1. In multi-dwelling zones, minimum density may be reduced to preserve trees as stated in Paragraph 33.120.213.B.3. This provision may be used to reduce minimum density during the land division process. Sites that reduce minimum density at the time of the land division are not eligible to further reduce minimum density at the time of development on the lots.
2. A reduction in minimum density in single-dwelling zones may be approved as part of the land division review. The reduction is done as part of the land division review and does not require an adjustment.
 - a. Minimum density may be reduced by 20 percent or one lot, whichever is more, up to a maximum reduction of 4 lots. Reductions greater than those listed in this paragraph are prohibited.
 - b. The review body will approve the reduction in minimum density if the following are met:
 - (1) The reduction in minimum density will result in improved tree preservation, considering the tree preservation priorities for the site; and
 - (2) The lot or lots where trees are proposed to be preserved are not large enough to be further divided under the current zoning. Trees proposed for preservation may be placed in a tree preservation tract to reduce lot sizes and provide better protection for the trees to be preserved.

33.630.500 Tree Preservation Credit

Trees that are preserved in a tree preservation tract that is outside of an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone may count toward meeting the

tree density standards for individual lots in Chapter 11.50, Trees in Development Situations. If this option is chosen, at least one tree must be planted or preserved on each lot. The preliminary plan must indicate the lots where the credit from the preserved trees will be used.

33.630.600 Recording Tree Preservation Plans and Related Conditions

Tree preservation plans approved as part of the preliminary plan and related conditions of approval must be recorded with the County Recorder. The documents must be approved by BDS prior to recording.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190241, effective 3/1/21; Ord. No. 191848, effective 10/1/24.)

33.631 Sites in the Combined Flood Hazard Area

631

Sections:

- 33.631.010 Purpose
- 33.631.020 Where these Regulations Apply
- 33.631.100 Flood Hazard Area Standards
- 33.631.200 Flood Hazard Area Approval Criteria

33.631.010 Purpose

The regulations for lands subject to regular or periodic flooding will help minimize public and private losses from flooding. The standards and approval criteria limit the creation of lots on lands subject to flood in order to direct development away from hazardous areas. The standards and approval criteria promote the safety and well-being of citizens and protect property while preserving the natural function of floodplains.

33.631.020 Where these Regulations Apply

The standards stated in 33.631.100 apply to proposals for land divisions where any portion of the site is in the combined flood hazard area. Adjustments to the standards are prohibited. For proposals that cannot meet all of the standards, the approval criteria stated in 33.631.200 apply. Where a proposal can meet the standards, the applicant may choose to meet all of the approval criteria stated in 33.631.200 instead of all of the standards.

33.631.100 Flood Hazard Area Standards

All of the following standards must be met.

- A.** All proposed lots must be outside of the combined flood hazard area;
- B.** All services must be outside of the combined flood hazard area, except as follows:
 - 1. Stormwater outfalls, when such discharges are allowed, are allowed within the combined flood hazard area; and
 - 2. Subsurface connections to existing sewer, stormwater, or water services are allowed within the combined flood hazard area.
- C.** The combined flood hazard area must be entirely within a flood hazard tract.

33.631.200 Flood Hazard Area Approval Criteria

- A. RF through R2.5 zones.** The following criteria must be met in the RF through R2.5 zones:
 - 1. Where possible, all lots must be outside of the combined flood hazard area; and
 - 2. Where it is not possible to have all lots outside of the combined flood hazard area, all proposed lots must have adequate building area outside of the combined flood hazard area.
- B. RM1 through RMP, C, E, I, IR, and CI zones.** The following criteria must be met in the RM1 through RMP, C, E, I, IR, and CI zones:

1. Each lot must have adequate area outside of the combined flood hazard area to accommodate allowed or proposed uses. This criterion does not apply to river-dependent uses; and
 2. Where the proposed uses and development are river-dependent, lots must be configured so that development on them will minimize obstruction of floodwaters.
- C. In all zones.** The following criteria must be met in all zones:
1. Services proposed in the combined flood hazard area must be located and built to minimize or eliminate flood damage to the services; and
 2. The floodway must be entirely within a flood hazard area tract unless river-dependent land-uses and development are proposed on the site.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 184235, effective 11/26/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.632 Sites in Potential Landslide Hazard Areas

632

Sections:

- 33.632.010 Purpose
- 33.632.020 Where These Regulations Apply
- 33.632.100 Landslide Hazard Area Standards
- 33.632.200 Landslide Hazard Approval Criterion

Map 632-1 Potential Landslide Hazard Area

33.632.010 Purpose

The regulations for lands subject to landslide will help minimize public and private losses as a result of landslides. The regulations limit the creation of lots on land subject to landslide hazard in order to direct development away from hazardous areas. The regulations ensure that lots and development are located on a portion of the site that is suitable for development where the risk of a landslide is reasonably limited. In some cases, sites will require stabilization through engineered solutions.

33.632.020 Where These Regulations Apply

- A. The standards stated in 33.632.100 apply to proposals for land divisions in single-dwelling zones where any portion of the site is within a potential landslide hazard area shown on Map 632-1. Adjustments to the standards are prohibited. For proposals that cannot meet the standards, the approval criterion stated in 33.632.200 applies. Where a proposal can meet the standards, the applicant may choose to meet the approval criterion stated in 33.632.200 instead of the standards.
- B. The approval criterion stated in 33.632.200 applies to proposals for land divisions in the OS, multi-dwelling, C, E, I, CI and IR zones where any portion of the site is within a potential landslide hazard area shown on Map 632-1.

33.632.100 Landslide Hazard Area Standards

- A. The application is for a proposal of no more than two lots;
- B. The applicant has submitted a Landslide Hazard Study that states:
 - 1. The location of proposed lots, buildings, services, and utilities has a very low likelihood of being negatively impacted by existing or potential slope instability; and
 - 2. The location of proposed lots, buildings, services, and utilities has a very low likelihood of creating slope instability or negatively impacting existing slope stability of adjacent sites, including sites directly across a street or alley from the site; and
- C. No onsite stormwater disposal facility is proposed.

33.632.200 Landslide Hazard Area Approval Criterion

The following approval criterion must be met: Locate the lots, buildings, services and utilities on parts of the site that are suitable for development in a manner that reasonably limits the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site.

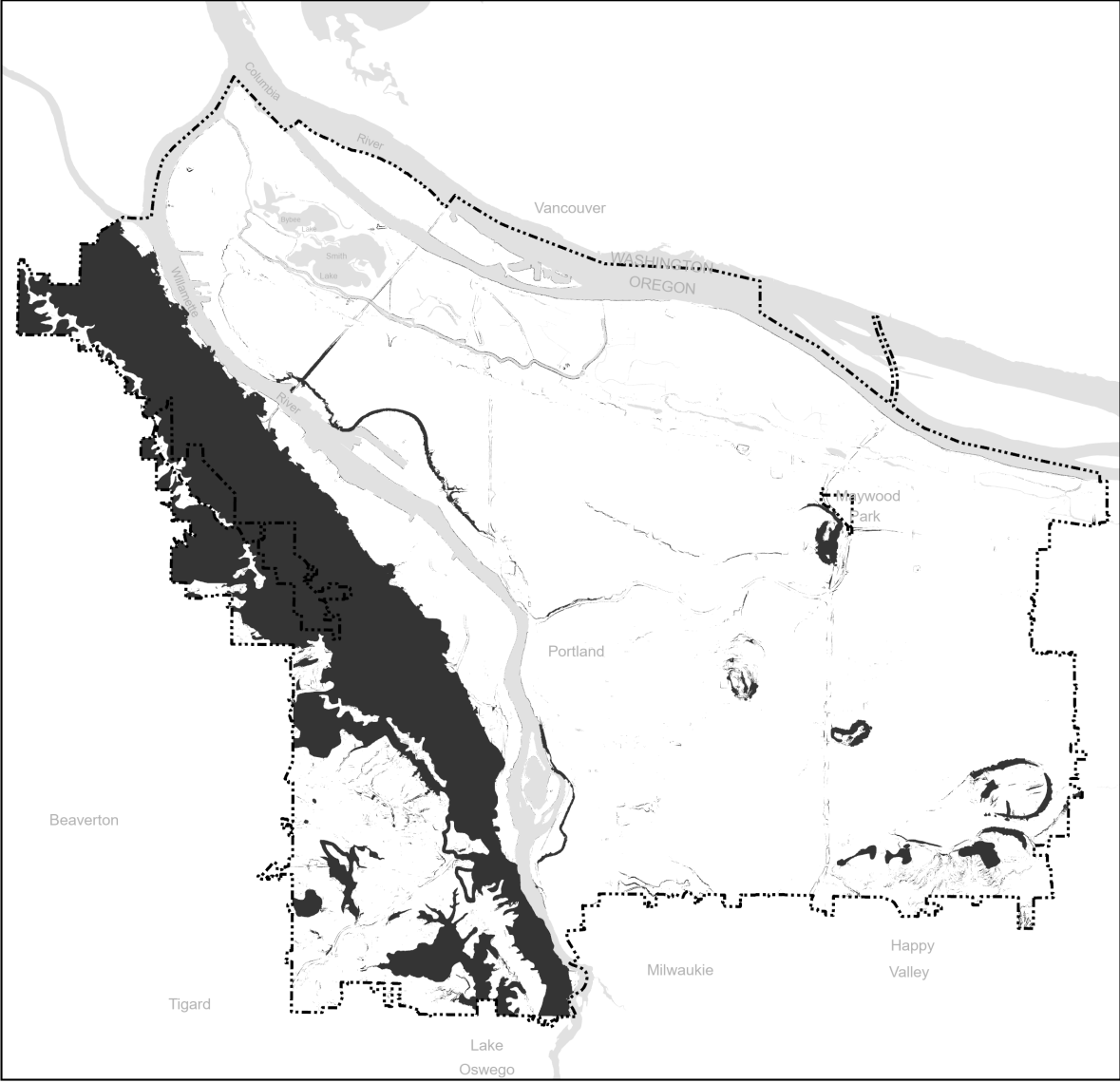
Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Specific improvements, engineering requirements, techniques or systems, or alternative development options, including alternative housing types and reduced density (minimum or maximum), may be required in order to facilitate a suitable development that limits the risk to a reasonable level. Reductions to minimum or maximum density are done as part of the land division review, and do not require an adjustment.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188259, effective 3/31/17; Ord. No. 191848, effective 10/1/24.)

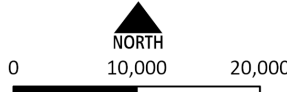
Potential Landslide Hazard Area

Map 632-1

Map revised October 1, 2024



- - - - - Urban Service Boundary
- Potential Landslide Hazard Area



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

33.633 Phased Land Divisions and Staged Final Plats

633

Sections:

Phased Land Divisions

- 33.633.100 Purpose
- 33.633.110 Where These Standards Apply
- 33.633.120 Phased Land Division Standards

Staged Final Plats

- 33.633.200 Purpose
- 33.633.210 When Staged Final Plats Are Allowed
- 33.633.220 Staged Final Plat Standard

Phased Land Divisions

33.633.100 Purpose

Phased land divisions allow minimum density requirements for a site to be met in several phases rather than at one time.

33.633.110 Where These Standards Apply

The standards of Section 33.633.120 apply to proposals for phased land divisions in the RF through R2.5 zones.

33.633.120 Phased Land Division Standards

Phased land divisions are allowed if the all of the following are met. Adjustments to these standards are prohibited:

- A. The total number of lots proposed for all phases is 40 or more;
- B. All portions of the site that are in the floodway or an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone must be included in the first phase;
- C. All portions of the site that are to be divided in future phases must be held in non-development tracts;
- D. A future division plan must show how each subsequent phase can meet minimum density, the other requirements of Chapters 33.610 through 33.654, and all other regulations of the Portland City Code; and
- E. Applications for Preliminary Plan approval of subsequent phases are subject to the regulations in effect at the time of each application.

Staged Final Plats

33.633.200 Purpose

Staged Final Plats allow improvements, such as streets, services, and utilities to be constructed in stages rather than all at one time.

33.633.210 When Staged Final Plats Are Allowed

Staged Final Plats are allowed for all land division sites.

33.633.220 Staged Final Plat Standard

All portions of the site that are in an Environmental Overlay Zone, in the floodway, or will be in a tree preservation tract must be included in the first Final Plat stage.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 191848, effective 10/1/24.)

33.634 Required Recreation Area

634

Sections:

- 33.634.010 Purpose
- 33.634.100 Where These Regulations Apply
- 33.634.200 Required Recreation Area Standards

33.634.010 Purpose

Providing area for recreation ensures that the recreational needs of those who will live on the site will be accommodated. Large land divisions create a neighborhood that is big enough to warrant a recreation area that is accessible to all in the new community. Creating the space for recreation at the time of the land division is the most efficient way to ensure that the space is created. The land division process provides the opportunity to design the recreation area so that it relates to the lot and street pattern of the land division.

33.634.100 Where These Regulations Apply

The regulations of this chapter apply to land divisions in residential zones when the proposed density is 40 or more lots.

33.634.200 Required Recreation Area Standards

The following standards must be met:

- A. Size.** At least 10 percent of the total site area of the land division site must be devoted to recreation area.
- B. RF-RM1 and RMP zones.** In the RF-RM1 and RMP zones, the recreation area must be in one or more recreation area tracts. Recreation area tracts must meet the requirements of Subsection D., below.
- C. RM2-RX and IR zones.** In the RM2-RX and IR zones, the recreation area may be in one or more recreation area tracts, in a roof-top garden, or in floor area improved for the purpose of passive or active recreation. Recreation area tracts must meet the requirements of Subsection D., below.
- D. Recreation area tracts.** Recreation area tracts required by this chapter must meet the following standards:
 - 1. **Size.** Each tract must be at least 75 feet wide by 75 feet deep;
 - 2. **Location.** No more than 50 percent of each recreation area tract may be in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone or in the combined flood hazard area. Active recreation areas may not be located on slopes exceeding 5 percent;
 - 3. **Access.** Each recreation area tract must have at least 30 feet of street frontage;
 - 4. **Ownership.** The tracts must be owned in common by all of the owners of the land division site, owned by a Homeowners' Association, or owned by a public agency; and

5. Improvements. Provision for both active and passive recreation must be included. Where there is more than one recreation area, not all areas must be improved for both active and passive recreation. Recreation areas must include at least one of the following improvements: children's play equipment, picnic area, open lawn, benches, paved walkways or trails, gardens, or organized sport fields or courts. The applicant must submit a surety and construction timing agreement prior to final plat approval. The construction timing agreement will specify the installation schedule of all improvements.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 184235, effective 11/26/10; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.635 Clearing, Grading, and Land Suitability

635

Sections:

- 33.635.010 Purpose
- 33.635.020 Where These Regulations Apply
- 33.635.100 Clearing and Grading Standards
- 33.635.150 Land Suitability Standards
- 33.635.200 Clearing and Grading Approval Criteria
- 33.635.250 Land Suitability Approval Criterion

33.635.010 Purpose

These regulations:

- Ensure limits of disturbance are reasonable given infrastructure needs, site conditions, and tree preservation requirements;
- Limit impacts of erosion and sedimentation;
- Protect water quality and aquatic habitat;
- Allow some site development activities to occur before Final Plat approval; and
- Ensure that new lots can be safely developed.

33.635.020 Where These Regulations Apply

- A. The standards stated in 33.635.100, Clearing and Grading Standards, apply to proposals for land divisions in residential zones. Adjustments to the standards are prohibited. For proposals that cannot meet all of the standards, the approval criteria stated in 33.635.200 apply. Where a proposal can meet the standards, the applicant may choose to meet all of the approval criteria stated in 33.635.200 instead of all of the standards.
- B. The standards stated in 33.635.150, Land Suitability Standards, apply to proposals for land divisions in residential zones. Adjustments to the standards are prohibited. For proposals that cannot meet all of the standards, the approval criterion stated in 33.635.250 apply. Where a proposal can meet the standards, the applicant may choose to meet the approval criterion stated in 33.635.250 instead of all of the standards.
- C. The approval criteria of 33.635.200 and .250 apply to proposals for land divisions in the OS, C, E, I, CI and IR zones.

33.635.100 Clearing and Grading Standards

The preliminary clearing and grading plan must meet the following standards:

- A. No new alleys or streets are proposed unless the street is a pedestrian connection or common green.
- B. No more than 10 cubic yards of soil will be removed from or deposited on the site;
- C. No clearing or grading is proposed within:

1. Root protection zones of trees to be preserved or offsite trees to be protected. For purposes of this standard, the root protection zones must meet the prescriptive path method described in Title 11, Trees;
 2. Streams, springs, seeps, or wetlands tracts or easements; or
 3. The floodway.
- D.** On sites where any portion of the site is within a Potential Landslide Hazard Area shown on Map 632-1, no clearing or grading is proposed in areas of the site identified in the applicant's Landslide Hazard Study as "Hazardous," "No Build," or as having a recommended building setbacks from a slope.

33.635.150 Land Suitability Standards

The following standards must be met:

- A.** The applicant has confirmed the following uses are not present on the site and have not previously existed on the site:
1. Any use in the Industrial Use category, except Wholesale Sales;
 2. Quick Vehicle Servicing; or
 3. Outdoor firing range.
- B.** The applicant has proposed to remove any un-engineered fill in areas where buildings, streets, vehicle areas or services will be located, or has confirmed that there is no un-engineered fill on the site; and
- C.** Prior to final plat, any underground facilities that will not remain in use must be decommissioned. Examples of such facilities include sewage or stormwater disposal or heating oil tanks.

33.635.200 Clearing and Grading Approval Criteria

The Preliminary Clearing and Grading Plan must meet the following approval criteria:

- A.** Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
- B.** Clearing and grading should be sufficient for construction of development shown on the Preliminary Clearing and Grading Plan;
- C.** Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Preliminary Clearing and Grading Plan;
- D.** Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
- E.** Soil stockpiles must be kept on the site and located in areas designated for clearing and grading as much as is practicable; and

- F. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees to be retained on the tree preservation plan.

33.635.250 Land Suitability Approval Criterion

Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the proposed land division will result in lots that are suitable for development. The applicant may be required to make specific improvements in order to make the lots suitable for their intended uses and the provision of services and utilities.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by Ord. No. 184524, effective 7/1/11; Ord. No. 191848, effective 10/1/24.)

33.636 Tracts and Easements

636

Sections:

33.636.100 Requirements for Tracts and Easements

33.636.100 Requirements for Tracts and Easements

- A. Ownership of tracts.** Tracts must be owned as follows unless otherwise specified in this Title or the land use decision:
1. The owners of property served by the tract, or by any other individual or group of people. When the tract is owned by more than one person it must be held in common with an undivided interest;
 2. The Homeowners' Association for the area served by the tract;
 3. A public or private non-profit organization; or
 4. The City or other jurisdiction.
- B. Maintenance agreement.** The applicant must record with the County Recorder a maintenance agreement that commits the owners or owners' designee to maintain all elements of the tracts or easements required by City codes or regulations; however, facilities within the tract or easement that will be maintained by a specified City agency may be recorded in a separate maintenance agreement. The maintenance agreement must be approved by BDS and the City Attorney, or submitted on forms approved by BDS and the City Attorney in advance of Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat. For a Planned Development not done in conjunction with a land division, the maintenance agreement must be submitted to the County Recorder to be recorded prior to issuance of the first building permit related to the development.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 191848, effective 10/1/24.)

33.640 Streams, Springs, Seeps, and Wetlands

640

Sections:

- 33.640.010 Purpose
- 33.640.100 Where These Regulations Apply
- 33.640.200 Stream, Spring, Seep, and Wetland Regulations

33.640.010 Purpose

The standards in this chapter ensure that important streams, springs, seeps, and wetlands that are not already protected by the Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zones are maintained in their natural state.

33.640.100 Where These Regulations Apply

The regulations of this chapter apply to all land divisions where a stream, spring, seep, or wetland on the site is outside of an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone. Adjustments are prohibited. For purposes of this chapter, the definition of stream does not include the Willamette or Columbia River.

33.640.200 Stream, Spring, Seep, and Wetland Regulations

- A.** Preservation in a tract. Streams, springs, seeps, and wetlands must be preserved in a tract as follows:
 - 1. The edges of the tract must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the tract boundary will be located along the edge of the site;
 - 2. Existing structures within the area described in Paragraph A.1 may be excluded from the tract;
 - 3. Exception. Where the tract required by Paragraph A.1 would preclude compliance with the front lot line requirements of Chapters 33.610 through .615, the stream, spring, seep, or wetland may be in an easement that meets the other requirements of Paragraph A.1.
- B.** Development allowed in the tract or easement. The following development, improvements, and activities are allowed in the tract or easement:
 - 1. Disturbance associated with discharging stormwater to the stream channel or wetland when BES has preliminarily approved the stormwater system design;
 - 2. Removal of non-native invasive species with hand held equipment;
 - 3. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;

4. Erosion control measures allowed by Title 10 of Portland City Code;
 5. Construction of a walkway no wider than 5 feet or required connections to services;
and
 6. Maintenance and repair of existing utilities, services, and driveways;
- C.** Rights-of-way and driveways may not cross a stream, spring, seep, or wetland tract or easement. Adjustments are prohibited, however, a right-of-way or driveway may cross a seep, spring, or stream tract or easement if the following approval criteria are met:
1. There is no reasonable alternative location for the right-of-way;
 2. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - a. The street improvements will not impede the flow of the stream, spring, or seep;
 - b. The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
 - c. The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
- D.** Minimum density. Minimum density is waived in order to meet these standards.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 188259, effective 3/31/17; Ord. No. 191848, effective 10/1/24.)

33.641 Transportation Impacts

641

Sections:

- 33.641.010 Purpose
- 33.641.015 Where These Regulations Apply
- 33.641.100 Transportation Impact Standards
- 33.641.200 Transportation Impact Approval Criterion

33.641.010 Purpose

The regulations of this chapter allow the traffic impacts caused by dividing and then developing land to be identified, evaluated, and mitigated for if necessary. The purpose of a transportation impact study is to assess the effects of routing or volume of traffic in the vicinity of the site on traffic conditions, transit, and pedestrian and bicycle movement.

33.641.015 Where These Regulations Apply

- A. The standards stated in 33.641.100 apply to
 - 1. Proposals for land divisions located entirely within a single-dwelling zone;
 - 2. Proposals for land divisions located entirely within a multi-dwelling zone and where all the proposed lots only meet the lot dimension standards for houses, duplexes, attached houses, attached duplexes, triplexes or fourplexes; and
 - 3. Adjustments to the standards are prohibited. For proposals that cannot meet the standards, the approval criteria stated in 33.641.200 apply. Where a proposal can meet the standards, the applicant may choose to meet the approval criterion stated in 33.641.200 instead of the standards.
- B. The approval criterion stated in 33.641.200 apply to proposals for:
 - 1. Land divisions located partly in a single-dwelling zone and partly in another zone;
 - 2. Land divisions located entirely in multi-dwelling zones where at least one lot meets the lot dimension standards for multi-dwelling structures, multi-dwelling development, or cottage clusters;
 - 3. Land divisions located partly in multi-dwelling zones and partly in another zone; and
 - 4. Land divisions in the OS, C, E, I, CI and IR zones.

33.641.100 Transportation Impact Standards

- A. Number of lots.
 - 1. No more than 10 lots are proposed; or
 - 2. 11 or more lots are proposed and:
 - a. The application includes a specific development proposal for all the proposed lots that will generate no more than 250 net new vehicle trips per day as demonstrated in the applicant's transportation impact study; and

- b. The applicant has agreed to construct any improvements and mitigation measures recommended by the transportation impact study in order to remain below the trip generation rate threshold.
- B.** Each lot must meet one of the following:
- 1. Vehicle access to the lot will be solely from a local service street or alley, and the proposed driveway meets Title 17.28.110; or
 - 2. The applicant has proposed that there will be no vehicle access to the lot.

33.641.200 Transportation Impact Approval Criterion

- A.** The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.200.B.
- B.** Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191848, effective 10/1/24.)

33.651 Water Service

651

Sections:

- 33.651.010 Purpose
- 33.651.020 Water Service Standard

33.651.010 Purpose

Water service provides water for public health and emergency purpose, including fire suppression. These standards ensure that the public water system will serve each lot in the land division and, where appropriate, will extend through the land division to reach adjacent sites. They will result in an efficient, flexible water distribution system that can serve a variety of development configurations while minimizing overall development costs.

33.651.020 Water Service Standard

Water service must meet the standard of this section. Adjustments are prohibited.

- A. The Water Bureau or District and the Fire Bureau have verified that water facilities with adequate capacity and pressure are or will be available to serve the proposed development.
- B. The Water Bureau has verified that the land division will not eliminate the availability of services to existing development and the site will not move out of conformance with Water Bureau or District or Fire Bureau requirements for water service.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Amended by: Ord. No. 191848, effective 10/1/24.)

33.652 Sanitary Sewer Disposal Service

652

Sections:

- 33.652.010 Purpose
- 33.652.020 Sanitary Sewer Disposal Service Standards

33.652.010 Purpose

The sanitary sewer disposal service standards protect the public health by providing for the safe and sanitary collection, treatment, and disposal of waste products from development in the land division. These standards will result in an efficient, flexible sewer system that can serve a variety of development configurations within reasonable overall development costs.

33.652.020 Sanitary Sewer Disposal Service Standards

Sanitary sewer disposal service must meet the standards of this section. Adjustments are prohibited.

A. Availability of sanitary sewer.

1. The Bureau of Environmental Services has verified that sewer facilities are or will be available to serve the proposed development; or
2. BDS has approved the use of a private on-site sanitary sewage disposal system.

B. Public sanitary sewage disposal. Where public sewer facilities are available to serve the proposed development, the Bureau of Environmental Services has preliminarily approved the location, design, and capacity of the sanitary sewage disposal system. The approval is based on the Sewer and Drainage Facilities Design Manual;

C. Private sanitary sewage disposal. Where private on-site sanitary sewage disposal is proposed, BDS has preliminarily approved the location, design, and capacity of the proposed sanitary sewage disposal system. The approval is based on Oregon Administrative Rules Chapter 340, Division 071; and

D. The land division will not eliminate the availability of services to existing development and the site will not move out of conformance with Bureau of Environmental Services or BDS requirements for sanitary sewage disposal.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02; Amended by: Ord. No. 191848, effective 10/1/24.)

33.653 Stormwater Management

653

Sections:

- 33.653.010 Purpose
- 33.653.020 Stormwater Management Standards

33.653.010 Purpose

These regulations provide for the efficient and flexible placement of stormwater facilities serving a variety of development configurations. The standards of this chapter recognize that on-site stormwater facilities may be land intensive and site specific, consequently affecting the arrangement of lots and streets. These regulations ensure that the land division site has an adequate area and an appropriate location for stormwater facilities.

33.653.020 Stormwater Management Standards

Stormwater management facilities must meet the following standards. Adjustments are prohibited.

- A.** The Bureau of Environmental Services has preliminarily approved the capacity, type, location, feasibility and land area required of the proposed stormwater management system and stormwater disposal facilities as well as any connection to off-site facilities. The approval is based on the Sewer and Drainage Facilities Design Manual and the Stormwater Management Manual;
- B.** Ownership and maintenance.
 - 1. Except as allowed by Paragraph B.2., a stormwater facility that serves more than one lot must be in a stormwater facility or private street tract. The tract must be either owned in common by all of the owners of the lots served by the facility, by a Homeowners' Association, by a public agency, or by a non-profit organization.
 - 2. Exceptions.
 - a. A private stormwater facility may be in an easement if the location of the tract would preclude compliance with the front lot line requirements of Chapters 33.610 through 33.615;
 - b. An existing private stormwater facility may be in an easement, if there is a recorded maintenance agreement;
 - c. A private stormwater facility serving up to five dwelling units may be in an easement, if there is a recorded maintenance agreement.
- C.** Driveways may cross stormwater tracts and easements.
- D.** The land division will not eliminate the availability of services to existing development and the site will not move out of conformance with Bureau of Environmental Services requirements for stormwater service.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 191848, effective 10/1/24.)

33.654 Rights-of-Way

654

Sections:

- 33.654.010 Purpose
- 33.654.020 Where These Regulations Apply
- 33.654.110 Connectivity and Location of Rights-of-Way
- 33.654.120 Design of Rights-of-Way
- 33.654.130 Additional Standards for Rights-of-Way
- 33.654.150 Ownership, Maintenance, and Public Use of Rights-of-Way
- 33.654.160 Street Classification

33.654.010 Purpose

Rights-of-way provide for movement and access to, within, and through a land division site by pedestrians, bicycles, and motor vehicles. These regulations ensure that the right-of-way system will serve each lot in the land division. Where possible, the system will extend through the land division to reach adjacent sites. Constraints, such as steep slopes or environmental zones on or near the site may influence the location or preclude connected rights-of-way. These regulations protect the public health and safety by ensuring safe movement and access for emergency and service vehicles.

33.654.020 Where These Regulations Apply

The regulations of this chapter apply to all land divisions.

33.654.110 Connectivity and Location of Rights-of-Way

- A. Purpose.** The regulations of this section ensure provision of efficient access to as many lots as possible, and enhance direct movement by pedestrians, bicycles, and motor vehicles between destinations. Direct routes for bicycles and pedestrians from residential areas to neighborhood facilities, such as schools and parks, are particularly important to increase the convenience of travelling by foot or bicycle. Direct routes for motor vehicles are important for reducing vehicle miles travelled and traffic congestion, which reduces air and water pollution and carbon emissions. Connected streets provide for more efficient provision of utility and emergency services, and also enable a more even dispersal of traffic. The specific location of rights-of-way is influenced by a variety of conditions, including existing development, streets and lot patterns, and environmental features.
- B. Where these regulations apply.**
 - 1. The standards stated in Subsection C. apply to proposals for land divisions in OS, R, C, E, CI, and IR zones. Adjustments are prohibited. For proposals that cannot meet all of the standards, the approval criteria stated in Subsection D. apply. Where a proposal can meet the standards, the applicant may choose to meet all of the approval criteria stated in Subsection D. instead of all of the standards.
 - 2. The approval criteria in Subsection D. apply to proposals for land divisions in I zones.

C. Standards.

1. Through streets.
 - a. Through streets must be provided where there is more than 530 feet between through streets unless the entire site frontage is within 200 feet of the closest intersecting edge of a through street.
 - b. Measuring the distance between through streets.
 - (1) For the purposes of this standard, the distance between through streets is measured from the closest intersecting edge of the through street, partial through street, or self-contained pedestrian connection right of way in one direction along the shared block frontage, to the closest intersecting edge of the through street partial through street, or self-contained pedestrian connection right of way in the opposite direction along the shared block frontage.
 - (2) Dead end streets are not included in measurements between through streets or pedestrian connections.
2. Partial streets and partial pedestrian connections.
 - a. Where the block includes a partial through street and where a straight-line extension of the partial through street would bring the street onto the site, a partial through street is required;
 - b. Where the block includes a partial pedestrian connection and where a straight-line extension of the partial pedestrian connection would bring the connection onto the site, a partial pedestrian connection is required; and
 - c. Widening a partial street is required where a street that is not improved to its full design width borders the edge of the land division site.
3. Location.
 - a. Through streets. When a new through streets or an extension of a partial through street is required, the street must:
 - (1) Connect two or more streets when the site is abutting more than one through street or partial through street;
 - (2) Be in alignment with partial through streets within the same block as the land division site; and
 - (3) Extend to the boundary of the site to provide future access to adjacent sites, either by terminating at a dividable lot or locating along the edge of the land division site.
 - b. Pedestrian Connections. When a partial pedestrian connection is required by 2.b, the pedestrian connection must:
 - (1) Complete the connection between two or more streets when the existing pedestrian connection abuts the site; and

- (2) Be in alignment with partial pedestrian connections within the same block as the land division site.

4. Dead-end streets.

- a. Dead-end streets may be provided where through streets are not required. Public dead-end streets may not exceed 200 feet in length or abut more than 8 lots within the land division site and must be at least 200 feet from any other public dead-end street.
- b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site to provide future access to the adjacent sites. For the purposes of this standard, "may be divided" does not include middle housing land divisions.

5. Alleys. Alleys may be provided in addition to required streets to accommodate alternative vehicular access to proposed lots.

D. Approval criteria.

1. Through streets and pedestrian connections in OS, R, C, E, CI, and IR Zones. In OS, R, C, E, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
 - a. Through streets should generally be provided no more than 530 feet apart, and pedestrian connections should generally be provided no more than 330 feet apart. Through street and pedestrian connections should generally be at least 200 feet apart;
 - b. Where the street pattern in the area immediately surrounding the site meets the spacing of subparagraph a., above, the existing street pattern should be extended onto the site;
 - c. Characteristics of the site, adjacent sites, and vicinity, such as:
 - (1) Terrain;
 - (2) Whether adjacent sites may be further divided;
 - (3) The location of existing streets and pedestrian connections;
 - (4) Whether narrow frontages will constrain creation of a through street or pedestrian connection;
 - (5) Whether any of the following interrupt the expected path of a through street or pedestrian connection:
 - Environmental, River Environmental, Pleasant Valley Natural Resource, or Greenway overlay zones;
 - Tree groves;
 - Streams;
 - Combined flood hazard area; or
 - Wetlands; and

- (6) Whether existing dwelling units on- or off-site obstruct the expected path of a through street or pedestrian connection. Alternative locations or designs of rights-of-way should be considered that avoid existing dwelling units. However, provision of through streets or pedestrian connections should take precedence over protection of existing dwelling units where the surrounding transportation system will be significantly affected if a new through street or pedestrian connection is not created;
 - d. Master street plans for the area identified in the Transportation Element of the Comprehensive Plan;
 - e. Pedestrian connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible.
2. Dead-end streets in OS, R, C, E, CI, and IR zones.
 - a. In OS, R, C, E, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 1825 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
 - b. Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:
 - (1) The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or
 - (2) The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.
3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.
4. Alleys in all zones. Alleys may be required where the provision of an alley is appropriate to mitigate transportation or development impacts. Alleys may be appropriate to move garage access away from busy streets, reduce the number of

driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

33.654.120 Design of Rights-of-Way

- A. Purpose.** The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.
- B. Public streets.** For public streets and public alleys, the Bureau of Transportation has preliminarily approved the right-of-way width and the design and configuration of elements within the right-of-way including frontage improvements.
- C. Private streets.** The following regulations apply to the design of private streets and private alleys. The Bureau of Development Services is authorized to develop and maintain administrative rules for the width and the design and configuration of elements within a private street:
1. Width of the right-of-way. Private rights-of-way must meet the width standard stated in Subparagraph C.1.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph C.1.b. Adjustments are prohibited:
 - a. Standard. The proposed private right-of-way must meet the applicable minimum width standards stated in the Permanent Administrative Rules for Private Rights of Way. Wider private rights of way may be proposed.
 - b. Approval criterion. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, natural features, the length of the street, and the number of housing units served by the street.
 2. Configuration of elements. For all private rights-of-way, the Bureau of Development Services has preliminarily approved the design and configuration of elements within the right-of-way in conformance with relevant administrative rules and the standards in Paragraph C.3.
 3. Additional design standards for private rights-of-way:
 - a. Turnarounds.
 - (1) Purpose. A turnaround is a type of junction that allows traffic traveling in one direction on a road to safely and efficiently reverse course and travel the opposite direction without the need to back up long distances.
 - (2) Standard. A turnaround is required on a dead-end street in the following situations. Turnarounds are not required on a common green:
 - The street will serve 4 or more lots;
 - When required by the City Engineer to ensure forward egress onto a non-local street;

- When the street is at least 300 feet long;
 - When the street is longer than 150 feet and the street is needed to meet the Fire Bureau requirements for fire emergency access; or
 - When the street is longer than 100 feet and the lots will each have curbside garbage and recycling service.
- b. Streets.
- (1) Purpose. A private street provides access to new lots in a land division site, where public street access is not possible or practical. A private street provides access for a limited number of motor vehicles, bicycles, and pedestrians, and often provides a route for private and public utility connections. In some circumstances a private street must also accommodate larger vehicles, such as fire trucks, delivery trucks, or garbage/recycling trucks. By preventing through traffic and limiting the number of lots that are served, private streets have fewer users, reducing the impacts on maintenance and allowing for reduced right of way widths.
 - (2) Standards for streets other than shared courts, common greens, or pedestrian connections:
 - A private street must be a dead-end street;
 - Up to 8 lots within the land division site may abut a private street;
 - The Fire Bureau has approved the land division for emergency access;
 - Except as allowed by C.3.b(3), in residential zones, one on-street parking space is required for every two lots proposed.
 - (3) On street parking exceptions. There are two exceptions to the requirement for on-street parking in C.3.b(2). One is a standard and one is an approval criterion:
 - Standard exception. On-street parking is not required when
 - The street is less than 300 feet in length;
 - No more than 3 lots within the land division site have a front lot line on the street; and
 - The lots with a front lot line on the street are developed with no more than two dwelling units each.
 - Approval criterion. On-street parking may be reduced or waived when a site-specific parking analysis is provided demonstrating that adequate parking will be available. The analysis must include information regarding expected on-street parking demand on the private street based on allowed densities, access to alternative modes of travel, availability of parking in the area, feasibility of providing parking on the lots, and how visitors and deliveries will be accommodated.
- c. Shared courts.
- (1) Purpose. Shared courts provide shared vehicle, pedestrian, and bicycle access to abutting property. The access for all modes is accommodated on the same surface and not differentiated by grade separation. A shared court may function as a community yard. A shared court includes traffic calming measures to ensure safe co-existence of vehicles, pedestrians, and bicycles

in the same space. Shared courts should be designed to prioritize use of the right-of-way by pedestrians. Hard and soft landscape features may be included in a shared court, such as trees, shrubs, patterned brick paving, or benches.

(2) Standards:

- A shared court must not exceed 150 feet in length;
- A shared court must be a dead-end street;
- The Fire Bureau has approved the land division for emergency access;
- Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension; and
- Up to 16 lots within the land division site may abut a shared court.

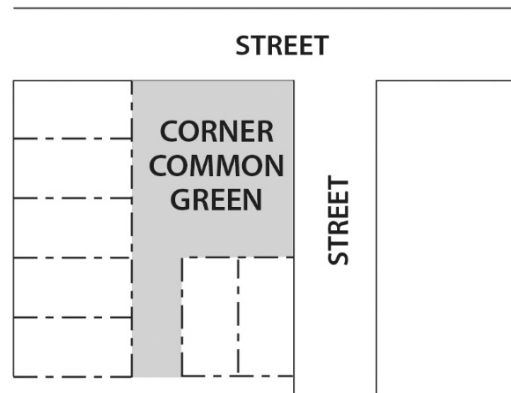
d. Common greens.

(1) Purpose. Common greens are landscaped rights of way that provide access for pedestrians and bicycles to abutting property. Since no motor vehicle access is provided, common greens are not limited in length or by the number of lots that can be served. Common greens are also intended to serve as a common open space amenity for residents, but not intended to serve as general pedestrian connections between streets.

(2) Standards:

- The length of a common green and number of lots is not limited;
- Common greens must be dead end streets. Through common greens are not allowed but common greens may be located on a corner of two intersecting streets. See Figure 654-1;
- The Fire Bureau has approved the land division for emergency access;
- Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension; and
- Vehicle area, except for emergency vehicle access approved by the Fire Bureau, is prohibited in common greens;

**Figure 654-1
Corner Common Green**



- e. Pedestrian connections.
- (1) Purpose. Pedestrian connections provide general access for pedestrians and bicyclists and provide a through connection between two streets or between a street and amenity like an open space tract. Private pedestrian connections typically connect two private streets or tracts, but may connect a private street to a public street.
 - (2) Standards:
 - The length of a private pedestrian connection is not limited;
 - Private pedestrian connections must only connect two private streets, a private street and a private tract, or a private street and a public street;
 - The Fire Bureau has approved the land division for emergency access;
 - Users must be able to see from one end of the connection to the other end; and
 - Vehicle area, except for emergency vehicle access approved by the Fire Bureau, is prohibited in private pedestrian connections.
- f. Alleys.
- (1) Purpose. Private alleys provide a secondary means of access, primarily intended for limited motor vehicle or service vehicles, though pedestrians and bicycles may still share the roadway in private alleys. Private alleys allow access to on-site parking to be consolidated, preserving the street frontage for more continuous sidewalk improvements and also can be used to reduce traffic conflicts.
 - (2) Standards:
 - Dead end private alleys may be up to 150 feet in length;
 - The Fire Bureau has approved the land division for emergency access; and
 - Up to 8 lots can have a lot line abutting a dead end alley. There is no limitation on the number of lots with a lot line on a through alley.

33.654.130 Additional Standards for Rights-of-Way

A. Street trees.

1. For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the street tree preservation, protection, and planting plan.
2. Private street trees. Private street tree plans must meet the standard stated in Subparagraph B.2.a. If the proposal cannot meet the standard, the applicant can choose to meet the approval criterion in Subparagraph B.2.b. Adjustments are prohibited:
 - a. Private street tree standard. The street tree planting plan meets the Trees and Landscaping standards stated in the Permanent Administrative Rules for Private Rights of Way;
 - b. Private street tree approval criteria. The number of private street trees may be reduced or are not required when:
 - (1) It is not feasible to provide street trees while meeting 33.654.120 Design of Rights Of Way, and the minimum lot size and dimension standards of the zone;
 - (2) Trees will be planted in the front yard of each lot, near the street tract, generally one tree every 25 feet of frontage;
 - (3) The proposed tree locations will not conflict with public utility easements on the lots; and
 - (4) Tree planting may be deferred until development of the lots, however, such planting must occur prior to final building inspection.

- B. Utilities.** Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. Utility easements needed to serve the lots must be identified during the preliminary land division plan review.

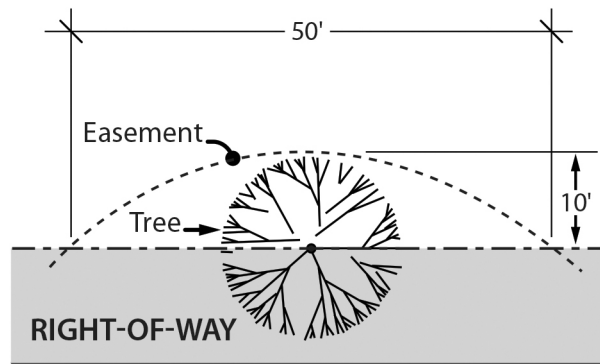
33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way

- A. Purpose.** To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.
- B. Ownership.** Ownership of rights-of-way is determined through the following standards:
1. Through streets. Through streets must be dedicated to the public.

2. Pedestrian connections.
 - a. Pedestrian connections that connect or are intended to eventually connect two public streets must be dedicated to the public.
 - b. Partial pedestrian connections that begin at a public right of way and terminate at the boundary of the land division site must be dedicated to the public.
 - c. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library must be dedicated to the public.
 - d. Pedestrian connections that connect two private streets, or that connect a private street to a public street, may be privately owned unless B.2.c applies.
 - e. Pedestrian connections that are not dedicated to the public must be privately owned in common by the owners of the property within the land division site that abut the pedestrian connection, or by the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.
3. Partial streets. Partial streets must be dedicated to the public.
4. Dead-end streets.
 - a. Dead-end streets and turnarounds must be dedicated to the public. Temporary turnarounds may be in an easement.
 - b. Exception. A dead-end street and turnaround may be privately owned if the street is not a temporary dead-end street and meets the private street design requirements in 33.654.120.C. The private street and turnaround must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.
5. Alleys.
 - a. Alleys that provide access to more than 5 lots within the land division site and abut sites that may be divided under current zoning must be dedicated to the public unless the Bureau of Transportation does not agree to accept the dedication.
 - b. If an alley is not dedicated to the public and serves more than 5 lots within the land division site, it must be placed in a tract owned in common by the owners of property that abut the alley or the Homeowners' Association.
 - c. If an alley is not dedicated to the public and serves 5 or fewer lots within the land division site, it must either be placed in an easement, or placed in a tract owned in common by the owners of the property within the land division site or the Homeowners' Association.
6. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.8, below.
7. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.8, below.

8. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:
 - a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;
 - b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:
 - (1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;
 - (2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-2;
 - (3) The easement must also include a public access easement that allows public access on all parts of the easement; and
 - (4) The City Engineer has approved the use of an easement adjacent to a public street or the Bureau of Development Services has approved the use of an easement adjacent to a private street.
 - c. Alleys. Alleys serving 5 or fewer lots may be placed in an easement.
- C. Maintenance.** If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.
- D. Public use of rights-of-way.**
1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;
 2. Shared courts must include a public access easement that allows public access on all parts of the shared roadway;
 3. Common greens, and pedestrian connections must include a public access easement that allows public access on all parts of the connection; and
 4. Public access easements must be recorded with the County Recorder.

Figure 654-2
Street Elements in Easements



33.654.160 Street Classification

- A. Purpose.** As streets are created or extended through the land division process, these streets should receive a classification in the Transportation Element of the Comprehensive Plan. The street classifications guide decisions on the design of streets and intersections, traffic operations, and the appropriate types of development along the street.
- B. New streets and street extensions.** New streets, street extensions, and pedestrian connections within the land division site will automatically be classified as local service streets for all modes unless the Transportation Element of the Comprehensive Plan designates them for other classifications.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24.)

33.660 Review of Land Divisions in Open Space, Residential, and IR Zones

660

Sections:

General

33.660.010 Purpose

33.660.020 Where These Regulations Apply

Review of Preliminary Plan

33.660.110 Review Procedures

33.660.120 Requirements for Approval

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

33.660.310 Review Procedures

33.660.320 Requirements for Approval

General

33.660.010 Purpose

These regulations ensure that land divisions in residential, open space, and IR zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.660.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions on sites in Open Space, Residential, and IR Zones.

Review of Preliminary Plan

33.660.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:
1. Eleven or more lots;
 2. Four or more lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 3. Four or more lots, when the proposal includes an environmental review, river review or Pleasant Valley resource review; or
 4. A phased land division, as described in Chapter 33.633, Phased and Staged Plans.

- B. Type IIx.** Except as provided in Subsection A, above, land division proposals that include any of the following elements are processed through a Type IIx procedure:
1. Four to ten lots;
 2. Two or three lots, where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 3. Two or three lots, when the proposal includes an environmental review, river review or Pleasant Valley resource review;
 4. Lots, utilities, or services are proposed within the combined flood hazard area; or
 5. The proposal includes a concurrent land use review assigned to a Type I, Type Ix, Type II, or Type IIx procedure.
- C. Type Ix.** All land divisions not assigned to a Type IIx or Type III, are processed through a Type Ix procedure.

33.660.120 Requirements for Approval

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following regulations have been met.

- A. Lots.** The regulations of Chapters 33.605 through 33.612 must be met;
- B. Trees.** The regulations of Chapter 33.630, Tree Preservation, must be met;
- C. Combined flood hazard area.** If any portion of the site contains combined flood hazard area, the regulations of Chapter 33.631, Sites in the Combined Flood Hazard Area, must be met;
- D. Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the regulations of Chapter 33.632, Sites in the Combined Potential Landslide Hazard Areas, must be met;
- E. Phased Plans and Staged Final Plat.** If the Preliminary Plan will be phased or if the Final Plat will be staged, the standards of Chapter 33.633, Phased Land Divisions and Staged Final Plat, must be met;
- F. Required recreation area.** The regulations of Chapter 33.634, Required Recreation Areas, must be met;
- G. Clearing, grading, and land suitability.** The regulations of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;
- H. Tracts and easements.** The regulations of Chapter 33.636, Tracts and Easements must be met;
- I. Streams, springs, seeps, and wetlands.** The regulations of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met;
- J. Transportation impacts.** The regulations a of Chapter 33.641, Transportation Impacts, must be met; and,

- K. Services and utilities.** The regulations of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.660.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.660.300 through 33.660.320. Some changes, listed in Section 33.673.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.673.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.660.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
1. An increase in the site area of more than 5 percent;
 2. An increase in the number of lots;
 3. A decrease in the number of lots by more than one lot;
 4. A decrease in the area of any lot by more than 10 percent;
 5. A decrease in the width or depth of any lot by more than 10 percent. Width is measured at the front setback line;
 6. Changing a through street to a dead-end street;
 7. Changing a dead-end street to a through street;
 8. Deleting a street or pedestrian connection;
 9. Deleting or changing a condition of the Preliminary Plan approval;
 10. Changing the purpose of, or deleting, the following tracts or easements:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Combined flood hazard area easements or tracts;

- e. Tree preservation tracts;
 - f. Landslide hazard easements or tracts; or
 - g. Recreation area tracts;
11. Reducing the area or changing the location of the following tracts:
- a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard tract;
12. Decreasing the area of a recreation area tract by more than 10 percent;
13. Any change that the Director of BDS determines:
- a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.660.320 Requirements for Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following standards or approval criteria have been met:

- A. Approval requirements for changes listed in Subsection 33.660.310.B.** Changes to the Preliminary Plan that are listed in Subsection 33.660.310.B must meet the approval requirements of Section 33.660.120.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
- 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 - 2. The regulations addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

662

Sections:

General

- 33.662.010 Purpose
- 33.662.020 Where These Regulations Apply

Review of Preliminary Plan

- 33.662.110 Review Procedures
- 33.662.120 Requirements for Approval

Review of Changes to an Approved Preliminary Plan

- 33.662.300 When Review is Required
- 33.662.310 Review Procedures
- 33.662.320 Requirements for Approval

General

33.662.010 Purpose

These regulations ensure that land divisions in non-residential zones will be processed with the appropriate level of city and public review. This chapter establishes clear procedures and approval criteria for the land division proposal.

33.662.020 Where These Regulations Apply

- A. Generally.** The regulations of this chapter apply to proposals for land divisions on sites in CI, commercial, employment, and industrial zones.
- B. Alternative process for large sites in I zones.** Sites in industrial zones that meet the minimum size requirements of this subsection are eligible to use the regulations and procedures of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use. The minimum size thresholds for this alternative process are:
 - 1. IG1 zone. Sites in the IG1 zone that are at least 200,000 square feet in area; and
 - 2. IG2 and IH zones. Sites in the IG2 and IH zones that are at least 340,000 square feet in area.

Review of Preliminary Plan

33.662.110 Review Procedures

Procedures for review of Preliminary Plans vary with the type of land division proposal being reviewed.

- A. Type III.** Land divisions that include any of the following elements are processed through a Type III procedure:
 - 1. Eleven or more lots, regardless of zone;
 - 2. Four or more lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area; or
 - 3. Four or more lots, when the proposal includes an environmental review, river review or Pleasant Valley resource review.

- B. Type IIx.** Except as provided in Subsection A above, land divisions that include any of the following elements are processed through a Type IIx procedure:
 - 1. Four to ten lots;
 - 2. Two or three lots where any portion of the lots, utilities, or services are proposed within a Potential Landslide Hazard Area;
 - 3. Two or three lots, when the proposal includes an environmental review, river review or Pleasant Valley resource review;
 - 4. Lots, utilities or services are proposed within the combined flood hazard area; or
 - 5. The proposal includes a concurrent land use review assigned to a Type I, Type Ix, Type II, or Type IIx procedure.

- C. Type Ix.** All land divisions not assigned to a Type IIx or Type III in Sections A and B above, are processed through a Type Ix procedure.

33.662.120 Requirements for Approval

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following regulations have been met:

- A. Lots.** The regulations of Chapters 33.613 through 33.615 must be met;
- B. Trees.** The regulations of Chapter 33.630, Tree Preservation, must be met;
- C. Combined flood hazard area.** If any portion of the site contains combined flood hazard area, the regulations of Chapter 33.631, Sites in the Combined Flood Hazard Area, must be met;
- D. Potential Landslide Hazard Area.** If any portion of the site is in a Potential Landslide Hazard Area, the regulations of Chapter 33.632, Sites in Potential Landslide Hazard Areas, must be met;
- E. Clearing, grading, and land suitability.** The regulations of Chapter 33.635, Clearing, Grading, and Land Suitability must be met;
- F. Tracts and easements.** The regulations of Chapter 33.636, Tracts and Easements must be met;

- G. Streams, springs, seeps, and wetlands.** The regulations of Chapter 33.640, Streams, Springs, Seeps, and Wetlands must be met.
- H. Transportation Impacts.** The regulations of Chapter 33.641, Transportation Impacts, must be met; and
- I. Services and utilities.** The regulations of Chapters 33.651 through 33.654, which address services and utilities, must be met.

Review of Changes to an Approved Preliminary Plan

33.662.300 When Review is Required

Changes to an approved Preliminary Plan may be considered under the provisions of Sections 33.662.300 through 33.662.320. Some changes, listed in Section 33.673.200, may be approved as part of the Final Plat review. In addition, a decision on a Preliminary Plan may include conditions that require a different level of review for changes.

If the Final Plat differs from the approved Preliminary Plan, and the change is not one that may be approved under Section 33.673.200, and is not specifically allowed by the Preliminary Plan approval, review is required.

33.662.310 Review Procedures

Procedures for review of changes to an approved Preliminary Plan vary with the type of change proposed.

- A. Type Ix.** Changes not listed in Subsections B or C, below, are processed through a Type Ix procedure.
- B. Same procedure as was used for Preliminary Plan.** The following proposals are processed through the same procedure type as was used for the Preliminary Plan approval:
 - 1. An increase in the site area of more than 5 percent;
 - 2. A decrease in the area of any lot by more than 10 percent;
 - 3. Changing a through street to a dead-end street;
 - 4. Changing a dead-end street to a through street;
 - 5. Deleting a street or pedestrian connection;
 - 6. Deleting or changing a condition of the Preliminary Plan approval;
 - 7. Deleting any of the following:
 - a. Shared parking tracts;
 - b. Environmental resource tracts;
 - c. Stormwater tracts;
 - d. Combined flood hazard area easements or tracts;

- e. Tree preservation tracts; or
 - f. Landslide hazard easements or tracts;
8. Reducing the area or changing the location of any of the following:
- a. Environmental resource tract;
 - b. Combined flood hazard area tract; or
 - c. Landslide hazard area tract.
9. Any change that the Director of BDS determines:
- a. Is a significant change from the Preliminary Plan; or
 - b. Will have a significant impact on the surrounding area.
- C. Changes to tree preservation requirements.** Changes to tree preservation requirements are processed as described in Chapter 33.853, Tree Review.

33.662.320 Requirements for Approval

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met:

- A. Approval requirements for changes listed in Subsection 33.662.310.B.** Changes to the Preliminary Plan that are listed under Section 33.662.310.B must meet the approval requirements of Section 33.662.120.
- B. Approval criteria for other changes.** All other changes to the Preliminary Plan must meet the following approval criteria:
- 1. The proposed changes are not substantial enough, singly or in combination, to warrant a new review of the entire Preliminary Plan;
 - 2. The proposed changes continue to comply with the findings made for the approval of the Preliminary Plan; and
 - 3. The regulations addressed by the approval of the Preliminary Plan can still be met, with appropriate conditions of approval.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178509, effective 7/16/04; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 184235, effective 11/26/10, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.670 Review of Land Divisions of Manufactured Dwelling Parks

670

Sections:

General

- 33.670.010 Purpose
- 33.670.020 Where These Regulations Apply
- 33.670.030 Application Requirements

Review of Preliminary Plan

- 33.670.110 Review Procedures
- 33.670.130 Requirements for Approval

Review of Final Plat

- 33.670.210 Review Procedure
- 33.670.215 Voiding of Final Plat Application
- 33.670.220 Approval Standards

Review of Changes to an Approved Preliminary Plan

- 33.670.300 Review Procedures
- 33.670.310 Approval Criteria

Changes to Final Plat

- 33.670.400 Changes to Final Plat Before Recording
- 33.670.410 Changes to Final Plat After Recording

General

33.670.010 Purpose

These regulations assign each phase of a land division request to an appropriate procedure type for review, and establish standards for each phase and each review.

33.670.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for land divisions of manufactured dwelling parks that existed on July 1, 2001. The regulations apply in all zones. Sites with manufactured dwelling parks are eligible to use the regulations and procedures of chapter 33.660 through 33.665 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.670.030 Application Requirements

A complete application for a land division of a manufactured dwelling park under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, each plan/map submitted with the application must also include an 8 ½ by 11 inches in size copy and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

A. Preliminary Plan. An application for Preliminary Plan must include all of the following:

1. Application form. The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must

- include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
2. Written statement. A written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards are met;
 - Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets
 3. Vicinity map. A vicinity map extending at least 200 feet in each direction from the land division site, and shows the following existing conditions for both the site and the vicinity:
 - Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
 4. The proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
 - a. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map;
 - Stamp of surveyor;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and

- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- b. Additional information:
 - Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing easements on and abutting the site;
 - Existing and proposed services and utilities; and
 - Any information necessary to show that the approval criteria are met.
- 5. Fees. The applicable filing fees.

B. Final Plat. An application for a Final Plat must include all of the following:

1. Final Plat survey. A Final Plat survey drawn to scale. The following information must be on the Final Plat survey:
 - a. The statements:
 - “This plat is subject to the conditions of City of Portland Case File No. LUR...”; and
 - “Additional City review is required for any changes made to this plat after the signature date of the BDS representative. Such changes may require an additional review procedure”; and
 - b. Easements and tracts, including their purpose;
2. Supplemental plan. A supplemental plan that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. This includes the information from the Preliminary Plan that shows the proposal does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks;
3. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval;
4. Maintenance agreements and CC&Rs. A copy of each required maintenance agreement or Conditions, Covenants and Restrictions;
5. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions; and
6. Fees. The applicable filing fees.

Review of Preliminary Plan

33.670.110 Review Procedures

Review of Preliminary Plans is processed through a Type Ix procedure.

33.670.130 Requirements for Approval

The Preliminary Plan for a land division of a manufactured dwelling park will be approved if the review body finds that the applicant has shown that all of the following regulations have been met.

- A. Legal status of manufactured dwelling park.** One of the following must be met:
 - 1. The manufactured dwelling park is a legal nonconforming use; or
 - 2. The BDS Code Compliance Division has not issued a written code violation notice as of July 2, 2001.
- B. Number of lots.** The number of lots proposed is the same or less than the number of manufactured dwelling spaces previously approved or legally existing in the manufactured dwelling park.
- C. Development standards.** The Preliminary Plan does not move the site out of conformance, or further out of conformance, with the standards of Chapter 33.251, Manufactured Homes and Manufactured Dwelling Parks.
- D. Boundary.** The proposal does not change the boundary of the manufactured dwelling park.
- E. Services and utilities.**
 - 1. Areas that are used for vehicle access, such as driveways, and that serve more than four lots, must be in a tract. The tract must be shown on the Preliminary Plan;
 - 2. All other services and utilities that serve more than one lot must be in a tract or easement. Where a service or utility serves only one lot, but crosses another, it also must be in a tract or easement. The tracts and easements must be shown on the Preliminary Plan;
- F. Tracts and easements.** The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Final Plat

33.670.210 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.670.215 Voiding of Final Plat Application

A complete application for Final Plat review will be voided where:

- A.** The Director of BDS has sent written comments to the applicant, requesting additional information; and
- B.** The applicant has not provided the requested information within 180 days of the date the Director's letter was mailed.

33.670.220 Approval Standards

The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

- A. Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan;
- B. Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to Final Plat approval. All other conditions of approval remain in effect;
- C. Dedications, tracts, and easements.**
 - 1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
 - 2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- D. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval; and
- E. Maintenance agreements and CC&Rs.** All maintenance agreements and Conditions, Covenants and Restrictions must be reviewed and approved by the Director of BDS and the City Attorney prior to Final Plat approval and must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval.

Review of Changes to an Approved Preliminary Plan

33.670.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through a Type Ix procedure. The decision of the Director of BDS is final.

33.670.310 Approval Criteria

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval criteria of Section 33.670.130 have been met.

Changes to Final Plat

33.670.400 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and surveyor, changes are processed as changes to an approved Preliminary Plan. The revised Final Plat must undergo Final Plat review again.

33.670.410 Changes to Final Plat After Recording

After the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as a new land division.

(Added by: Ord. No. 177422, effective 6/7/03. Amended by: Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 191848, effective 10/1/24.)

33.671 Review of Middle Housing Land Divisions

671

Sections:

General:

- 33.671.010 Purpose
- 33.671.020 Where These Regulations Apply
- 33.671.030 Application Requirements

Review of Preliminary Plan

- 33.671.110 Review Procedures
- 33.671.130 Approval Standards

Review of Changes to an Approved Preliminary Plan

- 33.671.300 Review Procedures
- 33.671.310 Approval Standards

General

33.671.010 Purpose

These regulations ensure that middle housing land divisions will be processed with the appropriate level of City and public review. This chapter establishes clear procedures and approval standards for the middle housing land division proposal.

33.671.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for middle housing land divisions. Proposals that are eligible for a middle housing land division are eligible to use the applicable regulations and procedures of chapter 33.660 or 33.662 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

33.671.030 Application Requirements

A complete application for a middle housing land division under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request. An application for Preliminary Plan must include all of the following:

- A. **Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
- B. **Written statement.** A written statement that includes the following:
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards are met;

- Additional information needed to understand the proposal;
 - Names and addresses of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets;
- C. Vicinity map.** A vicinity map extending at least 200 feet in each direction from the land division site, and shows the following existing conditions for both the site and the vicinity:
- Streets;
 - Pedestrian and bicycle facilities and connections; and
 - Location of utilities and services;
- D.** A copy of the proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
1. Surveyed information:
 - Boundary lines of the site with dimensions and total site area;
 - Proposed lot layout with sizes, dimensions, and lot and block numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
 - Proposed location, dimensions, and purpose of all easements;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map;
 - Stamp of surveyor;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and
 - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
 2. Additional information:
 - Zoning and Comprehensive Plan designations;
 - Location, dimensions, and purpose of existing and proposed easements on and abutting the site;
 - Proposed development;
 - Existing and proposed services and utilities for each dwelling unit;
 - Information showing how existing and proposed development meets approval standard 33.671.130.B. For sites without existing development, proof that building permit plans are under City review is required; and
 - Any other information necessary to show that the approval standards are met.

- E. **Fees.** The applicable filing fees.

Review of Preliminary Plan

33.671.110 Review Procedures

Review of Preliminary Plans is processed through an Expedited Land Division (ELD) procedure except that the middle housing land division is not required to meet the elements specified in ORS 197.360.

33.671.130 Approval Standards

The Preliminary Plan for a middle housing land division will be approved if the review body finds that the applicant has shown that all of the following approval standards have been met. Adjustments are prohibited. The approval standards are:

A. Lots.

1. The number of lots proposed is the same as the number of dwelling units proposed, approved, or legally existing on the middle housing land division site; and
2. There is only one dwelling unit per lot.

B. Buildings, structures and other development.

1. The proposed, approved, or legally existing development meets the standards and regulations of Title 33 applicable to development on the original site prior to the land division. See 33.644, Middle Housing Land Divisions, for development that is eligible for a middle housing land division; and
2. All of the buildings and structures on a resulting lot comply with applicable building code provisions relating to the proposed property lines and, all of the structures and buildings located on the lots comply with the Oregon residential specialty code.

C. Services.

1. Water service. The Water Bureau or District and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
2. Public sanitary sewer service. The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
3. Private on-site sanitary sewage disposal. Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, BDS has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.
4. Stormwater management. The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.

5. Right-of-way. For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, the Bureau of Development Services has preliminarily approved any proposed private streets.

D. Tracts and easements.

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
 - a. Locating, accessing, replacing and servicing all services;
 - b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
 - c. Any common use areas or shared building elements;
 - d. Any shared driveways or parking; and
 - e. Any shared common area;
2. The standards of Chapter 33.636, Tracts and Easements, must be met.

Review of Changes to an Approved Preliminary Plan

33.671.300 Review Procedure

Changes to an approved Preliminary Plan are reviewed through an Expedited Land Division (ELD) procedure except that meeting the elements of ORS 197.360 is not required. The decision of the Director of BDS is final.

33.671.310 Approval Standards

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval standards of Section 33.671.130 have been met.

(Added by: Ord. No. 190851, effective 6/30/22; Amended by: Ord. No. 191848, effective 10/1/24.)

33.673 Final Plats

673

Sections:

General

- 33.673.010 Purpose
- 33.673.020 Where These Regulations Apply

Review of Final Plats

- 33.673.100 Review Procedures
- 33.673.110 Voiding of Final Plat Application

Standards for Approval

- 33.673.200 Standards
- 33.673.210 Staged Final Plat

Changes to Final Plat

- 33.673.310 Changes to Final Plat Before Recording
- 33.673.320 Changes to Final Plat Survey After Recording

General

33.673.010 Purpose

These regulations ensure that Final Plats are processed with the appropriate level of city review. This chapter contains clear procedures and standards for Final Plats.

33.673.020 Where These Regulations Apply

- A. Generally.** The regulations of this chapter apply to proposals for Final Plats in all zones, except those listed in Subsection B and C.
- B. Final Plats of Manufactured Dwelling Parks.** The regulations for the review of Final Plats of Manufactured Dwelling Parks are in Chapter 33.670, Review of Land Divisions of Manufactured Dwelling Parks.
- C. Final Plats for Large Sites in Industrial Zones.** The regulations for the review of Final Plats for Large Sites in Industrial Zones are in Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones.

Review of Final Plats

33.673.100 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final and is indicated through a signature on the Final Plat.

33.673.110 Voiding of Final Plat Application

- A. Generally.** An application for Final Plat review will be voided when:
 - 1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided any of the requested information or completed any steps toward meeting the outstanding requirements

within 180 days. If the applicant provides some information or completes some steps toward meeting the outstanding requirements within 180 days the application of final plat review will not be voided; or

2. It has been more than 3 years since the Director of BDS has sent the initial set of written comments requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided all of the requested information and completed all of the steps necessary to meet the outstanding requirements.
- B. Exceptions.** For middle housing land divisions, the Final Plat application is voided if within 3 years of the date of final decision on the preliminary plan the Final Plat has not been approved.

Standards for Approval

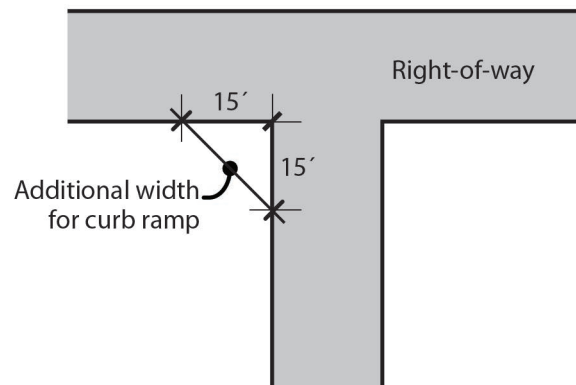
33.673.200 Standards

These standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of Chapter 33.660, Chapter 33.662, or Chapter 33.671. The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the applicable standards have been met. The standards are:

- A. Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:
1. Any of the following decreases:
 - a. The number of lots by one, if minimum density requirements continue to be met;
 - b. The area of any lot up to 5 percent;
 - c. The width or depth of any lot up to 5 percent;
 - d. The area of a stormwater tract up to 5 percent; or
 - e. The area approved for clearing and grading.
 2. Any of the following increases:
 - a. The area of any lot;
 - b. The width or depth of any lot;
 - c. The area of a stormwater tract up to 5 percent;
 - d. The area of a shared parking tract up to 5 percent;
 - e. The area approved for clearing and grading up to 5 percent;
 - f. The area of environmental resource tracts;
 - g. The area of tree preservation tracts;
 - h. The area of flood hazard easements or tracts;

- i. The area of landslide hazard easements or tracts;
 - j. The area of recreation area tracts;
 - k. The area of an easement or tract, other than a stormwater or parking tract, in a middle housing land division; or
 - l. The width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 673-1.
3. Moving a public or private right-of-way if approved by the appropriate service bureau;
 4. Changes to a stormwater facility if approved by the appropriate service bureau;
 5. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and
 6. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

Figure 673-1
Allowed Increase to Right-of-Way Width



- B. Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions of approval remain in effect;
- C. Services.** All services must meet the requirements of the City Code;
- D. Dedications, tracts, and easements.**
 1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
 2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- E. Middle housing land division as-built survey.** For a middle housing land division, the as-built survey shows that structures and services are constructed in conformance with the preliminary plan and meet requirements in relation to property lines and any easements or tracts.

- F. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;
- G. Legal documents.** Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and
- H. Variations beyond the limits allowed in this Section.**
 - 1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, or Section 33.671.300 for middle housing land divisions. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.
 - 2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

33.673.210 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Staged Final Plats are defined in Chapter 33.633, Phased Land Divisions and Staged Final Plats. Each stage must meet all of the Final Plat standards of Section 33.673.200.

Changes to Final Plat

33.673.310 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where a land use review of the changes is required by Section 33.660.300 for land divisions in Open Space and Residential Zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, the revised Final Plat must undergo Final Plat review again.

33.673.320 Changes to Final Plat Survey After Recording

After the Final Plat Survey has been recorded with the County Recorder and Surveyor, changes are processed as a new land division or alternative process, such as a Replat under 33.675, or Property Line Adjustment under Chapter 33.677, if allowed.

(Added by: Ord. No. 179980, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 186739, effective 7/11/14; Ord. No. 188259, effective 3/31/17; Ord. No. 190076, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.675 Replat

675

Sections:

- 33.675.010 Purpose
- 33.675.050 When These Regulations Apply
- 33.675.100 Review Procedure
- 33.675.200 Application Requirements
- 33.675.300 Approval Criteria
- 33.675.400 Recording an Approval

33.675.010 Purpose

This chapter states the procedures and regulations for removing or reconfiguring lot lines within a site to combine into one to three lots. The regulations ensure that the replat does not circumvent other requirements of this Title, and that lots and sites continue to meet development standards and conditions of land use approvals.

33.675.050 When These Regulations Apply

A replat may be used to remove or reconfigure lot lines within a site to combine into no more than three lots. The perimeter of a replatted site must follow existing lot lines. Lot lines cannot be created through this process however lot lines can be moved. A replat cannot result in the creation of a flag lot or the creation of a buildable lot from an unbuildable lot remnant or lot of record. The applicant may also remove or reconfigure lot lines through a land division. A replat may be required by other provisions of this Title.

33.675.100 Review Procedure

- A. Generally.** Replats are reviewed through Type Ix procedure.
- B. Sites in PUDs or PDs.** If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the replat.

33.675.200 Application Requirements.

A complete application for a replat under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

- A. Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. A survey of the site, stamped and signed by a registered land surveyor showing all existing lot lines and the location, dimensions and setbacks from lot lines for all structures and other improvements, utilities, and services on the site. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
2. If the site is part of an existing plat, a copy of the recorded plat; and
3. A Final Partition Plat showing the reconfigured lot or lots. Copies of the Final Plat must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The following statement must be on the Final Plat: "This plat is subject to the conditions of the City of Portland Case File No. LUR..."

C. Other.

1. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions;
2. Narrative. A written narrative explaining how the regulations and approval criteria of this chapter have been met; and
3. Fees. The applicable filing fees.

33.675.300 Approval Criteria

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

A. Lots. The replatted lots must meet the regulations of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.
 - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
 - (1) No portion of the lot or adjusted lot is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
 - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
 - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width

requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:

- (1) No portion of the lot or adjusted lot is in an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone;
 - (2) No portion of the lot or adjusted lot is in the combined flood hazard area; and
 - (3) The lot or adjusted lot has an average slope of less than 25 percent;
2. **Maximum density.** If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
 3. **Lots without street frontage.** If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
 4. **Through lots.** If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
 5. **Split zoning.** If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.
- B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.
- C. Conditions of land division approvals.** The replat must meet one of the following:
1. All conditions of previous land division approvals continue to be met or remain in effect; or
 2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.
- D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.
- E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

33.675.400 Recording an Approval

The Final Plat and the deed for the replat must be recorded with the County Recorder and Surveyor within 90 days of approval by the Director of BDS.

(Added by: Ord. No. 177701, effective 8/30/03; amended by Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.676 Lot Confirmation

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Sections:

- 33.676.010 Purpose
- 33.676.100 Prohibited Lot Confirmations
- 33.676.150 Method of Review
- 33.676.200 Application Requirements
- 33.676.300 Standards
- 33.676.400 Finalizing the Lot Confirmation

33.676.010 Purpose

This chapter states the procedures and regulations for confirming a lot, lot of record or combination of lots or lots of record. The regulations ensure that the Lot Confirmation does not:

- Create a new lot;
- Result in development sites that no longer meet the dimensional requirements and development standards of this Title; and
- Result in sites that no longer meet conditions of approval of a previous land use review.

33.676.100 Prohibited Lot Confirmations

A Lot Confirmation cannot be used to create a buildable lot from an unbuildable plot or to create plots.

33.676.150 Method of Review

Lot Confirmations are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.676.200 Application Requirements

A complete application for a Lot Confirmation under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.

- A. Application Form.** The completed application form bearing an accurate legal description, tax account number and location of the property. The completed form must also include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Verification of lot creation.** Documentation that establishes when and how the lot was created is required. For Lot Confirmations where the base zone requires that the lot was under separate ownership from abutting lots, ownership information for the lot and abutting lots is also required. This may include copies of recorded plats, historic deeds, or other documentation that provides evidence of the creation and chain of ownership of the property.
- C. Site plan and supplemental survey.**
 1. A site plan is required for all applications. The site plan must be drawn to scale and show:
 - The location of existing lot or property lines;

- The boundaries of the re-established lot, lot of record, or combinations thereof;
 - All development on the site including driveways and parking areas;
 - The location of utilities and services; and
 - The location and dimensions of existing curb cuts abutting the site.
2. If existing buildings on the site will remain after the lot confirmation, a supplemental survey signed and stamped by a registered land surveyor is also required. The survey must show utilities and services, the distances between the buildings on the lot, and the lot line that is being confirmed.

C. Other.

1. Narrative. A written narrative explaining how the regulations and standards of this chapter have been met; and
2. Fees. The applicable filing fees.

33.676.300 Standards

A request for a Lot Confirmation will be approved if all of the following are met:

A. Lot or lot of record. Each lot or lot of record that will be confirmed meets the definition of lot, adjusted lot, lot remnant or lot of record.

B. Development standards.

1. Minimum lot dimension standards. The following lot dimension standards apply to each lot, adjusted lot, lot remnant, lot of record or combination thereof. The standards must be met without necessitating a property line adjustment. Adjustments are prohibited:
 - a. In the OS, C, EX, CI and IR zones, each lot must have a front lot line that is at least 10 feet long. There are no other minimum lot dimension standards.
 - b. In the single-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of 33.110.202, When Primary Structures are Allowed.
 - c. In the multi-dwelling zones, each lot must have frontage on a street, and each lot must meet the standards of Section 33.120.205, When Primary Structures are Allowed.
 - d. In the EG zones, each lot must meet Standard B stated in Table 614-1.
 - e. In the I zones, each lot must meet Standard B stated in Table 615-1.
 - f. If the lot is in an overlay zone or plan district that regulates minimum lot dimensions, the minimum lot dimension standards of the overlay zone or plan district must be met instead of the standard that corresponds to the base zone.
2. Minimum density. Minimum density regulations do not apply to a lot confirmation.
3. All other development standards. The following standards apply to development standards other than minimum lot dimensions and minimum density:
 - a. If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the Lot Confirmation.
 - b. If existing development is not in conformance with a development standard of this title, the Lot Confirmation will not cause the development to move further out of

conformance with the standard unless an adjustment or Property Line Adjustment is approved.

- C. Conditions of previous land use reviews.** All applicable conditions of previous land use reviews must be met, see 33.700.110, Prior Conditions of Land Use Approvals. Adjustments are prohibited.

33.676.400 Finalizing the Lot Confirmation

A Lot Confirmation approval must be submitted to the appropriate county assessment and taxation office within 90 days of the City's decision. The County is responsible for creating separate tax identification numbers for each confirmed lot.

(Added by: Ord. No. 190093, effective 9/11/20; Amended by: Ord. No. 191848, effective 10/1/24.)

33.677 Property Line Adjustment

677

Sections:

- 33.677.010 Purpose
- 33.677.050 When these Regulations Apply
- 33.677.100 Prohibited Property Line Adjustments
- 33.677.150 Method of Review
- 33.677.200 Application Requirements
- 33.677.300 Standards
- 33.677.400 Recording an Approval

33.677.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site;
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval; and
- A Property Line Adjustment does not make it difficult to delineate property boundaries or apply use and development standards predictably and uniformly.

33.677.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

33.677.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

- A.** A Property Line Adjustment that configures either property as a flag lot, unless:
 1. The property was already a flag lot; or
 2. Both properties are in the R5 or R2.5 zone and:
 - a. There is an existing house on one or both properties;
 - b. Only one flag lot is proposed;
- B.** A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C.** A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street;

- D.** A Property Line Adjustment that removes alley frontage from one or both properties unless:
1. The property line adjustment site includes a corner lot and alley frontage will only be removed for one lot; or
 2. Alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment; and
- E.** A Property Line Adjustment that creates a nonconforming use.

33.677.150 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.677.200 Application Requirements

A complete application for a property line adjustment consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request. No more than three Property Line Adjustments may be requested on a site within one calendar year.

- A. Application form.** The completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Surveys and supplemental site plan.**
1. A property line survey. The survey must be stamped and signed by a registered land surveyor as required by Oregon Revised Statutes. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
 2. A survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.
 3. Site plan. If there is existing development on either property, a site plan, drawn to scale, that shows:
 - The location of existing and proposed lot or property lines;
 - All development on the site including driveways and parking areas;
 - The location of utilities and services;
 - The location and dimensions of existing curb cuts abutting the site; and
 - Any additional information needed to demonstrate that the standards in 33.677.300 will be met.

C. Legal description. Legal descriptions for each adjusted property and each exchange parcel. The legal descriptions must be signed and stamped by a registered land surveyor.

D. Other.

1. Narrative. A written narrative explaining how the regulations and standards of this chapter have been met; and
2. Fees. The applicable filing fees.

33.677.300 Standards

The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. A request for a Property Line Adjustment will be approved if all of the following are met:

A. Conformance with regulations. Both properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615, except as follows:

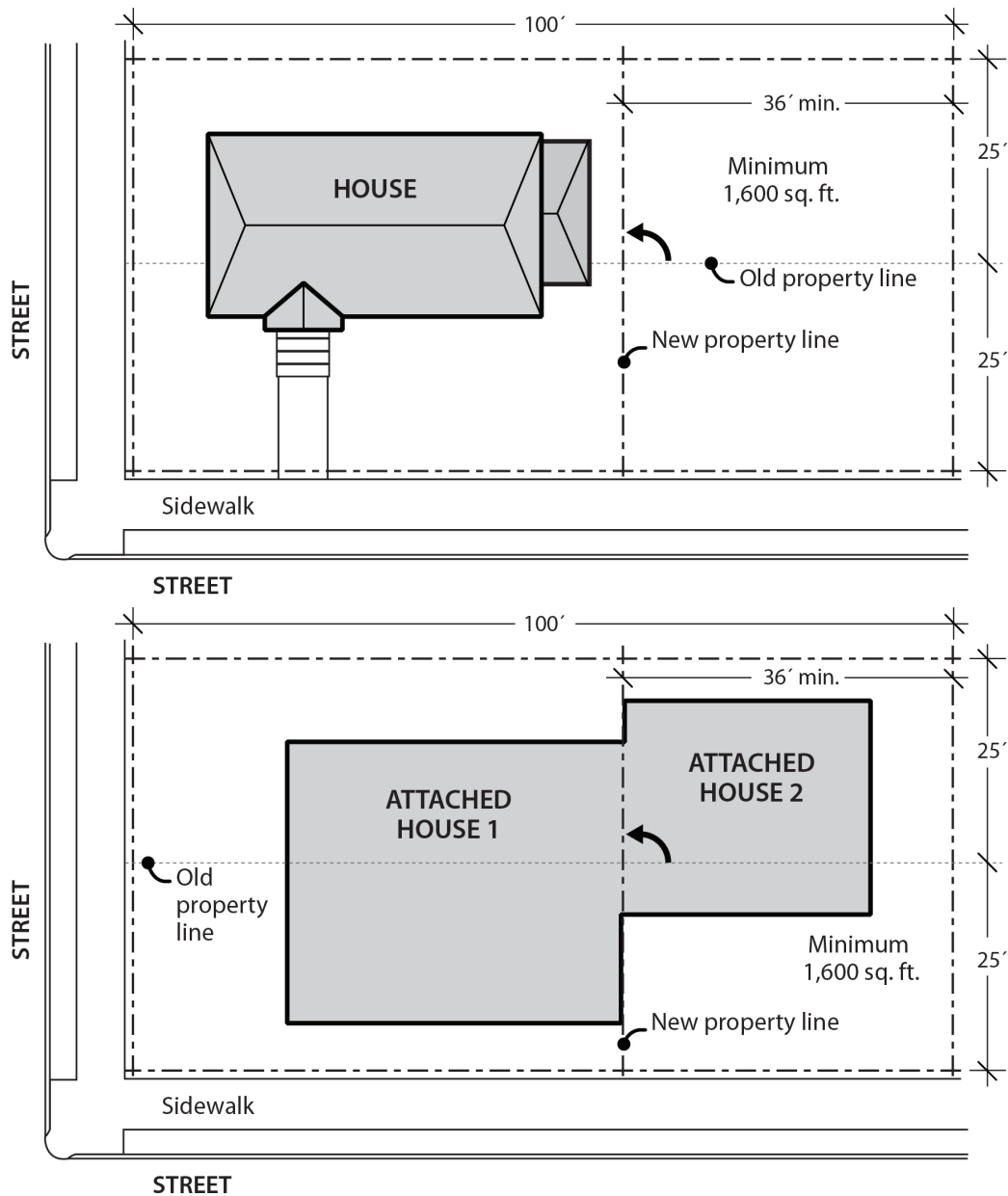
1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation
2. If the Property Line Adjustment will configure one of the properties as a flag lot, nonconformance with the maximum floor area ratio standard is allowed for the existing development at the time of the property line adjustment. Future alterations may not move the development further out of conformance and new development must comply with the maximum floor area ratio;
3. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
4. If one property is already out of conformance with maximum lot area standards, then one lot is exempt from the maximum lot area standard;
5. Lots with an institutional use are exempt from maximum lot size standards;
6. If both properties are already less than 20,000 square feet in total area and the site is in an EG1 or EG2 zone, then at least one lot must comply with Standard B stated in Table 614 1;
7. If both properties are already less than 40,000 square feet in total area and the site is in an industrial zone, then at least one lot must comply with Standard B in Table 615-1; and
8. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
 - a. At least one lot is a corner lot; and

- b. The adjusted property line must be perpendicular to the street lot line for its entire length.

See Figure 677-1.

- B. Regular lot lines.** In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the combined flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

Figure 677-1
Property Line Adjustment on Corner Site in R5 Zone



- C. Flag Lots in the R5 and R2.5 Zone.** In the R5 and R2.5 zone, a Property Line Adjustment may be used to configure a property as a flag lot when all the following are met:
1. Flag pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - a. The pole must connect to a street;
 - b. Pole width:

- (1) If the pole portion of the flag lot will provide vehicle access to the flag portion of the flag lot, the pole must be at least 12 feet wide for its entire length; or
 - (2) If the pole portion of the flag lot will not provide vehicle access to the flag portion of the flag lot, the pole must be at least 10 feet wide for its entire length. A covenant must be recorded with the deed specifying that no vehicle access is allowed along the pole.
2. Lot dimensions. The lots must meet the following lot dimension standards:
- a. Lot area.
 - (1) Minimum lot area. Each reconfigured lot must be at least 1,600 square feet. Only the area of the flag portion is included when calculating the minimum lot area for the flag lot. The area of the pole portion of the lot is not included.
 - (2) Maximum flag lot area. The area of the flag lot must be less than 3,000 square feet. The total area of the flag lot, including the pole portion, is included when calculating the maximum lot area for the flag lot.
 - b. Front lot line. There is no minimum front lot line standard for the flag lot.
 - c. Lot width and depth. The minimum lot width and minimum lot depth required for the flag lot is 36 feet measured at the midpoints of the opposite lot lines of the flag portion of the lot. The minimum lot width for the lot in front of the flag lot is 36 feet.
- D. Split zoning.** The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.
- E. Overlay zones.** If any portion of either property is within an Environmental, River Environmental, or Pleasant Valley Natural Resources overlay zone, the provisions of Chapter 33.430, Chapter 33.465, or Chapter 33.475 as applicable must be met. Adjustments are prohibited.
- F. Services.** The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.
- G. Conditions of previous land use reviews.** All conditions of previous land use reviews must be met. Adjustments are prohibited.

33.677.400 Record an Approval

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

the approval criteria, and refer the case to the Code Hearings Officer for enforcement of the existing conditions.

- c. The review body may revoke the land use approval if it finds that there are substantial violations of conditions or failure to implement conditions of prior land use decisions, such that the original approval criteria for the use or development are not being met.
2. Uses and development which are alleged to be different from what was approved are subject to the following actions.
 - a. The review body may find that the use or development is consistent with what was approved. In this case, the use or development is allowed to continue.
 - b. The review body may find that the use or development, including its intensity or scale, is not consistent with what was approved, but that the differences are not substantial enough to warrant revocation, and that the use or development can comply with the original approval criteria with appropriate conditions. In this case, the review body may modify the existing conditions or add new conditions to ensure compliance with the original approval criteria.
 - c. The review body may revoke the land use approval if it finds that the land use being conducted on the site is substantially different from what was approved, does not comply with the original approval criteria for the use, and it cannot be reasonably conditioned to come into compliance.
 3. Conditional uses and nonconforming uses that have not been subject to a land use review are subject to the following actions:
 - a. The review body may find that the use and its activities, including its intensity, are consistent with what was on the site at the time it became a conditional or nonconforming use. In this case, the use is allowed to continue.
 - b. The review body may find that the use and its activities are substantially different or have substantially increased in intensity from what was on the site at the time it became a conditional use or nonconforming use. In this case, the review body may apply conditions or restrictions to ensure that the changes in activities or substantial increases in intensity comply with the current approval criteria for the use.
- F. Enforcement of revocation.** In the event that the land use approval is revoked, the use or development becomes illegal. The use or development must be terminated within 21 days of the date the revocation decision is filed with the City Auditor, unless the decision provides otherwise. Enforcement is the responsibility of BDS.

33.700.050 Performance Guarantees

- A. Purpose.** This section states the requirements for performance guarantees when they are required of an applicant by this Title or as a condition of a land use approval.
- B. Types of guarantees.** Guarantees by the applicant may be in the form of a performance bond payable to the City in cash, by certified check, time certificate of deposit, irrevocable

letter of credit, or other form acceptable to the City. Indemnity agreements may be used by other governmental agencies. Guarantees must be accompanied by a contract. The form of the guarantee and contract must be approved by the City Attorney. The Director of BDS is authorized to accept and sign the contract for the City, and to accept the guarantee. The guarantee must be filed with the City Auditor.

- C. Amount of guarantee.** The amount of the performance guarantee must be equal to at least 110 percent of the estimated cost of performance. The applicant must provide written estimates by three contractors with their names and addresses. The estimates must include as separate items all materials, labor, and other costs of the required action.
- D. Completion.** An inspection and approval of the action or improvement covered by the performance guarantee is required before the performance guarantee is returned. The inspection is done by BDS or other appropriate City bureaus. If the action or improvement is not completed satisfactorily within the stated time limits, the City may have the necessary action or improvement completed and seek reimbursement for the work from the performance guarantee. Any remaining funds will be returned to the applicant.

33.700.060 Covenants with the City

- A. Content of the covenant.** A covenant required by this Title or a condition of a land use approval must state that:
 - 1. The owner will comply with all applicable code requirements and conditions of approval; and
 - 2. If the owner fails to perform under the covenant, the City may terminate occupancy of the site and seek all necessary injunctive relief, including seeking to prevent future occupancy of the site while a violation of the covenant exists.
 - 3. Where the development rights of one site are dependent on the performance of conditions by the owner of another site (such as the transfer of development rights), the covenants are judicially enforceable by the owner of one site against the owner of another.
- B. Adopting the covenant.** The form of all covenants must be approved by the City Attorney. The covenant must run with the land. The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

33.700.070 General Rules for Application of the Code Language

The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

- A. Reading and applying the code.** Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Director of BDS to implement the code. The action of the Director of BDS is final.
- B. Ambiguous or unclear language.** Where the language is ambiguous or unclear, the Director of BDS may issue a statement of clarification processed through a Type III procedure, or

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
 - 1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
 - 2. **Conditional uses.**
 - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
 - b. **Use allowed by right.** If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
 - (1) Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue on a site with a College or Medical Center in a CI1 or CI2 zone continue to apply until superseded by an approved Transportation Impact review;
 - (2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.

- c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.
3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Greenway review. If a use or development is subject to conditions under a greenway review, the conditions continue to apply.
5. Other land use actions. If the use or development was approved with conditions under a review that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

33.700.115 Expiration of Tree Preservation Requirements

The regulations of this section apply to tree preservation required as a condition of a land use review or required in a tree preservation plan approved in conjunction with a land use review for sites within the City Limits. These regulations do not apply outside the City Limits. Although tree preservation requirements may expire for a site, the site is still subject to the tree requirements of this Title and Title 11, Trees.

- A. Generally.** Tree preservation requirements expire 10 years from the effective date of the land use approval, unless otherwise stated in the land use approval or as specified in B and C;
- B. Land divisions.** Tree preservation requirements for land divisions expire 10 years from the date the final plat is approved, unless otherwise stated in the conditions of approval; and
- C. Master plans and IMPs.** Multi-year Conditional Use Master Plans and Impact Mitigation Plans may establish an expiration date through conditions of approval.

33.700.120 Status of Prior Revocable Permits

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

- A. Uses that are now allowed.** Revocable permits for uses that are now an allowed use are revoked and the uses are subject to the zoning regulations. Specific activities of the use which were allowed by the revocable permit but that do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit. Any other conditions of approval no longer apply.
- B. Uses that are now conditional uses.** Revocable permits for uses that are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use that were allowed by the revocable permit but do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.

C. Uses that are prohibited. Revocable permits for uses that are prohibited by this Title may continue under the conditions of the permit as provided below.

1. Revocable permits with a specified expiration date.
 - a. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the owner changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years. Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:
 - (1) The use has no adverse impacts on surrounding uses; and
 - (2) The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.
 - b. Exception. If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density, and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
2. Revocable permits without an expiration date.
 - a. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the owner changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.
 - b. Exceptions.
 - (1). If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
 - (2) If the use established by the revocable permit has been maintained over time, and the applicant can document that the use has been maintained over time using standard evidence per 33.258.038.B or through a review per 33.258.075, then the use becomes a nonconforming use and must meet nonconforming use regulations. If the use approved through the revocable permit has been discontinued for 3 consecutive years, it has not been maintained over time. The use is considered to be discontinued when the use approved ceases to operate, even if the structure or materials related to the use remain. Conditions of approval of the revocable permit continue to apply, except for any conditions that limit the transfer of ownership.

33.700.130 Legal Status of Lots

- A.** A lot shown on a recorded plat remains a legal lot except as follows:

1. The plat, or the individual lot or parcel lines have been vacated as provided by City Code; or
 2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in this Title, or as allowed by the former Title 34.
- B.** Where a portion of the lot has been dedicated for public right-of-way, the remaining portion retains its legal status as a lot, unless it has been further altered as specified in Subsection A, above.
- C.** The determination that a lot has legal status does not mean that the lot may be developed, unless all requirements of this Title are met.
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(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.710 Review Bodies

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Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of the Bureau of Development Services
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for community involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

- A. Length of terms.** Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for fewer than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies that may occur must be filled for the unexpired terms.
- B. Required attendance.** If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.
- C. Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.
- D. Voting.** A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.
- E. Pay.** All members on a commission, committee, or board serve without pay.

- F. Public meetings.** All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.
- G. Staff.**
 - 1. Planning Commission. The Director of the Bureau of Planning and Sustainability must provide the Planning Commission with staff assistance necessary to enable it to discharge its duties.
 - 2. Design Commission and Historic Landmarks Commission. The Director of the Bureau of Development Services must provide the Design Commission and Historic Landmarks Commission with staff assistance necessary to enable them to discharge their duties.
- H. Records.**
 - 1. Planning Commission. The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning Commission.
 - 2. Design Commission and Historic Landmarks Commission. The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission and Historic Landmarks Commission.
- I. Conflict of interest.** A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if any person who resides with the member or the member's spouse, domestic partner, sibling, stepsibling, child, parent, stepparent, parent-in-law, or child-in-law has a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.
- J. Commission coordination.** The chairs, or their delegates, of the Planning Commission, Design Commission, and Historic Landmarks Commission meet quarterly, or as necessary, to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective commissions.

33.710.040 Planning Commission

- A. Purpose.** The Planning Commission makes recommendations to City Council on the City's long-range goals, policies, and programs for land use and planning. In making recommendations, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for guiding, developing, maintaining, and updating the City's Comprehensive Plan and zoning code. The Commission deliberates using a climate and equity lens and is committed to effective public involvement and leadership in its work.
- B. Membership.** The Planning Commission consists of nine members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City

Council. The membership of the Planning Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.

- C. Meetings and officers.** The Planning Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Five members constitute a quorum at a meeting. When there are vacant positions on the Planning Commission, a majority of the non-vacant positions constitutes a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- D. Powers and duties.** The Planning Commission has all of the powers and duties that are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Planning Commission's powers and duties include:

 - 1. Holding hearings and making recommendations to City Council on proposals to adopt, amend and update: the Comprehensive Plan; the zoning code; significant transportation policies, projects, and issues; the portions of Title 11, Trees, identified in 11.10.040.C; urban renewal plans; street vacations; sign regulations; and renaming city streets;
 - 2. Advising the City Council on plans and policies regarding such issues as housing, transportation, urban design, equity, economic development, public buildings, environmental protection, resource conservation, and other policies of citywide interest;
 - 3. Providing a forum for community members to learn about principles, policies, and programs that promote sound land use planning practices.
- E. Annual report.** The Planning Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and advances the purpose of the Design overlay zone.
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:

 - 1. One person with public art experience;
 - 2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and

3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The person with the public art experience is nominated by the City Arts Program. All members are appointed by the Mayor and confirmed by the City Council.

C. Meetings, officers, and subcommittees.

1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

D. Powers and duties. The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:

1. Reviewing major developments within Design overlay zones except those projects involving or located within the following:
 - a. Historic Districts;
 - b. Conservation Districts;
 - c. Historic Landmarks; and
 - d. Conservation Landmarks.
2. Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning Commission;
3. Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;
4. Reviewing other land use requests assigned to the Design Commission; and
5. Providing advice on design matters to the Hearings Officer, Planning Commission, Historic Landmarks Commission, Portland Development Commission, City Council, and other City Bureaus or public agencies when necessary or requested.

E. Annual report. The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April of the following year. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations in quasi-judicial reviews;
 2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
 3. Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning Commission in legislative actions;

4. Recommending design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
 6. Reviewing demolition and relocation requests for certain Historic Landmarks, Conservation Landmarks, and resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning Commission, Portland Development Commission, other City commissions and committees, and City Council; and
 8. Initiating and coordinating historic preservation and public outreach programs in the City, including making recommendations on National Register of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

- A. Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.
- B. Short name.** The Land Use Hearings Officer is also called the Hearings Officer.
- C. Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.
- D. Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.
- E. Powers and duties.**
1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.
 2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.
- F. Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning Commission by

the first working day of September for transmission to the City Council. This report may contain recommendations for Planning Commission and City Council consideration.

33.710.090 Director of the Bureau of Development Services

The Director of BDS directs and manages the staff of BDS. The Director of BDS provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of BDS is responsible for the decisions and recommendations required of the Director of BDS by this Title. The Director of BDS is in charge of implementing this Title. The Director of BDS may delegate review and decision-making authority to BDS staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

- A. Purpose.** The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.
- B. Membership.**
1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.
 2. Nominations. Before the Planning and Sustainability Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning and Sustainability Director for the member at-large.
 3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.
 4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood representative and one industry representative will serve for two years, the other

three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. Staffing. The Planning and Sustainability Director or designee will staff the board, in accordance with 33.710.030.
- C. Meetings.** The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.
- D. Powers and duties.** The duties, responsibilities, and authority of the advisory board include, but are not limited to:
- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
 - Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
 - Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;
 - Advice to the Planning Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
 - Provision of leadership and expertise in problem-solving;
 - Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
 - Provision of a point of contact for citizen inquiries or complaints;
 - Provision and initiation of communication, notification, and information for affected residents; and
 - Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00; Ord. No. 184046, effective 9/10/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191150, effective 3/1/23; Ord. No. 191779, effective 10/1/24.)

33.720 Assignment of Review Bodies

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Sections:

- 33.720.010 Purpose
- 33.720.020 Quasi-Judicial Land Use Reviews
- 33.720.030 Legislative Land Use Reviews

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. Director of BDS.** All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of BDS.
- B. Hearings Officer.** All appeals of land use reviews that were processed as an Expedited Land Division, a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D. below, are assigned to the Hearings Officer.
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
 - 1. Design review, except as provided for in Paragraph D.2 below;
 - 2. Adjustments in a Design zone, except historic districts and historic landmarks;
 - 3. Adjustments associated with a design review required by City Council outside of a Design zone;
 - 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
 - 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
 - 6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; and
 - 7. Central City Master Plan reviews.
- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations;
 2. Historic resource review of Historic, Conservation, and National Register Landmarks and resources in Historic, Conservation, and National Register Districts;
 3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
 4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.
- E. City Council.** Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council. All land use reviews subject to a Type IV procedure are assigned to the City Council.
- F. Applications for more than one land use review request on a site may be consolidated into a single application package.** If the reviews are not assigned to the same review body, they are assigned in the manner stated below;
1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.
 2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type II procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.
 3. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.
 4. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed and assigned to review bodies as specified in Paragraphs G.1 through G.3. The review subject to the Type IV procedure is assigned to the City Council.
 5. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

33.720.030 Legislative Land Use Reviews

- A. Legislative land use reviews, unless stated otherwise in Subsections B through D, are assigned to the Planning Commission, who will make a recommendation to City Council.
- B. Design guidelines for Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- C. Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council. In some cases, a joint hearing with the Design and Planning commissions is required. See 33.740.020.
- D. Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- E. Final action on all legislative land use reviews is by the City Council.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191779, effective 10/1/24.)

33.730 Quasi-Judicial Procedures

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Sections:

General

33.730.010 Purpose

Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.014 Type I Procedure

33.730.015 Type Ix Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

33.730.040 Final Council Action Required

General Information on Procedures

33.730.042 Concurrent Reviews

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

33.730.060 Application Requirements

33.730.070 Written Notice Requirements

33.730.080 Posting Requirements

33.730.090 Reports and Record Keeping

33.730.100 Public Hearing Requirements

33.730.110 Ex Parte Contact

After a Final Decision

33.730.120 Recording an Approval

33.730.130 Expiration of an Approval

33.730.140 Requests for Changes to Conditions of Approval

General

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application, or 100 days if the project qualifies as an affordable housing project under ORS 197.311, or as required by state law. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of

review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type Ix procedures are administrative procedures.

The Type I and Ix procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type Iix procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

Basic Procedures

33.730.013 Expedited Land Division Procedure

An Expedited Land Division (ELD) is an administrative process with public notice but no hearing. The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. In some cases the zoning code assigns this procedure. In other cases, the applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360.

A. Neighborhood contact.

1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is a middle housing land division or is in an EG or I zone, it is exempt from the neighborhood contact requirements.
2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact II. If the proposed expedited land division is a middle housing land division or is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

B. Pre-application conference. A pre-application conference is required for all land division requests processed through the ELD procedure, except for middle housing land divisions. See 33.730.050.A., Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

C. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

D. Preliminary notice. Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070.B, Expedited Land Division, Type I and Type Ix notice of request.

- E. Processing time.** Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:
1. The Director of BDS will not make the decision until 14 days after the notice required by Subsection D, above, is mailed.
 2. The Director of BDS will make a final decision on the case and mail a notice of decision within 63 days after receiving a completed application.
- F. Administrative decision.**
1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of BDS will mail the notice of the decision to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.F, Expedited Land Division, Type I, Type Ix and Type IV notice of decision (pending appeal).
- H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and any person who submitted written comments. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number;
 - A statement of the allegations of the appeal; and
 - The required fee.
 2. Valid appeal allegation. The appeal must be based solely on one or more of the following allegations:

- a. The decision violates the substantive provisions of the applicable land use regulations;
 - b. The decision is unconstitutional;
 - c. That the application is not eligible for review under ORS 197.360 to 197.380 or ORS 92.031 and should be reviewed as a land use decision or limited land use decision; or
 - d. That the appellant's substantive rights have been substantially prejudiced by an error in procedure by the local government.
3. Notification of appeal hearing. The Hearings Officer, or its designee, will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 7 working days of the receipt of the appeal, the Hearings Officer, or its designee, will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.
 4. Scheduling of hearing. The Hearings Officer will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The Hearings Officer may approve the decision of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. If the Hearings Officer determines that the application does not qualify as an expedited land division as described in Chapter 33.644, the Hearings Officer shall remand the application for consideration as a land use decision or limited land use decision.
 - b. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
 7. Notice of final decision. Within 14 days of the close of the record, the Hearings Officer will mail notice of the final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the appeal hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
 8. Date that decision is final and effective. The decision of the Hearings Officer is final and effective on the day the notice of decision is mailed.
 9. Appeal decision final. The appeal decision of the Hearings Officer is final and may not be appealed to another review body within the City.

letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.

5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

- A. Applications for more than one land use review on a site may be consolidated into a single application package;
- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.
- D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

A. Pre-Application Conference.

1. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
2. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.
3. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
4. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Bureau of Transportation may require a Transportation Impact Study to be submitted with the land use application.
5. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held. This allows information obtained at the conference to be incorporated in the application submittal.
6. Time limit. A pre-application conference is valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

B. Design advice requests

1. Purpose. Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, BDS staff, the public, and the representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request. In some cases, a design advice request may be required by a provision of this title. These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives.
2. Requirements. Forms for design advice requests are available from the Director of BDS. A fee is required and must be paid at the time of the submittal for the design

advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.

3. Notification. The following notification will be provided prior to the design advice request meeting:
 - a. Mailed notice. At least 20 days before the scheduled meeting, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the BDS staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.
 - b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the BDS staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.
 4. Meeting. Meeting. The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.
 5. Design advice request recommendations. BDS staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.
- C. Other pre-application advice.** An applicant may choose to meet with BDS staff to discuss preliminary proposals prior to the submission of a land use review or building permit. The process for setting up these meetings is developed by the Director of BDS and the meetings are advisory only.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II

- land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
- b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit, or 100 day time limit for a project that qualifies as an affordable housing project under ORS 197.311, required by ORS 227.178 will begin on the day the application is determined to be complete.
- B. Changes to applications.** Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.
- C. Required information for land use reviews except land divisions.** Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.
1. The completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
 2. A written statement that includes the following items:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
 - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and

- Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
 - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
 - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions;
 - Building elevations;
 - Location of adjacent buildings;
 - Distances of all existing and proposed development to property lines;
 - Types and location of vegetation, street trees, screening, fencing, and building materials;
 - Percentage of the site proposed for building coverage, and landscaping coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
 - Additional requirements of the specified land use review.
 4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
 5. A transportation impact study, if required by the Bureau of Transportation at a pre-application conference.
 6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the

application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.

- D. Required information for land divisions.** Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. Application materials may be filed electronically in a format designated by the Director of BDS. If a paper copy is submitted, at least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. The applicant is responsible for the accuracy of all information submitted with the request.
1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include one of the following:
 - a. Application form. The completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
 - b. Written statement. A written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all applicable standards and criteria are met for the land division and any concurrent land use reviews;
 - Additional information needed to understand the proposal, or requested at the pre-application conference;
 - Names and address of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions;
 - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
 - If more than 3 lots are proposed, the proposed name of the land division;
 - Proposed names of all streets;
 - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
 - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, dry cleaners, outdoor firing ranges, and Quick Vehicle Servicing;
 - c. Vicinity map. A vicinity map extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
 - Zoning and Comprehensive Plan designations;

- Streets;
 - Transit, pedestrian, and bicycle facilities and connections; and
 - Water bodies, wetlands, combined flood hazard areas, floodways, and potential landslide hazard areas; and
 - Location of utilities and services;
- d. The proposed land division, drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
- (1) Base map. The following information must be on all maps:
- Surveyed information:
- Boundary lines of the site with dimensions and total site area;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map
 - Stamp of surveyor; and
 - If more than 3 lots are proposed, the proposed name of land division;
- Additional information:
- Proposed lot layout with sizes, dimensions, and lot numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
 - Proposed location, dimensions, and purpose of all easements;
- (2) Existing conditions map. The following existing site conditions must be shown:
- Surveyed information:
- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
 - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
 - All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed;
 - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
 - Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep, spring, or wetland on the site, a wetland delineation is required to determine the edge of the seep, spring, or wetland. This delineation must be performed by an environmental scientist;

- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of the combined flood hazard area and floodway boundaries. Sites that contain a water body not shown on the combined flood hazard area maps must identify the location of the combined flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
 - Location, dimensions, and purpose of existing easements on and abutting the site;
- (3) Proposed improvements map. The following proposed improvements must be shown:
- Proposed locations of driveways;
 - Distances of all known proposed development to proposed lot lines;
 - Proposed pedestrian connections;
 - If proposed lots are within a combined flood hazard area or landslide hazard area, proposed building locations;
 - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
 - Existing and proposed services and utilities; and
 - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;
- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
 - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
 - Existing trees and vegetation;
 - Areas of the site where fill has been placed;
 - Boundaries of Environmental, River Environmental, or Pleasant Valley Natural resources overlay zones;
 - Proposed areas of clearing and grading, including grading and clearing for:
 - Rights-of-way;
 - Services and utilities; and
 - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
 - Proposed contours within areas to be cleared and graded;

- Proposed stormwater and sedimentation control devices to be used during construction;
 - Proposed stockpile areas;
 - Proposed trees and vegetation to be preserved;
 - Proposed location and material of construction fencing for proposed tree preservation tract;
 - Proposed location and material of construction fence;
 - Proposed amount (cubic yards) of soil to be disturbed, deposited, or removed from the site; and
 - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree information, as follows:
- (1) Existing tree map and preservation/protection plan showing the following:
 - Existing and proposed lots, tracts, rights-of-way, and utilities;
 - Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
 - The location, species and size of trees located in adjacent rights-of-way;
 - The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
 - Heritage trees on or adjacent to the site;
 - Tree numbers corresponding to the arborist report;
 - Location, type, and size of trees to be removed;
 - Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
 - Existing and proposed tree preservation tracts.
 - (2) Tree planting information, including:
 - Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
 - A preliminary street tree planting plan; and
 - (3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and
 - (4) A written report prepared by an arborist that includes the following:
 - Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
 - Evaluation of tree health and condition;
 - Identification of tree groves and Heritage Trees;
 - Identification of nuisance, dead, dying, and dangerous trees;

- Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
- Identification of trees to be preserved and trees to be removed;
- Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
- A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
- Recommendations for short or long-term tree care.
- Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.

f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on Map 632-1, Potential Landslide Hazard Areas, the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The study must be based on current geotechnical professional standards and practices. If the study was prepared more than 2 years ago, an addendum must be provided that confirms that the study and any recommendations reflect current site conditions. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development.

On sites where the proposal is to meet the standards of 33.632.100.B. the Landslide Study must provide the rationale for slope stability conclusions. The Landslide Hazard Study should include:

- Identification of the safest portion(s) of the site for development;
- Hazardous or no-build areas within the land division site, if any;
- Recommended building setback distances from slopes, if any;
- Recommendations for the location of driveway and/or street locations;
- Utility trench locations;
- Retaining walls, associated drainage and discharge systems, if any;
- Estimated effect of tree removal on slope stability;
- Estimated effect of the development on stormwater and groundwater runoff, as well as evaluation of runoff and stormwater disposal from adjacent property as they relate to slope stability and landslide hazard;
- Recommendations for stormwater and groundwater disposal methods;
- Recommendations and corresponding design calculations for slope stabilization.

If any of the above items are not applicable to the proposal, the Landslide Hazard Study must describe why they are not applicable. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete.

The study may also include

- Review of LIDAR or aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Additional field explorations as necessary;
 - Laboratory testing;
 - Subsurface exploration logs; and
 - Slope stability calculations;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood contact information. When neighborhood contact is required, the applicant must submit a copy of the required information as specified in Section 33.705.020, Neighborhood Contact Steps;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation;
- j. Land suitability documentation. When there is evidence that Quick Vehicle Servicing, outdoor firing range, dry cleaner or any use in the Industrial Use category other than wholesale sales currently or previously existed on the site, a Phase I Environmental Site Assessment or documentation from the Oregon Department of Environmental Quality regarding any known contaminants is required; and
- k. Transportation Impact Study. One copy of the Transportation Impact Study. The study must be prepared by an Oregon Licensed Traffic Engineer. For land divisions in single-dwelling zones, a Transportation Impact Study is required when 11 or more lots are proposed, when vehicle access from any lot will be from a non-local street, or when a new street intersection is proposed that includes a non-local street. For land divisions in all other zones, the City Engineer may require a Transportation Impact Study when there are potential safety or operation concerns that may be impacted by the layout of the site or the size or location of proposed streets or driveways.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except

the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.

3. Final Plat. An application for a Final Plat must include all of the following:
 - a. Final Plat Survey. A copy of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - The statement: “This plat is subject to the conditions of City of Portland Case File No. LUR...”;
 - Easements and tracts, including their purpose;
 - In the case of a middle housing land division, this statement: “This plat was approved as a Middle Housing Land Division under ORS 92.031”.
 - b. Supplemental plan. A copy of the supplemental plan that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
 - c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
 - d. As-built survey. For a middle housing land division, a copy of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
 - e. Maintenance agreements and CC&Rs. A copy of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - f. Performance Guarantees. A copy of each Performance Guarantee;
 - g. Verification of ownership. A report issued by a title insurance company, or authorized agent to perform such services in the state, verifying ownership and detailing any deed restrictions;
 - h. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - i. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the

area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

A. General information on notices. The following applies to all notices.

1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Bureau of Neighborhood Involvement.
2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

B. Expedited Land Division, Type I and Type Ix notice of request. The notice of request, when processed through an Expedited Land Division, a Type I, or Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;

- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

C. Type II and Type Ix notice of request. The notice of request, when processed through a Type II procedure and Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

D. Type III and Type IV notice of request and hearing. The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;

- The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal and the proposed use or uses which could be authorized;
 - The land use reviews requested and other land use reviews which may be considered as an option;
 - An explanation of the local decision-making process for the decision being made;
 - The applicable comprehensive plan and code approval criteria;
 - The date, time and location of the hearing;
 - A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
 - A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;
 - A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
 - A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- E. Notice of deferral.** If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.
- F. Expedited Land Division Type I, Type Ix and Type IV notice of decision.** The notice of decision must include the following:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and

- A statement that the decision is final, but may be appealed to the Hearings Officer or Land Use Board of Appeals (LUBA) as specified in ORS 197.375 or ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

G. Notice of Type II, Type IIx, or Type III decision (pending appeal). The notice of Type II, Type IIx, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- An explanation of the local decision-making process for the decision being made;
- A summary of the applicable approval criteria;
- The review body's decision, the decision date, and the filing date;
- A statement that the decision is final unless appealed;
- A description of the appeal process, time frame, the review body, and the fee for an appeal; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

H. Notice of an Expedited Land Division, a Type II, Type IIx, or Type III appeal hearing. If a local appeal of an Expedited Land Division, a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.

I. Notice of final Expedited Land Division, Type II, Type IIx, or Type III decision following appeal. Where an Expedited Land Division, a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:

- The file number;
- The name and address of the applicant, owner, and appellant (if different);
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;

- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal, including proposed uses and land use reviews;
- A description of the review body decision, the decision date, and filing date; and
- A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

A. Number and location on the site.

1. Generally, a posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. No more than 4 total notices are required to be posted on each street frontage of the site. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians. Notices may not be posted in a public right-of-way. Notices are not required along streets without sidewalk improvements, unless the street is classified as a Local Service Street.
2. Exception. For sites 50 acres or more in total site area with a Parks And Open Area use, posted notices are required at existing and proposed pedestrian entrances instead of along street frontages.

B. Placing notice. When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:

- The message that must be placed on the notice;
- The number of notices required;
- The latest date that the notice may be posted; and
- A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, or a 100 day limit for a project that qualifies as an affordable housing project under ORS 197.311, or as required by state law, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.

C. Standards and timing. The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.

- D. Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.
- E. Content of the notice.** The posted notice must contain the following information:
- The file number;
 - The date of the hearing;
 - A summary of the key items of the request;
 - A statement that further information is available from BDS; and,
 - The phone number and address of BDS.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

- A. Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.
- B. Reports.** Reports must include:
- The file number;
 - The owner's and applicant's name and address;
 - The legal description and site location;
 - A brief description of the request;
 - The review body;
 - The relevant approval criteria;
 - The findings applying the facts to the criteria;
 - The decision; and
 - Any additional information relevant to the case.
- C. The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

- A. Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.
- B. Initial hearing statements.** At the beginning of each hearing, the review body must state:
1. That testimony can only address the applicable approval criteria;

2. The applicable approval criteria;
 3. That any party can request the record be kept open for 7 days;
 4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
 5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
 2. If the communication was in written or tangible form, place a copy of the communication into the record.
- B. BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.

B. When approved decisions expire.

1. Land use approvals expire if:
 - a. Generally. Within 5 years of the date of the final decision a City permit has not been issued for approved development; or for situations that do not require a permit, within 5 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Final decisions that became effective between January 1, 2019 and March 1, 2024 expire if within 5 years of the date of the final decision a City permit has not been issued for approved development or the approved activity has not commenced.
2. Zoning map and Comprehensive Plan map amendments do not expire.
3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
4. Multiple developments.
 - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals. Multiple developments does not include the phased permitting of a single building or multi-building projects with a single primary structure.
 - b. Exception. On sites where the final decisions became effective between January 1, 2017 and March 1, 2024 and a City permit is not issued for all development within 7 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exceptions. Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.

8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
- b. The PUD or PD has not expired;
- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD.

12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.

- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

33.730.140 Requests for Changes to Conditions of Approval

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective

11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24; Ord. No. 191848, effective 10/1/24.)

33.740 Legislative Procedure

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Sections:

- 33.740.010 Purpose
- 33.740.020 Commission Review
- 33.740.030 City Council Consideration

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

33.740.020 Commission Review

A. Hearing required.

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.
3. When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District, at least one joint public hearing with the Planning Commission and the Historic Landmarks Commission is required before the Planning Commission recommends action on the designation or removal.

B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
2. Notice time frame. The notice must be provided electronically or via US mail, or otherwise delivered, at least 35 days prior to the first public hearing.
3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.

4. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning Commission, Design Commission, or Historical Landmarks Commission, or is a joint hearing. When more than one hearing is held, additional notice will be made as follows:
 - a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.
 - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.
- C. **Report.** The Planning and Sustainability Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning and Sustainability recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.
- D. **Additional information.** A Commission has the authority to request, receive, and examine additional information.
- E. **Commission recommendation and decision.**
 1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.
 2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

33.740.030 City Council Consideration

- A. **Hearing scheduled.** The City Auditor will schedule a public hearing and the Bureau of Planning and Sustainability will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.
- B. **Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will provide notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice. Notice must be provided electronically or via US mail, or otherwise delivered.
- C. **Council decision.** At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24.)

Land Use Reviews

- 33.800 General Information on Land Use Reviews
- 33.805 Adjustments
- 33.806 Airport Reviews
- 33.808 Central City Parking Review
- 33.809 Comprehensive Natural Resource Plans
- 33.810 Comprehensive Plan Map Amendments
- 33.815 Conditional Uses
- 33.820 Conditional Use Master Plans
- 33.825 Design Review
- 33.830 Extensions to Approved Land Use Reviews
- 33.833 Gateway Master Plan Review
- 33.835 Goal, Policy, and Regulation Amendments
- 33.840 Greenway Goal Exception
- 33.846 Historic Resource Reviews
- 33.848 Impact Mitigation Plans
- 33.849 Marquam Hill Parking Review
- 33.850 Statewide Planning Goal Exceptions
- 33.851 South Waterfront Greenway Review
- 33.852 Transportation Impact Review
- 33.853 Tree Review
- 33.854 Planned Development Review
- 33.855 Zoning Map Amendments
- 33.865 River Review

33.805 Adjustments

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Sections:

- 33.805.010 Purpose
- 33.805.020 Procedure
- 33.805.030 Regulations Which May and May Not Be Adjusted
- 33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

- A. Eligible regulations.** Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.
- B. Ineligible regulations.** Adjustments are prohibited for the following items:
 1. To allow a primary or accessory use that is not allowed by the regulations;
 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 3. As an exception to a threshold for a review. An example is 33.140.100.B.4 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
 4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the RM1 zone. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
 5. As an exception to a definition or classification. An example is the definition of basement, which specifies that at least 50 percent of the total combined area of the

basement walls must be below grade to be considered a basement. An adjustment could not be granted to change the area of the basement walls that must be below grade;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;
7. To allow an increase in density in the RF through RM2 or RMP zones.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and
- H. Granting the adjustment is the minimum necessary to allow the use of the site; and
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24.)

33.815 Conditional Uses

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Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zones
- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.815.107 Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial/Mixed Use Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District
- 33.815.122 Commercial Parking Facilities in the Employment Focus Area of West Portland Multicultural Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the IG1, IG2, and IH Zones
- 33.815.140 Mass and Outdoor Shelters in the C, CI2, E, and I Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.222 Park-and-Ride Facilities for Mass Transit
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales And Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District
- 33.815.310 Industrial Uses in the IR Zone
- 33.815.315 Utility Scale Energy Production in Specified C Zones

General

33.815.010 Purpose

Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but do not necessarily, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use review provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose mitigation measures to address identified concerns, or to deny the use if the concerns cannot be resolved.

33.815.020 How to Use this Chapter

Uses that require a conditional use review and are subject to the regulations of this chapter are stated in the use tables of the base zones or in the regulations of overlay zones or plan districts which apply to the site. The review procedures for various conditional use situations are stated in 33.815.040 below. Requirements for phased master plans which may be submitted as part of a conditional use application are stated in Chapter 33.820, Conditional Use Master Plans. The applicable approval criteria are stated in Sections 33.815.100 to .305.

33.815.030 Automatic Conditional Use Status

Over time, the zoning regulations applicable to a specific site may change. This may be a result of changes to the content of the zoning regulations for a specific zone or from a change to the zoning map, including annexation rezonings. After one of these changes, if an existing use was allowed by right or was a nonconforming use, and is now listed as a conditional use, the use is considered an approved conditional use and may continue to operate. Any changes to the use are subject to the procedures of 33.815.040 and the appropriate approval criteria.

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development or reduce the conditional use site boundary. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

A. Proposals that affect the use of the site.

1. A new conditional use. A request for a new conditional use is processed through a Type III procedure.
2. Changing to another use:
 - a. In the same use category, such as from one Community Service use to another Community Service use.
 - (1) Except as specified in subparagraph A.2.a(2), below, changing from one conditional use to another conditional use in the same use category is processed through a Type II procedure;
 - (2) If changing from one conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. In another use category.
 - (1) Changing to a conditional use in another use category is processed through a Type III procedure.
 - (2) Changing to an allowed use is allowed by right.
3. Adding another use.
 - a. In the same use category.
 - (1) Except as specified in subparagraph A.3.a(2), below, adding a new conditional use to an existing conditional use when both are in the same use category is processed through a Type II procedure;
 - (2) If adding a new conditional use to another conditional use in the same use category will also change a specifically approved amount of the previous use, such as members, students, trips, or events, by more than 10 percent, the change of use is processed through a Type III procedure;
 - b. Adding a new conditional use that is in another use category is processed through a Type III procedure.

- c. Adding an allowed use may be allowed by right or require a conditional use depending on the proposed changes to development on the site. See Subsection B., below.
 4. Changes to an existing conditional use. Except as specified in Paragraphs A.1. through A.3., above, changes to a conditional use that will change any specifically approved amounts of the use such as members, students, trips, and events are reviewed as follows:
 - a. Changes of 10 percent or less of the amount are processed through a Type II procedure.
 - b. Changes of over 10 percent of the amount are processed through a Type III procedure.
 5. Conditional uses within institutional campuses in the IR zone.
 - a. The conditional use is subject to a Type II review if the use is already included within the institution's approved impact mitigation plan.
 - b. Amendments to the mission section of an approved impact mitigation plan for an institutional campus for industrial service or manufacturing and production uses are subject to a Type III review.
 - c. Change of occupancy involving the site of an approved industrial service or manufacturing and production use requires a Type II review.
 6. Conditional uses in landmarks. In R, C, and E zones, requests for conditional use of a landmark are processed through the Type II procedure.
- B. Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use and reducing the boundary of a conditional use site may be allowed, require an adjustment, modification, or require a conditional use review, as follows:
 1. Conditional use review not required. A conditional use review is not required for alterations to the site and reductions to the conditional use site boundary that comply with Subparagraphs a through h. In cases where the use on the site is allowed but a particular development or facility requires a conditional use review, a conditional use review is not required for alterations to allowed development unless the development was specifically conditioned or required to support the development or facility that requires the conditional use review. All other alterations and boundary changes are subject to Paragraph 2, below. Alterations to development and reductions to the site boundary are allowed by right provided the proposal:
 - a. Complies with all conditions of approval except as allowed by Subparagraphs B.1.d through B.1.h;
 - b. Meets one of the following:
 - (1) Complies with the development standards of this Title, or

- (2) Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
- c. Either maintains the exiting conditional use site boundary or reduces the conditional use site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction must not eliminate the availability of services to the properties and the properties must not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;
 - d. Does not demolish and replace more than 25 percent of the existing floor area on the site;
 - e. Does not increase the floor area by more than 2,000 square feet. Floor area for an outdoor shelter and for housing that is affordable is exempt from this limitation. For the purposes of this subparagraph, housing that is affordable means that at least 50 percent of the dwelling units in the additional floor area are participating in the Title 30 System Development Charges Exemption Program. See 30.01.095. If the additional floor area is in multiple buildings with multiple dwelling units, then the affordable units must be distributed among the multiple buildings. To qualify for this exemption, the applicant must provide a letter from the Portland Housing Bureau certifying which units are approved for the System Development Charges Exemption Program;
 - f. Does not increase the exterior improvement area by more than 2,000 square feet. Exterior improvements associated with an outdoor shelter, fences, handicap access ramps, and on-site pedestrian circulation systems, ground mounted solar panels, Community Gardens, Market Gardens, bicycle parking, electric vehicle chargers and equipment, and parking space increases allowed by 33.815.040.B.1.h, below, are exempt from this limitation;
 - g. Will not result in a net gain of site area; and
 - h. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - (1) Remove parking spaces is allowed as follows:
 - On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; parking spaces removed to create accessible spaces as specified in the Oregon Specialty Code are exempt from this limitation; or
 - Up to 50 percent of the total number of existing parking spaces may be removed when the removal is for an outdoor shelter or housing that is affordable as defined by Subparagraph B.1.e;
 - (2) Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and

- (3) Any cumulative loss or gain of parking allowed in (1) or (2) above is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
2. Conditional use required. Conditional use review is required for the following:
 - a. Minor alterations. Except as provided in Paragraph B.1 above, conditional use review through a Type II procedure is required for the following:
 - (1) When proposed alterations to the site will not violate any conditions of approval;
 - (2) When there will be a net loss in site area;
 - (3) When there will be an increase or decrease in the net number of parking spaces;
 - (4) When there will be additional floor area on the site and the floor area is for an outdoor shelter area or housing that is affordable as defined by Subparagraph B.1.e;
 - (5) When the individual or cumulative alterations will not increase the floor area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Floor area for an outdoor shelter or housing that is affordable as defined by Subparagraph B.1.e. is exempt from this limitation;
 - (6) When the individual or cumulative alterations will not increase the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a.(3) are exempt from this limitation;
 - (7) When the individual or cumulative alterations will not increase the floor area and the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by 33.815.040.B.2.a (3) and floor area for an outdoor shelter or housing that is affordable as defined by Subparagraph B.1.e. are exempt from this limitation; or
 - (8) The increases in subparagraphs 3 through 7, above, are measured from the time the use became a conditional use, the effective date of this ordinance, or the last Type III conditional use review of the use, whichever is most recent, to the present.
 - b. Major alterations. All other alterations to the site will be reviewed through a Type III procedure.

33.815.050 Loss of Conditional Use Status

If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. If a conditional use ceases operations, even if the structure or materials related to the use remain, the use has been discontinued. Any conditional use proposing to locate at the site after that time must go through a new conditional use review.

33.815.060 Development Standards for Conditional Uses

The development standards for conditional uses are those of the base zone, any applicable overlay zones or plan districts, and any relevant regulations in the 200s series of chapters.

33.815.070 Sites With Split Zoning

When a proposed use is located on a site which has more than one zone, and the use is a conditional use in one zone and an allowed or limited use in the other, any proposals on the allowed site are subject to conditional use review.

33.815.080 Approval Criteria in General

The approval criteria for all conditional use reviews are stated below. Requests for conditional uses will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met.

Approval Criteria

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts.

1. The proposed use is consistent with the intended character of the specific OS zoned area and with the purpose of the OS zone;
2. Adequate open space is being maintained so that the purpose of the OS zone in that area and the open or natural character of the area is retained; and
3. Impacts on mature trees and tree groves are minimized and City-designated environmental resources, such as views, landmarks, or habitat areas, are protected or enhanced.

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

These approval criteria apply to all conditional uses in R and campus institutional zones except those specifically listed in sections below. The approval criteria allow institutions and other non-Household Living uses in residential and campus institutional zones that maintain or do not significantly conflict with the appearance and function of residential or campus areas. Criteria A through E apply to institutions and other non-Household Living uses in residential zones. Criteria B through E apply to all other conditional uses in campus institutional zones. The approval criteria are:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.
- B. Physical compatibility.**
1. The proposal will preserve any City-designated scenic resources; and

2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.
- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
1. Noise, glare from lights, late-night operations, odors, and litter; and
 2. Privacy and safety issues.
- D. Public services.**
1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.107 Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones

These approval criteria apply to Community Service uses that provide short term, mass, and outdoor shelters in R, CI1, and IR zones. Approval criterion A and C must be met for all for all mass shelters and short term shelters. Criterion A through E must be met for all outdoor shelters, and for mass short term shelters where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

- A. Proportion of Household Living uses.** The overall residential appearance and function of the area will not be significantly lessened due to the increased proportion of uses not in the Household Living category in the residential area. Consideration includes the proposal by itself and in combination with other uses in the area not in the Household Living category and is specifically based on:
 - 1. The number, size, and location of other uses not in the Household Living category in the residential area; and
 - 2. The intensity and scale of the proposed use and of existing Household Living uses and other uses.

- B. Physical compatibility.**
 - 1. The proposal will preserve any City-designated scenic resources; and
 - 2. The proposal will be compatible with adjacent residential developments based on characteristics such as the site size, building scale and style, setbacks, tree preservation, and landscaping; or
 - 3. The proposal will mitigate differences in appearance or scale through such means as setbacks, screening, landscaping, tree preservation, and other design features.

- C. Livability.** The proposal will not have significant adverse impacts on the livability of nearby residential zoned lands due to:
 - 1. Noise, glare from lights, late-night operations, odors, and litter; and
 - 2. Privacy issues.

- D. Public services.**
 - 1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
 - 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- E. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.

33.815.110 Office and Retail Sales And Service Uses in the RX Zone

These approval criteria provide for commercial uses in greater amounts than are allowed by right to promote new housing and support the residential area. The approval criteria are:

- A.** The overall development will result in a net increase in housing units on the site;
- B.** The appearance, location, and amount of commercial uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- C.** Transportation system
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the

development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.115 Specified Uses in Commercial/Mixed Use Zones

These approval criteria apply to Industrial Service uses and Agricultural uses in the commercial/mixed use zones. The approval criteria allow these uses in commercial/mixed use zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

- A. The proposed use will not have nuisance impacts from noise, odor, and vibrations greater than usually generated by uses allowed by right in the zone;
- B. Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial/mixed use zone and with the character of the specific area;
- C. The proposed use will not significantly alter the overall character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes; and
- D. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.120 Commercial Parking Facilities in the RX, CX, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of

the zones. Commercial parking facilities must meet criteria A. through E. and one of F. or G. The approval criteria are:

- A.** The proposal will not by itself, in combination with other commercial parking facilities in the area, or in combination with other on-site parking areas, significantly lessen the overall desired character of the area;
- B.** The parking facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D.** The facility will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces;
- E.** If the facility is in the RX zone, its location will not by itself or in combination with other nearby Commercial Parking Facilities, decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- F.** The proposed parking will provide parking to support development in a commercial/mixed use or employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or
- G.** The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the EG1 or EG2 zones.

33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A.** The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall desired character of the area. Desired character is determined by the Hollywood and Sandy Plan; the Comprehensive Plan and zoning designations, and by allowed densities.
- B.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.** The parking demand analysis must show a need for parking at this location. The analysis must show that the following criteria are met:
 - 1. At least 65 percent of the parking demand is from uses within 750 feet of the site;
 - 2. If the parking is designated for specific businesses, the number of parking spaces designated for that business in the commercial parking facility, plus the number of spaces that business may already have, may not exceed the maximum allowed parking allowed for the business, as stated in 33.536.290.C; and

3. At least one of the following is met:
 - a. There is a cumulative increase in parking demand due to an overall increase in activity associated with existing or new retail, office, or other visitor-related uses; or
 - b. There has been a significant loss of short-term parking spaces in the area within 750 feet of the site.

33.815.122 Commercial Parking Facilities in the Employment Focus Area of West Portland Multicultural Plan District

These approval criteria serve to control Commercial Parking Facilities in the Employment Focus Area of Subdistrict A in the West Portland Multicultural Plan District to prioritize and support transit-oriented employment uses. The approval criteria are:

- A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall intent or desired character of the area. Intent and desired character are determined by the plan district, the West Portland Town Center Plan, and the West Portland and Barbur Boulevard Character Statement.
- B. The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- C. The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.
- D. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated.
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements, adjacent to the development and in the vicinity, needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Lower Albina Subdistrict of the Central City Plan District may use the approval criteria listed in 33.815.126: Office Uses in the IG1 Zone in the Lower Albina Subdistrict, if they contain characteristics of manufacturing businesses. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- B.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- D.** The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- E.** City-designated scenic resources are preserved.

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.** City-designated scenic resources are preserved;
- D.** At least 33 percent of the net building area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- E.** The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A.** The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:
 - 1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, loading, truck and freight movement needs of industrial uses; and
 - 2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.

- B.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

- C.** Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. The proposed use will not have significant adverse effects on neighboring employment uses;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and
- D. City-designated scenic resources are preserved.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote the preservation of historic resources that are Historic Landmarks, Conservation Landmarks, or contributing resources in a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle

networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

- A. The proposed use will not have a significant adverse effect on truck and freight movement.
- B. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.** City-designated scenic resources are preserved; and
- D.** The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses.

33.815.140 Mass and Outdoor Shelters in the C, CI2, E, and I Zones

These criteria apply to mass and outdoor shelters in the C, CI2, E, and I zones.

A. Physical compatibility.

1. The proposal will preserve any City-designated scenic resources; and
2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

B. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1. Noise, glare from lights, late-night operations, odors, and litter; and
2. Privacy and safety issues.

C. Public services.

1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when

the development is complete or, if the development is phased, will be available as each phase of the development is completed.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.
- E. Additional criteria for outdoor shelters in I zones.** The following criteria apply to outdoor shelters in I zones:
1. The outdoor shelter must be on publicly owned property that was not identified as being in an industrial use or identified as vacant or underutilized land needed for future industrial use in the City's inventory of buildable employment land.
 2. The shelter will not have a significant adverse effect on truck and freight movement.

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

- A. Commercial seaplane facilities.** The approval criteria for commercial seaplane facilities are:
1. The proposal mitigates any significant off-site impacts and nuisances of the proposal on surrounding properties, including the use of buffers and/or restricting the hours of operation; and
 2. The regulations in 33.209.040, Commercial Seaplane Facilities are met.
- B. Helicopter landing facilities.** The approval criteria for helicopter landing facilities are stated in 33.815.210.
- C. Bus, rail and ship passenger terminals.**
1. Public services.
 - a. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
 - b. Transportation system:
 - (1) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- (2) Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - (3) Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services;
2. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated; and
 3. IG and IH zones. If the proposal is in an IG or IH zone, the proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

- A. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and
- B. Safety.** The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;
- C. Public services.**
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
 3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and

bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.210 Helicopter Landing Facilities

- A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.
 1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;
 2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;
 3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;
 4. In C, E, I, or CI zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
 5. In OS, R, CR, CM1, CM2, CM3, and IR zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
 6. The facility meets all development standards contained in 33.243.040; and
 7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.
- B. The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in

flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

B. Appearance. The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

C. Benefit. Public benefits of the proposed use outweigh any impacts that cannot be mitigated;

- D. In the campus institutional zones.** These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:
1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
 2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;
 3. In the IR zone the facility is listed in the mission statement as part of the institution's impact mitigation plan;
 4. In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and
 5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building area including portions of parking structures associated with these uses. If the institutional campus includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space associated with the facility. Size exceptions are prohibited.

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A.** There are adequate nearby lands available for the development of more intense industrial uses;
- B.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;
- C.** There will be no significant health or safety risk to nearby uses;
- D.** There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;
- E.** The proposed use adequately addresses potential nuisance-related impacts such as litter;
- F.** Public services.
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity,

level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- G.** The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;
- H.** There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and
- I.** Public benefits of the use outweigh any impacts that cannot be mitigated.

33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

- A.** The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;
- B.** The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- D.** Transportation system:
 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle

networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- E. Transit ridership is increased and vehicle miles traveled per capita is reduced;
- F. The facility will have adequate separation, landscaping, and screening between the sidewalk and parking areas to reduce the impact on adjacent public and private spaces; and
- G. The facility is necessary because bus service is not adequate to serve those in the surrounding area who live or work beyond walking or bicycling distance of transit.

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

- A. Health and safety.** The health and safety of the public is dependent on the facility being at this location.
- B. Location.** There is no feasible alternative location where the facility is an allowed use, or would have less impact on residential character or identified scenic and environmental resources.
1. Proof of a location-specific need must include:
 - a. A broad review of other, similar or nearby, areas;
 - b. A review of specific alternative sites is not required; and
 - c. The review of other areas must show that those areas cannot reasonably accommodate the proposed use.
 2. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that the alternative site can reasonably accommodate the proposed use.

C. Public services.

1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. Livability.

1. Detrimental impacts are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter
 - e. The amount, location, and nature of any outside displays, storage, or activities;
 - f. Height of structures; and
2. If the facility is in an OS or R zone, detrimental impacts to the residential or open space character of the area caused by the appearance of the new use or development are mitigated to the extent feasible, taking into consideration such factors as:

- a. Structure scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the facility is in an OS zone, adequate open space is being maintained so that detrimental impacts to the open or natural character of the area are minimized.

- E. Radio Frequency Transmission Facilities.** Unless exempted or allowed by Sections 33.274.030 or 33.274.035, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040 through .070.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
 - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;

- b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
 - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
 - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
 - e. Other methods that adequately minimize visual impact;
4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for personal wireless service facilities, proposing to locate on a tower in a C, CI2, or EX zone more than 50 feet from an R zone:
1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean and uncluttered;
 3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 4. The visual impact of the tower on the surrounding area must be minimized;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- D.** Approval criteria for all other Radio Frequency Transmission Facilities:
1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
 2. The facility will be located so that impacts on mature trees and tree groves are minimized;
 3. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 4. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

33.815.230 Rail Lines And Utility Corridors

These approval criteria allow Rail Line And Utility Corridor uses where their location will not unduly interfere with other land uses and with the street system. The approval criteria are as follows:

- A.** The proposed rail line or utility corridor is sufficiently separated from nearby land uses so as to allow for buffering of the uses, especially in residential areas. In the case of railroad lines, separation distances should consider the expected number, speed, size, types, and times of trains; and
- B.** The rail line or utility corridor will not substantially impact the existing or planned street system, or traffic, transit, pedestrian, and bicycle movement and safety.

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

- A.** The proposed facility is consistent with the City's adopted renewal plan for the area;
- B.** The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;
- C.** There are adequate nearby lands available for the development of more intense uses;
- D.** The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- E.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- F.** Transportation system:
 - 1.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2.** Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3.** Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the

development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District

These approval criteria apply to industrially oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criterion allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Bureau of Transportation. The approval criteria are:

- A.** There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.
- B.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

- A.** The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand

management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
 - E. The proposed transportation demand management (TDM) program is acceptable to the Bureau of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and
 - F. City-designated scenic resources are preserved.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

- A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and
 - E. The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District

Approval criteria A, B and D apply to Retail Sales And Service uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are outside the South Waterfront Subdistrict. Approval criteria A, B, C and D apply to Retail Sales And Service Uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are within the South Waterfront Subdistrict.

- A. The use needs to be located in the subdistrict because it primarily serves those who live or work in the subdistrict;
- B. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the South Waterfront Plan; and

- D. City-designated scenic resources are preserved.

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

- A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are shown on the most recent Neighborhood Boundaries Map published by the Bureau of Neighborhood Involvement, and do not include boundaries of business associations, industrial associations, or other recognized organizations.
- B. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
- C. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;

- E. The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and
- F. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District

This review provides for Commercial Parking that supports the diverse mix of uses and urban scale of development in the Northwest plan district. The review allows for a limited amount of Commercial Parking for community use in a high-density residential area in close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street, while ensuring that the transportation system is capable of supporting the proposed parking. The criterion is: The transportation system is capable of supporting the proposed used in addition to the existing uses in the area. Evaluation findings must demonstrate that:

- A. Signalized intersections within 600 feet of the site will operate at an acceptable level of service or will not be significantly degraded by the proposed use;
- B. The proposed use does not create a significant adverse impact on the availability of existing on-street parking along streets within one block of the site. Adverse impacts to on-street parking could include removal of a significant portion of the existing on-street parking in the area;
- C. The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- D. The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.

33.815.310 Industrial Uses in the IR Zone

These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

- A. The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;
- B. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;
- C. Industrial service and manufacturing and production uses are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;

- D. All Industrial Service and Manufacturing And Production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking will be associated with the Industrial Service and Manufacturing And Production uses for each parking space associated with those uses. Size exceptions are prohibited;
- E. Exterior display, storage and work activities are prohibited;
- F. Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the Impact Mitigation Plan. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master Plan;
- G. Long term parking of medium and heavy trucks on site is prohibited; and
- H. All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

33.815.315 Utility Scale Energy Production in Specified C zones.

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

- A. The proposed Utility Scale Energy Production facility will serve the immediate area;
- B. The off-site impact standards of Chapter 33.262 must be met;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the

development is complete or, if the development is phased, will be available as each phase of the development is completed.

- D. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178480, effective 6/18/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. Nos. 191079, 191164, and 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

33.820 Conditional Use Master Plans

820

Sections:

- 33.820.010 Purpose
- 33.820.020 What Is Covered by a Master Plan
- 33.820.030 When a Master Plan Is Required
- 33.820.040 Procedure
- 33.820.050 Approval Criteria
- 33.820.060 Duration of the Master Plan
- 33.820.070 Components of a Master Plan
- 33.820.080 Implementation
- 33.820.090 Amendments to Master Plans
- 33.820.100 Existing Plans

33.820.010 Purpose

A conditional use master plan is a plan for the future development of a use that is subject to the conditional use regulations. Expansions of the use may have impacts on surrounding neighborhoods and on public services that are better addressed through the review of the master plan than through reviewing the expansions individually over time. In addition, by creating long term plans, some impacts may be prevented that would have occurred with uncoordinated piecemeal expansions. The development of a master plan is intended to provide the surrounding neighborhoods and the City with information about, and an opportunity to comment on, the use's plans for future development. The plan also enables the operator of the use and the City to address the effects of the future development. Finally, an approved master plan is intended to ensure that the use will be allowed to develop in a manner consistent with the plan. Master plans may be completed at various levels of detail. Generally, the more specific the plan, the less review that will be required as the future uses and development are built.

33.820.020 What Is Covered by a Master Plan

- A. Present uses.** A conditional use master plan is for the entire use, including portions of the use on lands where the use is allowed by right, and all affiliates on or abutting the site. For the purpose of this chapter, an affiliate means any entity that is related to the use in such a way that either the use or the entity controls the other, or both are under control of a third party. Control means the power to decide and direct the use of land, structures, and other resources.
- B. Proposed and potential uses.** The conditional use master plan covers any specific uses or development proposals being requested, called the "proposed use" in this chapter, and possible future uses or development, called the "possible future uses."
- C. Boundaries.** The conditional use master plan may encompass lands not presently controlled by the use. The plan will not take effect for those lands until they are under control of the applicant.

33.820.030 When a Master Plan Is Required

A conditional use master plan is required as part of a conditional use review in the situations listed below.

- A. Large conditional uses.** The conditional use contains over 500,000 square feet of floor area and either:
 - 1. The use proposes to expand the amount of floor area over 10 percent from the amount that existed at the last conditional use review, or if there was no review, then January 1, 1991 or
 - 2. The use expands its site area beyond the site area that existed on January 1, 1991. For this regulation, site area means all land used by the use and its affiliates including vacant land within the ownership.
- B. When required as part of a conditional use review.** The review body, as part of a conditional use review, may require a master plan in conjunction with any future expansions of the use if there has been a history of site area expansions and these are likely to continue. Also, the master plan may be required for future expansion of the use if there has been a history of floor area expansions for functions of the use which draw additional people to the site, and these are likely to continue.
- C. Voluntarily.** An applicant may also voluntarily submit a master plan as part of a conditional use review.

33.820.040 Procedure

Conditional use master plans are processed through a Type III procedure as part of the conditional use review. The applicant is encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of the master plan.

33.820.050 Approval Criteria

Requests for conditional use master plans will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A.** The master plan contains the components required by 33.820.070;
- B.** The proposed uses and possible future uses in the master plan comply with the applicable conditional use approval criteria; and
- C.** The proposed uses and possible future uses will be able to comply with the applicable requirements of this Title, except where adjustments are being approved as part of the master plan.

33.820.060 Duration of the Master Plan

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. Generally, an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded.

33.820.070 Components of a Master Plan

The applicant must submit a master plan with all of the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

- A. Boundaries of the use.** The master plan must show the current boundaries and possible future boundaries of the use for the duration of the master plan.
- B. General statement.** The master plan must include a narrative that addresses the following items:
 - 1. A description in general terms of the use's expansion plans for the duration of the master plan;
 - 2. An explanation of how the proposed uses and possible future uses comply with the conditional use approval criteria; and
 - 3. An explanation of how the use will limit impacts on any adjacent residentially zoned areas. The impacts of the removal of housing units must also be addressed.
- C. Uses and functions.** The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use such as office, classroom, recreation area, housing, etc. The likely hours of operation, and such things as the approximate number of members, employees, visitors, special events must be included. Other uses within the master plan boundary but not part of the conditional use must be shown.
- D. Site plan.** The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, the pedestrian, bicycle, and vehicle circulation system, vehicle and bicycle parking areas, open areas, existing trees to be preserved, and other required items. In addition to the application requirements in 33.730.060.C, the site plan must also include:
 - 1. All existing improvements that will remain after development of the proposed use;
 - 2. All improvements planned in conjunction with the proposed use;
 - 3. Conceptual plans for possible future uses; and
 - 4. Pedestrian, bicycle, and transit facilities including pedestrian and bicycle circulation between:
 - a. Major buildings, activity areas, and transit stops within the master plan boundaries and adjacent streets and adjacent transit stops; and
 - b. Adjacent developments and the proposed development.
- E. Development standards.** The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the base zone requirements and the requirements of Chapters 32.32 and 32.34 of the Sign Code.

These may be such things as height limits, setbacks, FAR limits, landscaping and tree preservation requirements, parking requirements, sign programs, view corridors, or facade treatments. Standards more liberal than those of the code require adjustments.

- F. Phasing of development.** The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.
- G. Transportation and parking.** The master plan must include information on the following items for each phase.
 - 1. Projected transportation impacts. These include the expected number of trips (peak, events, and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.
 - 2. Projected parking impacts. These include projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.
- H. Street vacations.** The master plan must show any street vacations being requested in conjunction with the proposed use and any possible street vacations that might be requested in conjunction with future development. (Street vacations are under the jurisdiction of the City Engineer. Approval of the master plan does not prejudice City action on the actual street vacation request.)
- I. Adjustments.** The master plan must specifically list any adjustments being requested in conjunction with the proposed use or overall development standards and explain how each adjustment complies with the adjustment approval criteria.
- J. Other discretionary reviews.** When design review or other required reviews are also being requested, the master plan must specifically state which phases or proposals the reviews apply to. The required reviews for all phases may be done as part of the initial master plan review, or may be done separately at the time of each new phase of development. The plan must explain and provide enough detail on how the proposals comply with the approval criteria for the review.
- K. Review procedures.** The master plan must state the procedures for review of possible future uses if the plan does not contain adequate details for those uses to be allowed without a conditional use review.

33.820.080 Implementation

- A. Conforming to the plan.** Uses and development that are in conformance with detailed aspects of the plan are not required to go through another conditional use review. Uses and development subject to less detailed parts of the plan are subject to the level of conditional use review stated in the master plan. They will be approved if they are found to

comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

B. Not conforming to the plan. Uses that are not in conformance with the master plan require an amendment to the plan. Development that is not in conformance with the plan and does not meet the following requires an amendment to the plan. Development that is not in conformance with the plan and does meet all of the following is allowed:

1. All conditions of approval must be met except as allowed by Subparagraphs B.4 through B.8;
2. One of the following must be met:
 - a. Complies with the development standards of this Title, or
 - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
3. Either maintains the existing site boundary or reduces the site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management;
4. Does not demolish and replace more than 25 percent of the existing floor area on the site;
5. Does not increase new floor area by more than 2,000 square feet. Floor area for an outdoor shelter and for housing that is affordable is exempt from this limitation. For the purposes of this paragraph, housing that is affordable means that at least 50 percent of the dwelling units in the additional floor area are participating in the Title 30 System Development Charges Exemption Program. See 30.01.095. If the additional floor area is in multiple buildings with multiple dwelling units, then the affordable units must be distributed among the multiple buildings. To qualify for this exemption, the applicant must provide a letter from the Portland Housing Bureau certifying which units are approved for the System Development Charges Exemption Program;
6. Does not increase the exterior improvement area by more than 2,000 square feet, except that exterior improvements associated with an outdoor shelter, fences, handicap access ramps, on-site pedestrian circulation systems, ground mounted solar panels, and parking space increases allowed by 33.820.080.B.8 below, are exempt from this limitation;
7. Will not result in a net gain of site area;
8. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
 - a. Will not result in a net loss in the number of parking spaces except as follows:
 - (1) No reduction in shared parking spaces is allowed;

- (2) Up to 50 percent of the total number of existing parking spaces may be removed when the removal is for an outdoor shelter or housing that is affordable as defined by Paragraph B.5;
 - (3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; and
 - (4) Removal of parking from sites with 4 or fewer parking spaces required by the master plan is not allowed without an amendment to the plan.
- b. Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, the individual or cumulative addition of more than 5 parking spaces is not allowed without an amendment to the plan; and
 - c. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

33.820.090 Amendments to Master Plans

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:
 1. Any proposed development on the site that is within 400 feet of the master plan boundaries, unless a greater distance is stated in the master plan;
 2. A proposed expansion of the approved boundary;
 3. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);
 4. New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;
 5. Increases in the overall floor area of development on the site over 25 percent. Floor area for an outdoor shelter or housing that is affordable as defined by Paragraph B.5. is exempt from this limitation;
 6. Increases or decreases greater than 10 percent in the amount of approved parking. Decreases for an outdoor shelter or housing that is affordable as defined by Paragraph B.5. are exempt from this limitation; and
 7. Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.

- B. Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

33.820.100 Existing Plans

- A. Plans in effect.** Master plans that were approved by the City prior to January 1, 1991 are deemed to be in conformance with this chapter and continue in effect until their expiration dates. Approved master plans that do not have an expiration date continue in effect until development allowed by the plan has been completed.
- B. Plans being formulated.** Master plans submitted after the implementation date of this Title which were required because of conditions of a land use approval prior to the implementation date, will be reviewed by the City in accordance with the original conditions. If the master plan is approved, it is then subject to the regulations of Subsection A. above.

(Amended by: Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. 178509, effective 7/16/04; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 186053, effective 1/1/15; Ord. No. 190000, effective 6/18/20; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191779, effective 10/1/24.)

33.825 Design Review

825

Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

33.825.010 Purpose

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. Design Review offers opportunities for increased flexibility over the design standards within Chapter 33.420.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in Design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A.** Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1.
 - 1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal may include both an alteration and an addition to a building. If the alteration is subject to a Type II procedure, but the addition is subject to a Type III procedure, the proposal would be subject to a Type III procedure.
 - 2. Until January 1, 2029, when a proposal includes a residential use, the proposal may be subject to the next lower procedure type as follows:
 - a. If the proposal is subject to a Type III procedure, the applicant may choose a Type II procedure. A design advice request is required before the application for design review is submitted. See 730.050.B;
 - b. If the proposal is subject to a Type III procedure, the applicant may choose a Type Ix or Type II procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type Ix or Type II review procedure is chosen, the applicant must provide a letter from

the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau; and

- c. If the proposal is subject to a Type II procedure, the applicant may choose a Type Ix procedure.

B. Phased design plans.

1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.

C. Models of proposals in the Central City plan district. For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

Geographic Area	Proposal	Threshold	Procedure
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45 ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 45 ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of facade or roof area or sign up to 100 s.f.	Type I
		All other exterior alterations	Type II
	Changes to an approved design review [3]	Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II

	Exterior development not listed above		Type II
All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65 ft. [1]	Type III [2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 65 ft height [1] and adds > 50,000 s.f of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of facade or roof area or sign up to 100 s.f.	Type I
		All other exterior alteration	Type II
	Changes to an approved design review [3]	Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II
	Exterior development not listed above		Type II

[1] The height threshold does not include additional height allowed through a height exception in the base zone.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

[3] Changes to an approved design review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original design review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[4] If the original design review was processed through a Type I procedure, then review of a change is processed through the same procedure as the original review.

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height, except

when the height being proposed includes bonus height, and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

33.825.040 Modifications That Will Better Meet Design Review Requirements

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines;
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested; and
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

33.825.055 Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

- A. Purpose.** Design guidelines are the approval criteria used to review new development and alterations to existing development. They ensure that the development builds on the context of the area, contributes to the public realm and promotes quality and long-term resilience within the Design overlay zone.
- B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4. Where two of the design districts shown on those maps overlap, both sets of guidelines apply. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict.

All other areas within the Design overlay zone or proposals subject to design review use the Portland Citywide Design Guidelines.

The design guidelines are mandatory approval criteria used in design review procedures. Within design districts, the design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts. Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

- C. Waiver of design guidelines.** If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review of a development in order to meet the goals.

33.825.075 Relationship to Other Regulations

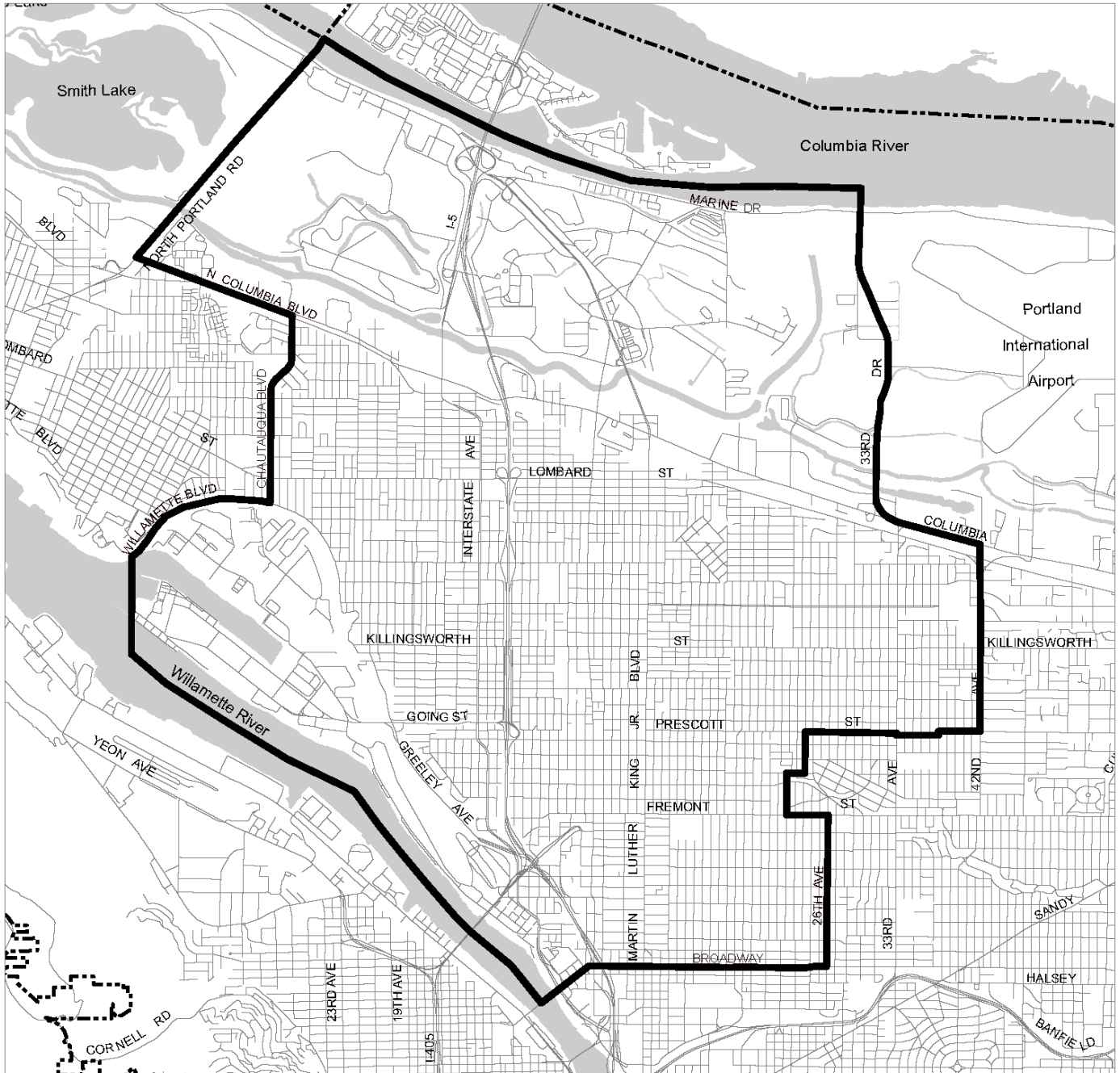
Design review approval by BDS does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174325, effective 5/5/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. 176742, effective 7/31/02; Ord. No. 177701, effective 8/30/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 184016, effective date 08/20/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191609, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)



Albina Community Plan Area

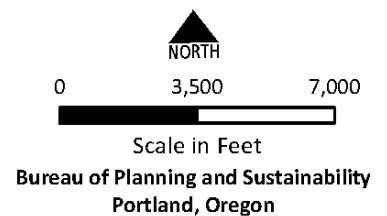
Map 825-1

Map Revised August 10, 2020



Legend

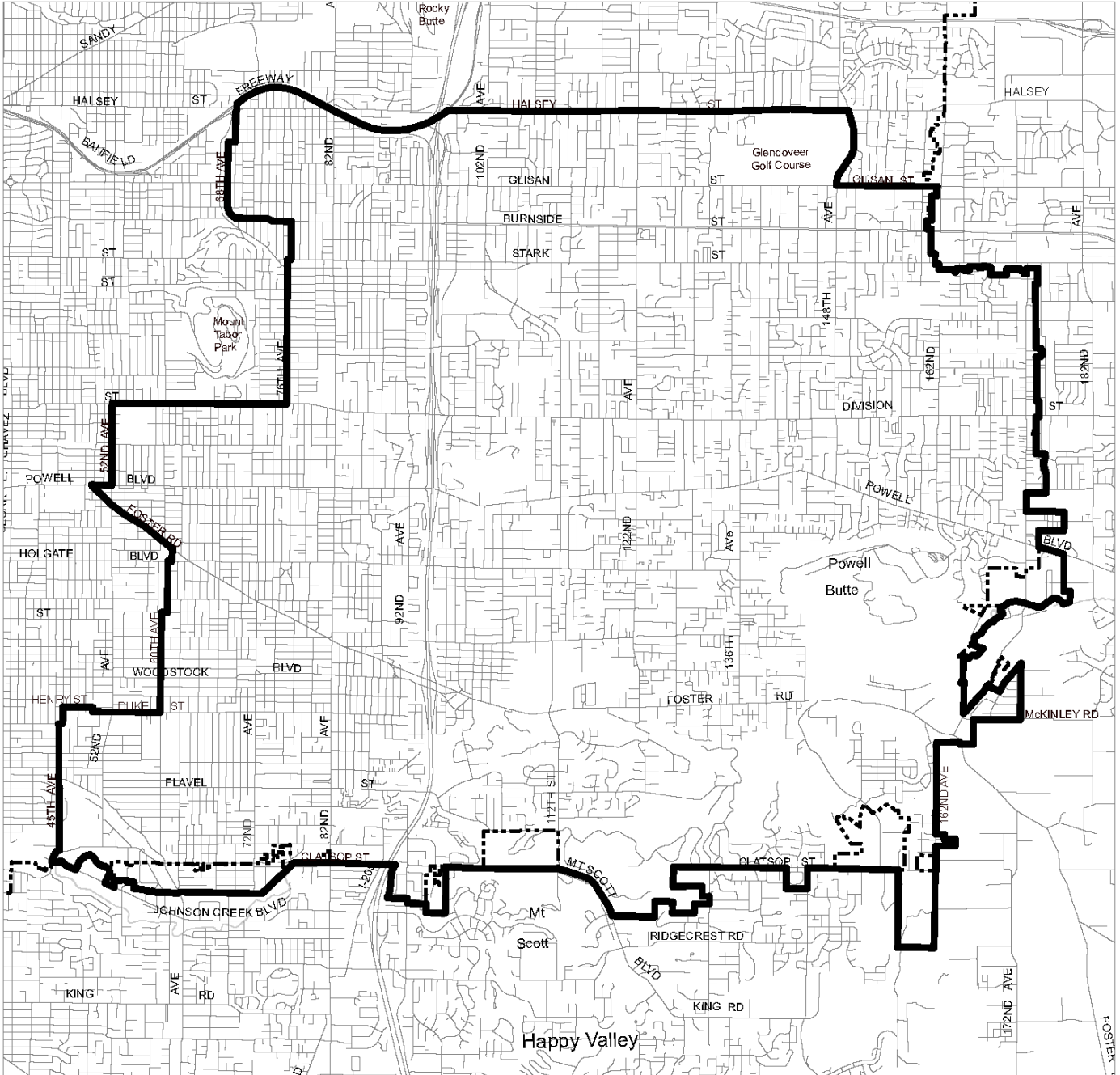
-  City Boundary
-  Community Plan Boundary





Outer Southeast Community Plan Area

Map 825-2

Map Revised August 10, 2020



Legend

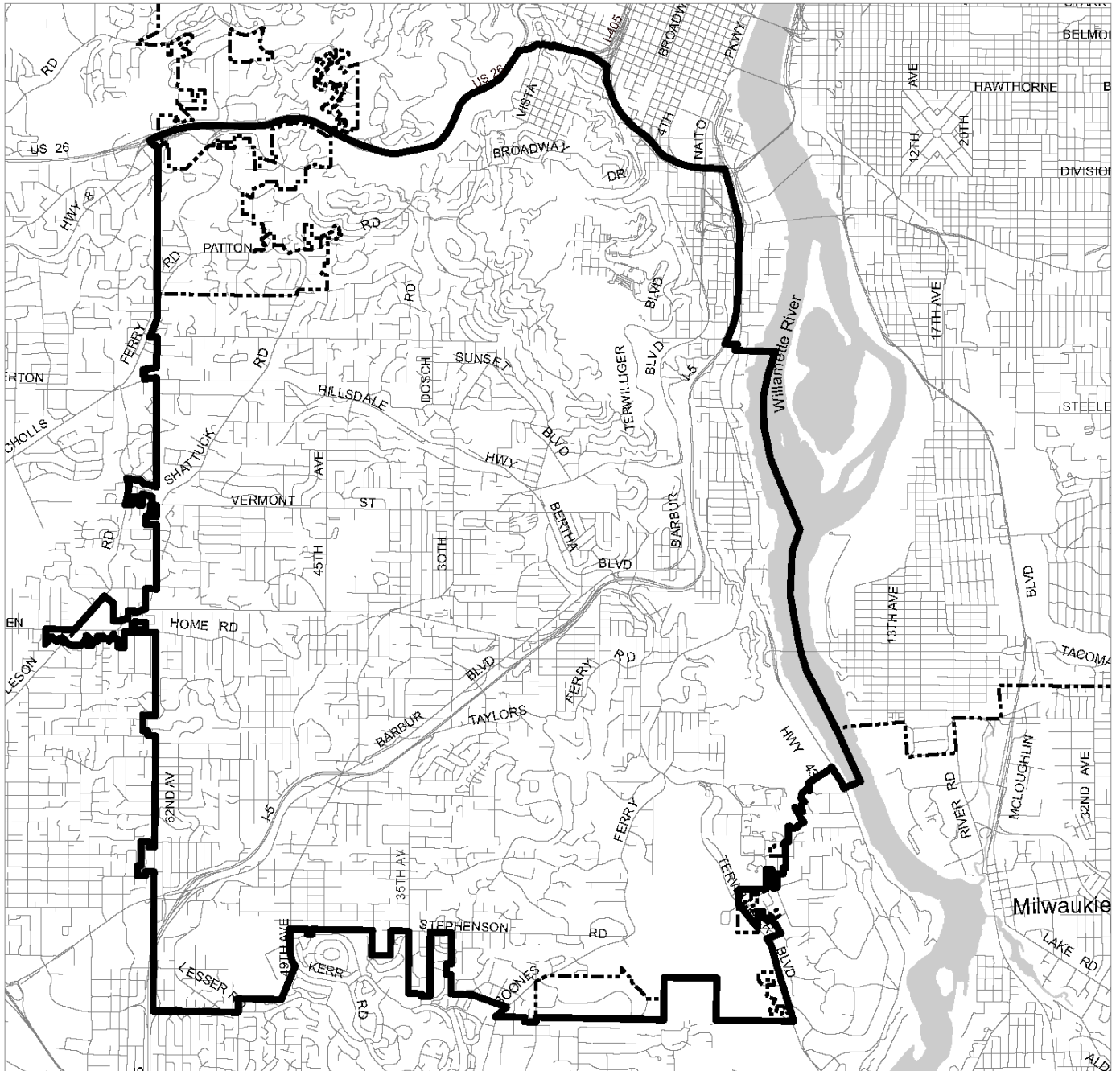
-  City Boundary
-  Community Plan Boundary



Southwest Community Plan Area

Map 825-3

Map Revised August 10, 2020



Legend

- City Boundary
- ▭ Community Plan Boundary



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

33.830 Extensions to Approved Land Use Reviews

830

Sections:

- 33.830.010 Purpose
- 33.830.020 When this Chapter May Be Used
- 33.830.030 General
- 33.830.040 Procedure
- 33.830.050 Approval Criteria

33.830.010 Purpose

The land use review extension process provides flexibility for applicants who have received land use approval but have not commenced development prior to expiration. It is intended to be an efficient review process to extend the time period during which land use approvals are valid and may be utilized.

33.830.020 When this Chapter May Be Used

This review is allowed for approved land use reviews that are subject to expiration, as described in Subsection 33.730.130.B, that have not yet expired. This chapter does not apply to approved land use reviews that have expired.

33.830.030 General Regulations

- A. Number of extensions.** An approved land use review is eligible to apply for one extension.
- B. Submission timing.** An application for an extension review must be deemed complete prior to the expiration date of the original approval, but no earlier than 6 months in advance of the expiration date.
- C. Length of extension.** If an extension is approved, the expiration date for the original approval is extended an additional 2 years from the effective date of the original approval.
- D. Revisions to original approval.** An application for an extension review may not include a proposal to revise the original application or any conditions of approval.
- E. Multiple approvals.** If the original approval included multiple applications, a single extension application may include one or all approved reviews associated with the original approval.

33.830.040 Procedure

Requests for an extension to an approved land use review are processed through a Type Ix procedure.

33.830.050 Approval Criteria

The request for an extension to an approved land use review will be approved if the review body finds that the applicant has shown that all of the following criteria are met.

- A.** There has been no change in circumstances or the applicable regulations that would necessitate revision of the decision or conditions of approval since the effective date of the decision for which the extension is sought.

- B.** The previously approved land use decision is not being revised and there are no changes to conditions of approval.

(Added by: Ord. No. 191779, effective 10/1/24.)

in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired; and

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources located within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

H. Other conservation approval criteria. When required by Paragraphs E. or F., the following approval criteria must be met:

1. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
2. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
3. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the features or materials of the landmark or contributing resource and, if in a district, the district as a whole;
4. Architectural coherency. New additions, exterior alterations, or new construction will relate to the massing, materials, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole even if the new work is differentiated or of a larger scale than the old;
5. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken; and
6. Cultural character. For landmarks or contributing resources in districts primarily significant for an area of history other than architecture or design, new additions, exterior alterations, or new construction will maintain the cultural significance of the resource. New additions, exterior alterations, or new construction may alter, replace, or remove historic features and materials if such features or materials are not integral to the resource's cultural significance.

I. Other relocation approval criteria. When required by Paragraphs E. or F., one of the following approval criteria must be met:

1. Maintaining the resource in its current location would effectively deprive the owner of all reasonable economic use of the site. The evaluation must consider the historic

- resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
2. Relocation of the resource has been evaluated against the goals and policies of the Comprehensive Plan and any relevant area plans and, on balance, relocation has been found to be more supportive of the goals and policies than preservation, rehabilitation, or reuse of the resource on its current site.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.
 3. Relocation of the resource and related alterations will not substantially harm the historic significance and physical integrity of the resource.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.

33.846.070 Modifications Considered During Historic Resource Review

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of historic resource review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or other standards that are calculated based upon the size or intensity of the use such as the quantity of parking and loading spaces) are required to go through the adjustment process. Modifications that are denied through historic resource review may be requested as an adjustment through the adjustment process. The review

body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 - 1. The resulting development will meet the purpose of the standard being modified; or
 - 2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.080 Demolition Review

- A. Purpose.** Demolition review protects landmarks and contributing resources in districts. Demolition review recognizes that historic resources are irreplaceable assets significant to the region's architectural, cultural, and historical identity and their preservation promotes economic and community vitality, resilience, and memory. In the event that demolition of a historic resource is approved, demolition review also addresses the potential for mitigation of the loss.
- B. Review procedure.** Demolition reviews are processed as follows:
 - 1. Proposals to demolish an accessory structure are processed through a Type II procedure;
 - 2. Proposals to demolish a Conservation Landmark, National Register Landmark, contributing resource in a Conservation District, or contributing resource in a National Register District are processed through a Type III procedure;
 - 3. All other proposals to demolish a historic resource are processed through a Type IV procedure.
- C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:
 - 1. Demolition of the resource has been evaluated against and, on balance, demolition has been found to be equally or more supportive of relevant goals and policies of the Comprehensive Plan, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. The merits of demolition;
 - d. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;

- e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
 - f. Any proposed mitigation for the demolition.
2. The proposal is to demolish a contributing resource in a Conservation District or National Register District, and demolition of the resource will be mitigated to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district. The mitigation must be responsive to the significance and integrity of the resource proposed for demolition. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
3. The proposal is to demolish a contributing resource in a single-dwelling zone in a National Register District, and demolition of the resource will facilitate the creation of more deeply affordable dwelling units than could practicably result from preservation, rehabilitation, or reuse of the resource. In this case, deeply affordable means permanently affordable to those earning no more than 60 percent of the area median family income. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
4. The proposal is to demolish an accessory structure, and demolition of the resource will not significantly diminish the architectural, cultural, or historic significance or integrity of the associated landmark or district.

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190687, effective 3/1/22; Ord. No. 191779, effective 10/1/24.)

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm. Public realm includes adjacent streets as well as plazas and common open areas that are accessible from the street;
2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
5. Minimizing potential negative effects on surrounding residential uses; and
6. Preservation of any City-designated scenic resources.

F. Open Area. On sites zoned RF through R2.5

1. Where proposed development includes attached houses, duplexes, triplexes, fourplexes, multi-dwelling structures, or multi-dwelling development, adequate open area to accommodate the proposed development must be provided. Open area does not include vehicle areas.
2. Where multi-dwelling development with detached single dwelling units is proposed, 50 percent of the total number of dwelling units on the site must be oriented around a common outdoor area.

G. Accessible connections. To the extent practicable, provide one or more accessible routes that connect all buildings on the site to adjacent streets, common open areas, and parking areas. Use landscaping and site furnishings to ensure the accessible route provides a pleasant user experience.

H. Garbage and recycling areas. Garbage and recycling collection areas must be adequate in size to accommodate the proposed development, designed to encourage recycling, and located to facilitate pick-up service. Screening and buffering of garbage and recycling areas must be provided to maintain a clean and attractive development.

33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310; and

- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

33.854.330 Commercial Uses in Residential Zones.

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A.** The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B.** The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C.** The proposed commercial development and uses must be consistent with the purpose and regulations of the CM1 zone.

33.854.340 Proposals Without a Land Division

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

- A. Services.**
 - 1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
 - 2. The approval criteria of Section 33.654.110.D, Connectivity and Location of Rights-of-Way, must be met;
 - 3. The standards of Section 33.651.020, Water Service Standards, must be met;
 - 4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met; and
 - 5. The standard of Section 33.653.020, Stormwater Management Standard, must be met.
- B. Tree preservation.** The proposal must meet the requirements of Chapter 33.630, Tree Preservation.
- C. Combined flood hazard area.**
 - 1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the combined flood hazard area.
 - 2. RM1 through RX, C, E, I, CI, and IR zones. In the RM1 through RX, C, E, I, CI, and IR zones, all proposed building locations must be outside of the combined flood hazard area where possible. Where it is not possible to have all building locations outside of the combined flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

- D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, seeps, and wetlands.

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank. Where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

2. The following development, improvements, and activities are allowed in the easement:
 - a. Disturbance associated with discharging stormwater to the stream channel or wetland, when BES has approved the stormwater system design;
 - b. Removal of non-native invasive species with hand held equipment;
 - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
 - d. Erosion control measures allowed by Title 10 of Portland City Code;
 - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
 - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, stream, or wetland easement if the following approval criteria are met:
 - a. There is no reasonable alternative location for the right-of-way;
 - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - (1) The street improvements will not impede the flow of the stream, spring, or seep;
 - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, seep, or wetland to the minimum extent practicable; and
 - (3) The street improvements will not impede fish passage in a stream, spring, or seep that has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation

improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop improvements;

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

Changes to an Approved Planned Development

33.854.500 Types of Changes

There are three types of changes; major, minor, and administrative.

- A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:
 1. An increase in the site area of more than 5 percent;
 2. Changes to the building heights or floor area allocations of more than 10 percent;
 3. In residential zones:
 - a. An increase in density, including the number of housing units;
 - b. A change in the mix of single-dwelling and multi-dwelling structures; and
 - c. An increase in the amount of land in nonresidential uses;
 4. A reduction in the amount of open space;
 5. In commercial/mixed use zones:
 - a. Changes to building locations or required plaza or park locations;
 - b. A decrease in the amount or location of required affordable housing; and
 - c. Changes to the location of additional height;
 6. Deleting or changing the purpose of combined flood hazard or landslide hazard easements; or
 7. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
 8. Changes in the amount of parking by more than 20 percent.
- B. Minor change.** A minor change is a change that is neither major nor administrative.
- C. Administrative change.** An administrative change is a change to an element of a Planned Development that:

1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
2. Meets all development standards not modified by the Planned Development; and
3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.

33.854.510 Review Procedures

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
 1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
 2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.
- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

33.854.520 Approval Criteria

The approval criteria for changes to a Planned Development are those used for approval of the original planned development application.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/3/31; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 191477, effective 3/1/24; Ord. No. 191609, effective 3/1/24; Ord. No. 191848, effective 10/1/24.)

33.910 Definitions

910

Sections:

- 33.910.010 Defining Words
- 33.910.020 Use of Terms
- 33.910.030 Definitions

33.910.010 Defining Words

Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms

Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Accessible Route. A route that can be used by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

Accessory Dwelling Unit. See Residential Structure Types.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories.

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, awnings, and other structures. See also Primary Structure.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjusted Lot. See Lot-Related Definitions

Airport Airside Development. Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.

Airport Landside Development. Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access. See also Street-Types.

Alteration. See Development, Alteration.

Alternative or Post Incarceration Facility. A Group Living use where the residents are on probation or parole.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arterial. See Street Types.

Attached Duplex. See Residential Structure Types.

Attached House. See Residential Structure Types.

Attached Structure. Any structure that is attached to a primary structure by a common wall or shares a common floor/ceiling. For example, a garage is an attached structure when it shares a common wall with a primary dwelling unit. Structures that are attached solely by elements other than a common wall or floor/ceiling are not considered attached. See Connected Structure.

Auto-Accommodating Development. See Development Types.

Aviation, General. General aviation refers to all flights other than military and scheduled airline and cargo flights, both private and commercial. Examples include business aviation, private flying, flight training, air ambulance, police aircraft, aerial firefighting, and air charter services.

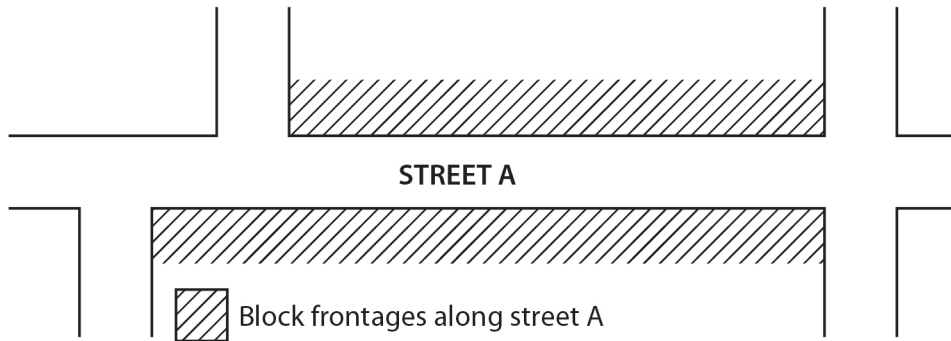
Basement. The portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement. Only one basement level may be partly below grade; additional basement levels must be completely below grade.

BDS. Bureau of Development Services.

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets, rights-of-way, or water features.

Block Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts. See Figure 910-1.

**Figure 910-1
Block Frontage**

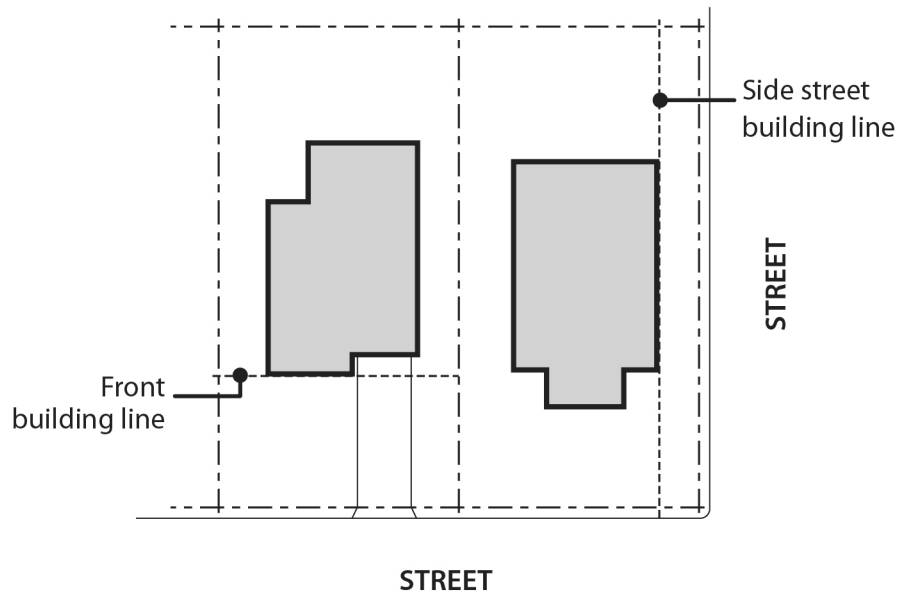


Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

Building Coverage. The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves that are 2 feet or less in depth are not included in building coverage. Eaves that are greater than 2 feet in depth are included in building coverage.

Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

**Figure 910-2
Building Lines**



Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

Calendar Year is the year from January 1 through December 31.

Caretaker. A caretaker looks after or provides security for goods or property.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by BDS at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

City. The City of Portland, Oregon.

City-Designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Combined Flood Hazard Area. The farthest extent of the land area comprised of the Special Flood Hazard Area, the Modeled Willamette River 1996 Flood Extent and, for areas not included in the Modeled Willamette River 1996 Flood Extent, the 1996 Flood Inundation Area.

Common Green. See Street Types.

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Congregate Housing Facility. See Residential Structure Types.

Connected Structure. Any structure that is connected to a primary structure by a roof, a deck or by other structural connections, and which does not share a common wall, ceiling or floor. For example, decks or stairways are connected structures when they are fastened to a primary structure. A garage that is connected to a primary structure by a roofed structure such as a breezeway, and does not share a common wall with the primary structure, is a connected accessory structure. See Attached Structure.

Conservation Landmark. See Historic Resource.

Contributing Resource. See Historic Resource.

Corner Lot. See Lot-Related Definitions.

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.

Council. The City Council of Portland, Oregon.

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Delivery Days. Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-End Street. See Street Types.

Density. A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics. See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site. See also Auto-Accommodating Development.

Director of BDS. The Director of the City of Portland Bureau of Development Services, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

Disturbance Area. The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The

disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

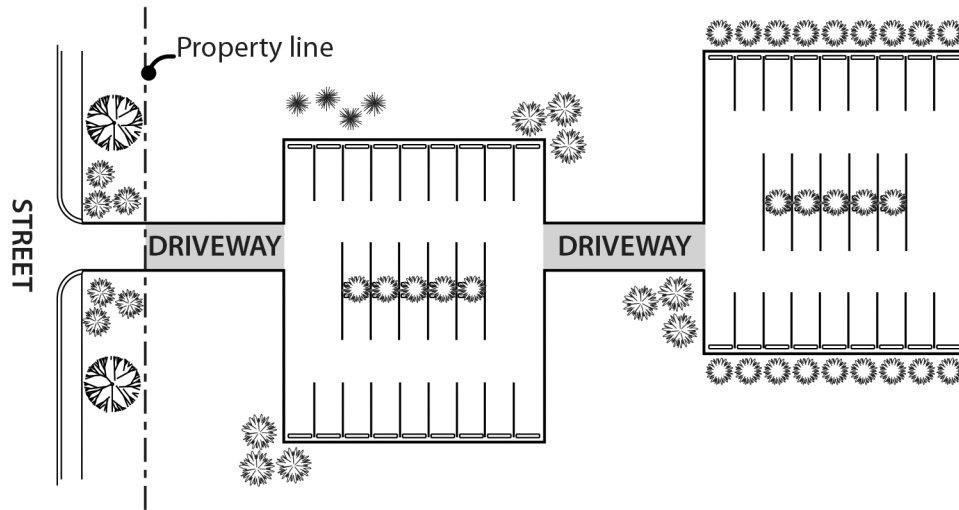
Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump and electric vehicle charging islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. . Parking spaces that include electric vehicle chargers and equipment are not a drive-through facility. Facilities designed for electric vehicle charging or the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13
Driveway



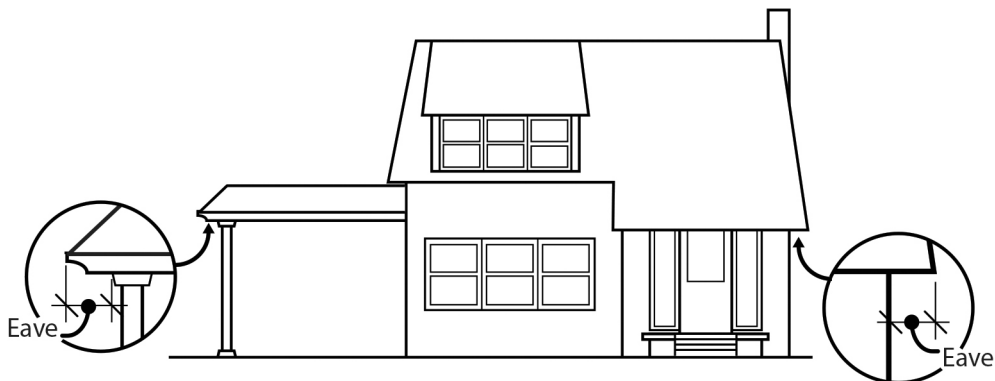
Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.

Figure 910-14
Eave



Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to

determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Expedited Land Division. An Expedited Land Division is a division of land under ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment), 92.205 (Policy) to 92.245 (Fees for review proceedings resulting in modification or vacation) or 92.830 (Definitions for ORS 92.830 to 92.845) to 92.845 (Relationship of subdivision in manufactured dwelling park or mobile home park to planned community statutes and series partition statutes) by a local government that, unless it is a middle housing land division, meets all of the elements of ORS 197.360.

Exterior Alteration. See Development, Exterior Alteration.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles

outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Farmers Market. Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. See Lot-Related Definitions.

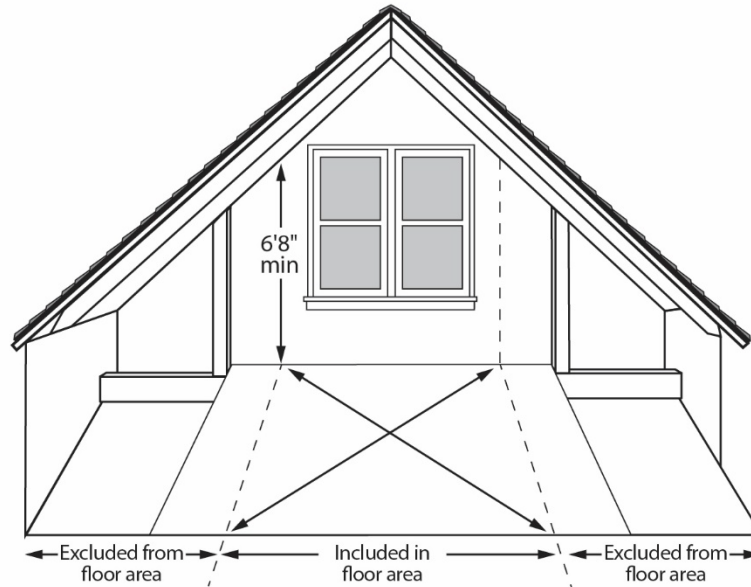
Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Basements;
- Areas where the ceiling height is less than 6 feet 8 inches. See Figure 910-20;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Figure 910-20
Ceiling Height



Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Food Membership Distribution Site. A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels. See Renewable Fuel.

Front Lot Line. See Lot Lines.

Front Setback. See Setback.

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

Garage. A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, cottage cluster, 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.

Garage Entrance Setback. See Setback.

Grade. The final elevation of the ground.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

Gross Building Area. The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

Hazardous Substances. Any substance, material, or waste listed below:

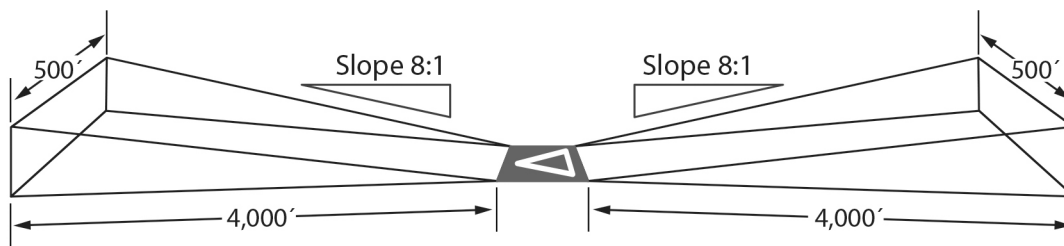
- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and

- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmark.** A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;
- **Conservation Landmark.** A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;
- **Historic District.** A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation District.** A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;
- **National Register District.** A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes

resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;

- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
- **Contributing Resource.** A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource.

Historic Resources Inventory. Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized

accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, Expedited Land Division, Lot, Tract, Plat, and Property Line Adjustment.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

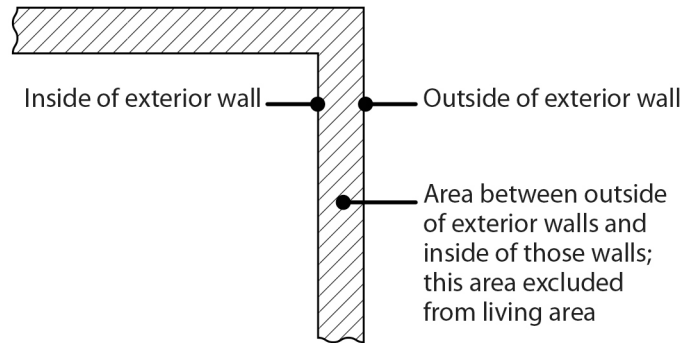
Light Truck. See Truck under Vehicle Types.

Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.

Figure 910-15
Calculation of Living Area



Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

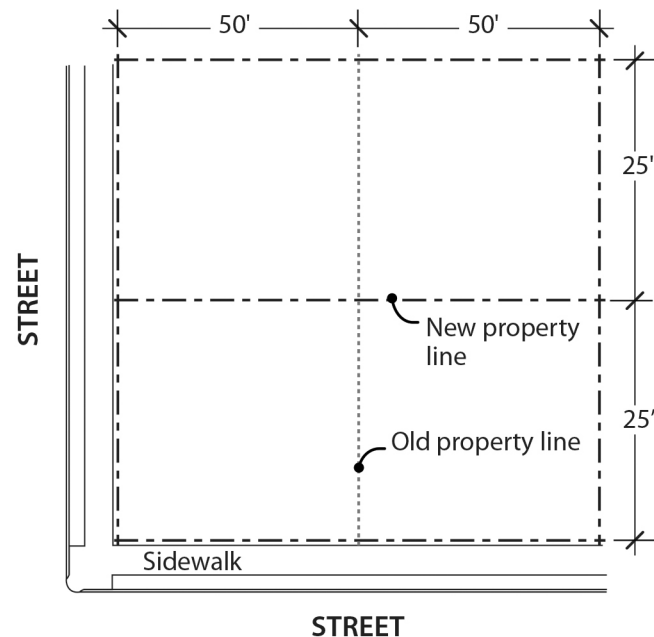
Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. See Lot-Related Definitions.

Lot-Related Definitions.

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

Figure 910-18
Adjusted Lots with Equal Lot Areas as the Original Lots



- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4. A corner lot may also be a through lot.
- **Flag Lot.** A lot, adjusted lot, lot remnant, or lot of record with two distinct parts.
See Figure 910-5:
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). This definition also includes a lot that is smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See also Ownership and Site.
- **Lot of Record.** A lot of record is a plot of land:
 - That was not created through an approved subdivision or partition;
 - That was created and recorded before July 26, 1979; and
 - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.
- **Lot Remnant.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. A lot remnant has a lot area that less than the lot area of the original platted lot. This definition

does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **Through Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on two streets, and where the lot frontages do not intersect. See Figure 910-4. A through lot may also be a corner lot.

Figure 910-17
Adjusted Lot and Lot Remnant

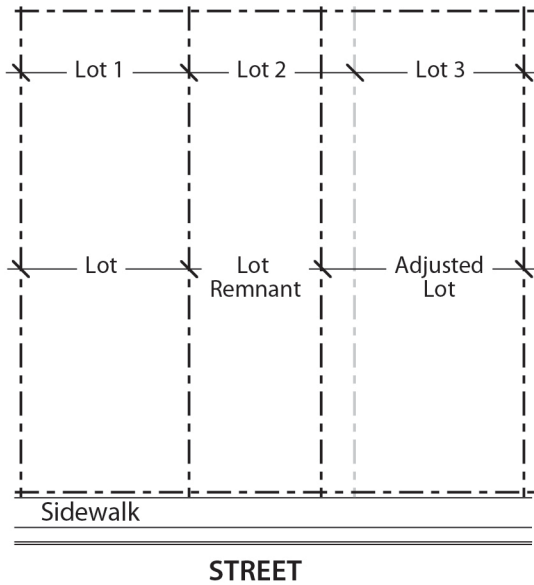
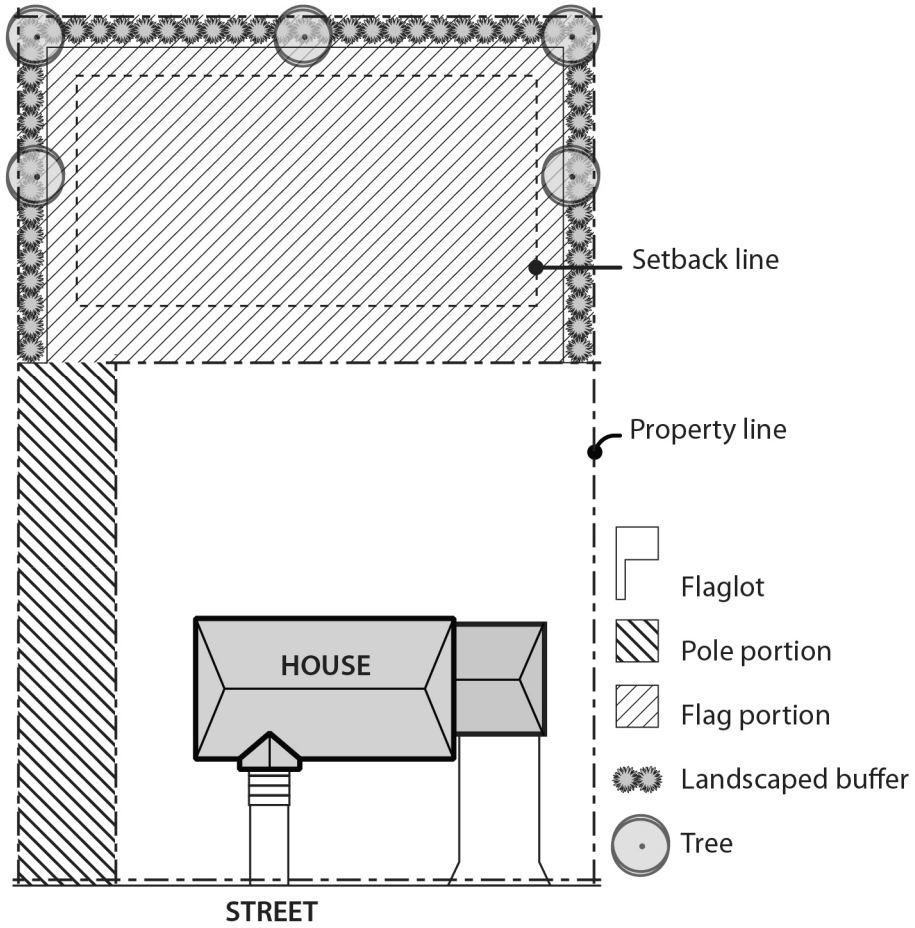
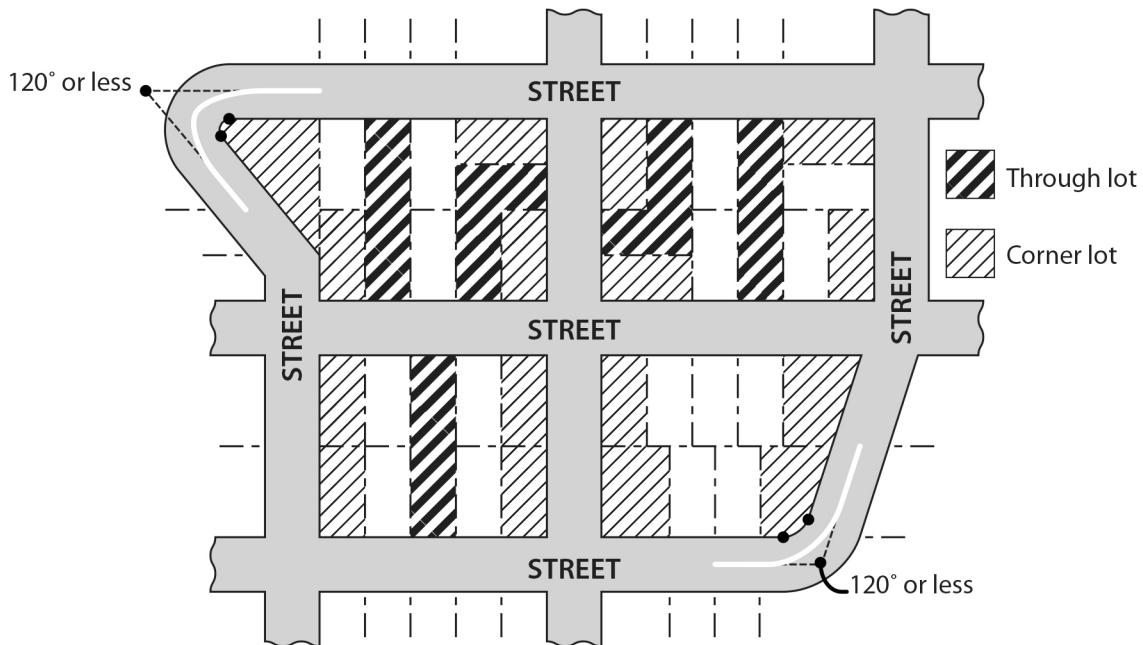


Figure 910-5
Flag Lot



**Figure 910-4
Corner and Through Lots**



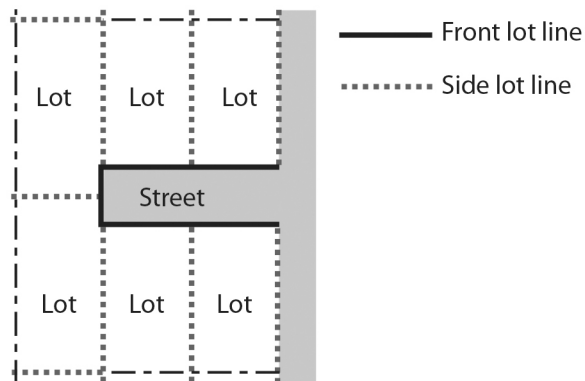
Lot Lines. The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-6.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-6 and 910-7.

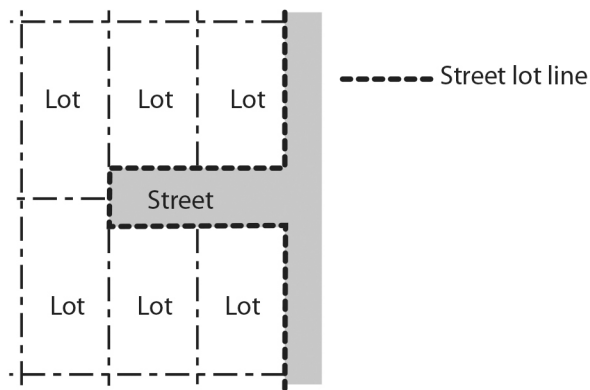
Lot of Record. See Lot-Related Definitions.

Lot Remnant. See Lot-Related Definitions.

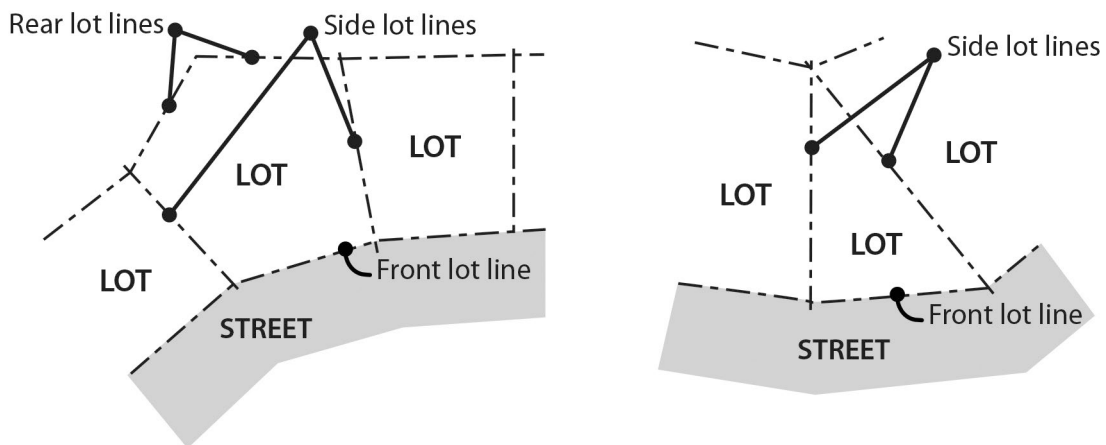
**Figure 910-6
Front and Side Lot Lines**



**Figure 910-7
Street Lot Lines**



**Figure 910-8
Lot Lines on Irregular Lots**



Main Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Maintained street. A maintained street is a street that has been accepted for maintenance by the City of Portland, Multnomah County, or the State of Oregon. See Title 17.42, Property Owner Responsibility for Streets.

Maintenance. Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

Major Remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured Dwelling. See Residential Structure Types.

Manufactured Dwelling Park. Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

Manufactured Dwelling Space. The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

Manufactured Home. See Residential Structure Types.

Marina. A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

Market Garden. A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

Mass Shelter. A building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

Mass Shelter Beds. Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

Medium Truck. See Truck under Vehicle Types.

Mitigate. To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

Mixed-Use. The combination on a site of residential uses with commercial or industrial uses.

Mobile Home. See Residential Structure Types.

Motor Home. See Recreational Vehicle, under Vehicle Types.

Motor Vehicle. See Vehicle Types.

Multi-Dwelling Development. See Residential Structure Types.

Multi-Dwelling Structure. See Residential Structure Types.

Near Shore Complexity. A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

Net Building Area. Gross building area, excluding parking areas.

New Development. See Development, New.

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

Nonconforming Residential Density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

Nonconforming Situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

Nondiscretionary Reviews. A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

Nuisance Plants List. The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.

Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

Ordinary Low Water. The line on the bank or shore to which the low water ordinarily recedes annually in season. On the Willamette River, ordinary low water is defined as 8' North American Vertical Datum of 1988 (NAVD88) or 5.90' City of Portland datum.

Organized Sports. Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

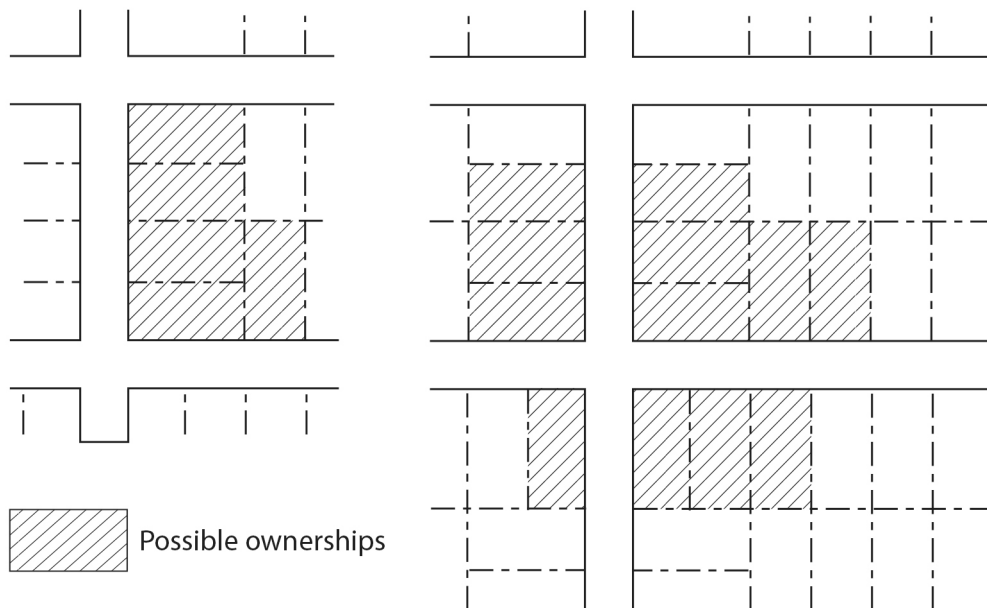
Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

Outfall. A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

**Figure 910-9
Ownership**



Parcel. See Lot.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking Space. A space designed to provide standing area for a motor vehicle.

Partial Street. See Street Types.

Passenger Vehicle. See Vehicle Types.

Paved Area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

Peace Officer. Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

Peak Hour Service. Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

Pedestrian Access Route. A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

Pedestrian Connection. A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a

street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

Pedestrian-Oriented Development. See Development Types.

Permanent Disturbance Area. See Disturbance Area, Permanent.

Person. Any person, partnership, association, or corporation.

Personal Wireless Service Facility. A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

Phased Development Plan. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Planning and Sustainability Director. The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of “partition plat” and “subdivision plat”.

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Plot. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

Pollution Reduction Facility. A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

Potential Landslide Hazard Area. Potential Landslide Hazard Areas are shown on the City’s Potential Landslide Hazard Areas Map.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

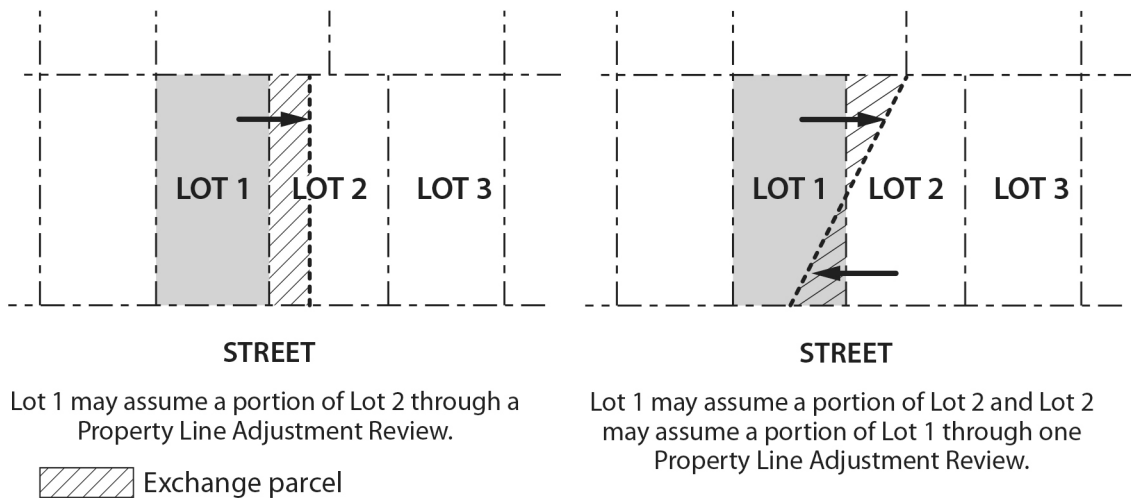
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Helicopter Landing Facility. See Helicopter Landing Facility (HLF).

Project. An existing or proposed development.

Property Line Adjustment. The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

**Figure 910-10
Property Line Adjustment**



Pruning. The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”. Topping a tree is considered destruction of the tree.

Public Access Easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Radio or Television Broadcast Facility. A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

Rail Right-Of-Way. See Right-Of-Way, Rail.

Rear Lot Line. See Lot Lines.

Rear Setback. See Setback.

Recognized Organization. An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

Renewable Fuel. Renewable fuels (such as biodiesel, biomethane, and clean hydrogen) are produced from non-petroleum, non-natural gas renewable resources and have less than 5 percent fossil fuel content.

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. Actions to substitute one material or system for another.

Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

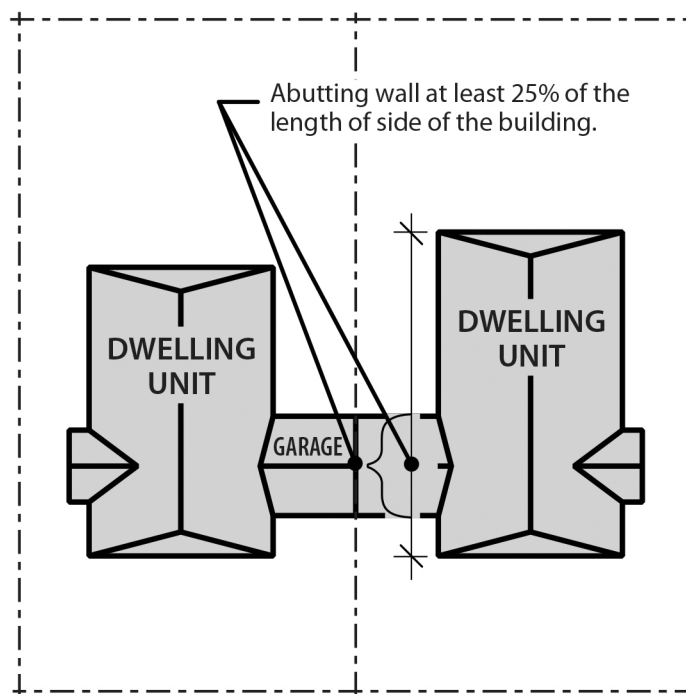
Residential Structure Types

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation,

and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** Except for individual dwelling units on lots created through a middle housing land division, a dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

Figure 910-16
Attached Houses



- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **Cottage Cluster.** A grouping of no fewer than three and no more than 16 individual detached primary dwelling units on one lot. A cottage cluster on a site that is divided through a middle housing land division remains a cottage cluster.
- **Duplex.** A building that contains two primary dwelling units on one lot. In this case, the units must share a common wall or common floor/ceiling. In the single-dwelling zones, a duplex

can also be two detached primary dwelling units on one lot. A duplex on a site that is divided through a middle housing land division remains a duplex.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people, except that a congregate housing facility is not a dwelling unit. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **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. A fourplex on a site that is divided through a middle housing land division remains a fourplex.
- **House.** Except for a detached dwelling unit on a lot that was created through a middle housing land division, a detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
 - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
 - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
 - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** Except for cottage clusters, 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. 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 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.
- **Triplex.** A 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. A triplex on a site that is divided through a middle housing land division remains a triplex.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in

scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site.

Retaining Wall. A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Riparian Functional Values. The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

River Bank Complexity. A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

Shallow Water Habitat. Land and riverbed located between the ordinary high water mark and 20 feet below the ordinary low water mark of the Willamette or Columbia Rivers.

Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Shelter. A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

Short Term Parking. Parking having a duration of four hours or less.

Side Lot Line. See Lot Lines.

Side Setback. See Setback.

Side Street Lot Line. See Lot Lines.

Sign. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

Site. For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For development on a lot that was created through a middle housing land division, the site is the original site prior to being divided. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block Frontage.

Small Scale Energy Production. Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:

- **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
- **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

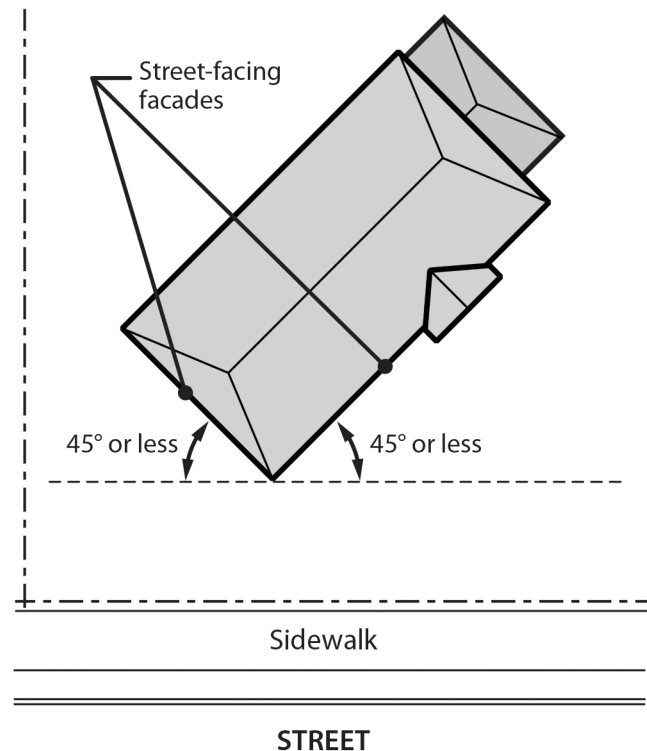
Street. See Street Types.

Street Lot Line. See Lot Lines.

Street Setback. See Setback.

Street-facing Facade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

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 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 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 System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

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 house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Superblock. A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

Supermarket. A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

Surface Parking. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Temporary Disturbance Area. See Disturbance Area, Temporary.

Through Lot. See Lot-Related Definitions.

Through Street. See Street Types.

Top of Bank. The largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Section 33.930.150, Measuring Top of Bank. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default location described in Section 33.930.150, Measuring Top of Bank.

Topping. The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

Tower. A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Tract. A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

Transit Station. A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

Transit Street. See Street Types.

Transportation Management Association. An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

Tree Grove. A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

Tree Types

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

Triplex. See Residential Structure Types.

Truck. See Vehicle Types.

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

Uplands. Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

Utilities. Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

Utility Scale Energy Production. Energy production that does not meet the definition of Small Scale Energy Production.

Utility Trailer. See Vehicle Types.

Valet Parking. Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

Vegetation. All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

Vegetative Maintenance. Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

Vehicle Areas. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger

vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
 - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as travel trailers, park model recreational vehicles, campers, and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
 - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
 - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
 - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
 - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

View Corridor. A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors

and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

Wildlife Species of Concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

Wind Turbine or Wind Energy Turbine. A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23; Ord. No. 191477, effective 3/1/24; Ord. No. 191779, effective 10/1/24.)

- C. Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- D. Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales And Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales And Service category.

Residential Use Categories

33.920.100 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living uses often include a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, food membership distribution, and registered or certified family child care homes, for up to 16 children, that meet the State's requirements of ORS 329A.
- C. Examples.** Examples include houses and other dwelling units with nine or more bedrooms; dormitories; fraternities and sororities; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditions; and some residential programs for drug and alcohol treatment.
- D. Exceptions.**
 1. Lodging where the length of stay may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where the length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, mass or outdoor shelters.
 2. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period in a dwelling unit with eight or fewer bedrooms is classified as Household Living.
 3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

33.920.110 Household Living

- A. Characteristics.** Household Living is the residential occupancy of a dwelling unit that contains eight or fewer bedrooms. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, parking of the occupants' vehicles, and registered or certified child care homes, for up to 16 children, that meet the State's requirements of ORS 329A. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other dwellings with eight or fewer bedrooms.
- D. Exceptions.**
 - 1. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.
 - 2. In certain situations, lodging where length of stay may be arranged for periods less than one month may be classified as a Community Service use, such as short term, mass, or outdoor shelter.
 - 3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with more than eight bedrooms is classified as Group Living.

Commercial Use Categories

33.920.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, food membership distribution, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, marinas, and marine passenger docks for subregional cruise ships such as Willamette and Columbia River cruises.
- D. Exceptions.**
 - 1. Golf courses are classified as Parks And Open Areas.
 - 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

33.920.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing, food membership distribution, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions.**
 - 1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 - 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 33.910, Definitions.
 - 3. Public transit park-and-ride facilities are classified as Community Services.

33.920.220 Quick Vehicle Servicing

- A. Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (see 33.910, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. Accessory Uses.** Accessory uses may include auto repair, food membership distribution, and tire sales.
- C. Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, electric vehicle charging stations, car washes, quick lubrication services, and Department of Environmental Quality vehicle emission test sites.
- D. Exceptions.**
 - 1. Truck stops are classified as Industrial Service.
 - 2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.
 - 3. Electric vehicle chargers that are intended to be used while the car is parked in a parking space are not a Quick Vehicle Servicing use.

33.920.230 Major Event Entertainment

- A. Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, food membership distribution, and maintenance facilities.
- C. Examples.** Examples include stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.
- D. Exceptions.**
 - 1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales And Service.
 - 2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales And Service category.
 - 3. Theaters, including drive-in theaters, are classified as Retail Sales And Service.

33.920.240 Office

- A. Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:
 - 1. Traditional Office. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.
 - 2. Industrial Office. Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.
- C. Examples.** Examples include uses from the two subgroups:
 - 1. Traditional Office: Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, or real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.
 - 2. Industrial Office: Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged

in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

33.920.250 Retail Sales And Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and Farmers Markets; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.
7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales And Service or Agriculture.
8. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated are classified as Industrial Service.

33.920.260 Self-Service Storage

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- B. Accessory uses.** Accessory uses may include security and leasing offices and food membership distribution. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.
- D. Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse And Freight Movement category.

33.920.270 Vehicle Repair

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- B. Accessory Uses.** Accessory uses may include offices, sales of parts, vehicle storage, and food membership distribution.

- C. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

33.920.300 Bulk Fossil Fuel Terminal

- A. Characteristics.** Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. Terminals have access to marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have transloading facilities and storage tank capacity exceeding 2 million gallons. There is minimal on-site sales activity with the customer present.
- B. Accessory uses.** Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.
- C. Examples.** Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.
- D. Exceptions.**
 - 1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
 - 2. Truck or marine freight terminals that have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
 - a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
 - b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
 - c. The facilities are owned or operated by a single parent partnership or corporation.
 - 3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
 - 4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.
 - 5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.

6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

33.920.310 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
 1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

33.920.320 Manufacturing And Production

- A. Characteristics.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per

site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

- C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie and video production facilities; recording studios; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including manufactured dwellings; and Utility Scale Energy production.
- D. Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.
 2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
 3. Small Scale Energy Production is a Basic Utility.
 4. Solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production are considered Waste Related Uses.

33.920.330 Railroad Yards

- A. Characteristics.** Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.
- B. Accessory Uses.** Accessory uses include offices, employee facilities, food membership distribution, storage areas, and rail car maintenance and repair facilities.

33.920.340 Warehouse And Freight Movement

- A. Characteristics.** Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- C. Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns;

parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Miniwarehouses are classified as Self-Service Storage uses.
3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have transloading facilities and storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

33.920.350 Waste-Related

- A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.
- B. Accessory Uses.** Accessory uses may include recycling of materials, offices, food membership distribution, and repackaging and transshipment of by-products.
- C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- D. Exceptions.**
1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
 2. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
 3. Small Scale Energy Production is considered a Basic Utility.
 4. Utility Scale Energy Production, other than solid waste incinerators that generate energy, is considered a Manufacturing and Production Use.

33.920.360 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result

of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

- B. Accessory uses.** Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**
 1. Firms that engage primarily in sales to the general public are classified as Retail Sales And Service.
 2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
 3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.
 4. Establishments that engage in the regional wholesaling of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

Institutional Use Categories

33.920.400 Basic Utilities

- A. Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include food membership distribution, parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; Small Scale Energy Production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.

D. Exceptions.

1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, and public safety facilities, are classified as Community Services or Offices.
2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus and light rail barns are classified as Warehouse And Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines And Utility Corridors.
5. Utility Scale Energy Production is considered Manufacturing and Production.
6. Solid waste incinerators that generate energy but are not Small Scale Energy Production are considered Waste Related Uses.

33.920.410 Colleges

- A. Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. Accessory Uses.** Accessory uses include offices, housing for faculty, staff and students, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, charitable meal service and food distribution, and support commercial.
- C. Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. Exceptions.** Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services

- A. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass, outdoor, or short term shelter with no minimum length of stay when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and hygiene facilities, therapy areas, daycare uses, and athletic facilities.
- C. Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug

and alcohol centers, social service facilities, mass shelters, outdoor shelters, or short term shelters when operated by a public or non-profit agency, vocational training for persons with disabling conditions, crematoriums, columbariums, mausoleums, park-and-ride facilities for mass transit, and charitable meal service or food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
2. Parks are in Parks And Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

33.920.430 Daycare

- A. Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children that also meet the State's requirements are Household Living or Group Living uses.

33.920.450 Medical Centers

- A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families.
- C. Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. Exceptions.**
1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.

2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
3. Urgency medical care clinics are classified as Retail Sales And Service.

33.920.460 Parks And Open Areas

- A. Characteristics.** Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.
- C. Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.
- D. Exceptions.** On-site mitigation is not a Parks and Open Areas use.

33.920.470 Religious Institutions

- A. Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, food service, charitable meal service and food distribution, parking, caretaker's housing, and congregate housing facilities such as convents. A religious institution may allow overnight living in vehicles as specified in ORS 203.082.
- C. Examples.** Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

- A. Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before- or after-school daycare, and charitable meal service and food distribution.
- C. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. Exceptions.**
 1. Preschools are classified as Daycare uses.
 2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

33.920.500 Agriculture

- A. Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, food membership distribution, and animal training.
- C. Examples.** Examples include breeding or raising of fowl or other animals, dairy farms, stables, riding academies, kennels or other animal boarding places, farming, truck gardening, forestry, tree farming, Market Gardens, and wholesale plant nurseries.
- D. Exceptions.**
 - 1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
 - 2. Livestock auctions are classified as Wholesale Sales.
 - 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
 - 4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

33.920.510 Aviation And Surface Passenger Terminals

- A. Characteristics.** Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service, regional rail service, and regional marine transportation.
- B. Accessory uses.** Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.
- C. Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, passenger docks for regional marine travel such as ocean-going cruise ships, air strips, seaplane facilities, and helicopter landing facilities.
- D. Exceptions.**
 - 1. Bus and rail passenger stations for subregional service such as mass transit stops are classified as Basic Utilities. Park-and-ride facilities are classified as Community Service.
 - 2. Marine passenger docks for subregional marine transportation such as water taxis, water buses and ferries; and other marine tie ups (such as the seawall between the Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent uses. Marine passenger terminals that are accessory to marine freight terminals are classified as accessory facilities in the Warehouse And Freight Movement category.

3. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

33.920.520 Detention Facilities

- A. Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.
- B. Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, food membership distribution, and hobby and manufacturing activities.
- C. Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

33.920.530 Mining

- A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material
- C. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

- A. Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. Examples.** Examples include Personal Wireless Service Facilities, Radio or Television Broadcast Facilities, broadcast towers, communication towers, point to point microwave towers, accessory equipment, antennas, and transmitter radios.
- D. Exceptions.**
 1. Receive-only antenna are not included in this category.
 2. Radio and television studios are classified in the Office category.
 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

33.920.550 Rail Lines And Utility Corridors

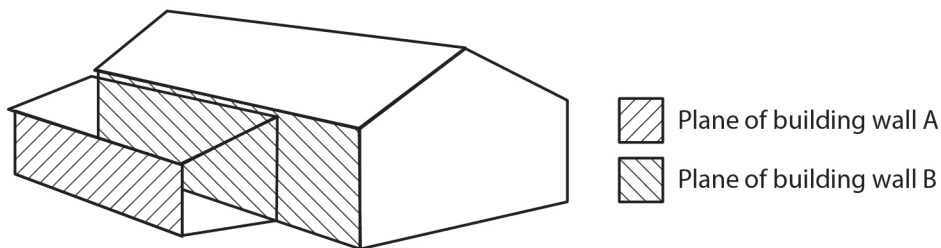
- A. Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.
- B. Examples.** Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.
- C. Exceptions.**
1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
 2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
 3. Light rail lines are not included.
 4. Railroad yards are classified in the Railroad Yards category.

(Amended by: Ord. No. 165681, effective 7/15/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191779, effective 10/1/24.)

(for example, rooms jutting out from the main structure or a structure where each floor is set back from the floor below) will have a different plane for each of the walls. The area of the plane is determined by calculating the area of the plane from the ground to the top of the wall. The plane does not include roof area.

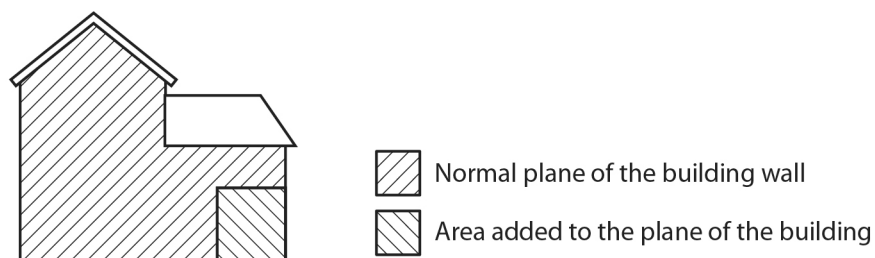
In situations where there is more than one wall along one facade, the bulk of the closer walls covers the bulk of walls that are farther back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 930-11. [There are special measurement rules for situations where the plane of the building wall is wider than portions of the wall below. See Figure 930-12, below.]

Figure 930-11
Plane of a Building Wall



Where the plane of a building wall contains portions that are wider than areas of the wall that are below it, the calculation of area is made using the wider dimension and extending the plane to the open area below. See Figure 930-12.

Figure 930-12
Additions to the Plane of a Building Wall



33.930.090 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage (see Figure 930-13). For carports, the garage wall area is determined by calculating the area of a vertical plane extending from the outer edges of the roof to the nearest grade. The area within a gable is not included in the calculation. See Figure 930-14.

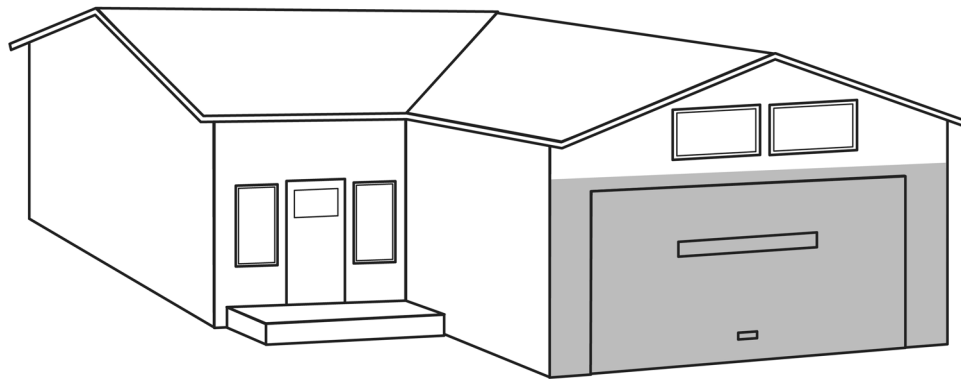
33.930.100 Measuring Lot Widths

- A. Single-Dwelling zones.** In the single-dwelling zones, lot width is measured by placing a rectangle along the minimum front building setback line. Where the setback line is curved, the rectangle is placed on the line between the intersection points of the setback line with the side lot lines. See Figure 930-20.

The rectangle must have a minimum width equal to the minimum lot width specified for the zone in Chapter 33.610. The rectangle must have a minimum depth of 40 feet, or extend to the rear property line, whichever is less. The rectangle must fit entirely within the lot. See Figure 930-20.

- B. All other zones.** In all other zones, lot widths are measured from the midpoints of opposite lot lines. See Figure 930-15.

Figure 930-13
Garage Wall Area



■ Garage wall area of front side of building

Figure 930-14
Garage Wall Area (Carport)

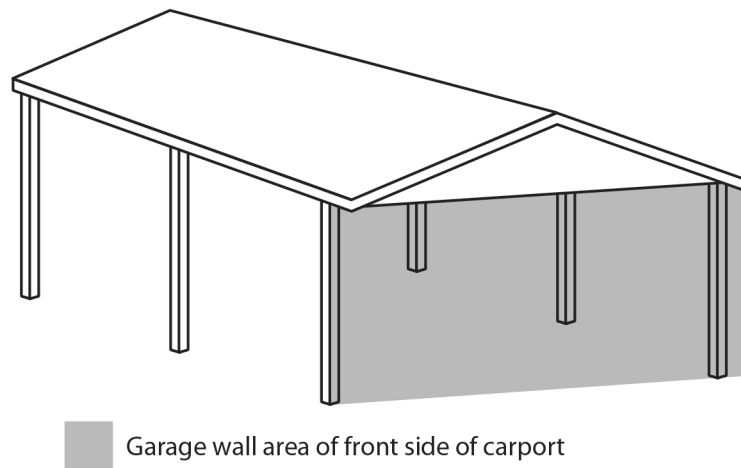
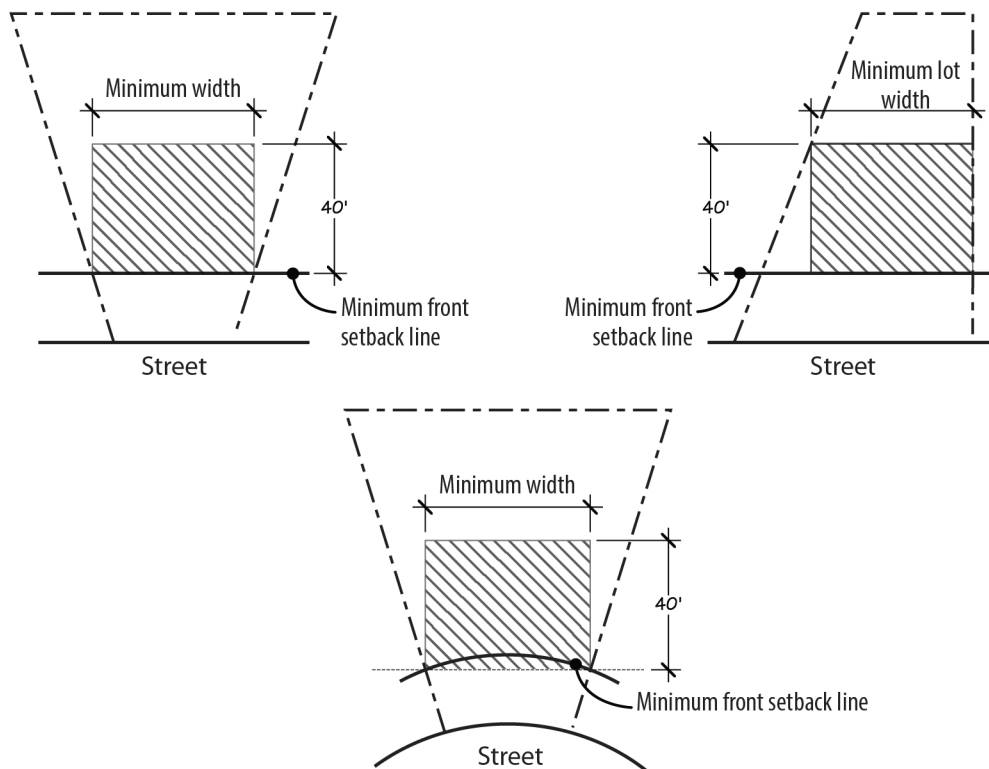


Figure 930-20
Measuring Lot Width in Single-Dwelling Zones



33.930.103 Measuring Lot Depths

Lot depths are measured from the midpoints of opposite lot lines. See Figure 930-16.

Figure 930-15
Measuring Lot Width

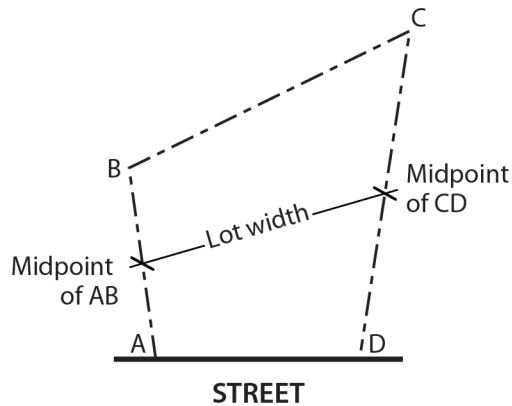
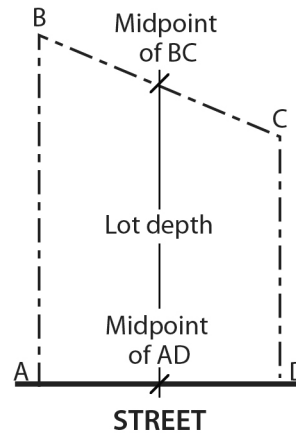


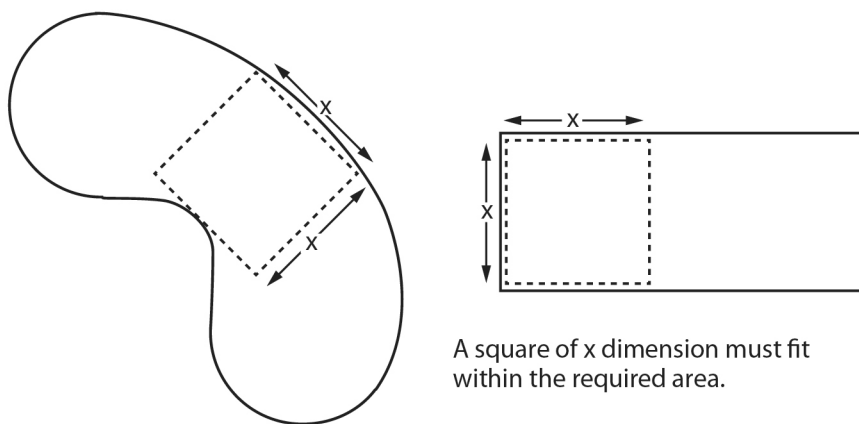
Figure 930-16
Measuring Lot Depth



33.930.110 Measuring Areas with Squares of Specified Dimensions

Required areas (for example, required usable outdoor areas in residential zones and the industrial zone lot standards) must be of a sufficient size and configuration so that a square measuring X by X can be placed totally within the required area. The dimensions of the square are stated in the base zone chapters. See Figure 930-17.

Figure 930-17
Using Squares With Specified Dimensions



A square of x dimension must fit within the required area.

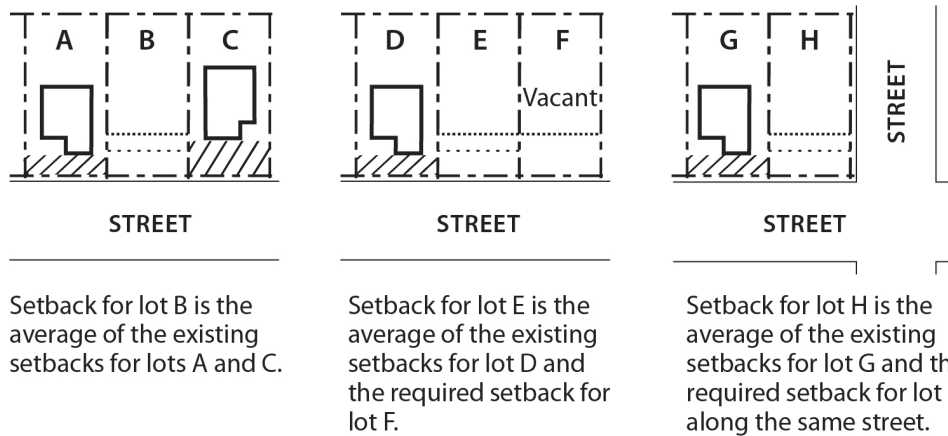
33.930.120 Setback Averaging

Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 930-18. The following rules apply in calculating the average:

- A. The setbacks used for the calculations must be for the same type of structure that is being averaged. For example, only garage entrance setbacks may be used to average a garage entrance setback, and only deck setbacks may be used to average a deck setback.
- B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the nonvacant lot and the required setback for the zone.

Figure 930-18
Setback Averaging

..... The normally required setback // // //, The existing setback The averaged setback

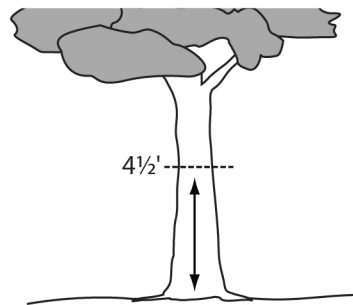


33.930.130 Measuring Tree Diameter

Tree diameter is measured in several ways:

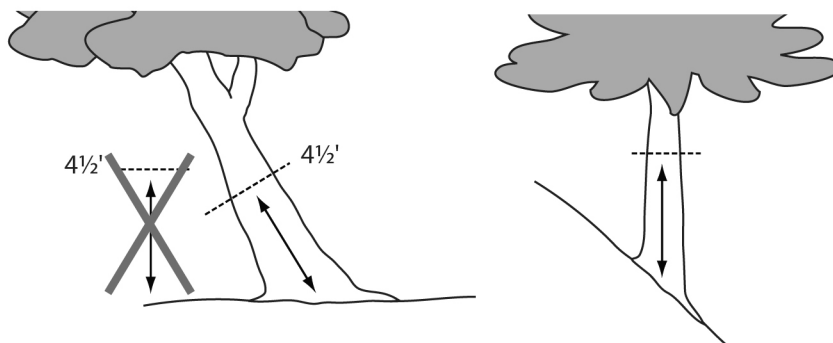
- A. **Existing trees.**
 - 1. Existing trees are generally measured in terms of diameter inches at a height of 4-1/2 feet above the ground. The diameter may be determined by measuring the circumference of the tree trunk and dividing by 3.14. See Figure 930-19.

Figure 930-19
Measuring Tree Size for Existing Trees



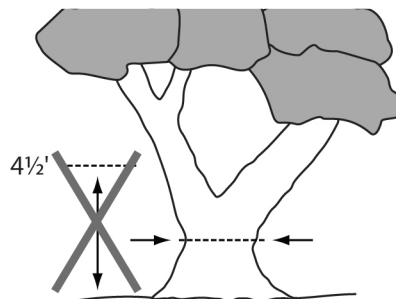
2. When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4-1/2 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk. See Figure 930-21.

Figure 930-21
Measuring Existing Trees with an Angle or on Slopes



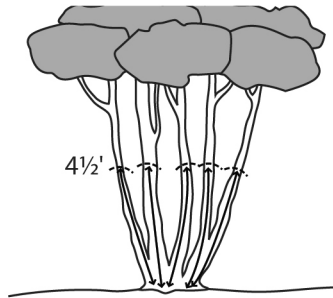
3. When the trunk branches or splits less than 4-1/2 feet from the ground, the trunk is measured at the smallest circumference below the lowest branch. See Figure 930-22.

Figure 930-22
Measuring Split Trunk Tree



4. For multi-stemmed trees, the size is determined by measuring all the trunks and adding the total diameter of the largest trunk and one-half the diameter of each additional trunk; see Figure 930-23. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

Figure 930-23
Measuring Multi-stemmed Trees

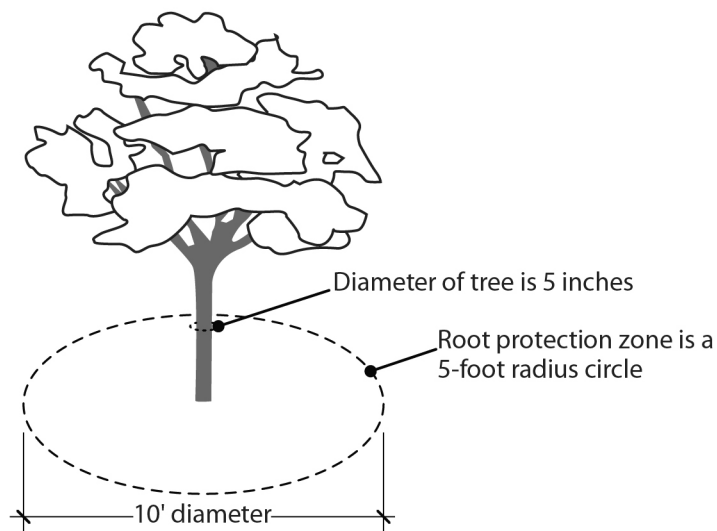


- B. New trees.** New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground or root ball. For coniferous trees, the tree height may also be used.

33.930.140 Measuring the Root Protection Zone

The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone. See Figure 930-24.

Figure 930-24
Measuring the Root Protection Zone



33.930.150 Measuring Top of Bank

See Section 33.910.030, Environmental-Related Definitions, Top of Bank

- A. **Using Percent Slope.** Percent slope is determined by dividing the vertical rise by the horizontal run, and converting that decimal to a percentage. For example, a slope section that rises 1 foot over a distance of 4 feet is a 25 percent slope.
- B. **Identifying a Decrease in Slope.** A decrease in slope is a change in percent slope from a steeper to a less steep grade. For example, a change from 40 percent slope to 30 percent slope is a decrease in slope of 10 percent. A change from 35 percent slope to 15 percent slope is a decrease in slope of 20 percent. To identify the decrease in slope the slope must be sampled every 3 feet between the ordinary high water mark and a point 50 feet from the ordinary high water mark. See Figure 930-27.

Figure 930-27a
Example 1: Identifying a Decrease in Slope

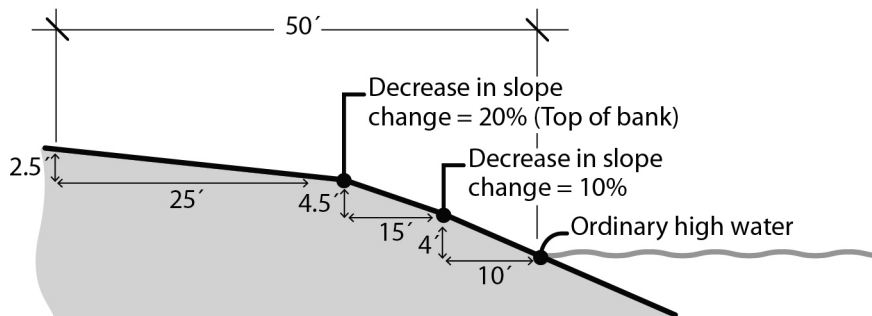
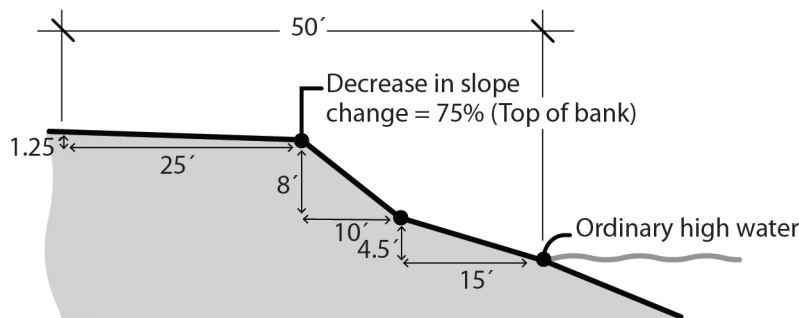


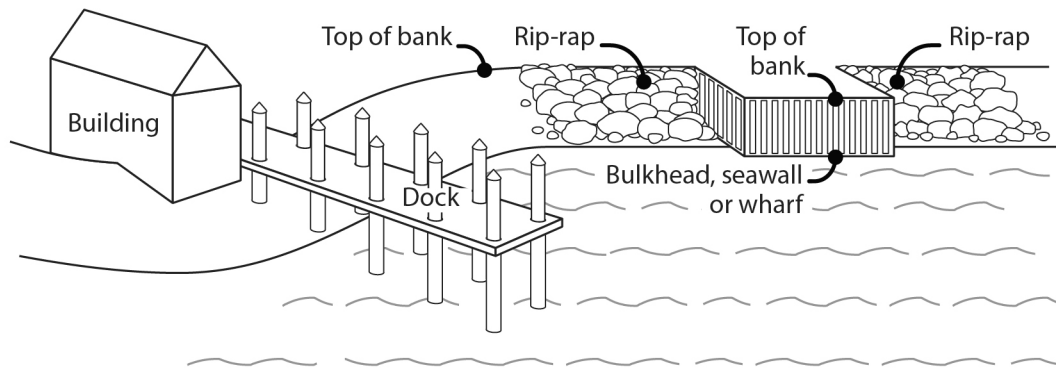
Figure 930-27b
Example 2: Identifying a Decrease in Slope



- C. **Relationship to Other Structures. See Figure 930-28.**
 - 1. Where a structure straddles the top of bank, the top of bank line is drawn as a straight line through the structure, connecting the top of bank line on either side.
 - 2. Where there is a vertical bulkhead or seawall, the top of bank is the point at the top of the bulkhead that is closest to the river.

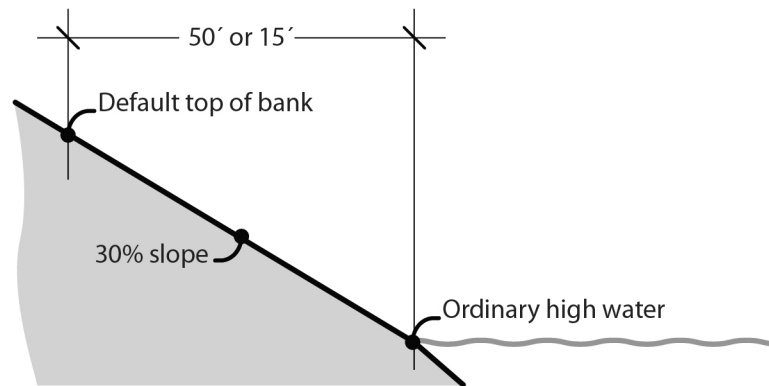
3. Docks, pilings, slips, wharves and other similar structures built over the water are not factored into the determination of top of bank. Where there is a dock, wharf or other structure on the bank, measurements of slope are taken on the underlying dry land.
4. Where the bank itself is a structure, such as a rip-rap slope at the edge of reclaimed land, the top of bank line is based on the predominant slope of that structure, rather than the slope of individual boulders or structural elements.

Figure 930-28
Top of Bank in Relation to Other Structures



- D. Default Top of Bank.** If no slope decrease of 10 percent or more is found within 50 feet (measured horizontally) of the ordinary high water mark, then the top of bank will be one of the following default locations, see Figure 930-29. The Willamette River Reaches are shown on Map 440-1 and 475-1:
1. For the Willamette River Central Reach and Willamette River South Reach, the default top of bank is 50 feet (measured horizontally) from the ordinary high water mark.
 2. For the Willamette River North Reach and the Columbia River, the default top of bank is 2 feet (measured vertically) from the ordinary high water mark.
 3. For perennial streams, seeps and wetlands the default top of bank is 15 feet (measured horizontally) from the ordinary high water mark.
 4. For intermittent and ephemeral streams, the default top of bank is 15 feet (measured horizontally) from the centerline of the stream.

Figure 930-29
Measuring Default Top of Bank



(Amended by: Ord. No.168698, effective 4/17/95; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 184524, effective 7/1/11; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 191848, effective 10/1/24.)