

RICAP 11

**Regulatory Improvement
Code Amendment Package 11**

Discussion Draft

June 2025

www.portland.gov/ricap11



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

FOR INFORMATION AND TO COMMENT:

Project website (visit to learn about upcoming project events): portland.gov/bps/planning/ricap11

Map App (provide written feedback): www.portlandmaps.com/bps/ricap11

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Comments welcome through July 18, 2025

The Discussion Draft is the initial draft of the Regulatory Improvement Code Amendment Project 11 and is intended to support community discussion on the draft proposals. Public feedback will inform refinements to create a “Proposed Draft,” to be reviewed by the Portland Planning Commission, which will hold a public hearing and receive public testimony (specific dates to be determined).

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Table of Contents

Section I: Introduction	7
Section II: RICAP 11 Table of Amendments	11
Section III: Zoning Code Amendments (Title 33)	17
List of Chapters.....	18
Table of Contents	20
33.100, Open Space Zone.....	22
33.110, Single-Dwelling Zones	26
33.120, Multi-Dwelling Zones	30
33.130, Commercial/Mixed Use Zones.....	52
33.140, Employment and Industrial Zones	66
33.150, Campus Institutional Zones	70
33.229, Senior and Accessible High Density Housing	76
33.248, Landscaping and Screening	78
33.258, Nonconforming Situations	80
33.266, Parking, Loading, and Transportation and Parking Demand Management	82
33.274 Radio Frequency Transmission Facilities.....	98
33.279, Recreational Fields for Organized Sports	100
33.285, Short Term, Mass, and Outdoor Shelters.....	102
33.296, Temporary Activities	106
33.420, Design Overlay Zone	108
33.445, Historic Resource Overlay Zones	110
33.475, River Overlay Zones	114
33.508, Cascade Station/Portland International Center Plan District	116
33.510, Central City Plan District	118
33.521, East Corridor Plan District.....	120
33.526, Gateway Plan District	120
33.531, Guild’s Lake Industrial Sanctuary Plan District.....	122
33.532, Hayden Island Plan District	124
33.561, North Interstate Plan District.....	130
33.583, St Johns Plan District	130
33.595, West Portland Multicultural Plan District.....	132
33.597, York Plan District	134
33.633, Phased Land Divisions and Staged Final Plats.....	140
33.662, Review of Land Divisions in CI, CM, Employment, and Industrial Zones.....	140
33.730, Quasi-Judicial Procedures.....	142
33.740, Legislative Procedures.....	144
33.815, Conditional Uses.....	146
33.820, Conditional Use Master Plans	150
33.846, Historic Resource Reviews.....	152
33.910, Definitions.....	154
33.920, Description of Use Categories	160
33.930, Measurements.....	162
Section IV: Sign Code Amendments (Title 32)	165
32, Signs and Related Regulations.....	250

Section I: Introduction

I. Project Summary

The Regulatory Improvement Code Amendment Package 11 (RICAP 11) of Zoning Code amendments is the most recent installment in an ongoing series of updates and improvements to Portland's land use regulations. The purpose of this series is to clarify regulations and remove barriers to development across the city. This document contains the proposed code amendments and commentary for the more than 50 items. The amendments have been bundled into three themes: **parking, exterior areas, and general regulatory improvement.**

II. Background

Portland's current Zoning Code was adopted in 1990. Over time, changing needs, new laws and court rulings, new technology and innovations, and shifting perceptions necessitate that regulations be updated and improved. To help stay current with these changes, the Regulatory Improvement program began in 2002 to "update and improve City building and land use regulations that hinder desirable development." One component of the program was RICAP, which was designed to provide an ongoing vehicle for technical and minor policy amendments to the City's regulations. From 2003 to 2010, the City Council adopted eight packages of amendments (Policy Packages 1-3 and RICAP 1 through 5), which resulted in many amendments to city regulations. Most of the changes were to zoning code regulations. Following a suspension of the program due to budget limitations from 2010 to 2013, the program was reinstated in 2014 and RICAP 6 through 8 followed. Another suspension of the program occurred from 2016 to 2022, also due to budget constraints.

In 2022, the City's Permitting Improvement Task Force highlighted the need for continuous improvement of the City's zoning regulations and identified the value the RICAP program had provided while it was funded. As a result, the program was reinstated with the RICAP 10 project. RICAP 11 is the next installment of the Regulatory Improvement program.

Workplan Selection Background

Generally, requests for both process and regulatory improvements are submitted by members of the public and City staff through an online portal called the Regulatory Improvement Request (RIR) database. Staff with the Bureau of Planning and Sustainability (BPS) and Portland Planning & Development (PP&D) categorize the requests according to complexity and resources needed to address the issue. Items related to issues that could result in more significant policy changes, or would require significant resources, are directed to other legislative projects. The remaining issues are considered for inclusion into RICAP.

The items are further categorized as "minor policy" or "technical amendments" based on complexity and level of impact:

- 1) *Minor policy* items are those that may affect existing policy, for example by expanding or restricting allowed uses, changing the review type or procedure for land use applications, or revising development standards.

- 2) *Technical corrections, clarifications, or consistency* items are those where a particular requirement is unclear, or the regulations conflict with other sections of the code.

Minor policy items are ranked using the following criteria:

- a. The variety of stakeholders an issue affects (Few people or many? One community or several?);
- b. The geographic applicability of an issue (Is it a citywide regulation or one that affects a particular area?);
- c. The degree of impact (in terms of severity or frequency) that an issue may have; and
- d. A “regulatory improvement” component, which is an estimate of the degree that the regulation can be improved due to its current complexity or rigidity.

Each of the four criteria are ranked between (-3) and (+3), so that the sum of the four criteria range between (-12) and (+12). An item that ranks as a zero would fall in the middle range for these criteria.

To develop the RICAP workplan, staff considers the complexity, rank, and resources needed to address the issue. Generally, the most important items that fit within the scope of a RICAP rise to the top of the ranking process. Not all top-ranked items are selected. Selection is also based on resources, the relationship of the item to other pending city projects, and the need to consider the item as part of a more holistic planning process.

The RICAP 11 Workplan

In recent years there has been an emphasis on making city regulations and processes more efficient. This objective is found in the RICAP 11 work plan with its emphasis on easing regulatory burdens and making the code easier to understand and implement. While the impacts of individual RICAP amendments are intentionally small, cumulatively, the amendments contribute to this objective.

The RICAP project team, comprised of staff from BPS and PP&D, sorted through the more than 400 eligible technical and minor policy workplan items using the ranking methodology discussed above and selected from the higher ranked items based on themes and groupings that emerged from the ranking process or were timely and relevant to the current moment. Two main themes emerged: items related to **parking and loading** as well as items related to **exterior development and uses**. A third theme of **general regulatory improvement** is a collection of items that fit into smaller groupings or individually contribute to regulatory improvement.

In past RICAPs, smaller technical items were generally added to the workplan automatically; however, the suspension of the program over several years resulted in a surfeit of items. For RICAP 11, technical items were added if they fit within one of the themes or were identified as being of higher priority. Lastly, minor issues have arisen during the implementation of the zoning code, which generated some requests to clarify and clean up zoning code language. Those have also been added.

The resulting RICAP 11 work plan contains over 50 items.

III. RICAP 11 Amendments and Bundles

Below is a description of each of the RICAP 11 bundles. The table of amendments on the following pages lists the items by topic and bundle. Later in this report, in the code and commentary section, the code amendments are in the zoning code chapter/section order.

Parking and Loading

These 10 amendments focus on items that clarify, rework, or address loopholes for the requirements for vehicle and bicycle parking. Two of the larger topics addressed are parking in residential setbacks and whether a change of use triggers bike parking upgrades.

Exterior Areas

The 16 exterior area amendments modify standards that regulate exterior improvements of a site that are not buildings. The topics address issues of what is allowed in the setbacks or outdoor areas, how development must be screened or landscaped, and how exterior areas are measured for the purpose of determining the extent of where limited uses can locate.

Regulatory Improvement

These 30 amendments cover an array of topics with a focus on eliminating obsolete and unnecessary regulations and clarifying rules to make the permitting process easier. The topics covered range from outdoor shelter allowances to use category clarifications.

Amendment Summary

	Minor Policy Items	Technical Amendments	Total
Parking and loading	6	4	10
Exterior areas	7	9	16
Regulatory improvement	6	24	30
Total	19	37	56

IV. Community Engagement

The following outlines the outreach efforts aimed at informing and engaging community members in regard to RICAP 11.

Project Scoping

The first opportunity for the community to get involved with the RICAP process was to submit code update requests to the Regulatory Improvement Request (RIR) database. Developing the project scope for RICAP 11 began with reviewing, sorting, and ranking the over 400 RIR items, many of which have been submitted by members of the public, and identifying themes that emerge from the ranking process. A number of the items included in RICAP 11 were either submitted directly by community members or are a response to a need that project staff was made aware of, usually through the review of development proposals. Once the issues to be resolved were compiled into a

work plan, it was posted on the project website and announced in BPS’s Long-Range Planning newsletter and BPS’s eNews. It was also shared with the Development Review Advisory Committee.

Discussion Draft

The RICAP 11 Discussion Draft was published on June 13, 2025. The Discussion Draft offers an opportunity to share the RICAP 11 proposals with the broader public and to seek feedback to inform refinements to the project proposals. Outreach for the Discussion Draft will include:

- Publicizing the Discussion Draft on the project website and through BPS news updates.
- Launching an online Map App to provide an opportunity for community members to submit comments.
- Presenting to district coalition committees as well as neighborhood associations as requested.
- Outreach to realtors and title companies whose clients may be impacted by a proposal to eliminate land use decision recording requirements (Item # MP19).
- Briefing relevant city advisory bodies, including the Development Review Advisory Committee (DRAC), the Bicycle Advisory Committee (BAC), and the Historic Landmarks Commission.

Project Website

The RICAP 11 website (portland.gov/bps/planning/ricap11) provides summary information on the project, presents project updates and information on how to provide feedback, and allows for interested community members to sign up for project notifications. The website also includes links to project documents and resources, as well as to the Map App.

Proposed Draft and Planning Commission

Based on public input on the Discussion Draft, project staff will make revisions and publish the RICAP 11 Proposed Draft (anticipated to be available in August 2025). The Portland Planning Commission will then hold a public hearing on the Proposed Draft (tentatively scheduled in September 2025). After considering public testimony and any amendments to the proposal, the Planning Commission will vote to forward a Recommended Draft to the Portland City Council.

Reommended Draft and City Council

After the RICAP 11 Recommended Draft is published (likely in Fall 2025), the Portland City Council will hold a public hearing on the RICAP 11 recommendations and will then consider public testimony, including any potential refinements, prior to voting on adoption of the RICAP 11 map amendments.

V. RICAP 11 Tentative Timeline

March 2024	RICAP 11 workplan released
June 2025	RICAP 11 Discussion Draft released for public review / comment
June/July 2025	Community engagement
September 2025	Planning Commission public hearing
Winter 2025/26	City Council public hearing and adoption
March 1, 2026	Effective

Section II: RICAP 11 Table of Amendments

Note: Bolded items are those that are likely to attract more attention

RICAP 11 WORK PLAN				
ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
Parking Amendments				
MP1	Short-term bicycle parking accessibility	Require short-term bicycle parking to be accessible to the public.	33.266.210	92
MP2	Long-term bicycle parking	Allow a change of use within an existing building without requiring additional long-term bicycle parking.	33.266.200.B.2	90
MP3	Parking in residential setbacks	Allow parking in residential front setbacks when garages are being converted to living space.	33.266.120.C.2.a	82
MP4	Drive aisle width	Clarify that the area behind a parking space is an aisle and not a driveway and therefore subject to the parking space and aisle standards in 33.266.130.	33.910.030	156
MP5	Egress from small parking areas	Clarify that an exception for parking areas with no more than 2 spaces to enter the local service roadway without a forward motion can apply to separate small parking areas on the site.	33.266.130	86
MP6	Fleet parking	Clarify that fleet parking for vehicles such as ambulances and taxis is considered exterior storage, not parking.	33.910	154
TA1	Loading allowances for vehicle area	Clarify that when parking area is not allowed between a building and the street, a loading space is also not allowed between the building and the street.	33.266.310	96
TA2	Vehicle area and accessory structures	To facilitate food cart pods, clarify that detached accessory structures are not subject to the standards in Table 266-3, Location of Vehicle Areas.	Table 266-3	84
TA3	Long-term bike parking accessibility	Make clear that, when long-term bike parking is located outside of a dwelling unit, the long-term bike parking must be accessible to all tenants of the building	33.266.210	92
TA4	Large parking areas	Clarify that regulations for large parking areas over 125,000 square feet only apply to new parking areas, not existing.	33.266.130.F.5	86

RICAP 11 WORK PLAN

ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
Exterior Areas				
MP7	Setback and screening standards for mechanical equipment	Add a definition of mechanical equipment to 33.910, Definitions, to clarify what constitutes mechanical equipment for setback and screening purposes. Also, remove examples of mechanical equipment in the base zones to eliminate redundancy.	33.110.245.F 33.110.270 33.120.250 33.120.280.F 33.130.235.C 33.910	26 28 44 50 62 156
MP8	Screening standards	Provide the option of using a fully sight-obscuring fence instead of a masonry wall as a substitute for shrubs to meet the L2 and L3 landscape standards.	33.248.020.B.2 & C.2	78
MP9	Design Review screening exemption	Exempt screening around trash, mechanical equipment, and loading areas from design review	33.420.045	108
MP10	Exterior activities	Align the meaning of exterior work activities and what types of other exterior activities are allowed throughout the code.	33.130.245 33.140.245 33.508.210.A 33.510.117.D 33.521.270 33.526.230 33.561.250 33.583.220 33.910	54 60 116 118 120 120 130 130 154
MP11	Required outdoor areas	Clarify whether a balcony or other building element can cover a common area.	33.120.240 33.130.228	42 60
MP12	Buffering standards and perimeter landscaping	Allow some incursions into the required landscape buffer for institutional uses in residential zones.	33.110.270 33.120.275 33.266.130	28 46 84
MP13	Landscaping and covered building areas	Clarify that required landscaping areas may not be covered.	33.120.235.B 33.130.225 33.140.225 33.150.240	40 58 66 70
TA5	Pedestrian trash screening exemption for E and I zones	Exempt trash receptacles used by pedestrians from screening standards in the employment and industrial zones to match parallel sections in other zones.	33.140.235	68
TA6	Exterior improvement exemptions for recreational fields	Exempt bicycle parking at recreational fields from exterior improvement thresholds for conditional use review.	33.279.030	100
TA7	Covered outdoor areas	Clarify that covered common areas and areas that are not fully enclosed are allowed in required outdoor areas.	33.130.228	60

RICAP 11 WORK PLAN

ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
TA8	Limited uses and eating areas	Clarify that exterior activities, including outdoor eating areas, associated with a limited use do not count toward the use limits.	33.508.120 33.531.110 33.930	116 122 162
TA9	Eastern Pattern Area minimum rear building setback	Clarify that rooftop decks are considered outdoor common areas for the purpose of an exemption to the Eastern Pattern Area minimum rear building setback.	33.120.220	38
TA10	Screening of mechanical equipment	Clarify that mechanical equipment must be screened from the street.	33.120.280.F	50
TA11	Screening for rooftop mechanical	Clarify that required screening for rooftop mechanical equipment may extend above the height limit.	33.120.215.C 33.130.210 33.140.210.B.3 33.150.210.B.3	34 54 70 62
TA12	Institutional development standards - pedestrian circulation	Establish a 5 foot minimum width for on-site pedestrian circulation systems on sites with an institutional use,	33.120.255.B.2	44
TA13	Accessory Structure setbacks in mixed use/commercial zones	Remove reference to the multi-dwelling zone detached accessory structure standards for sites that are entirely in residential use in a commercial zone.	33.130.215 33.140.225.B	56 66
Miscellaneous Regulatory Improvement Amendments				
MP14	Outdoor shelter units	Change the regulations for outdoor shelters to match what has been allowed through City's declared housing emergency by: - Increasing the number of outdoor shelter units allowed from 60 to 200 in higher density zones. - Allowing existing outdoor shelters in industrial zones without a conditional use review.	33.285.050	104
MP15	Allowed length of temporary activities	Extend the time a major public gathering can occur to equal the length of time granted by the permit to operate issued by Portland Fire & Rescue.	33.296.030	106
MP16	Community Service Uses in I zones	Clarify that a sobering center is a temporary activity that is allowed in response to a health and safety emergency declaration.	33.296.030.G	106
MP17	Improvements within the ROW in the River overlay	Exempt exterior lights in a freeway right-of-way from the standards for exterior lighting within and riverward of the river setback.	33.475.230.C 33.510.253.E	114 118

RICAP 11 WORK PLAN

ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
	zone			
MP18	Medium-sized Entertainment Venues	Classify entertainment venues of less than 20,000 square feet as a Retail Sales And Service use.	33.920.230	160
MP19	Recording an LU approval	Remove the requirement to record land use decisions with the county records office.	33.730.120	142
TA14	Conditional Use approval criteria for public safety Radio Frequency (RF) facilities	Correct the reference to the conditional use approval criteria for public safety Radio Frequency (RF) facilities in commercial zones.	33.130.100.B.7.a	52
TA15	RF Facilities in the ROW	Clarify that accessory equipment located on a lot in a C, E, I, or CI zone for a personal wireless service facility located in the right-of-way does not require conditional use review when the accessory equipment is located more than 50 feet from a residential or IR zone.	33.274.035.A 33.815.225.A	98 148
TA16	Amendments to Conditional Use Master Plans	Correct code references in the Conditional Use Master Plans chapter.	33.820.090.A.5/6	150
TA17	Oregon State Aeronautics Division	Change all references to the Oregon State Aeronautics Division to the Oregon Department of Aviation.	33.274.040	98
TA18	Daycare uses in buildings with previous Daycare use	Allow a daycare outright in a building that contains or previously contained a Daycare use.	33.110.100	24
TA19	Daycare uses in multi-dwelling zones	Allow Daycare uses outright in multi-dwelling zones to align with state law.	33.120.100	30
TA20	Historic Designation Removal	Clarify how the approval criteria for historic designation removal are applied.	33.846.040	152
TA21	Historic Resource chapter reference to OSSC	Change the reference to the Oregon Structural Specialty Code (OSSC) to a more general reference that is less likely to change in future versions of the OSSC.	33.445.100.D.2.d	110
TA22	National Register Districts	Correct reference to Conservation Districts that should refer to National Register Districts.	33.445.220	110

RICAP 11 WORK PLAN

ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
TA23	Historic / Conservation District exemptions	Remove vestigial language from Figure 445-4 that was not amended with the Historic Resources Code Project.	33.445.200	112
TA24	Age-Friendly Amendments	Update language related to aging and disability throughout the zoning code.	List of Chapters TOC 33.200's TOC 33.229 33.910 33.920	18 20 74 76 154 ,158 160
TA25	River and Pleasant Valley overlay zones	Change reference to "environmental zones" to include the River Environmental and Pleasant Valley Natural Resource overlay zones.	33.633.220	140
TA26	Applicability of Staged Final Plats	Reinsert reference to staged final plats that was inadvertently removed with the Land Division Code Update project.	33.662.120.E	140
TA27	Non-conforming residential density	Align the 33.258.060.A.2. reference to sites in multi-dwelling zones with residential structures moving out of compliance with maximum density in Table 120-3.	33.258.060.A	80
TA28	Urban green features – reflective roof surfaces	Update the reference in Design Standard QR23 for requirements for reflective roof surfaces.	33.420.050.C Table 420-2 33.595.280	108 132
TA29	Cascade Station Transportation Impact Analysis Review	Add the missing reference to the land use process type or approval criteria for proposals to exceed the allocation limits of Table 508-1.	33.508.220.C	116
TA30	Maintained street definition	Update the definition of maintained street to include streets accepted for maintenance by Clackamas or Washington County.	33.910	156
TA31	Step-down heights with bonus height	Clarify that when bonus height is earned, required step-down height limits continue to apply.	33.120.215	34
TA32	Public Notice of legislative projects	Update the legislative noticing process section to reflect current practice.	33.740.020 33.910.030	144 158
TA33	Development standards for CUs in the OS Zone	Clarify that all institutional development standards in Section 33.110.270 apply to conditional uses in the OS zone.	33.100.200.B.1	22
TA34	Hayden Island Plan District clarifications	Clarify rules regarding the base height and bonus height limits offered in the Hayden Island height opportunity area and the inclusionary housing bonus allowances.	33.532	124

RICAP 11 WORK PLAN

ITEM #	ITEM NAME	PROPOSED AMENDMENT	Code Section	Page
TA35	MPAP / SB1537 Alignments	Add the SB1537 code amendments to allow a 20% height adjustment in the York Plan District that was missed with the Montgomery Park Area Plan updates.	33.597.220 & 230	138
TA36	MPAP Required Nonresidential Use Clarifications	Clarify the nonresidential use requirements in the York Plan District.	33.597.135.A 33.597.135B.2	134
TA37	MPAP Affordable dwelling unit exception	Clarify the affordable dwelling unit requirements in the York Plan District.	33.597.135.D.1.b	136

Section III: Zoning Code Amendments

This section presents amendments to Title 33, Planning and Zoning. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

- Language to be added is show in underline.
- Language to be deleted is show in ~~strikethrough~~.

Commentary

TA24 - Age-friendly amendments

List of Chapters

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's Inclusive Writing Guide, which includes best practices for age-friendly terminology. This amendment reflects the renaming of the chapter from "Elderly and Disabled High Density Housing" to "Senior and Accessible High Density Housing."

Title 33, Planning and Zoning

List of Chapters

Introduction	284 Self-Service Storage
How to Use This Document	285 Short Term, Mass, and Outdoor Shelters
10 Legal Framework and Relationships	293 Superblocks
	296 Temporary Activities
	299 Wind Turbines
Base Zones	
100 Open Space Zone	
110 Single-Dwelling Residential Zones	300s Reserved
120 Multi-Dwelling Residential Zones	
130 Commercial/Mixed Use Zones	
140 Employment and Industrial Zones	
150 Campus Institutional Zones	
Additional Use & Development Regulations	Overlay Zones
203 Accessory Home Occupations	400 Aircraft Landing Overlay Zone
205 Accessory Dwelling Units	410 Buffer Zone
207 Accessory Short-Term Rentals	415 Centers Main Street Overlay Zone
209 Aviation	418 Constrained Sites Overlay Zone
218 Community Design Standards	420 Design Overlay Zone
224 Drive-Through Facilities	430 Environmental Zone
229 Elderly and Disabled <u>Senior and</u> <u>Accessible</u> High Density Housing	435 Future Urban Zone
236 Floating Structures	440 Greenway Overlay Zones
237 Food Production and Distribution	445 Historic Resource Overlay Zone
243 Helicopter Landing Facilities	465 Pleasant Valley Natural Resources Overlay Zone
245 Inclusionary Housing	470 Portland International Airport Noise Impact Zone
248 Landscaping and Screening	471 Prime Industrial Overlay Zone
251 Manufactured Homes and Manufactured Dwelling Parks	475 River Overlay Zones
253 Development on a Middle Housing Land Division Site	480 Scenic Resource Zone
254 Mining and Waste-Related	
258 Nonconforming Situations	Plan Districts
260 Occupied Recreational Vehicle	500 Plan Districts In General
262 Off-Site Impacts	505 Albina Community Plan District
266 Parking and Loading	508 Cascade Station/Portland International Center (CS/PIC) Plan District
270 Planned Developments	510 Central City Plan District
272 Major Public Trails	515 Columbia South Shore Plan District
274 Radio Frequency Transmission Facilities	520 Division Street Plan District
279 Recreational Fields for Organized Sports	521 East Corridor Plan District
281 Schools and School Sites	526 Gateway Plan District
	530 Glendoveer Plan District
	531 Guild's Lake Industrial Sanctuary Plan District

Commentary

TA24 - Age-friendly amendments

Table of Contents

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's Inclusive Writing Guide, which includes best practices for age-friendly terminology. This amendment reflects the renaming of the chapter from "Elderly and Disabled High Density Housing" to "Senior and Accessible High Density Housing."

Table of Contents

Chapter Number		Page Number
Introduction		
	How to Use This Document	i
10	Legal Framework and Relationships	10-1
Base Zones		
100	Open Space Zone	100-1
110	Single-Dwelling Residential Zones	110-1
120	Multi-Dwelling Residential Zones	120-1
130	Commercial/Mixed Use Zones	130-1
140	Employment and Industrial Zones	140-1
150	Campus Institutional Zones	150-1
Additional Use and Development Regulations		
203	Accessory Home Occupations	203-1
205	Accessory Dwelling Units	205-1
207	Accessory Short-Term Rentals	207-1
209	Aviation	209-1
218	Community Design Standards	218-1
224	Drive-Through Facilities	224-1
229	Elderly and Disabled <u>Senior and Accessible</u> High Density Housing	229-1
236	Floating Structures	236-1
237	Food Production and Distribution	237-1
243	Helicopter Landing Facilities	243-1
245	Inclusionary Housing	245-1
248	Landscaping and Screening	248-1
251	Manufactured Homes and Manufactured Dwelling Parks	251-1
253	Development on a Middle Housing Land Division Site	253-1
254	Mining and Waste-Related	254-1
258	Nonconforming Situations	258-1
260	Occupied Recreational Vehicle	260-1
262	Off-Site Impacts	262-1
266	Parking and Loading	266-1

Commentary

TA33 - Development standards applicable to Conditional Uses in the Open Space Zone

33.100.200.B.1

Conditional uses in the OS zone are intended to be subject to the development standards applicable to Institutional uses in the Single Dwelling Zone. However, the reference to the institutional development standards in 33.100.200.B.1 is to Table 110-9, which is a summary of some of the applicable institutional development standards. This amendment clarifies that all of the institutional development standards in Section 33.110.270 apply to conditional uses in the OS zone.

33.100 Open Space Zone

100

33.100.200 Development Standards

- A. [No change]
- B. **Conditional uses.** Conditional uses are subject to the development standards stated below.
 - 1. Generally. Except as modified by paragraph B.2 and B.3, the development standards of ~~Table 110-9, in Chapter~~ Section 33.110.270, Institutional Development Standards in the Single Dwelling Zones, apply.
 - 2-3. [No change]

Commentary

TA18 - Daycare uses in buildings with previous daycare use

33.110.100

Daycare Uses are allowed by right in a building that contains or contained a College, Medical Center, School, Religious Institution or a Community Service use. Buildings that contain or contained a Daycare use are not included, so buildings that historically housed a Daycare but none of the other listed uses are required to go through a CU review. This runs counter to the State of Oregon initiative to expand opportunities for daycare uses to address the statewide daycare shortage, therefore, the zoning code is being updated to allow Daycare use outright in a building that contains or previously contained a Daycare use.

MP7 & TA10 - Setback and screening standards for mechanical equipment

33.110.245.F

Mechanical equipment is not clearly described in the zoning code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. Presently, there is a description of mechanical equipment in 33.110.245.F, which consists of a partial list of examples of mechanical equipment. Rather than continue to add types of equipment to the list as new questions about mechanical equipment arise, a definition is being added to 33.910 Definitions. As a result, the description in 33.110.245.F is no longer necessary and is being removed in favor of the definition in 33.910.

TA7 Covered outdoor area

33.110.240.C.2

This amendment clarifies what "fully enclosed" means in the context of covering and/or enclosing required outdoor area. In this case, if the outdoor area is covered and has walls that are more than 42 inches in height for 75 percent or more of the perimeter of the area, then it will not be considered to be outdoor area. This matches the threshold included in the definition of floor area for when a covered space is considered to be floor area.

33.110 Single-Dwelling Zones

110

33.110.100 Primary Uses

- A. [No change]
- 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.
 - 1-6. [No change]
 - 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, Daycare, or a Community Service use.
 - 8-11. [No change]

33.110.240 Required Outdoor Areas

- A-B. [No change]
- 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 enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter~~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.

Commentary

MP7 - Setback and screening standards for mechanical equipment

33.110.245.F

Mechanical equipment is not clearly described in the zoning code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. Presently, there is a description of mechanical equipment in 33.110.245.F, which consists of a partial list of examples of mechanical equipment. Rather than continue to add types of equipment to the list as new questions about mechanical equipment arise, a definition is being added to 33.910 Definitions. As a result, the description in 33.110.245.F is no longer necessary and is being removed in favor of the definition in 33.910.

TA10 - Screening mechanical equipment from the street

33.110.245.F.2.b

There are inconsistencies in the code about screening mechanical equipment from the street. This standard and the corresponding standard in the multi-dwelling zones (33.120.280) stipulate that mechanical equipment must be screened from adjoining lots. However, the screening standards in the multi-dwelling zones (33.120.250) also require mechanical equipment to be screened from the street. This amendment aligns these inconsistencies and clarifies that mechanical equipment must be screened from the street. 33.120.280 is also being amended to be consistent.

33.110.245 Detached and Connected Accessory Structures

A-E. [No change]

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 the street and adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

Commentary

TA10 - Screening mechanical equipment from the street

33.110.270.C.6

There are inconsistencies in the code about screening mechanical equipment from the street. This standard and the corresponding standard in the multi-dwelling zones (33.120.280) stipulate that mechanical equipment must be screened from adjoining lots. However, the screening standards in the multi-dwelling zones (33.120.250) also require mechanical equipment to be screened from the street. This amendment aligns these inconsistencies and clarifies that mechanical equipment must be screened from the street. 33.120.280 is also being amended to be consistent.

MP12 - Institutional buffering standards

33.110.270.C.8

For a required landscape buffer for institutional uses, there is no code guidance on when interruptions are allowed for such things as a pedestrian path. The only allowance is for grassy play areas, golf courses, cemeteries, and natural areas, which do not have to comply with the landscape buffer standard. This has led to adjustment reviews for any other type of intrusion into a required buffer.

There are other, similar instances in the code where a landscape buffer is required, and incursions and interruptions are more clearly laid out. Section 33.130.215.B contains the minimum setback requirements in the commercial zones adjacent to residential zones. The setback must be landscaped, but there are a number of exceptions for allowances into the landscaped setback areas, such as bicycle and pedestrian areas and minor building elements, however, they can be no closer than 5 feet to the property line abutting a residential zone. There also is an exception to allow a driveway to cross the landscape buffer provided that the street frontages all adjoin residential zones. The Buffer overlay zone similarly has requirements that intend to buffer residential areas from non-residential uses and includes an exception for pedestrian bicycle paths that cut through the landscape buffer to provide access to the site.

The amendments to this section recognize the need for some incursions into the landscape buffer and borrow from some of the concepts in the abovementioned chapters that have worked in other zones for non-residential development adjacent to residential areas.

33.110.270 Institutional Development Standards

A-B. [No change]

C. The standards.

1-5. [No change]

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-c. [No change]

7. [No change]

8. Buffering. The following apply within the buffering required by Table 110-9:

a. Vehicle access is not allowed through the buffering unless the site only has frontage on streets that are across the street from a residential zone;

b. Pedestrian and bicycle areas can be located in the buffer but may not extend closer than 5 feet to a lot line abutting an RF through RM4 or RMP zone, except one paved pedestrian path can extend fully into the buffer but cannot be more than 6 feet wide; and

c. The following minor features of a building are allowed to extend into the buffering but 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; and

(2) Uncovered decks, stairways, and wheelchair ramps.

8-10.[Renumber 9 through 11]

Commentary

TA19 - Daycare uses in multi-dwelling zones

33.120.100

House Bill 3560 (HB 3560) was passed by the Oregon legislature during the 2025 regular session. The bill amended ORS 329A.440 which addresses the application of land use regulations to child care, and requires jurisdictions to expand where child care centers are allowed without triggering a land use review. Portland's "Daycare" use category aligns with the state's definition of a "child care center." (Note the bill states that language in ORS 329A.440 will be made a part of ORS197, but the actual location in the section is not known at this time.)

Section 2 of HB3560 amends ORS 329A.440 to require municipalities to allow child care centers as a permitted use in 3 situations, two of which are new:

- 1) On land zoned primarily for commercial and industrial use, except in areas specifically designated for heavy industrial uses. (This was previously in ORS.) Portland allows child care centers (Daycare) in commercial and employment zones, with limits in industrial zones that are designated for heavy industrial use.
- 2) On sites with a legally permitted institutional use in the residential zones. Portland's zoning code already allows daycare in conjunction with an institutional use in both single-dwelling and multi-dwelling zones.
- 3) In areas "zoned primarily for multiunit residential uses and" at a density of 17 dwelling units per net acre within the Metro urban growth boundary. This equates to Portland's multi-dwelling zones RM1-RM4. (The RX zone allowed Daycare uses by right.) Portland's zoning code allows daycare uses in the multi-dwelling zones, but includes limits on either the size or the location of the child care. A daycare that cannot meet those provisions triggers a conditional use review.

This amendment removes the current limitations on daycare uses within the multi-dwelling zones, which aligns with the intent of the provisions in HB 3560. With the change, daycare uses are allowed within these zones by-right, without any limitations or conditional use review triggers.

33.120 Multi-Dwelling Zones

120

33.120.100 Primary Uses

- A. [No change]
- 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.
- 1-5. [No change]
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. through 10 [Re-number to be 6. through 9.]

Commentary

TA19 - Daycare uses in multi-dwelling zones

Table 120-1

The amendments in Table 120-1 reflect the deletion of the existing Daycare use limitation footnote and the renumbering of the remaining use category footnotes. See commentary and code on previous page.

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

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 [910]
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 [78]	L/CU [78]	L/CU [78]	L/CU [78]	L/CU [78]	L/CU [78]
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	Y/L/CU [6]	Y/L/CU [6]	Y/L/CU [6]	Y/L/CU [6]	Y	Y/L/CU [6]
Other Categories						
Agriculture	L [89]	L [89]	L [89]	L [89]	L [89]	L [89]
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 [67]	L/CU [67]	L/CU [67]	L/CU [67]	L/CU [67]	L/CU [67]
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.

Commentary

TA31 - Step-down heights with bonus height

33.120.215

It is not clearly stated in 33.120 that when bonus height is earned, required step-down height limits continue to apply. The corresponding step-down height language in 33.130.210.B.3 states clearly that the step-down heights do not increase in this scenario, but there is no similar language in 33.120. This amendment clarifies in Chapter 33.120 that step-down heights are not increased or eliminated when bonus height is earned.

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. [No change]
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.
3. Bonus height. The base height limits can be increased through the deeper affordability bonus option described in Section 33.120.211.C.2. When the bonus option is used to increase the base height, the step-down height limits do not increase.

Commentary

TA11 Screening for rooftop mechanical equipment

33.120.215.C

33.120.215.C states that rooftop mechanical in the multi-dwelling zones may extend above the height limit, but rooftop mechanical equipment that is within 50 feet of an R zone must provide screening and the height exception doesn't specifically allow the screening to extend above the height limit. This has caused confusion. This amendment clarifies that required screening for rooftop mechanical equipment may also extend above the height limit.

C. Exceptions to the maximum height.

1-3. [No change]

4. Rooftop mechanical equipment, including required screening, 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.

5-7. [No change]

Commentary

TA9 - Eastern Pattern Area minimum rear building setback

33.120.220.A

The setbacks purpose statement is being updated to include a statement reflecting the intent of the Eastern Pattern Area special setback. Continued adherence to the purpose of a development standard is an approval criterion for adjustments. Adding this language to the purpose statement will be helpful when evaluating the approvability of a requested adjustment to the Eastern Pattern Area special setback.

33.120.220.B.2.b(2)

The Eastern Pattern Area has a minimum rear setback requirement equal to 25 percent of the total depth of the site. One exemption to the setback is for sites with an outdoor common area that is at least 10 percent of the site area and that measures 30 ft. by 30 ft. in all directions. It is unclear if this outdoor common area can be provided as a rooftop deck. This amendment clarifies that rooftop decks count towards this exemption.

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.
 - The Eastern Pattern Area special setback supports preservation of the area's characteristics, including large rear yards and tree groves, and supports improved connectivity by leaving space for future connections through the area's large blocks.
- 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. [No change]
 2. Eastern Pattern Area minimum rear building setback.
 - a. [No change]
 - 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 120-4 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, including outdoor common area on a roof, 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. [No change]
- C-E.** [No change]

Commentary

MP13 Landscaping and covered building areas

33.120.235.B

There have been instances when required landscaped areas have been placed in an area that is covered by upper floors of a building though not fully enclosed. Since most landscaping needs adequate sunlight and, if not irrigated, water from rain, this results in landscaping that struggles to survive. This amendment clarifies that required landscaping areas must not be covered as to ensure adequate access to sun and water. There is an exception for the portion of a required landscaped area that is allowed to be in active or passive recreation use, such as a walkway or play area.

33.120.235 Landscaped Areas

- A. [No change]
- B. **Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-4. 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, u~~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. No portion of the required landscaped area can be covered.
 2. [No change]

Commentary

MP11 Required outdoor areas

33.120.240.C.2.b(2)

This amendment is intended to eliminate confusion over whether a balcony or other element of a dwelling unit can encroach into required outdoor common area. The language is copied from a limitation on encroachment into required common area for a cottage cluster.

TA7 Covered outdoor area

33.120.240.C.5

This amendment clarifies what "fully enclosed" means in the context of covering and/or enclosing required outdoor area. In this case, if the outdoor area is covered and has walls that are more than 42 inches in height for 75 percent or more of the perimeter of the area, then it will not be considered to be outdoor area. This matches the threshold included in the definition of floor area for when a covered space is considered to be floor area.

33.120.240 Required Outdoor and Common Areas

A-B. [No change]

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. 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.
 - b-c. [No change]
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 may not be enclosed by walls that are more than 42 inches in height for 75 percent or more of the perimeter~~they may not be fully enclosed~~. Covered outdoor areas are subject to the setback standards of this chapter.

Commentary

MP7 - Setback and screening standards for mechanical equipment

33.120.250.C

Mechanical equipment is not clearly described in the code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. A definition of mechanical equipment is being added to 33.910 Definitions to more clearly define what it is. As a result, the examples of mechanical equipment in 33.110.250 are no longer necessary and is being removed in favor of the definition in 33.910.

TA12- Pedestrian standards for institutional uses

33.120.255.B.2

The rule governing institutional uses in the single-dwelling zones (33.110.270) states that the on-site pedestrian circulation system for institutional development must meet the standards in the multi-dwelling zones (33.120.255, Pedestrian Standards). Those standards were recently changed and are now based on the number of residential dwelling units on the site.

This amendment establishes a minimum width of 5 feet for an on-site pedestrian circulation system on sites with an institutional use. 5 feet is the same as the standard for a larger residential development.

33.120.250 Screening

A-B. [No change]

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:

1-3. [No change]

D. [No change]

33.120.255 Pedestrian Standards

A. [No change]

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. [No change]

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.
- (5) On sites with an institutional use, the circulation system must be at least 5 feet wide.

Commentary

MP12 - Institutional buffering standards

33.120.275

For a required landscape buffer for institutional uses, there is no code guidance on when interruptions are allowed for such things as a pedestrian path. The only allowance is for grassy play areas, golf courses, cemeteries, and natural areas, which do not have to comply with the landscape buffer standard. This has led to adjustment reviews for any other type of intrusion into a required buffer.

There are other, similar instances in the code where a landscape buffer is required and incursions and interruptions are more clearly laid out. Section 33.130.215.B contains the minimum setback requirements in the commercial zones adjacent to residential zones. The setback must be landscaped, but there are a number of exceptions for allowances into the landscaped setback areas, such as bicycle and pedestrian areas and minor building elements; however, they can come no closer than 5 feet to the property line abutting a residential zone. There also is an exception to allow a driveway to cross the landscape buffer provided that the street frontages all adjoin residential zones. The Buffer overlay zone similarly has requirements that intend to buffer residential areas from non-residential uses and includes an exception for pedestrian bicycle paths that cut through the landscape buffer to provide access to the site.

Note [5] is being removed from Table 120-8 because the reference to the standards for vehicle area are now addressed by 33.120.275.C.7.a

The amendments to this section recognize the need for some incursions into the landscape buffer and borrow from some of the concepts in the abovementioned chapters that have worked in other zones for non-residential development adjacent to residential areas.

33.120.275 Institutional Development Standards

A-B. [No change]

C. The standards.

1-6. [No change]

7. Buffering. The following apply within the required buffering stated in Table 120-8:

- a. Vehicle access is allowed through the buffering provided the standards of Section 33.266.130 are met;
- b. Pedestrian and bicycle areas can be located in the buffer but may not extend closer than 5 feet to a lot line abutting an RF through RM4 or RMP zone, except one paved pedestrian path can extend fully into the buffer but cannot be more than 6 feet wide; and
- c. A fence up to 3-1/2 feet high is allowed within the a required buffer along a street lot line; and
- d. The following minor features of a building are allowed to extend into the buffering but may not extend closer than 5 feet to a lot line:
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters; and
 - (2) Uncovered decks, stairways, and wheelchair ramps.

~~87.~~ 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.4, above.

~~98.~~ 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.

~~109.~~ Exterior signage for accessory Retail Sales And Service uses is prohibited.

Commentary

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

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 120-4. 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.~~

Commentary

MP7 & TA10- Setback and screening standards for mechanical equipment

33.120.280.F

Mechanical equipment is not clearly described in the code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. A definition of mechanical equipment is being added to 33.910 Definitions. As a result, the examples of mechanical equipment listed in 33.110.280 are being removed in favor of the definition in 33.910.

33.120.280.F.2.b

There are inconsistencies in the code about screening mechanical equipment from the street. This section, and the corresponding section single-dwelling zones (33.110.250), stipulate that mechanical equipment must be screened from adjoining lots; however the multi-dwelling base zones screening standards found in Section 33.120.250 require mechanical equipment to be screened from the street. This amendment aligns these regulations and clarifies that mechanical equipment must be screened from the street.

33.120.280 Detached and Connected Accessory Structures

A-E. [No change]

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. [No change]
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 the street and adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

Commentary

TA14 - Conditional Use approval criteria for public safety Radio Frequency (RF) facilities

33.130.100.B.7.a

The reference to the applicable approval criteria for a public safety Radio Frequency facility is incorrect. Rather than specifically call out the CU approval criteria, this amendment references Chapter 33.274 which points to Chapter 33.815 Conditional Uses when appropriate.

33.130 Commercial/Mixed Use Zones

130

33.130.100 Primary Uses

- A. [No change]
- B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
 - 1-6. [No change]
 - 7. Basic Utilities. This regulation applies to all parts of Table 130-1 that have an [7].
 - a. Public safety facilities that include Radio Frequency Transmission Facilities are subject to the regulations of Chapter 33.274a ~~conditional use. The approval criteria are in Section 33.815.223.~~
 - b-c. [No change]
 - 8-11. [No change]
- C-D. [No change]

Commentary

TA11 Screening for rooftop mechanical equipment

33.130.210.C

33.130.210.C.4 states that rooftop mechanical in the *CM1*, *CM2*, *CM3*, *CE* and *CX* zones may extend above the height limit, but rooftop mechanical equipment that is within 50 feet of an *R* zone must provide screening and the height exception doesn't specifically allow the screening to extend above the height limit. This has caused confusion. This amendment clarifies that required screening for rooftop mechanical equipment may also extend above the height limit.

33.130.210 Height

A-B. [No change]

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

1-3. [No change]

4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment, including required screening, 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.

5-8. [No change]

Commentary

TA13 Accessory structure setbacks in C zones

33.130.215

The base setbacks in 33.130.215 generally require a 10-foot setback for sites adjoining an R-zone lot, though there is an exemption for buildings up to 15-ft in height. However, the same section also states that detached accessory structures on sites with all residential uses are subject to the standards of 33.120.280 in the multi-dwelling zones. This sets up a discrepancy where a shorter commercial building can fully extend into the setback but a residential detached accessory building must meet the additional requirements for detached covered accessory structures in a multi-dwelling zone, such as a size limitation of 24 x 24 feet.

To fix the discrepancy, all detached accessory structures in commercial mixed-use zones will meet the same standard. This amendment clarifies that by removing a reference to the multidwelling zone detached accessory structure standards for sites that are entirely in residential use. A related amendment removes another reference to the multi-dwelling zone standards for detached accessory structures in 33.130.265.

33.130.215 Setbacks

- A. [No change]
- 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. The setback standards for detached accessory structures are stated in 33.130.265. Fences are addressed in 33.130.270.
1. [No change]
 2. Required setbacks from a lot line that is not a street lot line:
 - a. [No change]
 - 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) [No change]
 - (2) Buildings that are 15 feet or less in height are exempt from the required setback.
 3. [No change]
 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-E. [No change]

Commentary

MP13 Landscaping and covered building areas

33.130.225.B

There have been instances when required landscaped areas have been placed in an area that is covered by upper floors of a building though not fully enclosed. Since most landscaping need adequate sunlight and, if not irrigated, water from rain, this results in landscaping that struggles to survive. This amendment clarifies that required landscaping areas must not be covered as to ensure adequate access to sun and water. There is an exception for the portion of a required landscaped area that is allowed to be in active or passive recreation use, such as a walkway or play area.

33.130.225 Landscaped Areas

- A. [No change]
- 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. [No change]
 - 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. No portion of the required landscaped area can be covered.
 2. [No change]

Commentary

MP11 Required outdoor areas

33.130.228.B.2.b.(1)

This amendment is intended to eliminate confusion over whether a balcony or other element of a dwelling unit can encroach into required outdoor common area. The language is copied from a limitation on encroachment into required common area for a cottage cluster.

TA7 Covered outdoor areas

33.130.228.B.5

This amendment clarifies that covered required outdoor areas cannot be fully enclosed by adding clarifying language that is currently found Chapter 33.120.

33.130.228 Required Outdoor Areas

- A. [No change]
- B. **Requirements.**
1. [No change]
 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. [No change]
 - 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. 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.
 - (2) [No change]
 4. [No change]
 5. Enclosure. Outdoor area used to meet the requirements of this section may be covered, such as a covered patio, but may not enclosed by walls that are more than 42 inches in height for 75 percent or more of the perimeter. Covered common outdoor areas are subject to the setback standards of this chapter.

Commentary

MP7 - Setback and screening standards for mechanical equipment

33.130.235.C

Mechanical equipment is not clearly described in the code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. A definition of mechanical equipment is being added to 33.910, Definitions, to more clearly define what it is. As a result, the examples of mechanical equipment in 33.130.235 are no longer necessary and being removed in favor of the definition in 33.910.

MP10 Exterior activities

33.130.245.B, D, & E

There has been confusion as to how some exterior activities associated with commercial uses should be classified and where they are allowed. Some of this confusion is due to some inconsistencies in the code and some is due to interpretation and implementation. This amendment is part of a group of amendments that seek to add clarity and consistency for how exterior display, storage, work activities, and other exterior activities are categorized and where they are or aren't allowed. The change to 33.130.245.B.1 clarifies that plants and produce for sale can be displayed in the CR Zone. Previously, this was allowed under "the propagation and sale of plants" found below in 33.130.245.D, exterior work activities, but this more accurately states that the sale of plants is exterior display. The propagation of plants has been moved to 33.130.245.E, other exterior activities, which is more accurate.

33.130.235 Screening

A-B. [No change]

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. [No change]

33.130.245 Exterior Display, Storage, and Work Activities

A. [No change]

B. **Exterior display.**

1. CR zone. Exterior display of goods is not allowed except for the display of plants and produce.

2-4. [No change]

C. [No change]

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~~Other exterior activities are allowed in the commercial/mixed use zones: ~~outdoor eating areas, entertainment and recreation activities that are commonly performed outside, including the propagation and sale of plants and outdoor markets and vendor stalls.~~ Sales of motor vehicle fuels and car washes are not allowed within 25 feet of a lot line that abuts a residential zone.

F. [No change]

Commentary

TA13 Accessory structure setbacks in C zones

33.130.265.B.1

To fix a discrepancy between the standards for detached accessory structures on sites that have commercial or mixed uses and those that are entirely in residential use, this amendment removes a reference to the multidwelling zone detached accessory structure standards for sites entirely in residential use. A related amendment removes another reference to the multi-dwelling zone standards for detached accessory structures in 33.130.215.

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. [No change]**

Commentary

TA11 Screening for rooftop mechanical equipment

33.140.210.B.3

33.140.210.B.3 states that rooftop mechanical in the employment and industrial zones may extend above the height limit, but rooftop mechanical equipment that is within 50 feet of an R zone must provide screening and the height exception doesn't specifically allow the screening to extend above the height limit. This has caused confusion. This amendment clarifies that required screening for rooftop mechanical equipment may also extend above the height limit.

MP13 Landscaping and covered building areas

33.140.225.B

There have been instances when required landscaped areas have been placed in an area that is covered by upper floors of a building though not fully enclosed. Since most landscaping need adequate sunlight and, if not irrigated, water from rain, this results in landscaping that struggles to survive. This amendment clarifies that required landscaping areas must not be covered as to ensure adequate access to sun and water. There is an exception for the portion of a required landscaped area that is allowed to be in active or passive recreation use, such as a walkway or play area.

33.140 Employment and Industrial Zones

140

33.140.210 Height

- A. [No change]
- 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.
- 1-2. [No change]
3. Rooftop mechanical equipment, including required screening, 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:
- Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - 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.
- 4-6. [No change]

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, u~~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. No portion of the required landscaped area can be covered.

Commentary

TA5 Pedestrian trash screening exemption for E and I zones

33.140.235.B

Both the multi-dwelling and commercial/mixed use zones include a screening exemption for trash receptacles for pedestrians. However, this provision was inadvertently left out of the employment and industrial zones. This amendment exempts trash receptacles used by pedestrians from screening standards in the employment and industrial zones to match the parallel sections in the other zones.

MP10 Exterior activities

33.140.245.E

There has been confusion as to how some exterior activities associated with commercial uses should be classified and where they are allowed. Some of this confusion is due to inconsistencies in the code and some is due to interpretation and implementation. This amendment is part of a group of amendments that seek to add clarity and consistency for how exterior display, storage, work activities, and other exterior activities are categorized and where they are or aren't allowed.

Some exterior work activities associated with commercial uses do not fit the definition of exterior work areas in 33.910, which focuses primarily on industrial uses, and are also not called out as specifically allowed in the base zone. It has been unclear whether they are allowed; however, exterior work activities that are commercial in use are generally appropriate for an employment zone. This amendment makes clear that other exterior activities associated with a commercial use are allowed in an employment zone.

33.140.235 Screening

- A. [No change]
- 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. 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. [No change]

33.140.245 Exterior Display, Storage, and Work Activities

- A-D. [No change]
- E. **Other exterior activities.** Other exterior activities are allowed in employment zones. Outdoor eating areas are allowed ~~as an exterior activity in the employment and~~ industrial zones.
- F. [No change]

Commentary

TA11 Screening for rooftop mechanical equipment

33.150.210.B.3

33.150.210.B.3 states that rooftop mechanical in the campus institutional zones may extend above the height limit, but rooftop mechanical equipment that is within 50 feet of an R zone must provide screening and the height exception doesn't specifically allow the screening to extend above the height limit. This has caused confusion. This amendment clarifies that required screening for rooftop mechanical equipment may also extend above the height limit.

MP13 Landscaping and covered building areas

33.150.245.B

There have been instances when required landscaped areas have been placed in an area that is covered by upper floors of a building though not fully enclosed. Since most landscaping need adequate sunlight and, if not irrigated, water from rain, this results in landscaping that struggles to survive. This amendment clarifies that required landscaping areas must not be covered as to ensure adequate access to sun and water. There is an exception for the portion of a required landscaped area that is allowed to be in active or passive recreation use, such as a walkway or play area.

33.150 Campus Institutional Zones

150

33.150.210 Height

A-C. [No change]

D. Exceptions

1-2. [No change]

3. Rooftop mechanical equipment, including required screening, 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.

4-6. [No change]

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, u~~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. No portion of the required landscaped area can be covered.
- 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.

Commentary

MP10 Exterior storage, display, and activities

33.150.270.D & E

There has been confusion as to how some exterior activities associated with commercial uses should be classified and where they are allowed. Some of this confusion is due to some inconsistencies in the code and some is due to interpretation and implementation. This amendment is part of a group of amendments that seek to add clarity and consistency for how exterior display, storage, work activities, and other exterior activities are categorized and where they are or aren't allowed.

Some exterior work activities associated with commercial uses do not fit the definition of exterior work areas in 33.910, which focuses primarily on industrial uses. Some of the base zones call out another category of "other exterior activities" which includes such things as outdoor eating and recreation. This amendment makes clear that exterior work activities (industrial in nature) are not allowed in a campus institutional zone but other exterior activities associated with a commercial use are.

33.150.270 Exterior Display and Storage,

A-C. [No change]

D. Exterior work activities. Exterior work activities are prohibited in the campus institutional zones.

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

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

Commentary

TA24 - Age-friendly amendments

200s Additional Use & Development Regulations

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's *Inclusive Writing Guide*, which includes best practices for age-friendly terminology. This amendment renames the chapter from "Elderly and Disabled High Density Housing" to "Senior and Accessible High Density Housing".

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~~Senior and Accessible 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

Commentary

TA24 - Age-friendly amendments

33.229 Elderly and Disabled High Density Housing

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's *Inclusive Writing Guide*, which includes best practices for age-friendly terminology. This amendment changes the the word "elderly" to "elder" or "senior" throughout this chapter. It also changes "disabled citizens" to "persons with disabilities" and "mentally disabled" to "intellectual disability".

33.229 ~~Elderly and Disabled~~ Senior and Accessible High Density Housing

229

33.229.010 Purpose

These regulations provide opportunities to integrate housing for elders and people with disabilities~~elderly and disabled citizens~~ with other types of housing, and to increase the ability of elders and people with disabilities~~the elderly and disabled~~ to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in RM1 through RM4, C, IR, and EX zones. The regulations are intended only for new developments and projects that involve major remodeling.

33.229.030 General Requirements

- A. [No change]
- B. **Project eligibility.** The ~~elderly and disabled~~senior and accessible high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.
- C-D. [No change]

33.229.040 Design Standards

- A. [No change]
- B. **Individual Units.**
 - 1-2. [No change]
 - 3. Exception. Projects that are restricted to occupancy by ~~mentally disabled~~ residents with intellectual disabilities for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or in the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet
- C. [No change]

Commentary

MP8 - Screening Standards

33.248.B.2 and C.2

In both the L2 and L3 landscape standards, the required shrubs can be substituted with a masonry wall of equal height. The width of a masonry wall takes up a significant portion of the landscape buffer, and the excavation required for a masonry wall can adversely impact the root zone for existing trees. This amendment will give the option of using a fully sight-obscuring fence instead of a masonry wall.

33.248 Landscaping and Screening

248

33.248.020 Landscaping and Screening Standards

- A. [No change]
- B. **L2, low screen.**
 - 1. [No change]
 - 2. Required materials. The L2 standard requires enough low shrubs to form a continuous screen 3 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 3-foot-high or taller masonry wall, fully sight-obscuring fence, ~~or a~~ berm may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.
- C. **L3, high screen.**
 - 1. [No change]
 - 2. Required materials. The L3 standard requires enough high shrubs to form a screen 6 feet high. The shrubs must be evergreen. In addition, one large tree is required per 30 linear feet of landscaped area, one medium tree per 22 linear feet of landscaped area, or one small tree per 15 linear feet of landscaped area. Trees of different sizes may be combined to meet the standard. Ground cover plants must fully cover the remainder of the landscaped area. A 6-foot-high masonry wall or 6-foot-high fully sight-obscuring fence may be substituted for the shrubs, but the trees and ground cover plants are still required. When applied along street lot lines, any required or nonrequired screen, wall, or fence is to be placed along the interior side of the landscaped area.

Commentary

TA27 - Nonconforming residential density

33.258.060.A.2

33.258.060 includes the provisions for sites that are nonconforming in residential density—either minimum density or maximum density. 33.258.060.A.2. contains special provisions for sites in multi-dwelling zones that are nonconforming with maximum density, and refers to a section in 33.120.205 that prior to the Land Division Code Update project regulated how the ownership of undersized lots could be separated. Those regulations no longer exist, so the reference in 33.258.060.A.2 is out-of-date. In addition, as a result of the Better Housing by Design project, the only multi-dwelling zone with a maximum density is the RMP zone and the nonconforming residential density provisions in A.1.a are appropriate for the zone. Therefore, 33.258.060.A.2 can be deleted.

33.258 Nonconforming Situations

258

33.258.060 Nonconforming Residential Densities

A. Changes to dwellings.

- ~~1.~~ Generally. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to the site.
 - ~~a~~1. 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~~2. [No change]
- ~~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.~~

Commentary

MP3 - Parking in residential setbacks

33.266.120.C

Currently, the zoning code does not allow parking within 10 feet of the front lot line for houses, duplexes, triplexes and fourplexes. This limitation can be a barrier to converting a garage to living space, such as an ADU, when a property owner wants to continue to park in the driveway after the garage has been converted. This amendment will allow an existing driveway that is located in front of a garage that is converted to living space, provided the driveway meets certain standards. The parking space must be large enough to meet the 9 x 18 foot size requirement for a parking space. Also, the façade of the garage conversion must meet the street-facing façade standard for windows, which requires at least 15% of the façade to be window or door openings. The applicant can either meet the standard on the facade of the garage conversion or on the entire street-facing façade.

The amendment is intended to provide more flexibility for conversions while maintaining opportunities for on-site parking. The allowance is limited to conversions of garages so as to not incent the creation of a new parking space in the front setback on a site that didn't previously have a driveway.

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

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

A-B. [No change]

C. Parking area locations.

1. Vehicle area. The following standards apply to the location of vehicle area:
 - a. Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:
 - (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; ~~and~~
 - (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; ~~and~~ and
 - (3) Parking spaces and driveways are allowed when an existing attached garage is being converted to living space and the requirements of 33.266.120.C.2.c are met.
 - b. [No change]
2. Parking spaces. ~~The following standards apply to the location of parking spaces:~~ Except as follows, parking spaces are not allowed within the first 10 feet from a front lot line, and on corner lots, parking spaces are not allowed within the side street setback:
 - ~~a. Generally, parking spaces are not allowed within the first 10 feet from a front lot line, and on corner lots, parking spaces are not allowed within the side street setback.~~
 - a.(1) A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.
 - b.(2) On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.
 - c. A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind an existing attached garage that is being converted to living space and the following are met:
 - (1) The parking space is at least 9 feet by 18 feet; and
 - (2) Either the street-facing façade of the garage being converted to living space meets the window standard of 33.110.235.C or to the entire street-facing façade of the structure meets 33.110.235.C.
- 3-4. [No change]

Commentary

MP5 - Egress from small parking areas

33.266.130.F.1.b(1)

The parking code generally requires vehicles entering and exiting the roadway to do so in a forward motion. The standard allows an exception for parking areas with no more than 2 spaces. However, the exception does not say if it applies to more than one small parking area on a site. This amendment clarifies that the exception applies to all small parking areas on the site.

TA2 - Vehicle area and accessory structures

Table 266-3

Table 266-3 states that for CM zoned sites less than 2 acres in area, vehicle areas are not allowed between a building and any street. This can cause problems for food cart pods that install accessory structures, such as a modular restroom, on the interior of the site. This amendment clarifies that detached accessory structures are not subject to the standards in the table.

33.266.130 Development Standards for All Other Development

A.-E. [No change]

F. Parking area layouts.

1. Access to parking spaces.

- a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.
- b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion, except:
 - (1) Individual ~~P~~ parking areas with one or two spaces whose only access is on a local service street;
 - (2) Parking areas may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.

2-5. [No change]

Table 266-3			
Location of Vehicle Areas [1], [2], [3]			
Zone	General Standard	Exception for Through Lots and Sites with Three Frontages	Exception for Full-Block Sites
OS, RF, EG2, I	No restrictions.		
RMP, IR, CE, EG1, CI; sites in RM1, RM2, and RM3 that are more than 10,000 square feet in total area; sites in CM1, CM2, and CM3 that are more than 2 acres in total area	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
R20-R2.5, RM4, RX, CX, CR, EX,; sites in RM1, RM2, and RM3 that are 10,000 square feet or less in total area; sites in CM1, CM2, and CM3 that are 2 acres or less in total area	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

[1] Driveways that provide a straight-line connection between the street and a parking area inside a building are not subject to these regulations.

[2] Vehicle areas that are separated from a street by a building are not subject to these regulations.

[3] Detached accessory structures are not subject to these regulations.

Commentary

TA4 - Large parking areas

33.266.130.F.6

The regulations in 33.266.130.F.6 apply to large parking areas over 125,000 square feet in size. However, it is unclear whether the regulations should apply to existing parking areas that are increased in size to over 125,000 square feet. This amendment clarifies that, when an existing parking lot is increased in size over the 125,000 square foot threshold, the regulations apply to the new parking area that was added. For example, if a 100,000 square foot-parking lot is expanded to 150,000 square feet, then the large parking area standards apply to the 50,000 square feet of parking that was added.

6. Large parking areas in R, C, E, IR, and CI zones. The following apply to large parking areas in the R, C, E, IR, and CI zones; ~~where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:~~
- a. The standards in Subparagraph F.6.b apply to the following. Parking areas in structures are not included in the total calculation of parking area:
- (1) New parking areas that are 125,000 square feet in size or larger; and
- (2) Expansions of existing parking areas that are more than 125,000 square feet in total area, and expansions of existing parking areas that increase the total area to more than 125,000 square feet. In this case, the standards apply only to the expanded area; and
- b. The parking area must contain the following elements:
- ~~b.~~(1) Internal access ways must divide the parking area into smaller areas that are no greater than 55,000 square feet;
- ~~c.~~(2) These accessways must connect to the adjacent street at least every 250 feet; and
- ~~e.~~(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. One large tree is required per 30 lineal feet of sidewalk, one medium tree per 22 lineal feet of sidewalk, or one small tree per 15 lineal feet of sidewalk. Trees of different sizes may be combined to meet the standard;
 - Trees must be planted in the center of unpaved tree wells that must be at least 18 square feet in area, 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.
- ~~ce.~~ The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

Commentary

MP12 - Buffering standards and perimeter landscaping

33.266.130.G

The parking lot landscaping standards do not allow for a portion of the landscaped area to be paved or specify that a pedestrian connection can cross the landscape area for pedestrian access to the site. This amendment clarifies that a 6-foot pedestrian pathway can cross the landscape area.

G. Parking area setbacks and landscaping.

1. [No change]
2. Setbacks and perimeter landscaping.
 - a-c. [No change]

Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line	5 ft. of L3	10 ft. of L3

- d. Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.
 - (1) Surface parking abutting streets, and C, E, I, and CI zones. Where a surface parking area abuts a street lot line, or a C, E, I, or CI zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line. Pedestrian and bicycle access may interrupt the landscaping but may not be more than 6 feet wide.
 - (2) Surface parking abutting OS, R, and IR zones. Where a surface parking area abuts an OS, R, or IR zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. Pedestrian and bicycle access may interrupt the landscaping but may not be more than 6 feet wide

Commentary

MP2 - Long-term bike parking

33.266.200.B.2

This amendment exempts a change of use within an existing building from complying with long-term bike parking minimums. In some case, changing the use can trigger additional long-term bike parking spaces. However, when nonconforming upgrades are required by 33.258.070.D.2, long-term bike parking is not on the list of required upgrades unless the alteration is extensive enough to qualify as a major remodel. It is inconsistent to require upgrades to long-term bike parking for a simple change of use when the upgrades are not required for most remodels of building. This amendment rectifies that inconsistency and ensures that while additional long-term bike parking is not required for a change of use, a reduction below the minimum number of long-term bike parking spaces is not allowed.

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 and geographies. 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. When a change of use causes a site to become nonconforming with the minimum long-term bicycle parking requirement, full compliance with the minimum requirement is not required. However, the site may not go further out of compliance with the minimum long-term bicycle parking requirement.

Commentary

TA3 - Long term bicycle parking

33.266.210.D

The long-term bicycle parking standards do not currently require that long-term bicycle parking must be accessible to all tenants in a building. This amendment clarifies that, when long-term bike parking is located outside of a dwelling unit, the long-term bike parking must be accessible to all tenants of the building. In other words, the long-term bike parking cannot be reserved for only certain tenants.

33.266.210 Bicycle Parking Development Standards

A-C. [No change]

D. Standards for ~~Long-Term B~~icycle Parking.

1. General ~~S~~standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. The following general standards apply to long-term bicycle parking:
 - a. Location standards. Long-term bicycle parking must be provided in one or more of the following locations. School uses are only allowed to choose between Subsubparagraph (1) or (5) or a combination of (1) and (5). Long-term bicycle parking located outside of dwelling units must be accessible to all tenants of buildings on the site:
 - (1) Within a building outside of dwelling units, including on the ground floor or on individual building floors;
 - (2) Within dwelling units. Long-term bicycle parking is allowed in dwelling units as follows. Long-term bicycle parking provided in a dwelling unit is exempt from the standards of Paragraph C.2, but all other standards in Subsection C apply. Adjustments and modifications to this Subsubparagraph may be requested prior to January 2, 2032. Beginning January 2, 2032, adjustments and modifications to this Subsubparagraph are prohibited:
 - 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. For buildings with no elevators, long-term bicycle parking spaces are only allowed in ground floor dwelling units. Only two spaces per dwelling unit count toward the total required long-term bicycle parking spaces.
 - For all other residential development, up to 50 percent of the required long-term bicycle parking spaces may be provide within dwelling units. For buildings with no elevators, long-term bicycle parking spaces are only allowed in ground floor units. Only two spaces per dwelling unit count toward the total required long-term bicycle parking spaces.
 - (3) On-site, including in parking areas and structured parking;
 - (4) In an area where the closest point is within 300 feet of the site; or
 - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.

2-3. [No change]

Commentary

MP1 - Short term bicycle parking accessibility

33.266.210.E

The 2020 update to the bike parking standards inadvertently removed a requirement for short-term biking to be accessible, creating a situation where short-term parking can be located behind a locked gate. This amendment remedies that mistake and adds language to ensure short-term bike parking is accessible to the public. In addition, the amendment corrects formatting errors in the code layout.

E. **Development Standards for Short-term Bicycle Parking.** ~~Short-term bicycle parking must meet the following standards:~~

~~1. Development Standards. Short-term bicycle parking must meet the following standards:~~

~~1a.~~ Location Standards. Short-term bicycle parking must meet the following location standards:

~~a.(1)~~ On-site, outside a building, and accessible at all times to the public;

~~b.(2)~~ At the same grade as the sidewalk or at a location that can be reached by an accessible route; and

~~c.(3)~~ Within the following distances of the main entrance:

(1) 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)

(2) 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)

(3) 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);

(4) 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.

Commentary

TA1 - Loading allowances for vehicle area

33.266.310.E

This amendment deleted the reference to "prohibited" because parking area is no longer prohibited between a building and the street and clarifies that when parking area is not allowed between a building and the street, the loading space is also not allowed between the building and the street. As written, the standard could be read to simply not allow loading spaces at all when parking is not allowed between a building and the street.

2b. Bicycle Parking Fund

a.(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:

(1) There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;

(2) Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and

(3) The open areas meet the location requirements of Subparagraph E.1.a., above.

b.(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.

33.266.310 Loading Standards

A-D. [No change]

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 between a building and a street.

F-G. [No change]

Commentary

TA15 - Radio Frequency Facilities in the ROW

33.274.035.A

This amendment is to clarify that accessory equipment located on a lot in a C, E, I, or CI zone for a personal wireless service facility located in the ROW does not require conditional use review when the accessory equipment is located more than 50 feet from a residential or IR zone.

TA17 - Oregon State Aeronautics Division

33.274.040.C

The Oregon State Aeronautics Division has been renamed to the Oregon Department of Aviation. This amendment updates the code with the correct agency name.

33.274 Radio Frequency Transmission Facilities

274

33.274.035 Facilities Allowed Without a Conditional Use Review

All of the following are allowed without a conditional use but are subject to the development standards in this chapter:

A-B. [No change]

C. Accessory equipment located in a C, E, I or CI zone for a new or modified personal wireless facility located in the right-of-way provided that the accessory equipment is more than 50 feet from an R or IR zone.

CD. Other modifications of facilities that were originally approved through a conditional use, including the addition or replacement of antennas and accessory equipment, provided all modifications made over time:

1-3. [No change]

33.274.040 Development Standards

A-B. [No change]

C. General requirements

1-2. [No change]

3. Tower finish. For towers not regulated by the Oregon ~~State Aeronautics Division~~Department of Aviation or Federal Aviation Administration, a finish (paint/surface) must be provided that reduces the visibility of the structure.

4. Tower illumination. Towers must not be illuminated except as required for the Oregon ~~State Aeronautics Division~~Department of Aviation or the Federal Aviation Administration.

5-11.[No change]

Commentary

TA6 - Exterior improvement exemptions for recreational fields

33.279.030

To encourage bicycle parking, the 2020 Bicycle Parking Code Update project exempted bicycle parking from the exterior improvement thresholds for conditional use review. The exemption was added to 33.281, Schools and School Sites, and to 33.815, Conditional Uses. However, the exemption was inadvertently let out of chapter 33.279, Recreational Fields for Organized Sports. This amendment corrects that omission.

33.279 Recreational Fields for Organized Sports

279

33.279.030 Alterations Allowed Without Conditional Use Review

Alterations related to a recreational field for organized sports to the site that meet all of the following are allowed without a conditional use review provided the proposal meets all of the following thresholds.

A-C. [No change]

D. Does not increase the exterior improvement area by more than 1,500 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, bicycle parking, electric vehicle chargers and equipment, and increases allowed by Subsections F. through H. below are exempt from this limitation;

E-I. [No change]

Commentary

MP14 - Outdoor shelter allowances

33.285.040.C.2 and C.3

The City of Portland has had a declared housing state of emergency since 2015. The state of emergency declaration, which was recently extended until October 25, 2027, allows outdoor shelters to operate out of compliance with the zoning code regulations for the duration of the emergency.

The Shelter to Housing Continuum projects (S2HC), adopted in 2020 and 2022, put new standards in place with the intent of making it easier to site outdoor shelters while also setting parameters to limit impacts to neighbors. The new standards allow a maximum of 60 individual outdoor shelter units on certain sites by right, beyond which a conditional use review is required.

Due to the housing emergency declaration, these standards have never been applied and many of the City's Safe Rest Village outdoor shelters have more than 60 individual shelter units (up to 160 units in some locations). It now seems clear that the threshold for the number of outdoor shelter units required without conditional use was set too low. This amendment raises the threshold to 200 individual outdoor shelter units on certain sites before a conditional use review is triggered.

33.285 Short Term, Mass, and Outdoor Shelters

285

33.285.040 Use Regulations

A-B. [No change]

C. **Outdoor shelters.**

1. [No change]
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~~200 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-c. [No change]
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~~200 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. [No change]

Commentary

MP14 - Outdoor shelter allowances

33.285.040.C.4 and 33.285.050.C.2

The City of Portland has had a declared housing state of emergency since 2015. The state of emergency declaration, which was recently extended to October 25, 2027, allows outdoor shelters to operate without complying with the zoning code regulations for the duration of the emergency.

The Shelter to Housing Continuum projects, adopted in 2020 and 2022, put in place a requirement for a conditional use review to establish an outdoor shelter in an EG or I zone. At least two outdoor shelters have been established in industrial zones without a conditional use review as a result of the declared state of emergency. When the state of emergency is lifted, these outdoor shelters will no longer be able to operate without a conditional use review. In addition, at least one of the shelters is over the maximum size limit of 2 acres.

In the interest of continuing to provide shelter for people experiencing homelessness, this amendment allows the existing outdoor shelters in industrial zones to continue without a conditional use review after the effective date of the RICAP 11 amendments (anticipated to be March 1, 2026). After the emergency is lifted, any new outdoor shelters in industrial zones will require a conditional use and will be required to meet the size limit of 2 acres.

4. EG and I zones. ~~Generally~~Except as allowed by Subparagraph C.4.b, 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, CI2, E, and I Zones. ~~The~~All outdoor shelters 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.
- (1) 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.
 - (2) An existing outdoor shelter is allowed in the I zone when the following are met:
 - The outdoor shelter is located on publicly owned land; and
 - The outdoor shelter existed on [INSERT IMPLEMENTATION DATE].

33.285.050 Standards

A-B. [No change]

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. [No change]
 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. Outdoor shelters that existed on [INSERT IMPLEMENTATION DATE], and are located on publicly owned land in an I zone are exempt from this standard.
- 3-9. [No change]

Commentary

MP15 - Allowed length of temporary activities

33.296.030.E

The temporary activities chapter in the Portland Zoning Code allows fairs, carnivals and other major public gatherings in the RX, C, E and I zones for up to 2 consecutive weeks. However, most major public gatherings, such as circuses and seasonal outdoor events, have a much longer duration and structures that take time to set up and deconstruct. Accommodating these events requires taking an ordinance to City Council to waive the zoning code time limit. This amendment extends the time a major public gathering can occur to be the length of time granted by the permit to operate issued by Portland Fire & Rescue.

MP16 - Community Service Uses in I zones

33.296.030.E

Sobering centers are a Community Services use that often run into opposition when located in or adjacent to residential areas and in many cases, the only alternate locations are in I or E zones. Depending on the services provided by the center, it may be allowed outright under state law or may be a limited or conditional use. There is currently an urgent need for sobering centers to help address the homeless and addiction crises. This amendment creates an additional allowance for sobering centers to operate as a temporary activity in response to a health and safety emergency declaration.

33.296 Temporary Activities

296

33.296.030 Temporary Activities Allowed

A-D. [No change]

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 by right for up to 2 consecutive weeks at any one time. A permit is required from Portland Fire & Rescue. ~~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. [No change]

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, sobering centers, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

H-J. [No change]

Commentary

MP9 - Landscaping & screening exemption from Design and Historic Resource Review

33.420.045

This section contains exemptions for some minor development features and nonconforming upgrades, such as parking lot landscaping, and development that does not require a permit; however, screening for trash, mechanical equipment, and loading areas are not specified and therefore require Design Review. Screening for these elements is generally a minor element of a development and does not warrant a review, particularly landscape screening. This amendment adds an exemption from design review for screening around trash, mechanical equipment and loading areas.

TA28 - Design Standard QR23

Table 420-2

Design Standard QR23, Reflective Roof Surface, states that the Energy Star requirements must be met for the roof surface material. Energy Star no longer rates roofs. The Cool Roof Rating Council is now the recognized green building standard-setting organization for roof surfaces. The amendment replaces Energy Star with the Cool Roof Rating Council and leaves flexibility for future changes to the recognized standard-setting organization.

33.420 Design Overlay Zone

420

33.420.045 Items Exempt From This Chapter

The following items are exempt from the regulations of this chapter:

- A. [No change]
- B. **Exterior alterations**
 - 1-5. [No change]
 - 6. Screening for trash, mechanical equipment, and loading areas;
 - 6-13. [Renumber to be 7 through 14]

Table 420-2 Design Standards			
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
ROOFS			
	QR23	Reflective Roof Surface	
	New building or alteration	Meet the Energy Star <u>Cool Roof Rating Council</u> or other City recognized green building standard-setting organization 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

Commentary

TA21 - Historic Resource chapter reference to OSSC

33.445.100.D.2.d

Section 33.445.100.D.2.d provides an exemption to alterations to meet ADA requirements from HRR. The exemption references Section 1113 of the Oregon Structural Specialty Code; however, the code referenced has changed (it now addresses clustered mailboxes). The reference to Oregon Structural Specialty Code (OSSC) in this subparagraph is being changed to the more general reference "Chapter 11" because that reference is less likely to become obsolete with future versions of the OSSC.

TA22 - National Register District reference

33.445.220.E.2.b.

This amendment fixes a typo—the code refers to Conservation Districts, but it should refer to National Register Districts.

33.445 Historic Resource Overlay Zone

445

33.445.100 Historic Landmark

A-C. [No change]

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. [No change]

2. Exempt from historic resource review.

a-c. [No change]

d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in ~~Section 1113~~Chapter 11 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;

e-y. [No change]

33.445.220 National Register District

A-D. [No change]

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. [No change]

2. Exempt from demolition review. The following are exempt from demolition review:

a. [No change]

b. Demolition of contributing resources in ~~Conservation~~National Register Districts when demolition is required because:

(1-2) [No change]

c-d. [No change]

Commentary

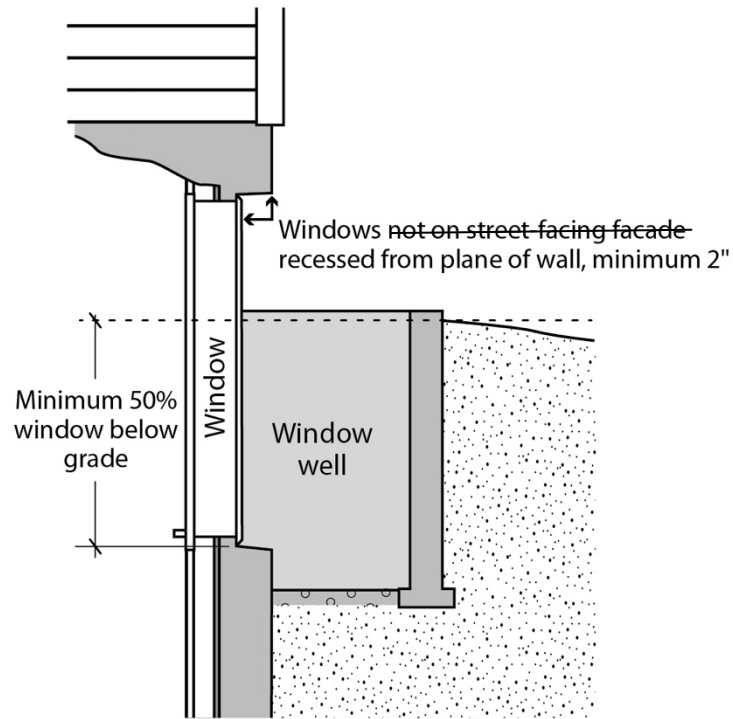
TA23 - Historic/Conservation District exemptions

Figure 445-4

In both Conservation and Historic districts, alterations to existing, and installation of new, basement windows is exempt from historic resource review under certain circumstances. Until the Historic Resources Code Project was adopted in 2022 the exemption limited the use of the exemption to non-street-facing facades. The HRCP project deleted that limitation, but wording on Figure 445-4 was not amended to delete reference to street-facing facades. This amendment corrects that error.

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

Figure 445-4
Basement Windows



Commentary

MP17 - Exterior Lighting located in the ROW in the River Overlay zones 33.475.230.C

Exemptions for improvements within public streets and in the environmental zones do not apply to freeways. Section 33.475.230.C contains an exemption from the exterior lights requirements for those located in a public street; however, as defined in Chapter 33.910, "street" specifically does not include freeways. This amendment will exempt improvements in a freeway ROW by changing the exemption from "exterior lights within public streets" to "exterior lights within public right-of-ways" since the definition of "right-of-way" includes freeways.

33.475 River Overlay Zones

475

33.475.230 Exterior Lighting

A-B. [No change]

C. **Additional standards for areas near the Willamette River.** The following standards apply to all permanent exterior lights located within and riverward of the river setback, and all permanent exterior lights located within 25 feet landward of the river setback. Exterior lights within Governor Tom McCall Waterfront Park, and exterior lights within public ~~streets~~right-of-ways are exempt from this Subsection:

1. Exterior lights are allowed only if the lights are for the following uses or development:
 - a. Park and Open Area uses;
 - b. The major public trail;
 - c. A public viewing area; or
 - d. River-dependent or river-related development.
2. Structures that support exterior light fixtures must be set back at least 5 feet from the top of bank of the Willamette River unless the structure that supports the exterior light fixture is located on a dock, pier and gangway, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body (top of bank is shown on Map 475-2);
3. Structures that support exterior light fixtures must be spaced at least 25 feet apart; and
4. Exterior lights must not project directly into the Willamette River.

Commentary

TA8 Limited uses and eating areas

33.508.120.A.3.b(1)

33.508.120.A.3.b specifies that exterior display and storage areas do not count towards the use limitation for a single retail use over 60,000 sf per story limitation. It therefore follows that exterior activity areas, including eating areas, also should not be included in the limited use calculation. This amendment is intended to make it clear that all exterior activities associated with a limited use do not count toward the use limits.

MP10 Exterior areas

33.508.210.A

This amendment clarifies what is allowed for exterior storage and display in the Cascade Station/Portland International Center Plan District and removes reference to any exterior activities. Exterior work activity and other exterior activity allowances are addressed in the base zone chapters.

TA29 - Cascade Station Transportation Impact Analysis Review

33.508.220.C

The language in 33.508.220.C does not indicate where to find the land use process type or approval criteria for proposals to exceed the allocation limits of Table 508-1. This amendment adds the missing reference to the approval criteria for a CSTIA review (33.807.110) to section 33.508.220.

33.508 Cascade Station/Portland International Center Plan District

508

33.508.120 Additional Allowed Uses

- A. Subdistrict A.** The following additional uses are allowed in Subdistrict A, up to the maximums allowed in Table 508-1:

1-2. [No change]

3. Retail Sales and Service

a. Hotels, Motels and Theatres

b. Other Retail Sales And Service with the following limitations:

(1) Generally, a single retail use may not occupy more than 60,000 square feet of floor area per story, not including exterior display, ~~and storage, work, or other exterior activities;~~

(2) [No change]

4. [No change]

- B.** [No change]

33.508.210 Prohibited Development in Subdistrict A

The following regulations apply to Subdistrict A:

- A. Exterior display and storage.** Exterior display and storage are prohibited except for the display of plants and produce. ~~Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this prohibition.~~

B-C. [No change]

33.508.220 Maximum Development/Transportation Capacity

A-B. [No change]

- C. Cascade Station/Portland International Center Transportation Impact Analysis Review.** An applicant may propose development that exceeds the allocation limits of Table 508-1 through a Cascade Station/Portland International Center Transportation Impact Analysis Review. See 33.807. land use. ~~The review that~~ is based on a Transportation Impact Analysis (TIA). This approach allows an applicant more flexibility but is more complex to use. In addition to the application requirements of Section 33.730.060, the applicant must prepare a TIA that includes the elements and analysis listed in 33.852.105. The TIA review may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The TIA review may not be used to exceed the total trips in Table 508-1.

Commentary

MP10 Exterior activities

33.510.117.D

This amendment clarifies what is allowed for exterior storage, display, and activities in the RX zone in the Central City Plan District.

MP17 - Exterior Lighting located in the ROW in the Greenway Overlay zones in the South Waterfront Subdistrict

33.510.253.E.5.j.(3)

Exemptions for improvements within public streets and in the environmental zones do not apply to freeways. Section 33.510.253 contains an exemption from the exterior lights requirements for those located in a public street; however, as defined in Chapter 33.910, "street" specifically does not include freeways. This amendment will exempt improvements in a freeway ROW by changing the exemption from "exterior lights within public streets" to "exterior lights within public right-of-ways" since the definition of "right-of-way" includes freeways.

33.510 Central City Plan District

510

33.510.117 Retail Sales And Service and Office Uses in the RX Zone

A-C. [No change]

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 except for the display of plants and produce. The following exterior activities are allowed: ~~Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement~~ areas, entertainment and recreation activities that are commonly performed outside, the propagation of plants, and outdoor markets and vendor stalls.
- 2-3. [No change]

33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A-D. [No change]

E. Review thresholds and development standards.

- 1-4. [No change]
5. Development standards.
 - j. Exterior lighting.
 - (1)-(2) [No change]
 - (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~~rights-of-way 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. [No change]

Commentary

MP10 - Exterior activities

33.521.270 & 33.526.310

These amendments clarify what is allowed for exterior storage and display in the East Corridor and Gateway Plan Districts and removes reference to any exterior activities. Exterior work activity and other exterior activity allowances are addressed in the base zone chapters.

33.521 East Corridor Plan District

521

33.521.270 Exterior Display and Storage

Exterior display and storage are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment, except for the display of plants and produce ~~outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands.~~

33.526 Gateway Plan District

526

33.526.310 Exterior Display and Storage

Exterior display and storage are prohibited, except for the display of plants and produce ~~outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands.~~

Commentary

TA8 Limited uses and eating areas

33.531.110.C.2.b

Currently, the section on how to measure use limits (33.930.055) states that exterior eating area always count toward use limits. This is not always clear to plan reviewers. The measurements language is being amended to delete the reference to exterior eating areas and, where appropriate, individual use limits are being clarified to ensure eating and other outdoor activities are counted toward the use limit. In this case, all exterior activities (display, storage work and other) should count toward the Retail Sales And Service use limits in the IH zone.

33.531 Guild's Lake Industrial Sanctuary Plan District

531

33.531.110 Additional Use Limitations in the IH Zone

A.-B. [No change]

C. Retail Sales And Service and Office uses in the IH zone.

1. Limited uses. Up to four Retail Sales And Service and Office uses are allowed per site. The square footage of the net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area may be up to 3,000 square feet per use.
2. Conditional uses.
 - a. More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - b. Any Retail Sales And Service or Office use where the net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area is more than 3,000 square feet is a conditional use. Except for sites with a historic landmark, the net building area of all the Retail Sales And Service or Office uses on a site plus the exterior display, ~~and storage,~~ work and other exterior activity area, taken together, may not exceed 10,000 square feet or the square footage of the site area, whichever is less. 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, ~~and storage,~~ work and other exterior activity area, taken together, may not exceed 25,000 square feet or twice the square footage of the site area, whichever is less. Exceptions to these size limits are prohibited.

D. [No change]

Commentary

TA34 Hayden Island Plan District Clarifications

33.532.210 Maximum Building Height

This amendment, coupled with revisions to Map 532-2, clarifies the base height and bonus height limits offered in the Hayden Island height opportunity area. The height opportunity area offers additional height (80 feet or 90 feet depending on area) in exchange for reduced building coverage. However, as currently written, and illustrated on the corresponding map, it is unclear what the base height is. The original intent of the maximum height standard is that the base zone height limit applies unless the applicant is taking advantage of the greater height of the height opportunity area. This amendment makes that clear.

33.532.220.C.2

This amendment removes a sentence related to the inclusionary housing bonuses allowance inside or outside of the pedestrian district. However, there is no area in the Jantzen Beach subdistrict that is outside of the pedestrian district. The sentence is a remnant of the original plan district language, and the meaning of the sentence was misconstrued when the FAR regulations were amended in 2018 to incorporate the inclusionary housing requirements and bonuses.

33.532 Hayden Island Plan District

532

33.532.210 Maximum Building Height

- A. [No change]
- B. **Maximum building heights.**
 - 1. Generally. The maximum building heights are shown on Map 532-2.
 - 2. Height Opportunity Areas. In the Height Opportunity Areas shown on Map 532-2:
 - a. Area A. Within Height Opportunity Area A, Hheight may be increased to 90 feet if the maximum building coverage is 20 percent or less;
 - b. Area B. Within Height Opportunity Area B, Hheight may be increased to 80 feet if the maximum building coverage is 25 percent or less;
 - c. Except as follows, adjustments and modifications to the standards of this paragraph are prohibited. Until January 2, 2032, adjustments to the height opportunity area height limits shown on Map 532-2 may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the height opportunity area height limit by more than 20 percent of the maximum building height shown on Map 532-2, or 10 feet, whichever is greater, are prohibited.
 - 3. Jantzen Beach subdistrict. In the Jantzen Beach subdistrict, adjustment may be requested to increase height to the maximum height limit shown on Map 532-2. Heights above the maximum height limit shown on Map 532-2 are prohibited.

33.532.220 Minimum and Maximum Floor Area

- A-B. [No change]
- C. **Maximum FAR in the Jantzen Beach subdistrict**
 - 1. In the Jantzen Beach subdistrict, the maximum FAR is .75 to 1. Floor area used for parking is not counted toward maximum FAR. Transfers of floor area between the West and East subareas are prohibited.
 - 2. Inclusionary housing bonuses. The following inclusionary housing bonus options are allowed. ~~An increase in FAR of more than 3 to 1 on a site that is outside the pedestrian district is not allowed.~~ An increase in FAR of more than .75 to 1 on a site that is inside the pedestrian district is not allowed.
 - a-b.[No change]
- D-F. [No change]

Commentary

TA34 Hayden Island Plan District Clarifications

Map 532-2

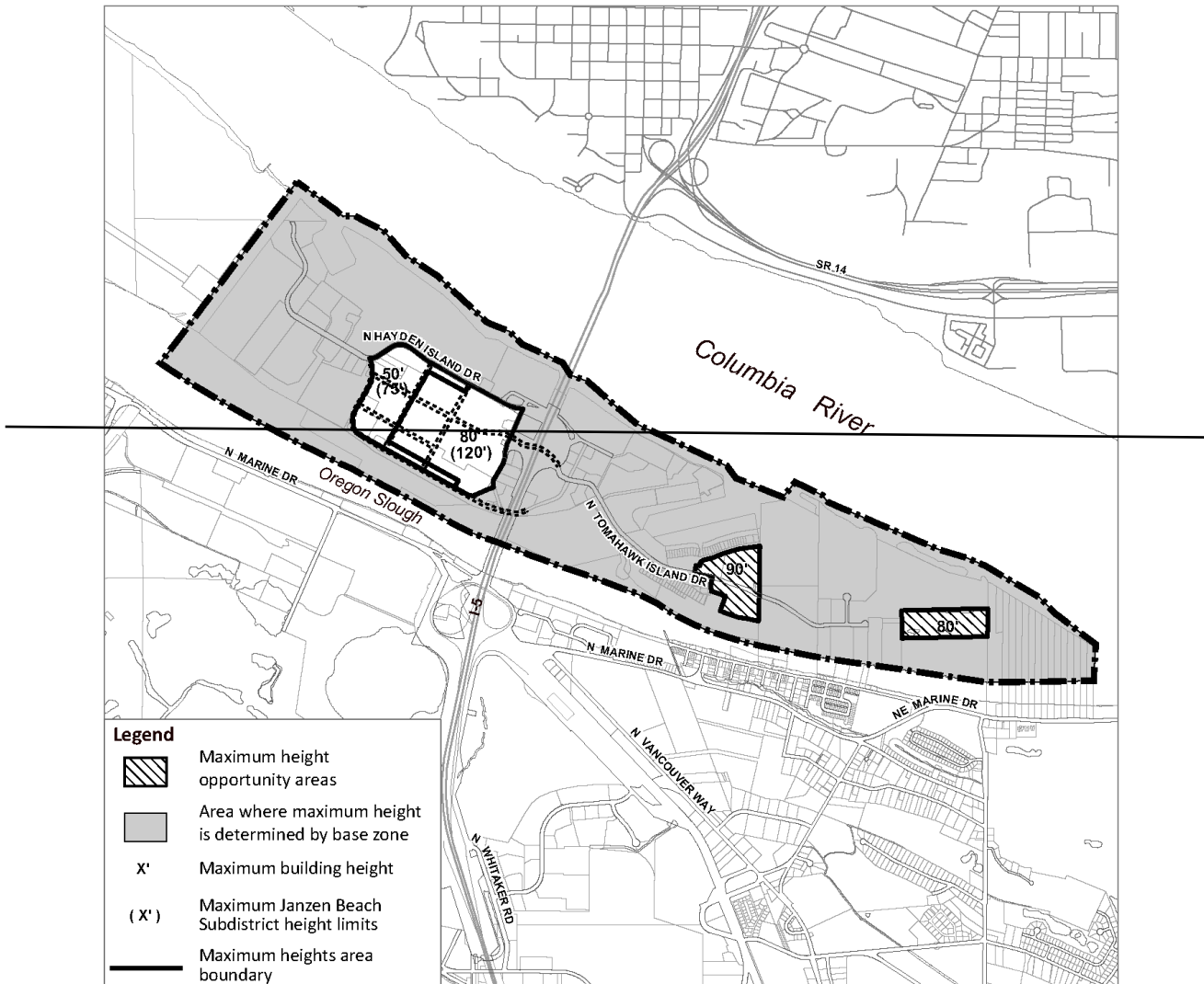
This amendment deletes the existing Map 532-2 and replaces it with an updated version that more clearly corresponds with what is allowed in the Hayden Island height opportunity areas.

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

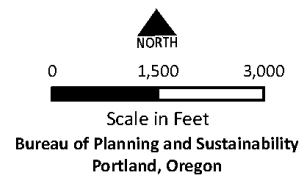
Hayden Island Plan District Maximum Heights

Map 532-2

Map Revised July 24, 2015



Plan District Boundary
 Proposed right-of-way



Commentary

TA34 Hayden Island Plan District Clarifications

Map 532-2

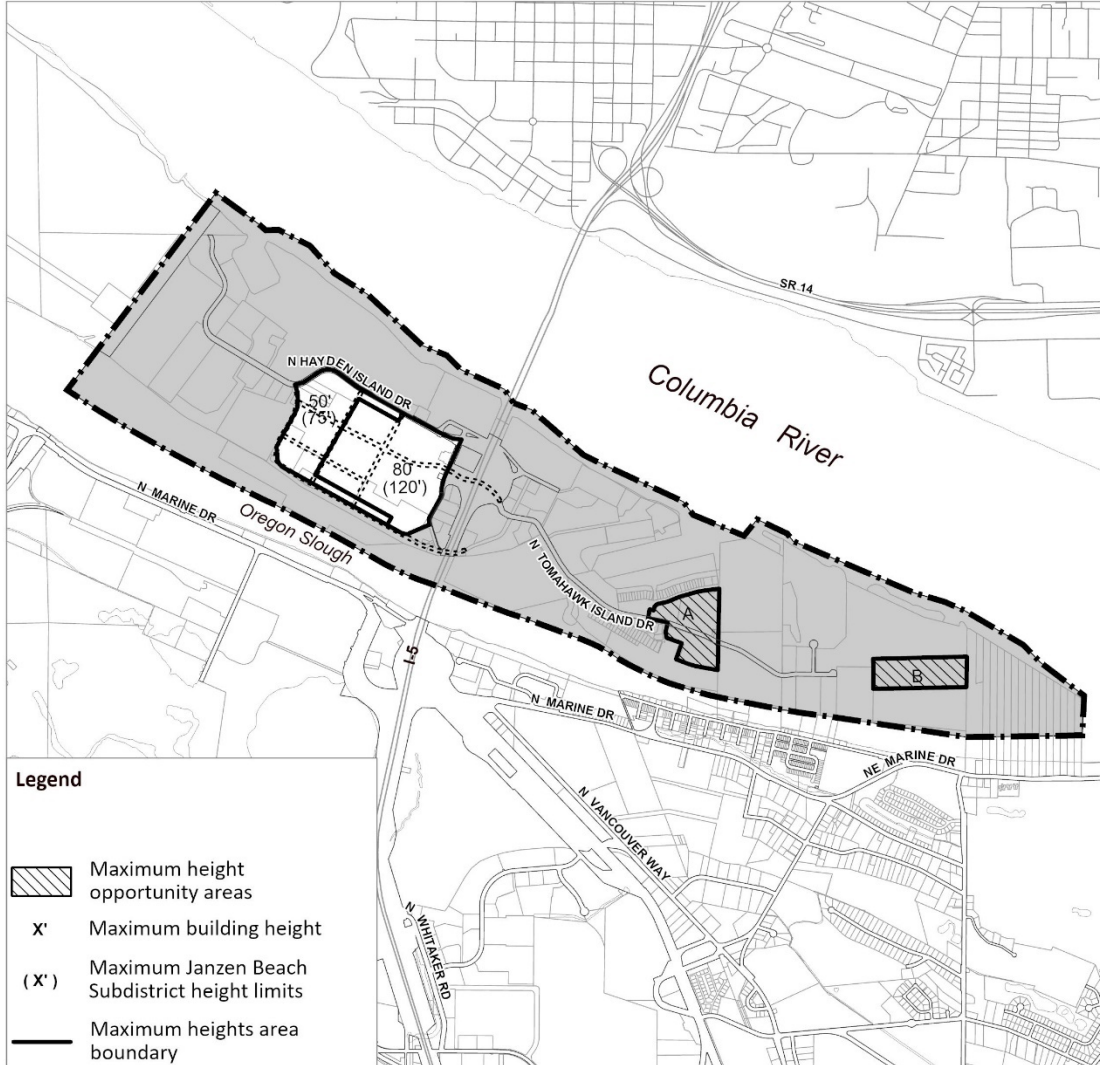
This amendment replaces Map 532-2 with an updated version that labels the two height opportunity areas as area A and area B, and clarifies that the base height in these areas is the base zone height limit rather than the 80 or 90 foot height bonus that is offered in exchange for reduced building coverage.

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

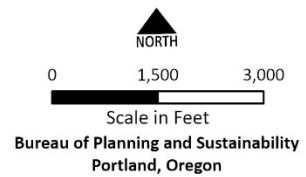
Hayden Island Plan District Maximum Heights

Map 532-2

Map Revised Xxxx Xx, 2025



Plan District Boundary
 Proposed right-of-way



Commentary

MP10 - Exterior Areas

33.561.250

This amendment clarifies what is allowed for exterior storage and display in certain zones in the North Interstate Plan District and removes reference to any exterior activities. Exterior work activities and other exterior activities allowances are addressed in the base zone chapters.

33.583.220

This section is being removed for consistency. The exterior activity allowances for the employment and mixed-use commercial base zones are applied here.

33.561 North Interstate Plan District

561

33.561.250 Exterior Display and Storage

In the RM3, RM4, and CM3 zones, exterior display and storage are prohibited except for the display of plants and produce ~~outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands.~~ Temporary open-air markets and carnivals are also allowed.

33.583 St. Johns Plan District

583

~~33.583.220 Exterior Activities in the EG and CM3 Zones.~~

The following exterior activities are allowed in the EG and CM3 zones in addition to those permitted by the base zones:

- ~~A. **Purpose.** Exterior activities, such as outdoor cafes and exterior display of pedestrian-oriented services enhance the pedestrian environment of the plan district.~~
- ~~B. **Standard.** The following exterior activities are allowed in the EG and CM3 zones:
 - ~~1. Outdoor seating for restaurants; and~~
 - ~~2. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar pedestrian-oriented uses.~~~~

Commentary

TA28 - Urban Green Features - reflective roof surfaces

33.595.280.C

The Urban Green Features requirements for solar panels and reflective roof surfaces states that the Energy Star requirements must be met for the roof surface material. Energy Star no longer rates roofs. The Cool Roof Rating Council is now the recognized green building standard-setting organization for roof surfaces. The amendment replaces Energy Star with the Cool Roof Rating Council and leaves flexibility for future changes to the recognized standard-setting organization.

33.595 West Portland Multicultural Plan District

595

33.595.280 Urban Green Features

A-B. [No change]

C. **Urban green features standard.** Development must include at least one of the following features:

1-3. [No change]

4. Solar panels and reflective surfaces.

a. At least 40 percent, or 2,000 square feet whichever is greater, of the building roof area must be covered by a solar energy system; and

b. Areas that are not covered by the following must be covered by a reflective surface meeting the ~~Energy Star~~ Cool Roof Rating Council or other City recognized green building standard-setting organization requirements for solar reflectance:

(1) Solar energy system;

(2) Mechanical equipment, housing for mechanical equipment, and required access to, or entrance from, mechanical equipment;

(3) Stairwell and elevator enclosures;

(4) Vents; or

(5) Skylights.

Commentary

TA36 - MPAP Required nonresidential use clarifications

33.597.135.A and B.2

This amendment moves the content of the last two sentence of A. (Where this regulation applies) to B.2 (When this regulation applies) because the two sentences are really about when and how nonconforming use and development standards apply in relation to the nonresidential use requirement. Moving the sentences will also ensure that the last sentence is not read in a way the conflicts with the hierarchy included in B.2.

33.597 York Plan District

597

33.597.135 Required Nonresidential Use

- A. Where this regulation applies.** The nonresidential use requirement applies on sites in the EX zone. ~~For sites that are nonconforming with this regulation, the nonconforming use and nonconforming development regulations of 33.258.050 and 33.258.070 do not apply. In this case, when development is added to a site that is nonconforming in nonresidential use, the site must be brought into conformance with the required nonresidential use regulations.~~
- B. When this regulation applies.**
1. Generally. The required nonresidential use regulations apply to new development and alterations to existing development. Lots with houses are exempt from the required nonresidential use requirement.
 2. Nonconforming situations. For sites that are nonconforming with the required nonresidential use regulations, meaning the site does not have the required amount of floor area in a nonresidential use, the nonconforming use and nonconforming development regulations of 33.258.050 and 33.258.070 do not apply. In this case, when development is added to a site that is nonconforming in nonresidential use, the following apply:
 - a. The nonconforming situation may continue;
 - b. There may not be a net decrease in the total amount of floor area on the site in a nonresidential use;
 - c. When additional floor area is added to the site the following apply:
 - (1) If all of the additional floor area will be in a nonresidential use, the site can move closer to compliance with the nonresidential use requirement but is not required to come fully into compliance;
 - (2) If any of the additional floor area will be in a residential use, the site must be brought into compliance with the required nonresidential use regulations of Paragraphs €D.1., €D.2., or €D.3.
- C. [No change]**

Commentary

TA37 - MPAP Affordable dwelling unit exceptions

33.597.135.D.1.b

This amendment deletes the exception for compliance with the adopted public benefits agreement in Subdistricts B and C. The property owner in Subdistricts B and C decided to not sign the public benefits agreement in the end. The exception is irrelevant if they are not participating in the agreement. The exception was inadvertently left in the recommended code when the Montgomery Park Area Plan was adopted by City Council last year.

D. Required nonresidential use.

1. Subdistricts B and C.

- a. Regulation. In subdistricts B and C, at least .5 square feet of floor area must be in a non-residential use for each one square foot of site area.
- b. Affordable dwelling unit ~~Exceptions. (1) — Public benefits agreement. The nonresidential use requirement is reduced to zero when the property is subject to, and in compliance with, Section 2: Middle Wage Jobs, of the Montgomery Park Area Plan Public Benefits Agreement that was adopted by Portland City Council on November 21, 2024. To qualify for this exception the applicant must provide a letter from the Portland Bureau of Planning and Sustainability certifying that the property is subject to and in compliance with the public benefits agreement. (2)~~
— Affordable dwelling units. A building that contains a residential use in which 100 percent of the dwelling units in the building are affordable to those earning no more than 60 percent of the area median family income is exempt from the nonresidential use requirement, and 50 percent of the total square footage of floor area on the ground floor of the building counts toward the total amount of nonresidential use required for the site. To qualify for this exception, the property owner 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.
- c. [No change]

2-3. [No change]

E. [No change]

Commentary

TA35 - MPAP / SB1537 alignments

33.597.220 Maximum Height

This amendment adds language to allow up to a 20% height adjustment until January 2032. The amendment aligns this height standard with requirements in Senate Bill 1537 for temporarily allowing adjustments.

33.597.220 Maximum Height

A-B. [No change]

C. **EX zone.** In the EX zone:

1. Except as stated in Paragraph C.2., the maximum height allowed in the EX zone is the base zone maximum. Additional height may be allowed through the bonus options described in 33.597.230. Except as follows, Adjustments are prohibited. Until January 2, 2032, adjustments to increase base zone height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the base zone height by more than 20 percent, or by 10 feet, whichever is greater, are prohibited;
2. Within subdistricts B and F, the maximum height allowed within 20 feet of NW Vaughn is 55 feet. Adjustments to this are prohibited, however modifications may be requested through design review.

33.597.230 Floor Area and Height Bonus Options

A. [No change]

B. **General floor area and height bonus options regulations.**

1. More than one bonus option may be used up to the overall maximum FAR and height stated in Table 597-1.
2. Except as follows, Adjustments to the maximum FAR and height obtainable through bonuses are prohibited. Until January 2, 2032, adjustments to increase the bonus height may be requested for new buildings when at least 75 percent of the total floor area is in a residential use. In this case, adjustments to increase the bonus height by more than 20 percent of the base zone height limit, or 10 feet, whichever is greater, are prohibited.
3. The increment of additional floor area ratio allowed per bonus is stated in Table 597-1 and described in Subsections C through F.

C-F. [No change]

Commentary

TA25 - River and pleasant valley overlay zones

33.633.220

The Land Division Code Update project revised references to "environmental zones" to include the River Environmental and Pleasant Valley Natural Resource overlay zones. One reference was inadvertently missed in 33.633.220. This amendment fixes that.

TA26 - Applicability of Staged Final Plats

33.662.120.E

As part of the Land Division Code Update project, the review requirements in Chapter 33.662.120 removed reference to staged final plats. This is incorrect, as staged final plats are allowed in all zones, so the language is being reinserted.

33.633 Phased Land Divisions and Staged Final Plats

633

33.633.220 Staged Final Plat Standard

All portions of the site that are in an Environmental, River Environmental, or Pleasant Valley Natural Resources Overlay Zone, in the floodway, or will be in a tree preservation tract must be included in the first Final Plat stage.

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones

662

33.662.120 Approval Criteria

The Preliminary Plan for a land division will be approved if the review body finds that the applicant has shown that all of the following approval criteria have been met. The approval criteria are:

A-D. [No change]

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;

E-I. [Reletter to be F through J]

Commentary

MP19 - Recording a land use approval 33.730.120

While there is no statutory requirement in the ORS to record land use decisions with the county, there is a requirement to do so in the Zoning Code. In the past, the land use review applicant was required to record the decision before a building permit could be issued or other action could be taken. More recently, PP&D staff took on responsibility for recording the decisions to avoid permitting delays that resulted from applicants not recording decisions. However, recording land use decisions at the county adds staff time and costs and the entire land use case file and decision can now be found in the City's online archives and records management system, called efiles.

This amendment removes the recording requirement to reduce the burden on PP&D staff while not resulting in delays to permits due to applicants not recording the decision in a timely fashion. It is also generally understood that the purpose of the recording - to inform buyers of land use decisions and conditions of approval - is being met by potential buyers and realtors by researching property records through portlandmaps.com and efiles, rather than through a title search.

33.730 Quasi-Judicial Procedures

730

~~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.~~

Commentary

TA32 - Public Notice of legislative projects 33.740.020

This amendment updates the legislative noticing process section to reflect current practice:

- 1) The section titled "notice area" is not about the area, but rather about who the notice gets sent to. This amendment removes the word "area" and instead it will now read "notice recipient."
- 2) Oregon state law no longer requires that notice of a legislative hearing be published in a recognized newspaper.

33.740 Legislative Procedure

740

33.740.020 Commission Review

A. [No change]

B. Public notice for the hearing.

1. Notice ~~area~~recipients. 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:

C-E. [No change]

Commentary

TA19 - Daycare uses in multi-dwelling zones

33.815.040.B

House Bill 3560 (HB 3560) was passed by the Oregon legislature during the 2025 regular session. The bill amended ORS 329A.440 which addresses the application of land use regulations to child care, and requires jurisdictions to expand where child care centers are allowed without triggering a land use review. This amendment exempts changes to a conditional use site related to a daycare use from conditional review. For further commentary, see page 30.

33.815 Conditional Uses

815

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. [No change]
- 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-d. [No change]
 - e. Does not increase the floor area by more than 2,000 square feet. Floor area for a Daycare use, 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 Daycare use, 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;

Commentary

TA15 - RF Facilities in the ROW

33.815.225.A

The conditional use approval criteria in Section 33.815.225.A are those used for review of accessory equipment that is associated with antennas in the ROW, whether the equipment is on an existing building, or for new at-grade equipment screened by a fence. However, the language for when these approval criteria are used is not clear. This amendment is to clarify that the approval criteria of 33.812.225.A apply to accessory equipment to antennas in the ROW.

- g. [No change]
 - 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 a Daycare use, an outdoor shelter, or housing that is affordable as defined by Subparagraph B.1.e;
 - (2)-(3) {No change]
2. [No change]

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, and accessory equipment associated with a facility located in a right-of-way, 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.

Commentary

TA16 - Amendments to Conditional Use Master Plans 33.820.080 and 33.820.090

These amendments correct the referencing convention for when code inside and outside of a section is referred to. The reference in 33.820.080.B.6 is to another paragraph within the same subsection. In this case, the reference begins with the subsection rather than the entire code reference. The reference in 33.820.090.A.5 and A.6 is to code located outside of the section. In this case, the reference should be to the whole code citation.

33.820 Conditional Use Master Plans

820

33.820.080 Implementation

- A. [No change]
- 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:
- 1-4. [No change]
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-Paragraph B.8 below~~, are exempt from this limitation;
- 7-8. [No change]

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:
- 1-4. [No change]
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~~33.820.080.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~~33.820.080.B.5. are exempt from this limitation; and
7. [No change]
- B. [No change]

Commentary

TA20 - Historic Designation Removal 33.846.040.C.1

The first criterion for historic designation removal review requires a finding that the applicable criteria for designation of a historic resource related to significance and integrity (33.846.030.D 1 and 2) are no longer met. However, proper application of this approval criteria would be if either 030.D.1 or 030.D.2 are not met, then the designation can be removed. The criteria to designate a resource require that both significance (040.D.1) and integrity (040.D.2) exist. In other words, if something had significance but did not have integrity, then it would not be designated as a historic resource. Thus, it follows that if something no longer has significance or no longer has integrity, de-designation would be appropriate. As currently written, a resource would have to lose both significant and integrity before it can be de-designated.

This amendment makes clear that it is "either/or" and not both of the criteria that is no longer met.

33.846 Historic Resource Reviews

846

33.846.040 Historic Designation Removal Review

A-B. [No change]

C. **Approval criteria.** Proposals to remove the designation from a historic resource or change the level of protection of a historic resource will be approved if the review body finds that one of the following approval criteria are met:

1. Loss of historic value. Information shows that the resource does not meet the applicable criteria for historic designation review in Sections 33.846.030.D.1. ~~and~~or D.2;
- 2-3. [No change]

Commentary

33.910.030 Definitions

TA24 - Age-friendly amendments

Disabled Person

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's Inclusive Writing Guide, which includes best practices for age-friendly terminology.

MP4 - Drive aisle width

Driveway

This amendment clarifies that the area behind a parking space is maneuvering area (such as an aisle) and not a driveway. This is intended to make it clear that area behind parking spaces, whether the parking space is in structured parking or on a surface lot, is maneuvering area and therefore subject to the parking space and aisle width standards in 33.266.130.

33.910 Definitions

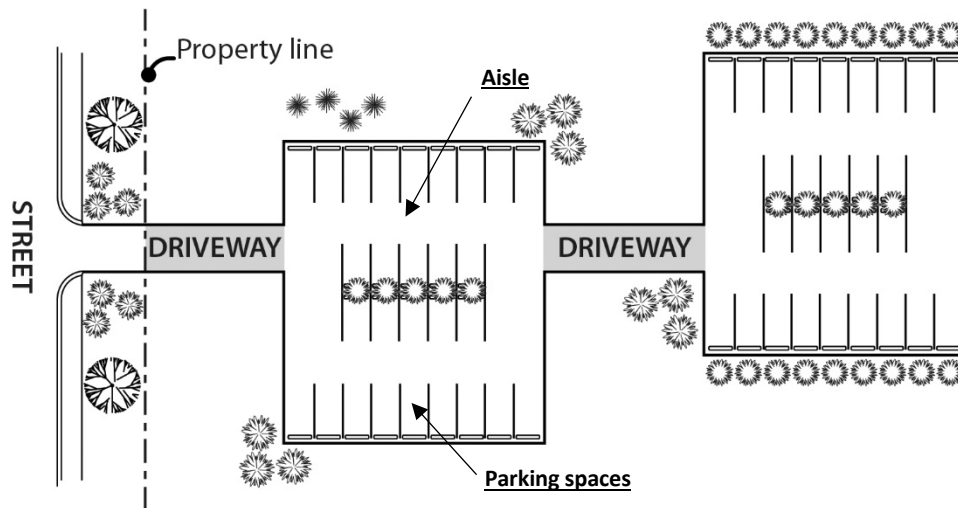
910

Disabled Person. For the purposes of Chapter 33.229, ~~Elderly and Disabled Senior and Accessible 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.

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. See Figure 910-13; 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.

Figure 910-13
Driveway, Parking and Maneuvering



Commentary

33.910.030 Definitions

MP6 - Fleet parking

Exterior Storage:

When vehicles, such as ambulances, cabs, jitney buses and other similar "fleet-type" vehicles, are stored on a site there area where they are stored is currently treated as parking area despite the fact that the area has very different characteristics than a parking lot. Applying the various parking area standards to this type of storage (interior and perimeter landscaping, maximum parking ratios, etc.) doesn't make sense. In addition, the storage of vehicles at a port facility and the parking of inoperable or towed vehicles at an impound lot are both considered to be exterior storage. This amendment makes it clear that fleet parking is also exterior storage.

MP10 - Exterior work activities

Exterior Work Activities

This amendment clarifies that other exterior activities such as outdoor eating or recreation areas are not categorized with exterior work activities.

TA30 - Maintained Street definition

Maintained Street

The definition of maintained street is one that has been accepted for maintenance by the City of Portland, Multnomah County or the State of Oregon. However, the Portland Zoning Code also applies in portions of Clackamas and Washington counties. This amendment updates the definition to include streets accepted for maintenance by Clackamas or Washington County.

MP7 - Setback and screening standards for mechanical equipment

Mechanical Equipment:

Mechanical equipment is not currently defined in the code, which can lead to confusion over what constitutes mechanical equipment for setback and screening purposes. Presently, there are incomplete descriptions of mechanical equipment in Chapters 33.110 and 33.120. Rather than continue to add to the list as new questions about mechanical equipment arise those descriptions are being removed and a definition is being added to 33.910.

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 fleet vehicles is considered exterior storage. 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. Except for the activities listed above, exterior work activities do not include outdoor activities associated with a commercial or institutional use. Exterior work activities also do not include ~~normal~~ pick-up and deliveries to a site, parking, or excavation and fills, ~~exterior eating areas, outdoor recreation, or outdoor markets.~~ See Exterior Display and Exterior Storage.

Maintained street. A maintained street is a street that has been accepted for maintenance by the City of Portland, Clackamas, Multnomah, or Washington County, or the State of Oregon. See Title 17.42, Property Owner Responsibility for Streets.

Mechanical Equipment. Mechanical equipment includes devices and systems used in building operations for climate control, utility delivery, management of environmental factors, or building operations. Examples include heating and cooling system units, pumps, generators, utility cabinets, transformers, radon mitigation equipment, elevator lifts, electrical vehicle charging stations, and similar equipment.

Commentary

TA32 - Public Notice of legislative projects

Recognized Organizations

The zoning code procedures for legislative projects requires notice to recognized organizations. Currently, the definition of recognized organizations includes "organizations participating in Civic Life's Diversity and Leadership Program", otherwise known as the DCL partners. The DCL partner organizations have requested to be removed from the notice list.

TA24 - Age-friendly amendments

Residential Facility

Residential Home

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's Inclusive Writing Guide, which includes best practices for age-friendly terminology.

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

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.~~

Residential Facility. A residence for 6 to 15 ~~physically or mentally disabled~~ persons with physical or intellectual disabilities, 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 with physical or intellectual disabilities, 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.

Commentary

TA24 - Age-friendly amendments

33.920.100

33.920.420

Title 33 has outdated language related to aging and disability that is being updated to bring Title 33 into alignment with the City of Portland's *Inclusive Writing Guide*, which includes best practices for age-friendly terminology. This amendment changes "persons with disabling conditions" to "persons with disabilities".

MP18 - Medium- sized entertainment venues

33.920.230

The code is not clear as to whether medium-sized entertainment venues are considered Retail Sales And Service or Major Event Entertainment uses. Section 33.920.230 describes a Major Event Entertainment uses as those "characterized by activities and structures that draw large numbers of people to specific events or shows." There is no further clarification or any limitations on the scale of such a venue though there is an exception stating that exhibition and meeting areas of less than 20,000 square feet are classified as Retail Sales And Service use.

Section 33.920.250 describes Retail Sales and Services and includes "theaters" as an example of an entertainment-oriented Retail Sales And Service use, but there is no further elaboration at what scale a theater would become a Major Event Entertainment use. The distinction matters because there are more limitations on where a Major Event Entertainment can be located and also generally requires conditional use approval.

This amendment builds off the exception for smaller exhibition and meeting areas to classify entertainment venues of less than 20,000 square feet of event area as a Retail Sales And Service use.

33.920 Description of Use Categories

920

33.920.100 Group Living

A-B. [No change]

- 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 disabilities~~living conditions~~; and some residential programs for drug and alcohol treatment.

33.920.230 Major Event Entertainment

A-C. [No change]

D. **Exceptions.**

1. Exhibition and meeting areas and entertainment venues 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.

33.920.420 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. [No change]
- 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 disabilities~~living conditions~~, crematoriums, columbariums, mausoleums, park-and-ride facilities for mass transit, and charitable meal service or food distribution centers.
- D. [No change]

Commentary

TA8 - Limited uses and eating areas

33.930.055

Use limits in the base zones refer to building/floor area and exterior display and storage. However, the section on how to measure use limits (33.930.055) describes that exterior eating area also counts toward the limit. This amendment clarifies that outdoor eating area is counted towards a limited use area and also that generally whether exterior storage, display, and activities count towards the limit are spelled out in the base zones.

33.930 Measurements

930

33.930.055 Measuring the Area of Limited Uses

The extent of allowed area for a use that is limited in size is determined by adding the square footage that the use occupies ~~including exterior eating areas.~~

Area devoted to mechanical equipment, elevators, and stairwells are not included.

In multi-tenant buildings common areas, such as lobbies, bathrooms and hallways are not included when other permitted primary uses that are not limited uses occupy the building.

Regulations in the base zone, overlay zone or plan district may specify additional area that is either included or excluded from the total area, such as parking area, ~~and exterior storage, or exterior display,~~ or activities.

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

Section IV: Sign Code Amendments

This section presents amendments to Title 32, Signs and Related Regulations. The section is formatted to facilitate readability by showing code amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

- Language to be added is show in underline.
- Language to be deleted is show in ~~strikethrough~~.

Commentary

Background

The following regulations add flexibility to the sign code for Parks And Open Areas uses. The intent is to allow a modest amount of signage at public parks and to treat parks and open areas similar to other community serving areas and school sites. Large park areas often require signage to help orient visitors to the area. The changes also provide an opportunity for parks, schools, and other institutional and community serving uses to provide small changing image signs that can provide up to date messaging such as special events.

32.12.020 Exemptions

This section is not changing but is provided here to illustrate that the sign code is not intended to apply to signs that are not adjacent to a right-of-way or an adjacent property. The definition of right-of-way within the sign code is different from the definition in the zoning code (Title 33), due to changes made in Title 33 over time. The definition of right-of-way is being amended in the following pages to eliminate the confusion that has occurred especially on larger sites that include driveways and vehicle connections that have not formally been dedicated as right-of-way.

Title 32 Signs and Related Regulations

(Title replaced by Ordinance 175204, effective March 1, 2001.)

Chapter 32.12 Authority and Scope

32.12.010 [No change]

32.12.020 Exemptions.

(Amended by Ordinances 178946, 182962, 188959, 189137 and 189805, effective March 1, 2020.)

The following are exempt from the regulations of this Title, but may be subject to other portions of the City Code:

A. Signs which are not visible from a right-of-way or another property; however signs located within malls and atriums must comply with all provisions of this Title except Chapters 32.30 through 32.38;

B-J. [No change]

Commentary

32.22.020 Definitions

RR. Right-of-way

The Title 32 definition of right-of-way originally matched the definition of right-of-way in the zoning code (Title 33, Planning & Zoning). The intent was to have the same definitions in both titles. However, over time the right-of-way definition in the zoning code has been amended without corresponding amendments in the sign code to keep them on par.

This amendment updates the definition of right-of-way in the sign code to match the definition that is in the zoning code. This clarifies the original intent that the sign code's land use regulations are not intended to apply to signage that is along vehicle or pedestrian accessways internal to the site not formally recognized as public or private rights-of-way, as long as the signage is also not visible from adjoining properties.

Chapter 32.20 Applying the Code Language [No change]

Chapter 32.22 Definitions

32.22.010 General.

Words used in this Title have their normal dictionary meaning unless they are listed in Section 32.22.020, below. Words listed in Section 32.22.020 have the specific meaning stated or referenced, unless the context clearly indicates another meaning.

32.22.020 Definitions.

(Amended by Ordinances 176469, 176955, 182671 and 191736, effective July 1, 2024.)

A-QQ. [No change]

RR. 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 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. ~~A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.~~

SS-LLL. [No change]

Commentary

32.24.010 Sign Face Area

B. Backed signs

This amendment corrects the reference to changing image signs for determining the sign area. At some point, changing image sign regulations moved from paragraph F. to paragraph D., but the change was not updated in this section.

32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.

Table 1

This amendment allows Parks And Open Areas uses to be subject to the sign allowances Parks And Open Areas to be subject to the same sign allowances as schools, colleges, and other institutional and community serving uses. Going forward, Parks & Open Area uses will be subject to the sign allowances that apply the RX zone. The RX zone allows larger signs by right and potentially more signs based upon the amount of frontage on a right-of-way. It also allows signs attached to buildings and a greater variety of free-standing signs, while still maintaining a modest overall amount of signage. The change provides some greater flexibility for signage within our parks areas and may reduce the number of situations where adjustments are required. In conjunction with the other amendments to this title, it will allow additional signage to benefit visitors in our larger park areas

The amendments are shown on the second page of Table 1.

Chapter 32.24 Measurements

32.24.010 Sign Face Area.

(Amended by Ordinance 176469, effective July 1, 2002.)

A. [No change]

B. Backed signs. Only one side of a backed sign is counted in determining the area of sign faces. Where the two sides are not of equal size, the larger of the two sides is used for the determination of sign area. For changing image features, see Section 32.32.030 ~~DF~~.1. See Figure 3.

C-I. [No change]

Chapter 32.32 Base Zone Regulations

32.32.010 Standards in the Residential Zones, Campus Institution 1, Commercial Residential, and Open Space Zone.

(Amended by Ordinances 176469, 188959, 189137 and 189805, effective March 1, 2020.)

A. General standards. The standards for permanent signs in the RF through RM4 zones and for the RMP, IR, CI1, CR and OS zones are stated in Table 1. The sign standards for the RX zone are stated in Table 2. All signs must conform to the regulations of Section 32.32.030.

Table 1 Standards for Permanent Signs in CI1, CR, IR, OS and RF Through RM4 Zones [1]					
Use Category/Structure Type [2]	Number of Signs	Max. Sign Face Area	Types of Signs Allowed	Maximum Sign Height	Additional Signs Allowed [3]
Household Living/ Houses, Duplexes, Attached Houses.	1 per site	1 sq. ft.	Painted Wall Freestanding	Top of wall, or 10 ft. whichever is less. 6 ft.	lawn signs, directional signs

Commentary

Table 1
Standards for Permanent Signs in CII, CR, IR, OS and RF Through RM4 Zones [1]

Household Living/ Townhouse, Multi- dwelling Group Living, Day Care, Nonresidential category uses not listed below.	1 per building	10 sq. ft.	Fascia, Awning, Painted Wall Freestandi ng	Top of wall 10 ft.	lawn signs, directional signs
Subdivisions, PUDs, Houseboat Moorages, Mobile Home Parks, Agricultural Uses. [4] Parks and Open Areas [5] <u>Parks And Open Areas</u> , Colleges, Community Service, Medical Centers, Religious Institutions, Schools, Commercial Outdoor Recreation, Major Event Entertainment, and uses in Commercial and Industrial use categories.	1 per entrance 1 per street frontage	32 sq. ft. 10 sq. ft.	Monument Monument	10 ft. 10 ft	lawn signs, directional signs lawn signs, directional signs The sign standards of the RX zones applies. See Section 32.32.020.
Notes: [1] Temporary signs are regulated by 32.32.030 K, Temporary Signs. [2] See 32.30.030, Uses, Use Categories, and Structure Types. [3] These signs are allowed in addition to other signs when they meet the standards of 32.32.030 H.-J. [4] These signs are allowed in addition to those for individual buildings. [5] Signs in, or adjacent to and facing, a sports fields associated with Parks and Open Areas are subject to the standards of the RX zone. See 32.32.020.					

Commentary

32.32.020 Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones.

Table 3 Sign Features for All Signs in Table 2

This table provides additional information regulating specific features of signs including changing image signs and signs that project into the right-of-way. However, the main distinction within the table is that it prohibits changing image signs in situation where signage is regulated by the RX zone or in the CM1 zone. With the amendments above, Parks And Open Areas uses, along with schools, colleges and community service uses that are located within residential or open space zones, will be subject to the standards of the RX zone. These uses often stage events and activities for visitors and students and can benefit from having small changing image signs that provide moving information or reader boards for those visiting the site, such as special parks events, and school events such as graduations or games. In the case of Washington park, a changing image sign can aid visitors to find available parking spaces, eliminating the need for visitors to circle the parking lots in search of an available spot.

The amendment moves the RX zone from the column under which changing image signs are prohibited to the column that allows modest changing image signs. The provision still directs readers to the special regulations that apply to changing image signs, which limit their overall size and do not allow adjustments except in specific situations (such as for a sports field scoreboard).

32.32.020 Standards in the Commercial/Mixed Use, Campus Institution 2, Employment, and Industrial Zones.

(Amended by Ordinances 176469, 188959, and 191959, effective March 1, 2025.)

A-C. [No change]

Table 3 Sign Features for All Signs In Table 2		
-	<u>RX</u> , CE, CI2, CM2, CM3, CX, EG1&2, EX, IG&2, IH	CM1, RX
Changing Image Sign Features (see 32.32.030.D)	Yes [1]	No[2]
Lighting	Direct, Indirect, or Internal	Same
Maximum Distance Extending Into R-O-W (see 32.32.030.C)	6-1/2 ft. or 2/3 of distance to roadway, whichever is less	Same
Maximum Area Extending into R-O-W (see 32.32.030.C)	30 sq. ft.	Same
Yes = Allowed No = Prohibited Notes: [1] Changing image sign features are allowed in the <u>RX</u> , CE, CI2, CM2, CM3, CX, EG1 &2, EX, IG1 &2, and IH zones if they meet the standards of 32.32.030 D., Changing image sign features. [2] Changing image sign features are prohibited in the RX, CH, and CM1 zones; except, changing image sign features are allowed in these zones if the sign is in, or adjacent to and facing, a sports field and meets the standards of 32.32.030 <u>DE</u> , Changing image sign features.		

Commentary

32.32.030 Additional Standards in All Zones.

D. Changing image sign features.

The regulations in this section provide additional standards for changing image signs. Generally, these regulations limit the size of changing image signs, and include an additional set of standards if the changing image sign is for a sports field. With the additional flexibility granted toward signage for parks and recreation uses, these standards are being updated to ensure that general changing image signs for parks uses are used at larger park facilities where they can provide information such as special events or parking limitations. The other standard that limits the hours of operation for a changing image sign adjacent to a sports field in certain zones is being retained.

32.32.030 Additional Standards in All Zones.

(Amended by Ordinances 176469, 185915, 188959, 189805, and 191959, effective March 1, 2025.)

A-C. [No change]

D. Changing image sign features.

1. Size. Where allowed under this Title, changing image sign features are limited to a total combined area of 20 square feet per site. No single sign may have more than 10 square feet of changing image sign features unless those features cover less than 60 percent of the face of the sign. Each area of changing image feature on each sign face is included in the total for the site. Section 32.24.010 B., Backed Signs, may not be applied to changing image sign features.

2. Brightness. Changing image sign features are subject to the glare standards of Chapter 33.262, Off-site impacts.

3. Signs for Parks And Opens Areas uses in R or OS zones. Changing image sign features for Parks and Open Space uses must meet one of the following:

a. The sign is located in, or adjacent to and facing, a sports field.

b. The sign is located on a site that is at least 5 acres.

43. Signs located in, or adjacent to and facing, a sports field in an R, OS, or CI1 zone. Changing image sign features may be turned on no sooner than one hour before scheduled events and must be turned off no later than one hour after scheduled events, subject to the standards of the CI1, or CM1 zone. If the sign is subject to the standards of the CI1, or CM1 zone, changing image sign features are allowed if the sign meets the standards of a. and b., below. All other changing image sign features are prohibited.

a. ~~Location. The sign must be in, or adjacent to and facing, a sports field.~~

b. ~~Duration. The changing image sign features may be turned on no sooner than one hour before scheduled events and must be turned off no later than one hour after scheduled events.~~

Commentary

D. Changing image sign features.

4. These regulations provide the option to request larger changing image features for certain types of uses/developments through the adjustment or modification process. The provisions are not being changed. However, they do not refer to the currently available option to modify standards through the historic resource review, which is an update/renamed version of the older historic design review. The amendments update the provisions to include the use of modifications through the historic resource review.

4. Modifications or adjustments to the size standard. Modifications through design review or historic resource review or adjustments to this regulation are prohibited, except as stated in paragraphs 4.b. through 4.d., below:

a. Purpose. The character, scale and special communication needs of bright lights districts, sports fields and Major Event Entertainment uses may support the use of changing image sign features that are larger than 20 square feet. The scale, multiple use and special communication needs of sites with major event entertainment uses may support the use of changing image sign features that are substantially larger than 20 square feet.

b. Broadway “bright lights” district. In the Broadway “bright lights” Unique Sign District of the Downtown Design District, a modification through design review or historic resource review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.

c. Major Event Entertainment. If the sign is on a site that contains a Major Event Entertainment use, an adjustment or a modification through design review or historic resource review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.

d. Sports field. If the sign is in, or adjacent to and facing, a sports field, an adjustment or a modification through design review or historic resource review to allow more than 20 square feet of changing image sign features on a site, or more than 10 square feet of changing image sign features on a sign, may be requested.

