



Bureau of Planning and Sustainability

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MEMO

DATE: August 16, 2016
TO: Planning and Sustainability Commission
FROM: Barry Manning, Project Manager
CC: Susan Anderson, Joe Zehnder, Eric Engstrom, Bill Cunningham, BPS
SUBJECT: Mixed Use Zones Project — Final PSC Work Session

This is a revised version of the staff memo and attachment dated August 12, 2016. It clarifies the approach in Sellwood on Topic 1 of the memo (page 2), corrects a pagination error in Zoning Code Chapter 33.130, and makes a correction to Table 825-1 on page 299.

At the Planning and Sustainability Commission meeting on August 23, 2016, the Commission will hold a final work session on the Mixed Use Zones Project. Staff's memo to PSC dated May 23, 2016 identified a number of thematic topics to address in work sessions. These topics have been addressed and changes in response to PSC directions on them have been incorporated into an Amended Proposed Zoning Map and Amended Proposed Zoning Code. The Amended Proposed Zoning Code is an attachment to this memo for your review. If Commissioners wish to propose any code amendments, staff requests the proposals be sent to Barry Manning, Bill Cunningham, and Julie Ocken by Tuesday, August 16, 2016, and staff will forward these to other Commissioners on August 22, 2016.

Below, staff has provided a table describing how the issues that PSC identified for staff to address have been resolved and references to code amendments, where applicable. Please note that the Amended Proposed Zoning Code also includes a number of minor technical and clarifying amendments requested by the Bureau of Development Services (BDS); these amendments are not called out in the table below.

Please contact me at 503-823-7965 or barry.manning@portlandoregon.gov if you have questions.



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Topic	Issue	PSC Direction	Staff Approach and Code Reference
1	Low-rise Commercial Storefront zoning proposal	PSC reviewed the proposed Low-rise Commercial storefront areas are recommended zoning changes on 5/24/16 and 8/9/16 in response to testimony.	<p>Staff amended the zoning map to change zoning from CM1 to CM2 in the following low-rise areas:</p> <ul style="list-style-type: none"> • NE Alberta • SE Division • Roseway • Parkrose • Kerns • SE Hawthorne • SE Foster • SE Woodstock • Montavilla • Moreland • Sellwood, North of Tenino <p>The following were retained in the CM1 zone:</p> <ul style="list-style-type: none"> • Belmont • Multnomah Village • Sellwood, South of Tenino
2	Transportation Demand Management Proposal.	PSC held work sessions with PBOT staff to address TDM implementation details.	<p>Staff proposes to amend the zoning code to clarify that the TDM requirements will only apply to the addition of 10 new dwelling units on a site.</p> <p>See section 33.266.410.B.</p>
3	Floor Area Ratios for Base and Bonus.	PSC recommended retaining the proposed base and bonus floor area ratios for the CM1, CM2, CM3, and CE zones.	No change.
4.1.C	Height limits.	PSC recommended allowing more flexibility for height limits to accommodate high ceilings, ground floor retail and mechanized parking stackers.	<p>Staff made the following code changes in response to PSC direction:</p> <ul style="list-style-type: none"> • Retain base height limits as proposed – see Table 130-2. • Allow an additional 5 feet of height overall in the CM1, CM2, CM3 and CE zones for when the ground floor ceiling height is at least 15 feet. • See section 33.130.210.C.8.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
4.2.A	Height step down to Residentially zoned properties.	PSC recommended retraining the step downs to adjacent Residentially-zoned property.	No change.
4.2.B	Height step backs in CM2 and CM3 zones when bonus is used.	PSC recommended eliminating the step back for bonus height in the CM2 and CM3 zones.	Staff eliminated the code provision for bonus height step back.
4.2.C	CM3 zone height step-back over 55' on narrow streets.	PSC supported the staff recommendation to eliminate the height step back on narrow streets in the CM3 zone, as these developments are subject to design review.	Staff eliminated the code provision for height step back on narrow streets.
4.3.A	Façade Articulation requirement.	PSC recommended changing the façade articulation requirement to allow extensions into ROW to count toward meeting the standard.	Staff amended the code to allow projections into the ROW to count toward meeting articulation requirement. See 33.130.222C.2.
5.1.A	Zoning allowances for Quick Vehicle Servicing uses and drive through facilities.	PSC recommended retaining the proposed allowances: <ul style="list-style-type: none"> • Allow in CE; • Prohibit new in CM1, CM2, and CM3. 	No substantive change.
5.1.B	Zoning code allowances to make existing Quick Vehicle Servicing uses and drive through facilities allowed.	PSC supported the staff recommendation to change the proposed code to make existing Quick Vehicle Servicing uses and drive through facilities allowed.	Staff amended the proposed code to reflect this difference in approach. See sections: 33.130.100.B.2.d; 33.130.260.C.1
5.1.C	Zoning code allowances for “click and collect” facilities for grocers and large retailers.	PSC supported the staff proposal to differentiate “click and collect” facilities from drive through facilities.	Staff amended the proposed code to reflect this difference in approach. See changes in Definitions – 33.910
5.1.D	Prohibitions on Quick Vehicle Servicing uses and drive through facilities in the Centers Main Street Overlay zone.	PSC supported staff proposal to maintain prohibitions on Quick Vehicle Servicing uses and drive through facilities in the Centers Main Street Overlay zone. On 8/9/16 PSC reviewed and supported proposed amendments to Centers Main Street overlay zone boundaries	No change to code. Staff amended the Proposed Zoning map to reflect this direction.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
		related to this issue in the following areas: Cully, Roseway, and Midway.	
5.2.A	Buffering standards to allow drive thru and exterior work activities closer to Residential zones (25'); mitigate impacts with landscaping.	PSC supported the staff proposal to revise the code to not allow drive through facilities within 25 feet of a residentially zoned property and to remove the prohibition on locations across the street from residential zones.	Staff amended the code to reflect PSC direction on this issue. See code sections: 33.130.260.D. and 33.130.245.D.
6.1	CE Zoning change requests	PSC supported the staff recommendation for a limited number of CE zoning map amendments. These were discussed on 6/28/16. The PSC agreed with staff recommendation to not make further zoning changes to CE in Centers, and to not make additional zoning amendments to CE more broadly in support of Policy 4.24. The PSC directed staff to amend the zoning on 1N1E36B 100 and 1N1E25CC 19300 (Hollywood West Fred Meyer) to CM2, and to retain the CM2 zone on 1N2E19DA 11500, 1N2E19DA 11501, 1N2E19DA 11502, 1N2E19DA 11503 (Cully Albertsons).	Staff amended the Proposed Zoning map to reflect PSC direction from the work session on August 9, 2016. Regarding the Fred Meyer site, staff also proposed to rezone the following adjacent taxlots to CM2 to create a consistent zoning pattern: 1N1E36BB 200, 1N1E25CD 13600, 1N1E25CD 12900, 1N1E36BB 8800.
6.2.A	Development standards in CE zone.	PSC recommended retaining the proposed development standards for building orientation and windows in the CE zone.	No code change.
6.2.B	Size threshold for alternative setbacks for large retail uses.	PSC recommended retaining the proposed 60,000 square foot threshold for this alternative setbacks for large retail uses provision.	No code change.
7.1.A	Required residential open area size.	PSC expressed concern about the proposed 48 square foot per unit requirement, particularly on small lots and in dense urban situations. PSC recommended	Staff amended the code to create a two-tiered approach to the open area standards:

Topic	Issue	PSC Direction	Staff Approach and Code Reference
		<p>staff explore a two-tiered system and consider a 36 square foot per unit standard in some situations.</p>	<ul style="list-style-type: none"> • the 48 square foot per unit standard is retained for lots over 20,000 square feet; • the standard is reduced to 36 square feet per unit for lots 20,000 square feet or less in size. <p>See section 33.130.228.B.1.</p>
7.1.B	10' setback on outer Civic Corridors.	<p>Some PSC members expressed concern about the requirement for a 10 foot setback on Civic Corridors in Eastern and Western pattern areas, due to its potential to create a landscape barrier from buildings, and the lack of specificity in the standards for treatments within the setback. PSC asked staff to consider options including changes to standards to provide more certainty about outcomes.</p>	<p>Staff recommends retaining the proposal for a 10-foot setback along the mapped Civic Corridors, for the following reasons:</p> <ul style="list-style-type: none"> • Providing opportunities for green elements in required setbacks helps implement Comp Policies related to increasing green elements along Civic Corridors and encouraging development to respond to the vegetated character of the Eastern and Western pattern areas. • The setback also provides opportunities for additional pedestrian/activity space and separation from the high levels of traffic along these major streets to provide a better environment for building users, especially residents. • Except for residential uses, this setback would be subject to standards that require at least 50 percent of the area to be hard surfaced for use by pedestrians, and street orientation standards that require commercial spaces to have pedestrian connections to transit streets and ground-floor windows. • The combination of these street frontage requirements should be sufficient to ensure that the

Topic	Issue	PSC Direction	Staff Approach and Code Reference
			<p>setback does not serve as a barrier between buildings and corridor sidewalks, while providing flexibility for a range of design approaches.</p> <p>If the PSC wishes to pursue a different approach, staff suggests considering the following options:</p> <ol style="list-style-type: none"> 1. <u>Require trees in the setback,</u> planted linearly along the setback, including within areas hard surfaced for pedestrians (apply L1 tree spacing standard). This could result in outcomes similar to the PCC frontage along SE 82nd – trees in the setback combining with street trees to create a double row of trees flanking the sidewalk. However, this prescriptive requirement may make it more difficult to pursue a range of potentially positive uses of setback areas, such as outdoor seating areas. 2. <u>Reduce the required setback</u> along the mapped Civic Corridors to 5 feet. This would reduce the separation between sidewalks and buildings, but would provide less space for landscaping/greening and pedestrian/activity areas and less buffering for building users. 3. <u>Eliminate the required setback</u> and rely on base zone standards for these Civic Corridors. This option would not as proactively implement Comp Plan policy for Civic Corridors and respond to pattern area characteristics.
7.1.C	LEED requirement in Planned Development Bonus.	PSC expressed concern about including references to a proprietary energy efficiency standard in the code and	Staff amended the commentary for 33.270.200 to eliminate the reference.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
		recommended removing it from code and commentary.	
7.1.D	Sandy Boulevard step-down height transitions.	PSC expressed concern about this step-down, and interest in revisiting the step down standards at a future date.	No code change.
7.1.E	Operating Hours in the CM1 zone; change threshold size (15,000 sf) and broaden the application of limitations from surrounding single-dwelling zones to include MFR multi-dwelling.	<p>PSC requested that staff address issues of concern on this topic brought up in testimony.</p> <p>PSC discussed this issue on 8/2/16 and in the mapping work session on 8/9/16. Staff proposed, and PSC supported, applying this new zone on a limited number of sites initially, but not on sites where surrounding zoning is multi-dwelling.</p>	<p>Staff developed a new/additional small scale Commercial Residential (CR) zone to address this issue. The CR zone would be applied in limited situations where a current nonconforming use exists in the context of a residential area or where an existing small neighborhood commercial zone exists in a similar residential context.</p> <p>The issue and proposed map was discussed by PSC on 8/2/16 and 8/9/16.</p> <p>The CR zone would allow 30' height; FAR of 1:1; and limited commercial uses and size allowances. Residential density is limited to 1 unit per 2,500 square feet of site area when commercial uses are not on site.</p> <p>See Table 130-1.</p>
7.1.F	Require Commercial uses in the CM1 zone.	PSC requested that staff address issues of concern on this topic brought up in testimony.	<p>Staff proposed a new CR zone to facilitate commercial uses and limit impacts to surrounding residential areas. See Item 7.1.E, above.</p> <p>Staff did not include a requirement for Commercial use on site because of difficulty of enforcement and the possibility of unintended consequences.</p>
7.1.G	Ground floor window height issue.	PSC requested that staff respond to testimony from community members concerned about the placement, height and	Staff revised code to address issues addressed in testimony, and incorporated changes to ensure windows relate to pedestrian viewing areas.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
		measurement of ground floor windows.	See section 33.130.230.C.
7.1.H	Rooftop mechanical and stairwell enclosures allowances.	PSC raised concerns that required step backs combined with open space requirements will make meeting the exceptions of 15' setbacks for stair enclosures difficult to achieve.	Staff amended the code to remove step-backs as directed by PSC which addresses the issue. PSC directed staff to make changes to open area requirements – see Topic 7.1.A. No changes to majority of Height exceptions (33.130.210.C).
7.1.I	Auto-Accommodating Development (33.910)	PSC supported staff's proposal to retain "Auto Accommodating." This term is used in the zoning code to describe uses, situations and developments that are designed for both vehicle and pedestrian access (limited setback from street, entrances close to sidewalk, windows etc.). Using "Auto-Oriented" suggests that pedestrian oriented features are less important.	No code change.
7.2.A	Ground Floor Windows – require 50% overall.	PSC supported the staff recommendation to retain the proposed ground floor window standard percentages: 40% generally; 60% in the Centers Main Street overlay zone.	No code change.
7.2.B	Limit Ground Floor Residential uses and require separate entrances for each ground-level residential unit.	PSC supported the staff recommendation to retain the proposed approach and standards.	No code change.
7.2.C	TDR radius – apply a two-mile radius standard.	PSC supported the staff recommendation to amend the standard to a two-mile radius.	Staff amended the proposed code to address this issue. See section 33.130.205.C.5.
7.2.D	Apply minimum FARs to all Commercial/Mixed Use Zones.	PSC supported the staff recommendation to retain the proposed standards which apply minimum FAR only in the	No code change.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
		Centers Main Street overlay zone area.	
7.3.A	Relationship between MUZ and Title 11, Trees.	PSC supported the staff recommendation to work with the Urban Forestry Commission to review and discuss the MUZ, and future proposed changes to Title 11	No code change.
7.4.A	Height measurement standards for Commercial/Mixed-Use zones.	PSC requested that staff address BDS concerns about the height measurement approach for Commercial/Mixed Use zones.	Staff met with BDS staff to clarify their concerns and has amended the code/moved the location of the measurement approach to conform with existing codes. See section 33.930.050.A.3.
7.4.B	Setback requirements for residential windows.	PSC supported the staff recommendation to retain the proposed 5-foot window setback.	No code change.
7.4.C	Ground floor windows: clarify qualifying areas; add minimum 24" depth of display area; clarify parking structures; application on sloped sites.	PSC requested that staff address BDS concerns about ground floor windows, including clarifying qualifying areas; adding minimum 24" depth of display area; clarifying application to parking structures and on sloped sites.	Staff met with BDS staff to clarify their concerns and has amended the code to address issues where appropriate. See sections: 33.130.230.B through E.
7.4.D	Consider eliminating specific plan districts, or incorporate plan district provisions into base zone. Drop specific references to allowed and prohibited materials in plan districts.	PSC requested that staff address BDS concerns about plan districts and code references about materials.	Staff met with BDS staff to clarify their concerns and has amended the code to address issues where appropriate. See sections: 33.520.110.B and 33.545.120.C.4.
7.5.A	Agriculture uses.	PSC supported the staff recommendation to revise the code to allow Limited Agriculture use in CM3 and CE zone up to the size limits	Staff amended the code to allow limited Agriculture use in CM3 and CE zones. See section 33.130.100.B.12.

Topic	Issue	PSC Direction	Staff Approach and Code Reference
New Item: 8	Additional use and development standards in the CM1 zone in the Centers Main Street overlay zone.	<p>allowed for industrial uses: CM3: 1:1 FAR; CE: 40,000 SF.</p> <p>The Centers Main Street overlay zone ('m' overlay) provides additional use and development standards in the CM1 zone to implement the Low-rise Commercial Storefront proposal.</p> <p>Staff is proposing to:</p> <ul style="list-style-type: none"> • Address an issue PSC heard in testimony that some uses would not be allowed by the CM1 zone in the Low-rise Commercial Storefront areas. • Adjust the allowed FAR in the CM1 zone in the 'm' overlay zone from 2:1 to 2.5:1 to better align with the base FAR allowances in CM2 zone (2.5:1), and better facilitate FAR transfer from historic resources. 	<p>Staff proposed amendments to the Additional Use and Development Standards in the CM1 Zone in the 'm' overlay zone. These changes would only affect properties that remain designated CM1 as part of the original Low-rise Commercial Storefront proposal (Multnomah, Belmont, SE 13th/Sellwood, south of Tenino).</p> <p>The proposed amendments:</p> <ul style="list-style-type: none"> • Allow limited Manufacturing and Production and Wholesale Sales uses to the same level as allowed by the CM2 zone. • Allow the same FAR as the base CM2 zone (2.5:1), which may facilitate historic TDR. <p>See section: 33.415.410.D and 33.415.410.E.</p>
New Item: 9	Revisions and Clarification to Design Review Procedure types		<p>Staff has proposed to amend Chapter 33.825 to clarify the Design Review procedure types appropriate for Mixed Use Zones.</p> <p>In general, the procedure type for development subject to design review in the Commercial/Mixed Use Zones is proposed to be a Type II procedure, unless the another review type is specified in the table. This clarification is necessary, because areas where the design overlay zone are being added as part of MUZ are proposed to be Type II procedures, but are not in specific plan districts, overlay zones or other areas where a procedure is specified.</p>

Topic	Issue	PSC Direction	Staff Approach and Code Reference
			<p>The procedure type for development using the Planned Development Bonus is a Type III.</p> <p>References to the existing Main Street Node and Main Street Corridor overlay zones are being removed as these overlays are being repealed and replaced by plan districts.</p> <p>See 33.825.025</p>

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33.130 Commercial/Mixed Use Zones

Commentary on draft Chapter 33.130 code amendments is in summary form. For more detail on the concepts and research related to the draft code amendments, see the *Mixed Use Zones Project Code Concepts Report* and its appendices.

Note: This is a substantial rewrite of an existing code chapter. For readability, ~~striethrough~~ and underline is not used. The use of **shading** indicates blocks of code text with no substantive changes.

Commentary

33.130 Commercial/Mixed Use Zones

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Sections:

General

- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
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- 33.130.240 Pedestrian Standards
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- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Residential and Mixed-Use Developments
- 33.130.255 Trucks and Equipment
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- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
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- 33.130.290 Parking, Loading, and Transportation Demand Management
- 33.130.292 Street and Pedestrian Connections
- 33.130.295 Signs
- 33.130.305 Superblock Requirements
- 33.130.310 Recycling Areas

Commentary

33.130.010 Purpose

The purpose statement for the Commercial/Mixed Use Zones is recast to capture their role in meeting Comprehensive Plan goals and policies, which include allowing commercial and mixed use development as key components of complete neighborhoods, as well as related goals for place making and creating innovative, high quality development.

33.130.020 List of the Commercial/Mixed Use Zones

The number of zones is reduced from eight to six: CR, CM1, CM2, CM3, CE, and CX. The CM1 is small scale (35'), replacing CN1/2 and CO1; the CM2 is medium scale (45'), replacing CS, CM, CO2, and in some locations CG; the CM3 is large scale (65'), replacing CX and EX as applied outside of the Central City and Gateway; the CE is medium scale (45'), with more auto-oriented and employment allowances. The CX zones continues to be applied primarily in the Central City and Gateway plan districts. The CR zone is applied primarily to small retail uses on properties located in the midst of residential areas (these properties were often previously non-conforming commercial uses with residential zoning).

33.130.030 Characteristics of the Zones

The new Comprehensive Plan changes the Comprehensive Plan designation-to-zoning relationship from a nearly one-to-one relationship to a one-to-many relationship. Several new mixed use Comprehensive Plan Map designations will be associated with more than one zone (see table below), so more guidance is needed for when it is appropriate to apply one zone versus another. This is particularly true for quasi-judicial zone changes in conformance with the Comprehensive Plan Map designation. To help inform decisions regarding the appropriate mapping of zones, the Characteristics of the Zones paragraphs now include more detail about the types of places and situations in which they are appropriate to be used. These paragraphs will be used in conjunction with the approval criteria for base zone changes.

New Comprehensive Plan Designation	Corresponding Zones
Mixed-Use Dispersed	CR, CM1, CE
Mixed-Use Neighborhood	CM1, CM2, CE
Mixed-Use Civic Corridor	CM1, CM2, CM3, CE
Mixed-Use Urban Center	CM1, CM2, CM3
Central Commercial	CX

General

33.130.010 Purpose

The commercial/mixed use zones are intended for commercial and mixed use areas of the City as designated on the Comprehensive Plan map. These zones implement the vision, guiding principles, and goals and policies of the Comprehensive Plan, and encourage economic prosperity, human health, environmental health, equity, and resilience. These zones are primarily distinguished by the uses allowed and the intensity of development allowed. The zones allow a mix of commercial activities, housing, and employment uses that reflect the different types of centers and corridors described in the Urban Design chapter of the Comprehensive Plan, and also accommodate smaller, dispersed commercial and mixed use areas to provide opportunities for services in areas between the centers and corridors.

The commercial/mixed use zones are intended to serve local neighborhood areas, larger districts, as well as broader citywide or regional markets. The regulations promote uses and development that support healthy complete neighborhoods—places where people of all ages and abilities have safe and convenient access to the goods and services they need in their daily life, and where people have the opportunity to live active lifestyles. The zones encourage quality and innovative design, and facilitate creation of great places and great streets.

The development standards are designed to allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.130.020 List of the Commercial/Mixed Use Zones

The full and short names of the commercial/mixed use zones and their map symbols are listed below. When this Title refers to the commercial/mixed use zones, it is referring to the zones listed here.

Full Name	Short Name / Map Symbol
Commercial Residential	CR
Commercial/Mixed Use 1	CM1
Commercial/Mixed Use 2	CM2
Commercial/Mixed Use 3	CM3
Commercial Employment	CE
Central Commercial	CX

33.130.030 Characteristics of the Zones

- A. Commercial Residential zone.** The Commercial Residential (CR) zone is a low-intensity zone for small and isolated sites in residential neighborhoods. The zone is intended to be applied in limited situations on local streets and neighborhood collectors in areas that are predominately residential in character. The zone encourages the provision of small scale retail and service uses for surrounding residential areas. Uses are restricted in size to promote a local orientation, and to limit adverse impacts on surrounding residential areas. Where commercial uses are not present, residential density is limited to provide compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

Commentary

33.130.030 Characteristics of the Zones (continued)

See previous commentary.

- B. Commercial/Mixed Use 1 zone.** The Commercial/Mixed Use 1 (CM1) zone is a small-scale zone intended for sites in dispersed mixed use nodes within lower density residential areas, as well as on neighborhood corridors and at the edges of neighborhood centers, town centers and regional centers. The zone is also appropriate in core commercial areas of centers in locations where older commercial storefront buildings of 1 to 2 stories are predominant. This zone allows a mix of commercial and residential uses. The size of commercial uses are limited to minimize impacts on surrounding residential areas. Buildings in this zone will generally be up to three stories tall. Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.
- C. Commercial/Mixed Use 2 zone.** The Commercial/Mixed Use 2 (CM2) zone is a medium-scale zone intended for sites in a variety of centers, along corridors, and in other mixed use areas that have frequent transit service. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zones will generally be up to four stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.
- D. Commercial/Mixed Use 3 zone.** The Commercial/Mixed Use 3 (CM3) zone is a large-scale zone intended for sites in high-capacity transit station areas, in town centers, along streetcar alignments, along civic corridors, and in locations close to the Central City. It is intended to be an intensely urban zone and is not appropriate for sites where adjacent properties have single-dwelling residential zoning. The zone allows a wide range and mix of commercial and residential uses, as well as employment uses that have limited off-site impacts. Buildings in this zone will generally be up to six stories tall unless height and floor area bonuses are used, or plan district provisions specify other height limits. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings. The scale of development is intended to be larger than what is allowed in lower intensity commercial/mixed use and residential zones. Design review is typically required in this zone.
- E. Commercial Employment zone.** The Commercial Employment (CE) zone is a medium-scale zone intended for sites along corridors with a Neighborhood Collector or higher traffic classification, especially along civic corridors that are also Major Truck Streets or Priority Truck Streets. This zone is generally not appropriate in designated centers, except on a site that is currently developed in an auto-oriented manner and urban scale development is not economically feasible. The zone allows a mix of commercial uses, including auto-accommodating development and drive-through facilities, as well as some light manufacturing and distribution uses that have few off-site impacts. The emphasis of this zone is on commercial and employment uses, but residential uses are also allowed. Buildings in this zone will generally be up to four stories tall. This zone is intended to allow for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

Commentary

33.130.040 Other Zoning Regulations

No change.

33.130.050 Neighborhood Contact

A significant amount of new housing, commercial and other development is anticipated in the mixed use zones. Because of the allowed scale and magnitude of many new developments, community members have raised concerns about the need for better notification of new development in the C/MU zones and the desirability of providing opportunities for dialogue between developers and the community. Many plan districts and most multi-dwelling zone residential developments require neighborhood contact, but this is lacking in C/MU zones. This provision adds the requirement to larger development projects in this zone. BPS staff have received comments relating to concerns about the effectiveness of the existing contact requirement process (33.700.025) from internal and external stakeholders. BPS may pursue an update of this provision as part of implementation of the Comprehensive Plan Update.

Draft code language is similar to existing language in Chapter 33.120. It utilizes the same dwelling unit threshold (5 units) as applies in the multi-dwelling zones, but also includes a 10,000 square foot threshold (new net building area) to include larger non-residential projects.

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

33.130.040 Other Zoning Regulations

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

33.130.050 Neighborhood Contact

- A. Purpose.** Neighborhood contact is required for larger projects in the commercial/mixed use zones because of the impacts that large projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested:
1. The proposed development has not been subject to a land use review; and
 2. The proposed development will add at least 10,000 square feet of net building area on the site, or will create five or more new dwelling units. Dwelling units are created:
 - a. As part of new development;
 - b. By adding net building area to existing development that increases the number of dwelling units; or
 - c. By conversion of existing net building area from non-residential to residential uses.

Commentary

33.130.100.A. Allowed uses

The approach with the new zones is, to the extent possible, to retain and match the use allowances of the zones being replaced. There are some notable exceptions, for instance quick vehicle servicing - allowed in some CN2 situations - is not allowed in CM1, and the CM1 zone allows a broad array of uses beyond office in places where it replaces CO1.

33.130.100.B. Limited uses

Similar to allowed uses, the approach with the new zones was, to the extent possible, to retain and match the use limitations of the zones being replaced. Adjustments were made in some cases to respond to zones that had differing limitations, but which are now being combined into new zones (such as CN1 and CN2, to be combined into CM1).

Commercial size limitations in the CR and CM1 zones correspond in part to current limitations in the CN1 zone (such as the 5,000 square foot Retail Sales and Service limit), but in the CM1 zone provide allowances for larger sites on major streets (Neighborhood Collector streets or higher classification). These allowances for somewhat larger Commercial uses accommodate the fact that the CN2 zone (which did not have size limits) is being folded into the new CM1 zone. Overall, the CR and CM1 Commercial size limitations are intended to allow some Commercial uses in the dispersed locations where these zones are typically located, while encouraging larger uses to be located in centers and corridors where polices call for focusing commercial services.

The CR zone is typically applied to locations that are surrounded by single-dwelling residential zoning and has limitations on hours of operation to limit conflicts. This also responds to community concerns related to the rezoning of non-conforming commercial uses on some dispersed sites to CR zoning, which had sometimes operated under limitations on hours of operation as part of mitigation requirements related to their nonconforming status within residential zones.

In the CM1, CM2, and CM3 zones, new Quick Vehicle Servicing uses are not allowed. Quick Vehicle Servicing that existed as of the effective date of the new code are considered allowed uses and can be rebuilt unless the use is discontinued for more than a three-year period.

Use Regulations

33.130.100 Primary Uses

- A. Allowed uses.** Uses allowed in the commercial/mixed use zones are listed in Table 130-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 130-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 130-1.
1. Group Living. This regulation applies to all parts of Table 130-1 that have a [1].
 - a. General regulations. All Group Living uses, except for alternative or post incarceration facilities, are allowed by right subject to the regulations of Chapter 33.239, Group Living.
 - b. Alternative or post incarceration facilities. Group Living uses that consist of alternative or post incarceration facilities are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
 2. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [2].
 - a. In the CR and CM1 zones, each individual Retail Sales and Service and Office use is limited to 5,000 square feet of net building area, except that in the CM1 zone on sites that are over 40,000 square feet in size and are located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area; and
 - c. In the CR zone, in addition to the size limitation specified in B.2.a., the hours when Retail Sales And Service uses can be open to the public are limited to 6:00 AM to 11:00 PM.
 - d. In the CM1, CM2, and CM3 zones, Quick Vehicle Servicing uses that existed on [insert effective date] are allowed. New Quick Vehicle Servicing uses are prohibited. If a Quick Vehicle Servicing use that existed on [insert effective date] is discontinued for 3 continuous years, reestablishment of the use is prohibited. If the Quick Vehicle Servicing use ceases operations, even if the structure or materials related to the use remain, the use as been discontinued. If the Quick Vehicle Servicing use changes to another use without obtaining all building, land use, and development permits that would have been required at the time of the change, the use has been discontinued.

Commentary

33.130.100.B. Limited uses (continued)

The industrial size limitations include some expanded allowances for smaller industrial uses in *CM2*, *CM3* and *CE* zones, responding in part to Portland's need for employment land. In the case of current *EX* zoned properties, which outside the Central City will become *CM3*, industrial uses will be more limited in size than what is currently allowed; although the *CM3* zone will allow larger industrial uses [up to 1 to 1 FAR] than the other commercial/mixed use zones.

No changes to the other limitations on this page.

3. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [3]. Utility Scale Energy Production and Industrial Service are conditional uses. In addition, all industrial uses are limited in size as follows. Amounts in excess of the limits are prohibited:
 - a. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;
 - b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;
 - c. In the CM3 zone, Industrial uses are limited to a total FAR of 1 to 1 per site; and
 - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.
4. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [4]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
5. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [5]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
6. Community Services. This regulation applies to all parts of Table 130-1 that have a [6]. Most Community Service uses are allowed by right. Short term housing and mass shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term Housing and Mass Shelters.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
8. Basic Utilities. This regulation applies to all parts of Table 130-1 that have note [8].
 - a. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223. All other Basic Utilities are allowed.
 - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. However, it is only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; plus not more than 10 tons per week of biological material or byproducts from other sites. Installations that sell power they generate — at retail (net metered) or wholesale — are included.
 - c. All other Basic Utilities are allowed.

Commentary

33.130.100.B. Limited uses (continued)

See earlier commentary.

Note 9: This provides limited allowances for Commercial Parking in the CM2 and CM3 zones. Commercial Parking includes "shared parking," such as when the parking area is designated for use by the customers or tenants of multiple nearby business or residential buildings. Shared parking was identified by many community members as a parking approach that should be included in mixed used centers and corridors to help meet parking demand. This regulation generally requires that new Commercial Parking must generally be in parking structures to provide for efficient use of land. This also includes new allowances for parking originally approved as accessory parking to be used as Commercial Parking, when this parking is in excess of minimum parking requirements and within the maximum parking ratios of the associated uses (see Chapter 33.266 for minimum and maximum parking ratios).

Notes 10 and 11. No substantive change from previous regulations.

Note 12. This provides a new allowance for indoor Agriculture, including marijuana grow operations, treating these uses in a similar way to Industrial uses (including Manufacturing and Production), with which they share similar characteristics. Agriculture that takes places entirely indoors is allowed, subject to the same size limitations that apply to Industrial uses (maximum FAR of 1 to 1 per site in the CM3 zone, and up to 40,000 square feet per use in the CE zone). Indoor Agriculture in excess of these limits is prohibited, as is the case with Industrial uses.

9. Commercial Parking. This regulation applies to all parts of Table 130-1 that have a [9]. Commercial Parking is a conditional use in the CX zone except when superseded by plan district regulations. In the CM2 and CM3 zones, Commercial Parking is allowed as follows:
 - a. Commercial Parking is allowed by right in structured parking.
 - b. Commercial Parking is allowed by right on a surface parking lot legally constructed on or before [insert date code goes into effect].
 - c. Commercial Parking is allowed by right on a surface parking lot legally constructed after [insert effective date] when all of the following are met:
 - (1) The surface parking lot was constructed as accessory parking for other primary uses on the site;
 - (2) The total number of parking spaces on the site does not exceed the maximum number of parking spaces allowed for the other primary uses on the site; and
 - (3) Only non-required parking spaces are used as Commercial Parking.
10. Agriculture in the CR and CM1 zones. This regulation applies to all parts of Table 130-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
11. Agriculture in the CM2 and CX zones. This regulation applies to all parts of Table 130-1 that have a [11]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.
12. Agriculture in the CM3 and CE zones. This regulation applies to all parts of Table 130-1 that have a [12]. Agriculture that is outdoors is a conditional use. Agriculture that is entirely indoors is allowed up to the following limits. Indoor Agriculture in excess of the following limits is prohibited. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use:
 - a. In the CM3 zone, indoor Agriculture is limited to a total FAR of 1 to 1 per site; and
 - b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.

Commentary

33.130.100.C. Conditional uses

No change to text.

33.130.100.D. Prohibited uses

No change to text.

33.130.110 Accessory Uses

No change.

33.130.130 Nuisance-Related Impacts

No change.

- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.130.110 Accessory Uses

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

33.130.130 Nuisance-Related Impacts

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

Commentary

Table 130-1 (Commercial/Mixed Use Zone Primary Uses)

As noted previously, the approach with the new zones is, to the extent possible, to retain and match the use allowances of the new zones to the respective types of zones being replaced. The following tables provide a comparison between the new zones (shaded) and comparable existing zones regarding the status of some of the use categories.

Comparison of small-scale zones

	CR	CM1	CN1	CN2	CO1
Commercial					
Retail Sales And Service	L	L	L	Y	N
Office	L	L	L	Y	Y
Quick Vehicle Servicing	N	L	N	L	N
Vehicle Repair	N	N	N	N	N
Commercial Parking	N	N	N	N	N
Self-Service Storage	N	N	N	N	N
Residential	Y	Y	Y	Y	Y
Industrial	N	L	L	L	N

Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Commercial						
Retail Sales And Service	Y	Y	L	L	Y	Y
Office	Y	Y	Y	L	Y	Y
Quick Vehicle Servicing	L	Y	N	N	N	Y
Vehicle Repair	Y	Y	N	N	Y	Y
Commercial Parking	L	Y	N	N	Y	CU
Self-Service Storage	N	Y	N	N	N	L
Residential	Y	Y	Y	Y	Y	Y
Industrial	L	L	N	L	L	L

Comparison of large-scale zones

	CM3	EX	CX
Commercial			
Retail Sales And Service	Y	Y	Y
Office	Y	Y	Y
Quick Vehicle Servicing	L	N	L
Vehicle Repair	Y	Y	L
Commercial Parking	L	CU	CU
Self-Service Storage	L	L	L
Residential	Y	Y	Y
Industrial	L	Y	L

Table Notes:

Y = Yes, allowed; N = No, not allowed;
L = Limited; CU = Conditional Use

**Table 130-1
Commercial/Mixed Use Zone Primary Uses**

Use Categories	CR	CM1	CM2	CM3	CE	CX
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]
Commercial Categories						
Retail Sales And Service	L [2]	L [2]	Y	Y	Y	Y
Office	L [2]	L [2]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [2]	L [2]	L [2]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [5]
Commercial Parking	N	N	L [9]	L [9]	Y	CU [9]
Self-Service Storage	N	N	N	L [4]	Y	L [4]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
Industrial Categories						
Manufacturing and Production	N	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]	L/CU [3,5]
Warehouse and Freight Movement	N	N	N	L [3,5]	L [3,5]	N
Wholesale Sales	N	N	L [3,5]	L [3,5]	L [3,5]	L [3,5]
Industrial Service	N	N	CU [3,5]	CU [3,5]	CU [3,5]	CU [3,5]
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]	Y/CU [8]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y
Other Categories						
Agriculture	L [10]	L [10]	L/CU [11]	L/CU [12]	L/CU [12]	L/CU [11]
Aviation and Surface Passenger Terminals	N	N	N	N	CU	CU
Detention Facilities	N	N	N	CU	CU	CU
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	N	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines and Utility Corridors	N	CU	CU	CU	CU	CU

Y = Yes, Allowed

CU = Conditional Use Review Required

Notes:

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

L = Allowed, But Special Limitations

N = No, Prohibited

Commentary

33.130.200 Lot Size

No change.

33.130.205 Floor Area Ratio

The approach to floor area ratios in the new zones is a significant change from current practice. The new zones set new FAR standards for each zone. All uses, including residential, are counted in floor area, which is a change from current practice which excludes residential from the calculation. The base allowed FARs of the new zones are as follows (see page 30 for a comparison of the allowed FARs of the new and existing zones):

CR: 1.0:1	CM3: 3.0:1
CM1: 1.5:1	CE: 2.5:1
CM2: 2.5:1	CX: 4.0:1

The new FAR approach would allow structured parking to not be included in maximum FAR calculations, up to a maximum FAR of 0.5 to 1, to reduce disincentives to accommodating parking in structures versus surface parking (which does not count as floor area) and to facilitate higher-density projects that are required to include parking. Adjustments to the maximum FARs are prohibited in order to prioritize bonuses as the means to increasing FAR. Bonus FAR is available when development includes specified community benefits (described in 33.130.212, Floor Area and Height Bonus Options).

33.130.205.C. Transfer of floor area from Historic Resources.

The new approach of including residential in FAR calculations provides an opportunity to add FAR to development through bonuses (33.130.212) and also provides an opportunity for FAR to be transferred from historic resources to receiving C/MU zoned sites. The latter is possible currently, but is often moot because residential uses are allowed beyond the FAR limits, which limits the attractiveness and need for a transfer. Also, allowances for transfers of FAR from giving sites are being extended beyond the current applicability to individual landmarks to also be applicable to contributing resources in Historic and Conservation districts. The new code's treatment of FAR calculations should increase the utility of density transfers. Each zone has a different maximum density transfer to receiving sites, and has been calibrating in conjunction with the bonuses in section 33.130.212, which provides the greatest additional development allowances to projects that include affordable housing.

Development Standards

33.130.200 Lot Size

There is no required minimum lot size for development of land in commercial/mixed use zones. Creation of new lots is subject to the regulations of Chapter 33.613, Lots in Commercial/Mixed Use Zones.

33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 130-2 and apply to all uses and development. Additional floor area may be allowed through bonus options, as described in Section 33.130.212, or transferred from historic resources per Subsection C. Except in the CR zone, floor area for structured parking, up to a maximum FAR of 0.5 to 1, is not calculated as part of the FAR for the site. Adjustments to the maximum floor area ratios are prohibited.
- C. Transfer of floor area from historic resources.** Floor area ratios may be transferred from a site that contains a historic resource, as follows:
1. Sending sites. Sites eligible to transfer floor area must contain:
 - a. A Historic or Conservation landmark; or
 - b. A contributing resource in a Historic District or a Conservation District.
 2. Maximum increase in FAR. In the CM1, CM2, CM3, and CE zones, the total FAR on the receiving site may not exceed the maximum FAR with bonuses identified on Table 130-3. This total FAR includes FAR transferred from historic resources, and any additional FAR allowed at the receiving site from bonus options, or from other transfers. In addition, an increase on the receiving site of more than the following due to a historic resource transfer is prohibited:
 - a. 0.5 to 1 in the CM1 zone;
 - b. 0.75 to 1 in the CM2 zone;
 - c. 1 to 1 in the CM3 zone;
 - d. 0.5 to 1 in the CE zone.

Commentary

33.130.205.C. Transfer of floor area from Historic Resources (continued).

The new code continues the previous code's limiting of transfers of floor area to within a two-mile distance (or within the same recognized neighborhood). The new code does not allow transfer of floor area into Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts. These transfer of floor area regulations do not apply within the Central City plan district, which has its own regulatory provisions for transfer of floor area.

33.130.210 Height

The purpose statement has been modified to reflect the new structure of commercial/mixed use zones and to reflect new requirements limiting height adjacent to residential zones and along narrower streets, as well as allowances that provide additional flexibility for building height in certain situations.

3. Maximum increase in FAR in the CX zone. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;
4. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by paragraphs C.2 and C.3 above;
5. Receiving site. The receiving site must be within the same recognized neighborhood as the sending site, or within two miles of the transfer site, and must not be within a Historic or Conservation District.
6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the historic resource transferring the density must meet the requirements of 33.445.610.D, Covenant.

33.130.210 Height

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

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

Commentary

33.130.210.B. Height standard

The height standards are stated in Table 130-2.

Step-down height. These regulation responds to community interest in providing transitions in scale between higher-density mixed use areas and lower-density residential areas. It uses an approach used in some plan district and Zoning Code overlay areas, which require building height step-downs to the allowed height of lower-scale residential zoning and landscaped buffers. Instead of previous approaches, which link the decreased height to the maximum height of adjacent residential zone, this regulation generalizes the decreased height to 35 feet for all single-dwelling zones, and 45 feet for the R3, R2, and R1 multi-dwelling zones (see also code and commentary for 33.130.215.B.1.b).

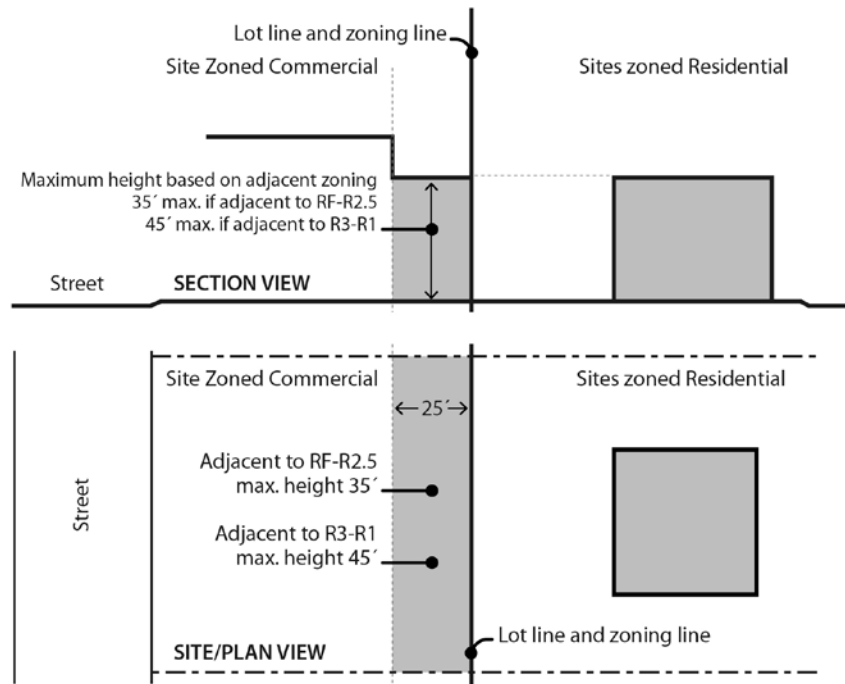


Example of a mixed use building stepping down in height to adjacent residential zoning.

B. Height standard.

1. Base height. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.
2. Step-down height. In the following situations, the base height is reduced, or stepped-down. Stepped-down height is not required in the CR zone:
 - a. Step-down adjacent to residential zones. The following step-down height limits apply within 25 feet of sites zoned residential. Sites with property lines that abut residential zones for less than a 5-foot length are exempt from these standards:
 - (1) On the portion of a site within 25 feet of a site zoned RF through R2.5, the step-down height limit is 35 feet. See Figure 130-1.
 - (2) On the portion of a site within 25 feet of a site zoned R3 - R1, the step-down height limit is 45 feet. See Figure 130-1.

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



Commentary

33.130.210.C.2. Height standards - Step-down height (continued)

See previous commentary.

33.130.210.C. Exceptions

Most current exceptions to the maximum height standards are continued without substantive change to existing regulations or to amendments proposed as part of the Accessory Structures Zoning Code Update. New exceptions include the following:

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline along mixed-use corridors. The current regulatory approach of including such features within the building height limits, such as the 45' maximum building height allowed in many areas with commercial zoning, results in many projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

Historic example of parapets providing roofline variety.



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, including decks adjacent to upper-level building areas fronting onto roof area resulting from height step downs adjacent to residential zones and narrower streets. The 3.5 foot dimension corresponds to building code minimum railing height requirements.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, especially decks adjacent to upper-level building areas with height step downs adjacent to residential zones and narrower streets. Privacy wall exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation has been adapted from Main Street Corridor Overlay standards applicable to SE Division Street.

- b. Step-down across a local service street from an RF through R1 zone. In the CM2, CM3, CX, and CE zones the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street:
 - (1) On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned RF through R2.5, the step-down height limit is 35 feet. See figure 130-2.
 - (2) On the portion of the site within 15 feet of a lot line that is across a local service street from a size zoned R3 through R1, the step-down height limit is 45 feet. See Figure 130-2.
 3. Bonus height. The base height limits can be increased through options described in Section 33.130.212. When a bonus option allowed by 33.130.212 is used to increase the base height, the step-down height limits do not increase.
- C. Exceptions.** Exceptions to the base height, step-down height, and bonus height limits are stated below:
1. Projections allowed. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limits, or 5 feet above the highest point of the roof, whichever is greater. Items that are greater than 5 feet in width, depth, or diameter are not allowed to project above the base, step-down, or bonus height limits.
 2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 3.5 feet above the height limits.
 3. Walls and fences. In the CM1, CM2, CM3, CE and CX zones, walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
 4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limits; 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 limits.

Commentary

33.130.210.D. Exceptions (continued)

No substantive changes to paragraphs 5 - 7.

Paragraph 8 (High ceilings). Allowances for an additional 5 feet of building height are intended to help accommodate ground-level commercial spaces with high ceilings, which are important for providing quality spaces for many types of retail and community uses. This allowance responds to concerns raised by some developers and designers that current height limits are too constraining, resulting in sub-optimal commercial spaces. The height allowance also facilitates mechanical/stacked parking systems, which allow for space-efficient accommodation of vehicle parking, but require high floor-to-ceiling spaces that were constrained by previous building height limits. By improving the ability to accommodate ground-floor commercial spaces, this allowance also responds to community interest in having ground-floor commercial uses as part of development in centers and corridors.

5. Antennas and mounting devices, utility power poles, and public safety facilities are exempt from the height limits.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, the solar panel may extend up to 5 feet above the top of the highest point of the roof; and
 - b. For pitched, shed, hipped, or gambrel roofs, the solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams.

Commentary

Table 130-2 Summary of Development Standards in Commercial/Mixed Use Zones

See commentary for specific development standard sections. The tables below compare the FAR and height limits of the new zones (shaded) with existing comparable zones.

Comparison of small-scale zones

	CR	CM1	CN1	CN2	CO1
Height - Base (feet)	30'	35'	30'	30'	30'
Height - Bonus	n/a	35'	n/a	n/a	n/a
FAR – Base	1:1	1.5:1	.75:1 ⁺	.75:1 ⁺	.75:1 ⁺
FAR - Bonus	n/a	2.5:1	n/a	n/a	n/a

Comparison of medium-scale zones

	CM2	CE	CO2	CM	CS	CG
Height - Base (feet)	45'	45'	45'	45'	45'	45'
Height - Bonus	55' [*]	45'	n/a	n/a	n/a	n/a
FAR – Base	2.5:1	2.5:1	2:1 ⁺	1:1 ⁺	3:1 ⁺	3:1 ⁺
FAR - Bonus	4:1	3:1	n/a	n/a	n/a	n/a

Comparison of large-scale zones

	CM3	EX	CX
Height - Base (feet)	65'	65'	75'
Height - Bonus	75'	n/a	n/a
FAR - Base	3:1	3:1	4:1 ⁺
FAR - Bonus	5:1	n/a	n/a

Table Notes:

⁺ Residential floor area is not regulated by FAR, and is allowed to height and setback limits of the zone.

^{*} 55' bonus height in CM2 applies to some areas with the design review (d) overlay.

**Table 130-2
Summary of Development Standards in Commercial/Mixed Use Zones**

Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205, and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2)	NA					
- Within 25 ft. of lot line abutting RF – R2.5 Zones		35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting R3, R2, R1 Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 15 ft. of lot line across a local service street from R3, R2, R1 Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Bonus Height (see 33.130.212)	NA	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3	See Table 130-3
Min. Building Setbacks (see 33.130.215.B)						
- Street Lot Line	none	none	none	none	none	none
- Street Lot Line abutting selected Civic Corridors	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line across a local street from an RF - R1 Zone	none	none	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.	5 or 10 ft.
Min. Building Setbacks (see 33.130.215.B)						
- Lot Line Abutting OS, RX, C, E, or I Zoned Lot	none	none	none	none	none	none
- Lot Line Abutting RF - RH Zoned Lot	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Max. Building Setbacks (see 33.130.215.C)						
- Street Lot Line	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
- Street Lot Line Abutting Selected Civic Corridors	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Max. Building Coverage (% of site area)						
- Inner Pattern Area	85%	85%	100%	100%	85%	100%
- Eastern, Western, and River Pattern Areas (see 33.130.220)	75%	75%	85%	85%	75%	100%
Min. Landscaped Area (% of site area) (see 33.130.225)	15%	15%	15%	15%	15%	none
Landscape Buffer Abutting an RF - RH Zoned Lot (see 33.130.215.B)	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3	10 ft. @ L3
Required Residential Outdoor Area (see 33.130.228)	Yes	Yes	Yes	Yes	Yes	No
Ground Floor Window Standards (see 33.130.230)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

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

Commentary

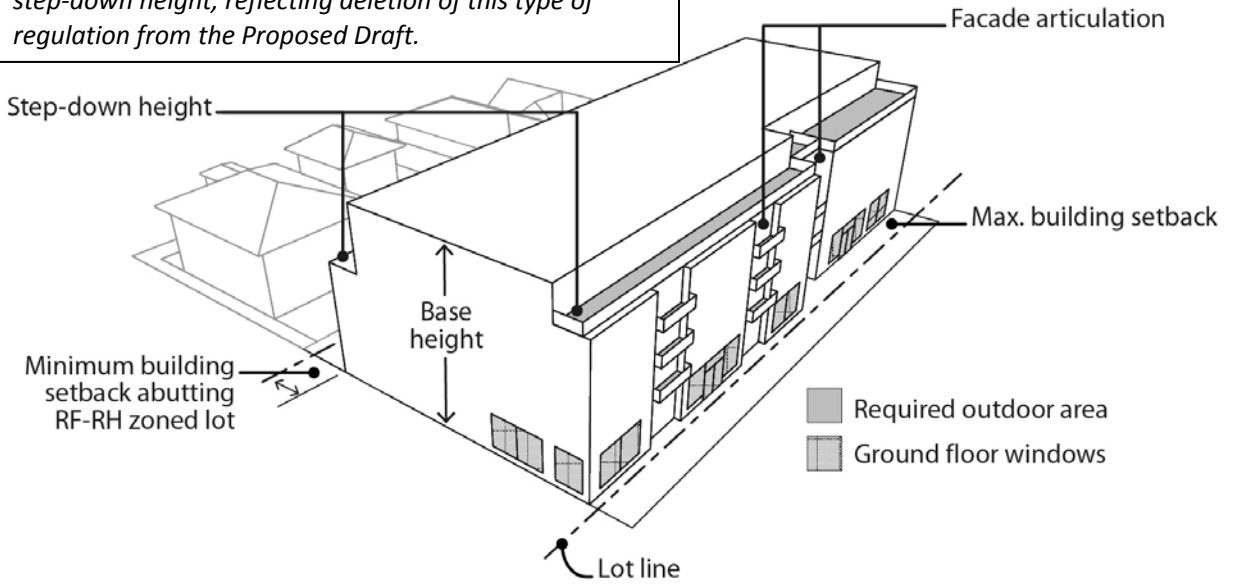
Example Illustration:

Some building form and setback development standards

To help clarify the roles of various key development standards, this provides an illustrative summary of some of the types of development standards that together shape the form and location of development in the commercial/mixed use zones. It is illustrative only and is not intended to indicate specific development allowances.

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

Note: This illustration to be modified to remove front step-down height, reflecting deletion of this type of regulation from the Proposed Draft.



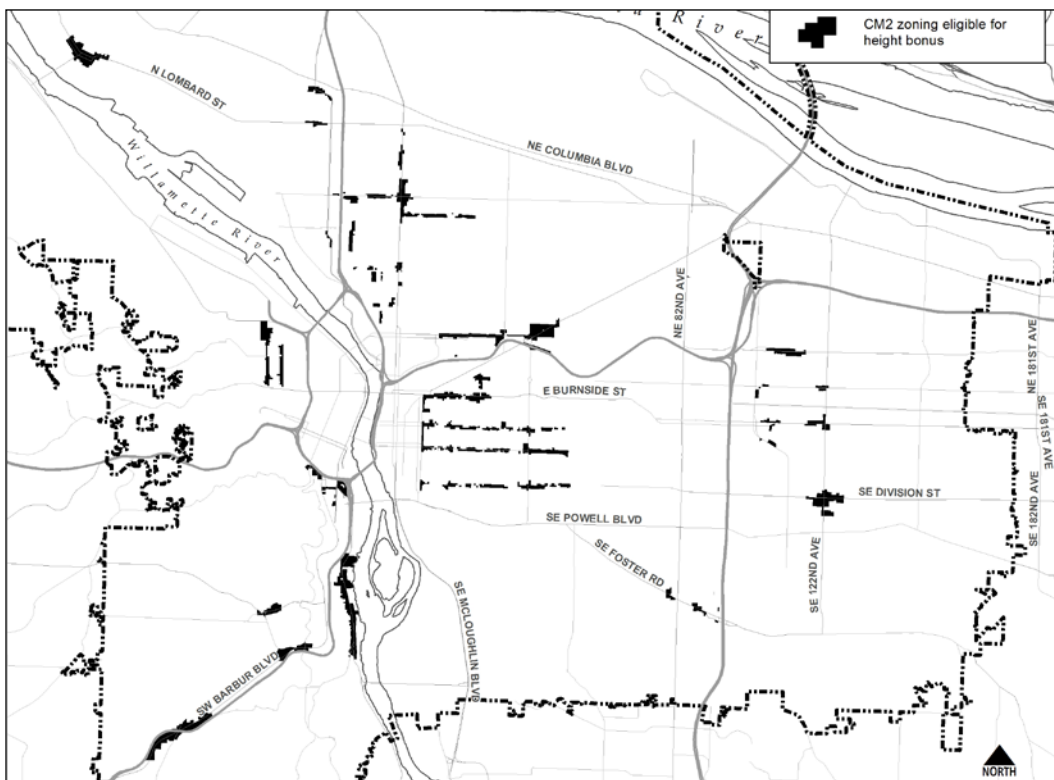
Commentary

33.130.212.B General floor area and height bonus option regulations

There are two primary bonus-eligible elements: Affordable Housing and Affordable Commercial Space. The affordable housing bonus is given the greater priority and can earn the maximum amount of FAR and additional height. The total amount of bonus, together with any transfer of development rights from historic resources, cannot exceed the overall maximum per zone indicated in Table 130-3. In addition, for large sites over two acres, a Planned Development bonus is available when a project provides a combination of affordable housing, publicly accessible park or plaza, energy efficient buildings, and is approved through a Planned Development Review. The bonuses will not be available within Historic or Conservation districts in order to avoid providing additional building scale that may not be appropriate in the context of the established scale of these districts. See Section VII for more details related to the bonuses, including a summary of administrative issues.

Paragraph 5. The additional bonus height in the CM2 zone (up to 55 feet, compared to the usual maximum height of 45 feet) will only be allowed in areas that have the Design Review Overlay and that have Comprehensive Plan Map designations of Mixed Use - Urban Center or Mixed Use - Civic Corridor (these will primarily include properties in designated Town Centers and along corridors close to the Central City).

Map of areas eligible for CM2 height bonus (assumes expansion of the d-overlay to areas with Mixed Use - Urban Center designation, and may be subject to plan district regulations).



33.130.212 Floor Area and Height Bonus Options

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option regulations.**
1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites located within Historic or Conservation districts are not eligible to use bonus options.
 2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
 3. More than one bonus option may be used up to the overall maximums stated in Table 130-3. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.
 4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
 5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:
 - a. Additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.
 - b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:
 - (1) Are within the Design Overlay Zone; and
 - (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.

Commentary

33.130.212.C. Affordable housing bonus

Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if at least 25 percent of the increased floor area is housing affordable to those earning no more than 80 percent of the area median family income.

The affordability target and amount of floor area that must be used for affordable housing reflect analysis undertaken to determine their market feasibility, and has been developed in conjunction with the Central City affordable housing bonus program currently under development, and discussions with the Portland Housing Bureau. Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, potential allowances for payment into an affordable housing fund in lieu of providing affordable housing on site, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

The applicability of this and the other bonuses to existing plan districts that have their own systems of floor areas allowances and bonuses, such as the Hollywood and Northwest plan districts, will be subject to future consideration.

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

[1] Bonus height in the CM2 zone is only allowed on sites that are within the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor.

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

- C. Affordable housing bonus.** Proposals that include affordable housing may increase maximum height and FAR as stated in Table 130-3 if all of the following are met:
1. Proposals using this bonus must include at least 25 percent of the increased floor area as housing affordable to those earning no more than 80 percent of the area median family income;
 2. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standards of this subsection and any administrative requirements have been met;
 3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that dwelling units created using this bonus will remain affordable to households meeting the income restrictions and meet the reporting requirements of the Portland Housing Bureau or qualified administrator.

Commentary

33.130.212.D. Affordable commercial space bonus

Affordable commercial space was identified in the new Comprehensive Plan as an important part of centers and corridors, responding to community interest in minimizing commercial displacement and providing opportunities for a variety of neighborhood businesses and services. The details of the implementation of this bonus will be subject to further discussions with the Portland Development Commission and others. Additional detail on bonus option requirements will be included in administrative rules, including requirements for the term of affordability (preliminary concept is that the affordability period will be for a minimum of 15 years), required levels of affordability, any tenanting requirements, and other administrative and enforcement details. See Section V (Implementation Tools) for more information on administrative rules for this bonus and next steps that will be necessary before it can be implemented.

33.130.212.E. Planned Development Bonus

The concept for this bonus option responds to community input received during the Comprehensive Plan Update process and during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than the four-story scale usually allowed in most areas with commercial/mixed use zoning, especially if there is enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height (in excess of the other bonus provisions) in exchange for the provision affordable housing, public open space, energy efficient buildings, and a public review process that includes Planned Development Review and design review. See Chapter 33.270 and Chapter 33.854 code and commentary for more information.

- D. Affordable commercial space bonus.** Proposals that provide affordable commercial space may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of affordable commercial space provided, up to the maximum stated in Table 130-3:
1. A long term leasing agreement with Portland Development Commission must be executed. The leasing agreement must ensure that the commercial space will be rented for 25 percent less than prevailing market rates;
 2. The applicant must submit with the development application a letter from the Portland Development Commission certifying that commercial leasing agreements are in place to meet the standards of this subsection, and that any administrative requirements have been met; and
 3. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the leasing and reporting requirements of the Portland Development Commission or qualified administrator.
- E. Planned Development bonus.** Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus.

Commentary

Building Setbacks

33.130.215.B.1.a. Required setbacks from a street lot line.

In most situations along transit street frontages, no minimum building setbacks will be required from street lot lines, as is currently the case. A minimum 10-foot setback will be required along Civic Corridors (which are typically wide multi-lane arterial streets) in the Eastern and Western pattern areas (see Map 130-1). These Civic Corridors include streets such as SW Barbur Boulevard, 122nd Avenue, and outer SE Division Street. The intent of this setback is to provide opportunities for landscaping and extensions of the pedestrian space of sidewalks, helping to provide a buffer between buildings and the heavy traffic of these corridors.



Example of a front setback along a wide Civic Corridor, providing additional space for pedestrians and trees.

See next commentary page for notes on subparagraph 33.130.215.B.1.b

33.130.215 Setbacks

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

The front setback requirements for Civic Corridors in Eastern and Western pattern areas provide opportunities for additional pedestrian space and separation from the vehicle traffic along these major streets to create an environment for building users and pedestrians that is less impacted by close proximity to traffic, and provide opportunities for front landscaping reflective of the vegetated characteristics of these neighborhood pattern areas.

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

- B. Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.
1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:
 - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
 - b. The following minimum setbacks are required from a street lot line on the portion of the site that is across a local service street from an RF through R1 zone. The setbacks do not apply in the CR or CM1 zones, or on or within 100 feet of a transit street:
 - (1) Buildings that are entirely in a residential use, and portions of buildings with dwelling units on the ground floor, must be setback 5 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback.

Commentary

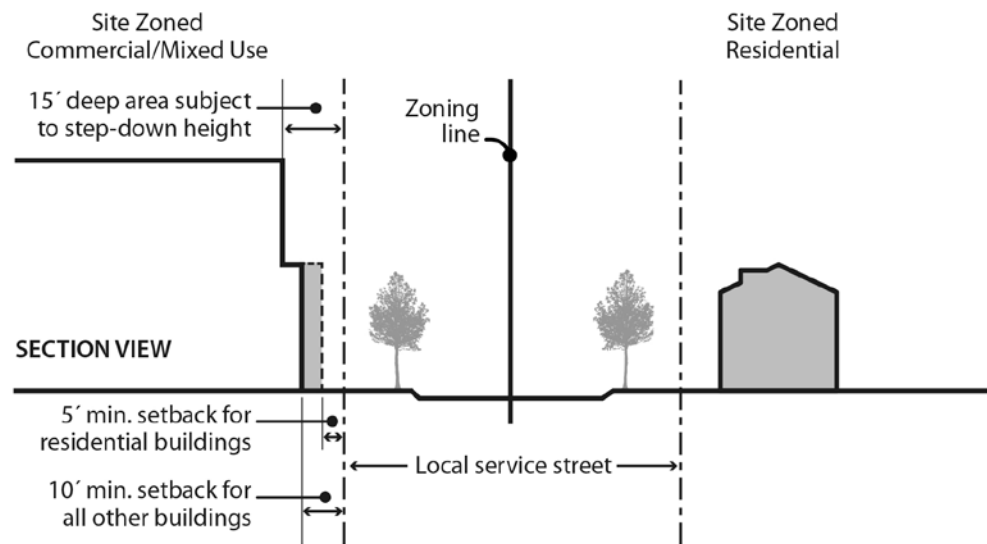
33.130.215.B.1.b Required setbacks from a street lot line (continued)

In situations in which street lot lines are across a local service street from most residential zones, these standards provide a transition in scale and street frontage characteristics from commercial/mixed use zoning to lower-scale residential zoning, particularly in locations that are not on primary corridor frontages. The concept limits development within 10' of these secondary street frontages to residential uses as a component of this transition. Residential buildings can be as close as 5' to the street lot line, while other types of buildings would need to be setback at least 10'. This standard functions in conjunction with step-down height limits (see 33.130.210.B.2.b) to provide transitions in building heights, setbacks, and uses to residential zones.

This approach is based in part on residential buffer requirements that are part of Community Design Standards (Chapter 33.218) that apply within the Design Overlay zone, and similar requirements that apply in some plan districts. The CM1 zone would be exempted from these requirements due to its small scale and often dispersed locations within residential areas.

- (2) All other buildings must be setback 10 feet from a street lot line facing an RF through R1 zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.
- c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.
- d. Structured parking that does not allow exiting in a forward motion must be setback 18 feet from the street lot line. See 33.266.130.C.

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

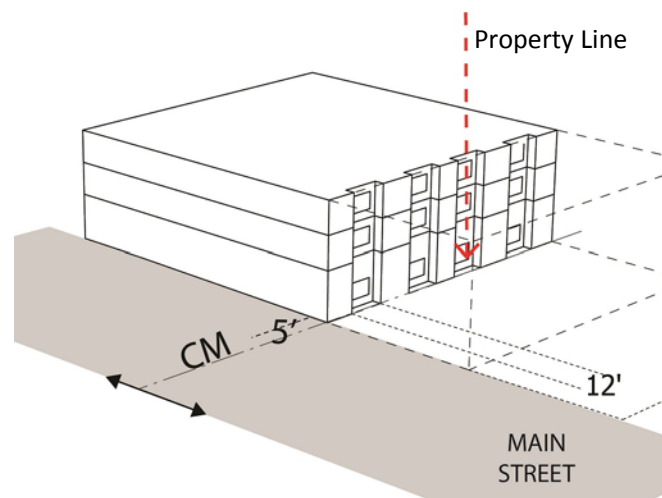


Commentary

33.130.215.B.2. Required setbacks from a lot line that is not a street lot line

Subparagraph b. A 10-foot setback will generally be required for buildings adjacent to residentially-zoned lots. This setback must include landscape screening and will work in conjunction with building height step downs to provide a transition between more intense development in the commercial/mixed use zones and adjacent residential zoning. The new approach, including the 10-foot setback, replaces the current approach of different setbacks based on the height of the building wall. The new regulations continue an allowance for no building setback in the case of buildings that are 15-feet high or less.

Subparagraph c. This section includes a requirement for residential windows to be set back a minimum of 5 feet from property lines that are not along streets. This requirement responds to the fact that the commercial/mixed use zones allow development to be built up to the property lines of adjoining properties with similar zoning. This is not a problem when buildings are built shoulder-to-shoulder, with windows facing the street or to mid-block open areas. It can be more of a problem for the livability of residential units if their primary windows are located close to interior property lines, up to which future neighboring buildings can be built. The building code allows window openings as close as 3 feet from property lines, which, since future buildings can be built up to these property lines, means that residential units can end up having only a 3-foot gap as their primary access to natural light and air. This concept will require that a minimum 5-foot setback be provided adjacent to interior property lines in order to provide better access to light and air. It will not apply to the walls of corner residential units that have windows along street frontages or that face rear setbacks or other dedicated open space.



2. Required setbacks from a lot line that is not a street lot line:
 - a. There is no minimum setback required from a lot line that abuts an OS, RX, C, E or I zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
 - b. The required minimum setback from a lot line that abuts an RF through RH 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 RH zone. Buildings that are 15 feet or less in height are exempt from the required setback, however any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.
 - c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, or I zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

Commentary

33.130.215.B. Minimum building setbacks (continued)

Projections into minimum building setbacks. Substantive changes from existing regulations in this section are:

1. Decks (higher than 2-1/2 feet above ground), uncovered balconies, and bays and bay windows will not be allowed to extend into the required 10-foot setback adjacent to a lot line abutting an RF - RH zoned lot in order to limit privacy impacts. Eliminating these allowances for setback extensions also responds to the fact that the depth of required setbacks abutting residential zones is being reduced in some situations.
2. The un-shaded text in Subparagraph B.3.b.(3), regarding extensions into street setbacks, was deleted in RICAP 7 due to the lack of street setback requirements. It is now being brought back because of code amendments that will require minimum street setbacks in some situations (such as minimum setbacks along Civic Corridors in the Eastern and Western pattern areas).

3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RH zoned lot, and also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building façade cannot be more than 30 percent of the area of the façade;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RH zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
 - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
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.

Commentary

33.130.215.C. Maximum building setbacks

The maximum building setbacks that currently apply in the CS zone and along transit streets for some other zones will be applied to all zones in most situations, except in CE zones that are not located in Pedestrian Districts. The code amendments simplify applicability of the maximum setback standard to conform to the existing CS standard (50 percent of the length of the street-facing facades of buildings).

In some situations in several commercial zones, current regulations require 100 percent of building frontages to be within 10' of a front property line. The code amendments will provide a more flexible approach for maximum building setbacks. The intent is to provide flexibility for a variety of desirable street frontage characteristics, while cultivating a street environment that is inviting to pedestrians. Community members have expressed interest in encouraging buildings with ground-floor windows and entrances close to sidewalks, while also providing opportunities for elements such as plazas, landscaping and other green elements along portions of street frontage.



The maximum setback standards encourage buildings located close to sidewalks, while providing flexibility for portions of street frontage to include features such as pocket plazas or plantings.

This subsection also includes a maximum building setback of 20 feet along certain Civic Corridors in the Eastern and Western pattern areas (see Map 130-1). This greater maximum setback relates to the minimum building setback of 10 feet that will apply along these corridors.

- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum setback standard.
 2. Applying the standard.
 - a. Where an existing building is being altered, the standards apply to the ground level, street-facing façade of the entire building. See Figures 130-3 and 130-4.
 - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.
 - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.
 - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
 - e. For buildings where all of the floor area is in residential use, the street-facing façade of an open porch that meets the following standards is included as part of the ground level, street-facing façade of the building:
 - (1) For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - (2) The porch must have at least one entrance facing the street; and

Commentary

33.130.215.C. Maximum building setbacks (continued)

Regarding the Exception paragraph, no change is proposed to existing regulations or to amendments proposed by the Accessory Structures Zoning Code Update (which is adding primary structures under 500 square feet to this exception, which previously exempted only detached accessory structures).

33.130.215.D. Area between a building and a street lot line.

General standard. This is an existing regulation, but has been moved from the Pedestrian Standards section (33.130.240) to the Setbacks section, as it address requirements for setback areas between a building and a street.

Improvements within transit street maximum building setbacks. This new regulation will require that at least 50 percent of setback areas are improved for pedestrian use along transit streets in order to foster a pedestrian-oriented environment. It responds to community interest that building setbacks, including landscape features, not create significant barriers between buildings and sidewalks, particularly along transit streets. Purely residential buildings are exempt from this requirement to allow for landscape features that can contribute to residential privacy.

Figure 130-3 (former 130-1)

No change.

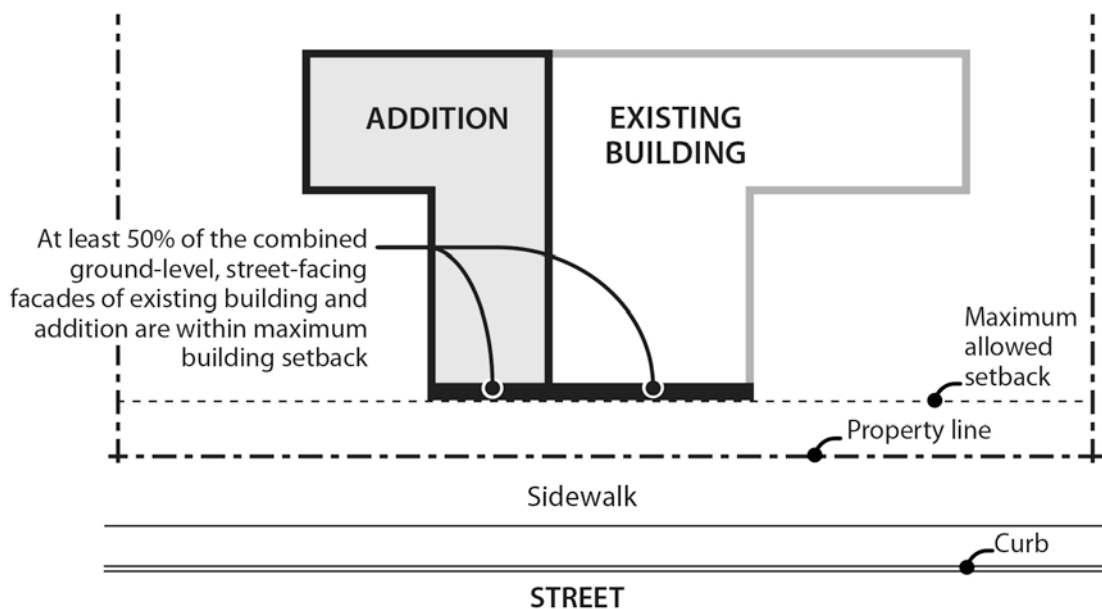
(3) The porch must have a roof that is no more than 12 feet above the floor of the porch and at least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

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

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

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

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

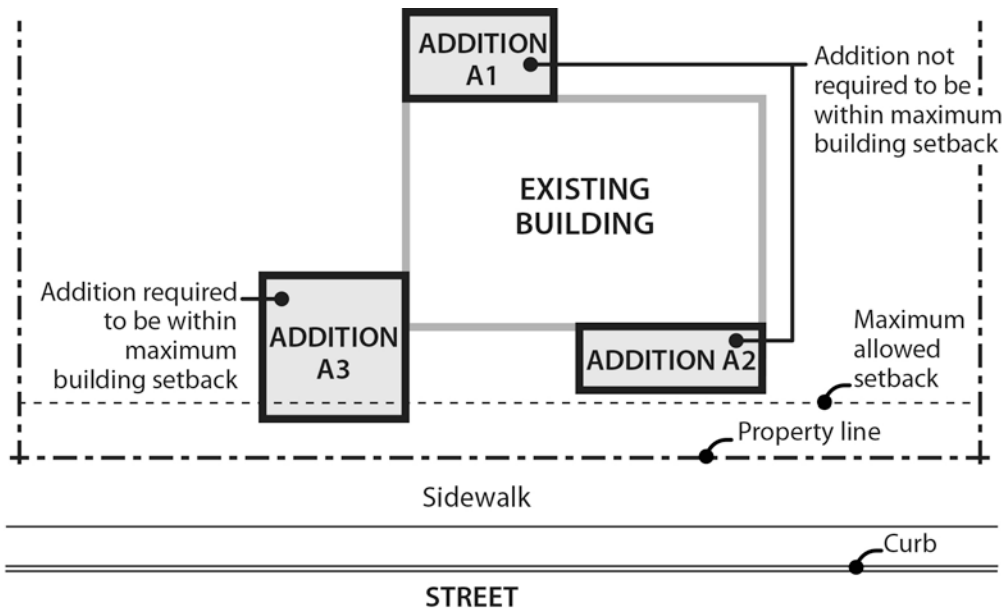


Commentary

Figure 130-4 (former 130-2)
No change.

Figure 130-5 (former 130-3)
No change.

Figure 130-4
Alterations to Existing Building



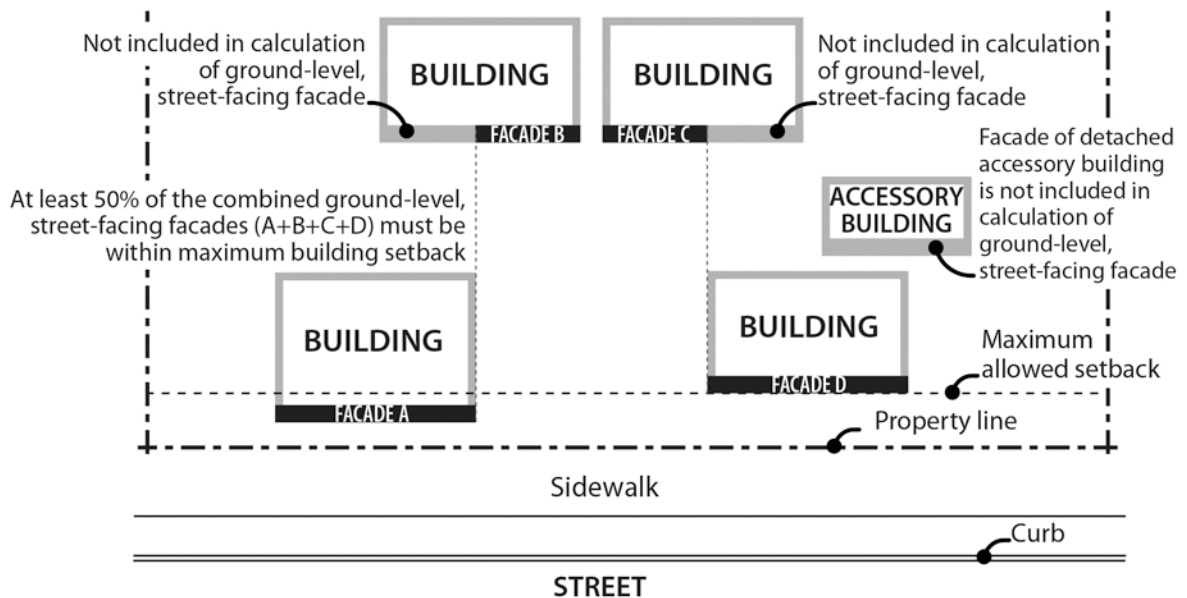
Notes:

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

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

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

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



Commentary

Figure 130-6 (former 130-4)

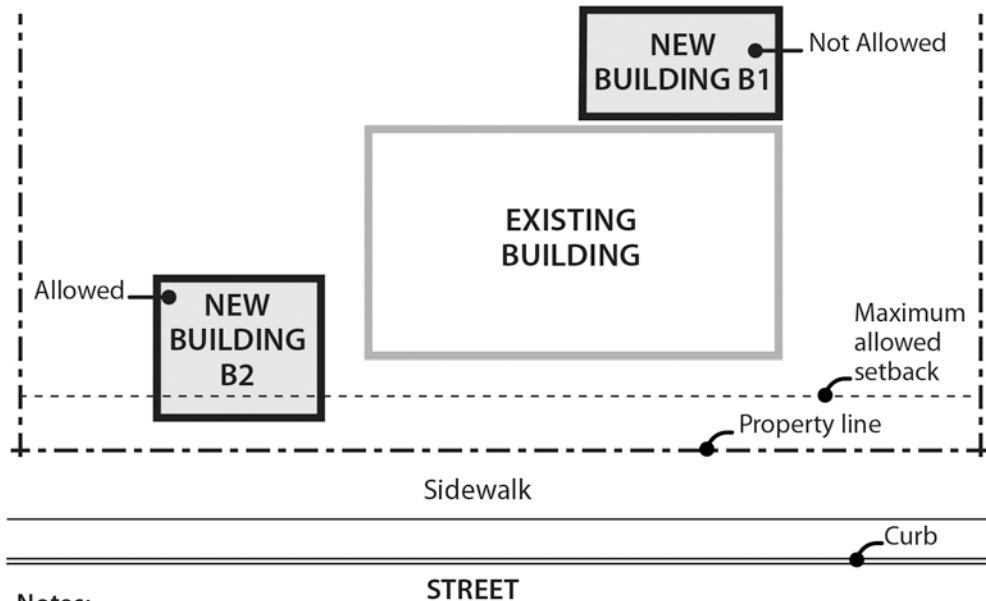
No change.

33.130.215.E. Alternative maximum building setback for large retailers

The only substantial change to this section is a reduction in the qualifying threshold from a building with 100,000 square feet down to 60,000 square feet. This change is intended to allow this provision to be used by a broader range of development anchored by supermarkets and other similarly-sized retailers, for which site design flexibility on large sites can be important to their feasibility. This flexibility is intended to increase possibilities for retail development in areas such as East Portland, which can benefit from greater local access to commercial services.

Figure 130-6

New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

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

E. Alternative maximum building setback for large retailers.

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

Commentary

33.130.215.F. (continued)

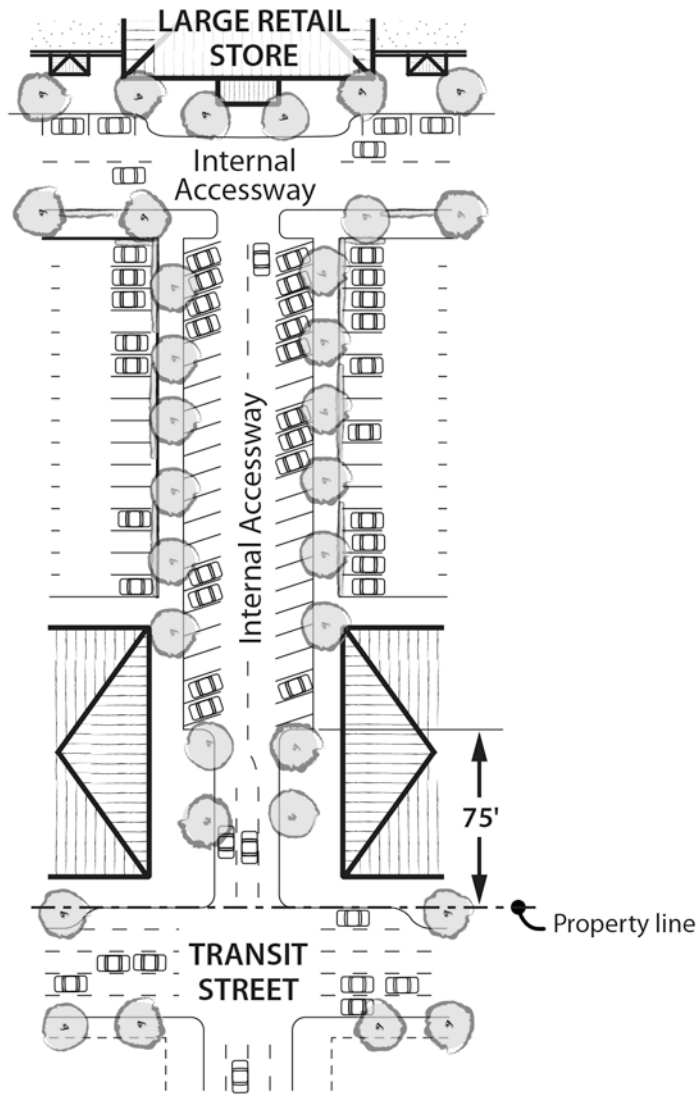
No change to the regulations on this page.

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

Commentary

Figure 130-7 (former 130-5)
No change.

Figure 130-7
Internal Circulation System



Commentary

33.130.220 Building Coverage

The building coverage standards provide differing requirements based on zone and pattern area location (see Table 130-2 and Map 130-2). Lower building coverage is allowed in areas outside the Inner pattern area to reflect their less intensely developed and more landscaped characteristics.

33.130.222 Building Length and Façade Articulation

These new standards reflect community concerns about large buildings with monolithic massing that appear out of scale with the fine-grain patterns of many neighborhood commercial areas. The proposed standards are intended to promote buildings that fit better into the scale of neighborhood commercial corridors, but without dictating the architectural approach or style of new buildings. These standards require that the mass of large buildings be divided into smaller components.

B. Maximum building length. This requirement is derived from a standard that applies in some of the multi-dwelling zones. The maximum building length standard of 200 feet corresponds to traditional Portland block patterns. Outside of Portland's core, blocks can be 460 feet or greater in length, which has sometimes resulted in lengthy buildings whose scale has been of concern to community members. This building length limitation only applies within 20 feet of a street lot line, so that building volumes may be attached beyond this distance. This standard requires that the resulting building volumes, when located on the same site, be separated by a minimum of 20 feet in order to create a clear break in the building massing, which is also wide enough to potentially serve as a usable open space.

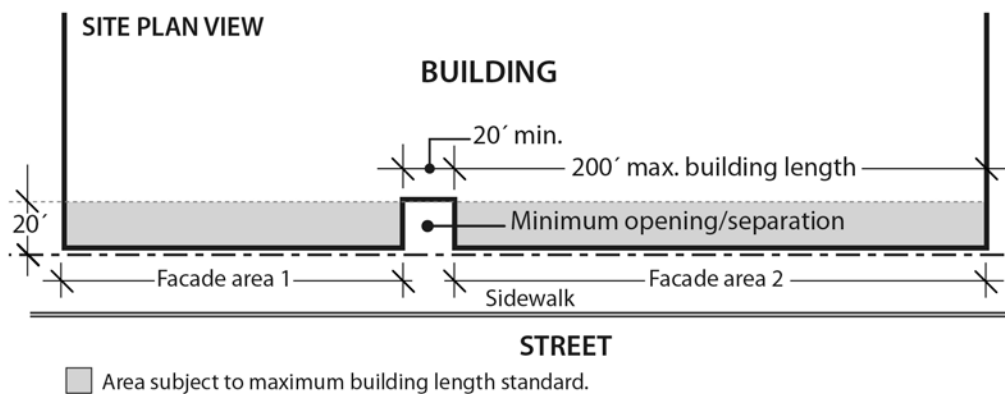
33.130.220 Building Coverage

- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of lot coverage in the Inner Neighborhoods pattern area to reflect the urban development patterns and continuous building frontages of the area. The standards for Eastern and Western pattern areas work in conjunction with landscaping requirements to respond to the less intensely developed characteristics of these areas.
- B. Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Façade Articulation

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

**Figure 130-8
Maximum Building Length**



Commentary

33.130.222 Building Length and Façade Articulation (continued)

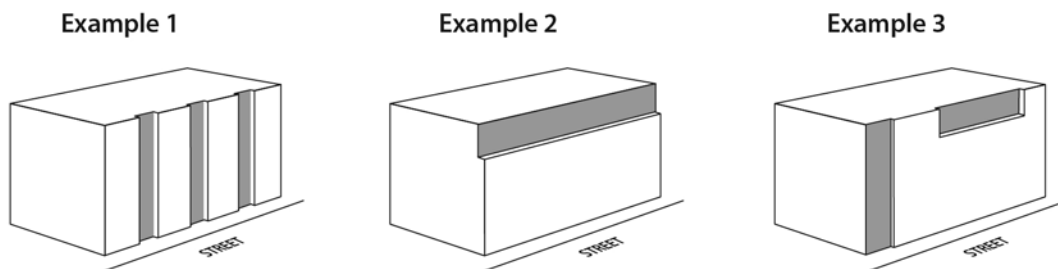
C. Façade articulation. This standard requires large building wall planes to be divided into smaller components. Recessed areas of façade that include projecting features such as balconies can count toward meeting this requirement. This approach would allow stepping back the upper levels of facades (such as the fourth story of a building in the CM2 zone) as one option for meeting this standard.

Portions of building façade that are entirely separated from each other, such as by a courtyard, are considered to be separate façade areas for the purpose of determining the size of each façade area.

C. Façade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:
 - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have façade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have façade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of 10 feet in width or more extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the façade area measurements. See Figure 130-8.
2. The standard. At least 25 percent of the façade within 20 feet of a street lot line must be divided into façade planes that are off-set by at least 2 feet in depth from the rest of the façade. Façade area used to meet the façade articulation standard may be recessed behind, or project out from, the primary façade plane. See Figure 130-9.

**Figure 130-9
Façade Articulation**



Commentary

33.130.225 Landscaped Areas

The primary departure from existing landscape area regulations is a requirement for landscaping or alternative green options for commercial/mixed use zones that allow high lot coverage and do not currently have landscaping requirements (CM2 and CM3 in the Inner Pattern Area, whose comparable existing zones [CS, CM, CX, and EX] do not generally require landscaping).

This regulation responds to comments received regarding the need for green elements as part of development within centers and corridors in the Inner Pattern Area. Also, draft Comprehensive Plan policies call for integrating green/vegetated elements into the urban environment and reducing urban height island effects.

The proposed regulations apply a 15 percent landscaping requirement (as currently applies in most commercial/mixed use zones) to the CM2 and CM3 zones, but provide alternative options to meeting this requirement that preserve the ability to undertake development with high lot coverage (up to 100 percent). Some of these options are also intended to accommodate improvements to older buildings and the continuation of existing urban development patterns in older commercial districts that have high levels of building coverage.



Example of a range of landscaping approaches integrated into urban development, including ecorooftops, raised landscaped areas, and stormwater planters.

33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.216) to provide buffering and promote livability.
- B. Minimum landscaped area.** The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:
1. Unless allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
 2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
 - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
 - b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.

Commentary

33.130.227 Trees

No change.

33.130.228 Required Outdoor Areas

Currently, no outdoor space is required for residential development in the commercial/mixed use zones. These standards would use the same 48 square feet per unit requirement that applies in multi-dwelling residential zones (R3, R2, and R1 zones). A lesser amount of outdoor space (36 square feet per unit) is required for small sites (20,000 square feet or less) in response to the greater difficulty of accommodating outdoor spaces on small sites. This new requirement responds to the fact that residential development has become a predominant type of development in the commercial/mixed use zones and would implement Comprehensive Plan policy direction on fostering housing that promotes healthy, active living and that provides access to outdoor space.

The primary difference between these standards and similar requirements in the multi-dwelling zones is an allowance for indoor common areas (such as community rooms, exercise rooms and other indoor recreation facilities) to be used as an option to meet the residential outdoor space requirements. Required residential outdoor areas can be provided in the form of private outdoor spaces, shared outdoor areas, indoor community or recreation spaces, or combinations of these.



Examples of residential outdoor areas in the form of individual balconies (left) and shared outdoor space (right).

- c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.
- d. Pervious pavement. Up to 50 percent of the required landscaped area may be improved for pedestrian use, such as walkways and plazas, if the area is surfaced with pervious pavement approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual. If this provision is used, no impervious surfaces can be counted toward meeting the minimum landscaped area standard.

33.130.227 Trees

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

33.130.228 Required Outdoor Areas

- A. Purpose.** The required outdoor areas standards ensure opportunities for residents to have on-site access to outdoor space for recreation, relaxation, natural area, or growing food. Required outdoor areas are an important aspect for addressing the livability of a property with residential units by providing residents with opportunities for outdoor activities, some options for outdoor privacy, and a healthy environment. These standards also allow for outdoor area requirements to be met by indoor community facilities that provide opportunities for recreation or gathering.
- B. Requirements.**
 - 1. Amount required:
 - a. On sites that are up to 20,000 square feet in total area, at least 36 square feet of outdoor area is required for each dwelling unit on the site;
 - b. For sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required for each dwelling unit on the site.
 - 2. Size, location and configuration. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared areas, such as outdoor courtyards and play areas, or indoor recreational facilities or community rooms. There also may be a combination of individual and common areas.
 - a. Individual unit areas. Where a separate outdoor area is provided for each individual unit, it must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. The outdoor area must be directly accessible to the unit. Balconies that extend over street right-of-way count towards meeting this standard. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting the required outdoor area. If the area is at ground level it may extend up to 5 feet into a required front setback, and may extend into required side and rear setbacks as long as the area is not closer than 5 feet to a lot line abutting an RF through RH zoned lot.

Commentary

33.130.228 Required Outdoor Areas (continued)

See previous commentary.

- 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 so that a 20-foot x 20-foot square will fit entirely within it.
 - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.
 - c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
- 3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
 - 4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

Commentary

33.130.230 Ground Floor Windows

Significant changes to ground floor window requirements include the following:

- Increase in the window coverage requirement on the primary ground level frontage from the current 25 percent to 40 percent.
- Increase in the secondary frontage window coverage requirement from 12-1/2 percent to 25 percent.
- Change in the window coverage measurement methodology. Current measurement of ground level wall area includes all wall area up to 9 feet above grade. The new measurement is based on wall area from 2 feet to 10 feet above grade.
- Change from the current exemption for parking structures. New regulations would require parking structures to meet ground floor window coverage requirements on at least one frontage.
- The walls of residential units are no longer exempt from ground floor window coverage requirements. Instead, ground floor residential units are provided several options for meeting ground floor window requirements (see subsection D).
- Change to the Exception for Public Art option, limiting the use of this provision to one half of the ground floor window coverage requirements.

Ground floor window requirements have been an important design-related regulatory standard in Portland's commercial zones, continuing traditions of storefront commercial development and contributing to an engaging, pedestrian-oriented street environment. The current minimum ground-floor window coverage requirement of 25 percent, however, sometimes results in sub-optimal window coverage, and includes exemptions for residences and parking garages that can compromise the street environment.

The increased ground-floor window coverage requirements (and related concepts for entrances) respond to interest from a wide-range of community members in focusing on improving the design of the ground-level frontages of buildings. This is where buildings are most directly experienced by pedestrians and can be important for maintaining the continuity of business districts. Regulations for a higher level of ground floor window coverage (60 percent) is applied to the core commercial areas of centers, as part of the proposed Centers Main Street Overlay, to reinforce the roles of these locations as pedestrian-oriented places that are a focus of commercial and community activity (see Chapter 33.415).

33.130.230 Ground Floor Windows

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

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

B. Ground floor window standard.

1. General standard.

- a. Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include structured parking entrances and openings. See Figure 130-10.
- b. If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the façade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2. Exemptions:

- a. Houses, attached houses, manufactured homes, and duplexes are exempt from this Section; and
- b. Ground floor street-facing walls of dwelling units are exempt from Paragraph B.1., but the walls must meet one of the standards in Subsection D.

C. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage, vehicle or bicycle parking, mechanical equipment, or garbage and recycling areas, and display cases attached to outside walls do not qualify. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

Commentary

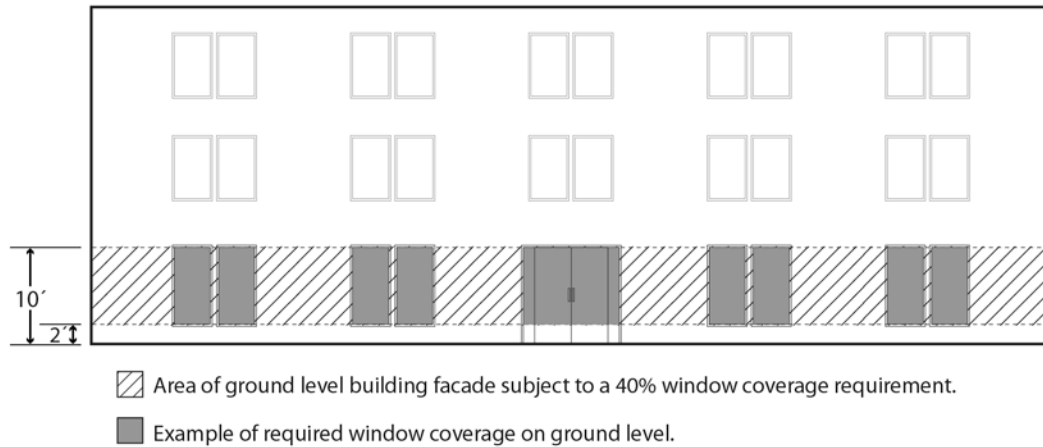
33.130.230 Ground Floor Windows (continued)

Portions of buildings with ground floor residential units will be required to meet one of three options:

- Design to accommodate future conversion to commercial or other active ground floor uses, with storefront-type windows and barrier-free entrances.
- Ground floor residential units set back from street lot lines.
- Ground floor residential units raised above grade.

This regulatory approach responds to concerns about residential development in centers and corridors when residential units are built at ground level close to sidewalks. Besides loss of commercial opportunities, this creates privacy issues for the residents of ground floor units close to sidewalks. This concept proposes a series of options that projects with ground floor residences could choose to follow, one option of which is for designing the spaces to be adaptable to commercial uses with 40 percent window coverage; and the other two options of which are for more residentially-oriented design, with units either setback from the street or raised above grade. These options will be required for development with ground-floor residential units along any street frontage. Besides ground-floor window coverage requirements, residential development in the commercial/mixed use zones will need to meet requirements (existing) for 15 percent overall window coverage for street-facing facades.

Figure 130-10
Ground Floor Windows



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

Commentary

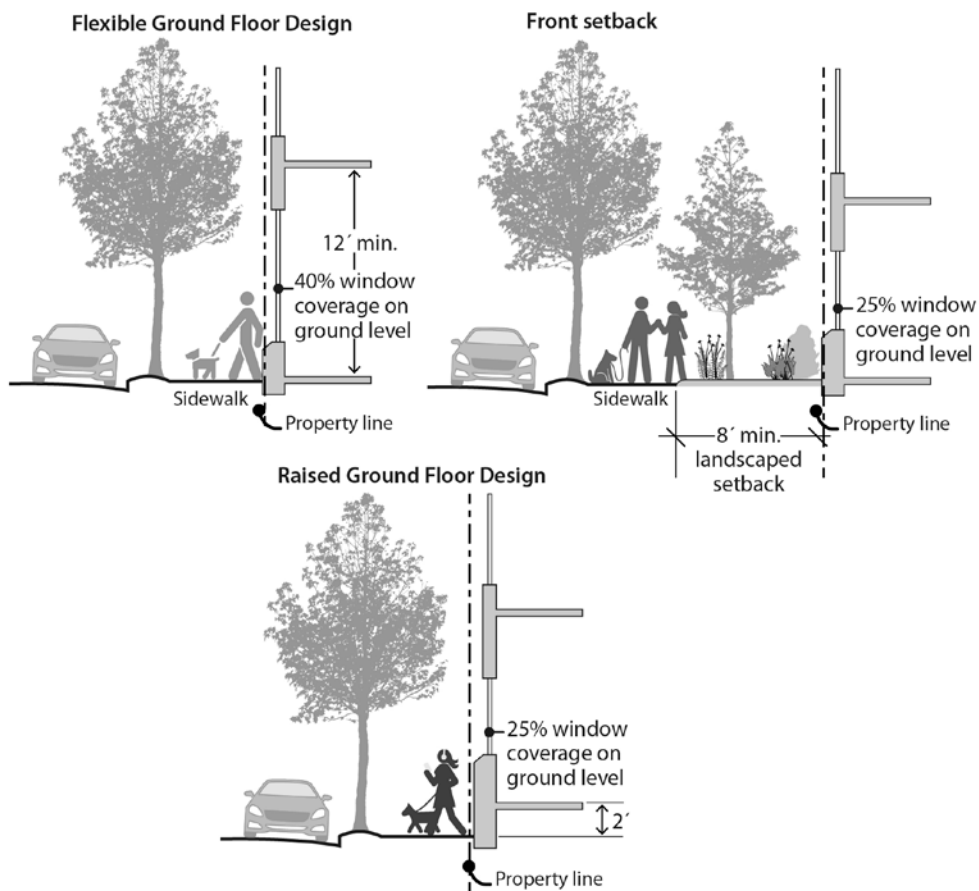
33.130.230 Ground Floor Windows (continued)

See previous commentary on ground floor window requirements for ground floor residential.

E. Exception for Public Art. This existing subsection has been changed to limit the use of this provision to one half of the ground floor window coverage requirements in order to retain the intent of requiring windows to strengthen connections between buildings and sidewalks on a portion of ground floor frontages.

- b. Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
- 3. Raised ground floor.
 - a. The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
 - b. Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

**Figure 130-11
Ground Floor Window Options for Ground Floor Residential**



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

Commentary

33.130.235 Screening

No change.

33.130.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

Commentary

33.130.240 Pedestrian Standards

No substantive changes to sections on this page, except for an allowance for buildings separated from a street by other buildings to not have a direct connection to the street. Such buildings would still need to meet requirements for internal connections between buildings within a site.

33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. Pedestrian connections are required as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage.
 - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Buildings separated from the street by other buildings are exempt from this standard.
 - Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
 - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.
 - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
 - The standard of Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a connection meeting the standard of Subparagraph B.1.a(1) to one main entrance on the site;
 - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing façade is within 10 feet of the street, no connection is required to that street.

Commentary

33.130.240 Pedestrian Standards (continued)

Internal connections. Language has been added to this paragraph to allow public sidewalks to be used to meet requirements for internal connections for sidewalk-oriented buildings. This is intended to accommodate buildings located close to sidewalks, such as townhouse or storefront-type buildings with main entrances close to public sidewalks and insufficient setbacks to provide pedestrian connections that are separate from public sidewalks.

Large site pedestrian connectivity. This new paragraph calls for pedestrian connections no further apart than 330 feet, in alignment with regional pedestrian connectivity standards.

Materials. The requirement for the pedestrian circulation system is being amended to allow for narrower, 3-foot wide connections for portions of the system providing access to only a few (up to 4) residential units. This corresponds to a similar provision in the Multi-Dwelling Zones (Chapter 33.120) that is intended to allow for less impervious surfaces in situations that are not expected to have large amounts of pedestrian activity. Also based on a Multi-Dwelling Zones regulation intended to allow for less impervious surfaces, a new provision has been added (subparagraph d) that allows a "shared street" configuration in which pedestrian and vehicle circulation takes place within the same space, when the circulation space is surfaced with paving blocks or bricks to signify the role of the space as a place for pedestrians. This allowance is limited to purely residential projects and to auto travel lanes that access no more than 16 units in order to limit pedestrian-vehicle conflicts.

No changes to other paragraphs.

- b. Internal connections. The system must connect all main entrances on the site, and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
- c. Large site pedestrian connectivity. Sites that are 5 acres or more in size must provide pedestrian connections through the site that are no further apart than 330 feet as measured from the centerline of each connection. Pedestrian connections must provide connectivity to all streets that abut the site. Portions of sites that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, have existing large buildings that prevent this standard from being met, or have slopes with an average slope of 20 percent or greater are exempt from this standard.

2. Materials.

- a. The circulation system must be hard-surfaced, and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.
- b. Except as allowed in Subparagraph B.2.d., where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
- c. Except as allowed in Subparagraph B.2.d., where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
- d. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.

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

Commentary

33.130.242 Transit Street Main Entrance

A significant change to this section is expansion of transit street main entrance requirements to multi-dwelling structures, in addition to its current applicability to non-residential uses. New requirements call for one main entrance to a multi-dwelling structure to meet transit street main entrance requirements. It also provides an additional option for multi-dwelling structures to have the required main entrance front a courtyard and be within 50 feet of the transit street (as an alternative to the current requirement for 25 feet). This courtyard option allows a continuation of a common type of Portland courtyard apartment building that features main entrances accessed from courtyards, instead of fronting directly onto public sidewalks.

D. Distance between entrances. This new standard requires a minimum of one entrance for every 200' of building frontage. While more frequent entrances than this would provide more active street frontages (and is currently required of multi-tenant buildings close to sidewalks), this standard is intended to accommodate the very broad range of development types built in the commercial/mixed-use zones. Some development types which can be important contributions to mixed-use corridors do not lend themselves to multiple entrances. These include supermarkets and other large format retail (which could incorporate smaller retail spaces to meet the standard), as well as office buildings and other employment-related development. The requirement for one entrance per 200' will be more than is currently required and will be particularly impactful along the lengthy blocks common along corridors in Eastern and Western parts of Portland and in some inner neighborhoods.

33.130.242 Transit Street Main Entrance

- A. Purpose.** Locating the main entrance to a use on a transit street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Applicability.**
1. Generally. All sites with at least one frontage on a transit street, and where any of the floor area on the site is in nonresidential uses, or residential use in a multi-dwelling structure, must meet the following standards. If the site has frontage on more than one transit street, the standards of Subsection C, below, must be met on at least one of the transit streets;
 2. Houses, attached houses, manufactured homes, and duplexes. Houses, attached houses, manufactured homes, and duplexes must meet the standards of 33.130.250.C, Residential Main Entrance, instead of the requirements of this section.
- C. Location.** For a building with portions within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor located within 20 feet of a transit street, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent transit street grade. The main entrance must:
1. Be within 25 feet of the transit street;
 2. Allow pedestrians to both enter and exit the building; and
 3. Meet one of the following:
 - a. Face the transit street;
 - b. Be at an angle of up to 45 degrees from the transit street, measured from the street property line, as shown in Figure 130-12; or
 - c. If it is an entrance to a multi-dwelling structure:
 - (1) Face a courtyard at least 15 feet in width that is adjacent to the transit street and that is landscaped to at least the L1 level, or hard-surfaced for use by pedestrians; and
 - (2) Be within 50 feet of the transit street.
- D. Distance between entrances.** For portions of a building subject to the maximum building setback, a minimum of one entrance is required for every 200 feet of building length.

Commentary

33.130.242 Transit Street Main Entrance (continued)

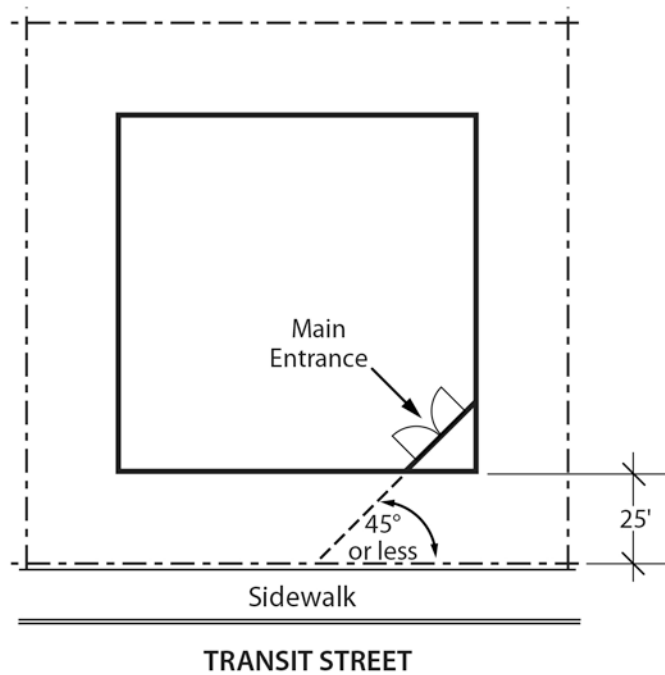
E. Unlocked during regular business hours. Language is added to indicate that this requirement only applies to nonresidential uses.

Figure 130-12 (former 130-6)

No change.

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

**Figure 130-12
Transit Street Main Entrance**



Commentary

33.130.245 Exterior Display, Storage, and Work Activities

This section is being changed to expanded allowances for the exterior display of goods in most commercial/mixed use zones. Exterior display of goods is currently limited in most commercial/mixed use zones. Most zones previously allowed only display of plants and produce, while the CG allowed exterior display of goods only if set behind landscaping. Flexibility for exterior display of merchandise can help contribute to vibrant pedestrian environments and support the vitality of businesses. Exterior merchandising such as vendor stalls and kiosks can also provide low-cost business opportunities, which can be particularly helpful for enabling lower-income people to establish retail businesses (much as food carts have reduced barriers for establishing food-related businesses). This concept primarily concerns exterior display on private property and any exterior display would need to preserve required clear areas on sidewalks for pedestrian passage. Along with expansion of allowances for the exterior display of goods, this section now includes requirements for five-foot deep landscaped screening along lot lines adjacent to residential zones.



*Exterior display of merchandise
(historic example).*

The exterior work activities subsection is being amended to prohibit auto-oriented exterior work activities within 25 feet of lot lines abutting or across a local service street from a residential zone. This is derived from Buffer (b) Overlay provisions that apply in mapped areas adjacent to residentially-zoned areas, but would apply this prohibition whenever commercial/mixed use zoning is adjacent to residential zoning. Staff anticipates that this amendment, together with requirements in this and other Chapter 33.130 sections (such as requirements for screening landscaping and prohibition of drive-through facilities adjacent to residential zoning [see 33.130.260]), will replace the Buffer Overlay where it is mapped in the commercial/mixed use zones.

No substantial changes to other subsections, other than minor text edits in paragraph E (Other exterior activities), for which reference to plant nurseries has been deleted in conjunction with adding "propagation and sale of plants" to paragraph D.

33.130.245 Exterior Display, Storage, and Work Activities

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

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

B. Exterior display.

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

C. Exterior storage.

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

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

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

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

Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.

33.130.250 General Requirements for Residential and Mixed-Use Developments

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

B. Street-facing facades.

1. Purpose. This standard:

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

2. Where this standard applies. The standard of this subsection applies to the street-facing facades of buildings in commercial/mixed use zones where any of the floor area is in Residential uses. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

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

4. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of this subsection.

C. Residential main entrance.

1. Purpose. These standards:

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

Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No substantive changes to sections on this page, except that the order of the section paragraphs have been changed for clarity.

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

2. Where these standards apply.

- The standards of this subsection apply to houses, attached houses, manufactured homes, and duplexes in the commercial/mixed use zones.
- Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added.
- On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street lot line, the applicant may choose on which frontage to meet the standards.
- Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

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

- Be within 8 feet of the longest street-facing wall of the structure; and
- Either:
 - Face the street, See Figure 130-13;
 - Be at an angle of up to 45 degrees from the street; or
 - Open onto a porch. See Figure 130-14. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with lattice or other open material if no more than 70 percent of the area of the material is open.

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

Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No changes to figures on this page.

Figure 130-13
Main Entrance Facing the Street

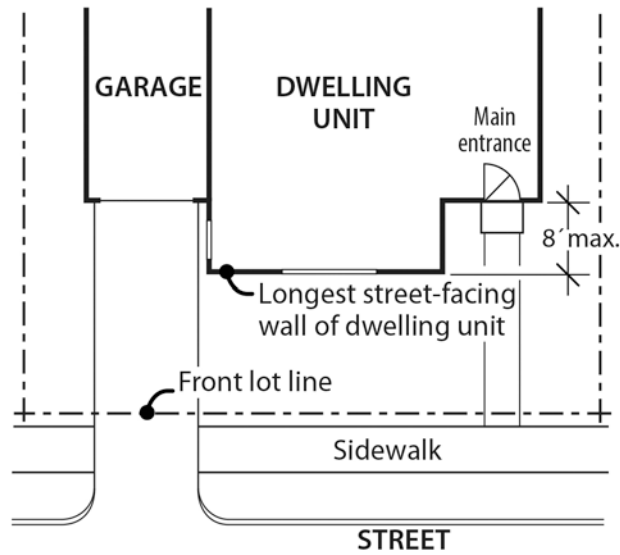
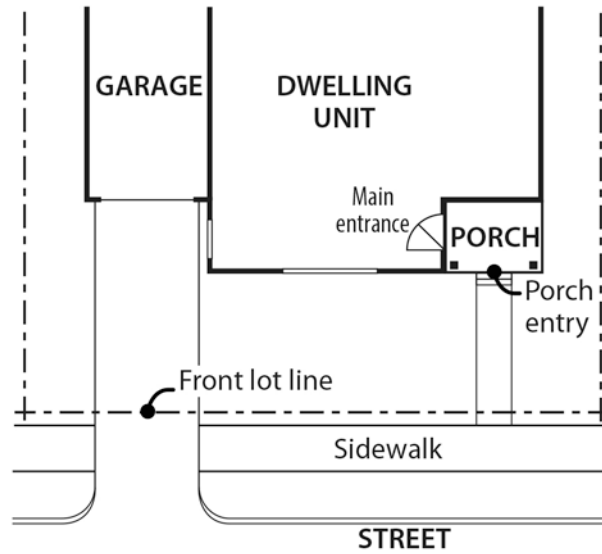


Figure 130-14
Main Entrance Opening Onto a Porch



Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

D.2 and D.3. (Length of street-facing garage wall). These subparagraphs are being changed so that the garage wall limitations apply to attached houses (rowhouses) and to eliminate the exemption that currently allows narrow lots (less than 24 feet wide - such as for rowhouses and narrow-lot detached houses) to have street-facing garages that are the majority of ground-level street frontages. The new code language is based regulations that currently apply in the single-dwelling zones. The new regulations promote pedestrian-friendly street frontages and fewer front driveways, reflecting policies for fostering a strong pedestrian orientation in areas with commercial/mixed use zoning, such as centers and corridors. Garages will continue to be allowed, but must be located to the rear or as part of building frontages that are wide enough so that garages do not take up the majority of ground-level frontage.

No changes to other subparagraphs on this page.

Code amendments would prevent front garages from being the predominant ground-level features of narrow detached or attached houses (as in example to right) to minimize disruptions to the pedestrian environment. Parking garages can be to the rear (as below), or in front if occupying no more than 50 percent of facades.



D. Garages.**1. Purpose. These standards:**

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

2. Where these standards apply. The requirements of Paragraphs D.3, D.4 and D.5, below, apply to houses, attached houses, manufactured homes, and duplexes. The requirements of Paragraphs D.4 and D.5, below, also apply to garages that are accessory to attached houses. When a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.

3. Length of street-facing garage wall.

- a. The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure 130-15. For duplexes, this standard applies to the total length of the street-facing façades. For all other lots and structures, the standards apply to the street-facing façade of each unit.
- b. Where the street-facing façade is less than 22 feet long, an attached garage facing the street is not allowed as part of that façade.

Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No changes to this page, except that paragraph E has been moved from near the front of the section.

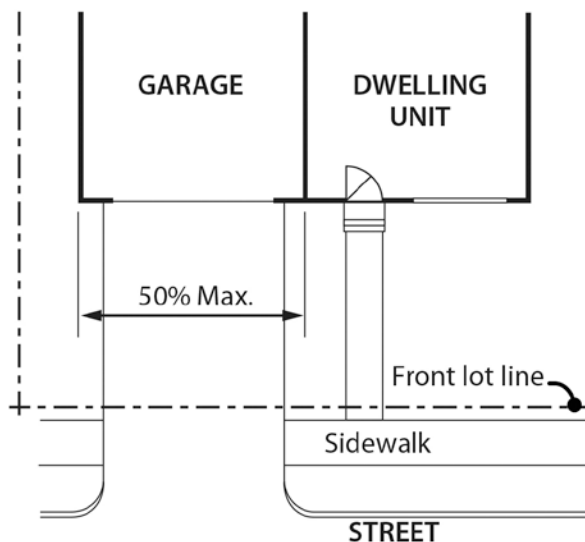
4. Street lot line setbacks.

- a. Generally. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 130-16.
- b. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - (1) The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - (2) There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 130-17. The porch must meet the following:
 - The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - The porch must have a solid roof; and
 - The roof may not be more than 12 feet above the floor of the porch.
- c. Exemption. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.

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

E. Permit-Ready houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.

Figure 130-15
Length of Street Facing Garage Wall



Commentary

33.130.250 General Requirements for Residential and Mixed-Use Development (continued)

No change to the figures on this page.

Figure 130-16
Street Lot Line Setback

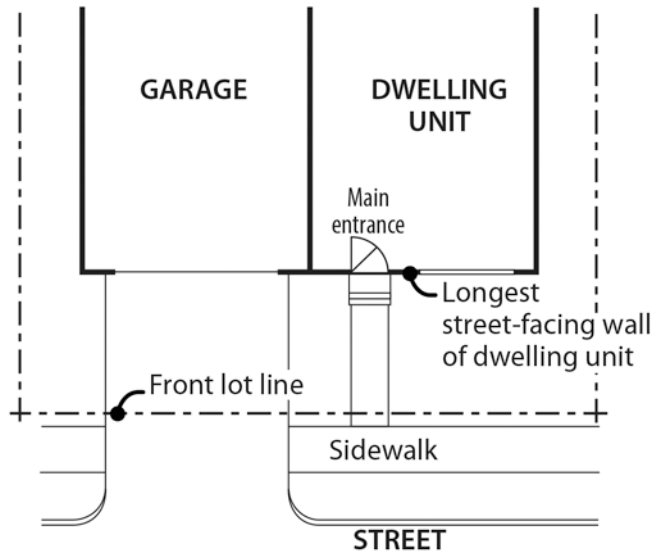
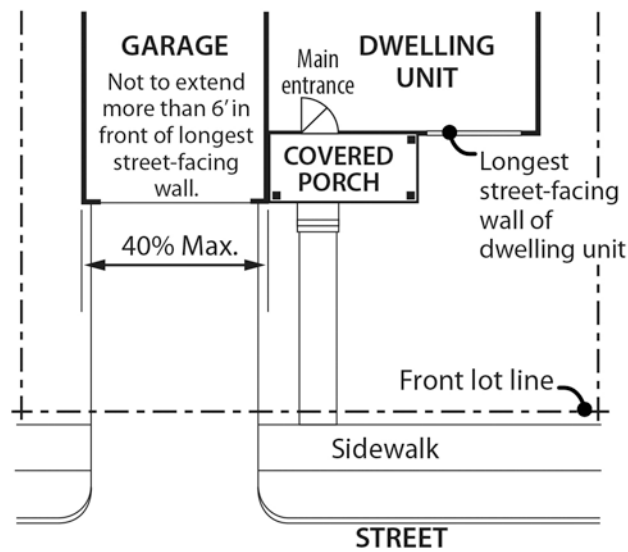


Figure 130-17
Garage Front Setback Exception



Commentary

33.130.255 Trucks and Equipment

No change.

33.130.255 Trucks and Equipment

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

Commentary

33.130.260 Drive-Through Facilities

This section is being changed to treat existing drive through facilities in the *CM1*, *CM2* and *CM3* zones as allowed development to facilitate their continuation and improvement. New drive through facilities in these zones would remain prohibited, as is currently the case in the comparable existing zones (*CN1*, *CO1*, *CO2*, *CM*, *CS*, and *CX*). This allowance for the rebuilding of existing drive through facilities is intended to allow for the improvement of existing development, which would otherwise be regulated as non-conforming development, limiting the ability to rebuild or update facilities with this status. Continuing to prohibit new drive through facilities in these zones supports the intent of these zones in fostering development that contributes to creating pedestrian-oriented places.

In the *CM1*, *CM2* and *CM3*, when drive through facilities are rebuilt, they must meet the other standards in Chapter 33.130 and those in Chapter 33.224.

The *CE* zone will continue existing *CG*-zone allowances for drive-through facilities, except that such facilities will not be allowed within 25-feet of lot lines abutting a residential zone property. This limitation would serve together with other Chapter 33.130 regulations as a replacement to Buffer (b) Overlay provisions, applicable to some mapped areas adjacent to residentially-zoned areas, that are intended to limit negative impacts to residential areas. These new regulatory approaches will apply consistently whenever commercial/mixed use zoning is adjacent to residential zoning. Other new regulations providing a transition between commercial/mixed use zoning and residential zoning are requirements for:

- Height step downs (33.130.210.B.2),
- Landscaped setbacks (33.130.215.B.2.b),
- Required transition approaches across local service streets (33.130.215.B.1.b), and
- Limitations on exterior display and work activities (33.130.245).

In conjunction with these amendments, staff anticipates that the Buffer Overlay will be removed from the commercial/mixed use zones.

33.130.265 Detached Accessory Structures

No change to the existing regulations on this page.

33.130.260 Drive-Through Facilities

- A. Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. CR and CX zones.** Drive-through facilities are prohibited in the CR and CX zones.
- C. CM1, CM2, and CM3 zones.** The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
 1. Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded, but adding additional drive-through facilities to the site is not allowed. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused for 3 continuous years, reestablishment of the drive-through facility is prohibited.
 2. New drive-through facilities are prohibited.
- D. CE zone.** Drive-through facilities are allowed in the CE zone, except that drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.

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

Commentary

33.130.265 Detached Accessory Structures (continued)

The primary change to this section is language that prevents uncovered accessory structures from being located within 5 feet of a lot line abutting most residential zones to allow for landscaped screening, which aligns with regulations for attached features (such as decks) in subparagraph 33.130.215.B.3.

33.130.270 Fences

No change.

C. Setbacks.

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

33.130.270 Fences

- A. Purpose.** The fence regulations promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences near streets are kept low in order to allow visibility into and out of the site and to ensure visibility for motorists. Fences in any required side or rear setback are limited in height so as to not conflict with the purpose for the setback.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and heights.**
 1. Fences abutting street lot lines and pedestrian connections. Within 10 feet of a street lot line or lot line that abuts a pedestrian connection, fences that meet the following standards are allowed:
 - a. Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high.
 - b. Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
 2. Fences abutting other lot lines. Fences up to 8 feet high are allowed in required building setbacks along all other lot lines.
 3. Fences in all other locations. The height for fences in locations other than described in Paragraphs C.1 and C.2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

Commentary

33.130.275 Demolitions

No change.

33.130.285 Nonconforming Development

No change.

33.130.290 Parking, Loading, and Transportation Demand Management

Changed to include references to the new Transportation Demand Management (TDM) requirements proposed in 33.266. Development in Commercial Mixed Use zones that includes more than 10 residential units will be subject to TDM requirements.

33.130.292 Street and Pedestrian Connections

This new sections provides a reference to Title 17 requirements for street and pedestrian/bicycle connections, which are administered by the Bureau of Transportation. Staff anticipates that a future project will strengthen Title 17 requirements for street connectivity and conformance with adopted street plans, which is of particular concern in centers in areas such as East Portland that lack good street and pedestrian connectivity.

33.130.295 Signs

No change.

33.130.305 Superblock Requirements

No substantive change.

33.130.310 Recycling Areas

No change.

33.130.275 Demolitions

- A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.
- B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.
- C. CX zone landscaping.** In the CX zone, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.130.285 Nonconforming Development

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

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

The standards pertaining to the minimum required and maximum allowed number of auto parking spaces, minimum required number of bicycle parking spaces, parking lot placement, parking lot setbacks and landscaping, and requirements for transportation demand management are stated in Chapter 33.266, Parking, Loading, and Transportation Demand Management.

33.130.292 Street and Pedestrian Connections

Requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

33.130.295 Signs

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

33.130.305 Superblock Requirements

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

33.130.310 Recycling Areas

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

Commentary

Map 130-1

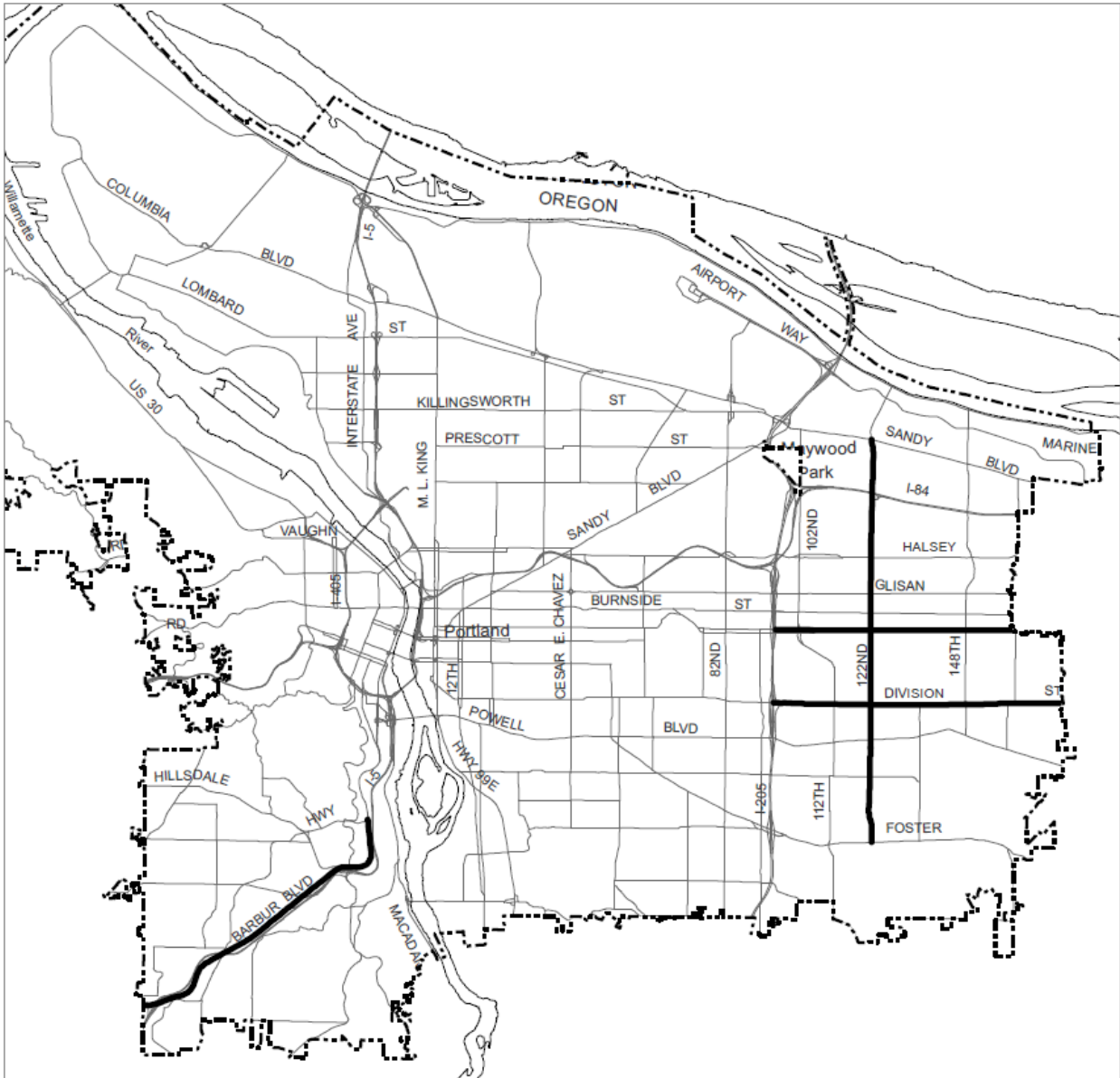
This map shows Civic Corridors where adjacent properties have a requirement for minimum 10-foot setbacks from street lot lines (see 33.130.215.B.1). This street setback requirement is applied to Civic Corridors in the Eastern and Western pattern areas (see Map 130-2).

Civic Corridors with Required Setbacks

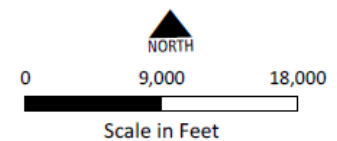
DRAFT

Map 130-1

Map Revised Xxxx xx, xxxx



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



Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 130-2

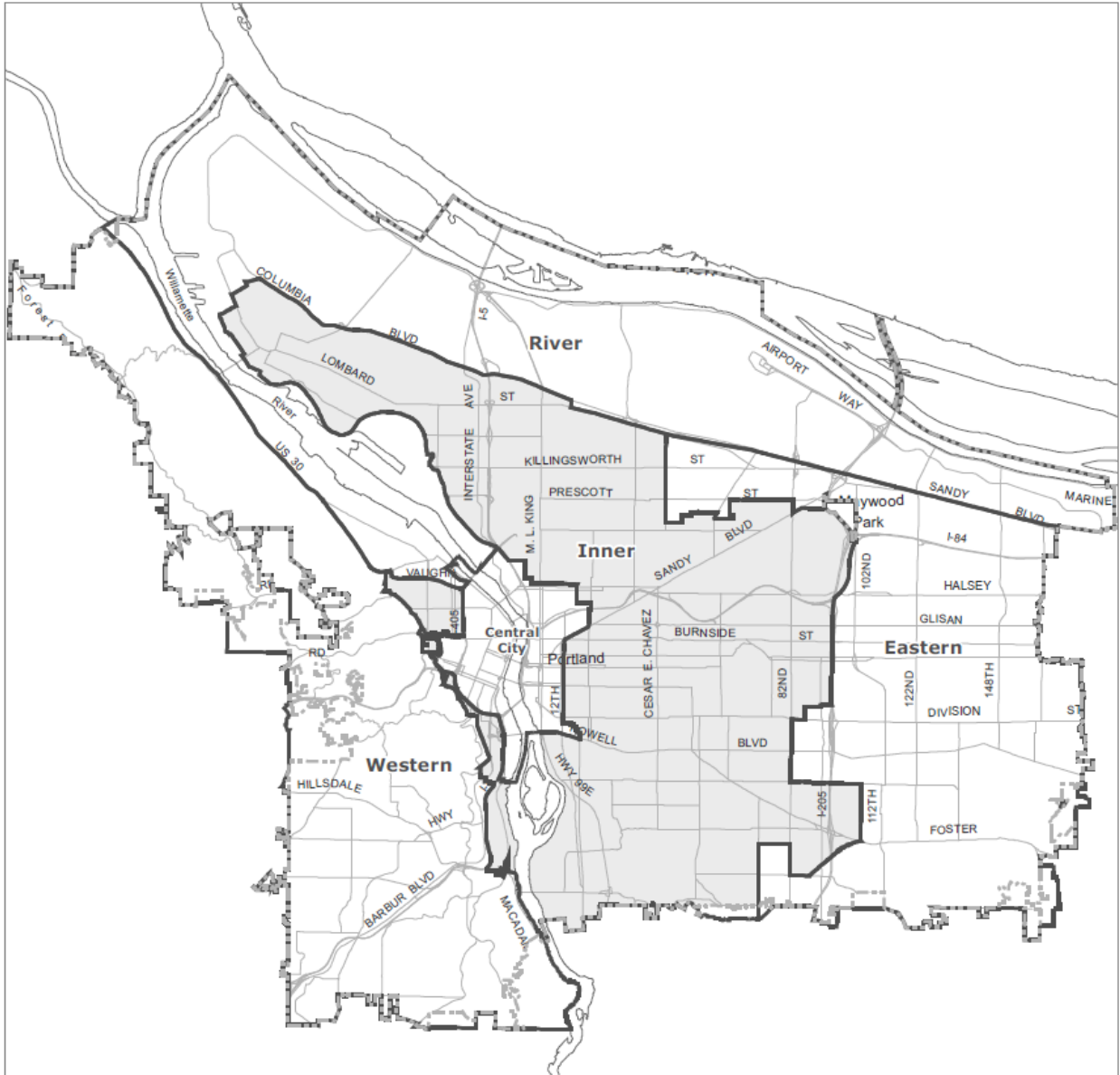
This map shows the location of the Inner, Eastern, Western, and River pattern areas. Building coverage and landscaped area requirements will vary based on pattern area (see Table 130-2). See the [Urban Form Background Report](#) for more on the neighborhood pattern areas, including information and mapping related to the lot and block patterns and other built and natural characteristics that distinguish the pattern areas.

Pattern Areas

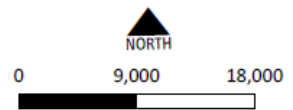
DRAFT

Map 130-2

Map Revised Xxxx xx, xxxx



- City Boundary
- Pattern Area Boundaries



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

33.266 Parking, Loading, and Transportation Demand Management

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

Commentary

33.266 PARKING, LOADING, AND TRANSPORTATION DEMAND MANAGEMENT

Chapter 33.266 is amended to reference the new Commercial/Mixed Use zones in the regulations and delete references to most existing Commercial zones. The chapter is further amended to include requirements for Transportation Demand Management.

Sections:

The changes add the new Transportation Demand Management requirements to the list of sections.

33.266.010 Introduction

The changes add text to include the new requirements for Transportation Demand Management plans.

CHAPTER 33.266 PARKING, AND LOADING, AND TRANSPORTATION DEMAND MANAGEMENT

266

Sections:

33.266.010 Introduction

Motor Vehicle Parking

- 33.266.100 General Regulations
- 33.266.110 Minimum Required Parking Spaces
- 33.266.115 Maximum Allowed Parking Spaces
- 33.266.120 Development Standards for Houses and Duplexes
- 33.266.130 Development Standards for All Other Development
- 33.266.140 Stacked Parking Areas
- 33.266.150 Vehicles in Residential Zones

Bicycle Parking

- 33.266.200 Purpose
- 33.266.210 Required Bicycle Parking
- 33.266.220 Bicycle Parking Standards

Loading

- 33.266.310 Loading Standards

Transportation and Parking Demand Management

- 33.266.410 Transportation and Parking Demand Management
- 33.266.420 Transportation Impact Review in the Campus Institutional Zones

33.266.010 Introduction

This chapter establishes the standards for the amount, location, and development of motor vehicle parking, standards for bicycle parking, ~~and~~ standards for on-site loading areas, and requirements for transportation and parking demand management. Other titles of the City Code may regulate other aspects of parking and loading.

Commentary

33.266.100 General Regulations

No change.

33.266.100.C Calculations of amounts of required and allowed parking

This change clarifies that when there are multiple tenants with the same use, the floor area is added together rather than applying the minimum to each tenant.

Motor Vehicle Parking

33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.
- C. Calculations of amounts of required and allowed parking.**
1. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.23., below. When there are two or more separate primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. When there are two or more of the same primary use on the site, the required or allowed parking is based on the total square footage of all those same uses added together. For joint use parking, see Paragraph 33.266.110.B., below.
 2. When more than 20 percent of the net building area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.
 3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
 4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- D. Use of required parking spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.

Commentary

33.266.100.E Proximity of parking to use

This change is made to allow additional flexibility for the location of any required parking spaces.

33.266.100. Stacked parking

This change clarifies that no attendant or guarantee is required for automated stacked parking.

- E. Proximity of parking to use.** Required parking spaces for residential uses must be located on the site of the use or within a shared court parking tract owned in common by all the owners of the properties that will use the tract. On-street parking within a private street-tract other than a shared court does not count towards this requirement. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- F. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. Automated stacked parking is exempt from the attendant and guarantee requirements. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.
- G. Bureau of Transportation review.** The Bureau of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

Commentary

33.266.110. B Minimum number of required parking spaces.

This section is being rewritten to be clearer about when parking is not required, and under what circumstances parking is required. The section identifies two basic groups of sites: 1) those close to transit, and 2) those far from transit.

33.266.110.B.1 This section addresses sites close to transit. Close to transit is defined as sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak-hour service. For these sites parking is not required, except for developments with over 30 residential units. This regulation is the same as the current regulation for sites that are well-served by transit.

33.266.110.B.2 This section addresses sites far from transit. Far from transit is defined as sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak-hour service. For these sites, parking is generally required as stated in Table 266-1 and at levels stated in Table 266-2. This is consistent with the current approach to parking. An exception is made to the parking requirements for development on small sites 7500 square feet or less in size in the CR, CM1, CM2, CM3 and CE zones. These sites would be exempt from parking requirements, except for developments with over 30 residential units. See Table 266-1 and related commentary for additional information on this exception.

These new provisions provide clarity about the locations and types of sites where parking is required or exempted.

33.266.110 Minimum Required Parking Spaces

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Multi-dwelling development that includes a large number of units may require some parking to support existing and future uses in the area and serve residents and guests, especially those with disabilities. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.
- B. Minimum number of required parking spaces ~~required~~.**
1. Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less than from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds:
 - a. Household Living uses. The minimum number of required parking spaces for sites with Household Living uses is:
 - (1) Where there are up to 30 dwelling units on the site, no parking is required;
 - (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;
 - (3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and
 - (4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.
 - b. All other uses. No parking is required for all other uses.
 2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service the minimum number of parking spaces required is stated in Table 266-1.

Commentary

33.266.110.B Minimum number of required parking spaces - continued.
Continued

33.266.110.C Required Carpool parking spaces.
Minor edit of this section.

- ~~1.~~ The minimum number of parking spaces for all zones is stated in Table 266-1. Table 266-2 states the required number of spaces for use categories. The standards of Tables 266-1 and 266-2 apply unless specifically superseded by other portions of the City Code.
- ~~23.~~ Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:
- a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - b. The location and number of parking spaces that are being shared;
 - c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. **Required ~~C~~carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
 2. The spaces ~~must~~ will be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
 3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.

Commentary

33.266.110.D Minimum for sites well served by transit.

This section is being replaced by the rewrite of this section and the provisions in sections 33.266.110.B.1 and B.2.

33.266.110.E

Renumbered to 266.110.D. No substantive change.

~~D. Minimum for sites well served by transit.~~ For sites located less than 1500 feet from a transit station or less than 500 feet from a transit street with 20-minute peak hour service, the minimum parking requirement standards of this subsection apply. Applicants meeting these standards must provide a map identifying the site and TriMet schedules for all transit routes within 500 feet of the site. The minimum number of parking spaces is:

- ~~1. Household Living uses. The minimum number of parking spaces required for sites with Household Living uses is:

 - ~~a. Where there are up to 30 units on the site, no parking is required;~~
 - ~~b. Where there are 31 to 40 units on the site, the minimum number of parking spaces required is 0.20 spaces per unit;~~
 - ~~c. Where there are 41 to 50 units on the site, the minimum number of parking spaces required is 0.25 spaces per unit; and~~
 - ~~d. Where there are 51 or more units on the site, the minimum number of parking spaces required is 0.33 spaces per unit.~~~~
- ~~2. All other uses. No parking is required for all other uses.~~

DE. Exceptions to the minimum number of parking spaces.

1. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this subsection. The 50 percent limit applies cumulatively to all exceptions in this subsection.
2. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
3. Bicycle parking may substitute for up to 25 percent of required parking. For every five non-required bicycle parking spaces that meet the short or long-term bicycle parking standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.
4. ~~Substitution of transit-supportive plazas for required parking. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street may substitute transit-supportive plazas for required parking, as follows.~~ Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this paragraph are prohibited:
 - ~~a. Transit-supportive plazas may be substituted for up to 10 percent of the required parking spaces on the site;~~
 - ~~a~~b. The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;
 - ~~b~~e. The plaza must be at least 300 square feet in area and be shaped so that a 10-foot x 10-foot square will fit entirely in the plaza;

Commentary

33.266.110.E.7

These changes are requested by PBOT. This provision clarifies when a bike sharing station may substitute for required parking. The only bike-sharing system eligible to qualify for this parking reduction is operated by a firm sanctioned by the City of Portland. A development using this provision must provide an on-site docking station that is part of the system operated or sanctioned by the City of Portland.

- c. The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and
- d. The plaza must include all of the following elements:
- ~~(1) A plaza open to the public. The owner must record a public access easement that allows public access to the plaza;~~
 - (21) A bench or other sitting area with at least 5 linear feet of seating;
 - (32) A shelter or other weather protection ~~that. The shelter must covers~~ at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
 - (43) Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.
5. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
6. ~~Substitution of car-sharing spaces for required parking. Car-sharing parking spaces may substitute~~ Substitution of car-sharing spaces for required parking is allowed if all of the following are met:
- a. For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by two spaces, up to a maximum of 25 percent of the required parking spaces;
 - b. The car-sharing parking spaces must be shown on the building plans; and
 - c. A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.
7. ~~Substitution of bike-sharing facility for required parking. Substitution of a bike-sharing facility~~ City of Portland bike-sharing stations may substitute for required parking is allowed if all of the following are met:
- a. A City of Portland bike-sharing station providing 15 docks and ~~eight~~10 shared bicycles reduces the motor vehicle parking requirement by ~~three~~3 spaces. The provision of each addition of ~~four~~4 docks and ~~two~~2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;
 - b. The bike-sharing facility station must be adjacent to, and visible from the street, and must be publicly accessible;
 - c. The bike-sharing facility station must be shown on the building plans; and

Commentary

33.266.110.E.8

Economic modeling indicated that required parking may have a negative effect on the provision of affordable housing through the incentive/bonus for public benefits. This provision exempts affordable housing units built on-site using the affordable housing bonus or planned development bonus from the required parking calculations. For example, if a development is allowed additional floor area that results in 16 additional units, and based on the bonus requirements 4 of the units must be affordable, then the parking requirements are based on 12 units. Affordable housing units built within the base floor area allowance would still be subject to standard parking calculations and requirements.

d. ~~Bike sharing agreement.~~

- ~~(1) The property owner must have a bike sharing agreement with a bike sharing company;~~
- ~~(2) The bike sharing agreement must be approved by the Portland Bureau of Transportation; and~~
- ~~(3) A copy of the signed agreement between the property owner and the bike-sharing company, accompanied by a letter of approval from the Portland Bureau of Transportation, must be submitted before the building permit is approved.~~

8. Parking is not required for affordable dwelling units built under the provisions of Subsection 33.130.212.C., Affordable housing bonus, or Subsection 33.130.212.G., Planned Development bonus.

Commentary

Table 266-1

Changes to this table reflect changes to the new Commercial Mixed Use zoning designations and indicate the applicable parking standards.

As noted previously in commentary for 33.266.110.B.2, for sites far from transit parking is required in the CR, CM1, CM2, CM3 and CE zones as required in Table 266-1 at the levels stated in Table 266-2.

However, an exception is made to the parking requirements for development on small sites or with a limited amount of floor area. Sites 7,500 square feet in size are proposed to be exempt from parking requirements, except for developments with over 30 residential units. The rationale for this is that parking can be difficult to provide on small sites with commercial uses; many sites of this size are currently zoned CS, CM, CN1 or EX and are currently developed without parking and would become non-conforming if parking were required. Currently, the zoning code exempts parking in zones such as CN1, CS, CM, CX, and EX, which are often applied in urban situations on small sites. The CS, CM and CN1 parking exempt zones will no longer exist in the new zoning framework. The 7,500 square foot site exemption covers many of the situations where parking would have been exempted by these zones.

Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]	
Zone	Requirement
OS, RF - RH, IR, CN2, CO2, CG, EG, I	Minimum is Standard A in Table 266-2. Maximum is Standard B in Table 266-2.
<u>CR, CM1, CM2, CM3, CE</u>	<u>Minimum for sites that are 7,500 square feet or less in size: No minimum except for Household Living, which has the following minimums:</u> <u>0 for 1 to 30 units;</u> <u>0.20 per unit for 31-40 units;</u> <u>0.25 per unit for 41-50 units; and</u> <u>0.33 per unit for 51+ units.</u> <u>Minimum for all other sites is Standard A in Table 266-2</u> <u>Maximum is Standard B in Table 266-2.</u>
EX	No Minimum—None, except for: <u>Household Living, which has the following minimums: of</u> <u>0 for 1 to 3 units;</u> <u>1 per 2 units for four+ units;</u> and <u>SROs are exempt.</u> Maximum is Standard A in Table 266-2, except: 1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area. 2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area. 3) General office – Maximum is 1 per 400 sq. ft. of net building area. 4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.
CN1	Minimum—None. Maximum of 1 space per 2,500 sq. ft. of site area.
CM, CS, RX, CX, CO1	No Minimum—None, except for: <u>Household Living, which has the following minimums: of</u> <u>0 for 1 to 30 units;</u> <u>0.2 per unit for 31-40 units;</u> <u>0.25 per unit for 41-50 units;</u> and <u>0.33 per unit for 51+ units.</u> Maximum is Standard B in Table 266-2.

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

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

Commentary

Table 266-2

A maximum parking ratio standard for Household living uses is proposed for sites in the Commercial Mixed Use zones that are located close to transit. The purpose of the maximum is to prevent oversupply of surface parking for housing in mixed use areas and to establish an upper limit on the amount of parking that may be provided as Accessory Parking or Commercial Parking in new provisions of 33.130. Staff proposes to exempt houses, attached houses and duplexes from the maximum parking ratio so that garages and parking in driveways in front of garages is not eliminated as a possibility for those housing types.

The actual parking ratios for recent multi-dwelling developments in mixed use zones generally ranges from zero (for small projects in areas well served by transit) to roughly one space per unit, although there are exceptions where parking is provided at higher ratios (the average is 0.5:1). The 1.35 per unit ratio is similar to the maximums currently allowed in the Central City. Sites that are far from transit or in single dwelling or duplex uses would be exempt from this maximum.

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

Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per unit, except SROs exempt and in RH, where it is 0 for 1 to 3 units and 1 per 2 units for four + units	None, <u>except 1.35 per unit on sites that are both in a commercial/mixed use zone and close to transit as described in 33.266.110.B.1.</u> Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
Commercial Categories			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager’s facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager’s facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats

Commentary

Table 266-2 continued

There are no changes to this part of Table 266-2.

Table 266-2			
Parking Spaces by Use [2]			
(Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Industrial Categories			
Manufacturing And Production		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter [1]	1 per 500 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 2,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Waste-Related		See note [2]	See note [2]
Institutional Categories			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom	1.5 per classroom
	High school	7 per classroom	10.5 per classroom
Medical Centers		1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 400 sq. ft. of net building area exclusive of dormitories, plus 1 per 2.6 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area	1 per 67 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area	1 per 330 sq. ft. of net building area

Commentary

Table 266-2 continued

There are no changes to this part of Table 266-2.

33.266.115 Maximum Allowed Parking Spaces

No change to code text.

Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)			
Other Categories			
Agriculture		None	None
Aviation		See note [2]	See note [2]
Detention Facilities		See note [2]	See note [2]
Mining		See note [2]	See note [2]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

- [1] For uses in an EG or I zone, if the site size is 5,000 sq. ft. or less, no more than 4 spaces are required. Where the site size is between 5,001 and 10,000 sq. ft., no more than 7 spaces are required.
- [2] Uses subject to a Conditional Use or Impact Mitigation Plan review may establish parking minimum and maximum requirements through the review.

33.266.115 Maximum Allowed Parking Spaces

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

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

- B. Maximum number of parking spaces allowed.** Regulations in a plan district or overlay zone may supersede the regulations in this subsection.
 1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
 - a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in subsection B.1.b. below;

Commentary

33.266.115 Maximum Allowed Parking Spaces - continued

No change to code text.

33.266.120 Development Standards for Houses and Duplexes

The text of this section is omitted for brevity because there are no changes to the text of the code.

33.266.130 Development Standards for All Other Uses

There are no changes to code text on this page. Changes in this section are to 33.266.130.C.3.b.

- b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour service and more than 1/2 mile from a Transit Station with 20-minute peak-hour service, the maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds. Applicants requesting this exception must provide a map identifying the site and all bus stops and Transit Stations within 1/2 mile of the site and TriMet schedules for all transit routes within 1/2 mile of the site.
2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
 - a. Generally. There is no maximum number of parking spaces, except as provided in ~~Subparagraph B.2.b., below;~~
 - b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.
 3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:
 - a. The site is at least eight acres in area;
 - b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and
 - c. At least 700 of the accessory parking spaces are in a structure; or
 - d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

33.266.120 Development Standards for Houses and Duplexes

[No changes]

Commentary

33.266.130 Development Standards for All Other Uses

The purpose statement is revised to clarify that the standards for location and limits on vehicle areas not only affect the amount of street frontage used for vehicle areas, but also have an influence on the locations of buildings along a street.

33.266.130 Development Standards for All Other Uses

- A. Purpose.** The development standards promote vehicle areas ~~which~~that are safe and attractive for motorists and pedestrians. Vehicle area locations are restricted in some zones to promote the desired character of those zones.

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations~~restrictions~~ for sites on transit streets and in Pedestrian Districts:

- Provide a pedestrian access that is protected from auto traffic; ~~and~~
- Create an environment that is inviting to pedestrians and transit users;
- Create a strong relationship between buildings and the sidewalk; and
- Create a sense of enclosure on transit and pedestrian street frontages.

The parking area layout standards are intended to promote safe circulation within the parking area, provide for the effective management of stormwater runoff from vehicle areas, and provide for convenient entry and exit of vehicles. The setback and landscaping standards:

- Improve and soften the appearance of parking areas;
- Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones;
- Provide flexibility to reduce the visual impacts of small residential parking lots;
- Direct traffic in parking areas;
- Shade and cool parking areas;
- Reduce the amount and rate of stormwater runoff from vehicle areas;
- Reduce pollution and temperature of stormwater runoff from vehicle areas; and
- Decrease airborne and waterborne pollution.

- B. Where these standards apply.** The standards of this section apply to all vehicle areas whether required or excess parking, except for residential parking areas subject to the standards of 33.266.120.

Commentary

33.266.130.C.3.b Frontage limitation

This change makes reference to the new array of commercial mixed use zones. No substantive change has been made to the regulation.

C. On-site locations of vehicle areas.

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.
2. Building setbacks for structures that contain vehicle areas.
 - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
 - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
 - c. Structured parking that does not allow exiting in a forward motion in C, E, or I Zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
 - a. The standard of this subparagraph applies outside the Central City plan district in the R3, R2 and R1 zones. No more than 50 percent of the frontage on a street may be used for vehicle areas. On sites with more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.
 - b. The standard of this paragraph applies outside the Central City plan district in the RH, RX, IR, CR, CM1, CM2, CM3, CE, ~~CN, CO, CG, CX~~, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

Commentary

Table 266-3

The table is amended to reflect applicability to the new array of zones.

In the *CR*, *CM1*, *CM2*, and *CM3* zones on sites less than two acres, parking is not allowed between a building and a street. This is the same standard as in the current *CX* and *EX* zone, and is somewhat less stringent than the current standard in the existing *CS* and *CM* zones, where parking between a building and a street is completely prohibited. The intent is generally to not allow parking in front of buildings. However, the change in language that eliminates the prohibition provides an opportunity to consider special situations through the Adjustment review process if they arise. For sites in the *CE* zone, and larger sites in the *CM1*, *CM2*, and *CM3* zones, the parking location standard is the same as the current *CG* and *CN* zones. The intent is to provide a greater degree of flexibility for parking locations in zones that are intended to be more auto-accommodating (*CE*), and on large sites where there is a higher likelihood of multiple buildings on-site. Sites with multiple buildings may have greater difficulty with more restrictive parking locations.

D. Improvements.

1. Paving. In order to control dust and mud, all vehicle areas must be paved. However, some portions of individual parking spaces may be landscaped per the standards of Paragraph F.4, below.
2. Striping. All parking areas, except for stacked parking, must be striped in conformance with the parking dimension standards of Subsection F. below.
3. Protective curbs around landscaping. All perimeter and interior landscaped areas must have protective curbs along the edges. Curbs separating landscaped areas from parking areas may allow stormwater runoff to pass through them. Tire stops, bollards, or other protective barriers may be used at the front ends of parking spaces. Curbs may be perforated or have gaps or breaks. Trees must have adequate protection from car doors as well as car bumpers.

Table 266-3 Location of Vehicle Areas [1]			
Zone	General Standard	Exception for Through Lots and Sites with Three Frontages	Exception for Full-Block Sites
OS, RF-R5, R2.5, EG2, I	No restrictions.		
R3, R2, R1, RH, IR, CE, CN, CO, CG, EG1, <u>sites in CM1, CM2, and CM3 that are more than 2 acres in total area</u>	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
CM, CS	Prohibited between a building and any street. [2]	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.
RX, CX, CR, EX, <u>sites in CM1, CM2, and CM3 that are 2 acres or less in total area</u>	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

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

~~[2] Existing Development: Where the vehicle area exists, and an existing building is being expanded, the location of vehicle area between the building and any street is not allowed, rather than prohibited.~~

Commentary

33.266.130.E-G Development Standards for All Other Uses

33.266.140 Stacked Parking Areas

33.266.150 Vehicles in Residential Zones

Bicycle Parking

33.266.200 Purpose

33.266.210 Required Bicycle Parking

33.266.220 Bicycle Parking Standards

Loading

33.266.310 Loading Standards

No changes are proposed for the code sections on this page. The code has been removed from this draft for brevity.

- E. **Stormwater management.** [No changes]
- F. **Parking area layouts.** [No changes]
- G. **Parking area setbacks and landscaping.** [No changes]

33.266.140 Stacked Parking Areas

[No changes]

33.266.150 Vehicles in Residential Zones

[No changes]

Bicycle Parking**33.266.200 Purpose**

[No changes]

33.266.210 Required Bicycle Parking

[No changes]

33.266.220 Bicycle Parking Standards

[No changes]

Loading**33.266.310 Loading Standards**

[No changes]

Commentary

33.266.410 Purpose

The purpose statement describes the need and rationale for the Transportation and Parking Demand Management (TDM) requirements. TDM plans are intended to increase walking, bicycling, transit, working at home, and other actions to reduce traffic and parking impacts by single-occupant vehicles. TDM can also reduce the need for vehicle ownership and corollary parking demand.

33.266.410.B Transportation and parking demand management in the commercial/mixed use zones

These regulations explain the thresholds and procedure for a TDM plan for development in the Commercial/Mixed Use Zones. A TDM plan will be required of developments and alterations that result in 10 or more new residential units on a site. The TDM requirements will allow an applicant/building manager to adopt a pre-approved "off the shelf" TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852).

Pre-approved plans and procedures will be adopted prior to the effective date of these regulations. More information about TDM can be found in Section VII of this Proposed Draft Report and the Section 14 of the Proposed Amendments to the Transportation System Plan. In general, pre-approved TDM plans are expected to consist of the following components:

- Education and Information: Education and information about walking, bicycling, and transit non-auto transportation options will be made available to building tenants and employees and displayed in building common areas.
- Multimodal Incentives: Building operators may be required to offer an incentive for transit, bicycling, and walking to tenants and employees; these could include low cost transit passes, car share memberships, bike/walk incentives, or other benefits that can shift travel behavior.
- Reporting: Building operators will be required to provide performance monitoring reports to determine how well strategies are working.

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B. Transportation and parking demand management in the commercial/mixed use zones.** In the commercial/mixed use zones, a TDM plan is required when new development or an alteration to existing development includes more than 10 dwelling units. To meet this standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
 2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the Campus Institutional Zones

[Placeholder for requirements in Campus Institutional zones]

Commentary

33.270 Planned Development

These are amendments to an existing code chapter—33.638, Planned Development. Language to be added is underlined. Language to be deleted is shown in ~~striethrough~~.

This chapter and Chapter 33.855 (Planned Development Review) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes planned development requirements for the Planned Development Bonus (see Chapter 33.130), which allows additional building height and floor area for projects that provide public benefits (affordable housing, publicly-accessible open space, and energy efficient buildings), when approved through a planned development review.

Commentary

This chapter and Chapter 33.855 (Planned Development Review) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.855. This chapter states the regulatory parameters for planned developments (including the requirements for planned developments in the commercial/mixed use zones and additional allowed uses for planned developments other zones), while Chapter 33.855 states the planned development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter, including changes to the Purpose section, relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in some of the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.855, Planned Development Review).

Also, in modeling of MUZ development prototypes, it was clear that levels of floor area allowed through commercial/mixed use zone bonuses are difficult to fully utilize on large sites due to circulation, parking, and other requirements that take up site area, in combination with the allowed height limits. The Planned Development bonus provides additional height allowances on large sites in commercial/mixed use zones to more fully utilize bonus floor area, when key bonus provisions that provide public benefits are met and the overall plan is approved through a public review process.

33.270638 Planned Development

270638

Sections:

- 33.270638.010 Purpose
- 33.270638.020 Relationship to Other Regulations
- 33.270638.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270638.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in Commercial/Mixed Use Zones

33.270638.010 Purpose

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

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

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

33.270638.020 Relationship to Other Regulations

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

Commentary

33.270.100 Additional Allowed Uses and Development

On sites over two acres in size in some commercial/mixed use zones, additional FAR and additional height allowed by 33.130.212, Floor Area and Bonus Options, may be requested in the Planned Development process. Planned Developments seeking this height and FAR bonus must complete a Planned Development review (33.854) to be conducted by the Portland Design Commission. The new code language in paragraph "I" adds this allowance to the listing of other types of development that can currently be requested through Planned Development Review.

- B. Density and FAR.** Minimum residential density and minimum FAR requirements must be met in a Planned Development. Adjustments to minimum density or minimum FAR are prohibited. Where the density requirement is expressed as a number of lots, it can be met in the Planned Development by providing the same number of dwelling units. Maximum density requirements in Single-Dwelling zones are specified in 33.610.100 and 33.611.100. Maximum FAR requirements are specified in 33.130.205 and 33.510.200.
- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required.

33.270638.100 Additional Allowed Uses and Development

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

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- E. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- F. Modification of site-related development standards.** Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.
- G. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot area, minimum lot depth, or minimum front lot line standards may be requested in RF through R2.5 zones. Proposals for lots that do not meet the minimum lot size dimensions may be requested in the RH through R3 zones.
- H. Commercial uses.** Commercial uses that are allowed in the CM1CN1 zone may be requested in the RF through R1 zones;
- I. Additional height and FAR.** For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;
- J. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
 1. RF through R1 zones. If the site is located in more than one zone, and all the zones are RF through R1, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.

Commentary

33.270.110 Limitations on Residential Uses and Development

The amended code language reflects changes made through the Employment Zoning Project that make residential uses a prohibited use in the EG1 and EG2 zones, and no longer eligible for approval through a Conditional Use Review.

2. RH and RX zones. If the site is located in more than one zone, and the zones are RH and RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
3. C, E, and I zones. If the site is located in more than one zone, and all the zones are C, E, and I zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R1, and at least one of the zones is RH, RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
 - a. The number of units allowed on the RF through R1 portion of the site is calculated in terms of dwelling units;
 - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
 - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

JK. Transfer of development between sites. Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers occur, both the sending and receiving sites must be part of a Planned Development.

33.270638.110 Limitations on Residential Uses and Development

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

- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** ~~If a residential use is allowed in an EG1 or EG2 zone through a Conditional Use Review, then residential uses proposed for an EG1 or EG2 zone as a Planned Development must also go through a Conditional Use Review.~~ Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.

Commentary

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

The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (for information on the review process and approval criteria, see the commentary and code for Chapter 33.854, Planned Development Review). The public open space component of this bonus provides a potential mechanism for creating public gathering places in centers, helping to implement new Comprehensive Plan policy objectives for centers.

Affordable Housing. The requirement for at least 25 percent of the additional floor area to be developed as affordable housing (affordable to households earning no more than 80 percent of area median family income) is based on the affordable housing bonus in Chapter 33.130 (see 33.130.212.C). For projects not fully utilizing the additional floor area allowed through this Planned Development provision (when the base zone FAR maximum is not exceeded by at least 40%), the affordable housing requirement applies to 10 percent of the total floor area of the project. This is intended to ensure that projects are not awarded the additional building height of this provision with only a minimal affordable housing component (the 10 percent figure approximates the overall affordable housing component that would result from projects more fully utilizing the additional floor area bonus, where this additional increment of floor area would need to meet the 25 percent affordability requirement). Additional detail regarding bonus option requirements will be part of administrative rules, which will include details regarding items such as the term of required affordability, administrative and reporting requirements, any tenancing requirements, and enforcement. See Section V (Implementation Tools) for more information on administrative rules for the affordable housing bonus and next steps that will be necessary before it can be implemented.

Energy Efficient Buildings. This requirement helps implement new Comprehensive Plan policies calling for energy-efficient, low carbon development, and helps forward the objectives of Portland's Climate Action Plan. The details of this requirement and its administration will be part of administrative rules that will be created and administered by the Bureau of Planning and Sustainability. A preliminary concept is that a range of options for meeting this requirement would be provided, such as requiring development to be built such that it conforms to one of several energy efficiency standards for which certifications are typically sought, or designing buildings to achieve net zero energy performance.

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

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

- A. Affordable housing.** At least 25 percent of the additional floor area allowed by Subsection 33.270.100.I must be developed as housing affordable to those earning no more than 80 percent of the area median family income. If the total proposed floor area does not exceed the base zone maximum by at least 40 percent, then 10 percent of the total floor area on site (base and bonus) must be developed as housing affordable to those earning no more than 80 percent of the area median family income. To ensure that this requirement is met, the following apply:
1. The applicant must provide a letter from the Portland Housing Bureau certifying that the development will meet the standard of Paragraph A., and any administrative requirements;
 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the dwelling units built as required by Paragraph A. will remain affordable to households meeting income restrictions for 60 years, and that the property owner will meet the reporting requirements of the Portland Housing Bureau or qualified administrator.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
1. The plaza or park must be:
 - a. Located outside on the site;
 - b. Located adjacent to a public street; and
 - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
 2. The plaza must have a minimum dimension of 50 feet by 50 feet;
 3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
 4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.1.a, and there must be at least one building entrance facing the plaza or park; and
 5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.

Commentary

- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through Design Review.

Commentary

33.415 Centers Main Street Overlay Zone

The Centers Main Street overlay zone is a new Chapter. The purpose of the overlay is to enhance the active pedestrian main street qualities of key streets within Comprehensive Plan designated centers. The overlay would be applied to a limited set of properties along a roadway within a center, and may not cover the full extent of many developed main streets (for example, this would be applied to the core commercial portion of a street like Alberta, not the full length). The tool is designed to be applied throughout the city in areas where these more specific pedestrian-oriented qualities, active uses, and minimum levels of development are desired. The existing main street overlays (33.455; 33.460) are being recast as Plan Districts (see 33.520; 33.545; 33.575) because the locations and streets where those regulations are applied typically have more unique features or desired regulatory approaches. An issue requiring future reconciliation is how this Centers Main Street overlay would interact/apply in other plan district areas.

A map of the specific areas where the overlay is proposed is included in this section and in Section VII, Zoning Map Amendments.

This is a new chapter. For readability, ~~strike through~~ and underline is not used.

Commentary

33.415.010 Purpose

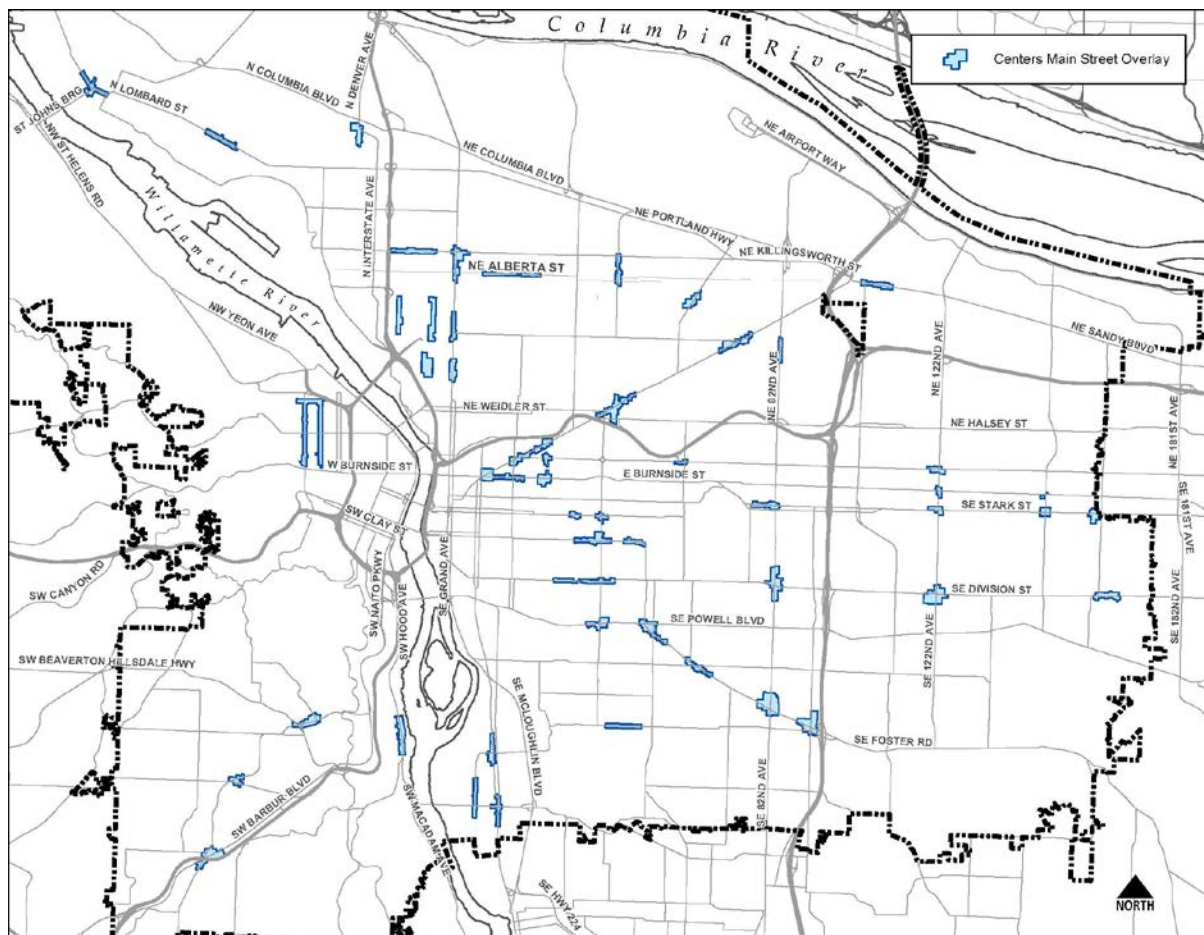
The Centers Main Street overlay zone is intended to encourage a mix of commercial, residential and employment opportunities on the key main streets within Comprehensive Plan identified town and neighborhood centers, and in other locations where pedestrian-oriented qualities, active uses, and minimum levels of development are desired. It will be mapped along specific sections of key streets within town and neighborhood centers identified in the Comprehensive Plan.

33.415.020 Short Name and Map Symbol

The Centers Main Street Overlay Zone is shown on the Official Zoning Maps with an "m" map symbol.

33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone. A citywide map of this overlay zones is below.



33.415 Centers Main Street Overlay Zone

415

Sections:

General

- 33.415.010 Purpose
- 33.415.020 Short Name and Map Symbol
- 33.415.030 Where These Regulations Apply

Use Regulations

- 33.415.100 Prohibited Uses
- 33.415.200 Required Ground Floor Active Use

Development Regulations

- 33.415.300 Prohibited Development
- 33.415.310 Minimum Floor Area Ratio
- 33.415.320 Maximum Building Setbacks
- 33.415.330 Location of Vehicle Areas
- 33.415.340 Ground Floor Windows
- 33.415.350 Entrances
- 33.415.400 Building Height in the CM2 and CM3 Zones
- 33.415.410 Additional Use and Development Standards in the CM1 Zone

General

33.415.010 Purpose

The Centers Main Street overlay zone encourages a mix of commercial, residential and employment uses on the key main streets within town centers and neighborhood centers identified in the Comprehensive Plan. The regulations are intended to encourage a continuous area of shops and services, create a safe and pleasant pedestrian environment, minimize conflicts between vehicles and pedestrians, support hubs of community activity, and foster a dense, urban environment with development intensities that are supportive of transit.

33.415.020 Short Name and Map Symbol

The Centers Main Street overlay zone is shown on the Zoning Map with an "m" map symbol.

33.415.030 Where These Regulations Apply

The regulations of this chapter apply to sites in the Centers Main Street overlay zone.

Commentary

33.415.100 Prohibited Uses

The listed uses are prohibited because they are non-active uses or are detrimental to creating an active, pedestrian oriented main street area.

33.415.200 Required Use

Key uses are now required as part of the ground floor of developments. The list of uses is designed to create an active main street area in these key areas. In some cases, particular functions of larger, multi-function uses are specified.

33.415.300 Prohibited Development

The listed types of development are prohibited because they are detrimental to creating an active, pedestrian oriented main street area or are inappropriate in terms of intensity.

Use Regulations

33.415.100 Prohibited Uses

The following uses are prohibited within 100 feet of a transit street:

- A. Quick Vehicle Servicing; and
- B. Self-Service Storage.

33.415.200 Required Ground Floor Active Use

Within 100 feet of a transit street, at least 25 percent of the ground level floor area must be in one of the following active uses. Only uses allowed in the base zone may be chosen:

- A. Retail Sales and Service;
- B. Office;
- C. Industrial Service;
- D. Manufacturing and Production;
- E. Community Service;
- F. Daycare;
- G. Religious Institutions;
- H. Schools;
- I. Colleges. If a College use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; library; food service; theatre; meeting area; or
- J. Medical Centers. If a Medical Center use is provided to meet this regulation, the floor area must be in one or more of the following functions: lobby; waiting room; food service; out-patient clinic.

Development Regulations

33.415.300 Prohibited Development

The following development is prohibited within 100 feet of a transit street:

- A. Drive-through facilities; and
- B. Houses, attached houses, and duplexes.

Commentary

33.415.310 Minimum Floor Area Ratio

A minimum floor area is required to provide a minimum level of intensity of development in these key main street storefront type areas. Minimum FAR is used because the new base zones do not require minimum density, and the minimum building coverage requirements of the current CS/CM zones (50% of site), which are broadly applied, are being eliminated in the new CM1, CM2, and CM3 base zones. Sites in the Inner Pattern Area shown on Map 415-1 have a minimum FAR of 0.5:1 to approximate the CM/CS zone lot coverage standard that resulted in a 0.5:1 minimum FAR. The required FAR is reduced in Eastern and Western Pattern Areas to reflect their less dense development pattern.

33.415.320 Maximum Building Setbacks

This regulation is intended to provide a greater amount of building wall near the sidewalk/lot line than the base zone, without a required "build to" line. The regulation is applied to sites in Inner Pattern areas to reflect the existing urban development pattern of relatively small blocks and lots with high percentages of building coverage.

33.415.330 Location of Vehicle Areas

The intent is to create a high-quality, pedestrian friendly environment particularly along transit street frontages. This regulation does this by limiting the on-site location of vehicle and parking areas. Development that is using the alternative setback for large retailers is exempt from this standard, as the alternative setback standard provision is intended to allow more flexibility in site design and setbacks for large-scale retail uses.

33.415.310 Minimum Floor Area Ratio

- A. In the Inner Pattern Area the minimum floor area ratio (FAR) for all new development is 0.5 to 1. Pattern areas are shown on Map 415-1.
- B. In the Eastern and Western Pattern Area the minimum floor area ratio (FAR) for all new development is 0.25 to 1. Pattern areas are shown on Map 415-1.

33.415.320 Maximum Building Setback

In the Inner Pattern Area, at least 70 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard of the base zone. If the site has three or more block frontages, this standard only applies to two frontages. In the case of sites with three or more block frontages, the two frontages subject to this standard are those with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to meet the standard. Pattern areas are shown on Map 415-1

33.415.330 Location of Vehicle Areas

- A. **Purpose.** The vehicle area regulations help minimize conflicts between vehicles and pedestrians on transit streets, and create a pleasant, pedestrian-oriented environment by limiting the areas where parking and vehicular activity may be located on site.
- B. **Location of vehicle area.** The following limitations apply on transit streets. Pattern areas are shown on Map 415-1:
 1. In the Inner Pattern area, no more than 30 percent of any transit street frontage may be used for vehicle areas; and
 2. In the Eastern and Western Pattern areas, no more than 50 percent of any transit street frontage may be used for vehicle areas.
- C. **Exemption.** Sites that meet all of the requirements of 33.130.215.E, Alternative maximum building setback for large retailers, are exempt from this standard.

Commentary

33.415.340 Ground Floor Windows

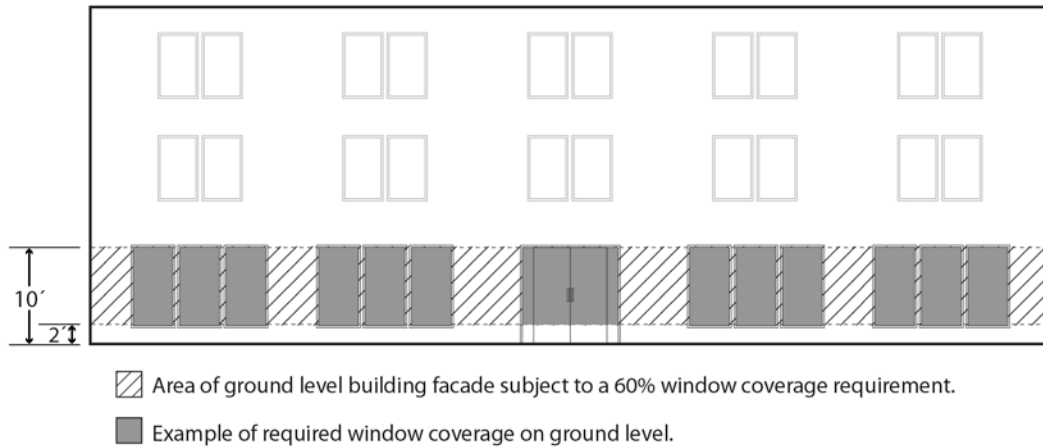
In order to create a high quality pedestrian oriented main street experience, a greater degree of ground floor window coverage (60%) is required than in the base zones (40%).

33.415.350 Entrances

The proposed changes to the base zone (33.130) will require a minimum entrance frequency of 1 per 200 feet of frontage. Centers are intended to be more active pedestrian spaces, and a greater degree of entrance frequency is intended to support that goal. A minimum of 1 entry per 100 feet of frontage is required on transit streets in the Centers Main Street overlay area in order to help create a more active pedestrian environment.

33.415.340 Ground Floor Windows

The ground floor window standards of the base zones apply to all sites in the Centers Main Street overlay zone, except that for sites with frontage on a transit street, the amount of ground floor wall area of the street-facing façade that is 20 feet or closer to the transit street lot line that must be covered by windows is 60 percent rather than 40 percent. See Figure 415-1.



33.415.350 Entrances

- A. **Purpose.** Building entrances provide convenient pedestrian access between the use and public sidewalks and transit facilities. They help promote an environment that supports retail facilities and pedestrian activity.
- B. **Entrance frequency.** On transit streets, at least one entrance is required for every 100 feet of building length for buildings located within the maximum street setback.
- C. **Entrance Design.** Required entrances must be designed to meet the requirements of 33.130.242 Transit Street Main Entrance.

Commentary

33.415.410 Additional Development Standards in the CM1 Zone

This provision is designed to address special situations within the Centers Main Street overlay zone that have a collection of existing, older low-rise storefront commercial type buildings. The regulations are intended to support existing development in these areas and allow compatible new development by encouraging a built-up, pedestrian oriented character with buildings of one to three stories. The allowed FAR in the CM1 zone is set at 2.5 to 1, which allows the same amount of floor area as the "base" FAR allowance in the CM2 zone. This is a change from the Proposed Draft, which specified an FAR of 2 to 1 in the overlay zone. This will provide more development allowances within the allowed height envelope, and opportunity for FAR transfers from historic resources. Limited Manufacturing and Production and Wholesale Sales uses are also allowed in the CM1 zone to the same size allowances as the CM2 zone.

33.415.410 Additional Use and Development Standards in the CM1 Zone

- A. Purpose.** Some locations in the Centers Main Street overlay zone are zoned CM1 and contain areas of continuous, older low-rise commercial storefront buildings that typically feature a concentration of retail uses, no landscaping, and are one to three stories in height. These additional regulations work in conjunction with regulations in the base zone, and the other standards of this section to support and protect the low-rise storefront scale and development features of these areas.
- B. Where these regulations apply.** The regulations in this Section apply to sites zoned CM1.
- C. Retail Sales And Service and Office use limitations.** Each individual Retail Sales And Service or Office use is limited to 40,000 square feet of net building area.
- D. Industrial use .** Manufacturing and Production and Wholesale Sales uses are allowed but each individual use is limited to 15,000 square feet of net building area.
- E. Maximum floor area ratio.** The maximum floor area ratio is 2.5 to 1.
- F. Maximum building coverage.** The maximum building coverage allowed is 100 percent.
- G. Landscaping.** No landscaping is required.

Commentary

Map 415-1

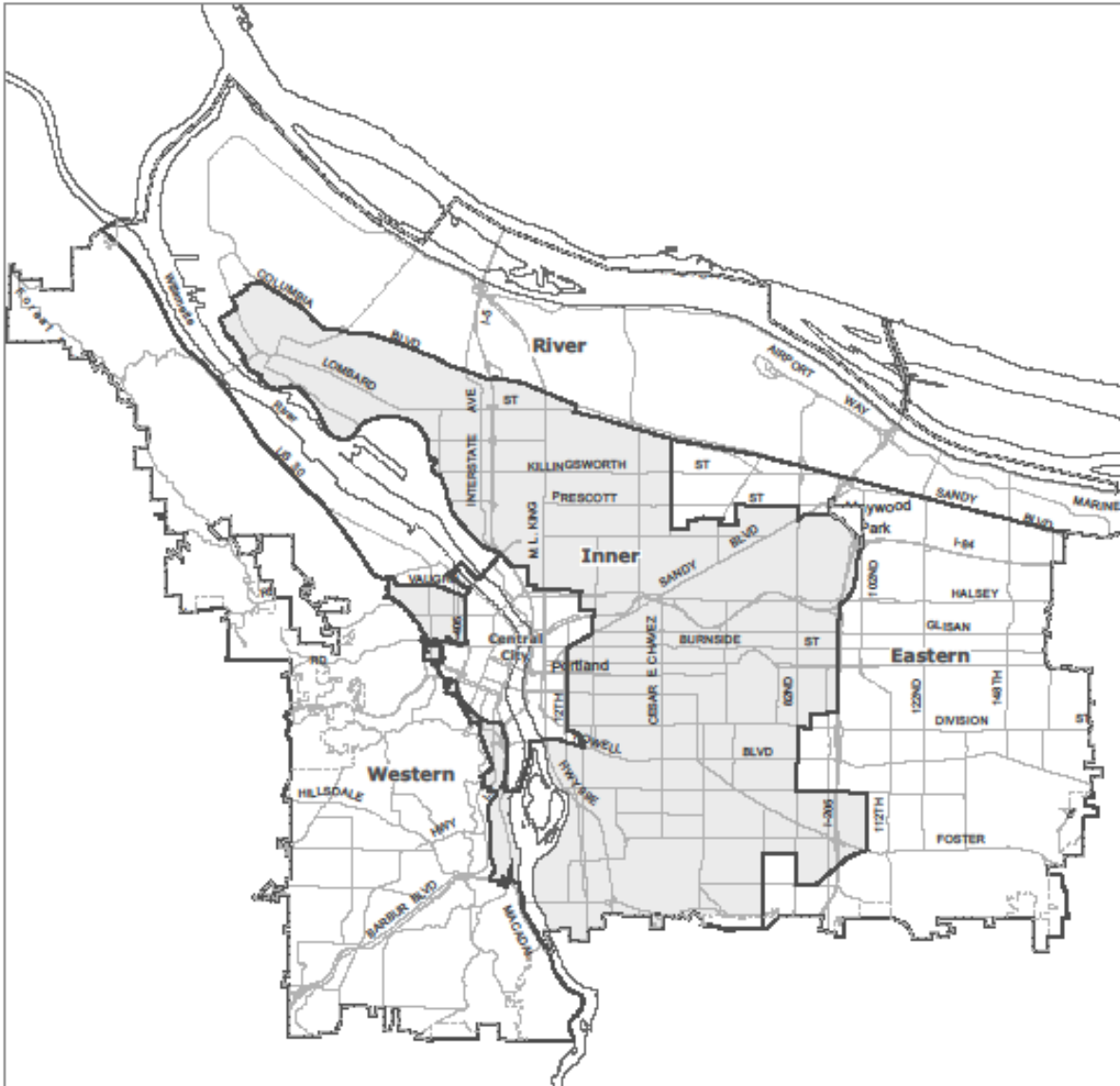
This map shows the locations of different "Pattern Areas" within Portland. Specific development regulations relate to the different areas.

Pattern Areas

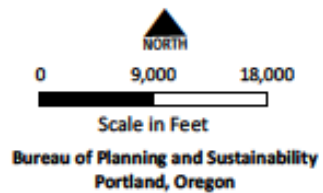
DRAFT

Map 415-1

Map Revised XXXX XX, XXXX



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



Commentary

33.430 Environmental Zones

These are amendments to an existing code chapter—33.430, Environmental Zones. Language to be added is underlined. Language to be deleted is shown in ~~striethrough~~.

Commentary

33.430.280 Modifications That Will Better Meet Environmental Review Requirements

This amendment is being made in response to concerns from BDS staff that the code is not clear about whether a modification is allowed when a development standard says "adjustments are prohibited". The environmental review, design review and Planned Development review approval criteria all allow development standards that can be adjusted to be modified through those review processes rather than going through an additional adjustment review process. This allowance streamlines the land use review, reduces cost to the applicant, and avoids two different BDS sections reviewing the same land use application. The intent has always been to only allow development standards that have the option to be adjusted to be modified in one of these other processes. This amendment makes that clear, and avoids having to add the words "adjustments and modifications are prohibited" throughout the zoning code.

33.430 Environmental Zones

430

33.430.280 Modifications ~~Which~~That Will Better Meet Environmental Review Requirements

The review body may consider modifications for lot dimension standards or site-related development standards as part of the environmental review process. The review body may not consider modifications to standards for which adjustments are prohibited. ~~These M~~ modifications are done as part of the environmental review process and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor-area ratios, intensity of use, size of the use, number of units, or concentration of uses) are subject to the adjustment process of Chapter 33.805. In order to approve these modifications, the review body must find that the development will result in greater protection of the resources and functional values identified on the site and will, on balance, be consistent with the purpose of the applicable regulations. For modifications to lot dimension standards, the review body must also find that the development will not significantly detract from the livability or appearance of the area.

Commentary

33.455 Main Street Node Overlay Zone

Commentary

33.455 Main Street Node Overlay Zone

Chapter 33.455 is being deleted and replaced by Plan Districts: Chapters 33.520, 33.545, and 33.575.

33.455 Main Street Node Overlay Zone

455

Delete this Chapter

Commentary

33.460 Main Street Corridor Overlay Zone

Commentary

33.460 Main Street Corridor Overlay Zone

Chapter 33.460 is being deleted and replaced by Plan Districts: Chapters 33.520, 33.545, and 33.575.

33.460 Main Street Corridor Overlay Zone

460

Delete this Chapter

Commentary

33.508 Cascade Station/Portland International Center Plan District

Commentary

33.508 Cascade Station/Portland International Center Plan District

33.508.220 Maximum Development/Transportation Capacity

A Transportation Impact Review (TIR) is allowed as an alternative to selecting a pre-determined TDM plan. The requirements for a TIR (33.852) are modeled on 33.508 and these regulations are being relocated from this code section to new code section 33.852. These standards are referenced in a number of code sections including 33.266.420.

CHAPTER 33.508 Cascade Station/Portland International Center Plan District

508

33.508.220 Maximum Development/Transportation Capacity

- A. **Purpose.** [No change.]
- B. **Limitations on the amount of development allowed.** [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 Transportation Impact Review (33.852) ~~land use 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~~ provide the elements and analysis listed in 33.852.105 ~~this subsection.~~ The ~~TIA~~ Transportation Impact Review may be used to exceed the maximum allocation limits in Table 508-1 or to establish lower trip generation rates. The ~~TIA~~ Transportation Impact Review may not be used to exceed the total trips in Table 508-1.
 - 1. ~~Description of recommended development;~~
 - 2. ~~Delineation of the study area, and rationale for the delineation;~~
 - 3. ~~Description of existing uses and conditions in the study area;~~
 - a. ~~The TIA must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;~~
 - b. ~~Any approved TIA must be reflected in the BDS tracking report;~~
 - 4. ~~Traffic forecasts and distribution;~~
 - 5. ~~Primary traffic access routes to and from the study area;~~
 - 6. ~~Recommended mitigation measures, including transportation system management, transportation demand management, and needed roadway improvements on or for local roads and State highways; and~~
 - 7. ~~Evaluation of:~~
 - a. ~~Impacts on street function, capacity and level of service;~~
 - b. ~~Impacts on on-street parking;~~
 - c. ~~Access requirements;~~
 - d. ~~Impacts on transit operations and movements;~~
 - e. ~~Impacts on pedestrian and bicycle routes and safety; and~~
 - f. ~~Impacts on the immediate airport area and adjacent neighborhoods.~~

Commentary

33.520 Division Street Plan District

This is a new chapter. For readability, ~~striketrough~~ and underline is not used.

Commentary

33.520 Division Street Plan District

The Main Streets Corridor overlay zone (33.460) has provisions specific to Division Street. That overlay zone and the related Main Streets Node overlay zone (33.455) are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 relevant to Division are met through new base zone standards (33.130), through the new overlay (33.415) or through application of the design overlay zone. In some cases, existing overlay zone standards are no longer applicable or desired and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant to Division Street are being recast in this plan district. Additional commentary is provided only where substantive code changes are proposed.

33.520 Division Street Plan District

520

Sections:

General

33.520.010 Purpose

33.520.020 Where These Regulations Apply

Development Standards

33.520.100 Reinforce the Corner

33.520.110 Exterior Finish Material

Map 520-1 Division Street Plan District

General

33.520.010 Purpose

The Division Street plan district promotes development that fosters a pedestrian- and transit-oriented main street. The plan district provisions ensure that development:

- Activates Division Street corners and enhances the pedestrian environment; and
- Is constructed with high quality materials in combinations that are visually interesting.

33.520.020 Where These Regulations Apply. The regulations of this chapter apply to the Division Street plan district. The boundaries of the plan district are shown on Map 520-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.520.100 Reinforce the Corner

- A. Where the standards apply.** The following standards apply to sites where any of the floor area on the site is in a nonresidential use, and where a site abuts both Division Street and an intersecting street:
- B. Main entrance standard.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the following. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. The main entrance must:
1. Be within 5 feet of the façade facing Division Street; and

Commentary

33.520.110 Exterior finish materials

The Main Street Corridor overlay zone from which this plan district is derived previously specified exterior finish materials applicable to development in the R1 zone. The materials were derived from the Community Design Standards (33.218), as the Design overlay zone was not applied to R1 zoned properties in this area. The new plan district code references the Community Design Standards (33.218) rather than specific materials to allow for more consistency if standards are updated.

2. Either:
 - a. Face Division Street; or
 - b. Be at an angle of up to 45 degrees from Division Street, measured from the street property line.
- C. Surface parking areas are not allowed within 40 feet of the corner.

33.520.110 Exterior Finish Materials

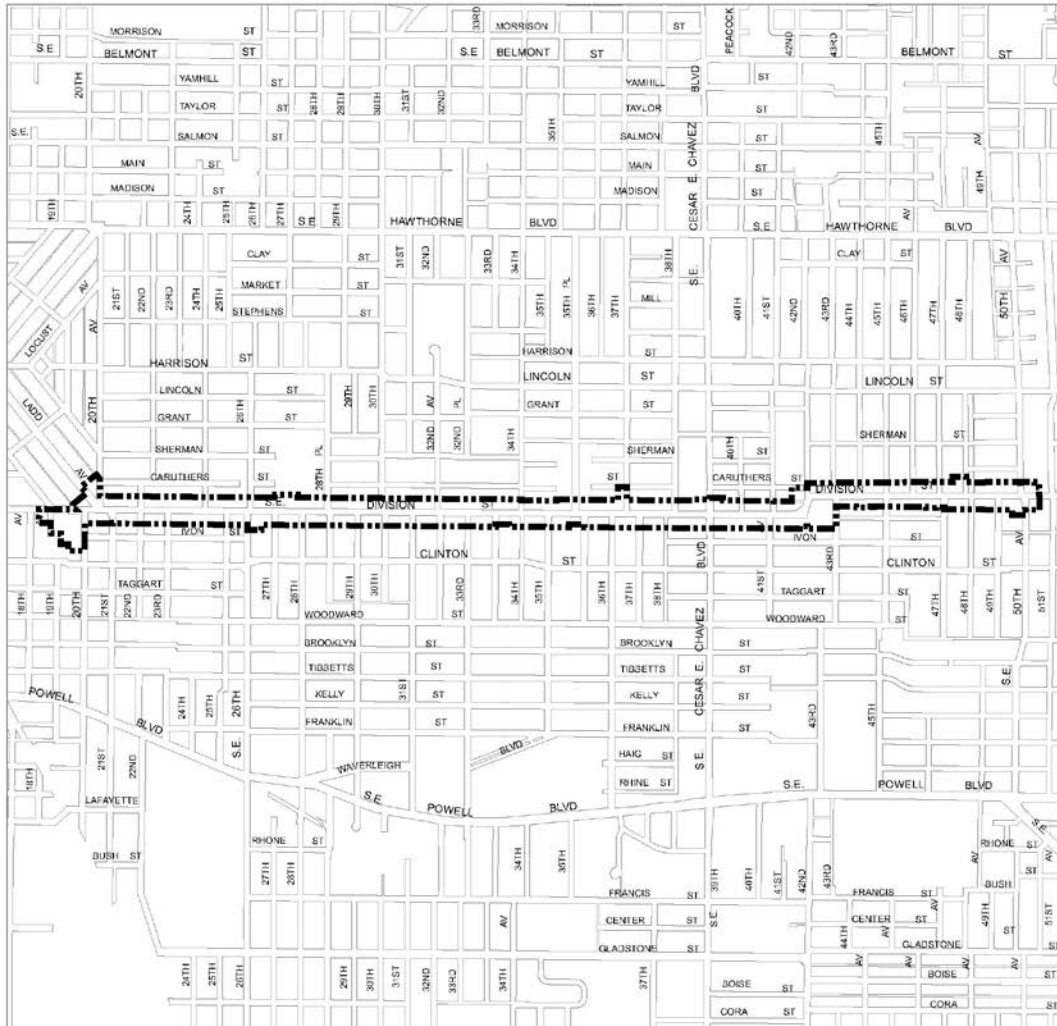
- A. Where the standards applies.** The exterior finish materials standard applies in multi-dwelling residential zones.
- B. Exterior finish materials standard.** Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J. The standards must be met on all building facades.


Commentary

Draft Division Street Plan District

Map 520-1

Map Revised Xxxxx X, 2015



 Plan District boundary



Commentary

33.545 Lombard Street Plan District

This is a new chapter. For readability, ~~striketrough~~ and underline is not used.

Commentary

33.545 Lombard Street Plan District

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Lombard Street. These overlay zones are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant to Lombard Street are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant to Lombard Street are being recast in this plan district. Additional commentary is provided only where substantive code changes are proposed.

33.545 Lombard Street Plan District

545

Sections:

General

33.545.010 Purpose

33.545.020 Where These Regulations Apply

Development Standards

33.545.100 Standards for Community Corner

33.545.110 Additional Regulations in the CM1 Zone

33.545.120 Additional Standards in the R1 Zone

Map 545-1 Lombard Street Plan District

General

33.545.010 Purpose

The Lombard Street Plan District implements the Lombard Street nodes and corridors elements of the St Johns/Lombard Plan by promoting development that fosters a pedestrian- and transit-oriented main street in key places, and supports enhanced design for multi-dwelling residential developments.

33.545.020 Where These Regulations Apply. The regulations of this chapter apply to the Lombard Street plan district. The boundaries of the plan district are shown on Map 545-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.545.100 Standards for Community Corners

- A. Purpose.** These standards create active use areas and community gathering places along major streets intersecting with North Lombard. These standards ensure that development at key intersections along North Lombard is oriented to enhance the pedestrian environment.
- B. Where the standards apply.** The following standards apply to Subdistrict B shown on Map 545-1.
- C. Standards.**
 1. The ground level street-facing facades of primary structures must be within 10 feet of both street lot lines.
 2. Surface parking areas are not allowed within 40 feet of the corner.

Commentary

33.545.110 Additional Regulations in the CM1 Zone

- A. Purpose.** These regulations encourage residential mixed use development and housing, in addition to small scale commercial development along sections of North Lombard Street to foster a transit-oriented main street environment. Size of uses are specified to promote commercial uses along the main street that serve a local market area, while limiting their potential impacts on residential uses.
- B. Where these regulations apply.** The following regulations apply to sites in Subdistrict A shown on Map 545-1 that are zoned CM1.
- C. Retail Sales And Service and Office uses.** Each individual Retail Sales And Service and Office use is limited to 10,000 square feet of floor area.
- D. Bonus height for housing.** Proposals that providing housing receive bonus height. The maximum building height when a proposal includes housing is 45 feet.
- E. Non-residential floor area.** The maximum FAR allowed for a non-residential use is 1:1. Adjustments are prohibited.

Commentary

33.545.120 Additional Standards in the R1 Zone

- A. Purpose.** These standards ensure that development of sites with the potential for medium density development along or adjacent to the main street:
- contributes positively to established neighborhoods and the area’s character;
 - creates a strong physical and visual connection between the living area and the street, and the main entrance and the street; and
 - improves the transition between development in the commercial and single-dwelling zone areas.
- B. Where these standards apply.** The following standards apply to duplexes, attached houses, and multi-dwelling structures on sites in Subdistrict A shown on Map 545-1 that are zoned R1.
- C. Standards.** Adjustments may be requested to these standards; they may not be modified through design review.
1. Large building elevations divided into smaller areas. The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
 - a. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
 - b. A bay window that extends at least 2 feet; or
 - c. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
 2. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:
 - a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
 - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
 - c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.

Commentary

33.545.120.4 Exterior finish materials

The Main Street Corridor overlay zone from which this plan district is derived previously specified exterior finish materials applicable to development in the R1 zone. The materials were derived from the Community Design Standards (33.218), as the Design overlay zone was not applied to R1 zoned properties in this area. The new plan district code references the Community Design Standards (33.218) rather than specific materials to allow for more consistency if standards are updated.

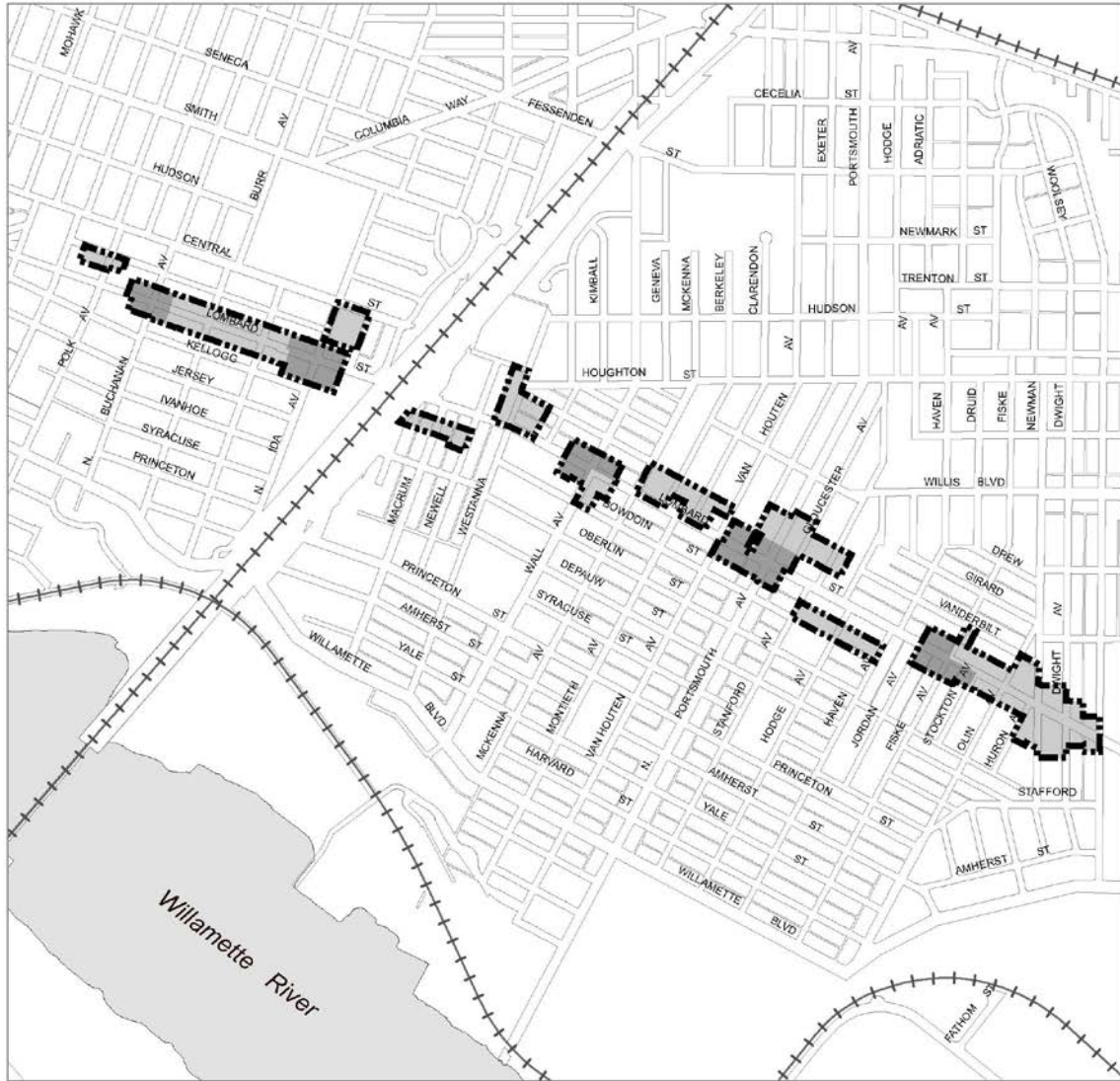
3. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
 - b. The front of the garage can be no closer to front lot line than the front facade of the house;
 - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
 - d. There may be no more than one garage door per 16 feet of building frontage.
4. Exterior finish materials. Unless the building is approved through Design Review, all buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J . The standards must be met on all building facades.
5. Corner lots with alley access. If the site is a corner lot that is adjacent to an alley, access for motor vehicles must be from the alley.
6. On lots less than 10,000 square feet in the R1 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.




Commentary

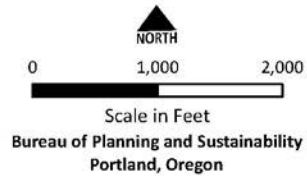
Draft Lombard Street Plan District and Subdistricts

Map 545-1

Map Revised Xxxxx X, 2015



-  Plan District boundary
-  Subdistrict A
-  Subdistrict B



Commentary

33.575 Sandy Boulevard Plan District

This is a new chapter. For readability, ~~striketrough~~ and underline is not used.

Commentary

33.575 Sandy Boulevard Plan District

The Main Streets Corridor overlay zone (33.460) and Main Streets Node overlay zone (33.455) have provisions specific to Sandy Boulevard. These overlay zones are being repealed. A new Centers Main Street overlay zone is proposed (33.415). Many of the overlay zone provisions of 33.460 and 33.455 relevant Sandy Boulevard are now met through new base zone standards (33.130), or through the new Centers Main Street overlay zone (33.415). In some cases, existing overlay zone standards are no longer applicable and are proposed to be removed. Provisions that are not covered by other code sections and continue to be relevant Sandy Boulevard are being recast in this plan district.

33.575 Sandy Boulevard Plan District

575

Sections:

General

33.575.010 Purpose

33.575.020 Where These Regulations Apply

Development Standards

33.575.100 Transition Between Residential and Commercial Zones

33.575.110 Building Facades Facing Sandy Boulevard

Map 575-1 Sandy Boulevard Plan District

General

33.575.010 Purpose

The Sandy Boulevard Plan District implements the Sandy Boulevard elements of the Hollywood and Sandy Plan through special height transitions and unique setback treatments.

33.575.020 Where These Regulations Apply. The regulations of this chapter apply to the Sandy Boulevard plan district. The boundaries of the plan district are shown on Map 575-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

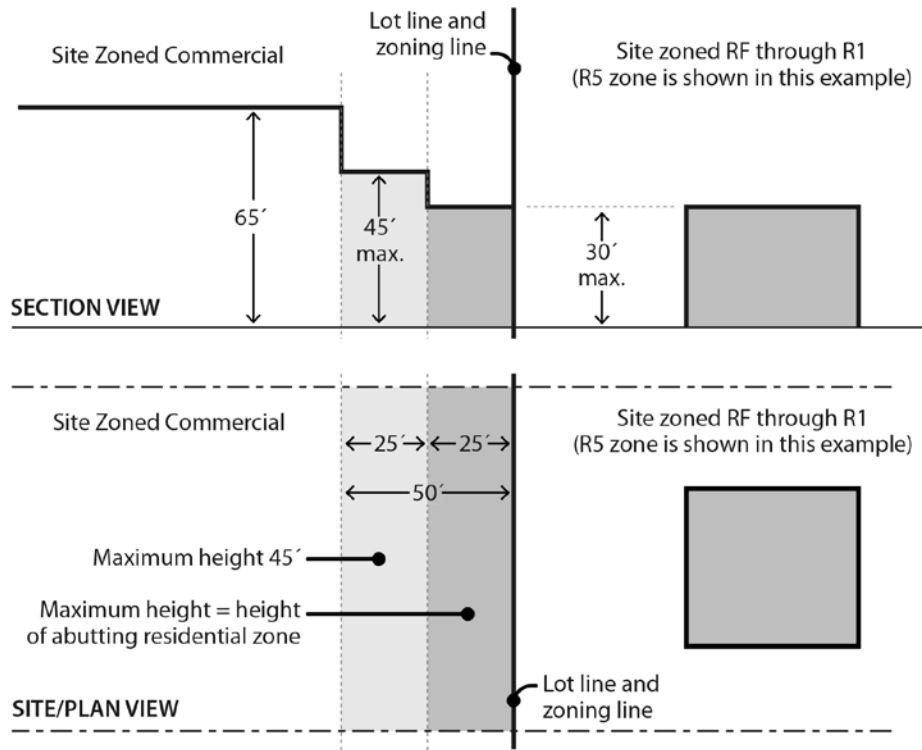
33.575.100 Transition Between Residential and Commercial Zones

- A. Purpose.** These regulations ensure a landscaping treatment along commercial lot lines that face, but are across the street from a single-dwelling residential zone. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1
- C. Height limits for sites abutting or across the street from a RF-R1 zones.** Sites in commercial zones abutting or across the street from RF through R1 zones have special height limits that create a transition to the residential zone. The height limits are as follows:
 1. Sites abutting RF - R1 zones. Sites abutting RF through R1 zones have height limits that decrease in two steps near the residential zone. See Figure 575-1. These height limits are:
 - a. On the portion of a site within 25 feet of a site zoned RF through R1, the maximum building height is the same as the abutting residential zone.
 - b. On the portion of a site that is more than 25 feet but within 50 feet of a site zoned RF through R1, the maximum building height is 45 feet.

Commentary

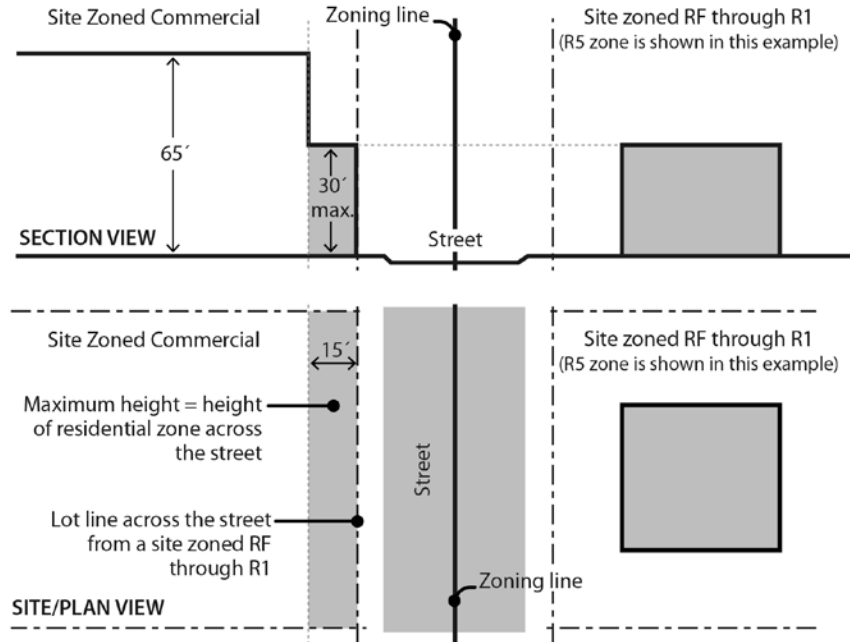
2. Sites across a street from RF - R1 zones. Sites across a street from RF through R1 zones have height limits that decrease near the residential zone. On the portion of the site within 15 feet of the lot line across the street from a site zoned RF through R1, the maximum building height is the same as the residential zone. See Figure 575-2.

Figure 575-1
Height limits on sites abutting RF - R1 zones



Commentary

Figure 575-2
Height limits on sites across a street from zones RF - R1 zones

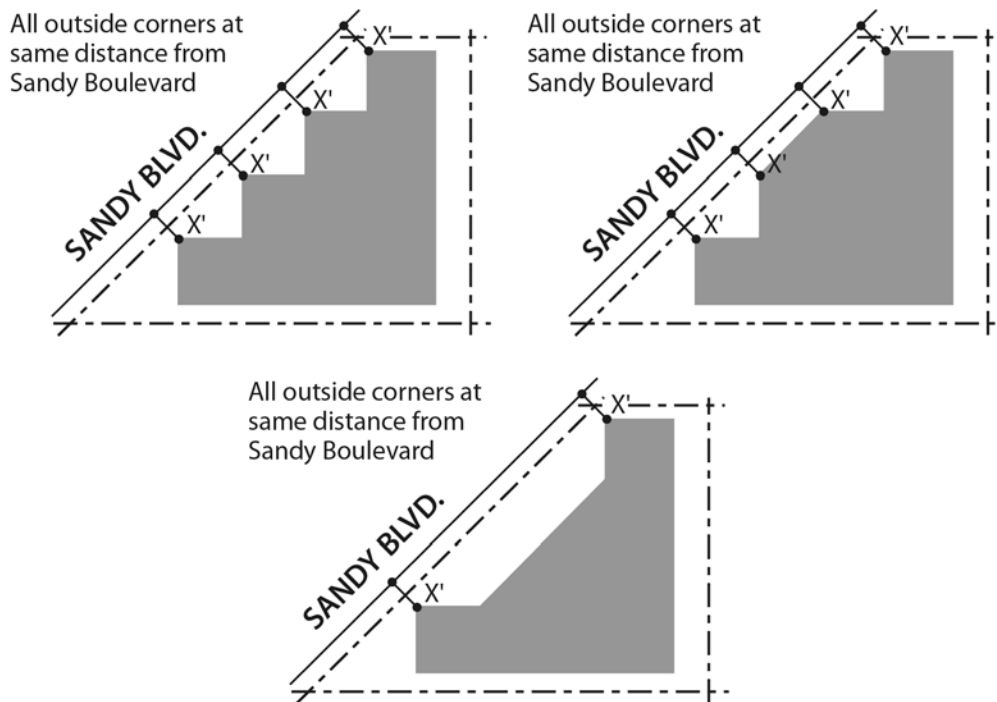


Commentary

33.575.110 Building Facades Facing Sandy Boulevard

- A. Purpose.** These regulations ensure that new development reinforces the unique diagonal geometry of sites adjacent to Sandy Boulevard.
- B. Where these regulations apply.** These regulations apply to sites on Map 575-1 with frontage along Sandy Boulevard.
- C. Building facades facing Sandy Boulevard.** The exterior walls of the building that can be seen from the Sandy Boulevard lot line must be either:
 1. Parallel to Sandy Boulevard; or
 2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are the same distance from Sandy Boulevard, as shown in Figure 575-3.

**Figure 575-3
Examples of building facades facing Sandy Boulevard**



Commentary

Commentary

33.700 Administration and Enforcement

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

Commentary

33.700.110.B.1 Prior Conditions of Land Use Approvals

Updating to include reference to Commercial/Mixed Use zones.

33.700.110 Prior Conditions of Land Use Approvals

This section addresses situations where a use, development, or land division was approved with conditions as part of a land use review under zoning or land division regulations that no longer apply to the site. Over time, there are instances when uses or development previously approved with conditions are subject to new zoning or land division regulations. This may result from a change of the content of zoning or land division regulations or from legislative zone changes including annexation rezonings.

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
 - 1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
 - 2. **Conditional uses.**
 - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
 - b. **Use allowed by right.** If the use is now allowed by right, the conditions of approval no longer apply.
 - c. **Use no longer allowed.** If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.

Commentary

3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Other land use actions. If the use or development was approved with conditions under a review which is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

Commentary

33.730 Quasi-Judicial Procedures

Commentary

33.730 Quasi-Judicial Procedures

33.730.130 Expiration of an Approval

This section also references 33.852 where a ten-year duration is assigned to Transportation Impact Reviews. Such a time limit is necessary to account for changes in the surrounding transportation network even if no changes occur on an institutional campus itself.

CHAPTER 33.730 Quasi-Judicial Procedures**730****33.730.130 Expiration of an Approval**

- A. Expiration of unused land use approvals issued prior to 1979.** [No change]
- B. When approved decisions expire.**
1. Land use approvals, except as otherwise specified in this section, expire if:
 - a. Generally.
 - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
 - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Final decisions that became effective between May 27, 2006 and December 31, 2008 or between May 16, 2009 and June 30, 2011 expire if a City permit has not been issued for approved development or the approved activity has not commenced by June 30, 2014.
 2. Zoning map and Comprehensive Plan map amendments do not expire.
 3. Conditional Use Master Plans, ~~and~~ Impact Mitigation Plans, ~~and~~ Transportation Impact Reviews expire as specified in Chapters 33.820, ~~and~~ 33.848, and 33.852, or in the plans themselves.
 4. – 12. [No change]
- C. Deferral of the expiration period.** [No change]
- D. Expiration of adjustments approved prior to March 16, 2001.** [No change]

Commentary

33.825 Design Review

These are amendments to an existing code chapter—33.825, Design Review. Language to be added is underlined. Language to be deleted is shown in ~~striethrough~~.

Commentary

33.825.030 Procedures

The amendments to Table 825-1 are necessary for several reasons:

- 1) To remove the Main Street Node ("j") and Main Street Corridor ("m") overlay zones from the list of procedure assignments, as these zones are being removed and recast as plan districts.
- 2) To assign a procedure type to the design review that is required when a proposal in a commercial/mixed use zone gain bonus FAR and height through a Planned Development review. See 33.130.212, 33.270, and 33.854. The procedure is a Type III and the amendment is toward the bottom of Table 825-1.
- 3) To assign a Type II design review as the fundamental procedure type for the CM1, CM2, CM3, and CE zones unless a more specific procedure type or threshold is specified for a specific type of development or location.

33.825.025 Review Procedures

This section lists procedures for design review for proposals in design overlay zones. These procedures also apply where design review is required by the regulations of a plan district or overlay zone, or as a condition of approval of a quasi-judicial decision.

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents.

A. Procedures for design review. Procedures for design review vary with the type of proposal being reviewed and the design district in which the site is located. Design review in some design districts requires an additional procedural step, the Neighborhood Contact requirement, as set out in Section 33.700.025, Neighborhood Contact. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Paragraph A.4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.

- Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal located in the Central City Plan District may not exceed the dollar threshold for a Type II procedure, but because it is also in the Downtown Design District and it exceeds the square footage threshold for a Type II procedure, the proposal would be subject to a Type III procedure.

Design Districts	Proposal	Threshold	Procedure
Downtown Design District	New floor area	> 1,000 s.f.	Type III
		≤ 1,000 s.f.	Type II
	Exterior alteration	Value >\$437,750	Type III
		Value ≤ \$437,750	Type II
River District Design District	New floor area or Exterior alteration in CX or OS zone	>1,000 s.f. <u>and</u> value >\$437,750	Type III
		≤ 1,000 s.f. <u>or</u> value ≤ \$437,750	Type II
Gateway Design District	Development proposals	Value >\$2,188,650 or included in a Gateway Master Plan Review	Type III
		Value ≤ \$2,188,650 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II
Sellwood-Moreland Design District			

Commentary

Terwilliger Parkway Design District	Proposals that are visible from Terwilliger Boulevard	Non single-dwelling development	Type III
		Single-dwelling development	Type II
Central Eastside	Development proposals	Value >\$2,188,650	Type III
Goose Hollow			
Lloyd District		Value ≤ \$2,188,650	Type II
Macadam			
River District			
South Waterfront			
Community Plans			
Albina Community Plan area, including Lower Albina	Development proposals	In design overlay zones	Type II
Outer Southeast Community Plan area, excluding Gateway Design District			
Southwest Community Plan Area, excluding Macadam & Terwilliger Design Districts			
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value >\$2,188,650	Type III
Northwest Plan District		In design overlay zones and value ≤ \$2,188,650	Type II
South Auditorium Plan District	Development proposals	In design overlay zones	Type II
Albina Plan District			
Hollywood Plan District			
North Interstate Plan District			
St. Johns Plan District			
Overlay Zones			
"a" Alternative Density overlay	Additional density in R3, R2, R1 zone	Using bonus density provisions in 33.405.050	Type III
	Using other provisions in 33.405	Not subject to 33.405.050	Type II
"d" Design overlay	Development proposals	Not identified as Type Ix or Type II procedure elsewhere in this table	Type III
"j" Main Street Node overlay	Development proposals	In design overlay zones	Type II
"m" Main Street Corridor overlay			

Commentary

33.825.040 Modifications That Will Better Meet the Design Review Requirements

This amendment is being made in response to concerns from BDS staff that the code is not clear about whether a modification is allowed when a development standard says "adjustments are prohibited". The environmental review, design review and Planned Development review approval criteria all allow development standards that can be adjusted to be modified through those review processes rather than going through an additional adjustment review process. This allowance streamlines the land use review, reduces cost to the applicant, and avoids two different BDS sections reviewing the same land use application. The intent has always been to only allow development standards that have the option to be adjusted to be modified in one of these other processes. This amendment makes that clear, and avoids having to add the words "adjustments and modifications are prohibited" throughout the zoning code.

Base Zones			
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C, E, I, RX zones	Facade alteration	≤ 500 square feet in design overlay zones	Type II
<u>C zones</u>	<u>Planned Development</u>	<u>Using the Planned Development bonus provision described in 33.130.212</u>	<u>Type III</u>
<u>C zones, except CX</u>	<u>Development proposals</u>	<u>In design overlay zones</u>	<u>Type II</u>
RF - R2.5 zones	Subject to section 33.110.213, Additional Development Standards	Requests to modify standards	Type II
IR zone site with an approved Impact Mitigation Plan (IMP)	Proposals that are identified in IMP	IMP design guidelines are qualitative	Type II
	Proposals that are identified in IMP	IMP design guidelines are objective or quantitative	Type Ix

33.825.040 Modifications That Will Better Meet Design Review Requirements

The review body may consider modification of site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the design review process. The review body may not consider modifications to standards for which adjustments are prohibited. ~~These M~~ modifications are done as part of design review and are not required to go through the adjustment process. Adjustments to use-related development standards (such as floor area ratios, intensity of use, size of the use, number of units, or concentration of uses) are required to go through the adjustment process. Modifications that are denied through design review may be requested as an adjustment through the adjustment process. The review body will approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

Commentary

33.852 Transportation Impact Review

This is an amendment to an existing code chapter. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

Commentary

CHAPTER 33.852 Transportation Impact Review

Chapter 33.852 replaces existing code section 33.207 Cascade Station/Portland International Center Transportation Impact Analysis Review and expands the circumstances in which a Transportation Impact Review is required. With these amendments this chapter now serves as a more general tool to evaluate transportation impacts in a variety of situations. In addition to the Cascade Station Plan District, this chapter will now also be used to evaluate the transportation impacts of large college and hospital expansions in the Campus Institutional Zones.

In the commercial/mixed use zones, for projects with 10 or more new dwelling units, Transportation Impact Review is also one option for meeting the Transportation and Parking Demand Management Requirements of Chapter 33.266 (see Section 33.266.410). The other option will be to allow an applicant to offer a pre-approved "off the shelf" multimodal incentives described in Title 17.

CHAPTER 33.~~85207~~ ~~CASCADE STATION/PORTLAND INTERNATIONAL CENTER~~ TRANSPORTATION IMPACT ANALYSIS REVIEW

85207

Sections:

- 33.~~85207~~.010 Purpose
- 33.~~85207~~.100 Procedure
- 33.852.105 Supplemental Application Requirements
- 33.~~85207~~.110 Approval Criteria
- 33.852.115 Duration of a Transportation Impact Review

33.~~85207~~.010 Purpose

~~Cascade Station/Portland International Center Transportation Impact Analysis (TIA) Review allows additional flexibility for development in the CS/PIC Plan District, while ensuring that the roadway systems are capable of supporting the recommended development. Transportation Impact Review provides a mechanism to evaluate whether the multimodal transportation system is capable of supporting proposed development, as well as consideration of proportional mitigation measures. The development thresholds that trigger a Transportation Impact Review can be found in other chapters of this Title. Transportation Impact Review may be completed at various levels of detail. Generally, the more specific the proposal, the less review that will be required as future development is built. Transportation Impact Review is intended as a mechanism to identify practicable actions to reduce and mitigate transportation impacts, consistent with allowing those uses generally permitted or allowed in the base zone.~~

33.~~85207~~.100 Procedure

~~Cascade Station/Portland International Center Transportation Impact Analysis Reviews are processed through a Type II procedure.~~

Commentary

33.852.105 Supplemental Application Requirements

This section establishes the supplemental application material needed for Transportation Impact Review. The listing identifies the types of information needed to address the approval criteria in Section 33.852.110.

Changes are intended to clarify the scope of evaluation, and study area.

33.852.105 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060, an application for Transportation Impact Review must include the following:

- A. Description of proposed development. Transportation Impact Review must include proposed development, and may incorporate possible future development anticipated for up to ten years;
- B. Delineation of the study area, and rationale for the delineation. At a minimum, the study area must include primary access routes between the site and the nearest regional trafficways and major city traffic streets, regional transitways and major transit priority streets, major city bikeways, and city walkways. Other secondary routes used to access the site within the neighborhood(s) where the site is located must also be included;
- C. Description of existing uses and conditions in the study area. If the application is for development in the Cascade Station/Portland International Center Plan District, the following are also required:
 - 1. The description must include build-out of the Maximum Use Allocations in Table 508-1 in the count of background traffic, regardless of whether construction of those uses has occurred;
 - 2. Table 508-1 assumptions and conclusions must be provided to BDS for tracking purposes;
- D. Traffic forecasts and distribution;
- E. Primary traffic access routes to and from the study area;
- F. Analysis of the proportional responsibility of the proposed development to mitigate forecasted impacts;
- G. Recommended mitigation measures including transportation system management and needed transportation improvements; and
- H. Transportation and parking demand management plan that has all the elements required by Chapter 17.106;
- I. Evaluation of the transportation impacts of the proposed development, including impacts in the study area, on:
 - 1. Street function, capacity and level of service;
 - 2. On-street parking;
 - 3. Access;
 - 4. Transit operations and movements; and
 - 5. Pedestrian and bicycle routes and safety.

Commentary

33.852.110 Approval Criteria

The approval criteria have been modified to accomplish several objectives:

- Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors may be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, while still allowing the development.
- Consideration of how the Parking and Transportation Demand Management (TDM) plan will advance City mode split and auto ownership objectives.
- Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.

33.85207.110 Approval Criteria for ~~Cascade Station/Portland International Center~~ Transportation Impact Analysis Reviews

The request for development or development capacity will be approved if the review body finds that the applicant has shown that all of the following criteria are met. In Commercial/Mixed Use Zones, if the applicant has chosen Transportation Impact Review rather than implementing the pre-approved plan allowed by 33.266.410, only approval criterion B applies.

- A. The transportation system is capable of supporting the recommended development in addition to the existing uses in the area, as shown by the TIA. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion C;
- B. A Proposed transportation and parking demand management actions are sufficient to achieve the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site plan is recommended that includes measures to reduce the number of trips made by single-occupant vehicles during the peak p.m. commuting hours;
- C. Adequate measures to mitigate on- and off-site transportation impacts are proposed recommended. Measures may include, but are not limited to, the following: transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements; and
- D. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

33.852.115 Duration of a Transportation Impact Review

An approved Transportation Impact Review remains in effect for up to ten years, or until development allowed by the review has been completed or the review is amended or superseded, whichever comes first.

Commentary

33.854 Planned Development Review

These are amendments to an existing code chapter—33.665, Planned Development Review. Language to be added is underlined. Language to be deleted is shown in ~~striethrough~~.

This chapter and Chapter 33.270 (Planned Development) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions including the Planned Development bonus for the commercial/mixed use zones (see Chapter 33.130). The Planned Development bonus allows additional building height and floor area for projects that provide public benefits (affordable housing, publicly-accessible open space, and energy efficient buildings).

Commentary

This chapter and Chapter 33.270 (Planned Development) are being moved from the 600s portion of the Zoning Code, which primarily regulates land divisions, to reflect the expanded use of planned development provisions for development proposals that do not involve land divisions. It includes new regulations related to the Planned Development bonus, included in the Floor Area and Height Bonus Options in Chapter 33.130 (see 33.130.212.E).

This chapter works in conjunction with Chapter 33.270 (Planned Development). The latter states the regulatory parameters for planned developments (including the requirements for planned developments in the commercial/mixed use zones and additional allowed uses for planned developments other zones), while Chapter 33.854 states the planned development review procedures, supplemental application requirements, and review criteria.

Many of the amendments to this chapter relate to the Planned Development bonus in Chapter 33.130, which is available on large sites (2 or more acres) in the commercial/mixed use zones and responds to community input received during Mixed Use Zones Project events. Many community members were open to allowing development on large sites to be larger in scale than what is usually allowed in most areas with commercial/mixed use zoning, especially if there was enough space for a transition in scale to lower-density areas and proposals were subject to design review. It also responds to community interest in linking the provision of additional development potential to the provision of public benefits, especially affordable housing. The Planned Development bonus allows for additional FAR and height in exchange for the provision of affordable housing, public open space, low carbon buildings, and a public review process (see Section 33.270.200 for required public benefits).

33.854.200 Review Procedures

Subparagraph B has been added to indicate that the commercial/mixed use zones Planned Development bonus will be reviewed through a Type III procedure, which is a discretionary review procedure that involves a public hearing. The Design Commission will be the designated review body for such proposals, because of the key role of design and scale in the approval criteria (see section 33.854.320). Chapter 33.720 (Assignment of Review Bodies) will be amended at a later date to indicate the role of the Design Commission as the review body.

The other subparagraphs of this section are substantially unchanged, except for a reference in subparagraph A, which allows for Design Review of individual buildings to take place after the Planned Development Review is processed for a site.

33.854665 Planned Development Review

854665

Sections:

General

33.854665.010 Purpose

Review of Planned Development

33.854665.200 Review Procedures

33.854665.250 Supplemental Application Requirements

33.854665.300 Approval Criteria in General

33.854665.310 Approval Criteria for Planned Developments In All Zones

33.854665.320 Additional Approval Criteria for Modifications of Development Standards

33.854665.330 Commercial Uses in Residential Zones

33.854665.340 Proposals Without a Land Division

Changes to an Approved Planned Development

33.854665.500 Types of Changes

33.854665.510 Review Procedure

33.854665.520 Approval Criteria

General

33.854665.010 Purpose

These regulations assign Planned Development Reviews to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood.

Review of Planned Development

33.854665.200 Review Procedures

- A. **Concurrent reviews required.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site when the Planned Development bonus is being utilized (See 33.130.212.E). In this case, Design Review may be processed after the Planned Development Review.
- B. **Planned Development bonus.** Proposals that are using the commercial/mixed use zones Planned Development bonus (See 33.130.212.E) are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

Commentary

33.854.250 Supplemental Application Requirements

Subparagraph A is a list of the supplemental application material needed for review of a Planned Development proposal that are taking advantage of the Planned Development bonus in the commercial/mixed use zones. The listing identifies the types of information needed to address the approval criteria in Section 33.854.310.

C. All other Planned Development Reviews.

1. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:
 - ~~a1.~~ Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
 - ~~b2.~~ Type IIX review. All other proposals are processed through the Type IIX procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
- 2C. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:
 - ~~a1.~~ Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:
 - ~~(1)a.~~ Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;
 - ~~(2)b.~~ Eleven or more units;
 - ~~(3)c.~~ Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
 - ~~(4)d.~~ Environmental review;
 - ~~(5)e.~~ Any portion of the site is in an Open Space zone.
 - ~~b2.~~ Type IIX. All other proposals not assigned to a Type III in SubpParagraph C.2.a.-4, ~~above~~, are processed through a Type IIX procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

33.854665.250 Supplemental Application Requirements

In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

- A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):
 1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
 2. An urban design and development framework plan showing:
 - a. The location of existing and proposed structures;
 - b. Proposed land uses including areas with active ground floor uses;

Commentary

33.854.250 Supplemental Application Requirements (continued)

See previous commentary.

- c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;
 - d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;
 - e. The allocation of any required affordable housing if there will be more than one building;
 - f. The location, design and programming of plazas, parks or open areas; and
 - g. Relationships and transitions to adjacent properties and the neighborhood;
3. A transportation and circulation plan showing:
- a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
 - b. Transit service lines and stops within and immediately adjacent to the site;
 - c. Locations of right-of-way to be vacated or dedicated within the site; and
 - d. Vehicle and bicycle parking and any parking access points;
4. If required, a multi-modal transportation impact study that follows the guidelines of the Portland Bureau of Transportation, and includes assessment of traffic impacts on the streets surrounding the master plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element;
5. Transportation and parking demand management strategies;
6. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
7. A stormwater management plan;
8. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
9. A Project narrative describing how the proposal meets applicable design guidelines.
- B. Supplemental application requirements for all other Planned Developments:**
- 1. Photographs that show the characteristics of surrounding neighborhood; and
 - 2. Either B.2.a.1 or B.2.b., below, must be submitted with the application:
 - a. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or

Commentary

33.854.300 Approval Criteria in General

No substantial changes to these regulations.

33.854.310 Approval Criteria for Planned Developments using the Commercial/Mixed Use Zones Planned Development Bonus

This section serves as the approval criteria for Planned Development proposals in the commercial/mixed use zones, including proposals seeking to utilize the Planned Development bonus provision of Chapter 33.130. It incorporates consideration of how proposed development scale and massing relate to the surrounding context, including consideration of how the project transitions to the scale of adjacent areas (which will typically be smaller in scale than the proposals seeking to utilize the Planned Development bonus). The criteria also address the arrangement of public open spaces, and of the transportation network and stormwater management facilities that can be expected to be components of development on the large sites (minimum of 2 acres) that will utilize the Planned Development bonus.

The review body for Planned Development bonus proposals in the commercial/mixed use zones will be the Design Commission, which will receive bureau recommendations on the transportation system and stormwater management facilities to inform decisions.

The approval criteria for a planned development that is not proposing the additional height or FAR as allowed by 33.270.100.I, are 33.854.310.E and F. These criteria are substantively unchanged.

33.854.320 Approval Criteria for All Other Planned Developments

No substantial changes to these regulations.

- b2. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

33.854665.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.854665.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854665.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.854665.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.I) are not required to meet the criteria in Section 33.854.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria have been met.

33.854665.310 Approval Criteria for Planned Developments in All Zones

Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply. Configure the site and design development to:

A. Urban design and development framework.

1. The proposed overall scheme and site plan provide a framework for development that meets applicable Community Design Guidelines and will result in development that complements the surrounding area;
2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Master Plan area;
3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood; and

B. Transportation system. The transportation and circulation system provides multimodal connections that support the development of the site, limit impacts to adjacent neighborhoods, and meet the connectivity requirements of the City of Portland.

Commentary

- C. Stormwater Management.** The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.
- D. Phasing Plan.** The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.
- AE.** Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:
1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;
 2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
 3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
 4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
 5. Minimizing potential negative effects on surrounding residential uses; and
 6. Preservation of any City-designated scenic resources; and
- BF.** ~~Provision of~~ Provide adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas.

33.854665.320 Additional Approval Criteria for Modifications of Site-Related Development Standards

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.855.310 for sites using the commercial/mixed use zones Planned Development bonus, or 33.854665.310 for all other Planned Developments above; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

Commentary

33.854.340 Proposals Without a Land Division

No substantial changes.

33.854665.330 Commercial Uses in Residential Zones.

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CM1CN1 zone.

33.854665.340 Proposals Without a Land Division

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

A. Services.

1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
3. The standards of Section 33.651.020, Water Service Standards, must be met;
4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met; and,
5. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

B. Tree preservation. The proposal must meet the requirements of Chapter 33.630, Tree Preservation.**C. Flood hazard areas.**

1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
2. R1 through IR, C, E, and I zones. In the R1 through IR, C, E, and I zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

D. Landslide hazard areas. Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Commentary

33.854.340 Proposals Without a Land Division (continued)

No changes.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

E. Clearing, grading, and land suitability.

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;
2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

F. Streams, springs, and seeps.

1. If there is a stream, spring, or seep outside of an Environmental Overlay Zone on the site, then the stream, spring, or seep must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, or seep. The edges of a seep or spring are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. If one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, or seep is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.
2. The following development, improvements, and activities are allowed in the easement:
 - a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;

Commentary

33.854.340 Proposals Without a Land Division (continued)

Paragraph G (Transportation impacts). The approval criteria for transportation impacts have been modified to accomplish several objectives:

1. Further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors should be looked at on balance. Portions of the transportation system are already failing. In this case, the failure should not preclude additional development in the area, and the burden of fixing the system should not fall on the first development to be evaluated. If a portion of the system is failing and the failure is not caused by the development being proposed, then any additional impacts caused by the proposed development should be mitigated, but the development should not be denied.
2. Consideration of how the Parking and Transportation Demand Management plan will advance City mode split and auto ownership objectives.
3. Clarification that mitigation may occur in a variety of forms, including improvements that benefit other modes, or actions that manage demand. For example, if the development will create traffic that impacts a nearby street segment or intersection, causing it to not meet level of service standards; mitigation may include improvements to benefit other modes, or additional Parking and Transportation Demand Management actions to reduce reliance on the automobile. This provides more options for mitigation, and ensures that mitigation can be proportional to the scale of the impact.

- b. Removal of non-native invasive species with hand held equipment;
 - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
 - d. Erosion control measures allowed by Title 10 of Portland City Code;
 - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
 - f. Maintenance and repair of existing utilities, services, and driveways;
3. Public or private rights of way may cross the seep, spring, or stream easement if the following approval criteria are met:
- a. There is no reasonable alternative location for the right-of-way;
 - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
 - (1) The street improvements will not impede the flow of the stream, spring, or seep;
 - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, or seep to the minimum extent practicable; and
 - (3) The street improvements will not impede fish passage in a stream, spring, or seep has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

G. Transportation impacts.

1. The transportation system must be capable of ~~safely~~ supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2; ~~and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.~~
2. Adequate measures to mitigate on- and off-site transportation impacts are proposed. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to fill in gaps in the local pedestrian and bicycle networks, and transit stop improvements;

Commentary

33.854.500 Types of Changes

Amendments to this section introduce a third type of change to a planned development: *Administrative Change*. This new category accommodates very minor changes that are not substantive, are consistent with conditions of approval and development standards, and which will not require a land use review. Other amendments clarify thresholds related to the different types of changes.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
4. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

Changes to an Approved Planned Development

33.854665.500 Types of Changes

There are ~~two~~three types of changes; major, ~~and~~ minor, and administrative.

A. Major change. A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:

- 1A. An increase in the site area of more than 5 percent;
2. Changes to the building heights or floor area allocations of more than 10 percent;
- 3B. In residential zones:
 - a. An increase in density, including the number of housing units;
 - b. ~~C.~~ In residential zones, a change in the mix of single-dwelling and multi-dwelling structures; and
 - c. ~~D.~~ An increase in the amount of land in nonresidential uses;
4. ~~E.~~ A reduction in the amount of open space;
5. In commercial/mixed use zones:
 - a. Changes to building locations or required plaza or park locations;
 - b. A decrease in the amount or location of required affordable housing; and
 - c. Changes to the location of additional height;
6. ~~F.~~ Deleting or changing the purpose of flood hazard or landslide hazard easements; or
7. ~~G.~~ Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
8. Changes in the amount of parking by more than 20 percent.

B. Minor Change. A minor change is a change that is neither major nor administrative.

C. Administrative Change. An administrative change is a change to an element of a Planned Development that:

1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
2. Meets all development standards not modified by the Planned Development; and
3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.

Commentary

33.854.510 Review Procedures

This section is amended to establish the process for administrative changes to approved planned developments. Administrative changes will not require a land use review, and will be used to process minor changes that are consistent with conditions of approval and development standards, and result in only minor changes to development configurations (see 33.855.500.C).

33.854665.510 Review Procedures

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
 - 1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
 - 2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.
- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

33.854665.520 Approval Criteria

The approval criteria for changes to a Planned Development are those used for approval of the original planned development applications ~~Development Plan~~.

Commentary

33.855 - Zoning Map Amendments

Commentary

This amendment is a clarification. For some zones, including the commercial/mixed use zones, the description of each zone is in a sections called Characteristics of the Zones, rather than in the purpose statement.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map.
 - 1. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.
 - 2. Where R zoned lands have a C, E, or I designation with a Buffer overlay, the zone change will only be approved if it is for the expansion of a use from abutting nonresidential land. Zone changes for new uses that are not expansions are prohibited.
 - 3. When the zone change request is from a higher-density residential zone to a lower-density residential zone, or from the CM zone to the CS zone, then the approval criterion in 33.810.050 A.3 must be met.

- B.-D.** No Change

Commentary

33.910 Definitions

33.930 Measurements

In Chapter 33.910, amendments are proposed to the definition of Auto-Accommodating Development; to the definition of Floor Area as it applies to roofed outdoor spaces, such as balconies and porches; to the related definition for Gross Building Area; and to the definition of Drive-Through Facility.

In Chapter 33.930, amendments are proposed to the measurement of building height in the commercial/mixed use zones.

These are amendments to existing code chapters. Language to be added is underlined. Language to be deleted is shown in ~~striketrough~~.

Commentary

Chapter 33.910 Definitions

Auto-Accommodating Development

The "Auto-Accommodating Development" definition is being revised to reflect current use of the term in the Zoning Code. The term is primarily used in the Commercial/Mixed Use Zones chapter (33.130), particularly in regards to the Commercial Employment (CE) zone and in reference to zones in which drive-through facilities are allowed. Most areas with Commercial/Mixed Use zoning are located adjacent or close to transit streets or are in centers that are intended to have a pedestrian and transit orientation. Following from this, the Commercial/Mixed Use development standards do not generally allow some of the features described in the definition of auto-accommodating development, such as large areas of blank walls along facades and building main entrances oriented solely to parking areas. Auto-accommodating development with features such as large parking areas and drive-through facilities continue to be allowed in some zones, particularly in the CE zone, but such development is also expected to include some features supportive of pedestrian-oriented street environments, such as ground-floor windows and entrances oriented to transit streets.

Drive-Through Facility

The definition of Drive-Through Facility is amended to clarify that facilities designed exclusively for the loading of goods or products are not considered drive-through facilities. This may include "click and collect" type facilities, where a product is ordered online or via another means and the products are delivered to a vehicle that is parked in a space on site. However, if such a facility includes a stacking or queuing lane, or a drive-up service window for ordering products, it is then considered a Drive-Through Facility.

33.910 Definitions

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Development Types

- Auto-Accommodating Development.** Development which is designed ~~with an emphasis onto accommodate customers who use autos to travel to the site, rather than those which have an emphasis on pedestrian customers.~~ This type of development usually has more than the minimum required number of parking spaces. ~~The main~~Buildings feature entrances ~~is oriented~~providing convenient access to the parking areas. In many cases, the building will have parking between ~~the street~~secondary streets and the building. Other typical characteristics are ~~blank walls along much of the facade~~drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics.

See also Pedestrian-Oriented Development.

- Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

See also Auto-Accommodating Development.

Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Facilities designed exclusively for the loading of goods or products are not drive-through facilities.

Commentary

Floor Area

This definition is being amended so that unenclosed outdoor spaces, such as porches and balconies, are excluded from floor area calculations when they are enclosed along no more than 75 of their perimeter, which is a change from the previous perimeter enclosure limit of 50 percent. This change accompanies new requirements that residential development in the Commercial/Mixed Use Zones provide residential outdoor space, such as balconies, and new requirements for including residential development in maximum floor area calculations. This increase in allowed outdoor space enclosure is intended to make these new requirements more practical. It also accommodates outdoor spaces, such as balconies, that provide more perimeter enclosure for residents; acknowledging that balconies with minimal perimeter enclosure (such as balconies that extend out from building facades) lack the protection from exposure to the elements that more enclosed balconies provide (such as those recessed into building facades and enclosed on three sides). This change in definition retains the general requirement that outdoor spaces must not be fully enclosed if they are not to count as floor area, so that these spaces are not part of the enclosed mass of buildings and do not contribute to the appearance of building bulk.

Gross Building Area

This definition is being modified to correspond to the change in the Floor Area definition in regards to how outdoor spaces are considered in floor area calculations.

Floor Area. The total area of the portion of a building that is above ground. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes the area devoted to structured parking that is above ground level. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Gross Building Area. The total area of all floors of a building, both above and below ground. Gross building area is measured from the exterior faces of a building or structure. Gross building area includes structured parking but does not include the following:

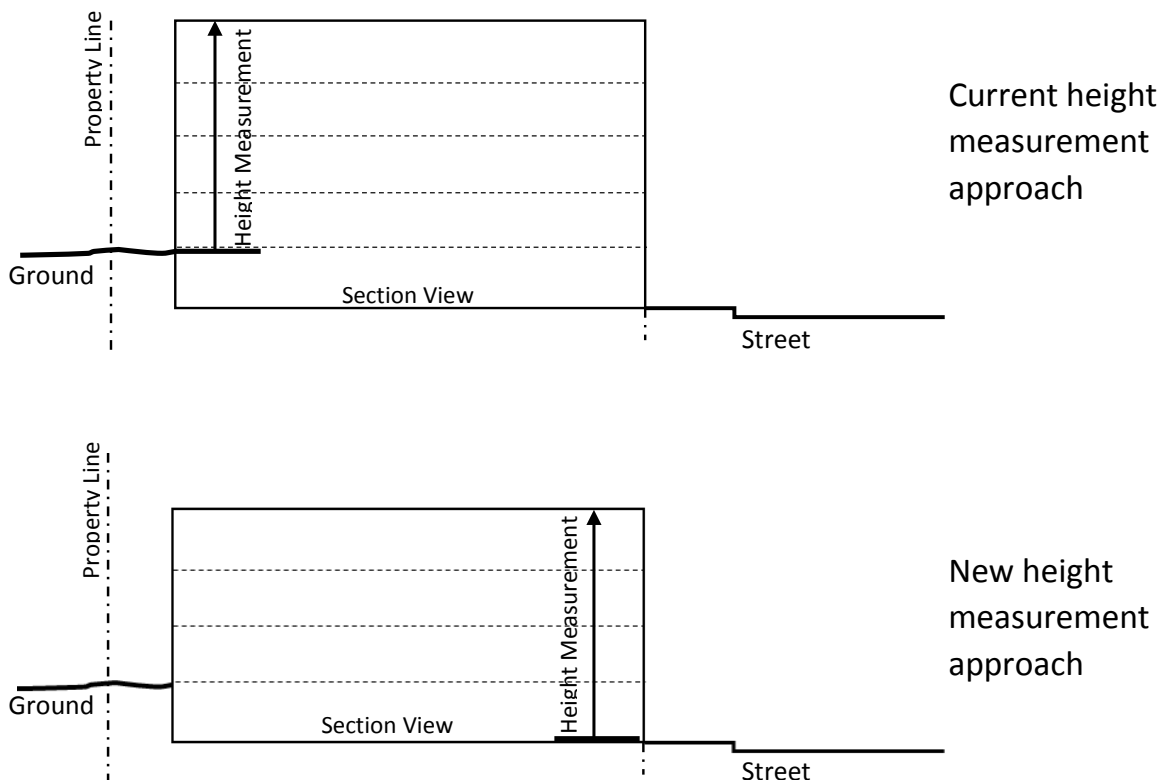
- Roof area;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for ~~50~~75 percent or more of their perimeter.

Commentary

Chapter 33.930 Measurements

33.930.050 Measuring Height

The method for measuring height is being amended for development in the commercial/mixed use zones. Using the existing approach to measuring height (Section 33.930.050 Measuring Height), the base point measurement can be taken from the elevation of a raised lot, instead of from sidewalk level. Because of the high level of building coverage allowed in the commercial/mixed use zones (up to 100 percent in some zones), the existing grade is sometimes largely removed as part of redevelopment and the sidewalk level visually becomes the new ground level, especially given regulatory standards that encourage sidewalk-oriented buildings in these zones. Existing regulations have resulted, for example, in five-story buildings in zones where maximum building heights of 45 feet normally result in four-story buildings. The amendments to this section would require that buildings close to street lot lines (within 20 feet) have their base point measurements taken from adjoining sidewalks. Buildings located further away from street lot lines, such as those on larger sites with sloping topography, would continue to have their measurement base points taken from nearby ground surfaces. No amendments are proposed to Paragraph B of this section ("Measuring height of other structures" - not shown).



33.930 Measurements

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33.930.050 Measuring Height

A. Measuring building height. Height of buildings is generally measured as provided in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.) The height of buildings is the vertical distance above the base point described in Paragraphs A.1. or A.2., ~~below~~ unless the site is in a commercial/mixed use zone, in which case the height of buildings is measured as described in Paragraph 3. The base point used is the method that yields the greater height of building. Methods to measure specific roof types are shown below and in Figure 930-5:

- Flat roof (pitch is 2 in 12 or less): Measure to the top of the parapet, or if there is no parapet, to the highest point of the roof.
 - Mansard roof: Measure to the deck line.
 - Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
 - Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
 - Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
 - Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
 - Stepped or terraced building: Measure to the highest point of any segment of the building.
1. Base point 1. Base point 1 is the elevation of the highest adjoining sidewalk or ground surface within a 5 foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade. See Figure 930-6.
 2. Base point 2. Base point 2 is the elevation that is 10 feet higher than the lowest grade when the sidewalk or ground surface described in Paragraph 1., above, is more than 10 feet above lowest grade. See Figure 930-7.
 3. In the commercial/mixed use zones, when any portion of a building is within 20 feet of a street lot line, and the highest elevation of the sidewalk within 25 feet of the building is not more than 10 feet above the lowest elevation of the sidewalk with 25 feet, the base point from which the height of the building is measured is the highest elevation of the sidewalk within 25 feet of the building. When the highest elevation of the sidewalk within 25 feet of the building is more than 10 feet higher than the lowest elevation of the sidewalk within 25 feet, the base point from which the height of the building is measured is a point 10 feet above the lowest elevation of the sidewalk within 25 feet of the building. For all other buildings, or if no sidewalk exists or is proposed within 25 feet of the building, height is measured using the base points described in Paragraphs A.1. and A.2.

Commentary