

2035 Comprehensive Plan

Code Reconciliation Project

Recommended Draft
February 2018

Volume 1: Amendments to Title 33



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For more information or if you have questions about the Code Reconciliation Project:

Visit the web:

<https://www.portlandoregon.gov/bps/72600>

Contact staff:

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How to Comment

The **Code Reconciliation Project – Recommended Draft** will be considered by Portland City Council at a public hearing on March 21, 2018 at 3:00 p.m. The Council may adopt or amend the recommendations. The public is invited to submit formal public testimony to the City Council in writing or in person, at the City Council meeting.

To Comment, Testify, Write, or e-mail the Portland City Council

TESTIFY: March 21, 2018, 3:00 p.m., Portland City Hall, 1221 SW 4th Avenue, City Council Chambers

WRITE: Portland City Council, 1221 SW Fourth Avenue, Room 130, Portland, OR 97204. Attn: Code Reconciliation Project Testimony

E-MAIL: CCTestimony@portlandoregon.gov with subject line “Code Reconciliation Project Testimony.”



City Council will hold a public hearing and take formal public testimony on the *Recommended Draft*. The City Council may amend the *Recommended Draft* before they vote to adopt the proposal. This will occur during Spring of 2018. The final adopted regulations are expected to become effective in May 2018.

Acknowledgments

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Amanda Fritz, *Commissioner*

Chloe Eudaly, *Commissioner*

Dan Saltzman, *Commissioner*

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February 8, 2018

Mayor Ted Wheeler and Members of Portland City Council
Portland City Hall
1221 SW Fourth Ave
Portland, OR 97204

Dear Mayor and Commissioners:

The Portland Planning and Sustainability Commission (PSC) is pleased to forward our recommendations on the 2035 Comprehensive Plan Code Reconciliation Project (CRP) for your consideration. The purpose of this project is to reconcile existing code with the new zoning designations adopted with the 2035 Comprehensive Plan. These include:

1. Amendments to Title 33, Zoning, to:
 - a. Reconcile technical changes and some development allowances.
 - b. Reconcile Inclusionary Housing provisions adopted by Council in December 2016.
 - c. Respond to testimony brought to the PSC including changes to use allowances for Self-Service Storage buildings in areas with a pedestrian emphases or higher level of transit service or investment.
2. Amendments to Title 32, Signs, to reconcile technical changes and certain allowances because the recently adopted zones are not direct replacements for existing zones.
3. Amendments to Title 11, Trees, to remove references to the CS and CM zones since they were among a list of zones listed in Title 11 that were exempt from Tree Preservation & Density Standards and Tree Density Standards.

On October 24, 2017, the PSC held a public hearing on the Code Reconciliation Project. On November 14, 2017, December 12, 2017 and January 9, 2018 the PSC held work sessions to discuss amendments to the staff proposal and vote on recommendations.

On January 9, 2018, the PSC voted unanimously (9-0) to recommend approval of the revised package of code amendments and forward them, with the following noted caveats:

Affordable Commercial Space Bonus

Prosper Portland is identified to administer the adopted Affordable Commercial bonus provisions in the new Commercial/Mixed Use Zones which offers additional floor area and height for projects that provide a portion of their commercial space with enhanced affordability. We applaud this innovative concept, however, there remains a lack of clarity about these provisions/rules, program goals and specifics. The PSC agreed to recommend the zoning code changes, provided that Prosper return to PSC in March 2018 with a complete package of program rules. After that meeting, the PSC will send a follow-up recommendation to Council on this specific topic.



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Small-Scale Neighborhood Businesses

The new Commercial Residential (CR) zone presents an opportunity to fill gaps in access to goods and services throughout the city. The PSC recommends that Council direct staff to explore the need and opportunities for better, more walkable neighborhood services. The exploration could include:

1. Identifying areas within the city where neighborhood commercial opportunity is lacking as possible areas for future limited CR Comprehensive Plan and zoning map changes.
2. Considering a reduced fee, or other streamlining mechanism, to allow for Comprehensive Plan and Zoning Map changes from residential to CR, where there is a demonstrated need and strong support for change.
3. Exploring changes to the city's Home Occupation codes to allow more flexibility to accommodate home-based businesses and meet neighborhood needs.

Self-Service Storage

The PSC received a significant amount of testimony about the streetscape and development impacts of low-activity Self-Service Storage uses in both the Code Reconciliation and Map Refinement projects. Compelled by testimony, the PSC recommended changes to staff's initial proposal to foster greater levels of activity in specific areas of the city. We expect the Council will hear additional testimony on this topic.

Title 11, Tree Code

The PSC supports staff's proposal and the Urban Forestry Commission recommendations to remove and not replace the CS and CM zone exemptions in support of 2035 Comprehensive Plan and Climate Action goals and policies. However, we recommend that the tree preservation and density requirements of Title 11 and landscaping requirements of Title 33 be reviewed and aligned to reduce conflicts.

Safety and Level of Service as Evaluation Factors and Approval Criteria

The 2035 Comprehensive Plan envisions a multi-modal transportation system that decreasingly relies on single-occupant vehicle trips and prioritizes other travel modes. As part of the CRP, chapters citing transportation evaluation and approval criteria were amended which prompted discussion about the terms "safety" and "level of service." The PSC recommends that Council direct the Portland Bureau of Transportation to expedite work that better defines "safety" as a transportation evaluation criterion and to explore alternatives to the vehicle capacity-oriented "level of service" measurement for evaluation of transportation issues in land use reviews.

Recommendations

The Portland Planning and Sustainability Commission recommends that City Council adopt the amendments to Title 33, Title 32 and Title 11 in the *Code Reconciliation Project — Recommended Draft*, dated February 2018.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,



Katherine Schultz
Chair



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AMANDA FRITZ, COMMISSIONER

MIKE ABBATÉ, DIRECTOR

February 19, 2018

Mayor Ted Wheeler and Members of Portland City Council
Portland City Hall
1221 SW Fourth Ave
Portland, OR 97204

Dear Mayor and Commissioners:

The Portland Urban Forestry Commission (UFC) is pleased to forward our recommendations on the 2035 Comprehensive Plan Code Reconciliation Project for your consideration.

This project is a follow-up to the recently-adopted 2035 Comprehensive Plan, and includes UFC recommendations on amendments to Title 11, Trees. The amendments to Title 11 reconcile the existing code with new Title 33 zoning designations adopted with the 2035 Comprehensive Plan.

As part of the Code Reconciliation Project, Bureau of Planning and Sustainability (BPS) staff proposed to remove the references to the CS and CM zones in Title 11 and not replace them. The CS and CM were among a list of zones listed in Title 11 that were exempt from Tree Preservation Standards and Tree Density Standards in development situations. The CS and CM zones are being removed from the adopted array of zones in Title 33, but there are not direct replacement zones. Many of the parcels that had CS or CM zoning have been rezoned to the new CM2 designation.

On November 8, 2017, the UFC held a public hearing on the proposed amendments to Title 11. The UFC considered whether exemptions for certain new Commercial/Mixed Use zones should be included in Title 11 to replace the CS and CM zone exemptions. The UFC concluded that replacing the CS and CM zone exemptions does not generally support tree preservation, urban forestry or climate action goals, and voted to support the staff proposal to remove the CS and CM zone references and not replace the exemption. It is our understanding that the Planning and Sustainability Commission also considered this issue and is also recommending removal of the CS and CM zone references. This means that all Commercial/Mixed-Use zones, except CX which remains in the zoning code and is applied in the Central City and Gateway, would now be subject to Title 11.

Recommendations

The Portland Urban Forestry Commission recommends that City Council adopt the amendments to Title 11 in *Code Reconciliation Project - Recommended Draft*, dated February 2018.

Thank you for the opportunity to participate in the review of this project and for considering our recommendations.

Sincerely,

Vivek Shandas
Chair

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Section I: Introduction

Project Summary

The [2035 Comprehensive Plan](#) was adopted by Portland City Council in 2016 and included major changes to the Portland Zoning Code, Title 33. Adopted changes to multiple zoning code sections are detailed in the [2035 Comprehensive Plan Early Implementation Zoning Code Amendments](#) (Ordinance #188177). These amendments are expected to be effective in May 2018. Portland City Council also adopted changes to the Zoning Code in December 2016 as part of the [Inclusionary Housing Zoning Code Project](#) (Ordinance #188162). These changes are currently effective. Both of these code amendment efforts resulted in changes that affect other chapters and sections of the zoning code and other city titles that reference zoning. The 2035 Comprehensive Plan [Code Reconciliation Project](#) (CRP) amends the zoning code and other city titles to provide greater consistency with the newly adopted regulations and correct code references.

What's in this report?

This report has four sections:

- **Section 1** introduces the project and provides a brief overview.
- **Section 2** summarizes public involvement activities that have helped inform this project.
- **Section 3** includes a summary of code changes and a table summarizing the amendments.
- **Section 4** contains the recommended amendments to Portland City Code.

This report contains amendments to [Title 33, Planning and Zoning](#), [Title 32, Signs and Related Regulations](#), [Title 18, Noise Control](#), and [Title 11, Trees](#). The amendments are largely technical, in that they replace references to existing Commercial zones with the most equivalent new Commercial/Mixed Use zone adopted by Portland City Council as part of the 2035 Comprehensive Plan. The amendments also update the adopted Commercial/Mixed Use zones approach to development bonuses with the approach established by the Inclusionary Housing Project. Because the new 2035 Comprehensive Plan zones are not always a direct replacement for current zones, and because some development parameters have changed (including Inclusionary Housing related standards), the amendments may sometimes result in changes that have policy implications or shift development allowances.

In addition, the amendments weave in references to new Campus Institutional (CI) zones adopted with the 2035 Comprehensive Plan. They also update regulations in plan districts and other code Chapters for Employment and Industrial (E and I) zones and uses that are consistent with changes to Employment and Industrial base zones adopted with the 2035 Comprehensive Plan. Finally, the amendments include other technical and substantive changes recommended by commissions after considering testimony at public hearings on the *Proposed Draft*. These changes are noted in Section 2 and Section 3.

The amendments to city code begin in Section 4. Commentary describing each amendment can be found on the facing pages next to the code amendments in this report.

Section 2: Public Involvement Summary

Overview

The 2035 Comprehensive Plan Early Implementation Code and Map changes were adopted in late 2016 and were the result of several years of public involvement. This included the Mixed Use Zones Project, the Campus Institutional Zoning Project and the Employment Zoning Project. Changes to the Zoning Code recommended by the Portland Planning and Sustainability Commission and ultimately adopted by Portland City Council were informed by community conversations and coordination with City service bureaus through 2016. Throughout the planning process, staff attended numerous community meetings, hosted public meetings and open houses, and held public office hours at community locations.

The Planning and Sustainability Commission (PSC) held public hearings and took testimony on each of the Early Implementation projects in 2015-2016. After considering public testimony and deliberating, the PSC transmitted the Recommended Draft of the 2035 Comprehensive Plan Early Implementation Package to City Council and the public for review.

The Portland City Council held public hearings and invited testimony on the Recommended Draft of the 2035 Comprehensive Plan Early Implementation Package in Fall 2016. On November 17, 2016 City Council held the final public hearing on the City's new Comprehensive Plan to accept testimony on new amendments. On December 21, 2016, City Council adopted the 2035 Comprehensive Plan Early Implementation Package, which included amendments to the Zoning Map and Zoning Code.

Code Reconciliation Project

Because the Code Reconciliation Project is primarily a technical project, public involvement has been strategic and focused primarily on changes that may result in significant changes in development standards or may have policy implications.

A [project website](#) was developed in early 2017. BPS staff also communicated to a broad array of 2035 Comprehensive Plan stakeholders that were on interested parties lists by email in early 2017. This was followed up by email communications and meetings at district coalition offices to share basic project information and highlight issues of policy significance, such as plan district amendments and revision of the Neighborhood Contact requirements (see below).

Plan Districts

Some plan districts include specified floor area ratios that are different than those specified in the base zones. Floor area ratios (FAR) in some plan districts are proposed to be amended to conform with new Commercial/Mixed Use zoning designations, and offsets or bonuses have been applied for inclusionary housing. While height limits are typically maintained, the FAR changes overall have policy implications, as the new floor area ratios include housing in FAR calculations and may be different, or slightly greater overall, to offset for inclusionary housing. Staff met with the following coalition offices and representatives of affected neighborhoods in early 2017 to provide an overview of the CRP, and conducted follow up outreach to stakeholders by email, phone or in meetings to discuss this topic and proposed changes:

- Central Northeast Neighbors
- East Portland Neighborhood Office

- Hollywood Neighborhood Association
- Northwest District Association
- North Portland Neighborhood Services
- Northeast Coalition of Neighborhoods
- South Portland Neighborhood Association
- Southeast Uplift
- Southwest Neighborhoods Incorporated

Follow up email communications were sent to the land use contacts for neighborhoods affected by plan districts in June-July 2017 to provide additional information about the proposals in the Discussion Draft.

Underrepresented and Non-English-speaking communities

As a citywide and technical project, meaningful community engagement is a challenge, because topics may be difficult to explain, the local or tangible impacts of code changes are hard to articulate, and with limited time, community members may choose to focus on issues that have a more direct bearing on local livability or development issues. The challenges of this type of project can be magnified when attempting to engage underrepresented communities or those who have limited English proficiency. For these reasons, a strategic approach was chosen.

A preliminary analysis was conducted of languages spoken in key geographies where the most substantive, non-technical, code changes were expected. This is primarily in the plan districts where changes to allowed floor area ratios (FAR) have the potential to affect development potential. The results showed that the Gateway and East Corridor plan district areas had a somewhat higher percentage of people who do not speak English well or at all. These percentages are relatively small, at about 10% or less, split among different several different languages. Other plan district areas had smaller percentages of the population that do not speak English well. Overall, the plan district areas do not contain substantial number of folks that would benefit from direct outreach in languages other than English. Also, the substantive impact of changes to FAR allowances was expected to be minimal on the community, and the topic is somewhat technical. Given this, it was determined that additional targeted outreach on this issue was not needed prior to code development.

General information about the project was shared via email with contacts from the Diversity and Civic Leadership Partners and other citywide groups interested in planning and policy issues. Because most of the amendments in the Code Reconciliation project are technical and do not change development allowances substantively, additional specific outreach to communities with limited English proficiency was not undertaken.

Notification about any substantive changes to development allowances in these areas is mailed directly to property owners as required by law. These notices have information about how to contact the City of Portland for information in multiple languages. This direct outreach to affected property owners provides an opportunity to ask questions, and comment or testify on the proposal to decision-making bodies.

Neighborhood Contact

The Neighborhood Contact provisions of the zoning code (33.700.025) were applied to a broader array of developments as part of the 2035 Comprehensive Plan. The provision is to be applied to development in

Commercial/Mixed Use zones of more than five units or 10,000 square feet of area. This will significantly increase the number of developments that trigger the requirement.

Concerns about the volume of contacts and process for contact were expressed in public testimony during the proceedings on the 2035 Comprehensive Plan Early Implementation Amendments. The Planning and Sustainability Commission (PSC) and City Council directed staff to revisit the requirement to explore more workable approaches that maintain the intent of Neighborhood Contact provisions but improve the process for applicants, community members, and code administrators.

To solicit feedback on this topic an interested parties list was contacted by email and surveyed in June-July 2017 to get feedback on key triggers and approaches to providing information about development as part of the process. The survey results are posted on the Bureau of Planning and Sustainability website here: <https://www.portlandoregon.gov/bps/article/646954>. Staff also worked with an internal stakeholder group composed of representatives from BPS, BDS, and ONI to discuss and outline approaches.

Revisions to the Neighborhood Contact code requirements were initially to be addressed as part of the Code Reconciliation Project. However, in order to allow for a greater focus on this issue, they are now being addressed in a separate project that is currently underway. More information is available on the web: <https://www.portlandoregon.gov/bps/74046>. Therefore, no amendments to the relevant section of code (Neighborhood Contact, 33.700.025) are included in this document.

Discussion Draft outreach and feedback

A **Code Reconciliation Project – Discussion Draft** was released on July 19, 2017 for public review and comment. Comments were taken until August 28, 2017.

Information about the Discussion Draft was featured on the Bureau of Planning and Sustainability web site for several weeks. Notification about the Discussion Draft was emailed to the project interested parties list (about 2200) on July 19, 2017. A follow up email was sent to the project interested parties list, and also emailed to District Coalition offices, Neighborhood Association leaders, Business Association leaders, and contacts for the Diversity and Civic Leadership Partners on August 7, 2017.

Drop-in Question and Answer meetings were held Monday August 7, 2017, 6-8 PM at Ride Connection, 9955 NE Glisan; and Tuesday, August 8, 2017, 5-7 PM at City of Portland, 1900 SW 4th Avenue. The meetings were lightly attended.

Discussion Draft Comments

Comments on the Discussion Draft were limited, with few comments from the general public. The following is a summary of comments.

- Several comments were received supporting the proposed direction for removing the CS and CM zone exemptions in Title 11. Some comments requested a removal of all zone exemptions.
- There were no substantive comments on the Title 33 code changes from the public.
- Portland Parks and Recreation submitted comments supporting the Title 11 zone exemptions.
- The Bureau of Development Services submitted comments that included:

- The need to develop a workable Neighborhood Contact proposal and approach to coincide with implementation of the new codes.
- Concerns about implementation issues associated with the CI zones, particularly in situations where the boundary of the zone does not match the boundary of the campus.
- The need to allow for modifications to code parameters, when adjustments are prohibited, in the context of historic resource reviews
- Many specific and technical suggestions for code changes to Title 33 and Title 32.

Proposed Draft Outreach

Information about the Proposed Draft and public hearings in front of boards and commissions is posted on the BPS web page, was emailed to interested parties, and was published in a local newspaper on September 22, 2017.

Notification about the proposal was sent by mail to the following:

- Property owners that may be affected by code changes that affect the allowable use of property.
- Parties on the project interested parties list and on the citywide legislative notification list.

Proposed Draft Testimony and Commission Deliberations

The Proposed Draft was considered by three separate Commissions and Boards:

- The Planning and Sustainability Commission – has purview over Title 33, Title 32, and Title 11.
- The Urban Forestry Commission – has purview over Title 11
- The Noise Review Board – offered feedback on Title 18.

The Planning and Sustainability Commission (PSC) considered the Proposed Draft, and held a public hearing on October 24, 2017. Written and oral public testimony was received and considered by the Planning and Sustainability Commission. The following is a summary of the topics heard in testimony:

- Concerns about Self-Service Storage facilities in pedestrian and transit-oriented locations.
- Concerns about the removal of the Buffer overlay zone (also addressed in Map Refinement Project).
- Concerns about rezoning and related allowances in the Marquam Hill area.
- Concerns about development allowances on specific sites (also addressed in Map Refinement Project).
- Concerns about development allowances for Single Dwelling Residential sites abutting Campus Institutional zones.
- Comments both for and against removing zone exemptions in Title 11 Trees.

In addition to topics addressed in testimony, the PSC identified several other issues to consider in work session deliberations. The PSC held work sessions on November 14, 2018, December 12, 2017, and January 9, 2018. The following is a list of the topics that PSC considered and the resolution/outcome of those deliberations.

PSC Deliberation Topics and Outcomes			
	Topic	Issue	Outcome
1	Applying the CR Zone	Consider a mechanism to allow CR zone to be applied through zones changes or Comprehensive Plan amendments	PSC requested that staff explore appropriate ways to allow limited commercial activities in the context of residential areas. This could include a review of home occupation allowances, and a more thorough study of commercially-deficient areas that may be appropriate locations for limited commercial uses. BPS will also work with BDS staff to explore the types of situations where a reduction in fees for Comprehensive Plan and zoning map changes may be appropriate.
2	Plan District Floor Area Ratios	Identify if any plan districts might be under developing due to FAR limitations.	PSC approved the proposed Title 33 amendments and the approach to Floor Area Ratios (FAR) in plan districts: 33.521; 33.526; 33.532; 33.536; 33.538; 33.550; 33.561; 33.562. As a result of PSC feedback, the bureau has proposed further work in FY 18/19 to update the Macadam Plan District floor area ratios.
3	Level of Service	Reconsider use of Level of Service (LOS) as an approval criterion in land use reviews.	PSC amended the proposed code language for transportation approval criteria in multiple code sections to: 1) move the term “safety” to the beginning of the list of evaluation factors, and 2) strike the words “fill in gaps in” in reference to the mitigation measures for the pedestrian and bicycle network.
4	Affordable Commercial Bonus	Provide info on Prosper Portland program parameters and administrative rule development.	PSC approved the staff proposed amendment. Prosper Portland and BPS staff will return to PSC for a briefing in March 2018 and the PSC will make a supplemental recommendation to City Council on the recommended approach and code at that time, prior to final City Council action on this item.
5	Title 11, Trees Code	Provide more detail on tree code implications for development.	PSC supported the staff proposal to remove and not replace references to CM and CS zones in Title 11 exemptions.
6	Title 32, Sign Code	Provide additional information on changes to existing signs	PSC supported the staff recommendations on sign code.
7	Self-Service Storage	Testimony from several sources concerned about the implications of Self-Service Storage uses on corridors and in key transit locations.	PSC amended the proposed code language for Self-Service Storage uses, requiring “active” uses in key locations on identified corridors and in key transit-served locations.
8	Buffer Overlay Zone	Testimony from several sources concerned about zone changes and potential impacts	PSC approved the proposed Title 33 amendments, which remove the Buffer overlay zone (33.410) and include changes in Employment and Industrial base zones (33.140)

PSC Deliberation Topics and Outcomes			
	Topic	Issue	Outcome
9	Marquam Hill Plan District	Testimony from several sources concerned about zone changes and potential allowances for commercial parking in areas on Marquam Hill.	PSC approved the proposed Title 33 amendments to expand the Marquam Hill plan district and include prohibitions on Commercial Parking uses (33.555
10	Retaining walls, landscaping and fences	Request to Amend code sections regarding retaining walls, landscaping and fences	PSC did not recommend changes to the proposal.
11	Transitional Sites	Request to change the proposed standard for Transitional Sites adjacent to Campus Institutional zones.	PSC did not recommend changes to the proposal.
12	Zone changes	Request to not downzone.	PSC did not recommend changes to the proposal.
13	Site-specific zone issues	Request to consider zoning allowances for site at NE Sandy and NE 47 ^t	PSC addressed as part of Map Refinement Project.

The Urban Forestry Commission (UFC) considered the Proposed amendments to Title 11, and held a public hearing on November 8, 2017. Written and oral public testimony was received and considered by the Commission. The Commission voted to support the amendments as proposed by staff.

The Noise Review Board (NRB) considered the Proposed amendments to Title 18, and held a public hearing on November 16, 2017. The Board expressed general support for the amendments proposed by staff.

Recommended Draft and City Council Deliberations

The Recommended Draft will be considered by the Portland City Council at a public hearing on March 21, 2018. The Council will take public testimony, deliberate and may make additional amendments to the Recommended Draft prior to an action to adopt. The final adoption by City Council is expected in May 2018.

Recommended Draft Notice and Information

Information about the Recommended Draft and public hearing was posted on the BPS web page.

Notification about the Recommended Draft and public hearing was sent to the following:

- Property owners that may be affected by additional zoning code changes that affect the use of property.
- Parties that testified orally or in writing on the Proposed Draft, and those that have requested notice.

Section 3: Summary of Recommended Changes

This section summarizes the recommended code amendments to the following city titles: Title 33, Planning and Zoning; Title 11, Trees; Title 18, Noise Control; and Title 32, Signs and Related Regulations.

As noted in a previous section, many of the recommended amendments are technical, such as code references changes to reconcile existing codes with changes adopted as part of the 2035 Comprehensive Plan, and the Inclusionary Housing Project. The 2035 Comprehensive Plan included a major change to the Commercial zones, recasting them as Commercial/Mixed Use zones, and establishing a new array of zones that generally replace the existing zones. In addition, two new Campus Institutional zones were created.

Integrating references to these new zones is primarily a technical change; these are found in all the Titles affected by this proposal. These types of amendments simply add a reference to the new Commercial/Mixed Use (C) or Campus Institutional (CI) zones where appropriate. In some cases, specific zones are referenced within different parts of city code. In these cases, a new zone that was adopted as part of the Comprehensive Plan may be added, if appropriate. In other cases, such as with the Commercial zones, a reference to a current commercial zone may be replaced with the nearest equivalent adopted Commercial/Mixed Use zone. The table below summarizes the basic approach to Commercial/Mixed Use Zone code replacements.

Commercial Zone Substitution/Conversion Approach

Current Zone	Most Similar New Zone
CN1, CN2, CO1	CM1
CS, CM, CO2	CM2
EX, CX	CM3 (outside of the Central City)
CG	CE
Non-conforming uses in R5, R2.5	CR (in limited cases)

Highlights of Significant Amendments

While many of the changes are technical as noted above, some amendments have more significant implications for development and or policy. The most significant amendments are summarized below; they are also identified in the Summary Highlights of Code Changes table, which follows.

1. Multi Dwelling Residential zones (33.120). The amendments in this chapter change the base zones to conform with Inclusionary Housing bonus approach. They also delete the IR zone, which is being moved to the Campus Institutional zones chapter (33.150), and include other minor amendments for code consistency. New RH 4:1 FAR maps are included consistent with changes proposed in the concurrent *2035 Comprehensive Plan Map Refinement Project*.
2. Commercial/Mixed Use zones (33.130). The amendments change the affordable housing bonus system adopted with the new Comprehensive Plan to be consistent with the Inclusionary Housing approach already adopted by Council. Projects that trigger Inclusionary Housing requirements, or those that voluntarily comply, will be allowed to build to the maximum floor area ratio (FAR) and height as allowed through bonuses. The affordable commercial bonus provision is amended to remove the reduced rent requirement (25% below market) and specify that the project must

participate in the Portland Development Commission (Prosper Portland) Affordable Commercial space program. Administrative aspects of the program are under development, and may include on-site development standards, rent reduction targets, or other options to help offset and lower the cost of commercial space. The changes in this chapter also reestablish design review for self-service storage uses in the CE zone. Other amendments are recommended for code consistency.

3. Employment and Industrial zones (33.140). Changes to this chapter include amendments to conform with the adopted Inclusionary Housing bonus approach. They also change setback requirements for buildings and outdoor activities adjacent to residential zones to reduce impacts. These changes are linked to removal of the Buffer overlay zone (see below). Other amendments for code consistency are also included.
4. Campus Institutional zones (33.150). Changes to this chapter include amendments to conform with the Inclusionary Housing bonus approach. Other amendments for code consistency are also included.
5. Voluntary Inclusionary Housing (multiple chapters). Amendments that provide for voluntary inclusionary housing, or the option to pay a fee-in lieu, are included in multiple base zones, and selected plan districts. Additional floor area may be achieved by participating voluntarily in the program or paying a fee.
6. Self Service Storage (33.284). The changes require active uses in the ground floor of buildings in pedestrian and transit-oriented locations with Self-Service Storage uses, and limit the amount of Self-Service Storage uses at the ground floor. The changes also require that active uses have minimum dimensional standards. They also specify that the applicable design guidelines are those guidelines that are specific to a design district, or where not specified, the Community Design Guidelines.
7. Buffer overlay zone (33.410). The recommendation is to delete this chapter. The adopted Commercial/Mixed Use base zones integrated additional setbacks and limitations on exterior activities adjacent to residential zones which were applied uniformly in situations, and the buffer overlay was removed from commercial-residential interfaces in 2016. The Employment and Industrial base zones are similarly amended in this project to address and apply setbacks and limitations on outdoor activity when adjacent to residential uses more consistently. A concurrent map change is recommended to remove the Buffer overlay zone in the *2035 Comprehensive Plan Map Refinement Project*.
8. Plan Districts (500s Chapters). Changes are recommended for several Plan District to: 1) integrate the new “base and bonus” approach to floor area calculations more consistently in plan districts; 2) incorporate Inclusionary Housing provisions where appropriate; 3) provide consistency with newly adopted approaches to Retail and Residential uses in E and I zones; and 4) generally amend language to eliminate redundancy and provide consistency with newly adopted base zoning provisions. The following plan district have amendments that may affect development allowances:
 - a. Cascade Station (33.508). Changes provide consistency with the updated E and I base zone.
 - b. Columbia South Shore (33.515). Changes provide consistency with the updated E and I base zone. Maps are amended to conform to property lines.
 - c. East Corridor (33.521). Changes apply the Inclusionary Housing provisions and allow bonus for providing affordable housing. Other changes provide consistency with new zoning codes. Maps are amended to simplify the approach to height and FAR by using base zone

allowances where possible, while retaining overall allowances that are the same, or near, those specified currently.

- d. Gateway (33.526). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes.
- e. Hayden Island (33.532). Changes revise the approach to calculating maximum floor area within the Jantzen Beach subdistrict. They convert the maximum allowed square footage for subdistrict areas to a floor area ratio (FAR), similar to the approach applied citywide. The allowed floor area in this area is specific to Hayden Island due to transportation and other issues. Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes.
- f. Hollywood (33.536). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. The amendments specify new allowed and bonus floor area ratios (FAR) for sites in Hollywood that were previously not subject to FAR limits on residential uses. The approach intends to provide allowances that are the same, or near, those allowed currently. Other changes provide consistency with new zoning codes. Maps are amended to remove bonus height associated with the CO1 zone, which is replaced by the CM1 zone.
- g. Kenton (33.538). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes.
- h. Macadam (33.550). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes. Further review of allowed FAR in this plan district is warranted, to ensure FARs are set at a level that makes compliance with the Inclusionary Housing program financially viable. The bureau has submitted a funding request as part of the proposed FY 18/19 budget.
- i. Marquam Hill (33.555). Enlarges district boundary to include the adjacent CM2 zoned area and creates a new subdistrict. The change is intended to limit Commercial Parking uses in the CM2 area because of transportation issues in the area. Maps are amended to reflect the change.
- j. North Interstate (33.561). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes.
- k. Northwest (33.562). Changes apply the Inclusionary Housing provisions and allow a bonus for providing affordable housing. Other changes provide consistency with new zoning codes, and include limitations on the size of Retail and Residential uses in some EG and CM3 zoned areas. The amendments generally apply existing allowances and limitations on the EX zone to the new CM3 zone.
- l. South Auditorium (33.580). Applies base zone floor area ratio (FAR) allowances in the area outside of the Central City Plan District
- m. St. Johns (33.583). Amendments apply allowances and limitations of the EX zone to the new CM3 zone. Limitations on housing in the EG zone are applied in the Riverfront subdistrict consistent with the base zone, and the provision for live-work use in the EG1

zone is modified. Other changes provide consistency with new zoning codes and maps. The height map is amended to conform with allowances of the newly applied CM2 base zone.

9. Conditional Uses (33.815), and other chapters with similar transportation approval criteria. Amendments in various sections reflect a citywide change in transportation approval criteria for similar reviews. The amendments place further emphasis on evaluation factors, including availability of other modes, and clarification that the evaluation factors may be looked at on balance. This is similar to the approach developed in the 2035 Comprehensive Plan Early Implementation code amendments for 33.852.110, Transportation Impact Reviews. In its review of the proposal, the PSC placed further emphasis on safety as an evaluation factor and requested a deemphasis on Level of Service for vehicular capacity as evaluation factor. The amendments reflect changes that were recommended by the Planning and Sustainability Commission.
10. Title 11, Trees. The amendments remove references to the CS and CM zones in tree preservation and tree density exemptions, as these zones have been eliminated throughout the city. Unless exempted, properties in the Commercial/Mixed Use zones will be subject to the requirements.
11. Title 18, Noise Control. Updates the Title to include the new Commercial/Mixed Use and Campus Institutional zones framework, and assigns noise standards to these zones. Notable changes include:
 - a. assignment of CI2 and CM3 zones to the Commercial use zone category (many CM3 properties were previously/are currently zoned EX, and assigned the Industrial zone category).
 - b. assignment of the CR and CI1 zones to the Residential use zone category.
12. Title 32, Signs and Related Regulations. Updates Title 32 to include the new Commercial/Mixed Use and Campus Institutional zones, and assigns the existing sign standards to these zones. Notable changes include:
 - a. assignment of the CM1 zone to the smaller allowances indicated in Table 2 and Table 3.
 - b. assignment of the CM2 and CI2 zones to the “medium” allowances indicated in Table 2 and Table 3.
 - c. assignment of the CM3 zone to the larger allowances indicated in Table 2 and Table 3.
 - d. assignment of the CR and CI1 zones to the standards of Table 1, which include most residential zones.

Code Chapters and Amendments Summary

The following is a list of the amended code Chapters and a summary of the amendments. Chapters with more substantive policy or development allowance implications are indicated with an “X” in the right hand column of the table. Abbreviations frequently used in this table include:

C/MU – Commercial/Mixed Use (zone)
CI – Campus Institutional (zone)
E and I – Employment and Industrial (zone)
IR – Institutional Residential (zone)
FAR – Floor Area Ratio

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
Title 33, Planning and Zoning:	See details below	
33.10 Legal Framework and Relationships	<ul style="list-style-type: none"> • Amended code references. • Amended Comp Plan - Zone references. 	
33.100 Open Space Zone	<ul style="list-style-type: none"> • No change. 	
33.110 Single-Dwelling Residential Zones	<ul style="list-style-type: none"> • Amended code reference to commercial/mixed use zone. • The use category for Retail Sales And Service has been amended to change from L to CU. This makes the letter more consistent with the use allowance. • Amends Transitional Sites to include Campus Institutional zone. 	X
33.120 Multi-Dwelling Residential Zones	<ul style="list-style-type: none"> • Updated code to conform with adopted IH approach. • Revised RH FAR Maps consistent with Map Refinement Project. 	X
33.130 Commercial Zones	<ul style="list-style-type: none"> • Updated code to incorporate adopted RICAP 7 changes. • Amended Affordable Housing bonus approach to be similar to adopted Inclusionary Housing approach. • Amended provisions of Affordable Commercial Bonus. • Reorganized and clarified regulations for windows and clarified the purpose for and type of exempted space - for vehicular access openings. • Reestablish design review for self-service storage in CE zone. • Minor/technical changes for consistency with other provisions. 	X
33.140 Employment and Industrial Zones	<ul style="list-style-type: none"> • Revised EG purpose statement. • Amended Inclusionary Housing approach for consistency. • Added references to CI zones. • Amended setbacks to address Buffer overlay situations and removal. • Minor/technical changes for consistency with other provisions. 	X
33.150 Campus Institutional Zones	<ul style="list-style-type: none"> • Applied Inclusionary Housing approach to CI2 zone and amended for consistency. 	X

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
	<ul style="list-style-type: none"> Added 33.130.225 Required Outdoor Area in C12. Minor/technical changes for consistency with other provisions. 	
33.203 Accessory Home Occupations	<ul style="list-style-type: none"> No change. 	
33.205 Accessory Dwelling Units	<ul style="list-style-type: none"> No change. 	
33.207 Accessory Short-Term Rentals	<ul style="list-style-type: none"> No change. 	
33.209 Aviation	<ul style="list-style-type: none"> No change. 	
33.218 Community Design Standards	<ul style="list-style-type: none"> Added references to CI zones. Amended provisions for C/MU zones to align with new base zone standards such as setbacks, windows and across-street relationships. 	X
33.219 Convenience Stores	<ul style="list-style-type: none"> No change. 	
33.224 Drive-Through Facilities	<ul style="list-style-type: none"> Added references to CI zones. 	
33.229 Elderly and Disabled High Density Housing	<ul style="list-style-type: none"> Changed references to new C/MU zones. 	
33.236 Floating Structures	<ul style="list-style-type: none"> No change. 	
33.237 Food Production and Distribution	<ul style="list-style-type: none"> Changed references to new C/MU zones. 	
33.239 Group Living	<ul style="list-style-type: none"> Added references to CI zones. 	
33.243 Helicopter Landing Facilities	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI zones. 	
33.245 Inclusionary Housing	<ul style="list-style-type: none"> Amended to exempt Medical Center uses. Amended to clarify how to calculate required number of units based on number of bedrooms. 	X
33.248 Landscaping and Screening	<ul style="list-style-type: none"> No change. 	
33.251 Manufactured Housing and Manufactured Dwelling Parks	<ul style="list-style-type: none"> No change. 	
33.254 Mining and Waste-Related	<ul style="list-style-type: none"> Added references to CI zones. 	
33.258 Nonconforming Situations	<ul style="list-style-type: none"> Added references to C/MU and CI zones. Reestablishes language that requires compliance with the minimum landscape area standard only to the extent that the site allows. 	X
33.262 Off-Site Impacts	<ul style="list-style-type: none"> Added references to CI zones. 	
33.266 Parking and Loading	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI zones. 	X

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
	<ul style="list-style-type: none"> Amended to align with inclusionary housing as appropriate. Exempts C/MU zoned sites in the Central City plan district from the Transportation Demand Management (TDM) requirement. 	
33.270 Planned Development	<ul style="list-style-type: none"> Amended to align with inclusionary housing provisions and transportation criteria as needed. 	
33.272 Public Recreational Trails	<ul style="list-style-type: none"> No change. 	
33.274 Radio Frequency Transmission Facilities	<ul style="list-style-type: none"> Added references to CI and IR zones. 	
33.278 Permit-Ready Houses	<ul style="list-style-type: none"> Delete this chapter. 	
33.279 Recreational Fields for Organized Sports	<ul style="list-style-type: none"> Added references to IR zone. 	
33.281 Schools and School Sites	<ul style="list-style-type: none"> Added references to CI and IR zones. 	
33.284 Self-Service Storage	<ul style="list-style-type: none"> Changed references to new C/MU zones. Include requirement for active ground floor uses and minimum development standards in transit-served locations. Changed design review approval criteria. 	X
33.285 Short Term Housing and Mass Shelters	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.288 Special Street Setbacks	<ul style="list-style-type: none"> Amended provisions for C/MU zones to align with new base zone setbacks. 	
33.293 Superblocks	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.296 Temporary Activities	<ul style="list-style-type: none"> Added references to CI and IR zones. 	
33.299 Wind Turbines	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
400s Contents	<ul style="list-style-type: none"> Reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471. 	
33.400 Aircraft Landing Zone	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.405 Alternative Design Density Overlay Zone	<ul style="list-style-type: none"> Added references to CI zones. 	
33.410 Buffer Zone	<ul style="list-style-type: none"> This overlay zone is being deleted. 	X
33.415 Centers Main Street Overlay Zone	<ul style="list-style-type: none"> Amend window standard for clarity. 	
33.420 Design Overlay Zone	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	X
33.430 Environmental Zone	<ul style="list-style-type: none"> Added references to CI and IR zones. 	

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.435 Future Urban Zone	<ul style="list-style-type: none"> No change. 	
33.440 Greenway Zones	<ul style="list-style-type: none"> No change. 	
33.445 Historic Resource Protection Overlay Zone	<ul style="list-style-type: none"> Amended references to IR and CI zones. Clarify that modifications are not allowed to development standards that cannot be adjusted. 	
33.450 Light Rail Transit Station Zone	<ul style="list-style-type: none"> This overlay zone is being deleted. 	
33.465 Pleasant Valley Natural Resources Overlay Zone	<ul style="list-style-type: none"> No change. 	
33.470 Portland International Airport Noise Impact Zone	<ul style="list-style-type: none"> No change. 	
33.471 Prime Industrial Overlay Zone	<ul style="list-style-type: none"> Changed zone abbreviation. 	
33.480 Scenic Resource Zone	<ul style="list-style-type: none"> Added reference to CI zones. 	
33.500 Plan Districts in General	<ul style="list-style-type: none"> No change. 	
33.505 Albina Community Plan District	<ul style="list-style-type: none"> Delete 33.505.210 Off-Site Impacts in the EX Zone. Amend reduced parking provision consistent with citywide approaches. 	
33.508 Cascade Station/Portland International Center Plan District	<ul style="list-style-type: none"> Amend retail allowances in EG zones consistent with updated base zone standards. 	X
33.510 Central City Plan District	<ul style="list-style-type: none"> No changes 	
33.515 Columbia South Shore Plan District	<ul style="list-style-type: none"> Revise the retail use limit to be consistent with revised EG base zone. Changed references to new C/MU zones. Amend subdistrict map boundary to conform to tax lots. Other minor changes for consistency. 	X
33.520 Division Street Plan District	<ul style="list-style-type: none"> No change. 	
33.521 East Corridor Plan District	<ul style="list-style-type: none"> Amended FAR and bonuses to be consistent with approach to inclusionary housing program. Changed references to new C/MU zones. Amended Height map 521-1 and 521-2 to make more properties subject to base zone allowances except where specified. Amended FAR map 521-3 and 521-4 to make more properties subject to base zone allowances except where specified. 	X

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.526 Gateway Plan District	<ul style="list-style-type: none"> Amended FAR and bonuses to be consistent with approach to inclusionary housing program. Added reference to CI zones. Prohibited housing in EG zone, consistent with base zone. 	X
33.530 Glendower Plan District	<ul style="list-style-type: none"> No changes 	
33.531 Guild's Lake Industrial Sanctuary Plan District	<ul style="list-style-type: none"> No changes 	
33.532 Hayden Island Plan District	<ul style="list-style-type: none"> Converted floor area square footage limits in Jantzen Beach subdistrict to FAR limit similar to other parts of zoning code. Added language to link housing bonus to inclusionary housing. Clarified location where 33.532.220.B applies. 	X
33.533 Healy Heights Plan District	<ul style="list-style-type: none"> No change. 	
33.534 Hillsdale Plan District	<ul style="list-style-type: none"> Changes to zoning references. 	
33.536 Hollywood Plan District	<ul style="list-style-type: none"> Changed references to new C/MU zones Amended FAR to reflect new zones and align with base zones, plan district and inclusionary housing approaches. Amended bonuses for CM2 and CM3 to align with inclusionary housing and prior plan district allowances. Deleted 33.536.270 Building Coverage and Landscaping for Residential Projects in the CS Zone. Deleted reference to CX zone windows. Amended height limits map to reflect adopted zoning changes (CO1 to CM1). 	X
33.537 Johnson Creek Basin Plan District	<ul style="list-style-type: none"> No change. 	
33.538 Kenton Plan District	<ul style="list-style-type: none"> Amended FAR allowances for areas with specific FAR to be consistent with base zone, plan district and inclusionary housing approaches. Provide a bonus for housing that meets 33.245 in key places. 	X
33.540 Laurelhurst-Eastmoreland Plan District	<ul style="list-style-type: none"> No change. 	
33.545 Lombard Street Plan District	<ul style="list-style-type: none"> No change. 	

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.550 Macadam Plan District	<ul style="list-style-type: none"> Amended FAR allowances for areas with specific FAR to be consistent with base zone, plan district and inclusionary housing approaches. Provide a bonus for housing that meets 33.245 in key places. 	X
33.555 Marquam Hill Plan District	<ul style="list-style-type: none"> Amended boundary. Created Subdistrict F to prohibit Commercial Parking in the CM2 zone. 	
33.560 North Cully Plan District	<ul style="list-style-type: none"> No change. 	
33.561 North Interstate Plan District	<ul style="list-style-type: none"> Amended FAR allowances for areas with specific FAR to be consistent with base zone, plan district and inclusionary housing approaches. Provide a bonus for housing that meets 33.245 in key places. Changed references to new C/MU zones. Deleted 33.561.290 Ground Floor Windows in the EX and CS Zones, as base zone now exceeds this standard. 	X
33.562 Northwest Plan District	<ul style="list-style-type: none"> Apply EX zone residential and other use limitations to CM3 zones. Apply EX zone retail use limitation to CM3 and EG zones. Changed references to new C/MU zones. Delete 33.562.230.D height bonus for residential, as CM3 zone allows this height when inclusionary housing applies. Amend bonus for affordable housing to use inclusionary housing approach – retain FAR and height allowances. 	X
33.563 Northwest Hills Plan District	<ul style="list-style-type: none"> No change. 	
33.564 Pleasant Valley Plan District	<ul style="list-style-type: none"> No change. 	
33.565 Portland International Airport Plan District	<ul style="list-style-type: none"> Minor changes to EG zones. 	
33.566 Portland International Raceway Plan District	<ul style="list-style-type: none"> No change. 	
33.567 Powell Boulevard Plan District	<ul style="list-style-type: none"> Amended Figure 567-1. 	
33.570 Rocky Butte Plan District	<ul style="list-style-type: none"> No change. 	
33.575 Sandy Boulevard Plan District	<ul style="list-style-type: none"> No change. 	

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.580 South Auditorium Plan District	<ul style="list-style-type: none"> Amend Map 580-1 and 580-2 to remove area south of CCPD and apply CM3 base zone height and FAR regulations. 	X
33.583 St. Johns Plan District	<ul style="list-style-type: none"> Changed references to new C/MU zones. Deleted references and bonuses for CN2 zone which is being replaced with larger-scale CM2 zone. Apply use allowances and prohibitions in EG zone more consistent with base zone but allow live-work in key areas. Apply EX zone allowances and limitations to CM3 zone. 	X
33.585 Swan Island Plan District	<ul style="list-style-type: none"> No change. 	
33.605 Lots in the Open Space Zone	<ul style="list-style-type: none"> No change. 	
33.610 Lots in RF through R5 Zones	<ul style="list-style-type: none"> No change. 	
33.611 Lots in the R2.5 Zone	<ul style="list-style-type: none"> No change. 	
33.612 Lots in Multi-Dwelling Zones	<ul style="list-style-type: none"> No change. 	
33.613 Lots in Commercial Zones	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.614 Lots in Employment Zones	<ul style="list-style-type: none"> No change. 	
33.615 Lots in Industrial Zones	<ul style="list-style-type: none"> No change. 	
33.630 Tree Preservation	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.631 Sites in Special Flood Hazard Areas	<ul style="list-style-type: none"> Added references to CI zones. 	
33.632 Sites in Potential Landslide Hazard Areas	<ul style="list-style-type: none"> No change. 	
33.633 Phased Plans and Staged Final Plats	<ul style="list-style-type: none"> No change. 	
33.634 Required Recreation Area	<ul style="list-style-type: none"> No change. 	
33.635 Clearing and Grading and Land Suitability	<ul style="list-style-type: none"> No change. 	
33.636 Tracts and Easements	<ul style="list-style-type: none"> No change. 	
33.639 Solar Access	<ul style="list-style-type: none"> No change. 	
33.640 Streams, Springs, and Seeps	<ul style="list-style-type: none"> No change. 	
33.641 Transportation Impact	<ul style="list-style-type: none"> Amended to be consistent with proposed changes to transportation evaluation and approval criteria found in other discretionary land use reviews. 	X

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.642 Land Divisions of Manufactured Dwelling Parks	<ul style="list-style-type: none"> No change. 	
33.651 Water Service	<ul style="list-style-type: none"> No change. 	
33.652 Sanitary Sewer Disposal Service	<ul style="list-style-type: none"> No change. 	
33.653 Stormwater Management	<ul style="list-style-type: none"> No change. 	
33.654 Rights-of-Way	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.655 School District Enrollment Capacity	<ul style="list-style-type: none"> No change. 	
33.660 Review in OS & R Zones	<ul style="list-style-type: none"> No change. 	
33.662 Review in C, E, & I Zones	<ul style="list-style-type: none"> Changed references to new C/MU zones. Added references to CI and IR zones. 	
33.663 Final Plats	<ul style="list-style-type: none"> No change. 	
33.664 Review on Large Sites in I Zones	<ul style="list-style-type: none"> No change. 	
33.667 Property Line Adjustments	<ul style="list-style-type: none"> No change. 	
33.668 Review of Changes to an Approved Planned Unit Development	<ul style="list-style-type: none"> No change. 	
33.669 Review of Changes to an Approved Industrial Park	<ul style="list-style-type: none"> No change. 	
33.670 Review of Land Divisions of Manufactured Dwelling Parks	<ul style="list-style-type: none"> No change. 	
33.675 Lot Consolidation	<ul style="list-style-type: none"> No change. 	
33.700 Administration and Enforcement	<ul style="list-style-type: none"> Amendment clarifies the entire list of land use reviews to which the provision applies. Originally, the term conditional use was intended to cover all types of conditional use review (CU, CUMP, & IMP), but spelling it out clearly is the preferred method. Neighborhood Contact (33.700.025) is being addressed in a separate project. 	X
33.710 Review Bodies	<ul style="list-style-type: none"> No change. 	
33.720 Assignment of Review Bodies	<ul style="list-style-type: none"> Assigns Design Commission as the review body for use of Commercial/Mixed Use Zones Planned Development bonus. 	X
33.730 Quasi-judicial Procedures	<ul style="list-style-type: none"> No change. 	
33.740 Legislative Procedure	<ul style="list-style-type: none"> No change. 	
33.750 Fees	<ul style="list-style-type: none"> No change. 	

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.800 General Information on Land Use Reviews	<ul style="list-style-type: none"> • No change. 	
33.805 Adjustments	<ul style="list-style-type: none"> • Added references to CI zones. 	
33.806 Airport Reviews	<ul style="list-style-type: none"> • No change. 	
33.808 Central City Parking Review	<ul style="list-style-type: none"> • No change. 	
33.809 Comprehensive Natural Resource Plans	<ul style="list-style-type: none"> • No change. 	
33.810 Comprehensive Plan Map Amendments	<ul style="list-style-type: none"> • Amends the transportation evaluation and approval criteria to be consistent with the Comprehensive Plan and changes being made to other discretionary land use reviews with similar transportation approval criteria. 	X
33.815 Conditional Uses	<ul style="list-style-type: none"> • Changed references to new C/MU zones. • Added references to CI zones. • Amends the transportation evaluation and approval criteria in multiple sections to be consistent with the Comprehensive Plan and changes being made to other discretionary land use reviews with similar transportation approval criteria. 	X
33.820 Conditional Use Master Plans	<ul style="list-style-type: none"> • No change. 	
33.825 Design Review	<ul style="list-style-type: none"> • Added references to CI zones. 	
33.833 Gateway Master Plan Review	<ul style="list-style-type: none"> • No change. 	
33.835 Goal, Policy, and Regulation Amendments	<ul style="list-style-type: none"> • No change. 	
33.846 Historic Resource Reviews	<ul style="list-style-type: none"> • Added references to CI zones. 	
33.848 Impact Mitigation Plans	<ul style="list-style-type: none"> • Changed references to new C/MU zones. • Amends the transportation evaluation and approval criteria to be consistent with the Comprehensive Plan and changes being made to other discretionary land use reviews with similar transportation approval criteria 	X
33.849 Marquam Hill Parking Review	<ul style="list-style-type: none"> • No change. 	
33.850 Statewide Planning Goal Exceptions	<ul style="list-style-type: none"> • No change. 	
33.851 South Waterfront Greenway Review	<ul style="list-style-type: none"> • No change. 	

Summary Highlights of Code Changes		
Title/Code Chapter	Amendments Summary	Policy or Development Implication
33.852 Transportation Impact Review	<ul style="list-style-type: none"> Amends the transportation evaluation and approval criteria to be consistent with the Comprehensive Plan and changes being made to other discretionary land use reviews with similar transportation approval criteria. 	X
33.853 Tree Review	<ul style="list-style-type: none"> No change. 	
33.854 Planned Development Review	<ul style="list-style-type: none"> Amends the transportation evaluation and approval criteria to be consistent with the Comprehensive Plan and changes being made to other discretionary land use reviews with similar transportation approval criteria. 	X
33.855 Zoning Map Amendments	<ul style="list-style-type: none"> Changed references to new C/MU zones. Removed buffer overlay provision for zone changes. 	X
33.900 List of Terms	<ul style="list-style-type: none"> No change. 	
33.910 Definitions	<ul style="list-style-type: none"> No change. 	
33.920 Descriptions of the Use Categories	<ul style="list-style-type: none"> No change. 	
33.930 Measurements	<ul style="list-style-type: none"> Amendment clarifies how to measure height in the commercial/mixed use zones. 	
Title 11, Trees	<ul style="list-style-type: none"> Amended to remove reference to CS and CM zone exemptions. 	X
Title 18, Noise Control	<ul style="list-style-type: none"> Amended to refer to new array of Commercial/Mixed Use zones and Campus Institutional zones. 	X
Title 32, Signs	<ul style="list-style-type: none"> Amended to refer to new array of Commercial/Mixed Use Zones and Campus Institutional zones. 	X

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Section 4: Amendments to City Code

This section presents the Recommended code amendments to the following city titles:

Title 33, Planning and Zoning (See Volume 1)
Title 11, Trees (See Volume 2)
Title 18, Noise Control (See Volume 2)
Title 32, Signs and Related Regulations (See Volume 2)

The recommended amendments to Title 33 affect the Zoning Code as-adopted to implement the 2035 Comprehensive Plan. A preview copy of this complete 2018 Title 33 Zoning Code is available on the City of Portland web page here: <https://www.portlandoregon.gov/bps/73737>. Amendments to Title 11, Title 18 and Title 32 affect the adopted city codes, respectively.

How to Read the Amendments

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

Commentary Pages

Commentary pages are formatted in “Comic Sans” font on even-numbered pages, opposite the code amendments they reference on the odd-numbered pages. The commentary may include a description of the problem being addressed, the legislative intent of the recommended amendment, and an assessment of the impact of the change.

Code Amendment Pages

The code amendments appear on the odd-numbered pages. Text that is added is underlined, and text to be deleted is shown with ~~striketrough~~. To reduce the size of the document, provisions of code that are not recommended to change are indicated by “[No Change]”.

Commentary

Table of Contents - Index of Symbols on the Official Zoning Maps

This change to the index of symbols reflects the elimination of 33.410, Buffer overlay zone ("b"), and the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table of Contents

Index of Symbols on the Official Zoning Maps

	Symbol	Full Name	Chapter
Overlay Zones	a	Alternative Design Density Overlay Zone	33.405
	b	Buffer Overlay Zone	33.410
	c	Environmental Conservation Overlay Zone	33.430
	d	Design Overlay Zone	33.420
	f	Future Urban Overlay Zone	33.435
	g	River General Overlay Zone	33.440
	h	Aircraft Landing Overlay Zone	33.400
	i	River Industrial Overlay Zone	33.440
	k	Prime Industrial Overlay Zone	33.471
	m	Centers Main Street Overlay Zone	33.415
	n	River Natural Overlay Zone	33.440
	q	River Water Quality Overlay Zone	33.440
	r	River Recreational Overlay Zone	33.440
	q	River Water Quality	33.440
	p	Environmental Protection Overlay Zone	33.430
	s	Scenic Resource Overlay Zone	33.480
	t	Light Rail Transit Station Overlay Zone	33.450
	v	Pleasant Valley Natural Resources Overlay Zone	33.465
	x	Portland International Airport Noise Impact Overlay Zone	33.470

Commentary

How To Use This Document

Organization of Title 33

This sentence is being deleted because the Planned Development chapter has moved from the 600 series of chapters to the 800 series of chapters. This change occurred with the 2035 Comprehensive Plan Early Implementation Zoning Code Amendment project. The Planned Development Review chapter is now 33.854.

Determining the Land Division Regulations for a Specific Site

This is being deleted because the Planned Development chapter has moved to the 800 series of chapters.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

How To Use This Document

Organization of Title 33

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

Determining the Land Division Regulations for a Specific Site

Chapters 33.651 through 33.655 contain the regulations for services that apply to land divisions. Finally, Chapters 33.660 through 33.675 will tell you what reviews are needed for your Land Division, ~~Planned Development,~~ or Property Line Adjustment, and what standards and approval criteria must be met for your request to be approved.

Commentary

33.10.060 Comprehensive Plan Designations

Changing Comprehensive Plan references to reflect the 2035 Comprehensive Plan.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.10 Legal Framework and Relationships

10

33.10.060 Comprehensive Plan Designations

- A. Mapping format.** The Official Zoning Maps also show the Comprehensive Plan designations. Where the zoning map symbol is a corresponding zone of the Comprehensive Plan designation, only the zoning map symbol is shown for an area. Where the zoning map symbol is a less intense zone than the Comprehensive Plan designation, the area of the differing Comprehensive Plan designation is outlined with a dotted line and the Comprehensive Plan designation is shown in parentheses.
- B. Map symbols.** Where there is only one corresponding zone for a Comprehensive Plan designation, the map symbol for the designation is the same symbol as for the corresponding zone. Where there is more than one corresponding zone for a Comprehensive Plan designation, the map symbols are as follows:

Comprehensive Plan Designation	Map Symbol
<u>Mixed Use – Urban Center</u>	<u>MU - U</u>
<u>Mixed Use – Civic Corridor</u>	<u>MU - C</u>
<u>Mixed Use – Neighborhood Commercial</u>	<u>NCMU - N</u>
<u>Mixed Use – Dispersed Office Commercial</u>	<u>OCMU-D</u>
<u>Institutional Campus</u> Urban Commercial	<u>UCCI</u>
Mixed Employment	ME
Industrial Sanctuary	IS

Commentary

Table 110-1

The use category for Retail Sales And Service has been amended to change from L to CU. This makes the letter more consistent with the use allowance.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.110 Single-Dwelling Zones

110

Table 110-1 Single-Dwelling Zone Primary Uses						
Use Categories	RF	R20	R10	R7	R5	R2.5
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	CU	CU	CU	CU	CU	CU
Commercial Categories						
Retail Sales And Service	<u>L</u> CU [10]	<u>L</u> CU [10]	<u>L</u> CU [10]	<u>L</u> CU [10]	<u>L</u> CU [10]	<u>L</u> CU [10]
Office	N	N	N	N	N	N
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	N
Industrial Categories						
Manufacturing And Production	CU [6]	N	N	N	N	N
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	N
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Community Service	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]	CU [1]
Parks And Open Areas	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]	L/CU [2]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]	L/CU [3]
Other Categories						
Agriculture	L [7]	L [7]	L/CU [8]	L/CU [8]	L [9]	L [9]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Commentary

33.110.100.B.10

The footnote for Retail Sales And Service has been clarified to ensure that only a retail nursery is allowed through a CU. All other Retail Sales And Service uses remain prohibited in the single-dwelling zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.110.100 Primary Uses

- A. Allowed uses.** Uses allowed in the single-dwelling zones are listed in Table 110-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 110-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 110-1.

1.-9. [No change]

10. Retail Sales ~~and~~ Service. This regulation applies to all parts of Table 110-1 that have note [10]. Retail plant nurseries are a conditional use. All other Retail Sales And Service uses are prohibited.

C.-D. [No change]

Commentary

33.110.240.H Transitional sites

Changing reference to new zoning categories and title of Chapter 33.130. Replacing reference to *CS*, *CM* and *CG* zones with new *CM2*, *CM3* and *CE* zones, as the scale of these zones is most similar to the old zones in the citation.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.110.240 Alternative Development Options

A.-G. [No Change]

H. **Transitional sites.** The transitional site standards allow for a transition of development intensities between nonresidential and single-dwelling zones. A stepped increase in density is allowed on single-dwelling zoned lots that are adjacent to most commercial/mixed use, employment, ~~or industrial~~, or campus institutional zones. The transitional site provisions promote additional housing opportunities in a way that has minimal impacts on built-up single-dwelling neighborhoods.

1. Qualifying situations. The transitional site regulations apply only to sites in the R20 through R2.5 zones that have a side lot line that abuts a lot in the CM2, CM3, CECS, CM, ~~CG~~, CX, E, ~~or I~~, or CI zones. The side lot line of the residential site must abut the lot in a nonresidential zone for more than 50 percent of the residential site's length. The residential site must comply with the minimum lot dimension standards in the applicable base zone listed in Chapters 33.610 and 33.611.

2.-4. [No Change]

I.-J. [No Change]

Commentary

33.120 Institutional Residential zone

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.120 Multi-Dwelling Zones

120

Sections:

General

- 33.120.010 Purpose
- 33.120.020 List of the Multi-Dwelling Zones
- 33.120.030 Characteristics of the Zones
- 33.120.040 Other Zoning Regulations
- 33.120.050 Neighborhood Contact

Use Regulations

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

Development Standards

- 33.120.200 Housing Types Allowed
- 33.120.205 Density
- 33.120.210 Development on Lots and Lots of Record
- 33.120.215 Height
- 33.120.220 Setbacks
- 33.120.225 Building Coverage
- 33.120.230 Building Length
- 33.120.231 Main Entrances
- 33.120.232 Street-Facing Facades
- 33.120.235 Landscaped Areas
- 33.120.237 Trees
- 33.120.240 Required Outdoor Areas
- 33.120.250 Screening
- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- 33.120.265 Amenity Bonuses
- 33.120.270 Alternative Development Options
- 33.120.275 Development Standards for Institutions
- ~~33.120.277 Development Standards for Institutional Campuses in the IR Zone~~
- 33.120.280 Detached Accessory Structures
- 33.120.283 Additional Standards for Garages
- 33.120.285 Fences
- 33.120.290 Demolitions
- 33.120.300 Nonconforming Development
- 33.120.305 Parking and Loading
- 33.120.310 Signs
- 33.120.320 Inclusionary Housing

Supplemental Information

- Map 120-1 Index Map for RH Areas with Maximum FAR of 4:1
- Maps 120-2 through 120-20 RH Areas with Maximum FAR of 4:1

Commentary

33.120.030.F Characteristics Of The Zones

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.120.020 List of the Multi-Dwelling Zones

The full and short names of the multi-dwelling residential zones and their map symbols are listed below. When this Title refers to the multi-dwelling zones, it is referring to the six zones listed here. When this Title refers to the residential zones or R zones, it is referring to both the single-dwelling zones in Chapter 33.110 and the multi-dwelling zones in this chapter.

Full Name	Short Name/Map Symbol
Residential 3,000	R3
Residential 2,000	R2
Residential 1,000	R1
High Density Residential	RH
Central Residential	RX
Institutional Residential	IR

33.120.030 Characteristics Of The Zones

A.-E. [No change]

~~F. **IR zone.** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single-use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's~~

33.120.100 Primary Uses

A. [No change]

B. Limited uses. Uses allowed in these zones subject to limitations are listed in Table 120-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1. Group Living. This regulation applies to all parts of Table 120-1 that have a [1].

a. [No change]

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- ~~b. In IR zones. Group Living facilities in the IR zone are regulated as follows:~~
 - ~~(1) Group Living facilities must be included in the mission statement of the campus's impact mitigation plan;~~
 - ~~(2) The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living facility will create; and~~
 - ~~(3) A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.~~
- eb. Alternative or post incarceration facilities. Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.

2.-9. [No change]

~~10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 120-1 that have a [10].~~

- ~~a. Purpose. Commercial uses in the Retail Sales And Service categories are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.~~
- ~~b. Retail Sales And Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and~~
- ~~c. Retail Sales And Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:~~
 - ~~(1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;~~
 - ~~(2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and~~
 - ~~(3) Retail Sales And Services uses and Office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of net building area or 10 percent of the campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking area will be associated with the Retail Sales And Service and Office uses for each parking space required for these uses. Size exceptions are prohibited.~~
- ~~d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- e. ~~Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:~~
- (1) ~~The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;~~
 - (2) ~~The office uses allowed are limited to the following:~~
 - ~~Institutional administrative, faculty, staff, student, and educational offices;~~
 - ~~Blood collection facilities;~~
 - ~~Medical office space and medical office buildings; and~~
 - ~~Medical, scientific, educational research and development facilities and laboratories.~~
 - (3) ~~Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and the structured parking associated with major event entertainment facilities to 30 percent or less of the campus net building area. Size exceptions are prohibited.~~
11. ~~Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a [11].~~
- a. ~~Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.~~
 - b. ~~Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations:~~
 - (1) ~~The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.~~
 - (2) ~~The institution has an approved impact mitigation plan or conditional use master plan.~~
 - (3) ~~Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.~~
 - c. ~~Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.~~
 - d. ~~Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.~~
12. ~~Daycare in the IR zone. This regulation applies to all parts of Table 120-1 that have a [12]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.~~

Commentary

33.120.110.B.10 Basic utilities

The basic utility use allowance is being amended to clarify which basic utilities are allowed which are limited, and which are conditional uses. The use table indicates limited and conditional use, but the code provision did not make it clear than unless described otherwise in paragraph 10, all basic utilities require a conditional use.

The amendment also deletes that option for approving a basic utility through a Conditional Use Master Plan or Impact Mitigation Plan. Both reviews are more complex and costly than a Conditional Use review, and it is unlikely that a basic utility will embark on the more costly process.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~1310.~~ Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [~~1310~~].

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

~~1411.~~ Agriculture. This regulation applies to all parts of Table 120-1 that have a [~~1411~~]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.

~~1512.~~ Retail Sales and Service. This regulation applies to all parts of Table 120-1 that have note [~~1512~~]. Retail plant nurseries are a conditional use.

C.-D. [No change]

Commentary

Table 120-1

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	R3	R2	R1	RH	RX	IR
Residential Categories						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	Y [1]
Commercial Categories						
Retail Sales And Service	L [1512]	L [1512]	L [1512]	CU[2]	L/CU [3]	L/CU [10]
Office	N	N	N	CU[2]	L/CU [3]	L/CU [10]
Quick Vehicle Servicing	N	N	N	N	N	N
Vehicle Repair	N	N	N	N	N	N
Commercial Parking	N	N	N	N	CU [4]	N
Self-Service Storage	N	N	N	N	N	N
Commercial Outdoor Recreation	N	N	N	N	N	N
Major Event Entertainment	N	N	N	N	N	CU
Industrial Categories						
Manufacturing And Production	N	N	N	N	N	CU
Warehouse And Freight Movement	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Industrial Service	N	N	N	N	N	CU
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	L/CU [1310]	L/CU [1310]	L/CU [1310]	L/CU [1310]	L/CU [1310]	L/CU [13]
Community Service	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [5]	L/CU [6]
Parks And Open Areas	L/CU [7]	L/CU [7]	L/CU [7]	Y	Y	Y
Schools	CU	CU	CU	CU	L/CU [5]	L/CU [11]
Colleges	CU	CU	CU	CU	CU	L/CU [11]
Medical Centers	CU	CU	CU	CU	CU	L/CU [11]
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [8]	Y	L/CU [12]
Other Categories						
Agriculture	L [1411]	L [1411]	L [1411]	L [1411]	L [1411]	L [14]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Commentary

Table 120-2

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 120-2 Housing Types Allowed In The Multi-Dwelling Zones						
Housing Type	R3	R2	R1	RH	RX	IR
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached House (See 33.120.270 C.)	Yes	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplex (See 33.120.270.F)	Yes	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Structure	Yes [1]	Yes	Yes	Yes	Yes	Yes
Multi-Dwelling Development	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling Park (See Chapter 33.251)	Yes	Yes	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Single Room Occupancy (SRO) units	No	No	Yes	Yes	Yes	Yes
Group Structures	Only when in conjunction with an approved conditional use. See also Chapter 33.239.					

Yes = allowed; No = prohibited.

Notes:

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

Commentary

33.120.205.A Purpose

When the IZ regulations were adopted, a similar sentence was added to the purpose statement of the Commercial zones. We inadvertently left it out of this chapter.

33.120.205.B Maximum density

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted. Other provisions are amended to address these changes.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.120.205 Density

- A. Purpose.** The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met. The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. Maximum density.** The maximum densities for the multi-dwelling zones are stated in Table 120-3. In the RH zone the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-19. In all other RH zoned areas the maximum FAR is 2 to 1. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.
- ~~1. In RH and IR zones, the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-18. In all other areas the maximum FAR is 2 to 1.~~
 - ~~2. In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.~~
- C. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be subtracted from the calculation of minimum density. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. However, units may be added to the site that bring the site closer to conformance without coming all the way into conformance.
1. In R3 and R2 zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
 2. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.
 3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
 - a. The maximum allowed reduction in minimum density is shown in Table 120-6.
 - b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:
 - (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;

Commentary

33.120.205.E Maximum increase in density or FAR

Table 120-3 has two rows that refer to maximum density—maximum density, and maximum density with inclusionary housing bonus. This amendment is intended to make it clear that the total allowed increase in maximum FAR (3 to 1 or 100 percent of allowed units) is an increase to the base maximum, not an increase to the maximum with inclusionary housing bonus.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (2) Allow trees used to reduce the minimum density that die, or become diseased or dangerous to be removed and replaced within the 10 year preservation period. The trees must be determined to be dead, diseased, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree used to reduce the minimum density is dead, diseased, or dangerous as the result of a violation, Tree Review is required; and
- (3) The covenant must meet the requirements of Section 33.700.060 and be recorded before a development permit is issued.

Table 120-6 Reduction in Minimum Residential Density from Tree Preservation		
Required Minimum Residential Density	No. of 12-Inch Trees To Be Preserved	Reduction of Minimum Residential Density
Up to 7 units	1	1
8-12 units	1	1
	2 or more	2
13-17 units	1	1
	2	2
	3 or more	3
18 or more units	1	1
	2	2
	3	3
	4 or more	4

- D. **Floor area ratio.** The floor area ratio (FAR) states the amount of floor area allowed. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. The FAR also includes any nonresidential uses that are allowed. Minimum density requirements may also apply.
- E. **Maximum increase in density or FAR.** In the RH and RX zones, an increase in FAR through the use of bonuses and transfers of more than 3 to 1 is prohibited. In all other multi-dwelling zones, an increase in the number of units through the use of bonuses, including amenity bonuses, and transfers of more than 100 percent is prohibited. The maximum allowed increase is calculated based on maximum density without inclusionary housing bonus.
- F. **Inclusionary housing bonus density or FAR.** The following density and FAR bonus options are allowed in the R3 through RX zones. ~~Sites in the IR zone are not eligible for the bonus density options.~~ Adjustments to this Subsection, or to the amount of maximum density or floor area allowed through the bonuses in this Subsection, are prohibited. Amenity bonuses described in 33.120.265 may allow additional bonus density:
 1. **Mandatory inclusionary housing.** Bonus density or FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-3 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

Commentary

33.120.205.F.2 Density

The voluntary inclusionary housing bonus is being amended to reduce the amount of repetitive code language. The inclusion rates for the voluntary program are the same as for the mandatory program, which means the code can refer directly to 33.245.040 rather than repeat all of the rates here.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

2. Voluntary inclusionary housing. Bonus density or FAR up to the maximum with inclusionary housing bonus stated in Table 120-3 is allowed when one of the following voluntary bonus options is met~~affordable housing is provided as follows~~:
 - a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or ~~provide affordable housing at one of the following rates. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets one of the standards stated below and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of a building permit, and must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau:~~
 - ~~(1) On-site affordable dwelling units. When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates:~~
 - ~~Inside the Central City and Gateway plan districts:~~
 - ~~— 10 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~— 20 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
 - ~~Outside the Central City and Gateway plan districts until January 1, 2019:~~
 - ~~— 8 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~— 15 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
 - ~~The rates shown in Subsubparagraph F.2.a.(1) that apply inside the Central City and Gateway plan districts apply outside the Central City and Gateway plan districts on and after January 1, 2019.~~

Commentary

33.120.205.6 Transfer of density or FAR

There are not changes proposed for this subsection. The language is shown here for context.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (2) ~~Off-site affordable dwelling units in a new building. When the affordable dwelling units will be provided by constructing new dwelling units off-site, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~10 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income;~~
~~or~~
 - ~~20 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- (3) ~~Off-site affordable dwelling units in an existing building. When the affordable dwelling units will be provided by dedicating existing dwelling units that are off-site as affordable, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~15 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income;~~
~~or~~
 - ~~25 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- b. Bonus density or FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

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

1. Calculating the amount of density or FAR transferred. In the R3, R2, and R1 zones, transferable density is calculated in terms of dwelling units. In the RH and RX zones, transferable density is calculated by FAR.
2. Development standards. Buildings on sites receiving transferred density or FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by Subsection E.

Commentary

33.120.215 Height

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted. Other provisions are amended to address these changes.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

3. General standards for transfers of density or FAR.
 - a. Except for transfers from the sites of Landmarks, the transfers may be only between sites within a block or between sites that would be abutting except for a right-of-way.
 - b. Density or FAR from the site of a Landmark may be transferred to any site allowed by Paragraph 5 below, within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark.
4. Zoning.
 - a. RX Zone. In the RX Zone:
 - (1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;
 - (2) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.
 - b. RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH. Density may be transferred from the site of a Landmark zoned RH to a site zoned RX, RH, or EX.
 - c. R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.
5. Covenants. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

33.120.215 Height

- A. [No change]
- B. **Maximum height.** The maximum heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.
 - 1.-2. [No change]
 3. ~~In the IR zone, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station and the FAR is 4 to 1, where the maximum height is 100 feet.~~
- C. [No change]

Commentary

Table 120-3

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted. Other provisions are also amended to address these changes.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 120-3 Summary of Development Standards in Multi-Dwelling Zones						
Standard	R3	R2	R1	RH	RX	IR
Maximum Density (See 33.120.205)	1 unit per 3,000 sq. ft. of site area	1 unit per 2,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	FAR of 2 to 1 or 4 to 1	FAR of 4 to 1	See 120.205
Maximum Density with Inclusionary Housing Bonus (See 33.120.205.F)	1 unit per 2,400 sq. ft. of site area	1 unit per 1,600 sq. ft. of site area	1 unit per 800 sq. ft. of site area	FAR of 2.5 to 1 or 5 to 1 [1]	FAR of 5 to 1	NA
Minimum Density (See 33.120.205)	1 unit per 3,750 sq. ft. of site area	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	none
Maximum Height (See 33.120.215)	35 ft.	40 ft.	25/45 ft.	25/65 ft. 75/100 ft.	100 ft.	75/100 ft.
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. -- See Table 120-4 18 ft.	10 ft. -- See Table 120-4 18 ft.	3 ft. 3 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. See Table 120-4 5/18 ft.	0 ft. 0 ft. 0 ft. 5/18 ft.	1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.
Max. Building Coverage (See 33.120.225)	45% of site area	50% of site area	60% of site area	85% of site area	100% of site area	70% of site area
Max. Building Length (See 33.120.230)	No	Yes	Yes	No	No	No
Min. Landscaped Area (See 33.120.235)	35% of site area	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	No	No	No

Notes:

[1] If the base FAR is 2 to 1 then the maximum with bonus is 2.5 to 1. If the base FAR is 4 to 1, then the maximum with bonus is 5 to 1.

Commentary

33.120.232 and .275

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.120.232 Street-Facing Facades

- A. [No change]
- B. **Where these standards apply.** The standards of this section apply to the street-facing facades of buildings that include any residential uses. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Paragraph B.1, below. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.
 - 1. [No change]
 - 2. ~~RX and IR~~ zones. The portions of buildings in the ~~RX and IR~~ zones that have nonresidential development are subject to the ground floor window requirements of the CX zone in 33.130.230.B.2.
 - 3. [No change]

33.120.275 Development Standards for Institutions

- A. [No change]
- B. **Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories in the R3 through ~~IR~~RRX zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. ~~Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277.~~ Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
- C. [No change]

Commentary

Table 120-5 and 33.120.277

The IR zone is being moved to 33.150 Campus Institutional zones and references to it in 33.120 are being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 120-5 Institutional Development Standards [1]	
Development standards for Institutional Campuses with Impact Mitigation Plans located in the IR zone are given on Table 120-3.	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	2 to 1
Maximum Height [3]	75 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Coverage [2]	70% of site area
Minimum Landscaped Area [2,4]	20% of site area
Buffering from Abutting Residential Zone [5]	10 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	10 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:

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

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 120-3. The normal regulations for projections into setbacks and for detached accessory structures still apply.

[3] Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.

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

[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.

~~33.120.277 Development Standards for Institutional Campuses in the IR Zone~~

~~A. Purpose.~~ The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.

~~B. Where these standards apply.~~ The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~C. The standards.~~

- ~~1. The development standards are stated in Table 120-3. If not addressed in this section, the regular base zone development standards apply. The standards of this subsection, and Table 120-3, may be superseded by development standards in an approved impact mitigation plan.~~
- ~~2. Space occupied by an accessory retail sales or service use may have no direct access to the outside of the building. Access to the activity must be from an interior space or from an exterior space that is at least 150 feet from a public right of way.~~
- ~~3. Accessory retail and sales uses must not have exterior signage. Exceptions are prohibited.~~
- ~~4. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.~~

Commentary

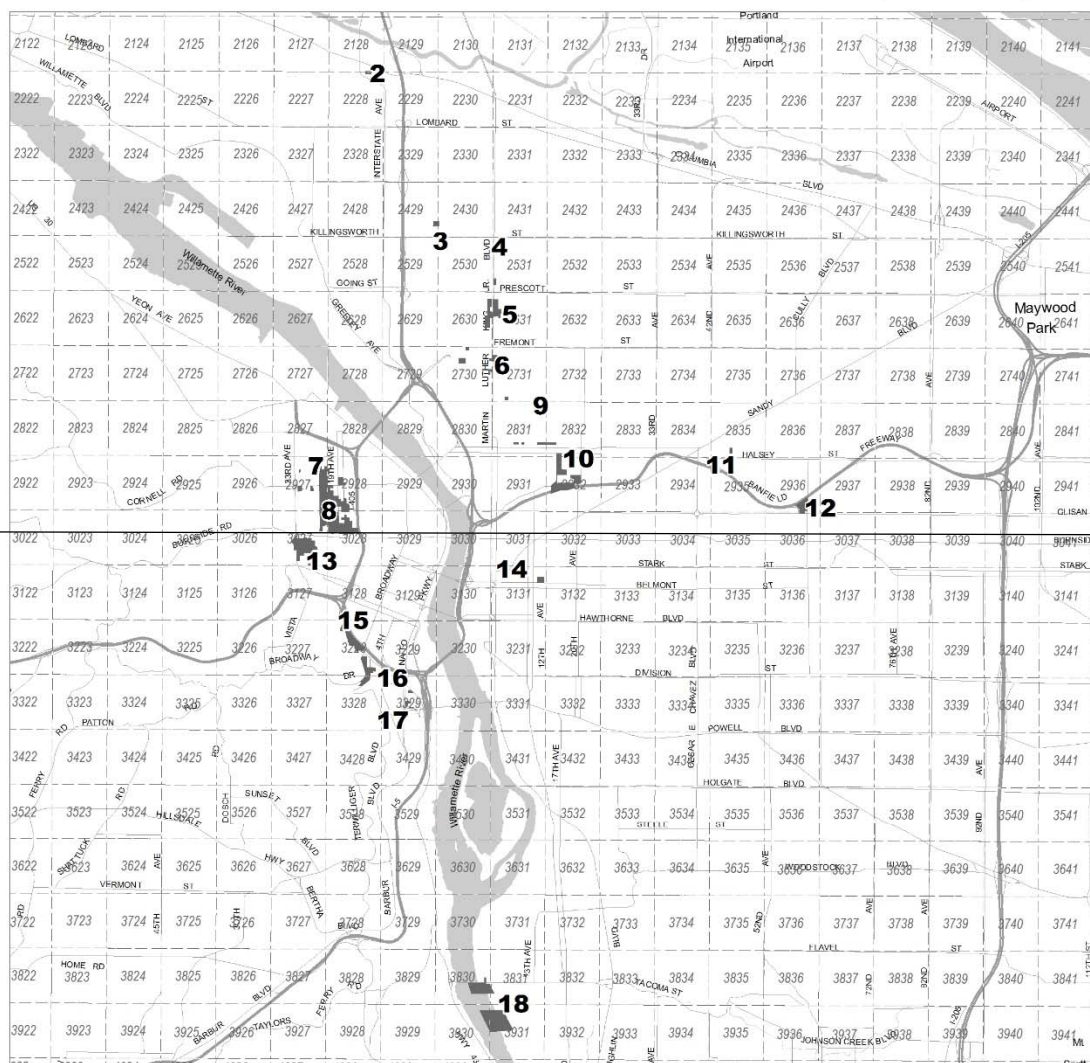
Map 120-1 is being revised to reflect changes to maps 120-11, 120-18, and 120-19. This is the existing Map 120-1 that is being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**Index Map for RH Areas with
Maximum FAR of 4:1**

Map 120-1

Map Revised January 1, 2018



- Boundary of Existing/Potential
RH - Zoned Area
- Portland Quarter Section Index



Commentary

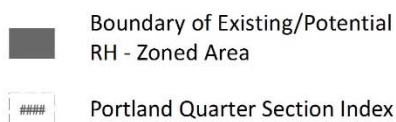
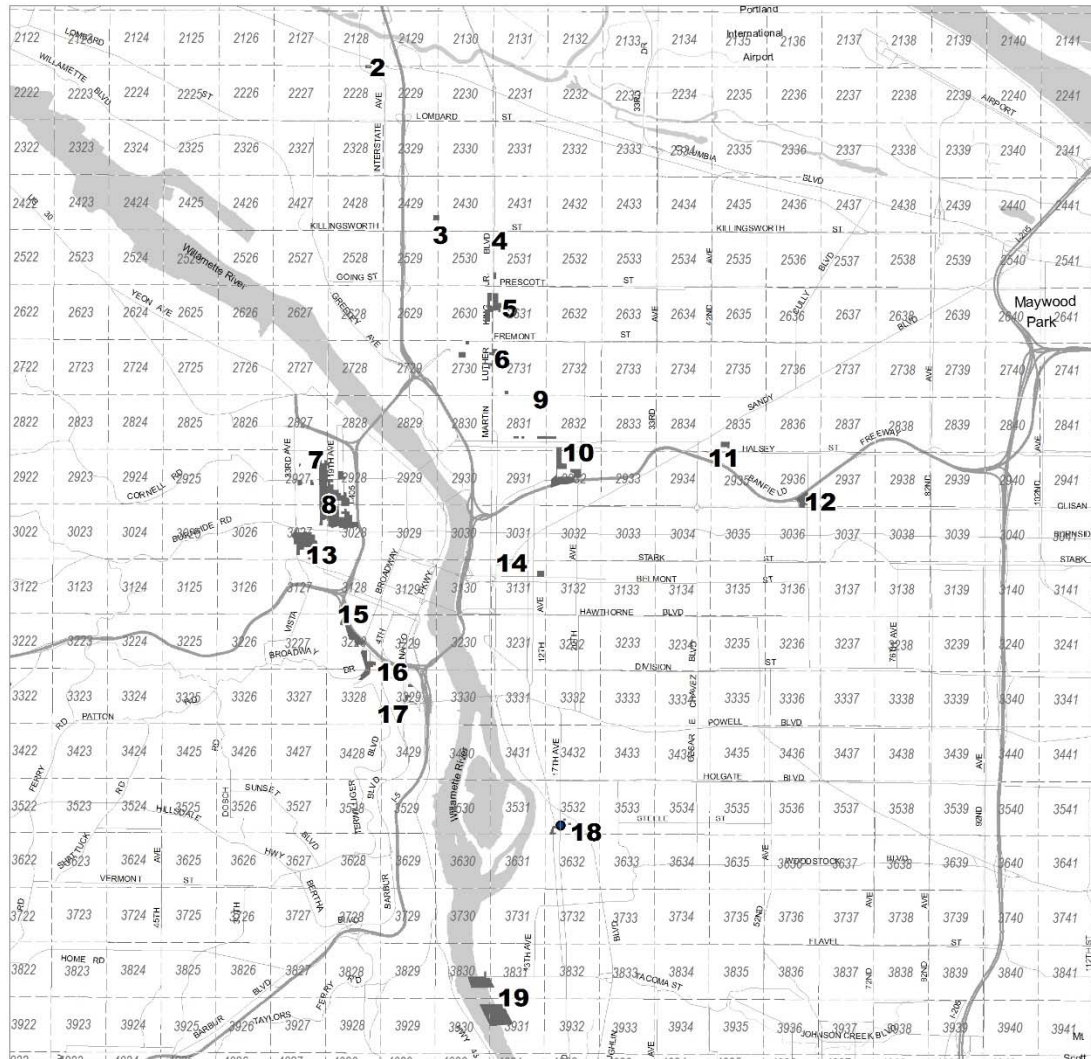
This is the new Map 120-1 that will replace the map on the preceding page.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**Proposed Index Map for RH Areas with
Maximum FAR of 4:1**

Map 120-1

Map Revised Xxxxx, 201x



Commentary

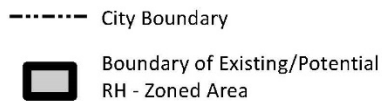
Map 120-11 is being revised to reflect zone changes in the RH zone. This is the existing Map 120-11 that is being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**RH Areas with
Maximum FAR of 4:1**

Map 120-11

Map Revised Xxxxx X, 201X



Quarter Section(s): 2835, 2935



Commentary

Map 120-11

This map replaces the previously proposed Map 120-11 and reflects PSC decisions about RH floor area ratios in this area as part of the Map Refinement Project.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.120 Multi-Dwelling Zones

120

**Proposed RH Areas with
Maximum FAR of 4:1**

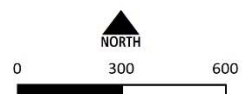
Map 120-11

Map Revised Xxxxx, 201x



- City Boundary
- Boundary of Existing/Potential
RH - Zoned Area

Quarter Section(s): 2835, 2935



Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 120-16

This map replaces the previously proposed Map 120-16 and reflects PSC decisions about RH floor area ratios in this area as part of the Map Refinement Project.

Commentary

Map 120-18

This is a new map. Existing Map 120-18 is being renumbered to be 120-19, and this new map is being inserted as 120-18. This map replaces the previously proposed Map 120-18 and reflects PSC decisions about RH floor area ratios in this area as part of the Map Refinement Project.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)


**Proposed RH Areas with
Maximum FAR of 4:1**

Map 120-18

Map Revised Xxxxx, 201x



----- City Boundary

 Boundary of Existing/Potential
RH - Zoned Area

Quarter Section(s): 3532, 3632



Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

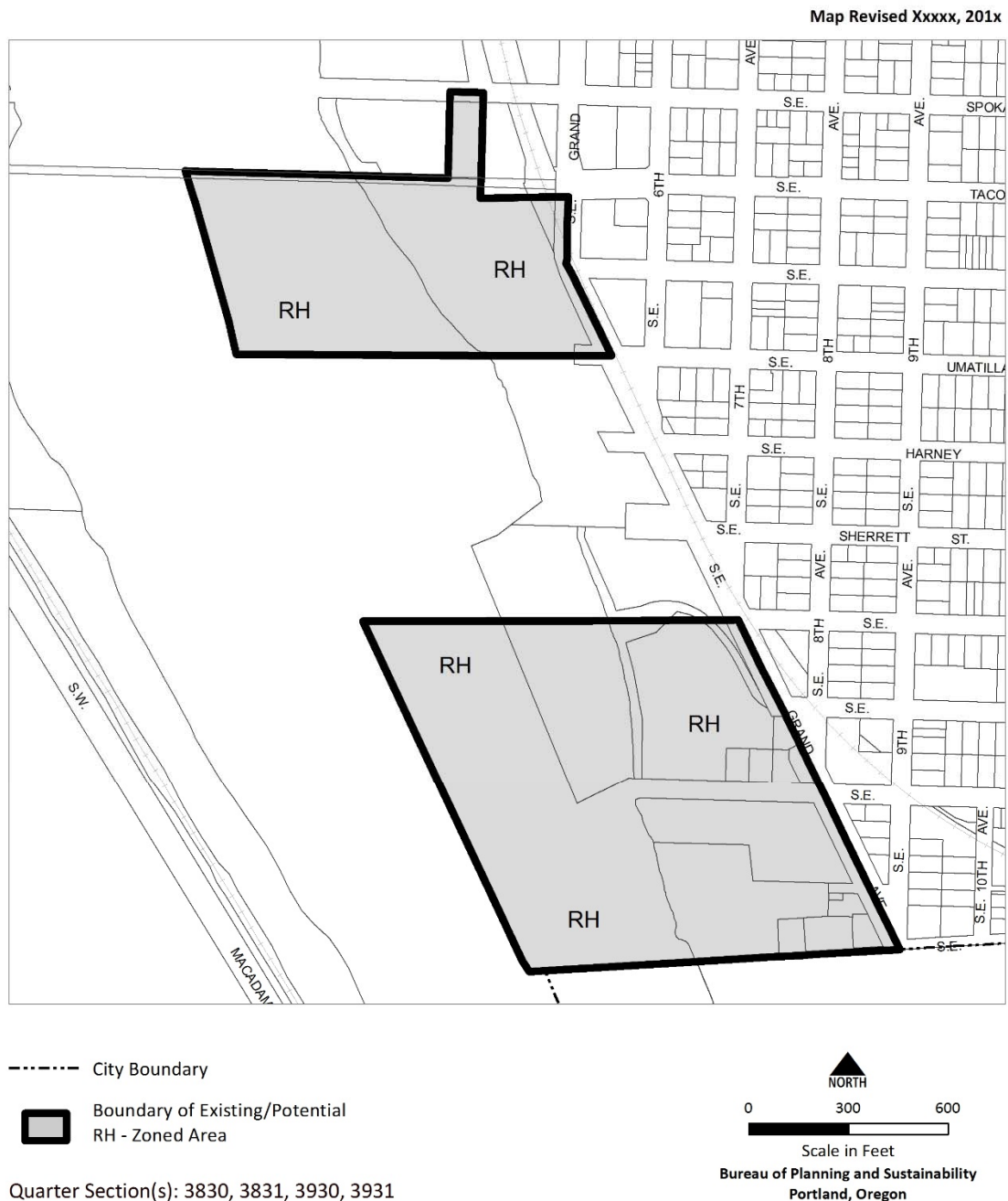
Commentary

Existing Map 120-18 is being renumber to 120-19. The content of the map has not changed.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**Proposed RH Areas with
Maximum FAR of 4:1**

Map 120-19



Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.130 Commercial/Mixed Use Zones

130

Sections:

General

- 33.130.010 Purpose
- 33.130.020 List of the Commercial/Mixed Use Zones
- 33.130.030 Characteristics of the Zones
- 33.130.040 Other Zoning Regulations
- 33.130.050 Neighborhood Contact

Use Regulations

- 33.130.100 Primary Uses
- 33.130.110 Accessory Uses
- 33.130.130 Nuisance-Related Impacts

Development Standards

- 33.130.200 Lot Size
- 33.130.205 Floor Area Ratio
- 33.130.207 Minimum Density
- 33.130.210 Height
- 33.130.212 Floor Area and Height Bonus Options
- 33.130.215 Setbacks
- 33.130.220 Building Coverage
- 33.130.222 Building Length and Façade Articulation
- 33.130.225 Landscaped Areas
- 33.130.227 Trees
- 33.130.228 Required Outdoor Areas
- 33.130.230 ~~Ground Floor~~ Windows
- 33.130.235 Screening
- 33.130.240 Pedestrian Standards
- 33.130.242 Transit Street Main Entrance
- 33.130.245 Exterior Display, Storage, and Work Activities
- 33.130.250 General Requirements for Houses, Attached Houses, Manufactured Homes, and Duplexes~~Residential and Mixed-Use Developments~~
- 33.130.255 Trucks and Equipment
- 33.130.260 Drive-Through Facilities
- 33.130.265 Detached Accessory Structures
- 33.130.270 Fences
- 33.130.275 Demolitions
- 33.130.285 Nonconforming Development
- 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

33.130.100.B.3 Industrial use and size limitations

This amendment clarifies existing limitations on industrial uses and utility scale energy production. No content changes are proposed.

33.130.100.B.3.c

This amendment reflects wording changes that were adopted through RICAP 7. The use limitation has not changed; only the way in which the limitation is expressed has changed.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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. [No Change]
 2. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [2].
 - a.-b. [No Change]
 - c. In the CM1, CM2, and CM3 zones, Quick Vehicle Servicing uses that existed on January 1, 2018 are allowed. New Quick Vehicle Servicing uses are prohibited. If a Quick Vehicle Servicing use that existed on January 1, 2018 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.
 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. All other industrial uses are allowed, and all industrial uses, including Utility Scale Energy Production and Industrial Service, are limited in size as follows. Amounts in excess of the limits are prohibited:
 - a.-b. [No Change]
 - c. In the CM3 zone, the total net building area of all Industrial uses on the site may not exceed the total square footage of the site~~Industrial uses are limited to a total FAR of 1 to 1 per site;~~ and.
 - d. [No Change]
 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.-7. [No Change]

Commentary

33.130.100.B.8 Basic Utilities

This amendment deletes wording that is also in B.8.c.

33.130.100.B.12 Agriculture in the CM3 and CE zones.

This amendment reflects wording changes that were adopted through RICAP 7. The use limitation has not changed; only the way in which the limitation is express has changed.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

8. Basic Utilities. This regulation applies to all parts of Table 130-1 that have an [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.
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 January 1, 2018.
 - c. Commercial Parking is allowed by right on a surface parking lot legally constructed after January 1, 2018 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.-11. [No Change]
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, the total net building area of all indoor Agriculture per site may not exceed the total square footage of the site~~indoor Agriculture is limited to a total FAR of 1 to 1 per site; and; and~~
 - b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.

C.-D. [No Change]

Commentary

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

Self-Service Storage. In the CE zone, Self-Service Storage is being changed from an allowed use (Y) to a limited use (L), and footnote 4 is referenced. This change reflects that fact that design review is currently required for Self-Service Storage uses in CG zones, and in the future, design review will also be required for Self-Service Storage in the CE zone. The CE zone replaces the CG zone in the new commercial/mixed use zoning categories.

Bulk Fossil Fuel Terminals. The regulations that added the Bulk Fossil Fuel Terminals use category to the Zoning Code were adopted by City Council after the 2035 Comprehensive Plan Early Implementation Zoning Code project was adopted, therefore the use table that was adopted for the commercial/mixed use zones did not include a line for Bulk Fossil Fuel Terminals. This amendment adds the new Bulk Fossil Fuel Terminal use category to the 33.130 use table, and identifies that the use will be prohibited in all commercial/mixed use zones.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

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]	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]
<u>Bulk Fossil Fuel Terminal</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
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

L = Allowed, But Special
Limitations

N = No, Prohibited

Commentary

Table 130-2

The first change to Table 130-2 adds a line to reference Bonus FAR. The information directs the user to Table 130-3.

The second change corrects the reference for Bonus Height in the CM1 zone. It incorrectly suggested that bonus height is allowed by referring to Table 130-3. CM1 does not allow bonus height, so the reference is changed to NA.

The third change corrects the reference to the section containing the ground floor window standards.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 130-2						
Summary of Development Standards in Commercial/Mixed Use Zones						
Standards	CR	CM1	CM2	CM3	CE	CX
Maximum FAR (see 33.130.205 and 33.130.212)	1 to 1 [1]	1.5 to 1	2.5 to 1	3 to 1	2.5 to 1	4 to 1
- Bonus FAR (see 33.130.212)	<u>NA</u>	<u>See Table 130-3</u>	<u>See Table 130-3</u>	<u>See Table 130-3</u>	<u>See Table 130-3</u>	<u>See Table 130-3</u>
Minimum Density (see 33.130.207)	NA	NA	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	NA	NA
Base Height (see 33.130.210.B.1)	30 ft.	35 ft.	45 ft.	65 ft.	45 ft.	75 ft.
Step-down Height (see 33.130.210.B.2)	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 25 ft. of lot line abutting RF-R2.5 zones	NA	NA	45 ft.	45 ft.	45 ft.	45 ft.
- Within 25 ft. of lot line abutting R3, R2, R1 Zones	NA	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
- Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	NA	NA	45 ft.	45 ft.	45 ft.	45 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 <u>NA</u>	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.B)	Yes	Yes	Yes	Yes	Yes	Yes

Notes:

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

Commentary

33.130.205.A Purpose

This sentence was added to the current Chapter 33.130 with the Inclusionary Housing project in February 2017. It is being carried forward into the new 33.130 along with other Inclusionary Housing changes.

33.130.205.C Transfer of floor area from historic resources

The amendments to this subsection are intended to clarify that only sites in certain commercial/mixed use zones can receive FAR from other commercial/mixed use zones. The wording and organization of the subsection was unclear.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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. The bonus FAR options allow additional floor area as an incentive for providing affordable housing.
- 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.
 25. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE or CX. Transferring to a site that is zoned CR is prohibited. 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.
 32. Maximum increase in FAR in the ~~CR, CM1, CM2, CM3, and CE zones. Transferring floor area to a site zoned CR is prohibited.~~ 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.
 43. Maximum increase in FAR in the CX zone. In the CX zoned, aAn 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;
 44. 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;

Commentary

33.130.210.C.2 Height exceptions

The allowance for roof rails and parapets is being extended from 3½ feet to 4 feet to better accommodate the vertical dimension of rooftop decks that may be used to meet outdoor area and landscaping code requirements.

33.130.212.B.3 General floor area and height bonus options

This amendment clarifies that the overall maximum is per site rather than per development.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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.-B. [No change]

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

1. [No change]
2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 3-54 feet above the height limits.
- 3.-8. [No change]

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 per site 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.

Commentary

33.130.212.C.1 Mandatory inclusionary housing bonus

This amendment updates the affordable housing bonus to the inclusionary housing bonus and applies the current inclusionary housing approach to additional earned FAR to the commercial/mixed use zones. Bonus FAR is awarded incrementally in exchange for each building that provides affordable dwelling units. The change will ensure that development with multiple buildings on a large site does not earn the full FAR bonus in exchange for only a few affordable dwelling units in one residential building.

33.130.212.C.2 Voluntary inclusionary housing bonus

The voluntary inclusionary housing bonus is being amended to reduce the amount of repetitive code language. The inclusion rates for the voluntary program are the same as for the mandatory program, which means the code can refer directly to 33.245.040 rather than repeat all of the rates here.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- 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.
- C. **Affordable Inclusionary housing bonus.** ~~Proposals that include affordable housing may increase in~~ Maximum height and FAR may be increased as stated in Table 130-3 if one all of the following is are met:
 - 1. Mandatory inclusionary housing. Bonus height and FAR is allowed for the development triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or ~~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. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:
 - a. Bonus height and FAR is allowed for projects the voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.
 - 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

Table 130-3

The amendments to Table 130-3 adds an increment of bonus FAR for affordable housing in the CE zone. The amendments also change the name of the bonus from Affordable Housing to Inclusionary Housing to be consistent with the terminology in other parts of this code.

33.130.212.D. Affordable commercial space bonus.

The Portland Development Commission, also known as Prosper Portland, will administer the affordable commercial program. The agency is in process of developing specific program parameters, and meeting those parameters will qualify applicants for utilization of this bonus. The program will identify the type of tenants and businesses to be targeted, and could potentially include the following program elements:

1. Legally Binding Agreement - Affordable Commercial Space
 - Standardized tenant improvements
 - Rent reductions
 - Tenant technical assistance
 - Agreement to lease the space to qualified tenants for a designated period of years.
2. Legally Binding Agreement - Affordable Commercial In-Lieu Fee
 - Pay In-Lieu fee to support citywide Affordable Commercial programs.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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 <u>4</u> 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 <u>Inclusionary</u> Housing (see 33.130.212.C)	FAR Height	1 to 1 none	1.5 to 1 10 ft.	2 to 1 10 ft.	none <u>1 to 1</u> 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.

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 to qualified businesses that meet program requirements, including locally owned, minority or woman owned businesses;~~
12. 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 program~~ administrative requirements have been met; and
23. 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~~ administrative requirements of the Portland Development Commission or qualified administrator.

E. Planned Development bonus. [No change]

Commentary

33.130.215.C.2

These amendments add reference to the campus institutional zones (CI) and institutional residential (IR) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.130.215 Setbacks

- A. Purpose.** [No change]
- B. Minimum building setbacks.** Minimum required building setbacks are listed below and summarized in Table 130-2. Unless otherwise specified in this section, the minimum required setbacks apply to all buildings and structures on a site. Setbacks for exterior development are stated in 33.130.245, and setbacks for parking areas are stated in Chapter 33.266, Parking, Loading and Transportation and Parking Demand Management.
1. [No change]
 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~~, or CI zone. And, no setback is required from an internal lot line that is also a zoning line on sites with split zoning.
 - b. The required minimum setback from a lot line that abuts an RF through RH, or IR zone is 10 feet. The required setback area must be landscaped to the L3 standard. Areas paved for pedestrian or bicycle use can be located in the required building setback area, but may not extend closer than 5 feet to a lot line abutting an RF through 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~~, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.
 3. [No change]

Commentary

33.130.215.E.2.c

This amendment adds reference to the campus institutional zones (CI) and institutional residential (IR) zones.

33.130.230 Windows

This section has been reorganized so that all of the standards related to windows are in one section rather than two. To that end, window standards from other sections have been moved to this section, the section has been renumbered, and the section title has been changed to Windows rather than Ground Floor Windows.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

C.-D. [No change]

E. Alternative maximum building setback for large retailers.

1. [No change]
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.-b. [No change]
 - 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~~, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

33.130.230 ~~Ground Floor Windows~~

A. Windows in street-facing facades.

1. Purpose. This standard:
 - Ensures that there is a visual connection between the living area of the residence and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside their residences; and
 - Provides a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.
2. Where this standard applies. This standard applies to street-facing facades of buildings. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.
3. Windows in street-facing facades. At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and face the street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.
4. Exemption. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

Commentary

33.130.230.B.2.b(3) Exemptions

This amendment clarifies that the exemption is intended to exempt a single opening for vehicular access. The previous code was found to be unclear.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

B. Ground floor windows.

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

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

B2. Ground floor window standard for wall area that is not the wall of a dwelling unit. The following standards apply to the portions of a ground floor wall of a street-facing façade that is not the wall of a dwelling unit:

1a. General standard.

a.(1) Windows must cover at least 40 percent of the ground floor wall area of street-facing facades that are 20 feet or closer to a street lot line or a publicly-accessible plaza. For the purposes of this standard, ground floor wall areas include all exterior wall areas from 2 feet to 10 feet above the finished grade, and include openings in the walls of structured parking. See Figure 130-11.

b.(2). If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.1.a. applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows that cover 25 percent of the ground level wall area. The walls of structured parking along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those street to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.

2b. Exemptions:

a.(1) Houses, attached houses, manufactured homes, and duplexes are exempt from this Section; and

b.(2) Ground floor street-facing walls of dwelling units must meet the standards in Subsection D; and

e.(3) One opening for vehicular access to onsite parking area. ~~If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.~~

Commentary

33.130.230.B.3 Qualifying window feature

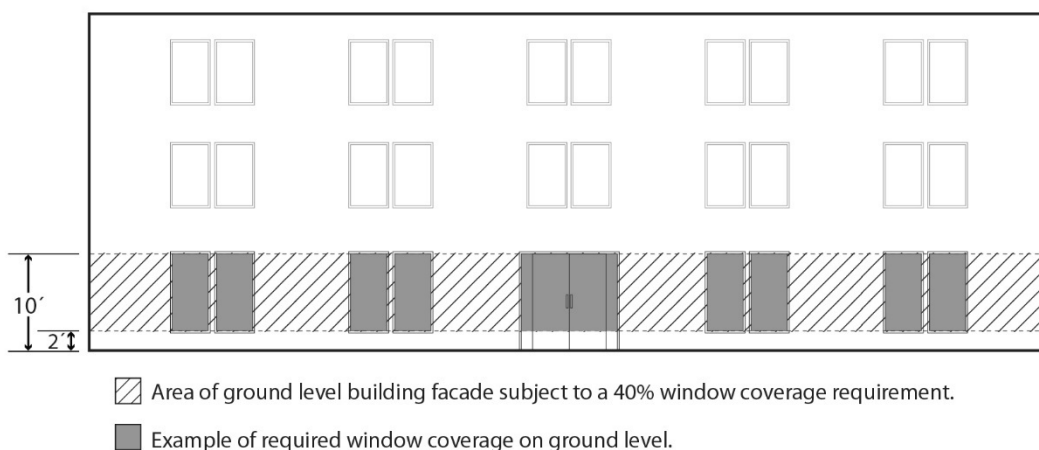
These amendments allow a percentage of the ground floor window requirement to be met with windows that provide views into bike parking areas. Currently, windows into any parking area do not count toward the standard. However, because of changes to the city's bicycle parking requirements, windows into bicycle parking areas will be allowed to qualify for up to 25 percent of the ground floor windows coverage requirement.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- €3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle ~~or bicycle~~ parking areas, mechanical and utility areas ~~equipment~~, or garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.

Figure 130-11
Ground Floor Windows



- Ø4. 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:
- 1a. Flexible ground floor design. The ground floor window standard of Subparagraph B.1-a.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:
- a-(1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b-(2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
 - e-(3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

Commentary

Recommended Code Amendments

(added text is underlined>, deleted text is shown with ~~strikethrough~~)

2b. Front setback.

~~a.~~(1) The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and

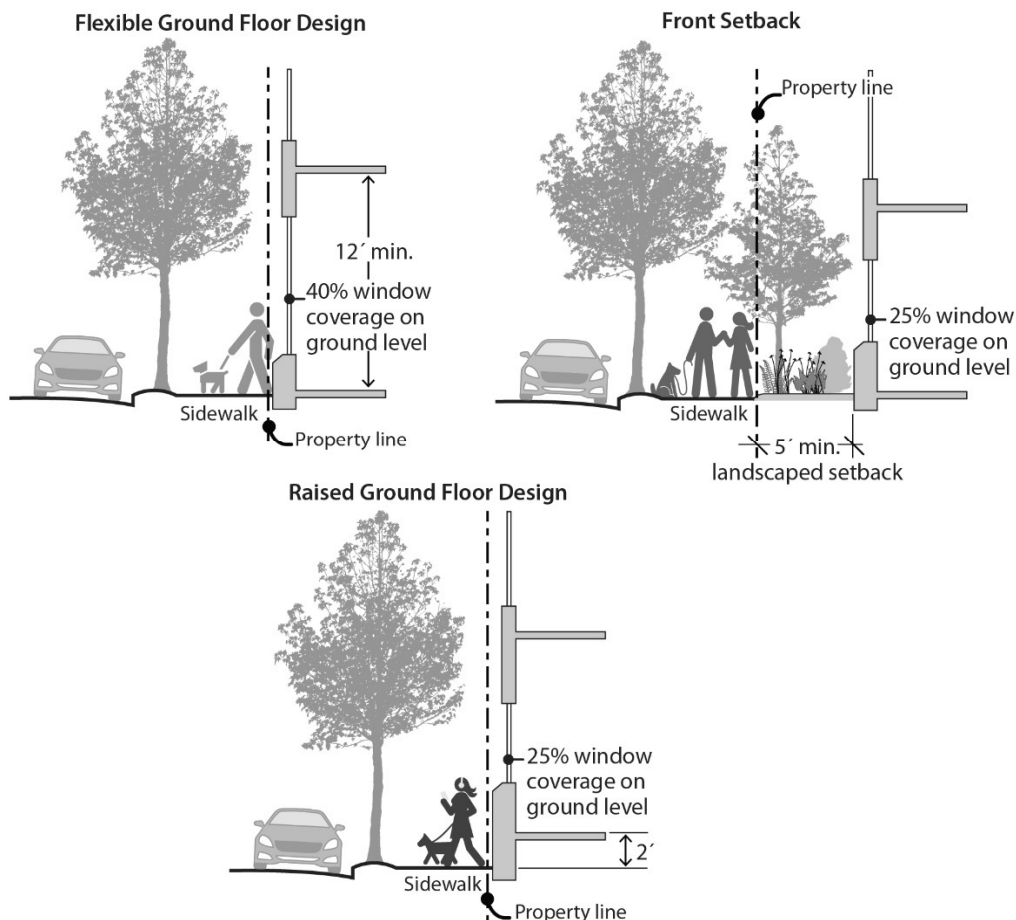
~~b.~~(2) Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

3c. Raised ground floor.

~~a.~~(1) The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.

~~b.~~(2) Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 130-12
Ground Floor Window Options for Dwelling Units



Commentary

33.130.250 General Requirements for Houses, Attached Houses, Manufactured Homes, and Duplexes

The street-facing façade window requirements of 33.130.250.B are being moved to the section on Windows (33.130.230). Other parts of this section are renumbered and the section has been retitled accordingly.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- ~~E5.~~ 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.

33.130.242 Transit Street Main Entrance

- A. [No change]
- 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.~~CB~~, Residential Main Entrance, instead of the requirements of this section.
- C.-E. [No change]

33.130.250 General Requirements for Houses, Attached Houses, Manufactured Homes, and Duplexes~~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.~~

Commentary

33.130.260 Drive Through Facilities

These amendments clarify how an existing drive-through can be altered on a site. Not only can it be rebuilt, but it can be relocated on the site, and it can be expanded in size.

The amendments also clarify that the rights to an existing drive-through will be lost if the use with the drive-through ceases operation for 3 continuous years. The existing language references discontinuance of the drive-through facility specifically, and it would be difficult to establish continued use of a drive-through facility. It will be more practical to provide evidence of the use continuing rather than the drive-through itself being continuously used.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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

CB. Residential main entrance. [No change]

DC. Garages. [No change]

33.130.260 Drive-Through Facilities

- A. **Purpose.** The drive-through facility regulations support the desired character of the commercial/mixed use zones that are intended to be pedestrian-oriented, while allowing the continuation and improvement of existing drive-through facilities in some of these zones. In zones intended for auto-accommodating development, these regulations allow for drive-through facilities, while limiting the impacts from drive-through facilities on adjacent residential zones, such as noise and air pollution from idling cars.
- B. **CR and CX zones.** Drive-through facilities are prohibited in the CR and CX zones.
- C. **CM1, CM2, and CM3 zones.** The following regulations apply to drive-through facilities in the CM1, CM2 and CM3 zones:
 - 1 New drive-through facilities are prohibited; and
 - 2 Existing drive-through facilities are allowed. Existing facilities can be rebuilt, ~~or expanded,~~ or relocated on the site. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities. If an existing drive-through facility is unused the use with the drive-through facility is discontinued for 3 continuous years, reestablishment of the drive-through facility is prohibited. If the use ceases operation, even if the structure or materials related to the use remain, the use has been discontinued. A list of the standard evidence that can be provided to prove that the use has been maintained over time can be found in Subsection 33.258.038.B. If the applicant provides standard evidence from the list, the Director of BDS will determine if the evidence is satisfactory. If the applicant provides evidence other than the standard evidence listed, a Determination of Legal Nonconforming Status is required.
- D. **CE zone.**
 - 1 New drive-through facilities are prohibited except for drive-through facilities associated with Quick Vehicle Servicing uses. Drive-through facilities are not allowed within 25 feet of a lot line that abuts a residential zone. The standards for drive-through facilities are stated in Chapter 33.224, Drive-Through Facilities.; and
 - 2 Existing drive-through facilities are allowed. Existing facilities can be rebuilt or expanded. 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.

Commentary

33.140.030.A Characteristics of the Zones

The revisions reflect the updated description of the Mixed Employment comprehensive plan designation in the updated Comprehensive Plan Policy 10.1.19.

33.140.100.B.3-6 Commercial use limitations in E and I zones

All of the commercial use limitations are being amended to refer to all types of exterior activity rather than referring only to exterior display and storage. All forms of exterior activity related to a commercial use in the E and I zones should be included in the use limitation.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.140 Employment and Industrial Zones

140

33.140.030 Characteristics of the Zones

- A. General Employment.** The General Employment zones implement the Mixed Employment map designation of the Comprehensive Plan. The zones allow a wide range of employment opportunities without potential conflicts from interspersed residential uses. The emphasis of the zones is on industrial, ~~and industrially-related, and office uses, typically in a low-rise, flex-space development pattern.~~ Other commercial uses are allowed to support a wide range of services and employment opportunities. Retail uses are allowed but limited in intensity to maintain adequate employment development opportunities. The development standards for each zone are intended to allow new development which is similar in character to existing development. The intent is to promote viable and attractive industrial/commercial areas.

1.-2. [No Change]

- B.-D.** [No Change]

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.

1.-2. [No change]

3. EG Retail Sales And Service limitation. The following regulations apply to all parts of Table 140-1 that have a [3].
- Limited uses. Except for sites with historic landmarks, the net building area plus any exterior display, ~~or storage, work and other exterior activity~~ area for Retail Sales And Service uses is limited to 20,000 square feet or the square footage of the site area, whichever is less. On sites with historic landmarks, the net building area plus any exterior display, ~~or storage, work and other exterior activity~~ area for Retail Sales And Service uses is limited to 20,000 square feet or twice the total square footage of the site area, whichever is less.
 - Conditional uses. Retail Sales And Service uses that exceed the area limits in Subparagraph B.3.a. are a conditional use.

Commentary

33.140.100.B.3-6 Commercial use limitations in E and I zones

All of the commercial use limitations are being amended to refer to all types of exterior activity rather than referring only to exterior display and storage. All forms of exterior activity related to a commercial use in the E and I zones should be included in the use limitation.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

4. IG1 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [4].
 - a. Limited uses. One Retail Sales And Service or Office use is allowed per site. The square footage of net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area may be up to 3,000 square feet.
 - b. Conditional uses.
 - (1) More than one Retail Sales And Service or Office Use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office Use where the net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and storage,~~ work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and storage,~~ work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
5. IG2 commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, ~~and storage,~~ work and other exterior activity area is more than 3,000 square feet is a conditional use.

Commentary

33.140.100.B.3-6 Commercial use limitations in E and I zones

All of the commercial use limitations are being amended to refer to all types of exterior activity rather than referring only to exterior display and storage. All forms of exterior activity related to a commercial use in the E and I zones should be included in the use limitation.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and~~ storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and~~ storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
- 6. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [6].
 - a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, ~~and~~ storage, work and other exterior activity area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, ~~and~~ storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and~~ storage, work and other exterior activity area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, ~~and~~ storage, work and other exterior activity area, taken together, may not exceed 25,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

Commentary

33.140.205.B

This sentence is not necessary because residential uses are no longer allowed in EG and I zones.

33.140.205.C Maximum increase in FAR

The maximum increase in FAR provision is being deleted from this location and is moving to the transfer options in 33.140.205.D and E. The amendment is being made because it is confusing to have this maximum located before the discussion of bonus FAR, which has its own limits. The content has not changed, only the location within the section.

33.140.205.C.1 Bonus FAR

This change is being made to ensure that bonus FAR is awarded incrementally in exchange for each building that provides affordable dwelling units. The change will ensure that development with multiple buildings on a large site does not earn the full FAR bonus in exchange for only a few affordable dwelling units in one residential building.

33.140.205.C.2 Bonus FAR

The voluntary inclusionary housing bonus is being amended to reduce the amount of repetitive code language. The inclusion rates for the voluntary program are the same as for the mandatory program, which means the code can refer directly to 33.245.040 rather than repeat all of the rates here.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-3. ~~The FARs apply to all nonresidential development in all of the zones and to residential uses in the EX zone.~~ The FAR standards of plan districts supersede the FAR standards of this chapter.
- ~~**C. Maximum increase in FAR.** An increase in FAR of more than 3 to 1 is prohibited. The total increased FAR includes FAR from transfers and additional FAR allowed from bonus provisions.~~
- DC. Bonus FAR.** In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:
1. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-3 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 2. Voluntary inclusionary housing. Bonus FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-3 is allowed when one of the following is met~~affordable housing is provided as follows~~:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or when affordable dwelling units are provided at one of the following rates. To qualify for this bonus, the applicant ~~must provide a letter from the Portland Housing Bureau certifying that the development meets one of the standards stated below and any administrative requirements. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of a building permit, and must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau:~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (1) ~~On-site affordable dwelling units. When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates:~~
- ~~Inside the Central City and Gateway plan districts:~~
 - ~~— 10 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~— 20 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
 - ~~Outside the Central City and Gateway plan districts until January 1, 2019:~~
 - ~~— 8 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~— 15 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
 - ~~The rates shown in Subsubparagraph D.2.a.(1) that apply inside the Central City and Gateway plan districts apply outside the Central City and Gateway plan districts on and after January 1, 2019.~~
- (2) ~~Off-site affordable dwelling units in a new building. When the affordable dwelling units will be provided by constructing new dwelling units off-site, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~10 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income; or~~
 - ~~20 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- (3) ~~Off-site affordable dwelling units in an existing building. When the affordable dwelling units will be provided by dedicating existing dwelling units that are off-site as affordable, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that that is taking advantage of this FAR bonus option:~~
- ~~15 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income; or~~
 - ~~25 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~

Commentary

33.140.205.C.2.b

This amendment deletes a reference to bonus density that was inadvertently copied into this subparagraph when the Inclusionary Housing project was adopted. There is no maximum density in EX—only maximum FAR.

33.140.205.D.1 and E.1 Transfers from landmarks in EX and EG

This amendment moves the limits on increases of FAR into the transfer subsections. The content has not changed only the location. The move is to reduce confusion about how much FAR can be gained in exchange for the inclusionary housing bonus.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- b. Bonus ~~density~~ or FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

ED. **Transfer of FAR from Landmarks in the EX Zone.** Floor area ratios may be transferred from a site zoned EX that contains a Landmark as follows:

1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
- ~~23.~~ Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
- ~~34.~~ The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

FE. **Transfer of FAR from Landmarks in the EG Zones.** Floor area ratios may be transferred from a site zoned EG1 or EG2 that contains a Landmark as follows:

1. Maximum increase in FAR. An increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR transferred from Landmarks, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers.
2. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Subsection C;
2. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and

Commentary

33.140.210.B.2 Height exceptions

This exception will allow parapets and rooftop railings to extend above the maximum height limit. The same exception is allowed for structures in the commercial/mixed use zones, and this amendment makes the regulations consistent.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

3. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant must meet the requirements of Section 33.700.060, Covenants with the City. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.

33.140.210 Height

- A. **Purpose.** The height standards work with the FAR, building setback, and building coverage standards to control the overall bulk and intensity of an area. The EG1 zone height limit is the same as the General Commercial zone because the EG1 zone often functions as a transition zone between industrial and residential or commercial zones. The EX zone height limit reflects its use in intense urban areas and the range of uses that are allowed. The other zones do not have height limits because tall buildings in these areas have traditionally not been a problem.
- B. **The height standard.** The height limits for all structures, except detached accessory structures, are stated in Table 140-3. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.
 1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Parapets and rooftop railings may extend 4 feet above the height limit.
 23. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
 34. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 45. Small wind turbines are subject to the standards of Chapter 33.299.
 56. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

Commentary

33.140.215 Setbacks

The changes set setback standards that provide consistency with commercial/mixed-use zones and support removal of the Buffer overlay zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.140.215 Setbacks

A. [No change]

B. **Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.

1. Generally. The required building setbacks are stated in Table 140-3.
2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-4. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.

3-5. [No change]

C.-D. [No change]

Table 140-3 Development Standards						
Standard	EG1	EG2	EX	IG1	IG2	IH
Maximum FAR (see 33.140.205)	3 to 1	3 to 1	3 to 1	no limit	no limit	no limit
Maximum FAR with Inclusionary Housing Bonus (see 33.140.205.C)	NA	NA	5 to 1	NA	NA	NA
Maximum Height (see 33.140.210)	45 ft.	no limit	65 ft.	no limit	no limit	no limit
Min. Building Setbacks Street Lot Line (see 33.140.215)	5 ft.	25 ft.	0	0	25 ft.	5 ft.
- Lot line abutting an OS, C, E, or I zoned lot	0	0	0	0	0	0
- Lot line abutting an R zoned lot	See Table 140-4	15 ft.	See Table 140-4	See Table 140-4	15 ft.	15 ft.
Max. Building Stbks (see 33.140.215) Transit Street or Pedestrian District	10 ft.	None	10 ft.	None	None	None
Maximum Building Coverage (see 33.140.220)	85% of site area	85% of site area	100% of site area	100% of site area	85% of site area	100% of site area
Min. Landscaped Area (see 140.225)	15% of site area	15% of site area	None	None	15% of site area	None
Ground Floor Window Standards apply (see 33.140.230)	No	No	Yes	No	No	No
Pedestrian Standards Apply (see 33.140.240)	Yes	Yes	Yes	No	No	No

Commentary

Table 140-4

The changes set setback standards that provide consistency with commercial/mixed-use zones and support removal of the Buffer overlay zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 140-4 Minimum Building Setbacks and Minimum Landscape Buffer From Residential Zone Lot Lines [1]			
Zone	Height of the building wall	Lots abutting a side lot line of an R zoned lot	Lots abutting a rear lot line of an R zoned lot
EG1, EX, IG1	15 ft. or less	5 ft. / 5 ft. @ L3	0 / none
	16 to 30 ft. or more	8-10 ft. / 5 ft. @ L3	8-10 ft. / 5 ft. @ L3
	31 to 45 ft.	11 ft. / 5 ft. @ L3	11 ft. / 5 ft. @ L3
	46 ft. or more	14 ft. / 5 ft. @ L3	14 ft. / 5 ft. @ L3
EG2, IG2, IH	Any height	15 ft. / 10 ft. @ L3	15 ft. / 10 ft. @ L3

Notes:

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

Commentary

33.140.245.E Other exterior activities

The E and I zones allow a limited amount of retail sales and service use, and this change will allow a restaurant to have an outdoor eating area. Other amendments to the use limitations in 33.140.100.B make it clear that the outdoor area must be counted toward the total overall use limitation.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.140.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The exterior development standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of an employment or industrial area, and exterior activities in the EG1 zone will be limited to a similar level as exterior activities in the Commercial Employment zone;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.**
1. Employment zones. Exterior display of goods is allowed as follows. The setback and landscaping standards for exterior display areas are stated in Table 140-6:
 - a. Exterior display of goods is allowed in the EG1 zone except for uses in the Industrial categories. Exterior display of goods is not allowed for uses in the Industrial categories in the EG1 zone.
 - b. Exterior display of goods is allowed in the EG2 zone.
 - c. Exterior display of goods is not allowed in the EX zone.
 2. Industrial zones. Exterior display of goods is allowed in the I zones. The setback and landscaping standards for exterior display areas are stated in Table 140-6.
- C. Exterior storage.**
1. Employment zones. Exterior storage is allowed in the EG1 zones but is limited to 20 percent of the site area for all uses except lumber yards and other building material stores. Exterior storage is allowed in the EG2 zones. Exterior storage is not allowed in the EX zones. The setback and landscaping standards for exterior storage areas are stated in Table 140-6.
 2. Industrial zones. Exterior storage is allowed in the I zones. The setback and landscaping standards for exterior storage areas area stated in Table 140-6
- D. Exterior work activities.** Exterior work activities are allowed in the industrial zones but not the employment zones. The setback and landscaping standards for exterior activity areas are ~~the same as for exterior storage areas~~ stated in Table 140-6.
- E. Other exterior activities.** Outdoor eating areas are allowed as an exterior activity in the employment and industrial zones.
- E. Paving.** All exterior development areas in the EG1, EX, and IG1 zones must be paved.

Commentary

Table 140-6

This change makes E and I zone setbacks more consistent with the Commercial Employment (CE) zone setbacks and allowances and supports removal of the Buffer overlay zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 140-6 Exterior Development Setbacks and Landscaping [1]				
	EG1, IG1	EG2, IG2	EX	IH
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed	5 ft. / L1
Abutting a C, E, or I, CI or IR zone lot	0	0	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed	10 ft. / L3
Exterior Storage Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, or I, CI or IR zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4, <u>or</u> <u>10 ft. / L3</u>	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3
Exterior Work Activities Abutting a street [2, 3]	Not allowed in <u>EG1</u> ; <u>5 ft. / L3, or</u> <u>5 ft./ F2 + L2 in</u> <u>IG1</u>	Not allowed in <u>EG2</u> ; <u>25 ft. / L3, or</u> <u>25 ft. / F2 + L2 in</u> <u>IG2</u>	<u>Not</u> <u>Allowed</u>	<u>5 ft. / L3, or</u> <u>5 ft./ F2 + L2</u>
<u>Abutting a C, E, or I, CI or</u> <u>IR zone lot</u>	<u>Not allowed in</u> <u>EG1</u> ; <u>0 / F1 in IG1</u>	<u>Not allowed in</u> <u>EG2</u> ; <u>0 / F1 in IG2</u>	<u>Not</u> <u>Allowed</u>	<u>0</u>
<u>Abutting an R zone lot</u>	<u>Not allowed in</u> <u>EG1</u> ; <u>5 ft. / L4, or 10</u> <u>ft. / L3 in IG1</u>	<u>Not allowed in</u> <u>EG2</u> ; <u>25 ft. / L3 or</u> <u>25 ft. / F2 + L2 in</u> <u>IG2</u>	<u>Not</u> <u>Allowed</u>	<u>25 ft. / L3</u>

Notes:

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

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

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

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.150 Campus Institutional Zones

150

Sections:

General

- 33.150.010 Purpose
- 33.150.020 List of the Campus Institutional Zones
- 33.150.030 Characteristics of the Zones
- 33.150.040 Other Zoning Regulations
- 33.150.050 Where This Chapter Does Not Apply
- 33.150.060 Neighborhood Contact and Outreach

Use Regulations

- 33.150.100 Primary Uses
- 33.150.110 Accessory Uses
- 33.150.120 Nuisance-Related Impacts

Development Standards

- 33.150.200 Lot Size
- 33.150.205 Floor Area Ratio
- 33.150.210 Height
- 33.150.215 Setbacks
- 33.150.220 Building Coverage
- 33.150.235 Building Length in the CI1 Zone
- 33.150.240 Landscaped Areas
- 33.150.245 Trees
- 33.150.250 Ground Floor Windows in the CI2 Zone
- 33.150.255 Building Length and Facade Articulation in the CI2 Zone
- 33.150.260 Screening
- 33.150.265 Transit Street Main Entrance
- 33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone
- 33.150.270 Exterior Display, and Storage
- 33.150.275 Trucks and Equipment
- 33.150.277 Drive-Through Facilities
- 33.150.280 Detached Accessory Structures
- 33.150.285 Fences
- 33.150.290 Demolitions
- 33.150.295 Nonconforming Development ~~and Status of Previous Approvals~~
- 33.150.300 Parking, Loading and Transportation Demand Management
- 33.150.305 Signs
- 33.150.310 Superblock Requirements
- 33.150.315 Recycling Areas
- 33.150.320 Inclusionary Housing

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

Commentary

33.150.060.C.2 Neighborhood Contact and Outreach

This corrects a typo in the proposed code.

33.150.100.B Limited uses

These amendments correct several mistaken map references.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.150.060 Neighborhood Contact and Outreach

A.-B. [No change]

C. **Neighborhood contact.** Neighborhood contact is required as follows:

1. When development on a site will require a land use review, the applicant must notify the neighborhood association and business association for the area at least 30 days before submitting the land use review application to the City. Notification must be by certified mail and the notice must provide information on the proposed development, types of activities, size, and location on the site. A copy of the notification, the mailing list, and registered or certified mail receipts must be submitted with the land use review application.
2. Building permits, not otherwise subject to a land use review, that increase gross building floor ~~area~~ by 10,000 square feet or more 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.

D. [No change]

33.150.100 Primary Uses

A. [No change]

B. **Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 150-1.

1.-8. [No change]

9. Group Living in the IR Zone. This regulation applies to all parts of table ~~125~~150-1 that have a note [9]. Group Living facilities in the IR zone are regulated as follows:

a.-c. [No change]

10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table ~~125~~150-1 that have a note [10].

a.-e. [No change]

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table ~~125~~150-1 that have a note [11].

a.-d. [No change]

12. Daycare in the IR zone. This regulation applies to all parts of Table ~~125~~150-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.

Commentary

33.150.205.C. Inclusionary housing bonus FAR.

Inclusionary housing FAR bonus options are being added to the CI2 zone because Household Living will be allowed outright as a primary use. Colleges and Medical Centers are exempt from the Inclusionary Housing requirements, but will be allowed to gain additional FAR through payment into the affordable housing fund.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.150.205 Floor Area Ratio

- A. **Purpose.** [No Change]
- B. **FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.
- C. **Inclusionary housing bonus FAR.** The following FAR bonus options are allowed in the CI2 zone. Sites in the CI1 and IR zone are not eligible for the bonus FAR options. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses, are prohibited.
1. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR allowed with inclusionary housing bonus stated in Table 150-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 2. Voluntary inclusionary housing.-Bonus FAR up to the maximum with inclusionary housing bonus stated in Table 150-2 is allowed when one of the following voluntary bonus options is met:
 - a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Affordable Housing Fund. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.150.210 Height

- A. Purpose.** Maximum height limits work with other development standards to control the overall scale of buildings. The height limits in the CI zones allow for urban scale development that generally reflects the intent of each zone. Height limits adjacent to residential and mixed use areas preserve light, air, and the potential for privacy in the adjacent zones, and discourage buildings that visually dominate adjacent development.
- B. Maximum height.** The maximum height standards for all structures are stated in Table 150-2, or are shown on Maps 150-1 through 150-4. Maximum height is reduced adjacent to certain zones as described in Subsection C. The maximum heights shown on Maps 150-1 through 150-4 supersede the maximum height standards in Table 150-2 and Subsection C. Exceptions to all the maximum height standards are stated in Subsection E.
- C. Reduced maximum height.** Maximum height is reduced adjacent to certain zones.
1. In the CI1 zone, maximum height is reduced as follows.
 - a. On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
 - b. On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned R3 through RX or commercial/mixed use zones the maximum height is 45 feet. See Figure 150-2.
 2. CI2 zone.
 - a. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned OS, or RF through R2.5 as follows:
 - (1) On the portion of the site within 60 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 30 feet. See Figure 150-1.
 - (2) On the portion of the site that is more than 60 feet but within 130 feet of a lot line abutting or across the street from a site zoned OS, or RF through R2.5, the maximum height is 75 feet. See Figure 150-1.
 - b. Maximum height is reduced on sites in the CI2 zone that abut or are across the street from a site zoned R3 through RX, or commercial/mixed use zones as follows:
 - (1) On the portion of the site within 40 feet of a lot line abutting or across the street from a site zoned R2 through RX, or commercial/mixed use zones, the maximum height is 45 feet. See Figure 150-2.
 - (2) On the portion of the site more than 40 feet but within 110 feet of a lot line abutting or across the street from a site zoned R2 through RX, or commercial/mixed use zones, the maximum height is 75 feet. See Figure 150-2.

Commentary

33.150.210.D.2 Height exceptions

This exception will allow parapets and rooftop railings to extend above the maximum height limit. The same exception is allowed for structures in the commercial/mixed use zones, and this amendment makes the regulations consistent.

33.150.210.D.3 Height exceptions

This amendment aligns the wording of this exceptions with the same height exception in the commercial/mixed use, employment, and industrial zones. It can be confusing when the wording of what appears to be the same exception is slightly different.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

D. Exceptions

1. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may extend 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and rooftop railings may extend 4 feet above the height limit.
- ~~23.~~ ~~All rooftop mechanical equipment and enclosures of stairwells that provide rooftop access must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Rooftop elevator mechanical equipment may extend up to 16 feet above the height limit. Stairwell enclosures, and other rooftop mechanical equipment which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:~~
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
- ~~34.~~ Antennas, utility power poles, and public safety facilities are exempt from the height limit.
- ~~45.~~ Small wind turbines are subject to the standards of Chapter 33.299. Roof mounted solar panels are not included in height calculations, any may exceed the maximum height limit if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
- ~~56.~~ Towers and spires with a footprint of 200 square feet or less may exceed the height limit, but still must comply with the setback standard.

Commentary

Table 150-2

This amendment adds a line for maximum FAR with inclusionary housing bonus (see 33.150.205.C).

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

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

Notes:

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

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

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

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

Commentary

33.150.250 Ground Floor Windows in the CI2 Zone

Change made to be consistent with commercial/mixed use zone standards.

33.150.250.C Ground floor window exemptions

These amendments allow a percentage of the ground floor window requirement to be met with windows that provide views into bike parking areas. Currently, windows into any parking area do not count toward the standard. However, because of changes to the city's bicycle parking requirements, windows into bicycle parking areas will be allowed to qualify for up to 25 percent of the ground floor windows coverage requirement.

33.150.255 Building Length and Facade Articulation in the CI2 Zone

This amendment clarifies the title of the section. The regulation only applies in the CI2 zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.150.250 Ground Floor Windows in the CI2 Zone.

- A. **Purpose.** [No Change]
- B. **Ground floor window standard.** The following standards apply in the CI2 zone:
 - 1. General standard. [No Change]
 - 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; ~~and~~
 - c. If the portion of the ground floor wall area that is not a dwelling unit is less than 250 square feet in area, then it is exempt from this Section.
- C. **Qualifying window features.** Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage areas, vehicle ~~or bicycle~~ parking areas, mechanical and utility ~~are~~ equipment, or garbage and recycling areas, and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. Except for the windows of residential units and clerestory windows located above doors or other windows, the bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade.
- D. **Ground floor window and frontage standards for dwelling units.** [No Change]
- E. **Exception for Public Art.** [No Change]

33.150.255 Building Length and Facade Articulation in the CI2 Zone

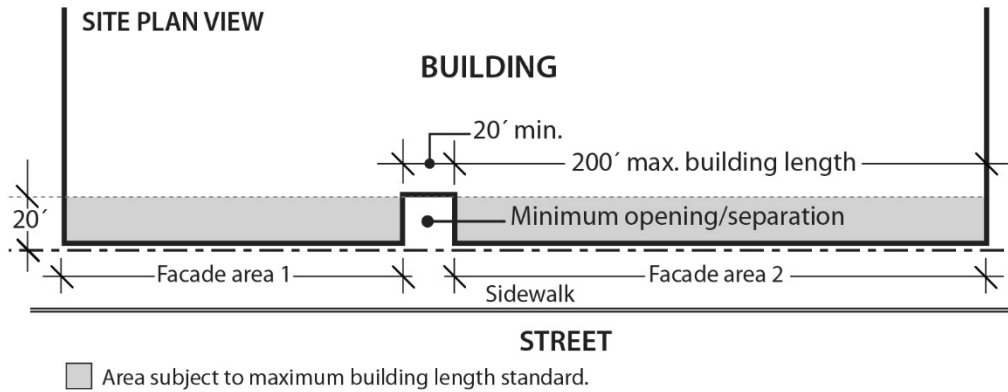
- A. **Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's commercial/mixed-use areas and add visual interest and variety to the street environment.
- B. **Maximum building length.** In the CI2 zone, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 150-5.

Commentary

Recommended Code Amendments

(added text is underlined>, deleted text is shown with ~~strikethrough~~)

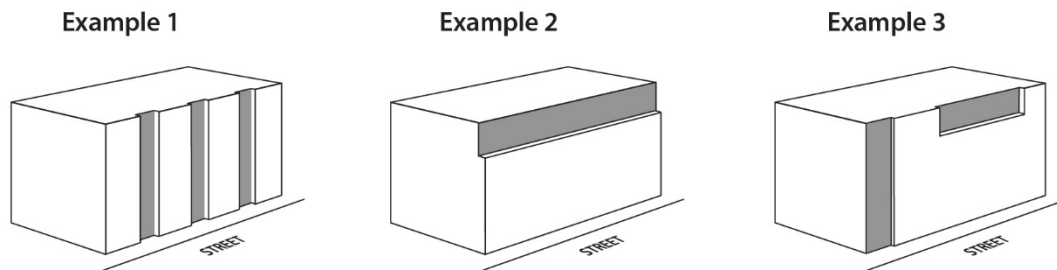
**Figure 150-5
Maximum Building Length**



C. Building Facade articulation in the C12 Zone.

1. The standard applies to buildings more than 35 feet high and that have more than 3,500 square feet of street-facing facade area within 20 feet of a street property line.
2. The standard. At least 25 percent of each facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 150-6.

**Figure 150-6
Facade Articulation**



Commentary

33.218.015.C Neighborhood Contact

CI zones are being added to this list to ensure that neighborhood contact is required when the Community Design Standards are used rather than discretionary design review.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.218 Community Design Standards

218

Sections:

General

33.218.010 Purpose

33.218.015 Procedure

Standards

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

33.218.110 Standards for Primary and Attached Accessory Structures in R3, R2, and R1 Zones

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, R3, R2, and R1
Zones

33.218.130 Standards for Exterior Alterations of Residential Structures in Residential Zones

33.218.140 Standards for All Structures in RH, RX, C, CI and E Zones

33.218.150 Standards for All Structures in I Zones

33.218.015 Procedure

A. Generally. [No Change]

B. Adjustments. [No Change]

C. Neighborhood contact. The following proposals 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. Proposals that create more than three new dwelling units. Dwelling units are created:
 - a. As part of new development;
 - b. By adding net building area to existing development that increases the number of dwelling units;
 - c. By conversion of existing net building area from non-residential to residential uses; and
 - d. By increasing the number of units within existing net building area already in residential use, for example, by converting a duplex to a five-plex;
2. Proposals that create more than 10,000 square feet of gross building area for uses in the Commercial, Campus Institutional, or Industrial use categories; or
3. Proposals in the IR zone where the site is not covered by an Impact Mitigation Plan or Conditional Use Master Plan.

D. Permit application requirements. [No Change]

Commentary

33.218.140.B Improvements between buildings and pedestrian oriented streets.

Amended to address new base zone setback standards and rephrased to address zones that do not have a maximum setback in base zone.

33.218.140.D Residential buffer

In Commercial/Mixed Use zones this standard is replaced by Step Down Height standards of 33.130.210.B.2, so this is generally redundant. The Main Street Node and Corridor overlay zones are being deleted, so this reference is deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.218.140 Standards for All Structures in the RH, RX, C, CI and E Zones

The standards of this section apply to development of all structures in RH, RX, C, CI, and E zones. These standards also apply to exterior alterations in these zones.

Applicants for development of new structures on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.110. Applicants for exterior alterations on sites where the uses are all residential can choose to meet all the standards of this section or all the standards of Section 33.218.130.

A. Building placement and the street. [No Change]

B. Improvements between buildings and pedestrian oriented streets.

1. Where the ground floor of a building is in commercial or residential uses, and the building has frontage on a transit street or City Walkway, or is in a Pedestrian District, the following standards must be met. Proposals required to meet this standard are exempt from the requirements of Subsection 33.218.140.A, Building Placement and the Street:
 - a. A building wall that faces a transit street or City Walkway, or is in a Pedestrian District, must meet the base zone maximum street setback along 100 percent of the street lot line~~may be set back no more than 10 feet from the street lot line. Where no maximum street setback is specified in the base zone, the maximum street setback is 10 feet.~~ Where the site has two frontages that are on a transit street or City Walkway, or is in a Pedestrian District, this standard must be met on both frontages. Where there are more than two such frontages, this standard must be met on any two frontages;

b.-d. [No Change]

C. Reinforce the corner. [No Change]

D. Residential ~~B~~buffer. Where a site zoned RH, RX, CI or E abuts or is across a street from an RF through R2 zone, the following is required. Proposals in the Hollywood, ~~and~~ Kenton, ~~and~~ Sandy Boulevard plan districts, ~~the Main Street Corridor Overlay Zone, and the Main Street Node Overlay Zone~~ are exempt from this standard:

1. On sites that abut an RF through R2 zone the following must be met:
 - a. In the portion of the site within 25 feet of the lower density residential zone, the building height limits are those of the adjacent residential zone; and
 - b. A 10-foot deep area landscaped to at least the L3 standard must be provided along any lot line that abuts the lower density residential zone.
2. On sites across the street from an RF through R2 zone the following must be met:
 - a. On the portion of the site within 15 feet of the intervening street, the height limits are those of the lower density residential zone across the street; and
 - b. If the site is across a local service street from an RF through R2 zone, a 5-foot deep area landscaped to at least the L2 standard must be provided along the property line across the local service street from the lower density residential zone. Vehicle access is not allowed through the landscaped area unless the site has frontage only on that local service street. Pedestrian and bicycle access is allowed, but may not be more than 6 feet wide.

Commentary

33.218.140.E Height

This section is amended to address the new array of zones and to limit use of Community Design Standards to buildings of 55 feet or less. The new commercial/mixed use base zones have provisions that reduce height adjacent or proximate to other zones, so the commercial/mixed zones are not included in subparagraph E.1.b.

33.218.140 M and Q

Adding references to commercial/mixed use zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

E. Building height.

1. Maximum height in RH, RX, CI, C, ~~CM2, CM3~~ and E zones.
 - a. Generally. Structures in the RH, RX, CI, C, ~~CM2, CM3~~ and E zones may be up to 55 feet in height where allowed by the base zone.
 - b. Where a site zoned RH, RX or E abuts or is across a street from an RF through R2 zone, the maximum height is reduced as specified in Subsection D, above;
 - c. New and replacement antennas are exempt from this standard if the antennas are located on an existing monopole, and the antennas do not project above the height of the monopole.
2. [No change]

F.-L. [No change]

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

- 1.-3. [No change]

N.-P. [No change]

Q. Additional standards for historic resources. The following standards are additional requirements for conservation districts and conservation landmarks.

- 1.-8. [No change]
9. Cast stone in Kenton. In the Kenton Conservation District new buildings in commercial/mixed use zones must have cast stone on their street facing elevations. At least 50 percent of the total exterior wall surface of these elevations must be cast stone.
- 10.-14. [No change]

Commentary

33.224.030 Setbacks and Landscaping

This amendment adds *CI* zones to the provisions of 33.224.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.224 Drive-Through Facilities

224

33.224.030 Setbacks and Landscaping

All drive-through facilities must provide the setbacks and landscaping stated below.

- A. Abutting an R, IR, or CI1 zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines ~~which that~~ about an R, IR or CI1 zones. The 5 foot setback must be landscaped to at least the L3 standard.
- B. Abutting a C, E, ~~or I~~, or CI2 zone.** Service areas and stacking lanes must be set back 5 feet from all lot lines ~~which that~~ about C, E, ~~or I~~, or CI2 zones. The 5 foot setback must be landscaped to at least the L2 standard.
- C. Abutting a street.** Where allowed by Chapter 33.266, Parking and Loading, service areas and stacking lanes must be setback 5 feet from all street lot lines. The 5 foot setback must be landscaped to at least the L2 standard.

Commentary

33.229.020.C

Amendment changes the reference from commercial zones to commercial/mixed use zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.229 Elderly and Disabled High Density Housing

229

33.229.020 Density Increase and Development Standards

- A. R3, R2, R1, and IR zones.** In the R3, R2, R1, and IR zones, there is no limit on density if all of the following are met:
1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
 2. The project complies with the standards of this chapter; and
 3. The lot is at least 10,000 square feet in area.
- B. RH and EX zones.** In the RH and EX zones, the project can develop to an FAR of 4 to 1 if all of the following are met:
1. The project complies with the development standards of the base zone, except for density and minimum parking requirements;
 2. The project complies with the standards of this chapter; and
 3. The lot is at least 10,000 square feet in area.
- C. Commercial/mixed use zones.** In commercial/mixed use zones, required parking may be reduced if all of the following are met:
1. The project complies with the development standards of the base zone, except for minimum parking requirements;
 2. The project complies with the standards of this chapter; and
 3. The site is at least 10,000 square feet in area.

Commentary

Table 237-1

Amendment adds reference to commercial/mixed use zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.237 Food Production and Distribution

237

33.237.100 Market Gardens

- A. Maximum area.** The maximum area allowed for a Market Garden is specified in Table 237-1. The area of a Market Garden includes the area under cultivation, the area covered by any structures associated with the garden, the compost pile, any off-street parking, or any other area associated with the activities of the garden.

Table 237-1 Maximum Area for Market Gardens		
	Maximum Area Allowed per Site	Maximum Area Allowed per Site if Neighbor Notification and Meeting requirements of Section 33.237.500 are met
Zone		
RF Zone	174,000 square feet	261,000 square feet
R20 Zone	40,000 square feet	60,000 square feet
R10 Zone	20,000 square feet	30,000 square feet
R7 Zone	14,000 square feet	21,000 square feet
R5 and R 2.5 Zones	10,000 square feet	15,000 square feet
Multi-Dwelling Zones	14,000 square feet	21,000 square feet
Sites with Institutional Uses in residential, CI1 and IR zones	14,000 square feet or 10 percent of the total site area, whichever is larger.	21,000 square feet or 15 percent of the total site area, whichever is larger
Industrial, Employment, CI2, Commercial/ <u>mixed use</u> , and Open Space Zones	No maximum	----

B.-E. [No Changes]

Commentary

33.239.030

Amendment adds reference to campus institutional zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.239 Group Living

239

33.239.020 Use Regulations. The regulations of this chapter apply to all uses in the Group Living use category. The base zone chapters state whether Group Living uses are allowed, limited, conditional uses, or prohibited. If they are conditional uses, they are subject to the regulations of Chapter 33.815 in addition to the provisions of this chapter. Group Living uses that are accessory to a College, Medical Center, or Religious Institution, such as dormitories, fraternities, or monasteries, and that are part of an approved conditional use master plan, are exempt from the regulations of this chapter.

33.239.030 Development Standards

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

A. Resident Density.

1. Purpose. Resident density is limited to parallel the residential densities of the various zones. Resident density is also regulated to address service demands and to prevent nuisance-type impacts from overcrowding.
2. Description of residents. Residents include all people living at the site, including those who provide support services, building maintenance, care, supervision, etc. People who only work at the site are not considered residents.
3. Density standard. Group Living uses are limited to the following number of residents per square foot of site area:

Zone	Number of Residents
RF through R5 zones	1.5 residents per 1,000 square feet
R3 and R2.5 zones	2 residents per 1,000 square feet
R2 zone	2.5 residents per 1,000 square feet
R1 zone	3 residents per 1,000 square feet
RH, RX, IR, <u>CI2</u> , C, and E zones	Not limited (must comply with the building or housing code, and the FAR of the base zone)

Commentary

Table 237-1

Amendments add references to *Commercial/Mixed Use (C)*, *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.243 Helicopter Landing Facilities

243

33.243.030 Zones Allowed and Use Related Regulations

- A. **Zones where HLFs allowed.** Helicopter landing facilities are allowed as shown in Table 243-1.

Table 243-1		
Zones Where HLFs are Allowed		
	OS, R, CN, CO, CMCR, CM1, CI,	CS, CGCM2, CM3, CE, CX,
	<u>IR</u>	E, I
HLF as primary use	Prohibited	CU
HLF as accessory use	CU	CU

- B. **Accessory HLFs in the R, ~~CN, COCR, and CM1, CI, and IR~~ zones.** Accessory HLFs in the R, ~~CN, COCR and CM1, CI, and IR~~ zones may only be approved when accessory to medical centers. Only one helicopter is allowed to be located on the site, either permanently or temporarily. Only trips which support the primary use are allowed.
- C. **Refueling.** Refueling facilities are allowed in conjunction with an approved HLF, if approved by the Fire Marshal.
- D. **Repair facilities.** Repair facilities are allowed only in the I zones. Minor or emergency repairs and routine maintenance are allowed in all zones.

Commentary

33.245.030 Exemption

This amendment exempts Medical Center uses from the inclusionary housing requirement. Hospitals and other medical centers sometimes provide accessory housing for patient families and staff. This is like College uses that provide accessory housing for students and faculty. The intent is to treat Medical Centers in a consistent manner.

33.245.040.A

This amendment will allow the boundaries of a Central City master plan to be considered the boundaries of a site for the purposes of applying the on-site inclusionary housing standards. This will allow the number of required affordable units to be calculated and distributed based on the area within the master plan as opposed on a site-by-site development basis.

33.245.040.A.1.c

The amendments describe an alternate calculation method that will allow the number of affordable units to be calculated on the number of bedrooms. This provision is designed to encourage the creation of larger multi-bedroom units in multi-dwelling situations. The provision is being clarified in the code—no policy change is proposed here.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.245 Inclusionary Housing

245

33.245.030 Exemption

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

33.245.040 Inclusionary Housing Standards

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

- A. On-site affordable dwelling units.** When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates. For the purposes of this Section, affordable dwelling units located within the boundaries of a Central City Master Plan are considered to be on-site:
1. Central City and Gateway plan districts. Inside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:
 - a. 10 percent of the total number of dwelling units ~~or bedrooms~~ in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
 - b. 20 percent of the total number of dwelling units ~~or bedrooms~~ in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.
 - c. Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.
 2. Outside the Central City and Gateway plan districts. Outside the Central City and Gateway plan districts, affordable dwelling units must be provided at one of the following rates:
 - a. Rates before January 1, 2019:
 - (1) 8 percent of the total number of dwelling units ~~or bedrooms~~ in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income; or
 - (2) 15 percent of the total number of dwelling units ~~or bedrooms~~ in the new building or the alteration must be affordable to those earning no more than 80 percent of the area median family income.

Commentary

33.245.040.A.2.a(3)

The amendments describe an alternate calculation method that will allow the number of affordable units to be calculated on the number of bedrooms. This provision is designed to encourage the creation of larger multi-bedroom units in multi-dwelling situations. The provision is being clarified in the code—no policy change is proposed here.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

(3) Alternate calculation method. As a way to encourage the creation of larger affordable dwelling units, using one of the percentages stated above, the number of affordable dwelling units required may be calculated based on the total number of bedrooms in the new or altered building. For example, using the 10 percent rate, a new building with 60 two-bedroom dwelling units could provide 6 two-bedroom affordable units or 4 three-bedroom affordable units.

- b. Rates on and after January 1, 2019. The rates shown in Paragraph A.1. apply outside the Central City and Gateway plan districts on and after January 1, 2019.

B. Off-site affordable dwelling units. [No Change]

Commentary

33.254.080

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones as appropriate.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.254 Mining and Waste-Related Uses

254

33.254.080 Setbacks, Landscaping, and Screening

Waste-Related uses are subject to the following setback, landscaping, and screening requirements.

Mining uses are subject to State requirements for setbacks, landscaping, and screening.

- A. Setback distance.** Waste-Related uses must be set back 100 feet from all property and street lot lines that abut C, E, or I zones. A 200 foot setback is required along all property and street lot lines that abut OS, CI, IR, or R zones.
- B Landscaping and screening requirements.** [No Change]

Commentary

33.258.010

Amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.258 Nonconforming Situations

258

33.258.010 Purpose

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

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

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

33.258.050 Nonconforming Uses

A.-C. [No Change]

- D. Expansions.** Nonconforming uses may expand under certain circumstances. Exterior improvements may expand by increasing the amount of land used. Changing the exterior use, for example from parking to storage, is an expansion of exterior storage. Adding parking spaces to an existing lot is also an expansion. However, increasing the amount of goods stored on an existing exterior storage area is a change in operations, not an expansion. Examples of expansion of gross building area include expanding a nonconforming use into a newly constructed building or addition on the site, and expanding the amount of gross building area occupied by a nonconforming use within an existing building.

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

Commentary

33.258.050.D Expansion of nonconforming uses

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

1. OS~~2~~ and R, and IR zones. [No Change]
2. C, E, ~~and I~~, and CI zones. The standards stated below apply to all nonconforming uses in C, E, ~~and I~~, and CI zones.
 - a. Except as allowed by Subparagraph C.2.b, below, expansions of gross building area or exterior improvements, when proposed within the property lines as they existed two years before the use became nonconforming, may be approved through a nonconforming situation review. The development standards of the base zone, overlay zone, and plan district must be met for the expansion.
 - b. In EG1, EG2, and I zones, expansions of gross building area for nonconforming Household Living uses, when proposed within the property lines as they existed two years before the use became nonconforming, are allowed if all of the following are met:
 - (1) The expansion will not increase the gross building area by more than 500 square feet over the floor area that existed when the use became nonconforming. Expansions that increase the gross building area by more than 500 square feet over the gross building area that existed when the use became nonconforming may be requested through a nonconforming situation review;
 - (2) The expansion must comply with development standards of the base zone, overlay zone, and plan district; and
 - (3) The addition of new dwelling units is prohibited.
 - c. In E and I zones, expansions of exterior improvements for nonconforming Household Living uses are allowed if they comply with the development standards of the base zone, overlay zone, and plan district.
 - d. Expansion of gross building area or exterior improvements, when proposed beyond the property lines as they existed two years before the use became nonconforming, is prohibited, except in the following situation:
 - (1) The property proposed for expansion is abutting at least one of the property lines of the nonconforming use as they existed two years before the use became nonconforming; and
 - (2) The property proposed for expansion was in the same ownership as the property holding the nonconforming use when it became nonconforming; and
 - (3) The zoning regulations on the property proposed for expansion would have allowed the use at the time the existing situation became nonconforming; and
 - (4) The expansion is approved through a nonconforming situation review.

E. Loss of nonconforming use status. [No Change]

Commentary

33.258.070.D

This amendment puts back code language that was inadvertently omitted with the Tree Code updates in 2015. The additional parenthetical clarifies that compliance with the minimum landscape area standard is only required to the extent that the site allows. For example, if the minimum landscaped area standard required 15 percent landscaping, but structures and other development on the site cover 90 percent of the site, only 10 percent of the site needs to be landscaped. The additional parenthetical ensures that adjustments are not required for legally nonconforming development.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.258.070 Nonconforming Development

A.-C. [No change]

D. Development that must be brought into conformance. The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.

1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):

a. Landscaping and trees required for the following areas:

- Exterior display, storage, and work activity areas;
- Setbacks for surface parking and exterior development areas;
- Interior parking lot landscaping;
- Existing building setbacks;
- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements)~~other than described above~~; and
- On-site tree density standards of Subsection 11.50.050.C.

b.-f. [No change]

2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., below, the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.

a. [No change]

b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.

(1) Landscaping and trees required for the following areas:

- Exterior display, storage, and work activity areas;
- Setbacks for surface parking and exterior development areas;
- Interior parking lot landscaping;
- Existing building setbacks;
- Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements)~~other than described above~~; and
- On-site tree density standards of Subsection 11.50.050.C.

Commentary

33.258.070.D (continued)

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striethrough~~)

(2)-(6) [No change]

c.-d. [No change]

E.-G. [No change]

.

Commentary

33.258.080.B.2 and B.3 Nonconforming situation review

Amendments add reference to Campus Institutional (CI) and Institutional Residential (IR) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.258.080 Nonconforming Situation Review

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

Commentary

33.262.010 and 020

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.262 Off-Site Impacts

262

33.262.010 Purpose

The regulations of this chapter are designed to protect all uses in the R, C, CI, IR, and OS zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards and nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

33.262.020 Applying These Regulations

Nonresidential uses in all zones which cause off-site impacts on uses in the R, C, CI, IR, and OS zones are required to meet the standards of this chapter. Exempted equipment and facilities are stated in 33.262.030 below.

Commentary

Table 266-1

The amendments to the main body of the table add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

The amendment to footnote [2] allows parking minimums and maximums to be set when the project is going through a Transportation Impact Review. Most development on college and hospital campuses will no longer require a conditional use—development over a certain threshold in the *CI* zones will trigger a transportation impact review instead. This amendment retains the ability of the college or hospital to set parking ratios through a transportation impact review, as they could have in the past with a conditional use.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

Table 266-1 Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]	
Zone	Requirement
OS, RF - RH, IR , EG, I, <u>IR</u>	<p>Minimum is Standard A in Table 266-2.</p> <p>Maximum is Standard B in Table 266-2.</p>
CR, CM1, CM2, CM3, CE, <u>CI</u>	<p>Minimum for sites that are 7,500 square feet or less in size: No minimum except for Household Living, which has the following minimums:</p> <ul style="list-style-type: none"> 0 for 1 to 30 units; 0.20 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units. <p>Minimum for all other sites is Standard A in Table 266-2</p> <p>Maximum is Standard B in Table 266-2.</p>
EX	<p>No minimum except for Household Living, which has the following minimums:</p> <ul style="list-style-type: none"> 0 for 1 to 3 units; 1 per 2 units for four+ units; and SROs are exempt. <p>Maximum is Standard A in Table 266-2, except:</p> <ul style="list-style-type: none"> 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.
RX, CX	<p>No minimum except for Household Living, which has the following minimums:</p> <ul style="list-style-type: none"> 0 for 1 to 30 units; 0.2 per unit for 31-40 units; 0.25 per unit for 41-50 units; and 0.33 per unit for 51+ units. <p>Maximum is Standard B in Table 266-2.</p>

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

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

Commentary

Table 266-2

These amendments clarify wording, and allows parking minimum and maximums to be set through a Transportation Impact Review.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

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, except 1.35 per unit on sites that are both in a commercial/mixed use zone and close to transit (close to transit is as described in 33.266.110.B.1.) 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

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

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
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, or Transportation Impact review may establish parking minimum and maximum requirements through the review.

Commentary

33.266.120 C and 130.C

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.266.120 Development Standards for Houses and Duplexes

A.-B. [No change]

C. Parking area locations.

1.-2. [No change]

3. Front yard restrictions.

- a. No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. In addition, on corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. See Figure 266-2. As an exception to the area limitations in this subparagraph, the following is allowed:

- (1) A lot is allowed at least a 9-foot wide vehicle area.

- (2) In the multi-dwelling, C, E, ~~and I~~, CI and IR zones, on sites where the front lot line abuts a shared court, paving blocks or bricks may be used to surface the entire area between the front lot line and the front building line.

- b. For flag lots, where the width of the pole is greater than 30 feet, no more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas.

See Figure 266-2. As an exception to the area limitation of this subparagraph, a flag lot is allowed at least a 12-foot wide vehicle area.

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

D.-E. [No change]

33.266.130 Development Standards for All Other Development

A.-B. [No change]

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~~, CI, or IR Zones must be set back 18 feet from the street lot line.

Commentary

Table 266-3

Amendment add reference to *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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, CX, EG1, ~~and EX, CI, and IR~~ zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.

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, EG1, <u>CI</u> , sites in CM1, CM2, and CM3 that are more than 2 acres in total area	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
RX, CX, CR, EX, sites in CM1, CM2, and CM3 that are 2 acres or less in total area	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

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

Commentary

33.266.130.F and Table 266-5

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

D.-E. [No change]

F. Parking area layouts.

1.-4. [No change]

5. Large parking areas in R, C, E, ~~and IR, and CI~~ zones. In the R, C, E, ~~and IR, and CI~~ zones, where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:
 - a. Internal access ways must divide the parking area into smaller areas that are no greater than 55,000 square feet;
 - b. These accessways must connect to the adjacent street at least every 250 feet; and
 - c. Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees. One large tree is required per 30 lineal feet of sidewalk, one medium tree per 22 lineal feet of sidewalk, or one small tree per 15 lineal feet of sidewalk. Trees of different sizes may be combined to meet the standard;
 - Trees must be planted in the center of unpaved tree wells that must be at least 18 square feet in area, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
 - d. The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

G. Parking area setbacks and landscaping.

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

Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, or I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS ₂ or R, or IR zone lot line	5 ft. of L3	10 ft. of L3

Commentary

33.266.130.6

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- d. Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.
- (1) Surface parking abutting streets, and C, E, ~~and I, and CI~~ zones. Where a surface parking area abuts a street lot line, or a C, E, ~~or I, or CI~~ zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.
 - (2) Surface parking abutting OS, ~~and R, and IR~~ zones. Where a surface parking area abuts an OS or R zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.

3. [No change]

Table 266-7 Minimum Loading Area Setbacks And Perimeter Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. / L2 or 10 ft. / L1	10 ft. / L2 or 15 ft. / L1
Lot line abutting a C, E, or I, or CI zone lot line	5 ft. / L2 or 10 ft. / L1	5 ft. / L2 or 10 ft. / L1
Lot line abutting an OS zone lot line	5 ft./ L3	10 ft./ L3
Lot line abutting an <u>R or IR</u> zone lot line	5 ft./ L4	10 ft./ L4

Commentary

33.266.410.B Transportation and Parking Demand Management

This provision is being amended to exempt Commercial/Mixed Use zoned sites in the Central City plan district from the Transportation Demand Management (TDM) requirement. Central City locations will be considered for TDM approaches in a future PBOT effort. The PSC considered these issues at the public hearing on Central City, however the hearings occurred after the Comprehensive Plan code amendments that included these TDM requirements. This amendment reconciles 33.266.410 with decisions about the approach to TDM for the central city.

33.266.420 Transportation Impact Review in the CI Zones

This amendment clarifies that Colleges and Medical centers all need a Transportation Impact review and if building area increases by more than 20,000 SF or by more than four parking spaces that was not anticipated by the review, then another Transportation Impact Review is needed.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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 includes more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units. Sites in the Central City plan district, and sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
 2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.

33.266.420 Transportation Impact Review in the ~~CI~~Campus Institutional Zones

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

- A.** ~~Does not~~Increases the net building area on the campus by more than 20,000 square feet; or
- B.** ~~Does not~~Increases the number of parking spaces on the campus by more than 4.

Commentary

33.270.100.J

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.270 Planned Development

270

33.270.100 Additional Allowed Uses and Development

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

A.-I. [No change]

J. Transfer of development within a site. Transfer of development rights across zoning lines within the site may be proposed as follows:

1.-2. [No change]

3. C, E, ~~and I~~, CI and IR zones. If the site is located in more than one zone, and all the zones are C, E, ~~and I~~, CI and IR 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. [No change]

K. [No change]

Commentary

33.270.200.A. Affordable housing

This has been amended to have language consistent with the bonus language in 33.130.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

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.** The applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of Paragraph 33.130.212.C.1. or C.2. have been met.~~At least 25 percent of the additional floor area allowed by Subsection 33.270.100.1 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.-D. [No change]

Commentary

33.274.035

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.274 Radio Frequency Transmission Facilities

274

33.274.035 Facilities Allowed Without a Conditional Use Review

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

- A.** New and modified personal wireless service facilities in C, E, ~~or I~~, or CI zones mounted on an existing building or other non-broadcast structure provided that the entire facility is more than 50 feet from an R or IR zone.
- B.** New and modified personal wireless service facilities in C, E, ~~or I~~, or CI zones supported by a new tower provided that:
 - 1. The tower is more than 50 feet from an R or IR zone;
 - 2. The tower meets the height requirement for buildings in the base zone; and
 - 3. The tower is more than 2,000 feet from other towers. This requirement does not apply to towers that are supporting a personal wireless service facility operating in the same licensed frequencies.
- C.** Other modifications of facilities that were originally approved through a conditional use, including the addition or replacement of antennas and accessory equipment, provided all modifications made over time:
 - 1. Do not increase the footprint of equipment enclosures on the ground by more than 1,500 square feet;
 - 2. Do not substantially change the physical dimensions of the tower, pursuant to 47 U.S.C. §1455, including changes to tower height when accompanied by substantial evidence that the requested height is the minimum necessary to avoid interference with existing antennas. Such changes are not limited by conditions of prior land use reviews; and
 - 3. To the extent practicable, modifications must reasonably maintain the appearance of the original facility including, but not limited to, color, screening, landscaping, camouflage, concealment techniques, mounting configuration, or architectural treatment.

Commentary

33.274.040.C and D

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.274.040 Development Standards

A.-B. [No change]

C. General requirements

1.-7. [No change]

8. Landscaping and screening. The base of a tower and all accessory equipment or structures located at grade must be fully screened from the street and any abutting sites as follows:

a. In C, E, ~~or I~~, or CI zones more than 50 feet from an R or IR zone. A tower and all accessory equipment or structures located in the C, E, ~~or I~~, or CI zones more than 50 feet from an R or IR zone must meet the following landscape standard:

(1) Generally. Except as provided in (2), below, a landscaped area that is at least 5 feet deep and meets the L3 standard must be provided around the base of a tower and all accessory equipment or structures.

(2) [No change]

b. In OS, ~~or R~~, or IR zones or within 50 feet of an R or IR zone. A tower and all accessory equipment or structures located in an OS, ~~or R~~, or IR zone or within 50 feet of an R or IR zoned site must meet the following landscape standards:

(1)-(2) [No change]

c. [No change]

9.-11. [No change]

D. Additional requirements.

1. Personal wireless service facilities located in OS, R, C, ~~or EX~~, CI, or IR zones, and personal wireless service facilities located in EG or I zones within 50 feet of an R or IR zone must meet all of the following standards:

a. Antennas mounted on towers. Triangular “top hat” style antenna mounts are prohibited. Antennas must be mounted to a tower either on davit arms that are no longer than 5 feet, flush with the tower, within a unicell style top cylinder, or other similar mounting technique that minimizes visual impact.

b. Lattice. Lattice towers are not allowed.

2. The minimum site area required for a tower in an R zone is 40,000 square feet.

3. Applications to locate or replace accessory equipment in or within 50 feet of an R or IR zone must be accompanied by a signed and stamped acoustical engineer’s report demonstrating that noise levels from the equipment is in full compliance with Title 18 (Noise) regulations, or demonstrating that with appropriate sound proofing mitigation, that the equipment will comply with Title 18.

Commentary

33.274.050

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.274.050 Procedures for Conditional Use Review

Unless exempted by 33.274.030 or allowed by 33.274.035, above, all Radio Frequency Transmission Facilities are reviewed through the procedures stated below.

- A. **Type Ix procedure.** In all zones, requests for equipment cabinets or shelters located on private property associated with Radio Frequency Transmission Facilities mounted in a right-of-way are processed through a Type Ix procedure.
- B. **Type II procedure.** Requests to locate personal wireless service facilities on an existing building or other non-broadcast structure when the facility is in an OS, ~~or R, or IR~~ zone, or the facility is within 50 feet of an R or IR zone in C, E, ~~or I, or CI~~ zones are reviewed through a Type II procedure.
- C. **Type III procedure.** All other requests for Radio Frequency Transmission Facilities are reviewed through a Type III procedure.

Commentary

33.278 Permit Ready Houses

This chapter is being deleted. The permit ready houses program was initiated in 2004/2005 to in response to the design of homes on skinny lots. This chapter was added to the code, and two pre-approved plans were developed. With the 2009 recession and subsequent budget cuts, this program was discontinued and the plans are no longer under copyright. BDS does not intend to re-establish the program because it was seldom used (only 12 houses were permitted over 5 years), and it was very difficult for applicants to modify the copyrighted plans.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~33.278 Permit Ready Houses~~

278

Sections:

- ~~33.278.010 Purpose~~
- ~~33.278.100 Description~~
- ~~33.278.200 Where These Regulations May Be Used~~
- ~~33.278.300 Where These Regulations May Not Be Used~~
- ~~33.278.400 Development Standards~~

~~33.278.010 Purpose~~

The special development standards for Permit Ready houses facilitate the development of these houses in a variety of zones. This allows them to locate on narrow lots or infill sites that are difficult to develop. Permit Ready houses add to the stock of well-designed houses and promote opportunities for affordable housing.

~~33.278.100 Description~~

A Permit Ready house is a house whose design has been approved by City Council and the construction drawings are provided through the City of Portland.

~~33.278.200 Where These Regulations May Be Used~~

The regulations of this chapter apply to new Permit Ready houses proposed for lots and lots of record that are less than 36 feet wide. The regulations of this chapter apply only to the house; other development on the site is subject to the regulations of this Title.

~~33.278.300 Where These Regulations May Not Be Used~~

While Permit Ready houses may be built on any lot where a house is allowed, the regulations of this chapter may not be used in the following situations:

- ~~A. Lots at least 36 feet wide.~~** If the lot or lot of record is 36 feet or wider;
- ~~B. Exterior changes and alterations.~~** If changes or alterations are proposed that affect the exterior of the Permit Ready house;
- ~~C. Adjustments and modifications.~~** If adjustments or modifications to any development standards are proposed; or
- ~~D. Historic and conservation districts.~~** If the Permit Ready house is proposed in an historic or conservation district.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.278.400 Development Standards

The development standards of this Title apply unless the standard is superseded by the regulations of this section.

~~A. In RF through R2.5 zones.~~

- ~~1. Side setbacks. Eaves may project up to 18 inches into a required side setback.~~
- ~~2. Off street parking. No off street parking is required.~~
- ~~3. Exemptions. Permit Ready houses are exempt from the following standards:~~
 - ~~a. 33.110.213, Additional Development Standards;~~
 - ~~b. 33.110.215, Height;~~
 - ~~c. 33.110.230, Main Entrances in R10 through R2.5 Zones;~~
 - ~~d. 33.110.232, Street Facing Facades in R10 through R2.5 Zones; and~~
 - ~~e. 33.110.253, Garages.~~

~~B. In R3 through RX zones.~~

- ~~1. Side setbacks in R3 through RH. The minimum side setback in the R3 through RH zones is 5 feet. Eaves may project up to 18 inches into this setback.~~
- ~~2. Off street parking. No off street parking is required.~~
- ~~3. Exemptions. Permit Ready houses are exempt from the following standards:~~
 - ~~a. 33.120.215, Height;~~
 - ~~b. 33.120.231, Main Entrances;~~
 - ~~c. 33.120.232, Street Facing Facades; and~~
 - ~~d. 33.120.283, Garages.~~

~~C. In Commercial zones.~~

- ~~1. Setbacks. Where a lot line abuts a side or rear lot line of an R-zoned lot, the minimum required setback is 5 feet. Eaves may project up to 18 inches into this required setback.~~
- ~~2. Off street parking. No off street parking is required.~~
- ~~3. Exemptions. Permit Ready houses are exempt from the following standards:~~
 - ~~a. 33.130.210, Height;~~
 - ~~b. 33.130.250.C, Residential main entrances;~~
 - ~~c. 33.130.250.D, Street facing facades; and~~
 - ~~d. 33.130.250.E, Garages.~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~D. In the EX zone.~~

- ~~1. Setbacks. Where a lot line abuts a side or rear lot line of an R-zoned lot, the minimum required setback is 5 feet. Eaves may project up to 18 inches into this required setback.~~
- ~~2. Off-street parking. No off-street parking is required.~~
- ~~3. Exemptions. Permit-Ready houses are exempt from the following standards:~~
 - ~~a. 33.140.265.D, Residential main entrance;~~
 - ~~b. 33.140.265.E, Street-facing facades; and~~
 - ~~c. 33.140.265.F, Garages.~~

~~(Added by Ord. No. 179994, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09.)~~

Commentary

33.279.040

Amendments add reference to the Institutional Residential (IR) zone because it is no longer grouped with the residential zones—it is grouped with the campus institutional zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.279 Recreational Fields for Organized Sports

279

33.279.040 Development Standards

- A. [No change].**
- B. Standards.** The standards of this subsection apply to new fields, alterations to existing fields, and accessory structures.
 - 1. Recreational fields. Recreational fields must be set back at least 50 feet from adjacent R or IR zoned sites. Setbacks are measured from property lines to foul line for baseball and softball fields, and to the field end or side lines for all other sports.
 - 2. Accessory structures. Spectator seating such as bleachers or benches must be set back at least 30 feet from adjacent R or IR zoned sites and at least 15 feet from all other lot lines. All other accessory structures including dugouts, concession stands, and restrooms must be set back at least 15 feet from all lot lines.

Commentary

33.281.020 and .030

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.281 Schools and School Sites

281

Sections:

General

33.281.010 Purpose

33.281.020 Relationship to Base Zone and Conditional Use Regulations

Regulations in OS₂ ~~and R₁~~ and IR zones

33.281.030 Review Thresholds for School Uses

33.281.040 Review Thresholds for Other Uses

33.281.050 Review Thresholds for Development

33.281.055 Loss of Conditional Use Status on School Sites

Regulations in C and E zones

33.281.060 Use Regulations

Development Standards

33.281.100 General Standards

33.281.110 Building Coverage and Floor Area Ratio

33.281.120 Special Event Parking

33.281.130 Bus Loading

33.281.140 Landscaping

33.281.150 Temporary Structures

33.281.020 Relationship to Base Zone and Conditional Use Regulations

The base zone chapters indicate whether school uses are allowed by right, are conditional uses, or are prohibited. In OS₂ ~~and R₁~~ and IR zones, schools are generally regulated as conditional uses. In C and E zones, schools are generally allowed by right. In I and CI zones, schools are prohibited. This chapter provides supplemental information and regulations specific to school uses and school sites. The requirements of the base zone apply unless superseded by the regulations in this chapter. In situations where the use is regulated as a conditional use, the regulations that apply are located in this chapter, except for the conditional use approval criteria, which are in 33.815.105. If a school site has previous conditions of approval, the specific conditions take precedence over the threshold levels of review in this chapter.

Regulations in OS₂ ~~and R₁~~ and IR zones

33.281.030 Review Thresholds for School Uses

This section states when a conditional use is required and the type of procedure used for changes to school uses in the OS₂ ~~and R₁~~ and IR zones.

A.-D. [No Change]

Commentary

33.281.040 and .100

Amendments add reference to the Institutional Residential (IR) zone.

33.281.050

These are grammatical and code reference corrections.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.281.040 Review Thresholds for Other Uses

This section states when a conditional use is required for changes to non-school uses on school sites in the OS₁ ~~and R₁~~ and IR zones, and the type of procedure used when a conditional use review is required.

A.-B. [No Change]

33.281.050 Review Thresholds for Development

This section states when development related to schools and on school sites in the OS₁ ~~and R₁~~ and IR zones is allowed, when a conditional use review is required, and the type of procedure used. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

A. Allowed. Alterations to the site that meet all of the following are allowed without a conditional use review.

1.- 4. [No Change]

5. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:

a.-b. [No Change]

- c. Any cumulative loss or gain of parking allowed in A.5.a. or A.5.b. ~~above~~ is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.

6.-8. [No Change]

B. Type II. A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, ~~below~~, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.

1.-4. [No Change]

5. When the alterations will not increase the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 ~~above~~ are exempt from this limitation; or
6. When the alterations will not increase the net building area and the exterior improvement area on the site by more than 10 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 ~~above~~ are exempt from this limitation.

C. Type III. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. ~~above~~ are reviewed through a Type III procedure.

33.281.100 General Standards

In the OS₁ ~~and R₁~~ and IR zones, the development standards for institutional uses apply except where superseded by the standards in this chapter. The institutional development standards are stated in 33.110.245 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superseded by the standards in this chapter. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

Commentary

33.284.010 Purpose

This amendment corrects the reference from commercial to commercial/mixed use zones. It also adds language that relates to addition of new use regulations and design approaches for Commercial/Mixed Use zones.

33.284.020 Required Ground Floor Active Use

This amendment strikes the current language on 33.240.020 which was determined to be not necessary. The amendment also adds provisions in 33.284 that will require a portion of the ground floor of self-service storage uses to have an active use when located on a Neighborhood Corridor or Civic Corridor, and in areas of significant transit investment such as streetcar lines and near light rail transit stations. This amendment responds to public testimony on this topic and Planning and Sustainability Commission direction.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.284 Self-Service Storage

284

Sections:

- 33.284.010 Purpose
- 33.284.020 Use Regulations
- 33.284.030 Development Standards
- 33.284.040 Design Review
- ~~33.284.050 Self-Service Storage Design Guidelines~~

33.284.010 Purpose

Self-Service Storage uses have some characteristics in common with both commercial use and industrial uses. This chapter provides regulations so that Self-Service Storage uses can be appropriately sited in either industrial zones or some commercial/mixed use zones, while maintaining the desired character and function of the specific zones. In general, Self-Service Storage uses are similar to other commercial uses in that they provide a service to residential and business uses. The character of their development is often more similar to industrial buildings. ~~The and supplemental use and design standards ensure that development of self-service storage facilities their low activity level does not add to the vitality of a commercial areas and transit-oriented locations.~~

33.284.020 Use Regulations

~~Other uses on the site such as the rental of trucks or moving equipment must meet the use and development standards of the base zone, overlay zone, or plan district.~~

33.284.020 Required Ground Floor Active Use

The following ground floor active use regulations apply outside of the Central City Plan District in the CM3, CE, CX, EG1, EG2 and EX zones on the following sites:

- A. When ground floor active use is required.** The ground floor active use standard applies when a Self-Service Storage use is located:
 - 1. Within 100 feet of a neighborhood corridor, civic corridor or streetcar line; or
 - 2. Within 100 feet of the longest street frontage on a site where any portion of the site is within 500 feet of a transit station.
- B. Ground floor active use standard.** At least 50 percent of the ground-level floor area located within 100 feet of the following must be in one or more of the ground floor active uses listed in Subsection C, where allowed by the base zone. Parking areas are not included in active floor area. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area:
 - 1. A neighborhood corridor, civic corridor or streetcar line.; or
 - 2. The longest street frontage on a site where any portion of the site is within 500 feet of a transit station.

Commentary

33.284.030.A Development Standards

This amendment corrects a grammatical error.

33.284.030.F Ground floor active use standards

The amendments also add an active use development standard to ensure that ground floor active uses are of a minimum usable dimension and are located on and accessible from transit streets.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

C. Ground floor active uses:

1. Retail Sales and Service;
2. Office;
3. Vehicle Repair;
4. Industrial Service;
5. Manufacturing and Production;
6. Wholesale Sales;
7. Daycare;
8. Community Service;
9. Religious Institutions.

33.284.030 Development Standards

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

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

Commentary

33.284.040 Design Review

This amendment changes the design guidelines used to approve Self-Service Storage facilities in C and EX zones.

33.284.050 Self-Service Storage Design Guidelines

This amendment eliminates specific design guidelines for Self-service Storage uses, and instead relies upon specific district guidelines where they exist, the Central City Fundamental Design Guidelines for reviews within the central city, and the Community Design Guidelines for other areas outside of the central city.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.284.040 Design Review

- A. **Purpose.** Design review is required for new buildings in the C and EX zones to ensure that the development has a high design quality appropriate to the desired character of the zone and to avoid the monotonous look of many industrial-style buildings.
- B. **Design review required.** In the C and EX zones, all Self-Service Storage uses to be located in newly constructed buildings must be approved through Design review.
- C. **Procedure.** Design review for Self-Service Storage uses is processed through a Type II procedure. However, uses that require design review because of an overlay zone or plan district are processed as provided for in those regulations.
- D. **Design review approval criteria.** A design review application will be approved if the review body finds that the applicant has shown that ~~Self-Service Storage~~ the Community Design Guidelines ~~design guidelines in 33.284.050~~ have been met. If the site is within a design district, the guidelines for that district apply instead of the Community Design Guidelines. Design districts are shown on maps 420-1 through 420-3 and 420-5 through 420-6. Where two of the design districts shown on those maps overlap, both sets of guidelines apply.

~~33.284.050 Self-Service Storage Design Guidelines~~

~~These design guidelines are used to review new Self-Service Storage uses in the C and EX zones. They apply in addition to any design guidelines that apply because of an overlay zone or plan district.~~

- ~~A. **Building and roof design.** The building and roof are designed to be compatible with surrounding development, especially nearby residential uses. Considerations include design elements that break up long, monotonous building or roof lines and elements that are compatible with the desired character of the zone.~~
- ~~B. **Building materials.** The materials used for buildings, roofs, fences and other structures are compatible with the desired character of the zone and are visually pleasing, especially near residential uses.~~
- ~~C. **Street facades.** The design and layout of the street side of the site provides a varied and interesting facade. Considerations include the use of setbacks, building placement, roof design, variations in building walls, fencing, other structural elements, and landscaping.~~
- ~~D. **Landscaping.** The landscaping on the site provides appropriate transition from public to private spaces, separates and buffers the buildings from other uses especially abutting residential uses, and provides visual relief from stark, linear building walls.~~
- ~~E. **Fencing.** Any proposed fencing is designed to be compatible with the desired character of the area and is especially sensitive to abutting residential uses. Use of rolled razor wire is discouraged.~~
- ~~F. **Security.** The perimeter of the site is designed to provide adequate security for both the site and abutting sites. Considerations include fence and wall materials and placement, type and placement of landscaping including thorny plant material and desired visibility or privacy.~~

Commentary

33.285.040

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.285 Short Term Housing and Mass Shelters

285

33.285.040 Use Regulations

A. Short term housing.

1. R and IR zones. New short term housing, an expansion of net building area, or an increase in the number of occupants in existing short term housing in R and IR zones is subject to the following regulations:
 - a.-b. [no change]
2. ~~C₂ and E₁~~ and CI zones. Short term housing is allowed in ~~C₂ and E₁~~ and CI zones if it meets the standards in Section 33.285.050. Expansion of net building area or increase in the number of occupants in an existing short term housing facility is allowed if it meets the standards in Section 33.285.050.
3. [no change]
4. Exemption. Short term housing that exclusively serves victims of sexual or domestic violence is allowed by right in R, ~~C₂ and E₁~~ CI and IR zones if it meets the size limitations for Group Living uses.

B. Mass shelters.

1. RF through R2.5 zones. Generally, new mass shelters, expansions of net building area and increases in the number of occupants in existing mass shelters in RF through R2.5 zones are a conditional use and are reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.1.b. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.
 - a. New mass shelters. The following procedures apply to new mass shelters and alterations to mass shelters that do not meet subparagraph B.1.b. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones:
 - (1)-(2) [No Change]
 - b. Existing mass shelters. An alteration or expansion that does not increase net building area of the mass shelter by more than 10 percent is allowed if there is no increase in the number of beds or occupants and if the alteration or expansion complies with all conditions of approval.
2. R3 through R1 and IR zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in R3 through R1 and IR zones may choose to be an allowed use or a conditional use, as stated below.
 - a. [No Change]

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- b. Conditional use. If the mass shelter does not meet Subparagraph B.2.a, it is a conditional use as follows. The approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to a mass shelter reviewed as a conditional use.

(1)-(2) [No Change]

- 3. RH and RX zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in RH and RX zones may choose to be an allowed use or a conditional use, as stated below.

- a. [No Change]

- b. Conditional use. If the mass shelter does not meet Subparagraph B.3.a, it is a conditional use as follows. Approval criteria are in Section 33.815.107, Short Term Housing and Mass Shelters in R and IR Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

(1)-(2) [No Change]

- 4. C₂ and EX, and CI zones. Applicants for a new mass shelter or expansion of net building area or increase in the number of occupants in an existing mass shelter in C₂ and EX, and CI zones may choose to be an allowed use or a conditional use, as stated below.

- a. Allowed use. A new mass shelter, or alteration of an existing mass shelter is allowed if it meets one of the following:

(1)-(2) [No Change]

- b. Conditional use. If the mass shelter does not meet the standards of 33.285.050, it is a conditional use, as follows. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C₂ and E, and CI Zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

(1)-(2) [No Change]

- 5. EG zones. Generally, mass shelters in EG zones are a conditional use, reviewed through the following procedures. Certain alterations to existing mass shelters may be allowed if they meet Subparagraph B.5.b. Approval criteria are in Section 33.815.140, Mass Shelters and Specified Group Living Uses in the C₂ and E, and CI zones. The standards of Section 33.285.050 do not apply to mass shelters reviewed as conditional uses.

- a. The following procedures apply to new mass shelters and alterations of mass shelters that do not meet Subparagraph B.5.b:

(1)-(2) [No Change]

Commentary

Table 285-1

Amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

6. [No Change]
7. Exemption. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in R, C, ~~and E~~, CI and IR zones if it meets the size limitations for Group Living uses.

33.285.050 Standards

A. [No Change]

B. **Mass shelters.**

1. [No Change]
2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility and within 600 feet of the facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

Table 285-1 Maximum Number of Shelter Beds for Mass Shelters	
Zone of Site	Maximum Number of Shelter Beds
EX, CX, <u>CM3</u> , and CGCE	200
<u>CM2 and CI2</u> CS, CM, and CO2	75
<u>CR, CM1 and CI1</u> CN1, CN2, and CO1	25
RX and RH	50
R3-R1, IR [1]	15

Notes:

[1] The mass shelter must be operated on the site of an existing Institutional Use.

3.-8. [No Change]

Commentary

33.288.020.C Landscaping

This amendment is intended to reconcile potential conflicts with 33.130.215.D

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.288 Special Street Setbacks

288

33.288.020 Requirements

A.-B. [No Change]

C. Landscaping. Where landscaping is allowed or required, ~~S~~special street setbacks must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.

D. [No Change]

Commentary

33.293.020

Amendments add reference to *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.293 Superblocks

293

33.293.020 Where the Superblock Regulations Apply

Superblocks are subject to the regulations of this chapter as stated below.

A.-B.[No Change]

- C. IR, ~~CS, CG, CXC, and EX~~, and CI zones outside of the Central City plan district.** The superblock regulations apply to all new development and major remodellings which include 50,000 square feet or more of vacated street in the IR, ~~CS, CG, CXC, and EX~~, and CI zones outside of the Central City plan district. For sites where part of the vacated street is in the Central City plan district, the whole site is subject to the 5,000 square foot threshold.

Commentary

33.296.030

Amendments add reference to *Campus Institutional (CI)* zones throughout the Temporary Activities chapter.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.296 Temporary Activities

296

33.296.030 Temporary Activities Allowed

- A. Residential sales offices.** Sales offices for major subdivisions or planned unit developments are allowed in the IR, CI2, and RF through RH zones. Sales offices are allowed at the development site until all lots or houses are sold or for 10 years after the final plat is approved, whichever is less. Use of the sales office for sites outside of the project is prohibited.
- B. Show of model homes.** The viewing of model homes within a subdivision for a fee is allowed in the IR, CI2, and RF through RH zones for a period not to exceed one month. Only one showing is allowed per phase of a subdivision.
- C. Incidental Sales.** Incidental sales of items are allowed based on the zone in which the site is located:
 - 1. Garage sales. Garage sales and other sales of items from the site may occur in the IR, CI1, and RF through RH zones for no more than 3 consecutive days on 2 different occasions during a calendar year. The sale of products brought to the site for the sale is not allowed.
 - 2. Parking lot sales. Parking lot sales in the RX, C, E, ~~and I~~, and CI2 zones where outdoor display is not otherwise allowed, are allowed for up to 2 consecutive weeks at any one time. The time between parking lot sales events must be 4 times as long as the duration of the last event.
 - 3. [No Change]
 - 4. Seasonal outdoor sales.
 - a. In the RX, C, E, ~~and I~~, and CI2 zones, sales events are allowed for up to 1 month at any one time. The time between seasonal outdoor sales events must be four times as long as the duration of the last event.
 - b. In the IR, CI1, and RF through RH zones, Seasonal outdoor sales of plants and produce are allowed twice a year for up to 5 consecutive weeks each time.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- D. Farmers Markets.** Farmers Markets are allowed on a site with an institutional use, and on sites in the IR, R1, RH, RX, C, E, I, CI, and OS zones as follows:
- 1.-4. [No Change]
- E. Fairs, carnivals, and other major public gatherings.**
1. In the CI1 and RF through RH zones, fairs, carnivals and other major public gatherings are allowed for up to 9 consecutive days at a site with an existing institutional use. The 9 days does not include up to 5 total days to set up and breakdown the event. Two events are allowed per calendar year.
 2. [No Change]
 3. In the RX, C, E, ~~and I, and~~ CI2 zones, fairs and carnivals and other major public gatherings are allowed for up to 2 consecutive weeks at any one time. The 2 weeks does not include up to 5 total days to set up and breakdown the event. The time between events must be 4 times as long as the duration of the last event.
 4. [No Change]
- F. Construction activities**
1. Use of existing house or manufactured dwelling. In the IR, CI1, and RF through RH zones, an existing house or a manufactured dwelling may be used temporarily for a residence while a permanent residence is being constructed. The existing house or manufactured dwelling may remain on the site until the completion of the construction, or for not more than 2 years, whichever time period is less. The existing house or manufactured dwelling must be removed within 1 month after approval of final occupancy for the new residence. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal of the existing house or manufactured dwelling.
 - 2.-3. [No Change]
 4. Construction staging areas
 - a. General construction projects. Staging areas for construction projects in the RX, C, ~~and E, CI2~~ zones are allowed subject to subparagraph .030.F.4.c. The staging area must be located within 500 feet of the construction site, however in no case can the staging area be located within an OS or single-dwelling zone.
 - b. [No Change]
 - c. Staging area standards. Adjustments to the following standards are prohibited
(1)-(3) [No Change]

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

- (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirement does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, ~~and I~~, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.
- (5) [No Change]

G.-I. [No Change]

Commentary

33.299.110

Amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.299 Wind Turbines

299

33.299.110 Rotor Swept Area

The rotor swept area is the projected area as defined by the American Wind Energy Association (AWEA). In Residential zones, the maximum rotor swept area is 50 square feet. In Ccommercial/mixed use and campus institutional zones, the maximum rotor swept area is 150 square feet. There is no maximum in the E and I zones.

Commentary

Overlay Zones - 400s

This change to the contents reflects the change in Zoning Map symbol from "l" to "k" for the Prime Industrial Overlay Zone, 33.471.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

400s

Overlay Zones

- 33.400 Aircraft Landing Zone – h
- 33.405 Alternative Design Density Overlay Zone – a
- 33.410 Buffer Zone – b
- 33.415 Centers Main Street Overlay Zone – m
- 33.420 Design Overlay Zone – d
- 33.430 Environmental Zone – c or p
- 33.435 Future Urban Zone – f
- 33.440 Greenway Zones – g, i, n, q, or r
- 33.445 Historic Resource Protection Overlay Zone
- 33.450 Light Rail Transit Station Zone – t
- 33.465 Pleasant Valley Natural Resources Overlay Zone – v
- 33.470 Portland International Airport Noise Impact Zone – x
- 33.471 Prime Industrial Overlay Zone – ~~lk~~
- 33.480 Scenic Resource Zone – s

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

Commentary

33.400.030

Amendments add reference to *Commercial/Mixed Use (C)*, *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.400 Aircraft Landing Zone

400

33.400.030 Height Limits

All structures, vegetation, and construction equipment within the Aircraft Landing Overlay Zone are subject to the height limits of this section. Map 400-1 shows the boundaries of the overlay zone. The Aircraft Landing Overlay Zone Map, available in the Development Services Center, shows the height limits.

- A. E, I, CI2, and OS zones.** In the Employment, Industrial, CI2, and Open Space zones, the height limits are shown on the Aircraft Landing Overlay Zone Map. When the base zone height is more restrictive than the Aircraft Landing Overlay Zone height, the base zone height applies. The Aircraft Landing Overlay Zone Map is available at the Development Services Center.
- B. ~~R, and C~~, IR, and CI1 zones.** In the ~~R~~esidential, ~~and C~~ommercial/mixed use, IR and CI1 zones, structures are regulated by the base zone height limits rather than the height limits of this chapter.
- C. All zones.** In all zones, structures taller than the limits of Subsection A or B are subject to Section 33.400.040.

Commentary

33.405.030 and Table 405-1

Amendments add reference to *Campus Institutional (CI)* zones.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.405 Alternative Design Density Overlay Zone

405

33.405.030 Applying the Alternative Design Density Overlay Zone

The Alternative Design Density Overlay Zone may be established or removed as the result of an area planning study, reviewed through the legislative procedure. Establishment or removal of the Alternative Design Density Zone through a quasi-judicial procedure is prohibited. The ADD zone has no effect on projects in RH, RX, IR, C, CL, E, or I zones. When property is rezoned to one of these zoning designations from a zone that is accompanied by the "a," the ADD zone will be deleted from the Official Zoning Map.

33.405.090 Design Review and Community Design Standards

A.-B.[No Change]

- C. Community Design Standards.** The Community Design Standards in Chapter 33.218 provide an alternative process to design review for some proposals. Where a proposal is eligible to use the Community Design Standards, the applicant may choose to go through the discretionary design review process set out in Chapter 33.825, Design Review, or to meet the objective Community Design Standards. If the proposal meets the Community Design Standards, no design review is required.

1. When Community Design Standards may be used. The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through the design review process.

Unless excluded by Paragraph C.2, below, proposals that are within the maximum limits of Table 405-1 may use the Community Design Standards as an alternative to design review.

Table 405-1	
Maximum Limits for Use of the Community Design Standards	
Zones	Maximum Limit—New Dwelling Units or Floor Area
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, <u>CL</u> & E Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

2. [No Change]

Commentary

33.410 Buffer Zone

This chapter is being deleted because setback and landscaping regulations that provide transitions/buffers to residential zones have been included in the Commercial/Mixed Use (33.130) and Employment and Industrial (33.140) base zones. The new regulations (33.130 and 33.140) are intended to apply to all similar residential interface situations.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.410 Buffer Zone

410

Sections:

- ~~33.410.010 Purpose~~
- ~~33.410.020 Map Symbol~~
- ~~33.410.030 Applying the Buffer Zone~~
- ~~33.410.040 Development Standards~~
- ~~33.410.080 Off-Site Impacts~~

33.410.010 Purpose

The Buffer overlay zone requires additional buffering between nonresidential and residential zones. It is used when the base zone standards do not provide adequate separation between residential and nonresidential uses. The separation is achieved by restricting motor vehicle access, increasing setbacks, requiring additional landscaping, restricting signs, and in some cases by requiring additional information and proof of mitigation for uses that may cause off-site impacts and nuisances.

33.410.020 Map Symbol

The Buffer zone is shown on the Official Zoning Maps with a letter "b" map symbol.

33.410.030 Applying the Buffer Zone

The Buffer zone is to be applied primarily along the edge of a nonresidential zone abutting or located across a street from a residential zone. For industrial and employment zones, the street can be any classification of street, as classified by the Transportation Element of the Comprehensive Plan. For commercial zones, the street should be a Local Service Traffic Street.

33.410.040 Development Standards

The following standards must be met in the Buffer Overlay zone.

A. ~~Setbacks and landscaping.~~

- ~~1. C-zones. In the C-zones, a 10-foot setback landscaped to at least the L3 standard is required along all lot lines that:~~
 - ~~a. Are across a local service street or alley from R-zoned land; or~~
 - ~~b. Abut the rear lot line of an R-zoned lot. See Figure 410-1.~~
- ~~2. E and I zones. In the E and I zones, a 20-foot setback landscaped to at least the L3 standard is required along all lots lines within the Buffer Overlay Zone that abut or are across the street from a residential zone. The setback must be landscaped to at least the L3 standard. The setback may be reduced to 10 feet if the setback is landscaped to at least the L4 standard. See Figure 410-2.~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~3. Exceptions for sites entirely in residential uses:~~

- ~~a. Landscaping. The landscape requirements of this subsection do not apply. However, landscaping requirements of the base zone, other overlay zone, and plan district must be met.~~
- ~~b. Fences. Fences up to 3-1/2 feet high are allowed in the buffer setback abutting a street lot line, and up to 8 feet high in other buffer setback areas.~~

~~**B. Structures and exterior activities.**~~

- ~~1. Structures, exterior storage, and exterior display are prohibited in the setbacks required by Subsection A.~~
- ~~2. Exterior work activities are prohibited in the Buffer Overlay Zone.~~

~~**C. Access.**~~

- ~~1. Generally. Except as specified in Paragraphs C.2 and C.3, access through the setbacks required by Subsection A is prohibited.~~
- ~~2. Pedestrian and bicycle access. Pedestrian and bicycle access is allowed through the setbacks, but may not be more than 6 feet wide.~~
- ~~3. Vehicle access for residential. Sites where any of the floor area is in Residential uses may have vehicle access through the setbacks. The width of the access may be a maximum of 20 percent of the site frontage or 20 feet, whichever is less. As an exception, a vehicle access at least 9 feet wide is allowed. The vehicle access may serve only the residential uses; access through the setbacks to vehicle areas serving non-residential uses on the site is prohibited.~~

~~**D. Radio Frequency Transmission Facilities.** Towers to support Radio Frequency Transmission Facilities are prohibited in the Buffer zone.~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Figure 410-1
Buffer for C Zones

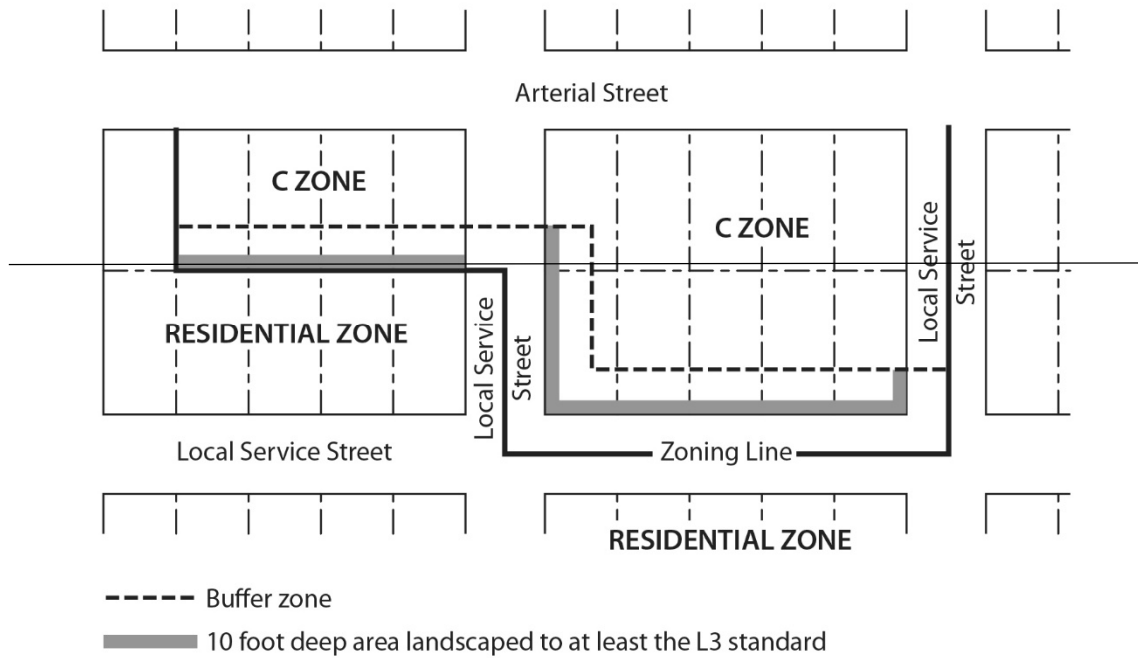
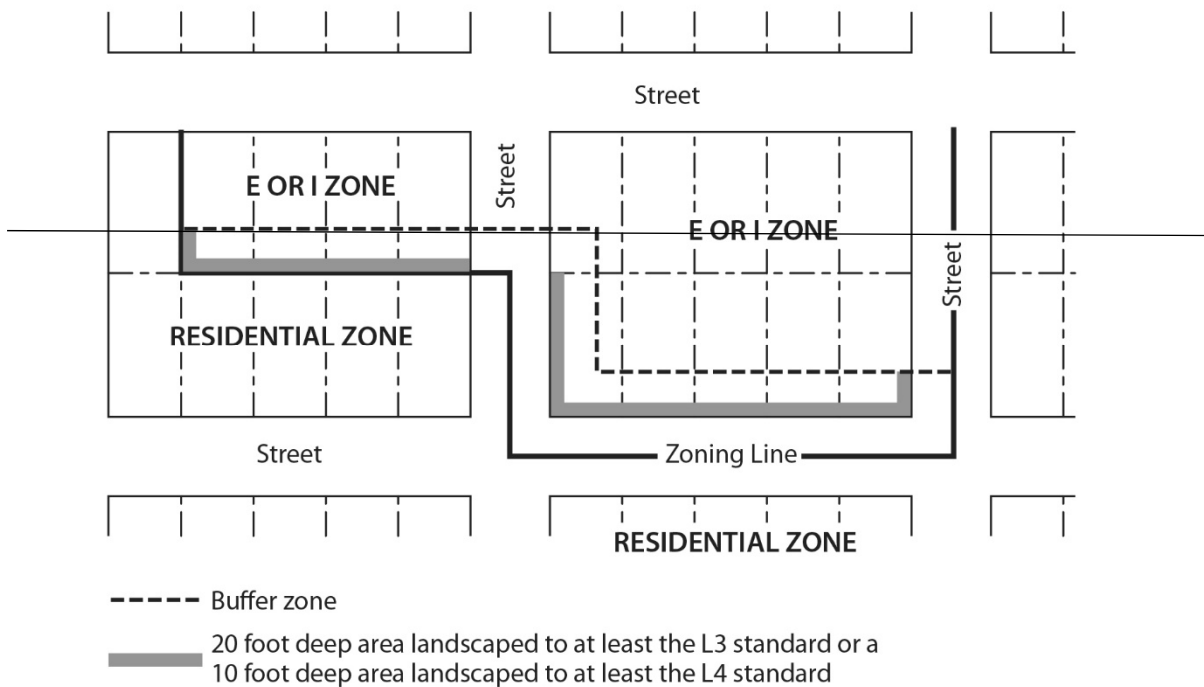


Figure 410-12
Buffer in the E and I Zones



Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~33.410.080 Off Site Impacts~~

All development in the Buffer zone is subject to the regulations of Chapter ~~33.262, Off-site Impacts~~. If the Director of BDS determines that the proposed use or development may not meet the off-site impact standards, the Director of BDS may require the applicant to document that the standards will be met, as stated in ~~33.262.100, Documentation in Advance~~.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 170704, effective 1/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 179980, effective 4/22/06; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15.)

Commentary

33.415.340 Ground Floor Windows

This amendment is intended to make the sentence easier to understand.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.415 Centers Main Street Overlay Zone

415

33.415.340 Ground Floor Windows

The ground floor window standards of the base zones ~~applies~~apply to all sites in the Centers Main Street overlay zone, ~~except that~~ however the percentage of ground floor window required by 33.130.230.C.2.a(1) is increased to 60 percent. ~~for sites with frontage on a transit street, the amount of ground floor wall area of the street-facing facade 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.

Commentary

33.420.021 and .045

Amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.420 Design Overlay Zone

420

33.420.021 Applying the Design Overlay Zone

The Design Overlay Zone is applied to areas where design and neighborhood character are of special concern. Application of the Design Overlay Zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Many applications of the Design Overlay Zone shown on the Official Zoning Maps are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-6 at the end of this chapter.

Other applications of the Design Overlay Zone shown on the Official Zoning Maps are not specific design districts. Some are adopted as part of a community planning project, and some are applied automatically when zoning is changed to CX, CM3, EX, RX, or IR.

33.420.045 Exempt From Design Review

The following items are exempt from design review:

A.-G. [No Change]

- H.** Modifications to a structure to meet the Americans With Disabilities Act's requirements in C, E, ~~and I~~, and CI zones;

I.-CC. [No Change]

Commentary

Table 420-1

Amendment adds reference to the Campus Institutional (CI) (IR) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.420.055 When Community Design Standards May Be Used

The Community Design Standards provide an alternative process to design review for some proposals. For some proposals, the applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, or to meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and related Regulations. Proposals that do not meet the Community Design Standards — or where the applicant prefers more flexibility — must go through the design review process.

Unless excluded by 33.420.060, When Community Design Standards May Not Be Used, ~~below~~, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to design review.

A. [No Change]

B. **Maximum limits.** The proposal is within the maximum limits of Table 420-1.

Table 420-1	
Maximum Limits for Use of the Community Design Standards [1]	
Zones	Maximum Limit—New Floor Area
R1, RH, RX, C, & E, & CI Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none">• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade.• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

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

Commentary

33.430.140.F.2

Amendment adds reference the Institutional Residential (IR) zone. The standard is intended to apply to all the base zones other than RF, R20 and R10 (which are covered by the standard in F.1). Prior to the addition of chapter 33.150, Campus Institutional Zones, IH had been the "last" zone in the "last" base zone chapter. The IR zone has been moved from the multi-dwelling zones chapter to the campus institutional zones chapter, which means that now IR is now the "last" zone in "last" base zone chapter. As a result, this reference has been amended.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.430 Environmental Zones

430

33.430.140 General Development Standards

The standards below apply to all development in the environmental zones except as follows:

- Utilities subject to Section 33.430.150;
- Land divisions subject to Section 33.430.160;
- Property line adjustment subject to Section 33.430.165;
- Resource enhancement projects subject to Section 33.430.170;
- Rights-of-way improvements subject to Section 33.430.175;
- Stormwater outfalls subject to Section 33.430.180; and
- Public recreational trails subject to Section 33.430.190.

Standards A through C and G through S apply to new development. Standards D through S except L apply to alterations to existing development. Only standards E, J, K, N, Q, R, and S apply in Transition areas. All of the applicable standards must be met.

A.-E. [No Change]

F. The proposed development must be set back at least:

1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the proposed development must be set back at least 5 feet from the new top of bank line;
2. Thirty feet from the top of bank of any identified water body within a protection zone on lots zoned R7 through ~~H~~IR; and
3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.

G.-S.[No Change]

Commentary

33.430.160

Amendments add reference to *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.430.160 Standards for Land Divisions and Planned Developments

The following standards apply to land divisions and Planned Developments in the environmental overlay zones. All of the standards must be met.

A.-H [No Change]

I. Right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and

J. [No Change]

Table 430-5			
Maximum Right-of-way and Roadway Widths			
Base Zone	Type of Street	Right-of Way Width	Roadway Width
OS and RF – R7	Through	35 feet	20 feet
R5	Through	40 feet	20 feet
R2.5 – IR and C, E ₂ and I₂ <u>and CI</u>	Through	40 feet	28 feet
OS and RF – R5	Dead-end	35 feet	20 feet
R2.5 - IR and C, E ₂ and I₂ <u>and CI</u>	Dead-end	40 feet	28 feet

Commentary

33.445.050 Modifications that Enhance Historic Resources

This amendment clarifies that modifications are not allowed to development standards that cannot be adjusted. Design Review, Environmental Review, and Planned Development Review all allow development standards that can be adjusted to be modified through those processes, rather than adding on an additional adjustment review. This streamlines the land use review process, reduces cost, and avoid two different BDS sections reviewing the same land use application. The intent has always been to allow the modification for development standards that can be adjusted (i.e. those that don't say "adjustments are prohibited"). This amendment makes that clear.

33.445.610

Amendments add reference to Commercial/Mixed Use (C), Campus Institutional (CI) and Institutional Residential (IR) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.445 Historic Resource Overlay Zone

445

33.445.050 Modifications that Enhance Historic Resources

The review body may grant modifications to site-related development standards, including the sign standards of Chapters 32.32 and 32.34 of the Sign Code, as part of the historic resource review process. However, the review body may not consider modifications to a parking and loading regulation within the Central City Plan District, or modifications to development standards for which an adjustment is prohibited~~may not be considered through the historic resource review process~~. Modifications made as part of historic resource review are not required to go through a separate adjustment process. To obtain approval of a modification to site-related development standards, the applicant must show that the proposal meets the approval criteria stated in Section 33.846.070, Modifications Considered During Historic Resource Review. Modifications to all other standards are subject to the adjustment process. Modifications that are denied through historic resource review may be requested through the adjustment process.

33.445.610 Historic Preservation Incentives

A.-B. [No Change]

C. **Incentives.** The following incentives are allowed if the requirements of Subsection D, Covenant, are met. The incentives are:

1. Transfer of density and floor area ratio (FAR). Transfer of density from a landmark to another location is allowed in Multi-Dwelling, Commercial/Mixed Use, and Employment zones. In Multi-Dwelling zones, the transfer is regulated by Subsection 33.120.205.E, Transfer of Density. In Commercial/Mixed Use and Employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.

2.-3. [No Change]

4. Daycare in residential and IR zones. Daycare is an allowed use in residential and IR zones.

5. Conditional uses in R, C, ~~and E, CI and IR~~ zones. In R, C, ~~and E, CI and IR~~ zones, applications for conditional uses are processed through a Type II procedure.

6.-9 [No Change]

D. [No Change]

Commentary

Table 445-1 and 33.445.720

Amendments add reference to *Campus Institutional (CI)* and *Institutional Residential (IR)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.445.710 When Community Design Standards May Be Used.

Unless excluded by Section 33.445.720, When Community Design Standards May Not Be Used, proposals that meet all of the requirements of this section may use the Community Design Standards as an alternative to historic resource review.

A. Location. The proposal is:

1. A Conservation Landmark located outside of the Central City plan district;
2. In a Conservation District; or
3. In the Albina Community plan district shown on Map 505-1.

B. Maximum limits. The proposal is within the maximum limits of Table 445-1.

Table 445-1	
Maximum Limits for Use of the Community Design Standards	
Zones	Maximum Limit—New Dwelling Units or Floor Area
Single Dwelling Zones	5 dwelling units
R2 & R3 Zones	10 dwelling units
R1, RH, RX, C, & <u>E, & CI</u> Zones	20,000 sq. ft. of floor area
I Zones	40,000 sq. ft. of floor area
IR Zone	See institution's Impact Mitigation Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none">• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade.• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	See institution's Impact Mitigation Plan.

33.445.720 When Community Design Standards May Not Be Used.

The Community Design Standards may not be used as an alternative to historic resource review as follows:

- A.** For institutional uses in residential and IR zones, except when specifically allowed by an approved Impact Mitigation Plan or Conditional Use Master Plan;

B.-F. [No Change]

Commentary

33.450 Light Rail Transit Station Zone

Deleting this chapter because the overlay zone is not applied anywhere in the city.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.450 Light Rail Transit Station Zone

450

Sections:

General

~~33.450.010 Purpose~~

~~33.450.020 Short Name and Map Symbol~~

~~33.450.030 Where These Regulations Apply~~

Use Regulations

~~33.450.300 Prohibited Uses~~

Development Regulations

~~33.450.400 Prohibited Development~~

~~33.450.410 Minimum Floor Area Ratio~~

~~33.450.420 Minimum and Maximum Parking Requirements~~

~~33.450.430 Location of Vehicle Access~~

~~33.450.440 Improvements Between Buildings and the Street~~

~~33.450.450 Ground Floor Windows~~

General

33.450.010 Purpose

The Light Rail Transit Station overlay zone encourages a mixture of residential, commercial, and employment opportunities within identified light rail station areas. The zone allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, and ensuring a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians.

These regulations are temporary; they will be revised at the completion of a regional effort to develop station area plans.

33.450.020 Short Name and Map Symbol

The Light Rail Transit Station zone is also referred to as the LRT zone, and is shown on the Official Zoning Maps with a "t" map symbol.

33.450.030 Where These Regulations Apply

The regulations of this chapter apply to the LRT zone.

Commentary

33.450 Light Rail Transit Station Zone

Deleting this chapter because the overlay zone is not applied anywhere in the city.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Use Regulations

33.450.300 Prohibited Uses

- ~~A.~~ The following uses are prohibited on the portion of a site within 500 feet of a light rail alignment:
- ~~1.~~ Vehicle Repair uses; and
 - ~~2.~~ Sale or lease of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, travel trailers, and other recreational vehicles. Offices for sale or lease of vehicles, where the vehicles are displayed or stored elsewhere are allowed.
- ~~B.~~ The following uses are prohibited on the portion of a site within 200 feet of a light rail alignment:
- ~~1.~~ Commercial Parking, surface or structured; and
 - ~~2.~~ Accessory parking on a surface lot.

Development Regulations

33.450.400 Prohibited Development

- ~~A.~~ Drive-through facilities.
- ~~B.~~ Exterior display of goods and exterior storage on the portion of a site within 500 feet of a light rail alignment. Outdoor seating for restaurants and pedestrian-oriented accessory uses, such as flower, food, or drink stands, are exempt from this requirement.

33.450.410 Minimum Floor Area Ratio

The minimum floor area ratio (FAR) for all new development is 1 to 1. Expansions of existing development are exempt from this FAR minimum.

33.450.420 Minimum and Maximum Parking Requirements

- ~~A.~~ **Minimum number of parking spaces.** On the portion of a site within 500 feet of a light rail alignment, the minimum number of parking spaces is 50 percent of the required parking spaces stated in Table 266-1 of Chapter 33.266, Parking and Loading.
- ~~B.~~ **Maximum number of parking spaces.** The number of parking spaces for non-residential uses in the LRT zone may not exceed 150 percent of the required parking spaces stated in Table 266-2 of Chapter 33.266, Parking and Loading.

33.450.430 Location of Vehicle Access

Parking access near a light rail alignment. New motor vehicle access to any parking area is prohibited within 75 feet of a light rail alignment. Location of vehicle areas is regulated by Chapter 33.266, Parking and Loading.

Commentary

33.450 Light Rail Transit Station Zone

Deleting this chapter because the overlay zone is not applied anywhere in the city.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~33.450.440~~ Improvements Between Buildings and the Street

The land between a building or exterior improvement and a street must be landscaped to at least the L1 standard and/or hard surfaced for use by pedestrians. If hard surfaced, the area must contain pedestrian amenities such as benches, drinking fountains, and/or other design elements (such as public art, planters, and kiosks) and be physically separated from parking areas by a 3-foot deep area landscaped to at least the L2 standard. Bicycle parking may be located in the area between a building and a street lot line when the area is hard surfaced.

~~33.450.450~~ Ground Floor Windows

The ground floor window standards of 33.130.230.B.2 apply to all development in the RH, C, and E base zones.

(Amended by: Ord. No. 167464, effective 4/15/94; Ord. No. 169763, effective 3/25/96; Ord. No. 174263, effective 4/15/00; Ord. No. 178172, effective 3/5/04.)

Commentary

33.471.020 Map Symbol

Amendment changes the map abbreviation for the overlay zone. This amendment changes the letter from "l" to "k" because a lower case L reads as and upper case I on the zoning maps which could lead to confusion about zoning.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.471 Prime Industrial Overlay Zone

471

33.471.020 Map Symbol

The Prime Industrial overlay zone is shown on the Official Zoning Maps with the “ik” symbol.

Commentary

33.480.040

Amendment adds reference to the *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.480 Scenic Resource Zone

480

33.480.040 Development Standards

The development standards of the Scenic Resource zone apply based on the mapping designations shown in the *Scenic Resources Protection Plan*. The standards for each subsection below apply only to areas with that designation in the Plan. The resource is defined as the width of the right-of-way or top of bank to top of bank for scenic corridors. Setbacks are measured from the outer boundary of the right-of-way unless specified otherwise in the ESEE Analysis and as shown on the Official Zoning Maps. In some cases, more than one development standard applies. For example, within a scenic corridor, a view corridor standard will apply where a specific view has been identified for protection.

A. [No Change]

B. Scenic Corridors. All development and vegetation with a scenic corridor designation in the *Scenic Resources Protection Plan* are subject to the regulations of this Subsection.

1. [No Change]

2. Standards.

- a. Scenic Corridor Setback. A scenic corridor setback per Table 480-1 applies along street lot lines that abut the Scenic Corridor identified in the *Scenic Resources Protection Plan*.

Table 480-1 Scenic Corridor Setback [1]	
Zone	Minimum Setback from Street Lot Line
IR, <u>CI</u>	1' per 2' of building height, not less than 10'
R1	3'
EG1, IH	5'
EG2, IG2	25'
All other base zones	20'

- [1] Larger minimum setbacks in overlay zone and plan district supersede this setback

b.-h. [No Change]

Commentary

33.505.210 Off-Site Impacts in the EX Zone

This section is being deleted because it is redundant. Chapter 33.262, Off-Site Impacts, applies to all nonresidential uses in all zones if the use causes off-site impacts on uses in the R, C, and OS zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.505 Albina Community Plan District

505

Sections:

General

33.505.010 Purpose

33.505.020 Where These Regulations Apply

Use Regulations

33.505.100 Commercial Uses in the RH Zone

Development Standards

33.505.200 Minimum Density Standards

~~33.505.210 Off-Site Impacts in the EX Zone~~

33.505.220 Parking Requirement Reduction

33.505.230 Attached Residential Infill on Vacant Lots in R5 Zoned Areas

33.505.240 Design Review and Community Design Standards

33.505.245 When Community Design Standards May Be Used

33.505.248 When Community Design Standards May Not Be Used

Map 505-1 Albina Community Plan District

~~33.505.210 Off-Site Impacts in the EX Zone~~

~~A. **Purpose.** In recognition of the fact that EX-zoned areas of the Albina Community plan district contain existing (and may in the future contain new) residential, commercial and industrial uses, the off-site impacts of industrial activities must be limited. These limitations protect the economic viability and residential livability of the area.~~

~~B. **Nonresidential uses in the EX zone.** Industrial uses that cause off-site impacts are required to meet the standards of Chapter 33.262 Off-Site Impacts. These off-site impact standards must be met at the property line of the site.~~

Commentary

33.505.220 Parking Requirement Reduction

Other provisions of the zoning code exempt sites that are close to transit from providing any parking. This amendment ensures that the plan district regulation does not require design review in order to take advantage of the other parking exemption provisions.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.505.220 Parking Requirement Reduction

- A. Purpose.** The reduction of parking requirements is offered to allow development that is more compatible with Albina's older neighborhoods than projects built with one or more parking spaces. New housing developed without parking will also cost less than comparable housing built with off-street parking. Reducing the cost of housing will help increase affordable housing within the plan district. Performance of these provisions and any problems associated with them will be reviewed when this plan district is reviewed for timeliness.
- B. Where these regulations apply.** The provisions of this section apply in areas zoned R2.5, R2 and R1 that are more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service.
- C. Regulations.** New residential developments may be built without off-street parking when the following requirements are met:
1. The lot on which the project is built must be 7,500 square feet or smaller in size;
 2. There will be no more than 5 dwelling units on the lot when the project is complete;
 3. If there are existing dwelling units on the site with parking the parking provided for the existing dwellings must not be reduced to less than one space per dwelling unit or the existing number of spaces, whichever is less; and
 4. Design review required.
 - a. Generally. Proposals taking advantage of the provisions of this section must be approved through design review or meet the Community Design Standards in Chapter 33.218, as set out in Section 33.505.240, Design Review and Community Design Standards, below; and
 - b. Exception. If the site is a Historic or Conservation Landmark, or in a Historic or Conservation District, it is subject to the regulations for historic resource review as set out in Chapter 33.445, Historic Resource Overlay Zone.

Commentary

33.508.120 Additional Allowed Uses

Amendment makes this use allowance consistent with changes to the EG use allowances in the base zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.508 Cascade Station/Portland International Center Plan District

508

33.508.120 Additional Allowed Uses

A. [No Change]

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

~~1. In the IG2 zone, the following additional uses are allowed:~~

~~a. Office Uses;~~

~~b2. Aviation and Surface Passenger Terminals, except parking for passengers; and~~

~~c3. Car rental facilities including operations, service, storage and refueling facilities.~~

~~2. In the EG2 zone, the following additional uses are allowed:~~

~~a. Office uses; and~~

~~b. Retail Sales And Service Uses.~~

Commentary

33.515.120 Commercial Uses

This amendment revises the retail use limit in the Columbia South Shore Plan District to be consistent with the EG base zone retail use limitation of 20,000 square feet that was adopted in December 2016 with the Comp Plan code amendments.

33.515.130

Amendment changes the zone reference from the old commercial zone *CG* to the new commercial/mixed use zone *CE*.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.515 Columbia South Shore Plan District

515

33.515.120 Commercial Uses

- A.** Retail Sales And Service uses in the EG2 zone are limited to ~~25,000~~20,000 square feet or less of net building area including any exterior storage or nonconforming exterior display per site. The ~~25,000~~20,000 square foot limitation does not apply to hotels or motels.

B.-C. [No Change]

33.515.130 Additional Conditional Uses

A. Columbia Riverfront.

1. Conditional uses. The uses listed below are allowed in the RF zone through a conditional use review. The uses are:
 - a. Marinas;
 - b. Rental of recreational equipment; and
 - c. Houseboat moorages.
2. Regulations.
 - a. These uses are subject to the development standards of the ~~EGCE~~ zone.
 - b. The applicant must obtain separate approvals for building on or riverward of any flood control structure, including dikes, from the Oregon Division of State Lands, the U.S. Army Corps of Engineers, and Multnomah County Drainage District No. 1.
3. Conditional use approval criteria. Requests are subject to the same approval criteria as for other conditional uses in residential zones, found in 33.815.105. Compatibility with the scenic and functional qualities of the Columbia River and Marine Drive will be considered in lieu of considering the compatibility with adjacent residential development, stated in criterion 33.815.105.B.

B.-D. [No Change]

Commentary

33.515.205 Airport Way Streetscape

This sentence is being removed because the plan district boundary does not extend west of I-205.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.515.205 Airport Way Streetscape

- A. Purpose.** Special streetscape standards for NE Airport Way are intended to enhance and strengthen the image of the plan district; unify public and private improvements; and provide for a safe, comfortable, and attractive pedestrian environment.

The Airport Way streetscape embodies the following themes:

- Integrating public and private frontage landscaping;
- Minimizing the visual impact of certain exterior development activities;
- Limiting the size, number, and types of signs; and
- Providing on-site pedestrian circulation.

- B. Where the regulations apply.** East of Interstate 205, the Airport Way streetscape standards apply to sites within 300 feet of NE Airport Way. ~~The standards do not apply west of Interstate 205.~~ The Airport Way streetscape standards supersede less restrictive regulations of this or other chapters.

C.-D. [No Change]

Commentary

Map 515-1

Map 515-1 (1 of 2 and 2 of 2) is being replaced because the Industrial Business Opportunity Subdistrict boundary has been amended to conform to the updated zoning in the plan district.

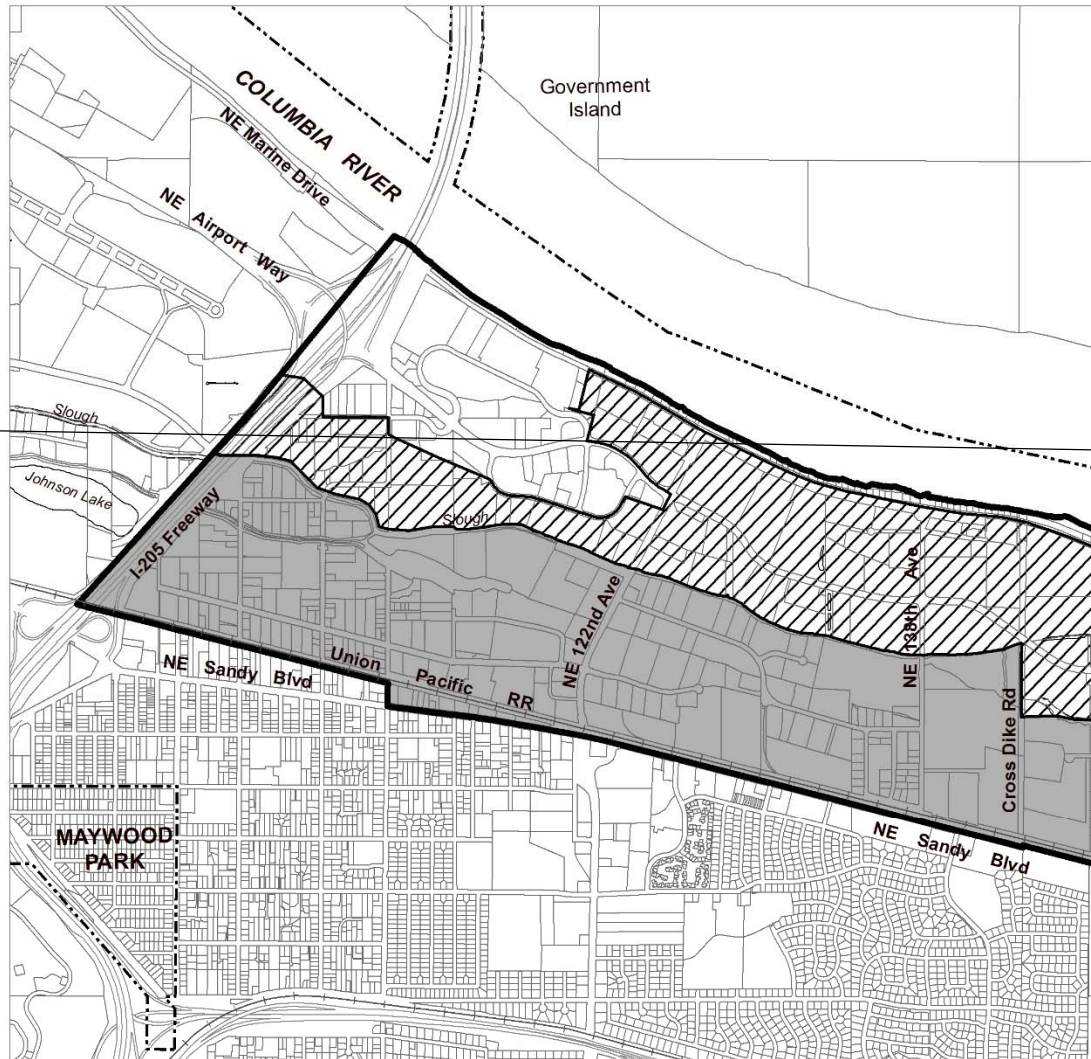
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)





**Columbia South Shore
Plan District and Subdistricts**

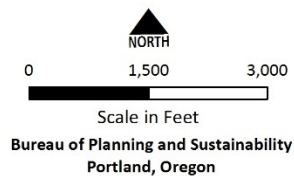
Map 515-1

Map 1 of 2

Map Revised January 1, 2015



-  City Boundary
-  Plan District Boundary
-  Industrial Business Opportunity Subdistrict
-  Southern Industrial Subdistrict



Commentary

Map 515-1

This is the new Map 515-1 (1 of 2).

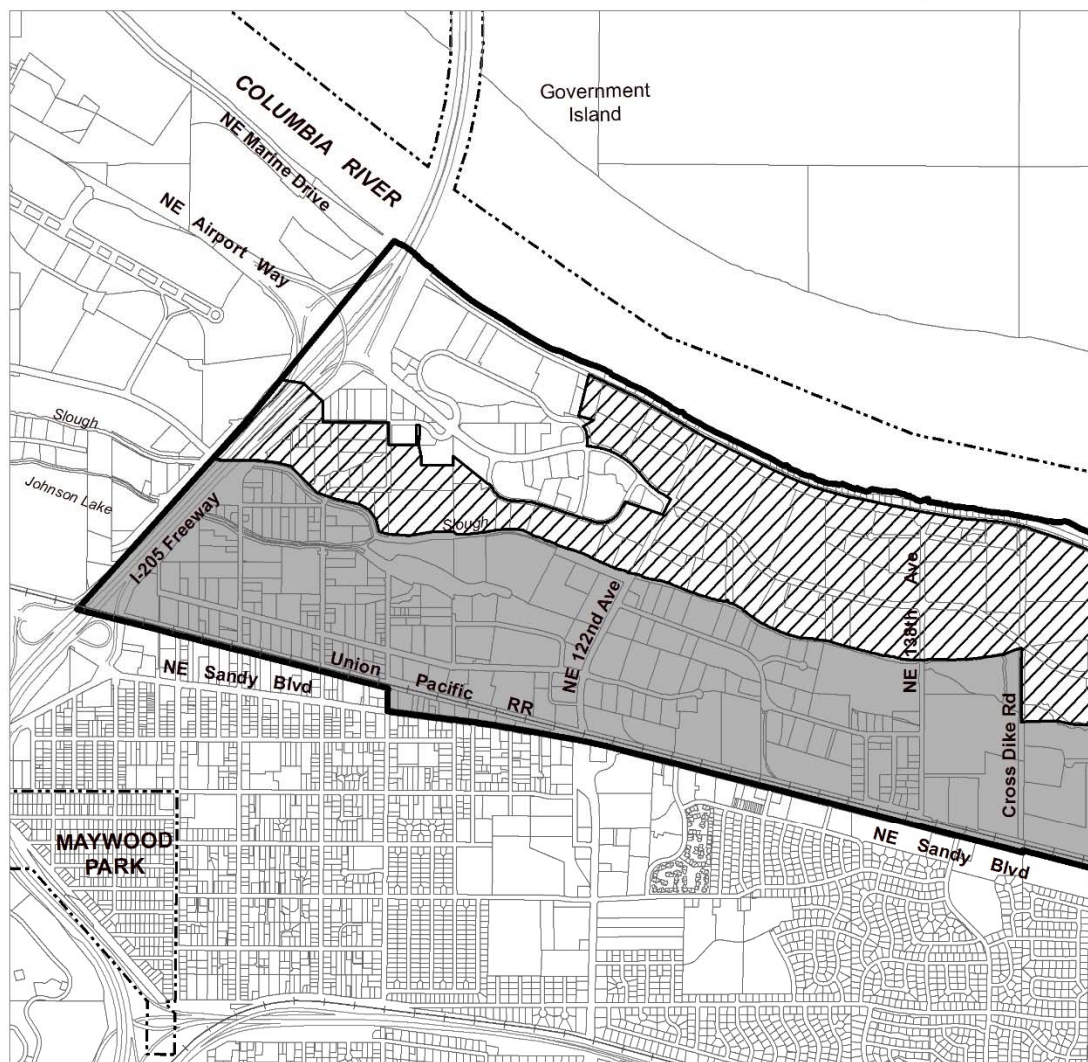
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)




**Proposed Columbia South Shore
Plan District and Subdistricts**

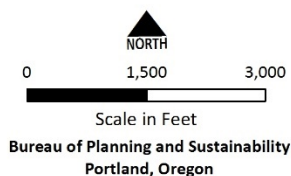
Map 515-1

Map 1 of 2

Map Revised xxxx, 201x



- City Boundary
-  Plan District Boundary
-  Industrial Business Opportunity Subdistrict
-  Southern Industrial Subdistrict



Commentary

Map 515-1

Map 515-1 (1 of 2 and 2 of 2) is being replaced because the Industrial Business Opportunity Subdistrict boundary has been amended to conform to the updated zoning in the plan district.

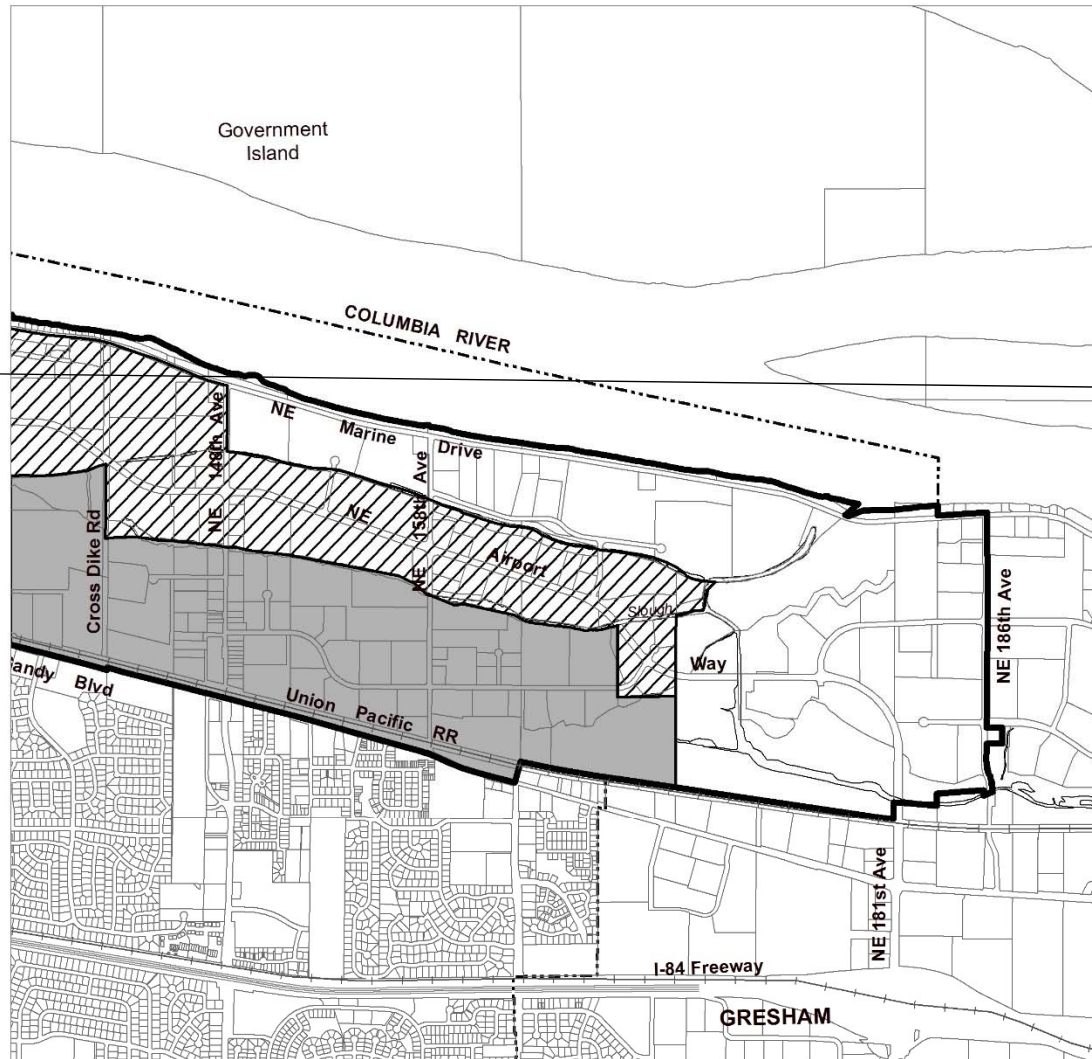
Recommended Code Amendments
(added text is underlined>, deleted text is shown with ~~strikethrough~~)




**Columbia South Shore
Plan District and Subdistricts**

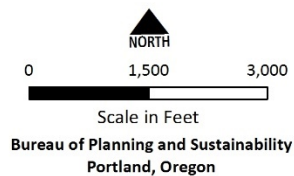
Map 515-1

Map 2 of 2

Map Revised January 1, 2015



- City Boundary
-  Plan District Boundary
-  Industrial Business Opportunity Subdistrict
-  Southern Industrial Subdistrict



Commentary

Map 515-1

This the new Map 515-1 (2 of 2).

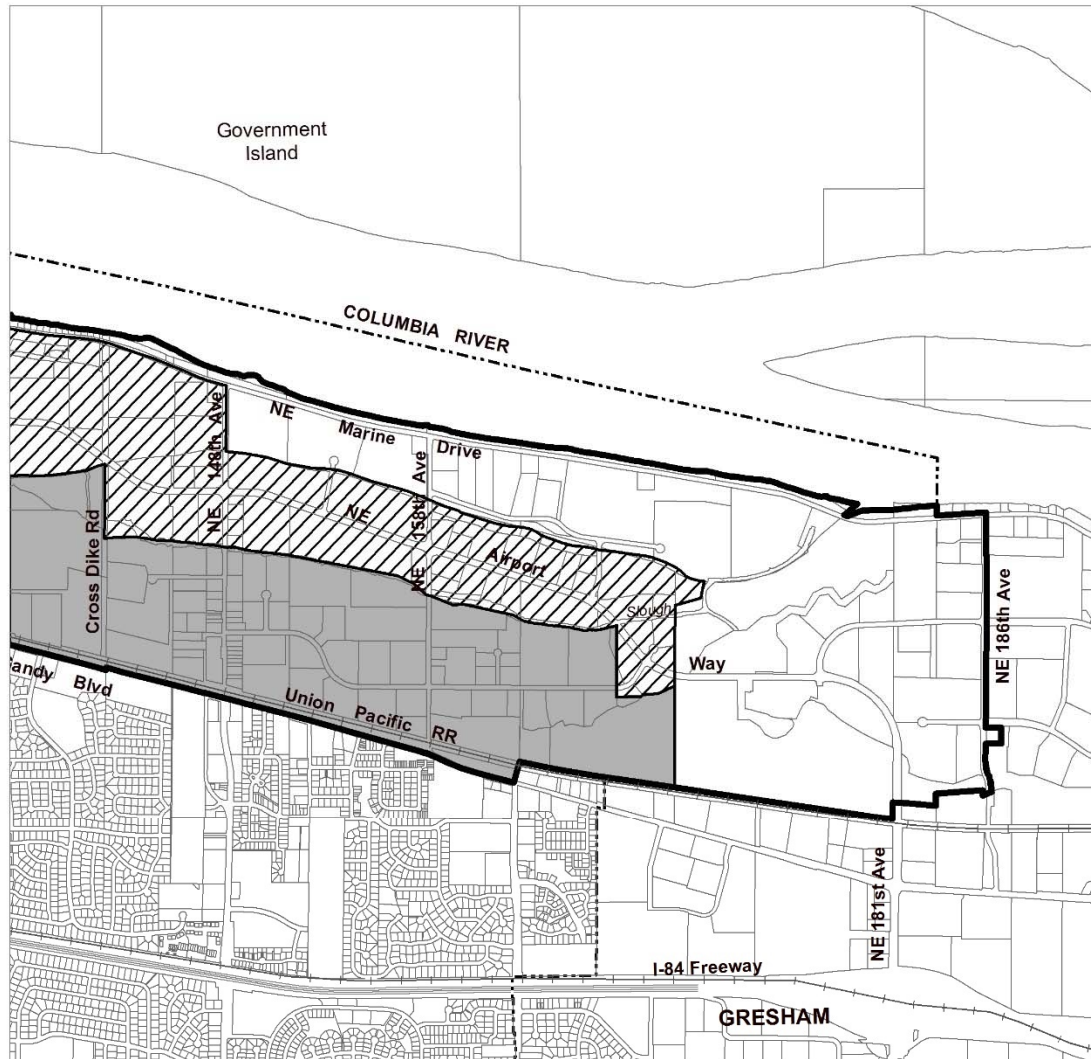
Recommended Code Amendments
(added text is underlined>, deleted text is shown with strikethrough)

**Proposed Columbia South Shore
Plan District and Subdistricts**

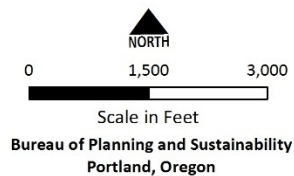
Map 515-1

Map 2 of 2

Map Revised xxxx, 201x



- City Boundary
- Plan District Boundary
- Industrial Business Opportunity Subdistrict
- Southern Industrial Subdistrict



Commentary

Map 515-4

Map 515-4 has been updated to reflect the adopted Columbia Slough Trail alignment.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

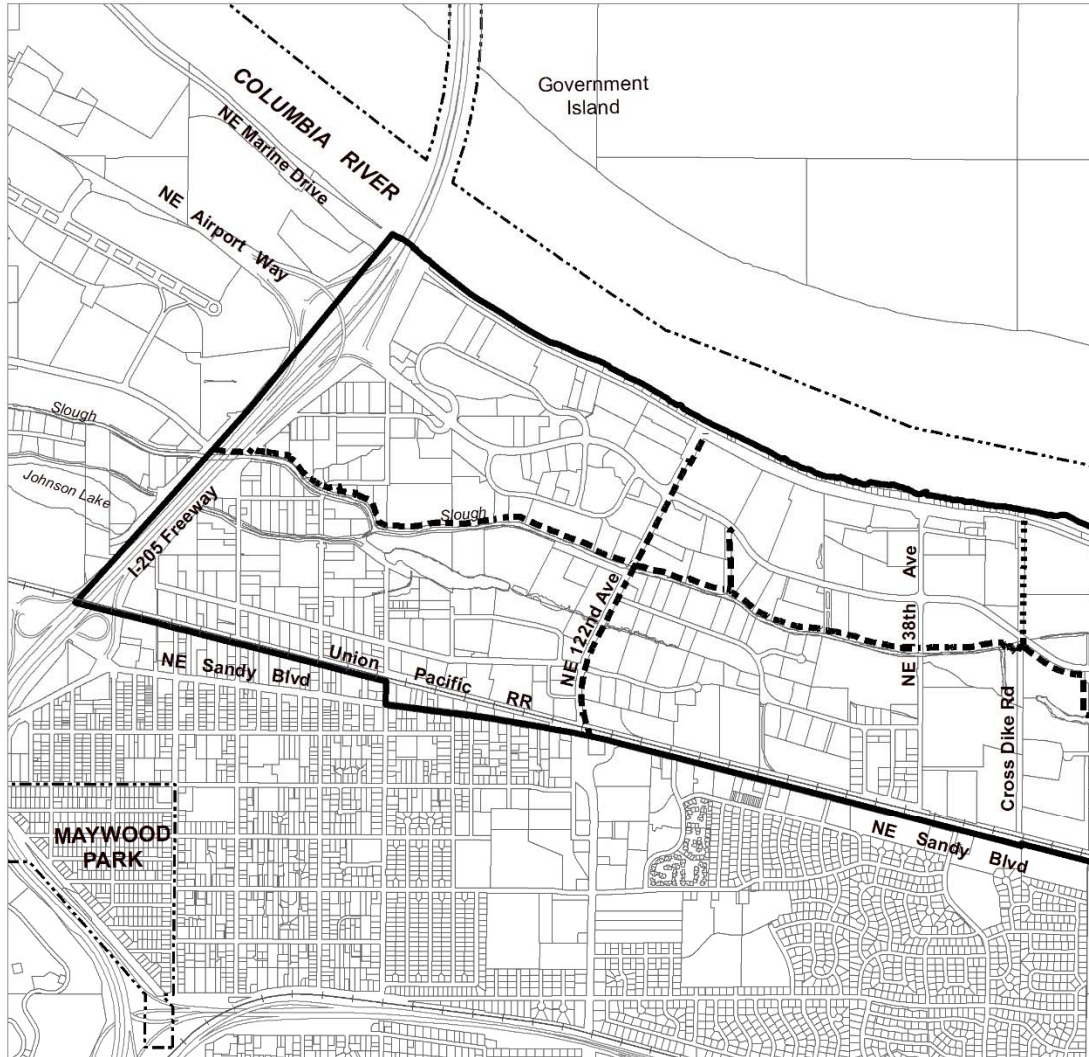
**Columbia South Shore
Slough Trail**

Map 515-4

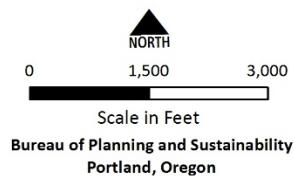
Map 1 of 2

Code reference: 33.272.030.B; 33.515.260.A; 33.515.260.B; 33.515.260.C

Map Revised xxxx, 201x



- City Boundary
- Plan District Boundary
- - - Columbia South Shore Slough Trail
- Cross-Levee Recreation Trail



Commentary

Map 515-4

Map 515-4 has been updated to reflect the adopted Columbia Slough Trail alignment.

Recommended Code Amendments
(added text is underlined>, deleted text is shown with strikethrough)

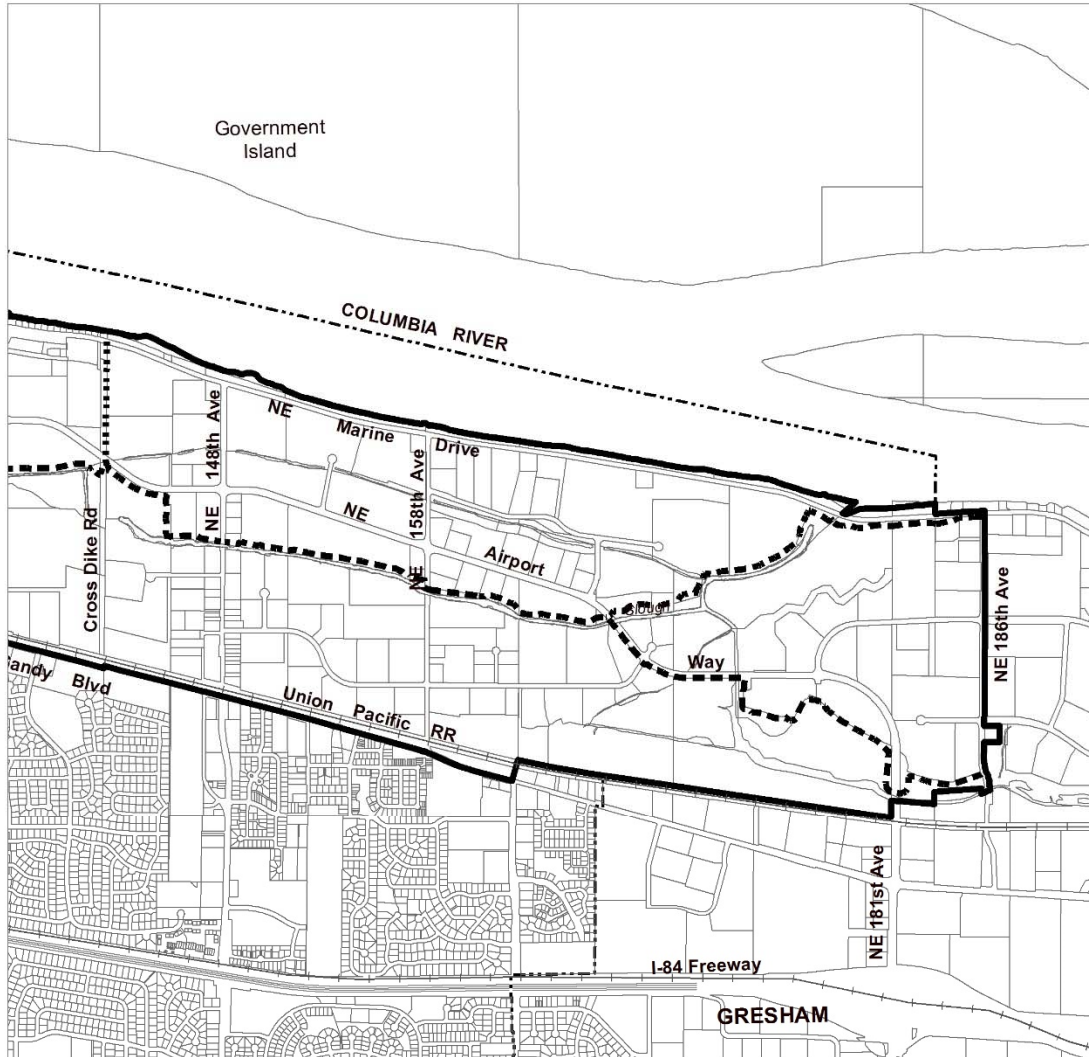
**Columbia South Shore
Slough Trail**

Map 515-4

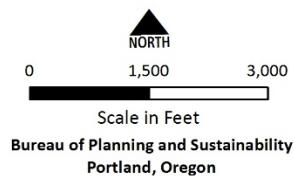
Map 1 of 2

Code reference: 33.272.030.B; 33.515.260.A; 33.515.260.B; 33.515.260.C

Map Revised xxxx, 201x



- City Boundary
- Plan District Boundary
- Columbia South Shore Slough Trail
- Cross-Levee Recreation Trail



Commentary

33.521.220 Floor Area Ratios

Amending FAR and bonus provisions to be consistent with Commercial/Mixed Use zoning approach and the Inclusionary Housing bonus approach. Overall floor area allowances are generally maintained in the plan district. However, some properties that were zoned CN1, CN2 and CS are proposed to transition to new base zone allowances rather than the specified FAR allowances in the plan district. See Maps 521-2 and 521-3. The bonuses for housing near the light rail stations have been adapted to the Inclusionary Housing approach.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.521 East Corridor Plan District

521

33.521.220 Floor Area Ratios

- A. Purpose.** These regulations encourage more intense development near light rail stations. This increased development opportunity promotes higher density development at the station communities along the East Burnside light rail alignment. In addition, the standards also include a minimum density on some sites in order to ensure a minimum level of development.
- B. Maximum floor area ratio.** The maximum floor area ratios (FAR) are shown on Map 521-3 at the end of this chapter. ~~In the Ventura Park Pedestrian District, where at least 80 percent of the proposed floor area on the site will be in Residential uses, an additional 2:1 FAR is allowed.~~
- C. Minimum floor area ratio.** The minimum floor area ratios (FAR) for all new development are shown on Map 521-3 at the end of this chapter.
- D. FAR bonus.** The following FAR bonus options apply to sites shown on Map 521-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. On sites located outside of the Ventura Park Pedestrian District, an increase in FAR through the use of bonuses of more than 1 to 1 is prohibited. An increase of more than 2 to 1 is prohibited on sites located inside the Ventura Park Pedestrian District.
 2. FAR bonus options:
 - a. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

33.521.260 Building Design

This amendment updates the reference to base zone ground floor window standards.

33.521.300 Additional Standards in the 122nd Avenue

The CX zones are changing to CM3 in this area and the amendments reflect this change.

Vehicle Repair is allowed in CM3 without size limits. The East Corrido Plan District requires that Vehicle Repair be on the same site as a Retail Sales and Service use (see 33.521.110.A) and this standard is intended to limit the size of such uses.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.521.260 Building Design

A.-B. [No Change]

C. Standards.

1. Street enclosure. In Pedestrian Districts and at intersections where City Walkways or transit streets cross another City Walkway or transit street:
 - a. The street-facing façade of primary structures must be within 12 feet of the street lot line.
 - b. Street-facing exterior façades must be at least 40 feet long and 16 feet high.
 - c. Sites with three or more street frontages must meet standard a. and b., above, on the two intersecting street frontages with the highest transit classifications. Where streets have the same transit classification, the applicant may choose on which two intersecting streets to meet the standard.
2. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of the base zone ~~Paragraph 33.130.230.B.2,~~ regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

33.521.300 Additional Standards in the 122nd Avenue Subdistrict

A.-D.[No Change]

E. Vehicle Repair in the CM3CX zone.

1. Purpose. Vehicle Repair uses are limited in size to ~~assure~~ensure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses.
2. ~~The size limitation of 33.130.100.B.5 does not apply to Vehicle Repair uses when auto sales in the Retail Sales And Service category are on the same site.~~ No more than 30,000 square feet of net building area in Vehicle Repair uses is allowed on a site.

Commentary

33.521.300 Additional Standards in the 122nd Avenue

The *CX* zones are changing to *CM3* in this area and the amendments reflect this change.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

F. Motor vehicle fuel sales in the CM3~~CX~~ zone.

1. Purpose. Auto-oriented uses are usually incompatible with an area that is intended to be oriented towards transit and pedestrian travel. However, if developed in conjunction with other uses it may result in the consolidation of auto trips and may allow sites to be used more efficiently. Some of the negative impacts of such development may be mitigated by providing additional landscaping, both as a buffer and to soften the entire site, and ensuring that other elements of design improve the pedestrian environment.
2. Motor vehicle fuel sales, including drive-through facilities associated with motor vehicle fuel sales, are allowed in the CM3~~CX~~ zone if the following are met. Drive-through facilities serving or associated with other uses are prohibited:
 - a.-f. [No Change]

Commentary

Map 521-2

Map 521-2 shows the height limits in the East Corrido Plan District. For sites that are not close to light rail stations, base zone height limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 100' height limits are maintained.

This is Map 521-2 (1 of 2) that is being deleted.

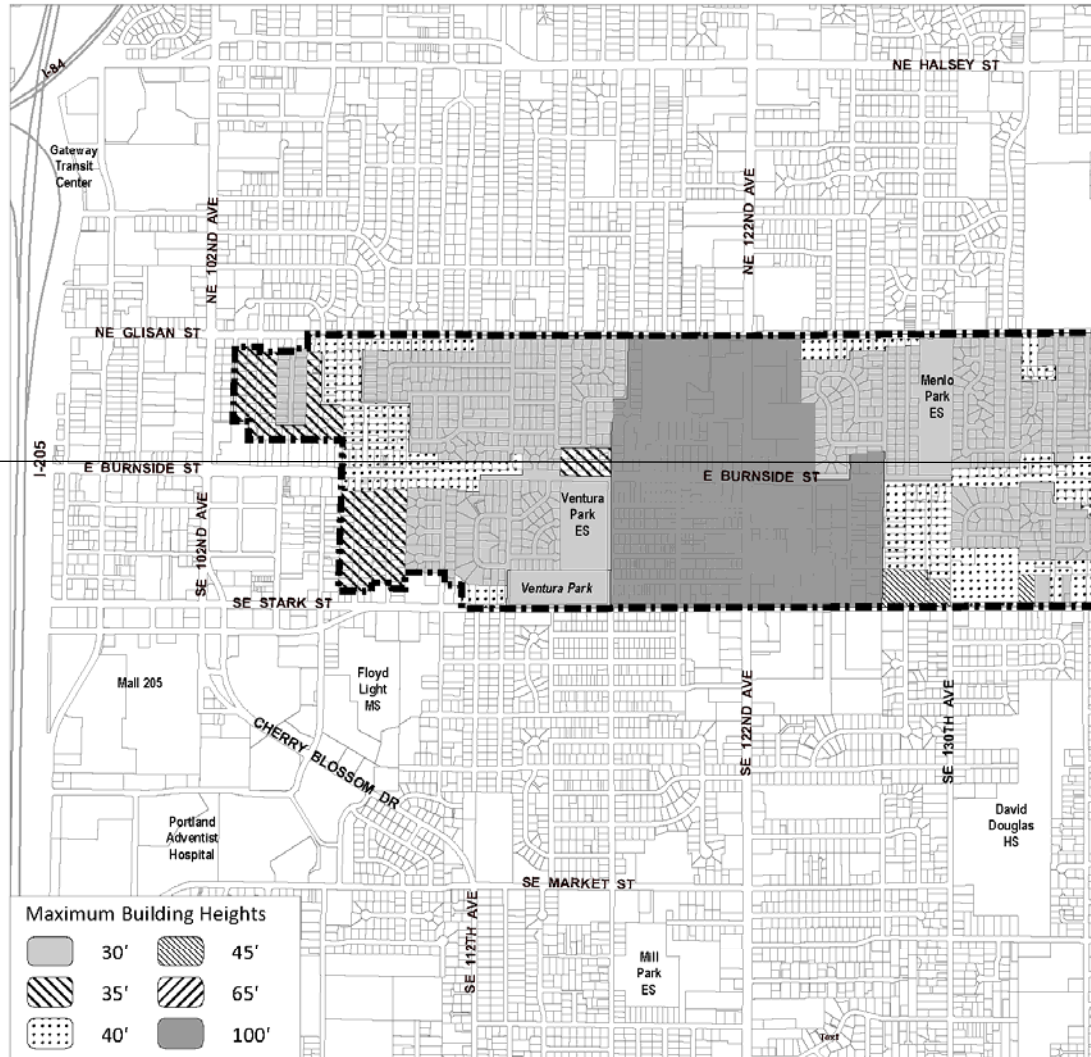
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~striketrough~~)

**East Corridor Plan District
Maximum Heights**


Map 521-2

Map 1 of 2

Map Revised June 5, 2015



 Plan District Boundary


NORTH
0 1,050 2,100
Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 521-2

Map 521-2 shows the height limits in the East Corrido Plan District. For sites that are not close to light rail stations, base zone height limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 100' height limits are maintained.

This is the new Map 521-2 (1 of 2)

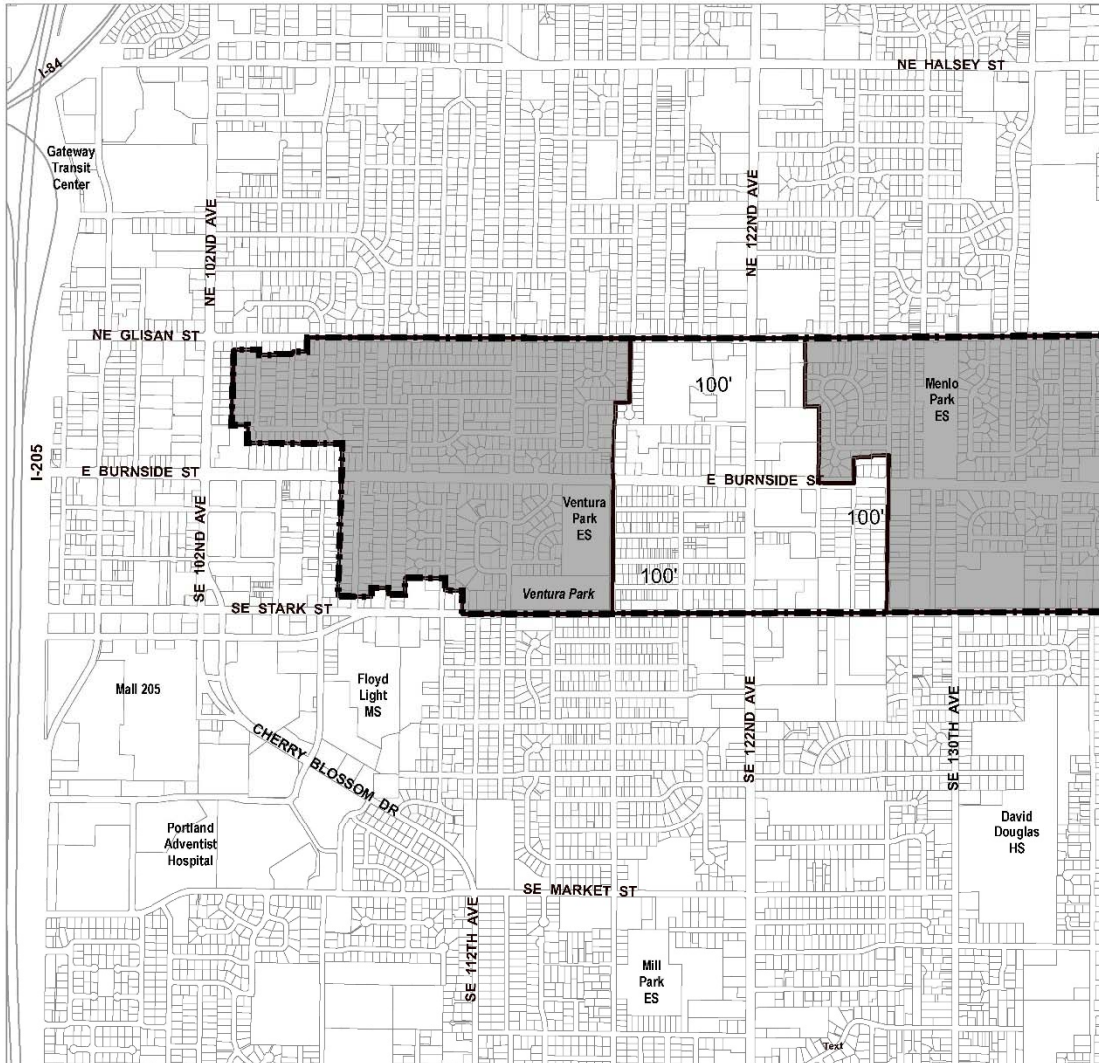
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)





**Draft East Corridor Plan District
Maximum Heights**

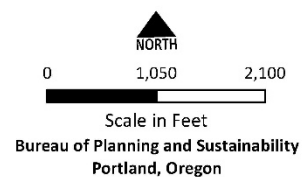
Map 521-2

Map 1 of 2

Map Revised xxxx, 201x



-  Plan District Boundary
-  Maximum building height boundary
-  Maximum building height
-  Area where base zone heights apply



Commentary

Map 521-2

Map 521-2 shows the height limits in the East Corrido Plan District. For sites that are not close to light rail stations, base zone height limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 100' height limits are maintained.

This is Map 521-2 (2 of 2) that is being deleted

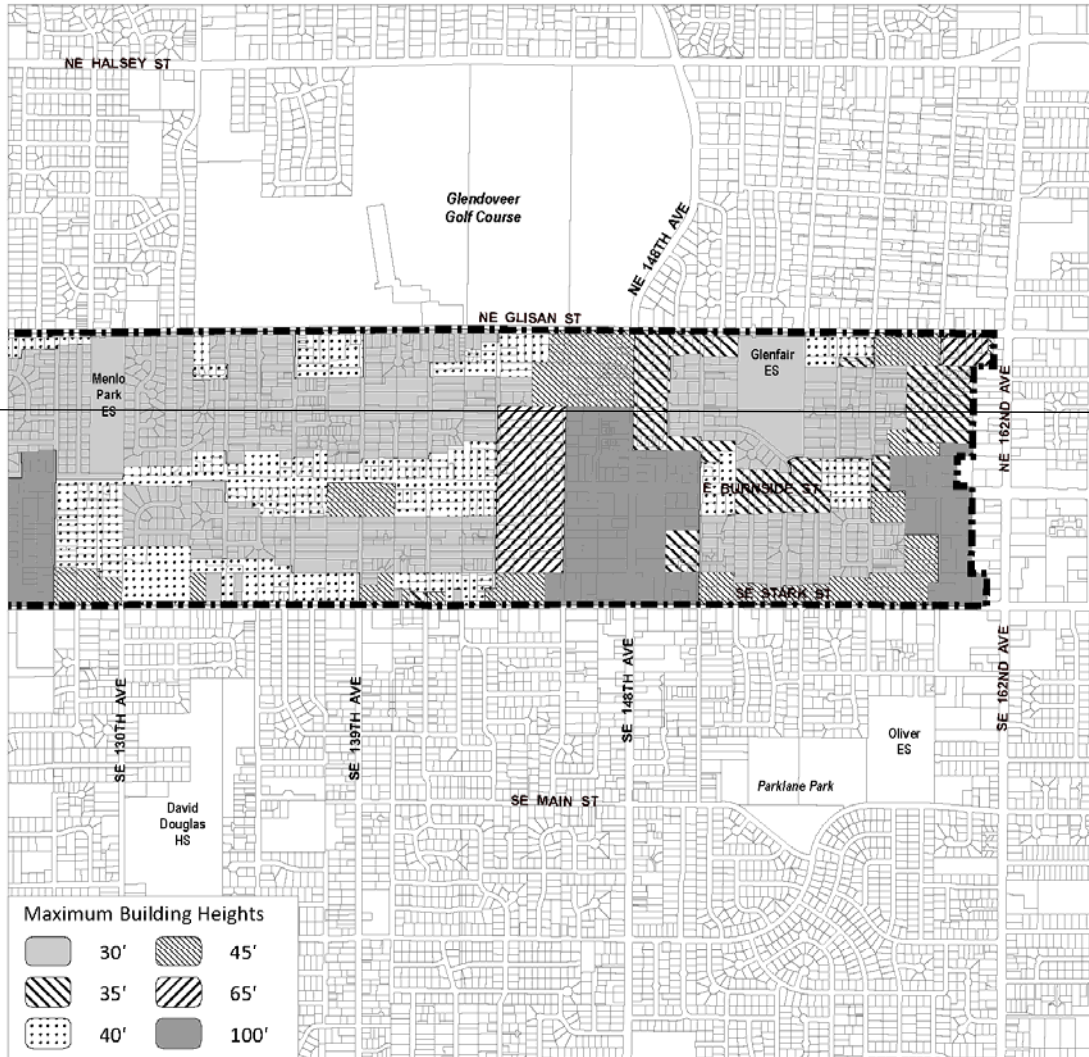
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**East Corridor Plan District
Maximum Heights**

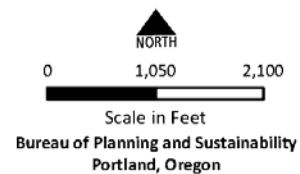
Map 521-2

Map 2 of 2

Map Revised June 5, 2015



 Plan District Boundary



Commentary

Map 521-2

Map 521-2 shows the height limits in the East Corrido Plan District. For sites that are not close to light rail stations, base zone height limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 100' height limits are maintained.

This is the new Map 521-2 (2 of 2).

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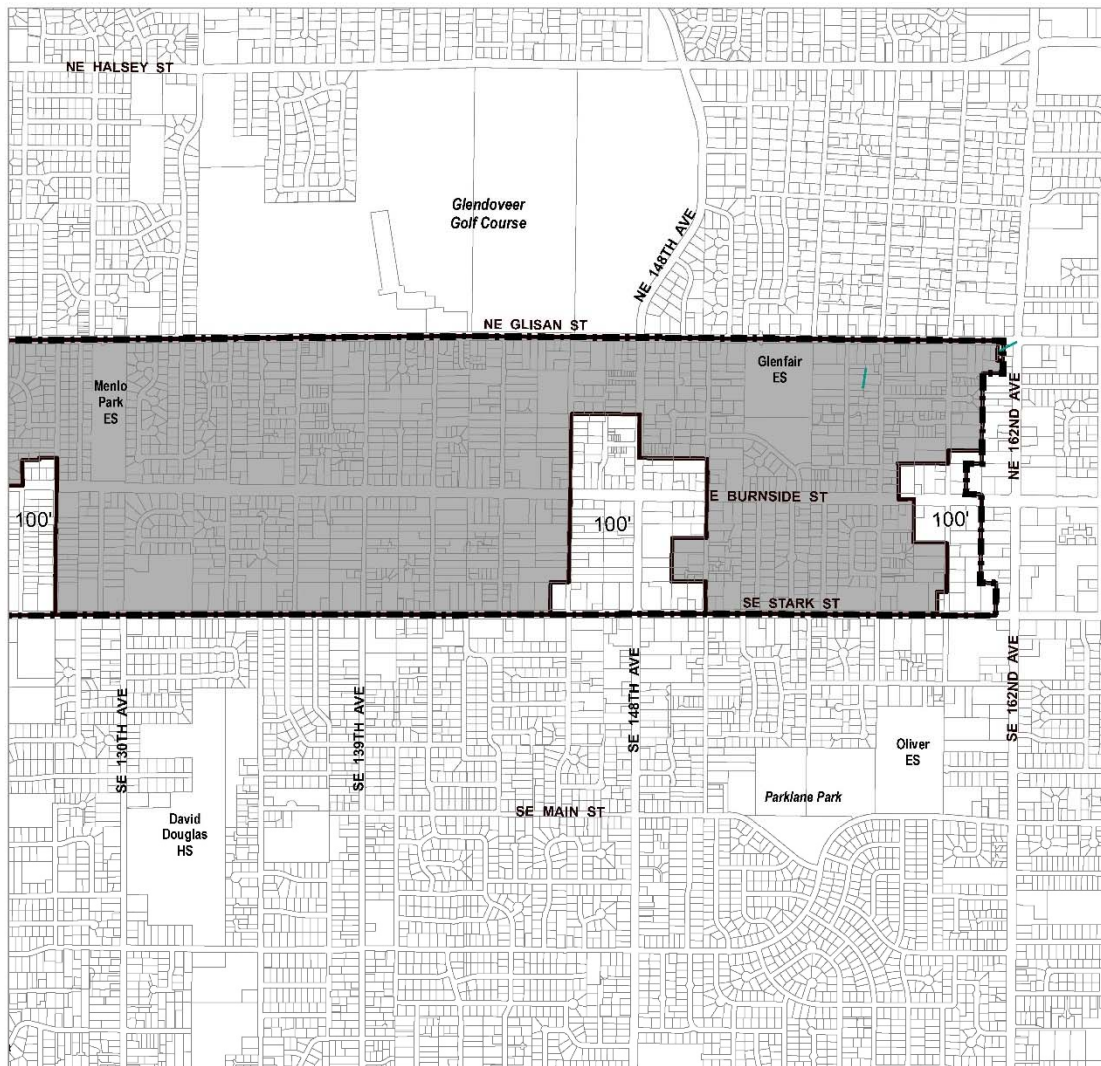
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)





**Draft East Corridor Plan District
Maximum Heights**

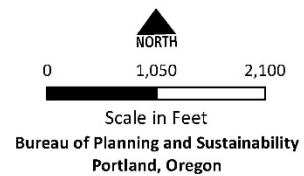
Map 521-2

Map 2 of 2

Map Revised xxxx, 201x



-  Plan District Boundary
-  Maximum building height boundary
-  Maximum building height
-  Area where base zone heights apply



Commentary

Map 521-3

Map 521-3 shows the floor area allowances in the East Corrido Plan District. The changes simplify the floor area allowances. For sites that are not close to light rail stations, base zone floor area and density limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 4:1 FAR are maintained, and bonus provisions for additional floor area for housing are included in the code 33.521.220.D.

This is Map 521-3 (1 of 2) that is being deleted.

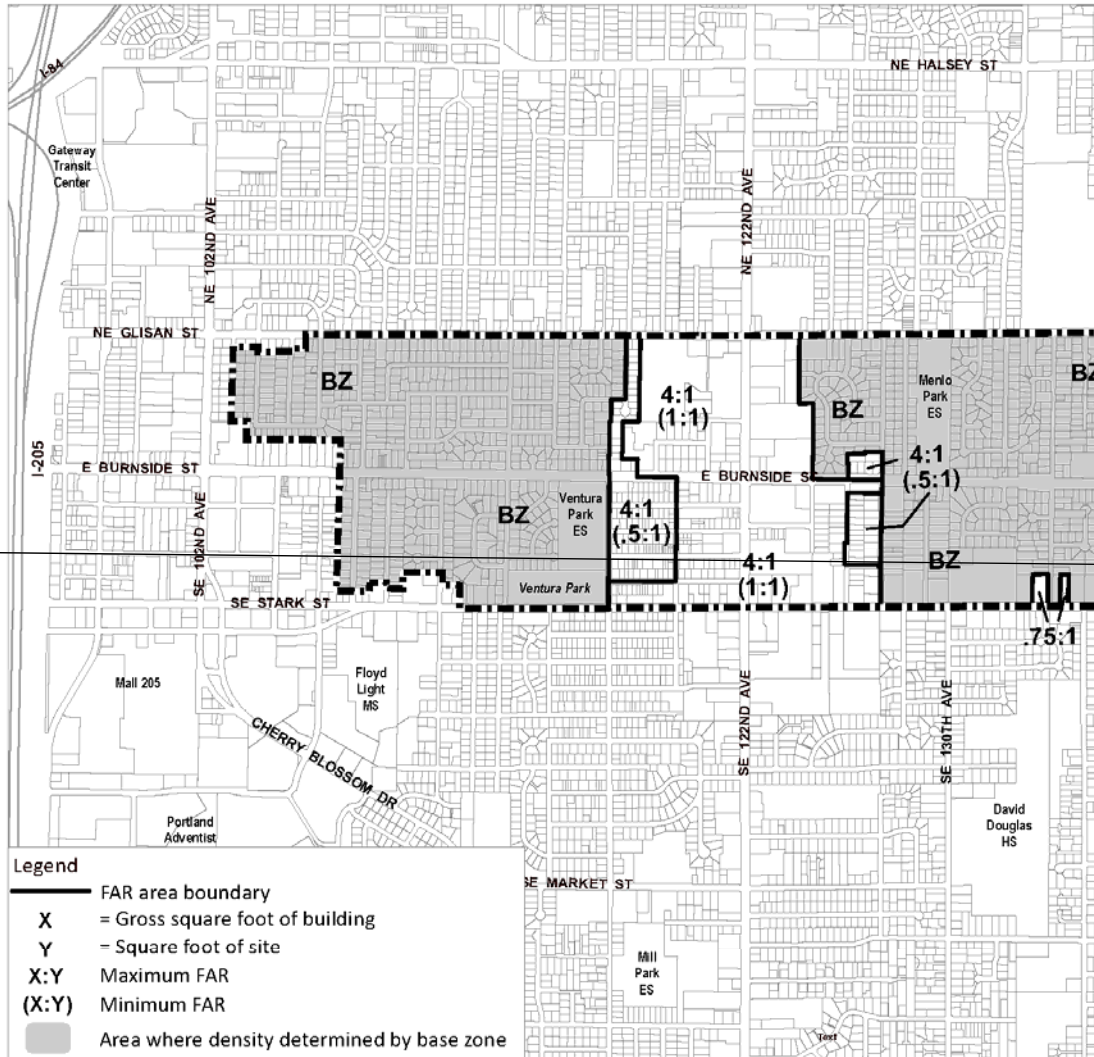
Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**East Corridor Plan District
Floor Area Ratios (FAR)**

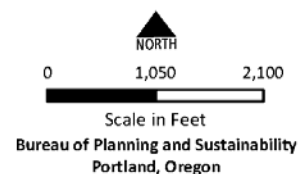
Map 521-3

Map 1 of 2

Map Revised June 5, 2015



Plan District Boundary



Commentary

Map 521-3

Map 521-3 shows the floor area allowances in the East Corrido Plan District. The changes simplify the floor area allowances. For sites that are not close to light rail stations, base zone floor area and density limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 4:1 FAR are maintained, and bonus provisions for additional floor area for housing are included in the code 33.521.220.D.

This is the new Map 521-3 (1 of 2)

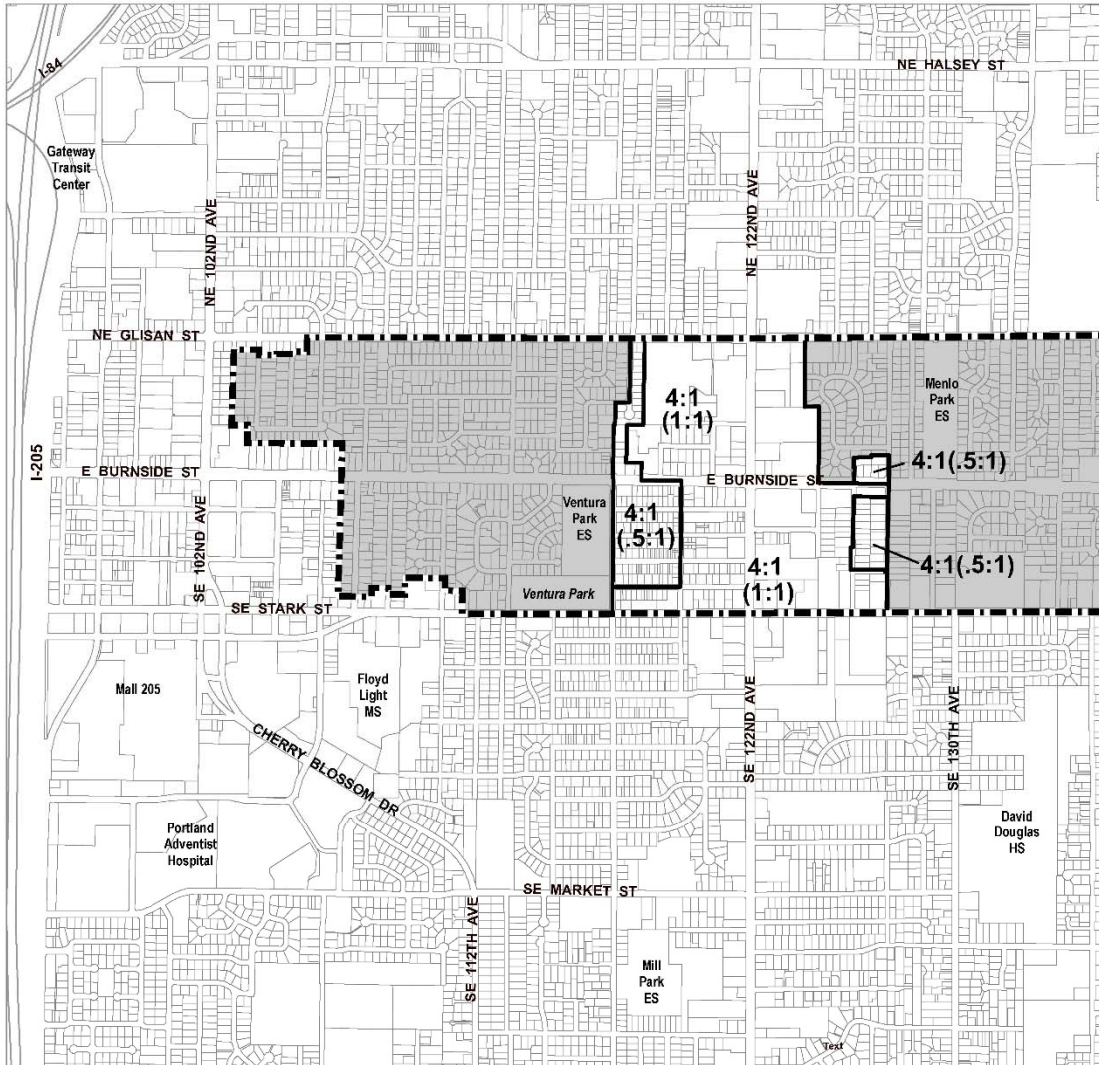
Recommended Code Amendments
(added text is underlined>, deleted text is shown with strikethrough)

**Draft East Corridor Plan District
Floor Area Ratios (FAR)**

Map 521-3

Map 1 of 2

Map Revised xxxx, 201x



Plan District Boundary



FAR area boundary



Area where density
determined by base zone

X:Y Maximum FAR

X = Gross square foot
of building

Y = Square foot of site

(X:Y) Minimum FAR



NORTH

0 1,050 2,100

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

Map 521-3

Map 521-3 shows the floor area allowances in the East Corrido Plan District. The changes simplify the floor area allowances. For sites that are not close to light rail stations, base zone floor area and density limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 4:1 FAR are maintained, and bonus provisions for additional floor area for housing are included in the code 33.521.220.D.

This is Map 521-3 (2 of 2) that is being deleted.

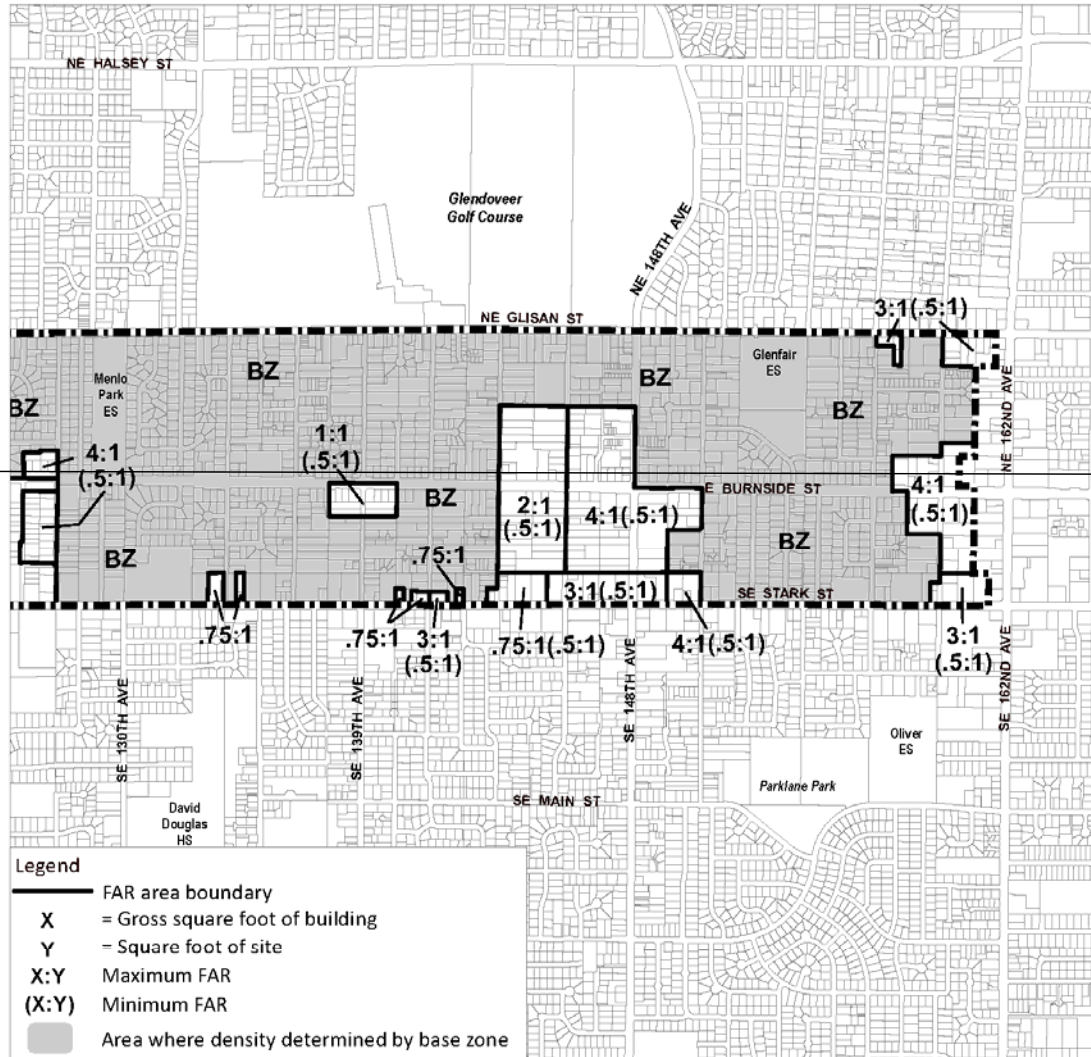
Recommended Code Amendments
(added text is underlined>, deleted text is shown with strikethrough)

**East Corridor Plan District
Floor Area Ratios (FAR)**

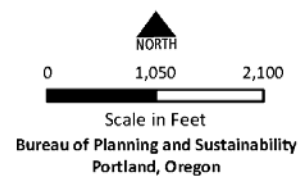
Map 521-3

Map 2 of 2

Map Revised June 5, 2015



Plan District Boundary



Commentary

Map 521-3

Map 521-3 shows the floor area allowances in the East Corrido Plan District. The changes simplify the floor area allowances. For sites that are not close to light rail stations, base zone floor area and density limits are proposed to apply. These limits are similar to those allowed by the current plan district allowances. Near the light rail station, areas that allowed 4:1 FAR are maintained, and bonus provisions for additional floor area for housing are included in the code 33.521.220.D.

This is the new Map 521-3 (2 of 2)

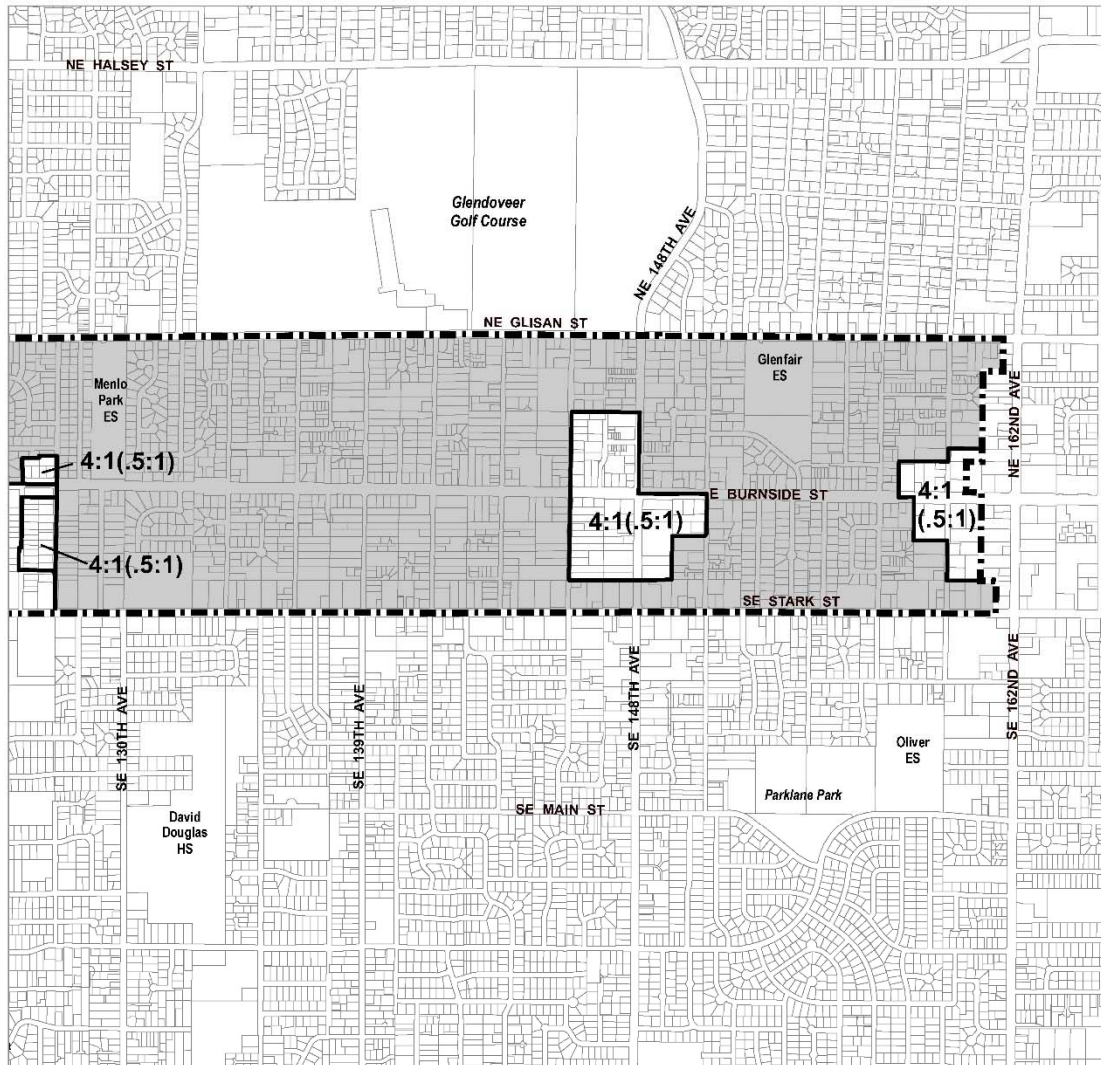
Recommended Code Amendments
(added text is underlined>, deleted text is shown with ~~strikethrough~~)




**Draft East Corridor Plan District
Floor Area Ratios (FAR)**

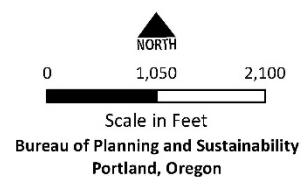
Map 521-3

Map 2 of 2

Map Revised xxxx, 201x



- | | | | |
|---|--|--------------|-------------------------------|
|  | Plan District Boundary | X:Y | Maximum FAR |
|  | FAR area boundary | X | Gross square foot of building |
|  | Area where density determined by base zone | Y | Square foot of site |
| | | (X:Y) | Minimum FAR |



Commentary

33.526.120 Retail Sales and Service and Office Uses

This amendment makes the wording consistent with the wording in 33.140, which was updated with RICAP 7.

33.526.220.B. Maximum floor area ratio

The maximum floor area ratios are amended to simplify the allowances. Also see 33.526.230 Floor Area and Height Bonus Options and Map 526-3. The floor areas are stated on Map 526-3, and bonuses for housing, up to 3:1 total, are allowed through 33.526.230.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.526 Gateway Plan District

526

33.526.120 Retail Sales and Service and Office Uses

- A. On sites in the EX zone, Retail Sales And Services uses are allowed up to 5,000 square feet of net building area for each use.
- B. On sites in the EG1 zone, Retail Sales and Service uses are allowed up to 5,000 square feet of floor area for each use, up to a total of 20,000 square feet or the square footage of the site, whichever is less~~1:1 FAR per site~~.
- C. On portions of sites zoned Institutional Residential,-IR, and within 1000 feet of the Main Street LRT Station, Retail Sales And Service uses are allowed up to 10,000 square feet of net building area for each use. The Retail Sales And Service uses must be included in a Conditional Use Master Plan or Impact Mitigation Plan for the site. Retail Sales And Service uses larger than 10,000 square feet of net building area for each use are prohibited.
- D. [No Change]

33.526.220 Floor Area Ratio

- A. **Purpose.** These regulations encourage intense development throughout the plan district with a higher level of intensity occurring around light rail stations. This increased development reinforces Gateway's role as a regional center. In addition, the standards ensure a minimum level of development on some sites.
- B. **Maximum floor area ratio.** The maximum floor area ratios (FAR) allowed are shown on Map 526-3 at the end of this chapter.
 - ~~1. On sites with a maximum FAR of 6:1 or less where at least 80 percent of the proposed floor area on the site will be in Residential uses, an additional 2:1 FAR is allowed.~~
 - ~~2. FARs greater than shown on Map 526-3 or allowed by Paragraph B.1 are prohibited unless allowed by Section 33.526.230.~~
- C. **Minimum floor area ratio.** The minimum floor area ratio (FAR) for new development is shown on Map 526-3.
- D. **Limit on increased floor area.** Increases in FAR, whether by transfers of floor area or bonus floor area options, of more than 3 to 1 are prohibited.

Commentary

33.526.230.B General Regulations

Amendments add reference to the RX zone, an existing zone in the Gateway plan district, and adds reference to the new Campus Institutional (CI) zone that has been applied to the Portland Adventist Hospital site.

33.526.230.C Bonus Floor Area Options

Amended to be consistent with new base zones and the Inclusionary Housing approach to IH bonuses, and amended to simplify the allowances. Also see 33.526.220 Floor Area Ratio and Map 526-3.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.526.230 Floor Area and Height Bonus Options

- A. Purpose.** Floor area and height bonus options are offered as incentives to encourage facilities and amenities that are desired around the light rail stations and on sites with a Gateway Master Plan.
- B. General regulations.**
1. Eligible sites. The ~~mandatory~~ inclusionary housing and ~~voluntary inclusionary~~ Affordable Housing Fund bonus options may be used in the R3, R2, R1, RH, ~~RX~~, commercial, ~~and EX~~, and CI2 zones in the Gateway plan district. The other bonus options may be used only in areas shown on Map 526-5, and on sites with a Gateway Master Plan.
 2. New floor area. Only new floor area is eligible for the bonuses unless specifically stated otherwise. Exceptions to the requirements and the amount of bonus floor area or height earned are prohibited.
 3. Number of bonus options. Proposals may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area.
 4. Maximum floor area increase. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.526.220.D.
 5. Maximum height increase. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 526-2 unless eligible for bonus height.
- C. Bonus floor area options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 526-3.
1. Mandatory inclusionary housing. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 2. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
1. ~~Mandatory inclusionary housing. Projects that trigger the requirements of 33.245, Inclusionary Housing earn an additional FAR of 3 to 1. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.~~
2. ~~Voluntary inclusionary housing. Projects that voluntarily provide affordable housing earn bonus FAR as follows:~~
- a. ~~An additional FAR of 3 to 1 is earned for projects the voluntarily provide affordable housing at one of the following rates. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets one of the standards stated above and any administrative requirements. The letter is required to be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of a building permit, and must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau:~~
- (1) ~~On-site affordable dwelling units. When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates:~~
- ~~10 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
 - ~~20 percent of the total number of new dwelling units or bedrooms on site must be affordable to those earning no more than 80 percent of the area median family income.~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (2) ~~Off-site affordable dwelling units in a new building. When the affordable dwelling units will be provided by constructing new dwelling units off-site, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~10 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income;~~
~~or~~
 - ~~20 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- (3) ~~Off-site affordable dwelling units in an existing building. When the affordable dwelling units will be provided by dedicating existing dwelling units that are off-site as affordable, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~15 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income;~~
~~or~~
 - ~~25 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- b. ~~Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. The Portland Housing Bureau collects and administers the Affordable Housing Fund, determines the fee per square foot, and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.~~
3. Open Space bonus option. [No Change]
4. Eco-roof bonus option. [No Change]

Commentary

33.526.230.D

No change. This section is included for context purposes.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- D. General bonus heights.** Bonus height is also earned in addition to the bonus floor area achieved through the bonus options. Bonus height is in addition to the maximum heights of Map 526-2. The height bonus allowed is based on the floor area bonuses and transfers listed in paragraph D.1., below. The amount of bonus height awarded is specified in paragraphs D.2. and D.3., below.
1. The height bonus allowed is based on the floor area bonus options of Subsection 33.526.230.C., above;
 2. In areas qualifying for a height bonus, on sites up to 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule:
 - a. For achieving a bonus floor area ratio of at least 1 to 1, but less than 2 to 1, a height bonus of 15 feet is earned.
 - b. For achieving a bonus floor area ratio of at least 2 to 1, but less than 3 to 1, a height bonus of 30 feet is earned.
 - c. For achieving a bonus floor area ratio of 3 to 1, a height bonus of 45 feet is earned.
 3. In areas qualifying for a height bonus, on sites larger than 40,000 square feet in area, the amount of bonus height awarded is based on the following schedule. The height bonus is applied only to the building where the bonus floor area is achieved or transferred, not to the entire site:
 - a. For achieving bonus floor area of at least 20,000 square feet, but less than 80,000 square feet, a height bonus of 15 feet is earned.
 - b. For achieving bonus floor area of at least 40,000 square feet, but less than 120,000 square feet, a height bonus of 30 feet is earned.
 - c. For achieving bonus floor area of 80,000 square feet or more, a height bonus of 45 feet is earned.

Commentary

33.526.270 Entrances

These amendments update the reference to Employment zones because some area zoned EX has been changed to EG through the Comprehensive Plan 2035 project and portions of the plan district have been changed to the new Campus Institutional (CI) zones.

33.526.290 Ground Floor Windows

This amendment corrects misuse of the word "which".

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

E. Bonus height option for housing.

1. Generally. In the areas eligible for bonus height shown on Map 526-5, building heights may be allowed to be greater than shown on Map 526-2 if the bonus height is for housing.
2. Standard. The maximum height bonus that may be allowed is 75 feet. Projects may use both the bonus height options of this subsection and Subsection D., above. However, if both options are used, the combined bonus height may not exceed 75 feet. Bonus height in excess of the maximum allowed through Subsection D., above, must be exclusively for housing.
3. Approval criteria. The approval of the bonus height is made as part of the design review of the project. The bonus height will be approved if the review body finds that the applicant has shown that the following criteria have been met:
 - a. If the site is within 500 feet of an R zone, the proposed building will not cast shadows that have significant negative impacts on dwelling units in the R zone; and
 - b. The increased height will result in a project that better meets the applicable design guidelines.

33.526.270 Entrances

- A. **Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. **Where these regulations apply.** In R1, RH, RX, C, ~~and EX~~, and CI zones, buildings must meet the standards of Subsection C., below.
- C. **Entrances.** [No Change]

33.526.290 Ground Floor Windows

- A. **Purpose.** [No Change]
- B. **Standard.** All exterior walls on the ground level ~~which~~ that face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.

Commentary

33.526.330 Gateway Master Plan

Revise master plan use allowance to be consistent with the updated EG zone which prohibits household living in employment zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.526.330 Gateway Master Plan

- A. Purpose.** The Gateway master plan adds development potential and flexibility for projects in specified areas. A carefully considered master plan has the potential to ensure that new development moves sites in the plan district closer to the goals of the Gateway Regional Center, while allowing for flexibility, additional development capacity, and phasing of change. The additional development potential and flexibility are possible because the master plan demonstrates that the policy objectives of the Outer Southeast Community Plan are advanced and can be met in the long term. The Gateway master plan is an option; it is not a requirement.
- B. Flexibility achieved.** An approved Gateway master plan allows additional flexibility in any of the following situations:
1. [No Change]
 2. Allows uses to be arranged on the site in the most appropriate manner by allowing uses to be located in zones where they are otherwise not permitted, except that household living is prohibited in EG zones.
 - 3.-6. [No Change]
- C.- E. [No Change]**

Commentary

33.532.220 Minimum and Maximum Floor Area

The Hayden Island Plan is somewhat unique, particularly with respect to the approach and measurement limits on floor area in the Jantzen Beach subdistrict, which is the site of the Jantzen Beach shopping center and other retailers.

A 2009 plan assigned maximum floor area limits expressed in terms of total square footage, rather than the convention of a Floor Area Ratio (FAR). Residential uses are included in this floor area allowance. This proposed amendment expresses the floor area limits as a ratio rather than square feet. The proposed ratio was determined by dividing the current development square footage limit by the approximate areas of the subdistrict boundaries.

West subarea: $1,152,000 / 1,799,002 = 0.64$

East subarea: $1,052,000 / 1,471,654 = 0.72$

Based on this calculation, a floor area ratio of 0.75:1, is proposed for both areas. The proposed 0.75:1 ratio is low in comparison to other Commercial/Mixed Use zones.

Bonuses for housing were provided for in the plan district. In the pedestrian district portion of the Jantzen Beach subdistrict, an additional square foot of floor area is earned for each square foot of housing developed. This essentially doubles the allowed floor area in the subdistrict. The amendments accomplish this by providing an additional 0.75:1 FAR for housing. Inside the Jantzen Beach subdistrict but outside of the pedestrian district, an additional 3:1 FAR for housing could be earned in the current code. The amendments include a bonus of up to 3:1 for housing in this area.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.532 Hayden Island Plan District

532

33.532.220 Minimum and Maximum Floor Area

- A. Purpose.** These regulations encourage dense, mixed-use development in the pedestrian district, and reinforce the Jantzen Beach subdistrict as a transit-supportive, mixed-use neighborhood.
- B. Where these regulations apply.** The regulations of this Subsection C ~~apply in the pedestrian district outside of the Jantzen Beach subdistrict to sites where the proposal will result in an increase of at least 2,000 square feet of floor area on the site. The regulations of Subsection D apply in the Jantzen Beach subdistrict.~~
- C. Maximum FAR in the ~~pedestrian district outside Jantzen Beach subdistrict.~~** ~~In the pedestrian district outside of the Jantzen Beach subdistrict, floor area used for parking is not counted toward maximum floor area. Floor area in residential uses is counted toward maximum floor area.~~
1. In the Jantzen Beach subdistrict, the maximum FAR is .75 to 1. Floor area used for parking is not counted toward maximum FAR. Transfers of floor area between the West and East subareas are prohibited. ~~Generally, Except as specified in C.2, the maximum FAR is 0.75:1.~~
 2. Inclusionary housing bonuses. The following inclusionary housing bonus options are allowed. An increase in FAR of more than 3 to 1 on a site that is outside the pedestrian district is not allowed. An increase in FAR of more than .75 to 1 on a site that is inside the pedestrian district is not allowed.
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

33.532.220 Minimum and Maximum Floor Area

The Hayden Island Plan is somewhat unique, particularly with respect to the approach and measurement limits on floor area in the Jantzen Beach subdistrict, which is the site of the Jantzen Beach shopping center and other retailers.

A 2009 plan assigned maximum floor area limits expressed in terms of total square footage, rather than the convention of a Floor Area Ratio (FAR). Residential uses are included in this floor area allowance. This proposed amendment expresses the floor area limits as a ratio rather than square feet. The proposed ratio was determined by dividing the current development square footage limit by the approximate areas of the subdistrict boundaries.

West subarea: $1,152,000 / 1,799,002 = 0.64$

East subarea: $1,052,000 / 1,471,654 = 0.72$

Based on this calculation, a floor area ratio of 0.75:1, is proposed for both areas. The proposed 0.75:1 ratio is low in comparison to other Commercial/Mixed Use zones.

Bonuses for housing were provided for in the plan district. In the pedestrian district portion of the Jantzen Beach subdistrict, an additional square foot of floor area is earned for each square foot of housing developed. This essentially doubles the allowed floor area in the subdistrict. The amendments accomplish this by providing an additional 0.75:1 FAR for housing. Inside the Jantzen Beach subdistrict but outside of the pedestrian district, an addition 3:1 FAR for housing could be earned in the current code. The amendments include a bonus of up to 3:1 for housing in this area.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

~~Residential bonus.~~

- ~~a. For each square foot of floor area developed as housing, a bonus of 1 square foot of additional floor area is earned, up to an additional floor area ratio of 3:1. The 3:1 is in addition to the 0.75.~~
- ~~b. The bonus floor area must be in residential use. The bonus floor area is not eligible for a bonus.~~
- ~~c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the bonus floor area in housing by the property owner. The covenant must comply with the requirements of 33.700.060.~~

D. ~~Minimum and maximum floor area~~FAR in Jantzen Beach subdistrict. In the Jantzen Beach subdistrict, floor area used for parking is not counted toward minimum or maximum floor area. Floor area in residential uses is counted toward minimum and maximum floor area. Transfers of floor area between subareas is prohibited.

1. Purpose. These regulations ensure that development is distributed throughout the Jantzen Beach subdistrict to maximize the positive benefits of pedestrian-friendly, properly-scaled development without the negative impacts of over-sized buildings surrounded by large surface parking lots.
2. West subarea. In the West subarea, ~~of the Jantzen Beach subdistrict:~~
 - ~~a. Minimum. T~~he minimum amount of the West subarea that must be covered with buildings is 300,000 square feet.;
 - ~~b. Maximum. The maximum amount of floor area allowed is 1,152,000 square feet;~~
3. East subarea. In the East subarea, ~~of the Jantzen Beach subdistrict:~~
 - ~~a. Minimum. T~~he minimum amount of East subarea that must be covered with buildings is 300,000 square feet.;
 - ~~b. Maximum. The maximum amount of floor area allowed is 1,052,000 square feet;~~

Commentary

33.532.230, .245. and .250

Amendments add reference to *Commercial/Mixed Use (C)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

~~4. Residential bonus.~~

- ~~a. This bonus is available only for residential floor area. For each square foot of floor area developed as residential, a bonus of 1 square foot of additional floor area is earned.~~
- ~~b. The bonus floor area must be in residential use, and must be built within the Jantzen Beach subdistrict. The bonus floor area is not eligible for a bonus.~~
- ~~c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the bonus floor area in residential use by the property owner. The covenant must comply with the requirements of 33.700.060.~~

- E. Adjustments to maximum floor area or maximum FAR.** Adjustments to the maximum floor area or FAR regulations of this Chapter must meet the following approval criterion in addition to the approval criteria of Chapter 33.805: The transportation system is capable of supporting the proposal in addition to the existing uses in the area. Evaluation factors including capacity of Interstate 5 on and off ramps on Hayden Island.

- F. Land Divisions in the Jantzen Beach Subdistrict.** [No Change]

33.532.230 Transition Between Zones

- A. Purpose.** These regulations limit some of the negative impacts of larger-scale development in commercial/mixed use or industrial zones on buildings in adjacent residential zones. Requiring development to step down near the residential zones avoids having an abrupt transition between the zones, as does the limitation on large blank walls facing residential sites.
- B. Where these regulations apply.** The regulations of this section apply to sites in commercial/mixed use and industrial zones.

33.532.245 Maximum Setbacks in Commercial/Mixed Use Zones

The maximum setbacks that apply to sites in Commercial/Mixed Use zones in Pedestrian Districts apply to all sites in Commercial/Mixed Use zones in the plan district.

33.532.250 Main Entrance

- A. Purpose.** Locating the main entrance of a use near the street provides convenient pedestrian access between the use and public sidewalks and transit facilities, and so promotes walking and the use of transit.
- B. Where these regulations apply.** The regulations of this section apply to sites in commercial/mixed use zones. If a site has frontage on more than one street, and one of the streets is an Island Core Access Street, the main entrance must face the Core Street. If the site has frontage on two Core Access Streets, or on two non-Core Access Streets, this standard must be met on only one of the frontages. Island Main Core Access Streets are shown on Map 532-3.
- C.-D.** [No Change]

Commentary

33.534.210 Setbacks

Amendments add reference to *Commercial/Mixed Use (C)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.534 Hillsdale Plan District

534

33.534.210 Setbacks

- A.** Front building setback in the R1 zone. A setback of at least 10 feet is required in the R1 zone along streets designated as Local Service Streets in the Transportation Element of the Comprehensive Plan.
- B.** Building setback in ~~the CS zones~~. Buildings in the commercial/mixed use ~~CS-zones~~ that are entirely 200 feet or more from a street that abuts the site are exempt from the maximum building setback of the base zone for that street. See Figure 534-1.

Commentary

33.536 Hollywood Plan District table of contents

Amendments add reference to Commercial/Mixed Use (C) zones.

Deleting references to previous zoning designations and amending code sections to include the closest replacement zoning designations, as appropriate.

Existing Zone	New Zone
CO1	CM1
CS	CM2
CX	CM3
EX	CM3

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.536 Hollywood Plan District

536

Sections:

General

33.536.010 Purpose

33.536.020 Where These Regulations Apply

Use Regulations

33.536.100 Purpose

33.536.110 Prohibited Uses

33.536.120 Required Residential Uses

33.536.130 Commercial Parking in the ~~RX~~, CM2CS, and CM3CX Zones

Development Standards

33.536.200 Purpose

33.536.210 Prohibited Development

33.536.220 Maximum Building Height

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

33.536.235 Transition Between Commercial/Mixed Use Zones

33.536.240 Floor Area Ratio

33.536.250 Bonus Options

33.536.260 Building Facades Facing Sandy Boulevard

~~33.536.270 Building Coverage and Landscaping for Residential Projects in the CS Zone~~

33.536.280 Enhanced Pedestrian Street Standards

33.536.290 Maximum Parking Allowed in the RX, CM2CS, and CM3CX Zones

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard ~~in the CS Zone~~

33.536.310 Required Design Review

33.536.320 Nonconforming Development

Map 536-1 Hollywood Plan District and Subdistricts

Map 536-2 Hollywood Plan District: Maximum Building Heights

Map 536-3 Hollywood Plan District: Enhanced Pedestrian Streets

Commentary

33.536.130, .230, and .235

Amendments add reference to Commercial/Mixed Use (C) zones.

Deleting references to previous zoning designations and amending code sections to include the closest replacement zoning designations, as appropriate.

Existing Zone	New Zone
CO1	CM1
CS	CM2
CX	CM3
EX	CM3

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.536.130 Commercial Parking in the ~~RX~~, CM2CS, and CM3CX Zones

- A. **Purpose.** These regulations allow Commercial Parking that serves employees and visitors in Hollywood while discouraging parking for those who park in Hollywood and take transit to other destinations.
- B. **Limitations on Commercial Parking uses.** Commercial Parking in the ~~RX~~, CM2CS, and CM3CX zones is a conditional use, and must be in a structure.
- C. **Supplemental application requirements.** A parking demand analysis is required to show a need for Commercial Parking at this location.

33.536.230 Transition Between Residential and Commercial/Mixed Use Zones

- A. **Purpose.** These regulations ensure that there is a transition in height when commercial/mixed use sites are abutting or across the street from low and medium density residential zones. In addition, the regulations prevent large blank walls above the ground floor from facing residential sites from across a street and ensure that building heights reduce to relate to adjoining single-dwelling zones.
- B.-D. [No change]

33.536.235 Transition Between Commercial/Mixed Use Zones

- A. **Purpose.** This regulation ensures that there is a transition in height when a commercial/mixed use site where height bonuses are being used is across a street from a less intense commercial/mixed use zone.
- B. **Where these regulations apply.** The regulation of this section applies to sites in the CM2CS zone that meet the following:
 - 1. The site in the CM2CS zone is across a street from sites in the CM1CO1 zone; and
 - 2. Development on the site will use height bonuses.
- C. **Maximum building height.** On the portion of the site within 15 feet of the lot line across the street from a site zoned CM1CO1, the maximum allowed building height is 45 feet. On the portion of the site that is more than 15 feet but within 100 feet from the lot line across the street from a site zoned CM1CO1, the maximum allowed building height is 55 feet.
See Figure 536-3.

Commentary

Figure 536-3

Deleting references to previous zoning designations and amending code sections to include the closest replacement zoning designations, as appropriate.

Existing Zone	New Zone
CO1	CM1
CS	CM2
CX	CM3
EX	CM3

33.536.240 Floor Area Ratio

The amendments align the floor area ratios with the new commercial/mixed use zones and the approach to bonuses established by the Inclusionary Housing program.

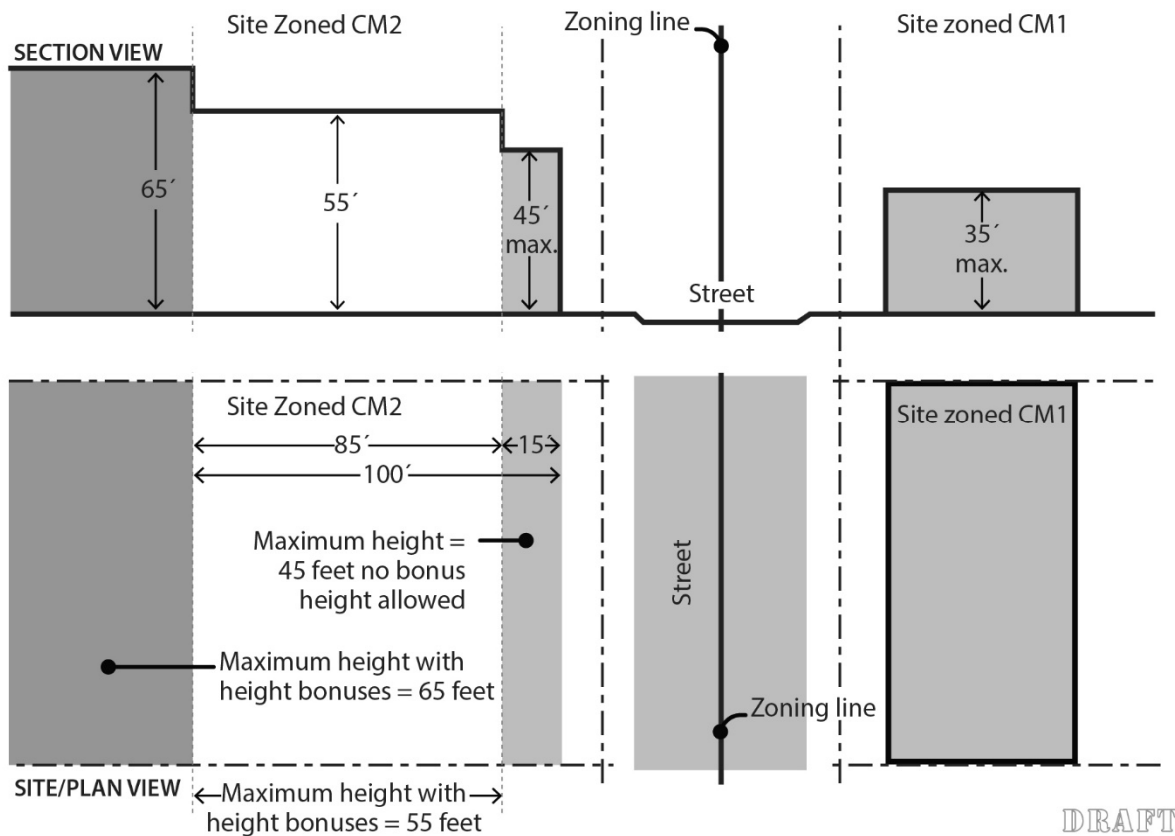
Currently the CS zone allows a 4:1 FAR, and housing does not count in the FAR. Housing may be built up to the higher height limits shown on Map 536-2. This is essentially a floor area bonus for housing in the CS zone. In the proposed approach, which is consistent with new base zone regulations and inclusionary housing regulations, housing is counted in the FAR; in Hollywood, the base FAR is proposed to be 4:1 in CM2 with an explicit housing FAR bonus of 1:1 is allowed (see 33.536.250).

The current code provides an FAR of 4:1 in the CX zone in Subdistrict A. The proposed base FAR in Subdistrict A will be 4:1 as it applies to the new CM3 zone (CX will change to CM3). The current bonus options will continue to apply, allowing bonus floor area up to 3:1 total (see 33.536.250).

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Figure 536-3
Height limits on a CM2 site across a street from a CM1 zone



33.536.240 Floor Area Ratio

- A. Purpose.** These regulations encourage high-density development near the transit center and reinforce Hollywood's role as a transit-supportive, mixed-use urban center.
- B. Where these regulations apply.** ~~These regulations apply to new development in the CS and CX zones in the CM2 zone and in Subdistrict A.~~ Alterations or exterior improvements to existing development are exempt from Subsection C.
- C. Minimum floor area ratio in subdistrict A.** The minimum floor area ratio in subdistrict A is 1 to ~~1~~. Floor area used for parking does not count toward meeting this requirement.
- D. Maximum floor area ratios.** The maximum floor area ratio in the CM2 zone and in subdistrict A is 4 to 1. Floor area used for parking does not count toward meeting this requirement.
 - ~~1. The maximum floor area ratio in the CS zone is 4:1.~~
 - ~~2. In CS and CX zones, floor area used for parking and residential uses is not counted toward maximum floor area ratios.~~

Commentary

33.536.250 Height and FAR Bonus Options

Height and FAR bonuses in Hollywood were based on the previous zoning scheme in which residential floor area was not calculated in overall FAR limits. The amendments recalibrate FARs to include residential uses and conform with the new zoning framework and the approach to bonuses established by the Inclusionary Housing program.

The *CO1* zone is replaced by the *CM1* base zone which has a 35' height limit and provides a floor area bonus for housing. Therefore, the *CO1* housing bonus provision is deleted and the height limit is amended on corresponding Map 536-2.

In the *CM2* zone, the base FAR is 4:1 and an increase in FAR of 1:1 may be allowed through provision of affordable housing.

In the *CM3* zone, the base FAR is 4:1 and up to an additional 3:1 FAR may be allowed through provision of affordable housing. Other bonus options for below-grade parking, open space, and day care are retained as options.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.536.250 Height and FAR Bonus Options

- A. Purpose.** Bonus options encourage certain types of development, special facilities and amenities that are desired within the commercial core of Hollywood and near the Hollywood Transit Center.
- B. Where these regulations apply.** The regulations of this section apply to subdistrict A, and to areas outside of subdistrict A on Map 536-2 where bonus building heights limits are shown in parenthesis on Map 536-2.
- C. Bonus heights.** Bonus heights are shown on Map 536-2. Adjustments to these heights are prohibited.
- ~~**D. Housing bonus in the CO1 zone.** In the CO1 zone, where at least 25 percent of the floor area of a building is in residential uses, the building may be up to the bonus building height shown on Map 536-2.~~
- DE. ~~Housing b~~Bonus options in the ~~CSCM2~~ zone.** The bonus options of this subsection may be used in the CSCM2 zone.
1. Additions to existing buildings. Where floor area that is in a residential uses is added to an existing building, the portion of the building containing the residential uses may be up to the bonus building height shown on Map 536-2.
 2. New buildings. Where at least 25 percent of the floor area of a new building is in residential uses, the building may be up to the bonus building height shown on Map 536-2.
 2. Bonus FAR:
 - a. Maximum bonus floor area allowed. The maximum bonus floor area allowed through the use of bonus options of this Subsection is 1:1. Adjustments to this maximum are prohibited.
 - b. Inclusionary housing bonus FAR options:
 - (1) Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met;
 - (2) Voluntary inclusionary housing bonus option. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

33.536.250 Height and FAR Bonus Options

Height and FAR bonuses in Hollywood were based on the previous zoning scheme in which residential floor area was not calculated in overall FAR limits. The amendments recalibrate FARs to include residential uses and conform with the new zoning framework and the approach to bonuses established by the Inclusionary Housing program.

The CO1 zone is replaced by the CM1 base zone which has a 35' height limit and provides a floor area bonus for housing. Therefore, the CO1 housing bonus provision is deleted and the height limit is amended on corresponding Map 536-2.

In the CM2 zone, the base FAR is 4:1 and an increase in FAR of 1:1 may be allowed through provision of affordable housing.

In the CM3 zone, the base FAR is 4:1 and up to an additional 3:1 FAR may be allowed through provision of affordable housing. Other bonus options for below-grade parking, open space, and day care are retained as options.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

EF. Bonus options in the ~~CM3CX~~ zone. The bonus options of this subsection may be used in the CM3CX zone.

1. Bonus height. Proposals that use any of the bonus provisions in this subsection may build up to the bonus building height shown on Map 536-2.
2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned through the bonus options of this ~~subsection~~ is 3:1. Adjustments to this maximum are prohibited.
3. More than one bonus allowed. More than one bonus option may be used.
4. Inclusionary housing bonus FAR options.~~Residential bonus option. A bonus of one additional square foot of floor area is earned for each square foot of floor area developed and committed to residential uses. Proposals using this bonus option must meet the following requirements:~~
 - a. Inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.~~At least 25 percent of the building floor area must be in residential uses. In the Required Residential Area shown on Map 536-2, at least 75 percent of the building floor area must be in residential uses;~~
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:~~Residential portions of mixed-use proposals using this bonus must be completed and receive a certificate of occupancy before or at the same time as a certificate of occupancy for any nonresidential portions of the proposal; and~~
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

Commentary

33.536.270 Building Coverage and Landscaping for Residential Projects in the CS zone

The minimum building coverage requirement is being deleted because market conditions are such that more than 40 percent building coverage is routinely achieved in the plan district. At the time the Hollywood plan district was implemented, the 40 percent requirement was less than the 50 percent minimum building coverage requirement of the CS base zone.

The minimum landscaped area requirement is being deleted because the new CM2 base zone, which is replacing CS in Hollywood, includes a standard requiring 15 percent landscaping or urban green options.

33.536.280.C.2

The CX zone is being eliminated outside of the Central City. New commercial/mixed use base zones - CM2 and CM3 - have revised ground floor window standards that replace the previous CX standards. Therefore, this section is deleted.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

~~c. The property owner must execute a covenant with the City ensuring continuation and maintenance of the housing by the property owner. The covenant must comply with the requirements of Section 33.700.060.~~

5. Below-grade parking bonus option. [No Change]
6. Open space bonus option. [No Change]
7. Day care bonus option. [No Change]

33.536.270 Building Coverage and Landscaping for Residential Projects in the CS Zone

~~A. Purpose. This regulation provides residential projects with flexibility in site design, while ensuring landscaping treatments that enhance the appearance of the development.~~

~~B. Where these regulations apply. These regulations apply to new development in the CS zone in Subdistrict B, where 100 percent of the floor area is residential uses.~~

~~C. Minimum building coverage. The minimum building coverage is 40 percent.~~

~~D. Minimum landscaped area. The minimum landscaped area is 15 percent.~~

33.536.280 Enhanced Pedestrian Street Standards

A. Purpose. These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.

B. Where these regulations apply. These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations.

C. Enhanced Pedestrian Street standards. New development must meet the following standards:

1. [No change]
- ~~2. Ground floor windows. The standards for the CX zone in Section 33.130.230, Ground Floor Windows, must be met.~~
23. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

Commentary

33.536.290 Maximum Parking Allowed in the RX, CM2, and CM3 zones

Amendments add reference to Commercial/Mixed Use (C) zones and replace existing zones with new zones, as appropriate.

Existing Zone	New Zone
CO1	CM1
CS	CM2
CX	CM3
EX	CM3

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.536.290 Maximum Parking Allowed in the RX, CM2CS, and CM3CX zones

- A. Purpose.** Limiting the number of parking spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as an even more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians, and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site based on typical peak parking demand for each use, and take into account the intensity of development in the town center, on-street parking supply, pedestrian activity, and proximity to frequent transit service. The maximum ratios are lower in Hollywood than in many other parts of the city because the entire plan district is within one-half mile of a light rail station and the Hollywood Transit Center.

- B. Where these regulations apply.** These regulations apply to accessory parking in the RX, CM2CS, and CM3CX zones.
- C. Maximum allowed parking.**
1. Generally. Surface and structured accessory parking is limited to the maximum ratios in Table 536-1, except as allowed in Paragraph C.2, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use.
 2. Exception for general office. For general office uses, the maximum ratio is 1 space per 294 square feet of net building area if the following are met:
 - a. At least half of the parking accessory to uses on the site is in structured parking;
 - b. Parking structures on the site must be designed so that at least 50 percent of the street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

<p style="text-align: center;">Table 536-1 Maximum Parking Spaces Allowed in the RX, <u>CM2CS</u>, and <u>CM3CX</u> Zones</p>

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard ~~in the CS Zone~~

- A. Purpose.** These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites along Sandy flexibility in site design.
- B. Where these regulations apply.** These regulations apply to sites with frontage along Sandy Boulevard ~~in the CS zone~~.
- C. On-site location of vehicle areas.** Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

Commentary

Map 536-1

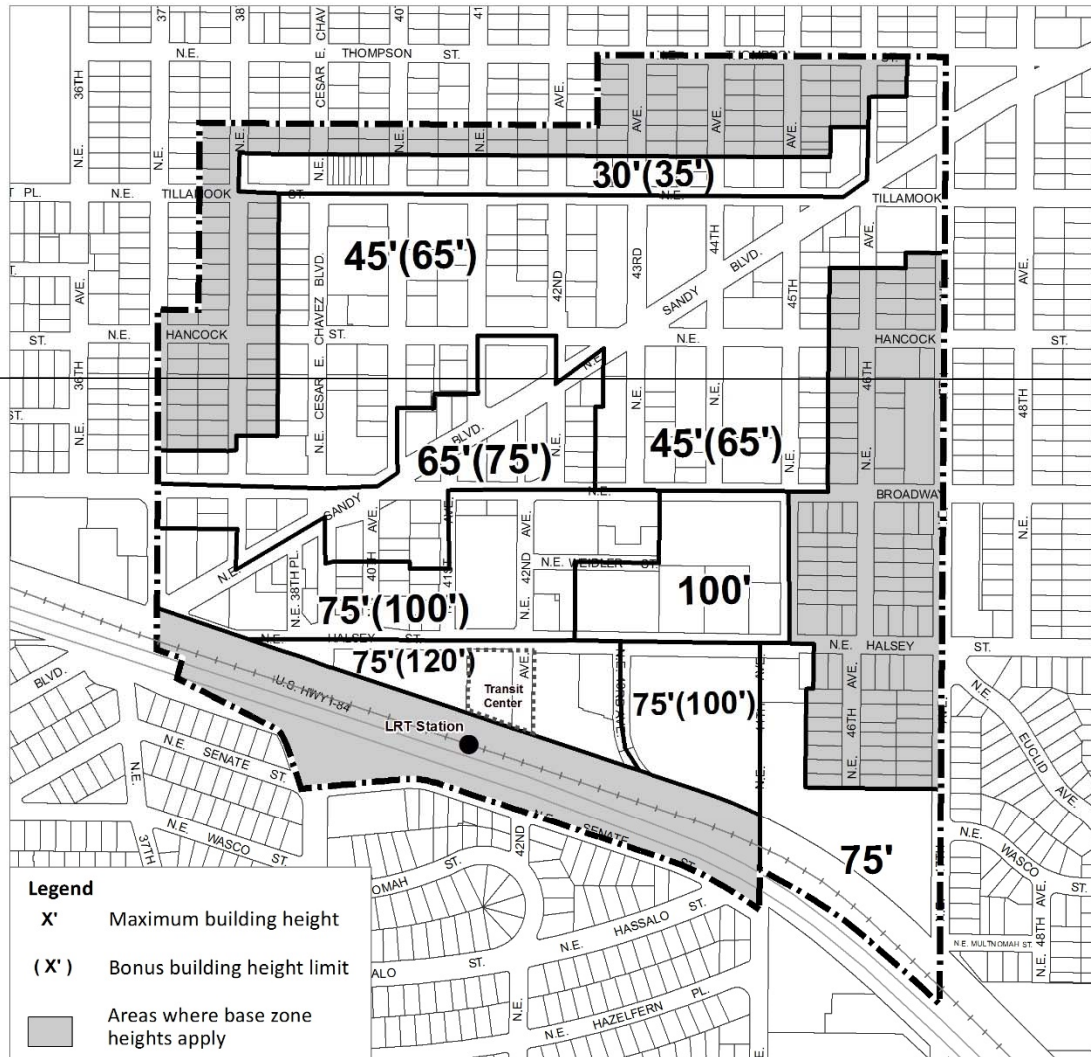
This Map 536-1 is being deleted and replaced by a new Map 536-1. This map shows an area with a height limit of 30' (35') that provided the additional five feet for a housing bonus in the CO1 zone. The CO1 zone has been replaced by the CM1 zone that has a base height limit of 35 feet and allows housing.

Recommended Code Amendments
(added text is underlined>, deleted text is shown with strikethrough)

**Hollywood Plan District
Maximum Heights**

Map 536-2

Map Revised July 24, 2015



Commentary

Map 536-1

This Map 536-1 replaces the existing Map 536-1. Height limits in the area formerly zoned CO1 are being removed from the map. The CO1 zone has been replaced by the CM1 zone that has a base height limit of 35 feet and allows housing.

Commentary

33.538.220 Floor Area Ratios

The amendments align the plan district FAR bonuses with the approach to bonuses established by the Inclusionary Housing program. The amendments add an increment to floor area allowance shown on Map 538-3 for projects that include affordable housing.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.538 Kenton Plan District

538

33.538.220 Floor Area Ratios

- A. Purpose.** The minimum floor area ratio requirements ensure a level of development along Denver Avenue that is compatible with the existing buildings. The maximum floor area ratio requirements, which allow higher FARs, encourage increased intensity near the light rail station.
- ~~B. Where these regulations apply.~~** ~~These regulations apply to new development or additions of floor area to the site.~~
- BC. Regulation****Minimum and maximum FAR.** Minimum and maximum floor area ratios are shown on Map 538-3. The minimums and maximums apply to new development and additions of floor area to the site.
- C. FAR bonus.** The following FAR bonus options apply to sites that have a maximum FAR shown on Map 538-3. The regulations of this Subsection do not apply where Map 538-3 does not show a maximum FAR; on those sites, the base zone FAR regulations, including bonus regulations, apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.
 2. FAR bonus options:
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

- (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

Commentary

33.550.200 Floor Area Ratio

The Macadam plan district sets an overall FAR limit of 2:1, which is less than the base zone FAR allowances. The FAR limit applies to all uses, including residential, which is different than the approach in most commercial zones outside of the Central City. The amendments maintain the overall FAR limit of 2:1, but provide for an additional increment of bonus FAR for affordable housing, consistent with the city's approach to Inclusionary Housing.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.550 Macadam Plan District

550

33.550.200 Floor Area Ratio

- A. Maximum FAR.** The maximum floor area ratio is 2 to 1 for all uses.
- B. FAR bonus options.** The following bonus options are allowed in the commercial/mixed use and residential zones. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 0.5 to 1 is prohibited.
 2. FAR bonus options:
 - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

Commentary

33.555 Marquam Hill Plan District

The Marquam Hill Plan District was adopted in 2003 to support existing and future institutional development on Marquam Hill, and to limit associated adverse impacts to the transportation system and livability of the surrounding neighborhood. The road infrastructure in and around the area is constrained by topography and an incomplete street system, and when coupled with the high use institutional facilities, creates regular and difficult to mitigate circulation and safety impacts. One way the plan district regulations mitigate the impacts is by prohibiting commercial parking.

Since 2003, travel to the institutions on the hill has continued to grow, bringing impacts to the surrounding streets and multi-modal networks, even with improvements to transit service and limitations on creation of new parking. With the reconsideration of the Comprehensive Plan and zoning designations for the commercial areas adjacent to and west of the plan district, these impacts continue to be raised and highlighted. While the neighborhood and the institutions could be well served by additional commercial activity and residential development outside but adjacent to the plan district, the zones that allow this level of activity also allow commercial parking, and commercial parking would be detrimental to the transportation network on Marquam Hill. To alleviate this problem, these amendments propose to expand the plan district boundary to include the adjacent commercially zoned area thereby extending the prohibition on commercial parking.

33.555.100 – Purpose (Use regulations)

The purpose statement for the use regulations in the Marquam Hill plan district is being amended to reflect the expansion of the district boundary to include commercially zoned area adjacent to the institutions.

33.555.160 Temporary Activities in the OS Zone

This amendment corrects an incorrect reference. The temporary activities chapter was amended with a recent RICAP, and this reference was missed.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.555 Marquam Hill Plan District

555

33.555.100 Purpose

The use regulations foster development of institutional uses associated with medical centers and colleges. Limiting uses to those that are typically associated with institutional development, and limiting the total square footage of uses that support institutionally developed areas, will ensure that Marquam Hill remains a dynamic center for patient care, medical research institutions, and educational facilities. The regulations also help address constrained infrastructure conditions in and around the plan district area that impact traffic circulation and safety.

33.555.110 Additional Prohibited Uses

A. Plan district. The following uses are prohibited in the plan district:

1. Quick Vehicle Servicing;
2. Vehicle Repair;
3. Commercial Parking;
4. Self-Service Storage;
5. Commercial Outdoor Recreation;
6. Major Event Entertainment;
7. Warehouse And Freight Movement;
8. Aviation And Surface Passenger Terminals; and
9. Detention Facilities.

B. Subdistrict E. The following uses are prohibited in Subdistrict E:

1. Retail Sales And Service;
2. Office;
3. Manufacturing And Production;
4. Wholesale Sales; and
5. Industrial Service.

33.555.160 Temporary Activities in the OS Zone

Staging areas for institutional development are allowed in the OS Zone subject to the requirements stated in 33.296.030.F.4.c. ~~Paragraph 33.296.030.A.7.~~

Commentary

33.555.210 Relationship to Base Zone Regulations

These amendments clarify that the exemptions only apply in subdistricts A through E; development in subdistrict F should not be exempt from the listed regulations.

33.555.250 Maximum Building Coverage

This amendment applies the base zone building coverage calculation to the new subdistrict F area. The special provision for calculating maximum building coverage that is currently embedded in the Marquam Hill plan district should only apply to development within the original boundary of the plan district.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.555.210 Relationship to Base Zone Regulations.

If not addressed by the development standards of this plan district, the development standards of the base zone apply; however, in Subdistricts A, B, C, D, and E, ~~development in the plan district~~ is exempt from the following standards:

- A. Paragraph 33.140.215.C.1, Building setbacks on a transit street or in a pedestrian district;
- B. Section 33.140.230, Ground Floor Windows in the EX Zone;
- C. Section 33.140.240, Pedestrian Standards;
- D. Section 33.140.242, Transit Street Main Entrances;
- E. Section 33.266.100.C, Calculations of Amounts of Required and Allowed Parking;
- F. Section 33.266.115, Maximum Allowed Parking Spaces;
- G. Section 33.266.130.C, On-site Locations of Vehicle Areas; and
- H. Sections 33.266.300 through 33.266.310, Loading.

33.555.250 Maximum Building Coverage

- A. **Purpose.** The building coverage standards work with the FAR and height standards to control the overall scale of development and promote development consistent with the desired character of the plan district. The standards also limit the total area of each subdistrict that will be developed with buildings to limit the amount of impervious surfaces created by buildings.
- B. **Calculations.** Except for in Subdistrict F, bBuilding coverage is calculated in relation to the amount of area in each subdistrict. Within Subdistrict F, building coverage is calculated in relation to the amount of site area.
- C. **Standards.**
 - 1. Subdistrict E. The maximum building coverage allowed in the EX zone in Subdistricts E is 15 percent.
 - 2. Subdistricts A through D. In Subdistricts A, B, C, and D, there is no limitation on building coverage in each subdistrict; however, the maximum building coverage allowed in the four subdistricts together is 65 percent. Adjustments to this standard are prohibited.

Commentary

33.555.270 Exterior Storage and Work Activities

Clarifies that the regulations do not apply to the new subdistrict F.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.555.270 Exterior Storage and Work Activities

A. Purpose. The standards of this section ensure that exterior storage and work activities:

- Will be consistent with the desired character of the area;
- Will not be a detriment to the overall appearance of the subdistrict;
- Will not have adverse impacts on land uses and properties adjacent to the subdistrict, especially those zoned residential and open space; and
- Will not have an adverse impact on the environment.

B. Where these standards apply. The following standards apply in Subdistricts A, B, C, D, and E.

CB. Location. Exterior storage and work activities are allowed in Subdistricts A, B, and C, and prohibited in Subdistricts D and E.

DC. Maximum area allowed. The maximum area that may be used for exterior storage and exterior work activities combined is 10,000 square feet in Subdistrict A, 10,000 square feet in Subdistrict B, and 25,000 square feet in Subdistrict C.

ED. Landscape and screening. Exterior storage areas and areas used for exterior work activities within 25 feet of the plan district boundary must meet one of the following two landscape standards. The portion of the exterior storage area or area used for exterior work activities within 25 feet of the plan district boundary must either:

1. Be surrounded by a 10-foot wide landscaped strip. The 10-foot strip must be landscaped to at least the L2 standard; however, a wall or berm may not be substituted for the required screen of shrubs. In addition, a fence meeting the F2 standard must be placed along the interior edge of the landscaped area; or
2. Be surrounded by a 5-foot wide landscaped strip. The 5-foot strip must be landscaped to at least the L4 standard.

FE. Paving. Exterior storage and work activity areas must be paved.

Commentary

33.555.280 Parking

Clarifies that the regulations do not apply to the new Subdistrict F.

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Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.555.280 Parking

- A. Purpose.** The regulations of this section encourage the use of transportation demand management techniques by limiting the supply of parking and creating maximums for single occupancy vehicle trips.
- B. Where these standards apply.** The following standards apply in Subdistricts A, B, C, D, and E.
- ~~BC.~~ Creation of parking.**
- 1.-4. [No change]
- ~~CD.~~ Existing parking.**
- 1.-2. [No change]
- ~~DE.~~ Maximum parking allowed in Subdistricts A through D.**
- 1.-2. [No change]
- ~~EF.~~ Marquam Hill Parking Review.** There are two types of Marquam Hill Parking Review: Type A and Type B. Proposals that are subject to Type B Marquam Hill Parking Review are not also subject to Type A Marquam Hill Parking Review.
- 1.-2. [No change]

Commentary

Map 555-1

Map 555-1 is being replaced with a new map that shows the expanded plan district boundary.

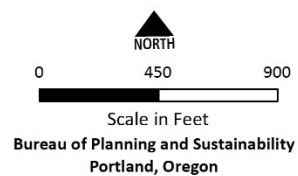
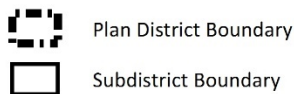
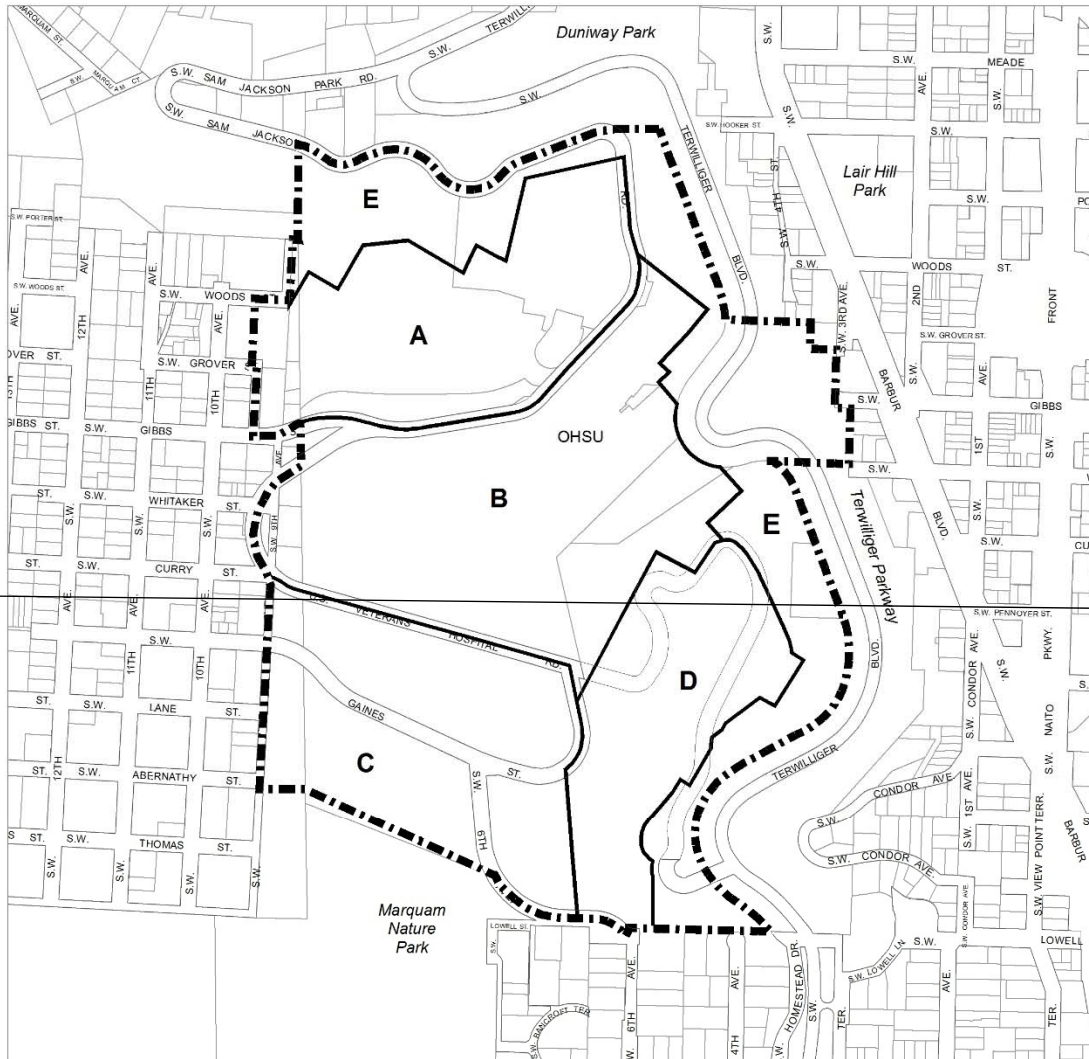
This is the existing plan district map that is being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**Marquam Hill Plan District
and Subdistricts**

Map 555-1

Map Revised July 24, 2015



Commentary

Map 555-1

Map 555-1 is being replaced with a new map that shows the expanded plan district boundary.

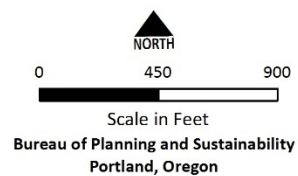
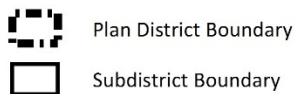
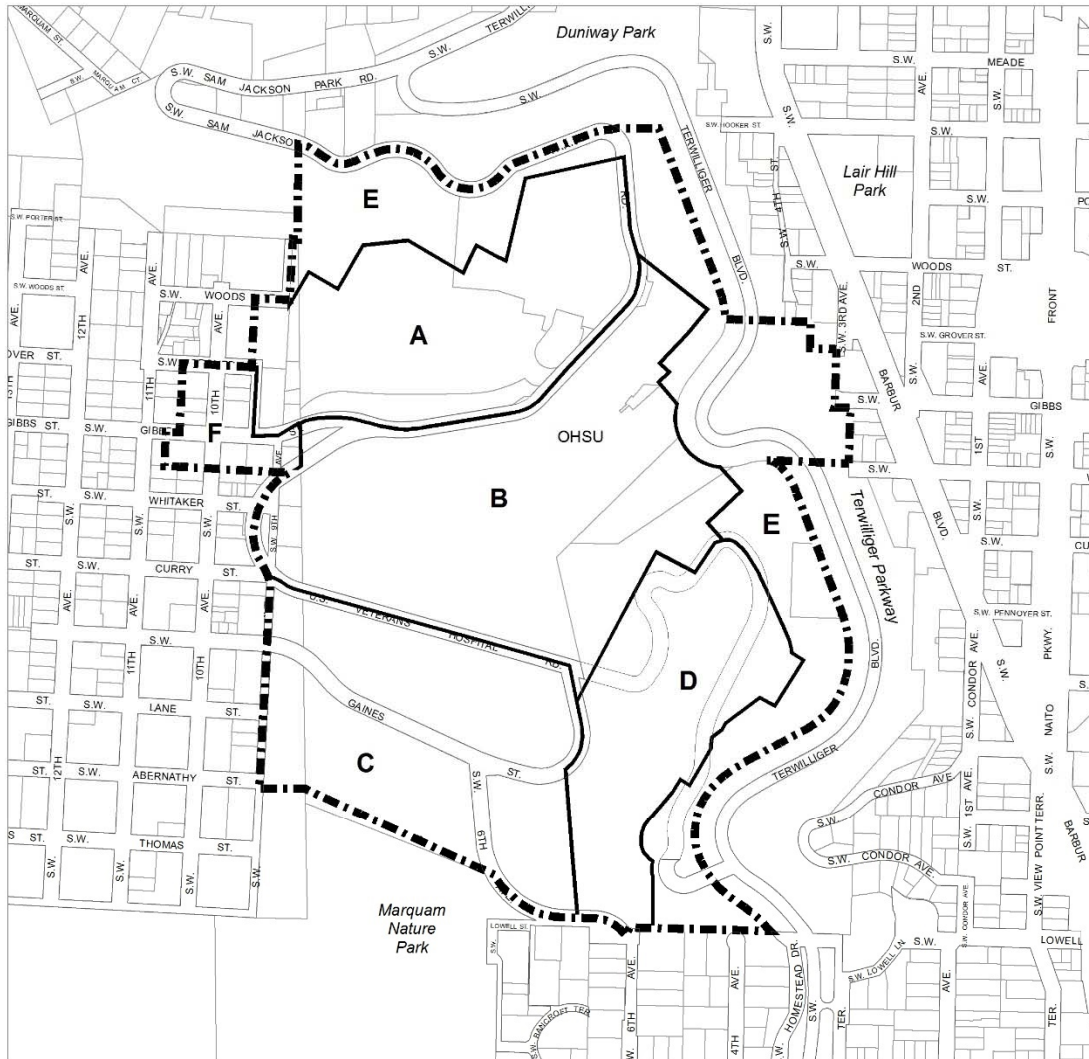
This is the new plan district map.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**Proposed Marquam Hill Plan District
and Subdistricts**

Map 555-1

Map Revised xxxx, 201x



Commentary

Map 555-2

Map 555-2 is being replaced with a new map that shows the expanded plan district boundary.

This is the existing plan district map that is being deleted.

Commentary

Map 555-2

Map 555-2 is being replaced with a new map that shows the expanded plan district boundary.

This is the new plan district map. The height limits in the existing portions of the plan district do not change. The base zone height limit is applied in the area being added in a new subdistrict.

Commentary

33.561 North Interstate Plan District

Amendments add reference to Commercial/Mixed Use (C) zones and replace existing zones with new zones, as appropriate.

Existing Zone	New Zone
CO1	CM1
CS	CM2
CX	CM3
EX	CM3

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.561 North Interstate Plan District

561

Sections:

General

33.561.010 Purpose

33.561.020 Where These Regulations Apply

Use Regulations

33.561.100 Commercial Uses in the RH Zone

Development Standards

33.561.210 Maximum Building Height

33.561.220 Floor Area Ratios

33.561.230 Transition Between Zones

33.561.240 Minimum Density in the RH Zone

33.561.250 Exterior Display and Storage

33.561.260 Off-Site Impacts of Industrial Uses in the CM3~~EX~~ Zone

33.561.270 Required Building Lines

33.561.280 Active Building Use Areas

~~33.561.290 Ground Floor Windows in the EX and CS Zones~~

33.561.300 Motor Vehicle Access

33.561.310 Compatibility Standards in the R2.5 and R2 Zones

33.561.320 Required Design Review

Map 561-1 North Interstate Plan District

Map 561-2 North Interstate Plan District: Maximum Building Heights

Map 561-3 North Interstate Plan District: Floor Area Ratios

Map 561-4 North Interstate Plan District: Required Building Lines/Active Building Use Areas

33.561.220 Floor Area Ratios

- A. Purpose.** The floor area ratio standards work with the maximum building height standards to:
- Increase intensity near the light rail stations at the most intensive station areas: Lombard, Killingsworth, and Prescott; and
 - Allow design flexibility for taller buildings that create opportunities for increased open space on the site and visually prominent architecture.
- B. Where these regulations apply.** These regulations apply to new development and additions of floor area to the site.
- C. Regulation.** Maximum floor area ratios are shown on Map 561-3.

Commentary

33.561.220 Floor Area Ratios

FAR in this plan district was based on the previous zoning scheme. The amendments recalibrate FARs to include residential and conform with the new zoning system. Many of the areas shown with 4:1 FAR on Map 561-3 are RH or CM3 zones, which allow an FAR up to 5:1 in the base zone when inclusionary housing is provided. FAR bonuses are proposed to be included in the plan district to align the allowances with the Inclusionary Housing program approach which provide an increment of bonus floor area.

33.561.230 Transition Between Zones

Amendments add reference to Campus Institutional (CI) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

D. FAR bonus. The following FAR bonus options apply to sites shown on Map 561-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.

2. FAR bonus options:

a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:

(1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or

(2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

33.561.230 Transition Between Zones

- A. **Purpose.** These regulations ensure that there is a transition in height when high intensity zones abut or are across the street from low and medium density residential zones.
- B. **Where these regulations apply.** The regulations of this section apply to sites in RH, CX, and ~~EXCI2~~ zones that abut or are across a street from an RF through R1 zone
- C. [No Change]

Commentary

33.561.250 Exterior Display and Storage

Amendments update the reference to new Commercial/Mixed Use (CM3) zone.

33.561.290 Ground Floor Windows in the EX and CS Zones

This section is being deleted as the CS and EX zones are being eliminated in the plan district and being replaced generally by CM2 and CM3. The CM2 and CM3 zones now have new window standards which generally meet or exceed the former CX zone standards.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.561.250 Exterior Display and Storage

In the ~~EX~~, RH, and CM3EX zones, exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands.

Temporary open-air markets and carnivals are also allowed.

33.561.260 Off-Site Impacts of Industrial Uses in the CM3EX Zone

- A. **Purpose.** Because there are residential and commercial uses in, and adjacent to, areas zoned CM3EX, and there may be additional residential and commercial uses in the future, the off-site impacts of industrial uses must be limited. These limitations protect the economic viability and residential livability of the area.
- B. **Industrial uses in the CM3EX zone.** Industrial uses must meet the standards of Chapter 33.262, Off-Site Impacts. These standards must be met at the property line of the site.

~~33.561.290 Ground Floor Windows in the EX and CS Zones~~

- ~~A. **Purpose.** This standard enhances the attractiveness and safety of the pedestrian environment by ensuring that all street-facing ground level building walls contain windows and are not blank walls. These required ground floor windows provide surveillance opportunities from within a structure to adjacent sidewalk areas and reduce the likelihood of a monotonous pedestrian environment.~~
- ~~B. **Standard.** In the EX and CS zones, all exterior walls on the ground level which face a street lot line, sidewalk, plaza, or other public open space or right-of-way must meet the Ground Floor Window requirements of the CX zone.~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.562 Northwest Plan District

562

Sections:

General

33.562.010 Purpose

33.562.020 Where These Regulations Apply

Use Regulations

33.562.100 Residential Use Limitation

33.562.110 Retail Sales And Service Uses in the EG~~EX~~ Zone

33.562.120 Retail Sales And Service and Office Uses in the RH Zone

33.562.130 Commercial Parking in Multi-Dwelling Zones

Development Standards

33.562.200 Purpose

33.562.210 Maximum Height

33.562.220 Floor Area Ratios

33.562.230 Bonus Options

33.562.240 Standards on Main Streets and the Streetcar Alignment

33.562.250 Drive-Through Facilities Prohibited

33.562.260 Mechanical Equipment in the CM3~~EX~~ Zone

33.562.270 Minimum Active Floor Area

33.562.280 Parking

33.562.290 Use of Accessory Parking for Commercial Parking

33.562.300 Northwest Master Plan

33.562.310 Required Design Review

Map 562-1 Northwest Plan District

Map 562-2 Limited Use Areas

Map 562-3 Commercial Parking in Multi-Dwelling Zones

Map 562-4 Maximum Heights

Map 562-5 Floor Area Ratios

Map 562-6 Bonus Areas

Map 562-7 Areas with Special Development Standards

Map 562-8 Sites where Accessory Parking May be Operated as Commercial Parking

Map 562-9 Northwest Master Plan Required

Commentary

33.562.100 Residential Use Limitation

Some areas that were designated EX have been rezoned to EG or CM3. This provision maintains residential limitations in those areas that are zoned CM3. Residential uses are prohibited in EG zones.

33.562.110 Retail Sales And Service Uses in the EG and CM3 Zones

Some areas that were designated EX have been rezoned to EG or CM3. This provision maintains retail limitations in those areas.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.562.100 Residential Use Limitation

- A. **Purpose.** Residential uses are limited in an area adjacent to the Guild's Lake Industrial Sanctuary plan district in order to minimize conflicts with industrial activities. This limitation minimizes the potential for residential traffic and differing environmental expectations that can result in conflicts with industrial operations, while providing opportunities for those who may desire residence in a primarily nonresidential building in a historically industrial area.
- B. **Limitation.** On sites zoned CM3~~EX~~ in the area shown on Map 562-2, up to 20 percent of the net building area may be in Residential uses. More than 20 percent is prohibited.

33.562.110 Retail Sales And Service Uses in the ~~EX~~EG and CM3 Zones

- A. **Purpose.** These regulations limit the size of Retail Sales And Service uses to promote neighborhood-serving commercial development, help reduce traffic congestion associated with large-scale retailers, and to concentrate such uses along main streets and the streetcar alignment.
- B. **Where these regulations apply.** These regulations apply in the ~~EX~~EG and CM3 zones.
- C. **Limitations.**
 - 1. Except as specified in Paragraphs C.2 and C.3, Retail Sales And Service uses are allowed up to 20,000 square feet of net building area for each use.
 - 2. On sites shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use.
 - 3. On sites where only a portion of the site is shown on Map 562-2, Retail Sales And Service uses are allowed up to 3,000 square feet of net building area for each use on the portion shown on Map 562-2, and up to 20,000 square feet of net building area for each use on the remainder of the site.
 - 4. Where the regulations of this section conflict with the regulations of Section 33.562.220, Floor Area Ratios, the most restrictive applies.

Commentary

33.562.130 Commercial Parking in Multi-Dwelling Zones

Amendments add reference to Commercial/Mixed Use (C) zones and replace existing zones with most similar new zones.

Existing Zone	New Zone
CS	CM2

33.562.220 Floor Area Ratios

Amendments add reference to Commercial/Mixed Use (C) zones and replace existing zones with most similar new zones.

Deleting reference to residential and nonresidential floor area as residential is now included in floor area allowances and calculations

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.562.130 Commercial Parking in Multi-Dwelling Zones

A.-C. [No Change]

- D. **Setbacks.** The minimum setbacks from side and rear lot lines of abutting lots for structures containing Commercial Parking are stated in Table 562-1. These minimums may not be increased as part of a land use review except as specified in Subsection F, but may be reduced through an adjustment or modification. The site numbers refer to numbers on Map 562-3.

Table 562-1 Parking Structure Setbacks From Lot Lines Abutting an R Zone		
Site No.	Setback from the side lot line of an R-zoned lot	Setback from the rear lot line of an R-zoned lot
2, 3	Regulations of the RH Zone apply	
4	Regulations of the CM2CS -Zone apply; See Table 130-4	
5, 6, 1	None	None

E.-H. [No Change]

33.562.220 Floor Area Ratios

- A. **Purpose.** The regulations of this section encourage a transit-supportive level of development along main streets and the streetcar alignment, prevent buildings that are out of scale with the surrounding neighborhood, encourage vehicle parking to be within buildings, and allow larger buildings as screening along raised freeways.

B. **Minimum floor area ratio.**

- Where this regulation applies. The regulation of this Subsection applies:
 - In the ~~CM and CSCM2~~ zones; and
 - In the ~~EXCM3~~ zone, on the portion of a site within 200 feet of a main street or streetcar alignment. Main streets and the streetcar alignment are shown on Map 562-7.
- Regulation. The minimum required floor area ratio is 1.5 to 1. ~~This includes both residential and non-residential floor area.~~

C. **Maximum floor area ratios.**

- Maximum floor area ratios are shown on Map 562-5. Map 562-5 also shows areas where nonresidential uses are limited to an FAR of 1:1 within the total FAR allowed on a site. Additional floor area is allowed as specified in Section 33.562.230, Bonus Options.
- Half the floor area used for accessory parking is not counted toward maximum floor area ratios.

Commentary

33.562.230 Bonus Options

The amendments maintain the established bonuses in Northwest Plan District, but recast the affordable housing bonus to conform with the citywide approach to Inclusionary Housing. Height limits and other provisions are maintained.

33.562.230.D. Height bonus for residential development.

This allowance is being deleted because the area specified for the height bonus is being rezoned to CM3, and the CM3 base zone allows up to 75 feet of height when affordable housing or other bonuses are used.

33.562.230.D. Height and floor area ratio bonuses for affordable housing

The amendments convert the existing housing bonus to the Inclusionary Housing approach that was adopted by City Council in December 2016. Additional FAR, and access to added height, is earned for including affordable housing. The other bonus options for underground parking and the transportation fund are being retained in the plan district.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.562.230 Bonus Options

A. Purpose. Bonus options encourage certain uses and types of development that are desired within portions of the Northwest plan district and that implement the Northwest District Plan. The various bonus options encourage residential development, including housing affordable to a range of households; provide incentives for underground parking; and allow taller buildings to screen raised portions of the I-405 freeway.

B. General regulations.

1. More than one bonus allowed. More than one bonus option may be used.
2. Maximum bonus floor area allowed. The maximum bonus floor area increase that may be earned on a site through the bonus options of this section is 3 to 1.

C. Floor area ratio bonus options for small site residential proposals. In bonus areas A, B and C shown on Map 562-6, residential developments on small sites receive floor area bonuses. To qualify for this bonus, the site must be 20,000 square feet or less and at least 50 percent of the gross building area must be in residential uses. Areas shared by residential and nonresidential uses are included in nonresidential floor area.

The amount of the bonus varies with the size of the site as follows:

1. Where the site is 10,000 square feet or less, the floor area ratio is increased by 2;
2. Where the site is larger than 10,000 square feet and up to 20,000 square feet, the floor area ratio is increased by 1.

~~**D. Height bonus for residential development.** In bonus area A shown on Map 562-6, where at least 50 percent of the gross building area is in residential uses, the building may be up to 75 feet in height. Areas shared by residential and nonresidential uses are included in nonresidential floor area.~~

~~**DE. Height and floor area ratio bonuses for affordable housing.** In bonus areas A, B, and C shown on Map 562-6, development that includes affordable housing may be up to 120 feet in height and receive an additional floor area ratio of 1 to 1 if the following requirements are met:~~The following FAR bonus options apply in bonus areas A, B, and C shown on Map 562-6. The regulations of this Subsection do not apply outside of areas A, B, and C; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited. Development that takes advantage of one the following bonus options may be up to 120 feet in height:

1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

2. Bonus options:

- a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - b. Voluntary inclusionary housing. Bonus FAR is allowed when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
- ~~1. At least 50 percent of the gross building area must be in residential uses. Areas shared by residential and nonresidential uses are included in nonresidential floor area;~~
 - ~~2. Residential portions of proposals using this bonus must include one of the following:
 - a. At least 10 percent of units must be affordable to those earning no more than 30 percent of the area median family income;
 - b. At least 20 percent of units must be affordable to those earning no more than 60 percent of the area median family income; or
 - c. At least 40 percent of units must be affordable to those earning no more than 80 percent of the area median family income;~~
 - ~~3. The applicant must submit with the development application a letter from the Portland Housing Bureau certifying that the development will include affordable housing that meets the standards of one of the options of Paragraph E.2, above;~~
 - ~~4. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. This covenant must ensure that:~~

Commentary

33.562.230.F

The amendment changes the zone referenced from EX zone to CM3 zone because EX is being converted to CM3 in the plan district.

33.562.260 Mechanical Equipment in the CM3 zone

The amendment changes the zone referenced from EX zone to CM3 zone because EX is being converted to CM3 in the plan district.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- ~~a. Rental units used for this bonus will remain affordable to households meeting the income restrictions of Paragraph E.2, above, for at least 60 years after an occupancy permit is issued; and~~
- ~~b. Units for sale used for this bonus will be initially sold at a price that is affordable to households meeting the income restrictions of Paragraph E.2, above; and~~
- ~~5. Residential portions of mixed use developments using this bonus must be completed and receive an occupancy permit in advance of or at the same time as an occupancy permit for any nonresidential portion of the development.~~

EF. Height and floor area bonuses for underground parking. In bonus area C shown on Map 562-6, development that includes underground parking receives floor area and height bonuses. Where at least 50 percent of the accessory parking for a building is entirely underground, the building may be up to 120 feet in height and receives three additional square feet of floor area for each square foot of parking area where the finished ceiling height is underground.

FG. Northwest Transportation Fund bonus option. Within the area north of NW Pettygrove Street, on sites zoned CM3EX, contributors to the Northwest Transportation Fund (NWTF) receive nonresidential floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be in nonresidential use is earned, up to a maximum of the total floor area that is allowed on the site. The total floor area allowed on the site is regulated by Section 33.562.220, Floor Area Ratios, and Subsections A through F of this section. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund.

This bonus allows additional floor area to be in nonresidential uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum specified in B.2, above.

The NWTF is to be collected and administered by the Portland Office of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by NW Pettygrove Street, NW Nicolai Street, I-405, and NW 27th Avenue.

33.562.260 Mechanical Equipment in the CM3EX Zone

- A. Purpose.** These regulations reduce the negative visual and noise impacts of mechanical equipment in areas that allow a mix of residential, commercial, and industrial uses to protect the residential livability, economic vitality, and appearance of these areas. They also minimize the impact of ground-level mechanical equipment along streets and other public areas.
- B. Where these regulations apply.** The regulations of this section apply to all sites in the CM3EX Zone.
- C.** [No Change]

Commentary

33.562.290 Use of Accessory Parking for Commercial Parking

This amendment changes this section to update the regulations consistent with new base zones and the plan district provisions. It substitutes *CM3* for *EX* and *CM2* for *CS*, which are the most equivalent new zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.562.290 Use of Accessory Parking for Commercial Parking

- A. Purpose.** This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.
- B. Where these regulations apply.** These regulations apply to accessory parking in the Northwest plan district as follows:
1. On sites in an R or ~~EXCM3~~ zone, the regulations of this section apply to the entire site;
 2. On sites that are in both an R or ~~EXCM3~~ zone and a commercial/mixed use zone, if any of the accessory parking is in the R or ~~EXCM3~~ zone, the regulations of this section apply to the entire site;
 3. On sites that are in both an R or ~~EXCM3~~ zone and a ~~CSCM2~~ zone, if all of the accessory parking is in the ~~CSCM2~~ zone, and none is in the R or ~~EXCM3~~ zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
 4. On sites that are in the ~~CSCM2~~ zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.
- C. Regulations.** [No change.]

Commentary

33.562.300 Northwest Master Plan

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.562.300 Northwest Master Plan

A.-F. [No change]

G. Approval criteria for a Northwest Master Plan. A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:

1.-2. [No change]

3. Transportation.

- a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;
- b. The transportation system is capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion c.~~The transportation system is capable of safely supporting the proposed uses in the plan district in addition to the existing and planned uses in the area. Evaluation factors include street capacity and level of service in the vicinity of the plan district, on-street parking impacts, access requirements and needs, impacts on transit operations and access to transit, impacts on adjacent streets and on neighborhood livability, and safety for all modes of travel, particularly pedestrians and bicyclists; and~~
- c. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
- 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; and
- ee. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.

4. [No change]

Commentary

33.565.100 Additional Allowed Uses in the Airport Subdistrict

This amendment rectifies an inconsistency that applied a more restrictive limit on airport-area hotels/motels in the EG2 zone than in the IG2 zone.

33.565.240.B.

These amendments differentiate between this airport review and the new Transportation Impact Review in 33.852.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.565 Portland International Airport Plan District

565

33.565.100 Additional Allowed Uses in the Airport Subdistrict

The following additional uses are allowed ~~in the IG2 zone~~ in the Airport Subdistrict:

- A. Aviation and Surface Passenger Terminals are allowed in the IG2 zone; and
- B. Hotels and motels are allowed in the EG2 and IG2 zones.

33.565.240 Transportation Impact Analysis Review

- A. **Purpose.** The regulations of this section ensure that the impacts of airport growth on the surface transportation system will be identified and mitigated.
- B. **When an Airport Transportation Impact Analysis (TIA) Review is required.** An Airport Transportation Impact Analysis Review is required for any proposed development in the IG2 zone once the airport begins serving more than 21 Million Annual Passengers (MAP). See Chapter 33.806, Airport Reviews. As part of the review, the Port of Portland may request approval of development for an additional increment up to 6 MAP. Each time the airport begins serving the additional increment of 6 MAP, another TIA Review is required. The Port of Portland may not request approval of an increment larger than 6 MAP.

The Port may also request a TIA Review at any time.

- C. **Supplemental application requirements.**

Commentary

33.567.030 Prohibited Uses

Amendment changes the reference to the Commercial/Mixed Use (C) zones.

Figure 567-1

Updated graphic for Commercial/Mixed Use Zone reference.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.567 Powell Boulevard Plan District

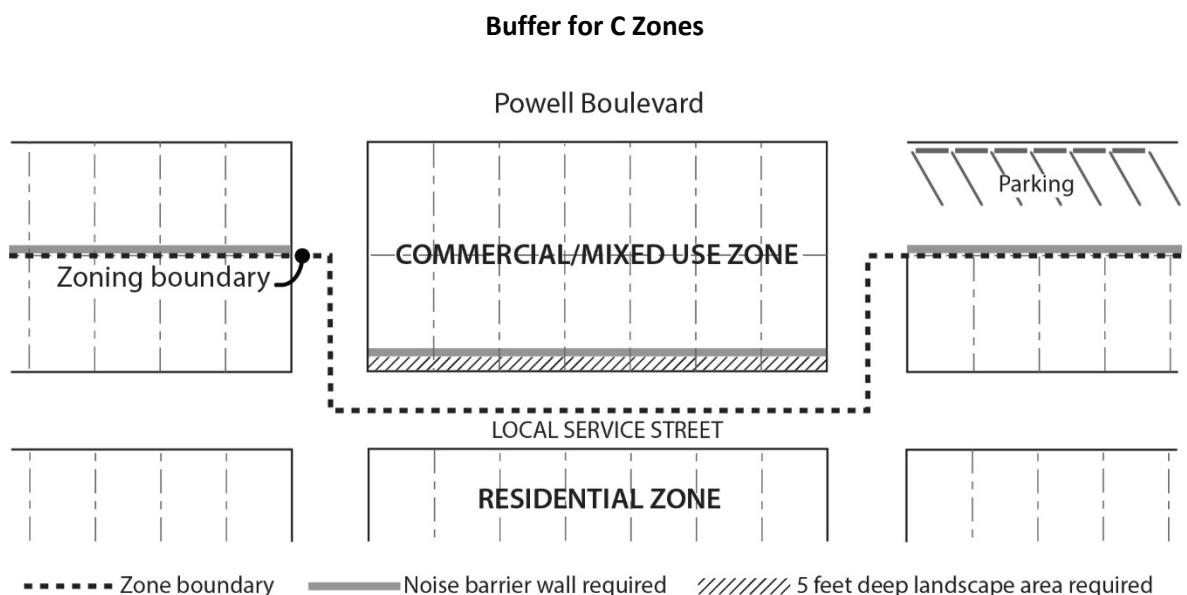
567

33.567.030 Prohibited Uses

New residential uses are prohibited in commercial/mixed use zones within the Powell Boulevard plan district area.

33.567.040 Additional Development Standards

- A. Off-street parking.** Off-street parking is not required in the Powell Boulevard plan district.
- B. Construction of noise-buffering walls.** The construction of a noise-buffering wall is required for new development as follows:
 1. **Location.** A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. See Figure 567-1.
 2. **Standards.** The wall must be solid, continuous, a minimum of 8 feet high, and extend the entire length of the lot line. The design of the wall must be compatible with the existing walls constructed by the State.
 3. **Landscaping.** For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 567-1.



DRAFT

Commentary

Map 580-2

Map 580-2 is being revised to apply the base zone floor area ratios (FAR) to property located outside the central city plan district.

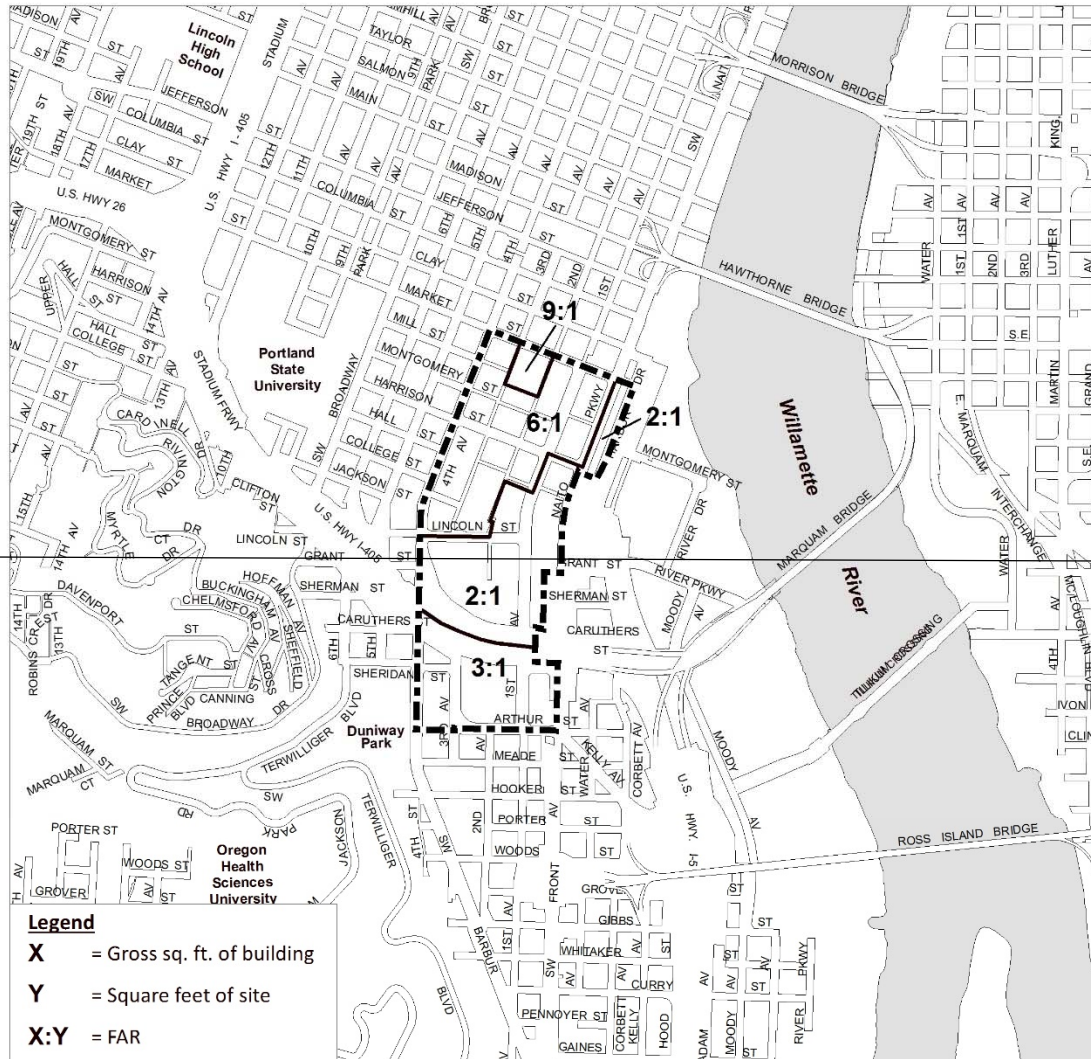
This is the existing Map 580-2 which is being deleted.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

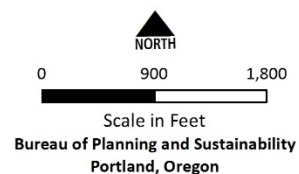
**South Auditorium
Plan District: FAR
Maximum Floor Area Ratios**

Map 580-2

Map Revised January 1, 2015



- Plan District Boundary
- Floor Area Ratio (FAR) Boundary



Commentary

Map 580-2

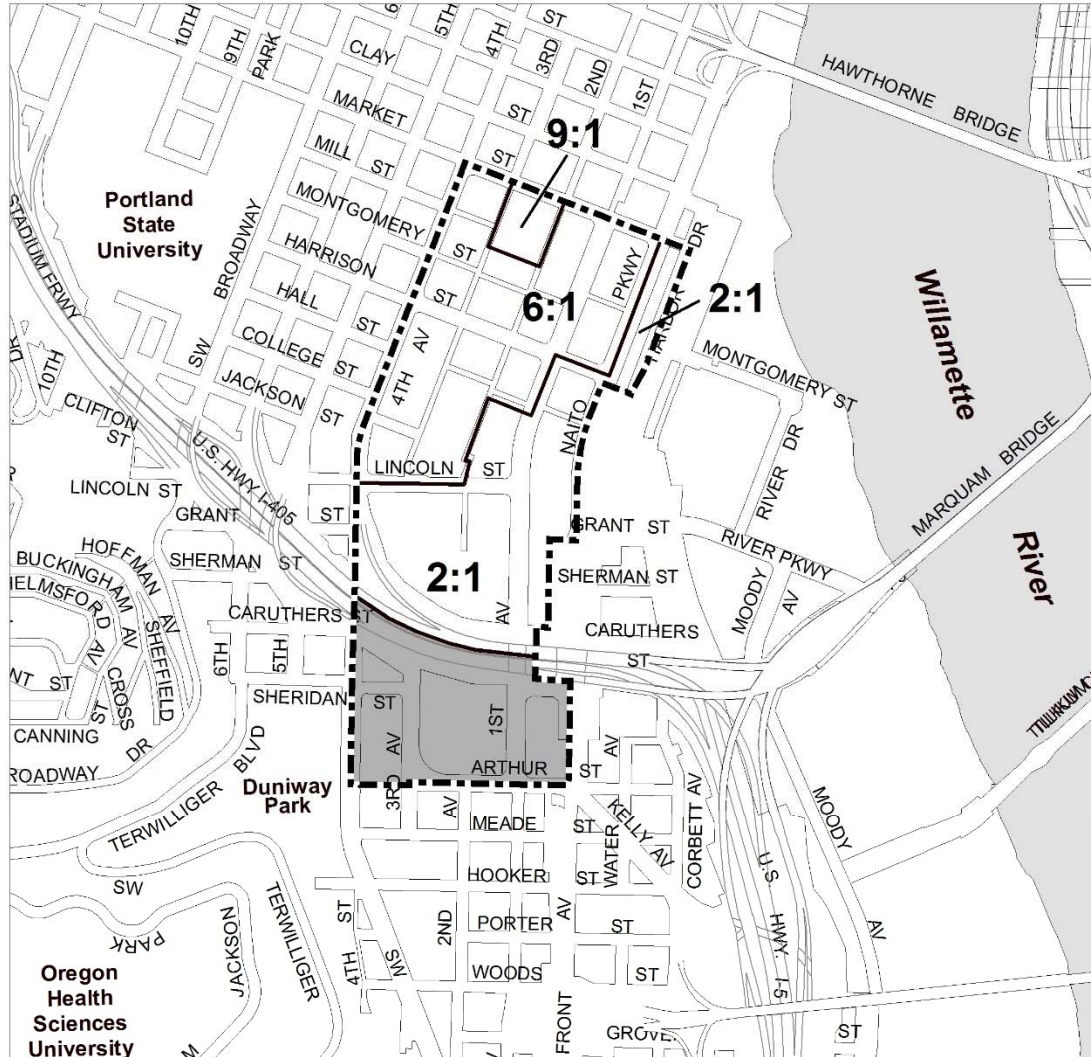
This is the new Map 580-2. The area south of the Central City Plan district is zoned CM3, which provides a 3:1 FAR and bonus floor area for Inclusionary Housing.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Proposed South Auditorium
Plan District: FAR
Maximum Floor Area Ratios

Map 580-2

Map Revised xxxx, 201x



Commentary

33.583 St Johns Plan District

Amendments add reference to *Commercial/Mixed Use (C)* zones as appropriate. The EX zone was replaced by the CM3 zone. References in the plan district reflect this change.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.583 St. Johns Plan District

583

Sections:

General

33.583.010 Purpose

33.583.020 Where These Regulations Apply

Use Regulations

33.583.100 Purpose

33.583.110 Prohibited Uses

33.583.120 Retail Sales And Service Uses in the ~~EG and EXCM3~~ EXCM3 Zones

Development Standards

33.583.200 Purpose

33.583.210 Drive-Through Facilities

33.583.220 Exterior Activities in the EG and ~~EXCM3~~ EXCM3 Zones

33.583.230 ~~Housing Types~~ Detached Houses Prohibited in the ~~EG and EXCM3~~ EXCM3 Zones

33.583.240 Minimum Density in the R1 Zone

33.583.250 Maximum Building Height

~~33.583.260 Bonus Option in the CN2 Zone~~

33.583.270 Building Coverage and Landscaping in the ~~EXCM3~~ EXCM3 Zone

~~33.583.280 Residential Uses in the EG1 Zone~~

33.583.285 Additional Regulations in the Riverfront Subdistrict

33.583.290 Required Design Review

Map 583-1 St. Johns Plan District

Map 583-2 Maximum Heights

33.583.110 Prohibited Uses

- A. **Plan district.** Quick Vehicle Servicing is prohibited in the plan district.
- B. **EG and ~~EXCM3~~ zones.** The following uses are prohibited in the EG and ~~EXCM3~~ EXCM3 zones:
 - 1.-5. [No Change]

Commentary

33.583.120 Retail Sales And Service Uses in the CM3 Zone

Amendments add reference to Commercial/Mixed Use (C) zones. As part of the 2035 Comprehensive Plan update, the EX zone was replaced by the CM3 zone, and new retail use limitations were added to the EG base zone.

33.583.220 Exterior Activities in the EG and CM3 Zones

Amendments add reference to Commercial/Mixed Use (C) zones as appropriate. The EX zone was replaced by the CM3 zone.

33.583.230 Detached Houses Prohibited in the CM3 Zone

Amendments add reference to Commercial/Mixed Use (C) zones as appropriate. As part of the 2035 Comprehensive Plan project, the EX zone was replaced by the CM3 zone, and household living was prohibited in the EG zone.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.583.120 Retail Sales And Service Uses in the ~~EG and EXCM3~~ Zones

- A. **Purpose.** Limiting the net building area of Retail Sales And Service uses in the ~~EG and EXCM3~~ zones ensures that they do not dominate the riverfront areas or overwhelm the transportation system and are generally limited to community-serving establishments.
- B. **Maximum per use.** In the ~~EG and EXCM3~~ zones, Retail Sales And Service uses are allowed. The square footage of the net building area plus exterior display and storage area of each use may be up to 10,000 square feet.
- C. **Maximum per site.** In the ~~EG and EXCM3~~ zones, the net building area plus exterior display and storage area of all Retail Sales And Service uses on a site, taken together, is limited to 60,000 square feet or the square footage of the site ~~area~~, whichever is less. Retail Sales And Service uses where the net building area plus the exterior display and storage area exceeds these size limits, are a Conditional Use. The approval criteria are in Section 33.815.128. Adjustments to this Subsection are prohibited.

33.583.220 Exterior Activities in the EG and ~~EXCM3~~ Zones.

The following exterior activities are allowed in the EG and ~~EXCM3~~ zones in addition to those permitted by the base zones:

- A. **Purpose.** Exterior activities, such as outdoor cafes and exterior display of pedestrian-oriented services enhance the pedestrian environment of the plan district.
- B. **Standard.** The following exterior activities are allowed in the EG and ~~EXCM3~~ zones:
 - 1.-2. [No Change]

33.583.230 Detached Houses Prohibited in the ~~EG and EXCM3~~ Zones.

Detached houses are prohibited in the ~~EG and EXCM3~~ zones.

Commentary

33.583.250 Maximum Building Height

These amendments address changing of zones.

The EX zone is replaced by the CM3 zone, and provisions are rewritten accordingly to provide the same height allowances in CM3 as in EX.

33.583.250.B.2

This section is being deleted because the CN2 zone will not exist in the St Johns Plan District. The CN2 zone is being replaced with the CM2 zone in St Johns; CM2 has a maximum base height of 45 feet, except where additional height is specifically provided. The height allowances are in keeping with the allowances provided in the plan district.

583.260 Bonus Option for Housing in the CN2 Zone

This section is being deleted because the CN2 zone will not exist in the St Johns Plan District. The CN2 zone is being replaced by the CM2 zone which has more generous height and FAR development allowances. The new base zones include provisions for housing, bonuses, and height transitions that supersede these provisions.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.583.250 Maximum Building Height

- A. Purpose.** The height regulations in the plan district protect public views and the character of St. Johns, the waterfront, and the residential area along the hillside. The height regulations work together with the Community Design Standards and Guidelines to ensure that the character and scale of new development is appropriate for this mixed-use area, and for the zone.
- B. Standards.** ~~1. Generally.~~ The maximum building height for all sites is shown on Map 583-2 at the end of this chapter. In the CM3 zone, increased height may be requested as a modification through Design Review, up to the maximums shown in parenthesis on Map 583-2. Heights greater than shown in parenthesis on Map 583-2 are prohibited, and Adjustments to these maximums height are prohibited in all other zones.
- ~~2. CN2 zone.~~ In the CN2 zone, heights greater than those shown on Map 583-2 are prohibited unless allowed by Section 33.583.260.
- ~~3. EX zone.~~ In the EX zone, increased height may be requested as a modification through Design Review, up to the maximums shown in parenthesis on Map 583-2. Heights greater than shown in parenthesis on Map 583-2 are prohibited.

~~583.260 Bonus Option for Housing in the CN2 Zone~~

- ~~**A. Purpose.** The bonus option encourages the development of residential and mixed-use buildings within the St. Johns plan district.~~
- ~~**B. Where these regulations apply.** The regulations of this section apply to areas on Map 583-2 where bonus building heights are shown in parenthesis and where the zoning is CN2.~~
- ~~**C. Bonus.** Proposals providing housing receive bonus floor area. Where floor area is being added to a site, and at least 25 percent of the new floor area will be in residential use, a bonus of 0.25 FAR is earned for the non-residential uses on the site. Proposals using this bonus are also subject to the following development standards. Adjustments to this subsection are prohibited:~~
- ~~1. Maximum building coverage. The maximum building coverage is 85 percent of the site area; and~~
- ~~2. Maximum height. The maximum height shown in parentheses on Map 583-2 is allowed. However, on the portion of the site within 15 feet of the lot line adjacent to or across the street from a site zoned residential, the maximum allowed building height is 45 feet. See Figure 583-1.~~

Commentary

Figure 583-1

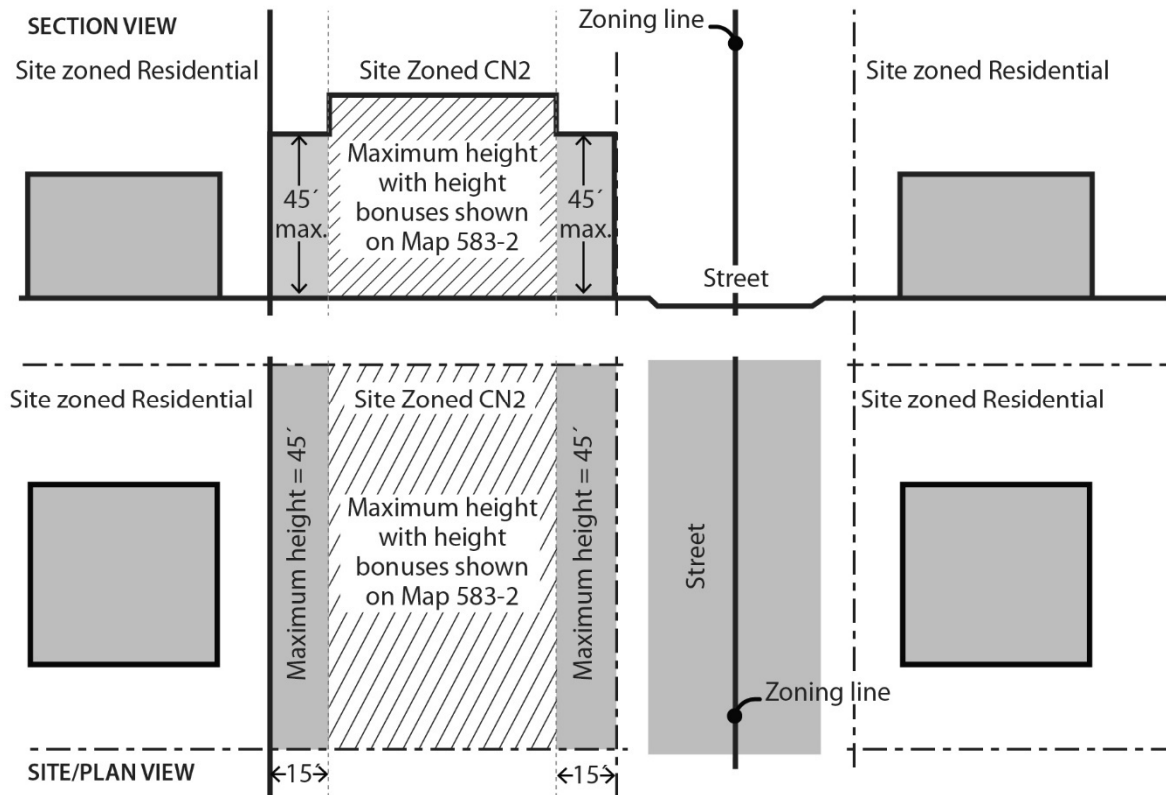
This figure is being deleted. The *CM2* and other Commercial/Mixed Use base zones include height transitions to adjacent residential zones that supersede this approach.

33.583.270 Building Coverage and Landscaping in the *CM3* Zone

The *EX* zone is being replaced by the *CM3* zone in St Johns Plan District. The landscaping provision is being deleted because the *CM3* zone includes a landscaping requirement that calls for 15% landscaping or a combination of urban green options.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Figure 583-1
Maximum Height with Bonus Option for Housing



33.583.270 Building Coverage and Landscaping in the EXCM3 Zone

- A. Purpose.** The building coverage and minimum landscape standards work with the FAR and height standards to control the overall scale and bulk of development and promote development consistent with the desired character of the plan district. These standards ensure that ~~sites are landscaped, and that~~ buildings do not completely cover a site.
- B. Maximum building coverage.** The maximum building coverage in the EXCM3 zone is 85 percent.
- C. ~~Minimum landscaped area.~~** The minimum landscaped area in the EX zone is 15 percent. ~~Landscape areas must be landscaped to at least the L1 standard.~~

Commentary

33.583.280 Residential Uses in the EG1 Zone

This section is being amended to balance the plan district objective for live-work development with new base zone regulations that prohibit housing in the EG zones.

33.583.285 Additional Regulations in the Riverfront Subdistrict

The EX zone is being replaced by the CM3 zone in St Johns Plan District. These changes amend and update EX zone code references which is replaced by CM3. Changes to EG allowances in this area make them more similar to base zone which prohibits housing but allows office.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.583.280 Residential Uses in the EG1 Zone

- A. Purpose.** This regulation provides flexibility in the use of structures in the EG1 zone to facilitate live/work development in an overall employment setting. The standards ensure that allowed residential uses will not dominate a site or area.
- B. Where these regulations apply.** These regulations apply in the EG1 zone outside the Riverfront Subdistrict.
- C. Residential uses.** ~~Applicants for residential uses may choose to request a conditional use, or to meet the standards of this section. Up to one-third of the floor area on the site may be in residential use, up to a maximum FAR of 0.5 to 1, and a maximum density of 1 dwelling unit for each 10,000 square feet of site area. Residential uses that meet the standards of this section are allowed. Adjustments to this section are prohibited. The standards are:~~
- ~~1. Amount allowed. Up to 50 percent one-third of the floor area on the site may be in residential use, up to a maximum FAR of 0.5:1, and a maximum density of 1 dwelling unit for each 10,000 square feet of site area; and~~
 - ~~2. Measurement. The measurement standards of Subsection 33.130.253.D apply.~~

33.583.285 Additional Regulations in the Riverfront Subdistrict

- A. Purpose.** These regulations allow the Riverfront Subdistrict to continue to accommodate industrial uses, but foster the transition to an urban mixed-use area that is well integrated into St. Johns. ~~Limiting some uses in the EG zones protects industry, and encourages development of housing and office uses only where appropriate.~~
- B. Where these regulations apply.** The regulations of this section apply to sites in the Riverfront Subdistrict, shown on Map 583-1.
- ~~**C. Prohibited uses in EG zones.** Residential and Office uses are prohibited in the EG zones.~~
- DC. Minimum residential density in the EXCM3 zone.** Where all of the floor area on a site in the EXCM3 zone is in residential use, the minimum residential density is 1 unit per 1,000 square feet of site area.
- ED. Noise insulation required.** All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average interior noise level of 45 dBA. Reconstructed dwelling units where the total cost of improvements is 75 percent or more of the total assessed improvement value of the site must also meet this standard. Garages and similar accessory structures that do not include living space are exempt from this standard.
1. An engineer registered in Oregon who is licensed in acoustical engineering must certify that the building plans comply with the performance standard for sound insulation prior to the issuance of a building permit.
 2. The City of Portland will provide a list of at least three registered engineers knowledgeable in acoustical engineering.

Commentary

Map 583-2

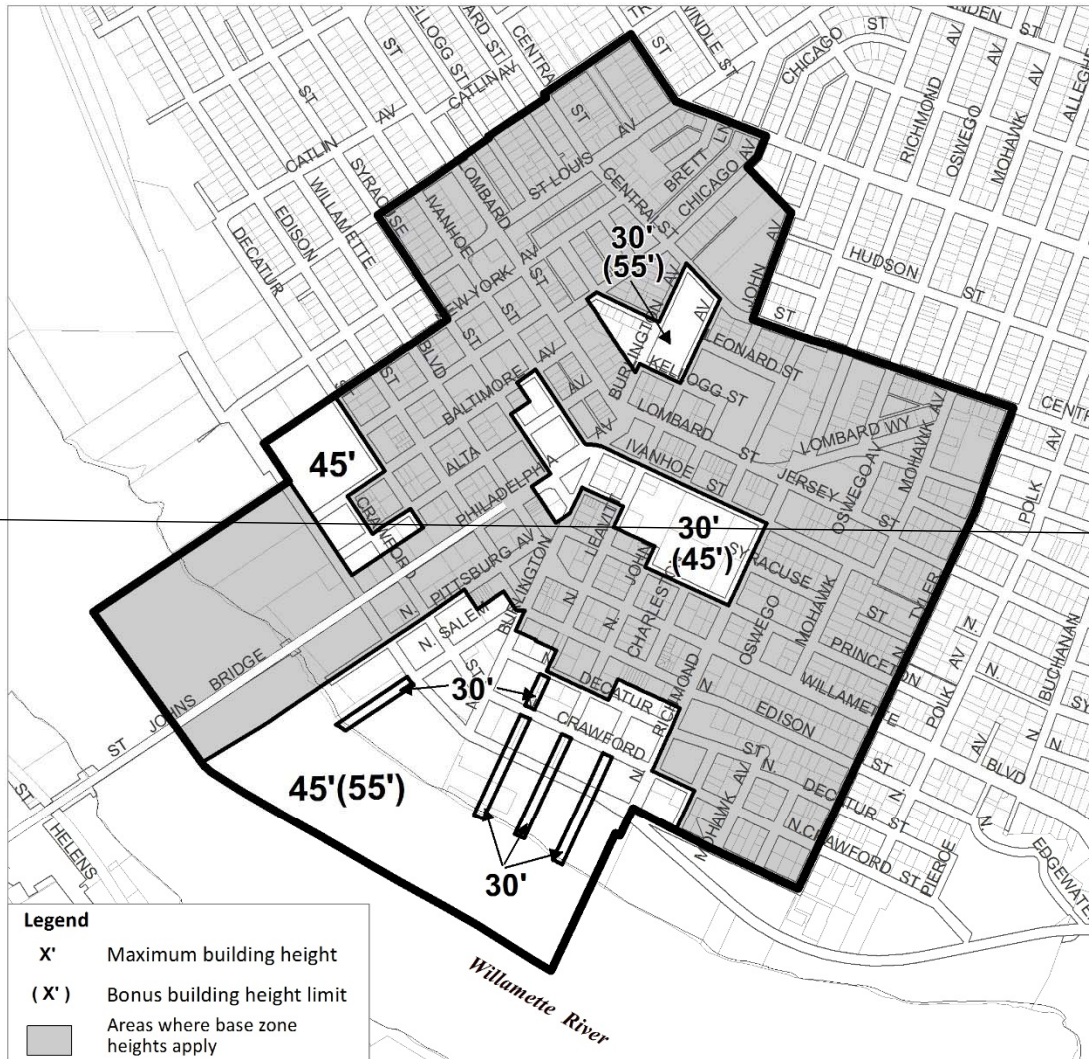
The existing Map 583-2 is being deleted and replaced with a new Map 583-2. The new map reflects changes to height limits in CN2 areas consistent with newly applied Commercial/Mixed Use zones.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

**St Johns Plan District
Maximum Heights**

Map 583-2

Map Revised July 24, 2015



Commentary

Map 583-2

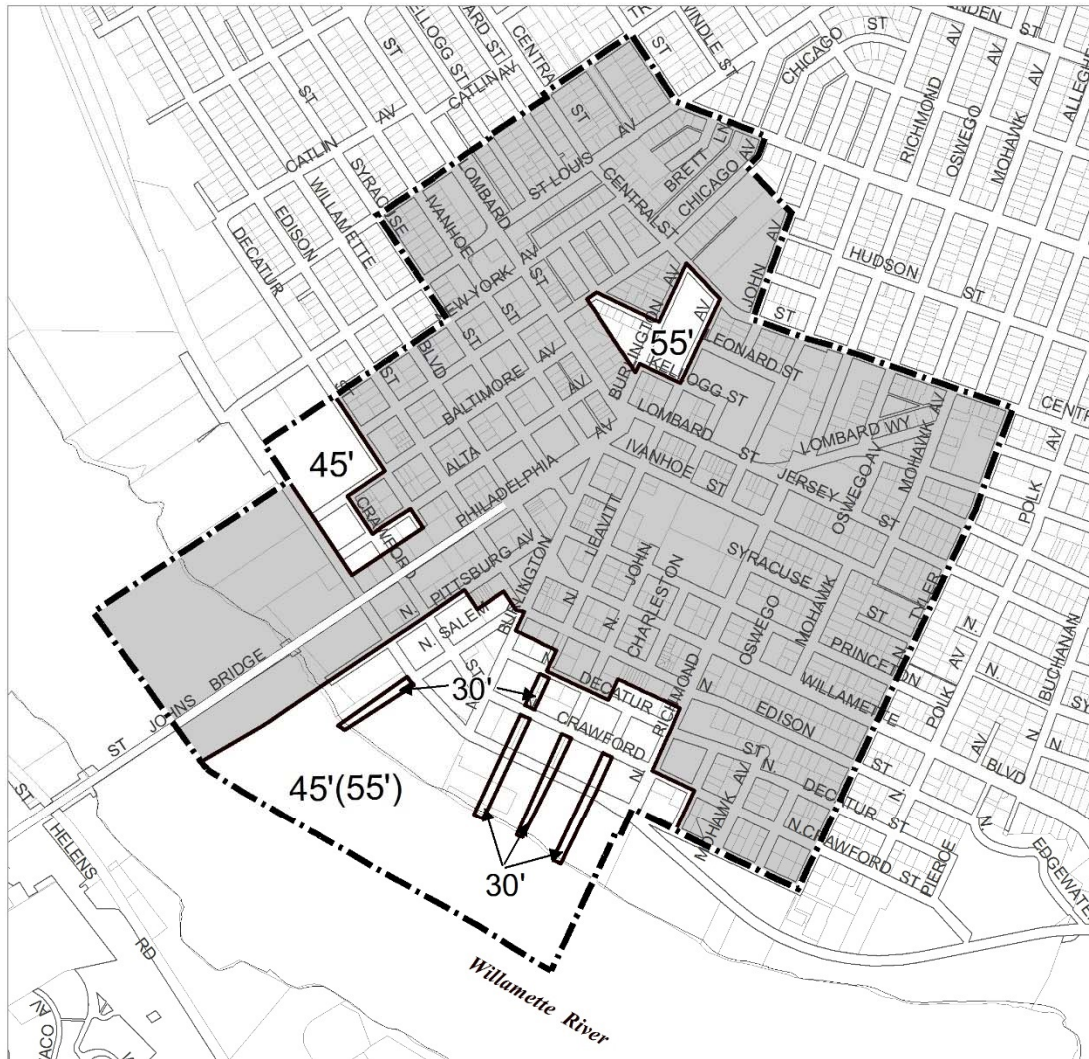
This Map 583-2 replaces the existing Map 583-2. It reflects changes in height limits based on adopted Commercial/Mixed Use zones within the plan district. The former CN2 zone had a height limit of 30 feet, and the plan district map allowed additional height - either up to 45' or 55' - as a housing bonus. The CN2 zone was replaced with the new CM2 zone which allows a 45' height limit inclusive of housing, and 55' with bonus, therefore the corresponding area with a 45' bonus height limit is removed. Other map height features are retained in selected areas.




Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

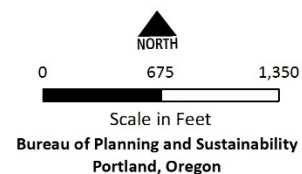
**Proposed St Johns Plan District
Maximum Heights**

Map 583-2

Map Revised Xxxx XX, 201X



-  Plan District Boundary
-  Maximum building height
-  Areas where base zone heights apply



Commentary

33.612

The amendments to this chapter specifically call out IR because the IR zone has moved from the multi-dwelling zones chapter to the campus institutional zones chapter. As a result, referring only to multi-dwelling zones no longer includes reference to IR.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.612 Lots in Multi-Dwelling and IR Zones

612

Sections:

- 33.612.010 Purpose
- 33.612.020 Where These Standards Apply
- 33.612.100 Density
- 33.612.200 Lot Dimension Standards

33.612.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling and IR zones. These standards ensure that lots are consistent with the desired character of each zone. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

33.612.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the multi-dwelling and IR zones.

33.612.100 Density

- A. Single-dwelling or duplex development.** When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Chapter 33.120 or in Chapter 33.150. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density. However, the area used for common greens and shared courts is not subtracted from the total site area to calculate maximum density.
- B. All other development.** When development other than single-dwelling or duplex is proposed, minimum and maximum density must be met at the time of development.

Commentary

33.613

These amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.613 Lots in Commercial/Mixed Use and CI Zones

613

Sections:

33.613.010 Purpose

33.613.020 Where This Standard and Approval Criterion Apply

33.613.100 Minimum Front Lot Line Standard

33.613.200 Minimum Lot Area, Width and Depth Approval Criterion

33.613.010 Purpose

Because of the wide range of uses allowed in the commercial/mixed use and CI zones, the amount of land needed for ~~commercial~~ developments varies, as does the size and shape. Most lots in commercial/mixed use and CI zones have one ~~commercial~~ structure, along with accessory uses, but some lots support more than one ~~commercial~~ structure and use. Because of this variety of potential development, there are no specific lot dimension standards except for a minimum front lot line requirement that ensures that lots do not narrow to an unworkable width at the street. The area, width and depth of each lot is evaluated for the development proposed, taking into consideration the location and characteristics of the site.

This chapter works in conjunction with other chapters of this Title to ensure that the land division creates lots that can support appropriate development and uses in accordance with the planned intensity of each zone.

33.613.020 Where This Standard and Approval Criterion Applies

The standard and approval criterion of this chapter apply to land divisions in the commercial/mixed use and CI zones.

Commentary

33.630.020 Where These Regulations Apply

Amendments add reference to *Campus Institutional (CI)* zones, and delete reference to zone that will no longer exist. The amendments also clarify wording and eliminate a one item list.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.630 Tree Preservation

630

33.630.020 Where These Regulations Apply

- A.** Generally. The regulations of this chapter apply to all proposals for land divisions on sites outside the Central City plan district that have at least one tree that is at least 6 inches in diameter, except where all trees on the site are exempt under 33.630.030. Where a tree trunk is partially on the land division site, it is considered part of the site.
- B.** Sites in C, E, ~~and I, and CI~~ zones where all of the proposed lots are currently developed with commercial, employment, ~~or industrial~~, or institutional development. ~~Such sites may defer tree preservation review to the time of any future development or redevelopment of the site. Sites that use this option are subject to the standards of Title 11, Trees at the time of development. 1. ———~~ Exception. Sites in the IH, IG1, EX, and CX, ~~CS, and CM~~ zones are not eligible to use this provision.
- C.** Proposals to divide sites that are partially within an environmental overlay zone or the Pleasant Valley Natural Resources overlay zone and include a concurrent environmental review or Pleasant Valley Resource review are not subject to the tree preservation standards of Section 33.630.100. However, the tree preservation approval criteria in 33.630.200 apply to these proposals.

Commentary

33.631.100

Amendments add reference to *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.631 Sites in Flood Hazard Areas

631

33.631.100 Flood Hazard Area Approval Criteria

- A. RF through R2.5 zones.** [No Change]
- B. R3 through IR, C, E, ~~and I, and CI~~, zones.** The following criteria must be met in the R3 through IR, C, E, and I, and CI zones:
 - 1.-2. [No Change]
- C. In all zones.** [No Change]

Commentary

33.641.020 Approval Criterion

The transportation approval criterion for land divisions is amended to be consistent with proposed changes to transportation evaluation and approval criteria found in other discretionary land use reviews.

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

On-site improvements for streets, sidewalks and other features are required by Title 17. These regulations allow evaluation on off-site issues as well as those on-site.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.641 Transportation Impacts

641

33.641.020 Approval Criterion

- A.** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by 33.641.020.B.~~Evaluation factors include: street capacity and level-of-service; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes.~~
- B.** Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

33.641.030 Mitigation

~~The applicant may meet the criterion in Section 33.641.020, above, by including mitigation measures as part of the land division proposal. Mitigation measures must be acceptable to the City Engineer and may include providing transportation demand management measures, an access management plan, constructing streets, alleys, or bicycle, pedestrian, or transit facilities on or off the site or other capital improvement projects such as traffic calming devices.~~

Commentary

33.654.110 Connectivity and Location of Rights-of-Way

Amendments add reference to Campus Institutional (CI) and Institutional Residential (IR) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.654 Rights-of-Way

654

33.654.110 Connectivity and Location of Rights-of-Way

A. Purpose. [No Change]

B. Approval criteria.

1. Through streets and pedestrian connections in OS, R, C, ~~and E~~, CI, and IR Zones. In OS, R, C, ~~and E~~, CI, and IR zones, through streets and pedestrian connections are required where appropriate and practicable, taking the following into consideration:
 - a.-e. [No Change]
2. Dead-end streets in OS, R, C, ~~and E~~ zones, CI, and IR. In OS, R, C, ~~and E~~, CI, and IR zones, dead-end streets may be provided where through streets are not required. Dead-end streets should generally not exceed 200 feet in length, and should generally not serve more than 18 dwelling units. Public dead-end streets should generally be at least 200 feet apart.
3. Pedestrian connections in I Zones. In I zones, pedestrian connections to all Regional Transitways, Major Transit Priority Streets, Transit Access Streets, Community Transit Streets, Off-Street Paths, and recreational trails within 1,300 feet of the site are required where appropriate and practicable. The connections should take the most direct route practicable. Users should be able to see the ending of the connection from the entrance point, if possible. Only the portion of the pedestrian connection that is on the land division site is required.
4. Alleys in all zones. [No Change]

Commentary

33.654.120 Design of Rights-of-Way

Amendments add reference to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.654.120 Design of Rights-of-Way

A.-F [No Change]

G. Shared court approval criteria and standards. The purpose of the shared court standards is to allow streets that accommodate pedestrians and vehicles within the same circulation area, while ensuring that all can use the area safely. Special paving and other street elements should be designed to encourage slow vehicle speeds and to signify the shared court's intended use by pedestrians as well as vehicles. Access from a shared court is limited to ensure low traffic volumes that can allow a safe mixing of pedestrians and vehicles. Shared courts are limited to zones intended for more intense development to facilitate efficient use of land while preserving the landscape-intensive character of lower-density zones. The following approval criteria and standards apply to shared courts:

1. Right-of-way. [No Change]
2. Standards for land divisions with shared courts. Land divisions that include a shared court must meet the following standards:
 - a. A shared court is allowed only in multi-dwelling, commercial/mixed use, ~~or employment, or campus institutional~~ zones;
 - b. Up to 16 lots may have a front lot line on a shared court;
 - c. Lots with a front lot line on a shared court must be developed with attached houses, detached houses, duplexes or attached duplexes; and
 - d. The Fire Bureau has approved the land division for emergency access.

Commentary

33.662 Review of Land Divisions in C, CI, E and I Zones

Amendments add reference to Commercial/Mixed Use (C) and Campus Institutional (CI) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

**33.662 Review of Land Divisions in Commercial/~~Mixed Use~~,
Campus Institutional, Employment, and Industrial Zones**

662

33.662.020 Where These Regulations Apply

- A. Generally.** The regulations of this chapter apply to proposals for land divisions on sites in commercial, campus institutional, employment, and industrial zones.
- B. Alternative process for large sites in I zones.** [No Change]

Commentary

33.700.110.B.2.b(1)

This amendment clarifies the entire list of land use reviews to which the provision applies. Originally, the term conditional use was intended to cover all types of conditional use review (CU, CUMP, and IMP), however spelling it out clearly is the preferred method.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.700 Administration and Enforcement

700

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. [No change]

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. [No change]

2. Conditional uses.

a. [No change]

b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:

(1) Colleges and Medical Centers in the CI1 and CI2 zones.

- Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;
- If a College or Medical Center in a CI1 or CI2 zone was an approved through a conditional use, conditional use master plan, or impact mitigation plan under the prior regulations, and the conditional use, conditional use master plan, or impact mitigation plan has not expired, the applicant can continue to develop under the approved conditional use review, the conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.

(2) [No change]

c. [No change]

3.-4. [No change]

Commentary

33.720.020 Quasi-Judicial Land Use Reviews

This amendment assigns the Design Commission as the review body for a Planned Development review when the development is taking advantage of the commercial/mixed use zone planned development bonus. The bonus, which allows additional height and floor area beyond what is allowed generally in the base zone, is only available for sites that are 2 acres or larger in size. Through the review, the development will be required to meet additional development standards and targets. Design quality and elements that transition to nearby properties are essential to creating a successful development, and the Design Commission is the most appropriate body to oversee these aspects of development.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.720 Assignment of Review Bodies

720

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

A.-B. [No Change]

C. Design Commission. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:

1. Design review, except as provided for in Paragraph D.2 below;
2. Adjustments in a Design zone, except historic districts and historic landmarks;
3. Adjustments associated with a design review required by City Council outside of a Design zone;
4. Reviews in the Central City plan district for height and FAR bonuses and transfers; ~~and~~
5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district;
6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.F.

D.-G. [No Change]

Commentary

33.805.040 Approval Criteria

Adding references to the new Campus Institutional (CI) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.805 Adjustments

805

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A.** [No Change]
- B.** If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, ~~or I~~, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C.-I.** [No Change]

Commentary

33.810.050 Approval Criteria

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.810 Comprehensive Plan Map Amendments

810

33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:
1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
 2. The requested change is consistent with Statewide Land Use Planning Goals;
 3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
 - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
 - b. The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion c;
 - c. Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and
 - d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed 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.~~The transportation system is capable of safely supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, truck circulation, access to arterials, transit availability, on-street parking impacts, site access requirements, neighborhood impacts, and pedestrian and bicycle circulation and safety;~~

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

- ee. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
- ef. The site does not have direct access to special industrial services such as multimodal freight movement facilities;
- eg. The proposed designation will preserve the physical continuity of the area designated as Industrial Sanctuary or Mixed Employment and not result in a discontinuous zoning pattern;

Commentary

33.815 Conditional Uses

Adding references to *Commercial/Mixed Use (C)* and *Campus Institutional (CI)* zones where appropriate.

Recommended Code Amendments

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33.815 Conditional Uses

815

Sections:

General

- 33.815.010 Purpose
- 33.815.020 How to Use this Chapter
- 33.815.030 Automatic Conditional Use Status
- 33.815.040 Review Procedures
- 33.815.050 Loss of Conditional Use Status
- 33.815.060 Development Standards for Conditional Uses
- 33.815.070 Sites With Split Zoning
- 33.815.080 Approval Criteria in General

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones
- 33.815.107 Short Term Housing and Mass Shelters in R and IR Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial/Mixed Use Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, ~~CG~~, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, ~~CS~~SCM2, and ~~EX~~CM3 Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Central Eastside Subdistrict~~Employment Opportunity Subarea~~ in the Central City Plan District
- 33.815.140 Specified Mass Shelters, Short Term Housing, And Group Living Uses in the C, and E, and CI Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities

Commentary

33.815.100 Uses in the Open Space Zone

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.222 Park-and-Ride Facilities for Mass Transit
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales ~~and~~ And Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District
- 33.815.310 Industrial Uses in the IR Zone
- 33.815.315 Utility Scale Energy Production in Specified C Zones

33.815.100 Uses in the Open Space Zone

These approval criteria apply to all conditional uses in the OS zone except those specifically listed in other sections below. The approval criteria allow for a range of uses and development that are not contrary to the purpose of the Open Space zone. The approval criteria are:

A. Character and impacts. [No Change]

B. Public services.

1. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;~~

Commentary

33.815.105 Institutional and Other Uses in Residential and Campus Institutional Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Commentary

33.815.107 Short Term Housing and Mass Shelters in R and IR Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

E. [No change]

These approval criteria apply to Community Service uses that provide short term housing and mass shelters in R and IR zones. Approval criterion A and C must be met for all mass shelters and short term housing. Criterion A through E must be met for mass shelters and short term housing where the net building area on the site is increasing by more than 1500 square feet or 10 percent, whichever is greater. The approval criteria are as follows:

1. The proposal is supportive of the street designations of the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;

Commentary

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

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

- E. [No change]**

- A. The overall development will result in a net increase in housing units on the site;
- B. The appearance, location, and amount of commercial uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies.
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;

Commentary

33.815.115 Specified Uses in Commercial/Mixed Use Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

The amendments to this section also add references to Commercial/Mixed Use (C) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

33.815.115 Specified Uses in Commercial/~~Mixed Use~~ Zones

These approval criteria apply to ~~uses in the following categories and zones: Industrial Service uses and Agricultural uses in the CS, CG, and CX zones, and Warehouse And Freight Movement uses in the CG~~commercial/mixed use zones. The approval criteria allow these uses in commercial/mixed use zones when they have a business or consumer orientation and are of a size and character to blend in with the other commercial uses. The approval criteria are:

- A. The proposed use will not have nuisance impacts from noise, odor, and vibrations greater than usually generated by uses allowed by right in the zone;
- B. Based on the characteristics of the proposed use and its development, the proposal is consistent with the purpose of the commercial/mixed use zone and with the character of the specific area;
- C. The proposed use will not significantly alter the overall ~~commercial~~ character of the area, based on the existing proportion of commercial and noncommercial uses and the effects of incremental changes; and
- D. Transportation system:
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterials; truck impacts; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies.
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

Commentary

33.815.120 Commercial Parking Facilities in the RX, CX, ~~GG~~, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Commercial/Mixed Use (C) zones where appropriate and amending to reflect changes in base zone use allowances.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.120 Commercial Parking Facilities in the RX, CX, ~~CG~~, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District.

These approval criteria provide for commercial parking facilities that support development outside the Central City, Columbia South Shore, and the Cascade Station/Portland International Center plan districts. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. Commercial parking facilities must meet criteria A. through E. and one of F. or G. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated.~~The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street capacity, level of service; on-street parking impacts; access restrictions; connectivity, neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;~~
2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

D.-E. [No Change]

- F.** The proposed parking will provide parking to support development in a commercial/mixed use or employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or
- G.** The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the ~~CG~~, EG1, or EG2 zones.

Commentary

33.815.121 Commercial Parking Facilities in the RX, ~~GSCM2~~ and ~~GXCM3~~ Zones in the Hollywood Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Commercial/Mixed Use (C) zones to reflect citywide Comprehensive Plan zone changes.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.121 Commercial Parking Facilities in the RX, ~~CSCM2~~ and ~~CXCM3~~ Zones in the Hollywood Plan District

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and~~
 - 2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. [No Change]

Commentary

33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District.

These approval criteria apply to certain proposals that include nonresidential uses on RX zoned sites in the area shown on Map 510-14. The proposals that are subject to these approval criteria are specified in Section 33.510.118, Use Regulations for Specified Sites in the West End Subarea. The approval criteria are:

- A. Minimized negative impacts on the desirability of future residential development.** The location and amount of nonresidential uses in the project will not by itself or in combination with nearby developments decrease the desirability of the area for the retention of existing housing or the development of new housing.
- B. Small businesses.** The proposal increases opportunities for small businesses. A high percentage of the ground floor is suitable for occupancy by small businesses.
- C. Public services.** Existing infrastructure is sufficient to support the proposed development. Examples of factors to be considered include whether:
 - 1. The proposed use is in conformance with the Central City Transportation Management Plan;
 - 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, parking impacts, access requirements, neighborhood impacts, and pedestrian safety.
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

Commentary

33.815.125 Specified Uses in Industrial Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea in the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

A. [No change]

B. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

C.-E. [No change]

Commentary

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing to the historic significance of a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District. The approval criteria are:

A. [No change]

B. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

C.-E. [No change]

Commentary

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

A. [No change]

B. Transportation system:

1. The transportation system is capable of supporting the traffic generated by the proposed offices in addition to the existing uses in the plan district. Evaluation factors include safety, 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. 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; ~~The transportation system is capable of supporting traffic generated by the proposed offices in addition to the existing uses in the plan district. Evaluation factors include street designations and capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; and~~
2. Measures proportional to the impacts of the proposed offices are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

C. [No change]

Commentary

33.815.128 Retail Sales And Service Uses in the EG Zone

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;~~
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.-D. [No change]

Commentary

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing to the historic significance of a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

A. [No change]

B. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management situations;~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

C.-D. [No change]

Commentary

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right.

The approval criteria are as follows:

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;~~
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C.-D. [No change]

Commentary

33.815.132 Office uses in the IG1 Zone in the Central Eastside in the Central City Plan District.

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

The amendments also reflect the fact that, through the 2035 Comprehensive Plan update, the employment opportunity area has been expanded to the entire Central Eastside subdistrict.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.132 Office uses in the IG1 Zone in the Central Eastside Subdistrict~~Employment Opportunity Subarea~~ in the Central City Plan District.

These approval criteria promote preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for compatible employment intensive businesses. The approval criteria are:

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;~~
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. [No Change]

Commentary

33.815.140 Specified Mass Shelters and Group Living Uses in the C₂ ~~and E~~, and CI Zones

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Campus/Institutional (CI) zones where appropriate.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.140 Specified Mass Shelters and Group Living Uses in the C, ~~and E,~~ and CI Zones

These criteria apply to mass shelters in the C, ~~and E,~~ and CI zones, or to Group Living uses that consist of alternative or post incarceration facilities in the C or EX zones.

A.-B. [No change]

C. Public services.

1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D. [No Change]

Commentary

33.815.200 Aviation And Surface Passenger Terminals

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

A.-B. [No change]

C. Bus, rail and ship passenger terminals.

1. Public services.

- a. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
- b. Transportation system:
 - (1) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 - (2) Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - (3) Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services;

2.-3. [No change]

Commentary

33.815.205 Detention Facilities

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

A.-B. [No change]

C. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and~~
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Commentary

33.815.210 Helicopter Landing Facilities

Amendments add reference to *Commercial/Mixed Use, Campus Institutional* and *Institutional Residential* zones as appropriate.

33.815.215 Major Event Entertainment

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.210 Helicopter Landing Facilities

- A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.
- 1.-3. [No Change]
 4. In C, E, I, or ~~Campus-institutional~~ zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
 5. In OS, R, CR, CM1, CM2, CM3, and IRCN, ~~CO, and CM~~ zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
 - 6.-7. [No Change]
- B. [No Change]

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

- A. **Public services.**
1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
 3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and~~

Commentary

33.815.220 Mining and Waste Related

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

B.-D. [No change]

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

A.-E. [No change]

F. Public services.

- 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and~~

Commentary

33.815.222 Park-and-Ride Facilities for Mass Transit

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

- G.-I. [No change]**

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

A.-C. [No change]

D. Transportation system:

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Commentary

33.815.223 Public Safety Facilities

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

E.-G. [No change]

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

A.-B. [No change]

C. Public services.

1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.
2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes; and
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

D.-E. [No change]

Commentary

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

A.-E. [No change]

F. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

Commentary

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

- D. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
- E. The proposed transportation demand management (TDM) program is acceptable to the Office of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and
- F. City-designated scenic resources are preserved.

Commentary

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

A.-B. [No change]

C. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes;~~
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

D.-E. [No change]

Commentary

33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts

For Retail Sales And Service uses in the South Waterfront subdistrict of the Central City plan district with more than 40,000 square feet of net building area, all approval criteria apply. For Retail Sales And Service uses in the River District subdistrict of the Central City plan district with more than 40,000 square feet of net building area, approval criteria A, B and D apply.

- A. [No change]
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated; ~~The transportation system is capable of safely supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, access to arterials, transit availability, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety;~~
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the South Waterfront Plan; and
- D. City-designated scenic resources are preserved.

Commentary

33.815.305 Replacement Parking Facilities in the Central City Plan District

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code.

The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Commercial/Mixed Use (C) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

A.-B. [No change]

C. Transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. ~~Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.~~ Access to the facility should be as far as possible from the light rail alignment. Access will be onto the right-of-way proposed for or containing the light rail alignment only if no other access is feasible;
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

D.-F. [No Change]

Commentary

33.815.315 Utility Scale Energy Production in Specified C zones.

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Commercial/Mixed Use (C) zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~striketrough~~)

33.815.315 Utility Scale Energy Production in Specified C zones.

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use~~CN, CM, CS, CG, and CX~~ zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

- A. The proposed Utility Scale Energy Production facility will serve the immediate area;
- B. The off-site impact standards of Chapter 33.262 must be met;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated. ~~The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity, level of service, and other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies; and~~
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

Commentary

Table 825-1

Adding CI zones to the list of zones that require design review for façade alterations.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.825 Design Review

825

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.

Table 825-1			
Procedure Type for Design Review Proposals			
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 > \$444,750	Type III
		Value ≤ \$444,750	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 > \$444,750	Type III
		≤ 1,000 s.f. <u>or</u> value ≤ \$444,750	Type II
Gateway Design District	Development proposals	Value > \$2,223,650 included in a Gateway Master Plan Review	Type III
		Value ≤ \$2,223,650 and not part of Gateway Master Plan Review	Type II
Marquam Hill Design District	Development proposals	In design overlay zones	Type II

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Sellwood-Moreland Design District			
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 > \$2,223,650	Type III
Goose Hollow			
Lloyd District		Value ≤ \$2,223,650	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			

Commentary

Table 825-1

Adding CI zones to the list of zones that require design review for façade alterations.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 825-1 Procedure Type for Design Review Proposals			
Plan Districts	Proposal	Threshold	Procedure
Central City Plan District, excluding Lower Albina	Development proposals	In design overlay zones and value > \$2,223,650	Type III
Northwest Plan District		In design overlay zones and value ≤ \$2,223,650	Type II
South Auditorium Plan District			
Albina Plan District	Development proposals	In design overlay zones	Type II
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 elsewhere in this table and value > \$2,223,650	Type III
		Not identified elsewhere in this table and value < \$2,223,650	Type II
Base Zones			
All zones	Signs	In design overlay zones	Type II
	Exterior mechanical equipment		
	New or replacement awnings		
C zones	Planned Development	Using the Planned Development bonus provision described in 33.130.212	Type III
C, E, I, RX, <u>CI</u> zones	Facade alteration	≤ 500 square feet in design overlay zones	Type II
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

2.-4 [No Change]

B. [No Change]

Commentary

33.846.060 Historic Resource Review

Adding references to Campus Institutional (CI) zones in Table 846-1 where appropriate.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.846 Historic Resource Reviews

846

33.846.060 Historic Resource Review

- A. Purpose.** [No Change]
- B. Review procedure.** Certain proposals specified in B.1 are subject to neighborhood contact requirements. Procedures for historic resource reviews are shown in Tables 846-1 through 846-4. 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.
- Neighborhood Contact. The following proposals are subject to the Neighborhood Contact requirement, as specified in Section 33.700.025, Neighborhood Contact, if they are in the a, Alternative Design Density Overlay Zone; in the Albina Community Plan area shown on Map 825-2; or in the Outer Southeast Community Plan area shown on Map 825-3:
 - a.-c. [No Change]
 - For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.140.B, the review procedure is determined by Table 846-1, below:

Table 846-1 Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
Alterations of a landmark-designated interior public space	All	Project value > \$444,750	Type III
		Project value ≤ \$444,750	Type II
Mechanical equipment	All	Exterior	Type Ix
Awnings	All	New or replacement	Type Ix
Signs	C, E, I, RX, <u>CI</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, <u>CI</u>	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$444,750	Type III
		Project value ≤ \$444,750	Type II

- For Conservation Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.230.B, the review procedure is determined by Table 846-2, below:

Commentary

33.846.060 Historic Resource Review

Adding references to Campus Institutional (CI) zones in Table 846-2 and 846-3 where appropriate.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 846-2			
Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Signs	C, E, I, RX, <u>CI</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade area < 500 sq. ft.	Type Ix
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

4. For Historic Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.320.B, the review procedure is determined by Table 846-3, below:

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
New structure	All	Project value > \$444,750	Type III
		Project value ≤ \$444,750	Type II
New accessory structure	RF-RH		Type I
Signs	C, E, I, RX, <u>CI</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, <u>CI</u>	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RH	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All	Project value > \$444,750	Type III
		Project value ≤ \$444,750	Type II

Commentary

33.846.060 Historic Resource Review

Adding references to Campus Institutional (CI) zones in Table 846-4 where appropriate

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

5. For Conservation Districts, excluding Historic or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.420.B, the review procedure is determined by Table 846-4, below:

Table 846-4			
Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
New structure	All		Type II
New accessory structure	RF-RH		Type I
Signs	C, E, I, RX, <u>CI</u>	Sign area < 150 sq. ft.	Type Ix
Alteration to the exterior of a structure	C, E, I, RX, <u>CI</u>	Affected facade area < 500 sq. ft.	Type Ix
Alteration to the exterior of a structure	RF-RH	Affected facade area < 150 sq. ft.	Type I
Historic restoration	RF-RH		Type I
Any other non-exempt exterior alteration or historic restoration proposal	All		Type II

C.-G. [No Change]

Commentary

33.848.050 Approval Criteria

These amendments reflect a change to transportation system approval criteria that was adopted with the new comp plan, and is being implemented throughout the zoning code. The changes update evaluation factor terminology consistent with modern transportation analysis and clarify the evaluation factors may be balanced.

Adding references to Commercial/Mixed Use (C) zones as appropriate.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.848 Impact Mitigation Plans

848

33.848.070 Impact Mitigation Plan Requirements

The applicant must submit an impact mitigation plan which includes all the components listed in this Section. The review body may modify the proposal. While it is important to include adequate detail in the plan, the intent of this Chapter and the IR zone is to allow development of a document that guides the nature and timing of mitigation activity rather than one that specifies the nature, size, and location of all future development projects.

A.-J. [No Change]

K. Design compatibility. The impact mitigation plan must include guidelines or standards that will guide the design review process on the campus. The guidelines or standards must include the following elements:

1. [No Change]
2. Each building facade within 50 feet of a public right-of-way or pedestrian path or recreational trail (as shown in the Portland Comprehensive Plan Transportation Element) within or bordering the institutional campus must comply with design guidelines which address the following:
 - a. [No Change]
 - b. All development located, in all or part, within 150 feet of a campus boundary abutting a residential or commercial/mixed use zone must also be designed to smooth the transition between more intense, larger-scale institutional development and nearby residential and commercial areas through the:
(1)-(3) [No Change]
3. [No Change]

33.848.050 Approval Criteria

The approval criteria listed in this Section will be used to review impact mitigation plans. These criteria correspond to the regulations governing the content of the Impact Mitigation Plan. The approval criteria are:

A.-E. [No change]

F. The transportation system:

1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, 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. 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; is capable of safely supporting the development proposed in addition to the existing uses in the area, or will be made capable by the time the development is completed.

Commentary

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

G.-O. [No change]

Commentary

33.852.110 Approval Criteria

The proposed language amends the transportation evaluation and approval criteria for Transportation Impact Reviews to be consistent with the Comprehensive Plan and changes being made to Conditional Use and other discretionary land use reviews with similar transportation approval criteria.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.852 Transportation Impact Review

852

33.852.110 Approval Criteria for Transportation Impact 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. Evaluation factors include safety, 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. Proposed transportation and parking demand management actions are contributing to the City sufficiently achieving the relevant mode share and residential auto ownership targets established by the Transportation System Plan for the uses and development on the site;
- C. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to ~~fill in gaps in~~ the local pedestrian and bicycle networks, and transit 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

Commentary

33.854.340.G Transportation impacts

The proposed language amends the transportation evaluation and approval criteria for Planned Development to be consistent with the Comprehensive Plan and changes being made to Conditional Use and other discretionary land use reviews with similar transportation approval criteria.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.854 Planned Development Review

854

33.854.340 Proposals Without a Land Division

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

A-F. [No change]

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
2. ~~Adequate measures to mitigate on- and off-site transportation impacts are proposed.~~ Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to ~~fill in gaps in the~~ local pedestrian and bicycle networks, and transit stop improvements;
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
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.~~

Commentary

33.855.050 Approval Criteria for Base Zone Changes

Deleting Subsection A.2, which refers to the Buffer overlay zone, because it being deleted from the zoning code and zoning map.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.855 Zoning Map Amendments

855

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.~~
- B.-E. [No Changes]**

33.855.080 Automatic Zone Map Amendments for Annexed Areas

- A. Areas with Multnomah County zoning.** Areas annexed into the City from Multnomah County with Multnomah County zoning automatically receive comparable City zoning upon officially being incorporated into the City. Comparable zoning is shown in Table 855-1 and will apply to the area unless it is superseded by a special area study or a plan district.
- B. Areas with City zoning.** In areas annexed into the City from Multnomah County that already have City zoning and Comprehensive Plan designations, zoning is automatically changed to conform with the Comprehensive Plan designation when the site is officially incorporated into the City.

Commentary

Table 855-1

Adding references to the appropriate Commercial/Mixed Use zones that were adopted as part of the 2035 Comprehensive Plan.

Recommended Code Amendments
(added text is underlined, deleted text is shown with ~~strikethrough~~)

Table 855-1	
Assigned City Zoning for Multnomah County Zones	
Multnomah County Zones	Assigned City Zoning
Base zones	
Areas with farm or residential zoning outside the UGB	FR + f
Areas with commercial zoning outside the UGB	CN2 <u>CM1</u>
CFU, F2, MUA-20, RR, SR, LR-40, R-40, LR-30, R-30, MUF-19, MUF-38	RF [1]
UF-10, UF-20 inside the UGB	[2]
RC inside the UGB	CN2 <u>CM1</u>
LR-20, R-20	R20
LR-10, R-10	R10
LR-7, R7	R7
LR-7.5	R7 + Glendoveer Plan District
LR-5	R5
MR-4, MR-3	R3 [3]
HR-2, A-2	R2 [3]
HR-1, A1B	R1 [3]
BPO	CO2 <u>CM2</u>
LC, C4, SC	CN2 <u>CM1</u>
GC, EC, C2, NC, C3	CG <u>CE</u>
LM, M3, M4	EG1
Gm, M2	IG2
HM, M1	IH
THR	RH + t
TMR	R3 + t [3]
TLR-5	R5 + t
TLC	CN2 <u>CM1</u> + t
TNC	CSCM2 + t
TGC	CSCM2 + t
TO	CO2 <u>CM2</u> + t
TLM	EG1 + t
Overlay zones	
SEC	p, c [4]
FH, FF, FW	not mapped; handled by Bureau of Development Services
NI	x
PD, RPD	Not mapped; becomes an approved PUD
OP	Not mapped
CS	If open space, then OS base zone; just the base zone otherwise
HP	D
LF	H
WRG	g, r, i, n [4]
Notes: [1] The designation will be RF unless this land is in an approved subdivision at a density higher than RF or has been preplanned by an adopted City plan, in which case a higher density zone may be applied. [2] Reviewed through a quasi-judicial review; initiated by the Director of BDS. [3] Sites with a documented, approved office are CO4 <u>CM1</u> . Sites with a documented, approved retail or commercial use are CN4 <u>CM1</u> . [4] The most appropriate overlay zone will be applied based on any approved City plans.	

Commentary

33.930.050 Measuring Height

This amendment reflects a change that was made as part of the Mixed-Use Code project. Allowances for parapets and railings to exceed building height have been added to the commercial/mixed use, employment and industrial and campus institutional base zones. The allowance responds to community interest in promoting a more varied roofline in these zones. Amended to accommodate parapets and railings above the height limit. The code language related to measuring height was inadvertently left out of the changes in the Mixed-Use Zones project.

This amendment in 33.930.050.A.3 clarifies how to measure height in the commercial/mixed use zones.

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

33.930 Measurements

930

33.930.050 Measuring Height

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

- Flat roof (pitch is 2 in 12 or less): Measure to the highest point of the roof except in the residential zones where the measurement is to the top of the parapet, or if there is no parapet, to the highest point of the roof.
- Mansard roof: Measure to the deck line.
- Gabled, hipped, or gambrel roof where roof pitch is 12 in 12 or less: Measure to the average height of the highest gable.
- Gabled or hipped roofs with a pitch steeper than 12 in 12: Measure to the highest point.
- Gambrel roofs where both pitches are steeper than 12 in 12: Measure to the highest point.
- Other roof shapes such as domed, shed, vaulted, or pyramidal shapes: Measure to the highest point.
- Stepped or terraced building: Measure to the highest point of any segment of the building.

1.-2. [No change]

3. In the commercial/mixed use zones, the height measurement is based on the location of a building relative to a street lot line and the elevation of sidewalk area adjacent to the site, as follows:

a. When any portion of a building is within 20 feet of a street lot line, the base point from which height is measured is described below. See Figure 930-25 and Figure 930-26:

- (1) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is 10 feet or less, the base point is the highest elevation of the sidewalk; or
- (2) Within 25 feet of the building, when the difference between the highest elevation and the lowest elevation of sidewalk is more than 10 feet, the base point is a point 10 feet above the lowest elevation of the sidewalk.

Commentary

33.930.050 (continued)

Recommended Code Amendments

(added text is underlined, deleted text is shown with ~~strikethrough~~)

- b. 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. ~~In the commercial/mixed use zones, when any portion of a building is within 20 feet of a street lot line the following base points apply. See Figure 930-25. 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.:~~
 - a. ~~The base point from which the height of the building is measured is the highest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is not more than 10 feet above the lowest elevation within the area. See Figure 930-26.~~
 - b. ~~The base point from which the height of the building is measured is a point 10 feet above the lowest elevation of the sidewalk area located adjacent to the site within 25 feet of the building if the highest elevation within the sidewalk area is more than 10 feet higher than the lowest elevation within the area. See Figure 930-26.~~

B. [No change]

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