

DATE: August 1, 2021

FROM: Julie Ocken

RE: Zoning Code Update Packet #198

The attached Code Update Pages are the result of the Residential Infill Project part 1, Shelter to Housing Continuum Project, Design Overlay Zone Amendments, and the River Plan / South Reach (Macadam Plan changes) and is effective August 1, 2021.

Contents of Update Packet #198 – RIP1, S2HC, DOZA, River Plan / South Reach

Chapter	Remove Pages	Insert Pages	Changed because of
Table of Contents	All	All	Amended (RIP, S2HC)
List of Chapters	All	All	Amended (RIP, S2HC)
33.100	7-8	7-8	Added S2HC Ord No
33.110	All	All	Amended (RIP, S2HC)
33.120	All	All	Amended (RIP, S2HC)
33.130	1-50	1-50	Amended (S2HC)
33.140	1-18, 39-40	1-18, 39-40	Amended (S2HC)
33.150	1-26	1-26	Amended (S2HC, DOZA)
200 Contents Sheet	All	All	Amended (S2HC)
33.205	All	All	Amended (RIP, S2HC)
33.207	All	All	Amended (S2HC)
33.218	All	All	Amended (DOZA)
33.236	All	All	Amended (S2HC)
33.251	All	All	Amended (RIP)
33.266	1-42	1-42	Amended (RIP, S2HC); Typo
33.260	All (new chapter)	All (new chapter)	Amended (S2HC)
33.270	All	All	Amended (RIP, S2HC, DOZA)
33.281	5-8	5-8	Amended (RIP)
33.284	All	All	Amended (DOZA)
33.285	7-8	7-8	Added S2HC Ord No
33.296	5-6	5-6	Added S2HC Ord No
400s Contents Sheet	All	All	Amended (RIP)
33.405	All [deleted]	[deleted]	Amended (RIP)
33.418	All (new chapter)	All (new chapter)	Amended (RIP)
33.420	All	All	Amended (RIP, DOZA, South Reach) Added S2HC Ord No
33.445	5-30	5-30	Amended (RIP)
33.480	1-2	1-2	Typo
33.510	27-28, 67-68	27-28, 67-68	Amended (DOZA)
55.520	1-2	1-2	Amended (DOZA)
33.521	1-2, 13-16	1-2, 13-16	Amended (DOZA)
33.526	1-2, 9-10, 17-18	1-2, 9-10, 17-18	Amended (DOZA)
33.534	1-4	1-4	Amended (DOZA)
33.536	1-2, 13-16	1-2, 13-16	Amended (DOZA)
33.538	1-4	1-4	Amended (DOZA)

33.545	3-4	3-4	Amended (DOZA)
33.550	1-4	1-4	Amended (DOZA)
33.555	9-10	9-10	Amended (DOZA)
33.561	1-2, 7-8	1-2, 7-8	Amended (DOZA)
33.562	1-2, 13-18	1-2, 13-18	Amended (DOZA); Typo
33.563	5-6	5-6	Amended (RIP)
33.580	1-4	1-4	Amended (DOZA)
33.583	1-6	1-6	Amended (DOZA)
600s Contents Sheet	All	All	Amended (RIP)
33.610	All	All	Amended (RIP)
33.611	All	All	Amended (RIP)
33.663	3-4	3-4	Amended (RIP)
33.667	All [deleted]	[deleted]	Amended (S2HC)
33.677	All (new chapter)	All (new chapter)	Amended (S2HC)
33.700	9-10, 13-14	9-10, 13-14	Amended (DOZA)
33.710	All	All	Amended (DOZA)
33.720	All	All	Amended (DOZA)
33.730	All	All	Amended (DOZA)
33.740	All	All	Amended (DOZA)
33.815	19-22, 37-38	19-22, 37-38	Amended (S2HC)
33.825	All	All	Amended (DOZA, South Reach)
33.835	All	All	Amended (DOZA)
33.854	All	All	Amended (RIP, DOZA)
33.855	All	All	Amended (DOZA)
33.900	All	All	Amended (RIP, S2HC)
33.910	All	All	Amended (RIP, S2HC); Typo
33.920	3-20	3-20	Amended (S2HC)
33.930	All	All	Amended (RIP)

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	IG1	General Industrial 1	33.140
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	IH	Heavy Industrial	33.140
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(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 183750, effective 6/4/10, Ord. No. 184016, effective 8/20/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188142, effective 1/13/17; Ord. No. 189807, effective 12/18/19; Ord. No. 190380, effective 4/30/21.)

33.110 Single-Dwelling Zones

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General

33.110.010 Purpose

The single-dwelling zones are intended to preserve land for housing and to provide housing opportunities for individual households. The zones implement the comprehensive plan policies and designations for single-dwelling housing and provide options for infill housing that is compatible with the scale of the single-dwelling neighborhood.

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

33.110.020 List of the Single-Dwelling Zones

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

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

33.110.030 Other Zoning Regulations

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

33.110.050 Neighborhood Contact

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

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

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

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

B. Neighborhood contact II.

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

Use Regulations

33.110.100 Primary Uses

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

- a. Basic Utilities that service a development site are accessory uses to the primary use being served.
 - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. The requirements of Chapter 33.262, Off Site Impacts must be met.
 - c. All other Basic Utilities are conditional uses.
5. Community Service Uses. This regulation applies to all parts of Table 110-1 that have a [5]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 6. Parks And Open Areas. This regulation applies to all parts of Table 110-1 that have a [6]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.
 - a. Swimming pools.
 - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
 - c. Golf courses, including club houses, restaurants and driving ranges.
 - d. Boat ramps.
 - e. Parking areas.
 - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
 7. Daycare. This regulation applies to all parts of Table 110-1 that have a [7]. Daycare uses are allowed by right if locating within a building that contains or contained a College, Medical Center, School, Religious Institution, or a Community Service use.
 8. Agriculture in RF and R20 zones. This regulation applies to all parts of Table 110-1 that have an [8]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
 9. Agriculture in R10 and R7 zones. This regulation applies to all parts of Table 110-1 that have a [9]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.

10. Agriculture in R5 and R2.5 zones. This regulation applies to all parts of Table 110-1 that have a [10]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
11. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 110-1 that have an [11]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.

C. Conditional uses. Table 110-1. Uses that are allowed if approved through the conditional use review process are listed in Table 110-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.

D. Prohibited uses. Uses listed in Table 110-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

33.110.110 Accessory Uses

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

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.110.200 Housing Types Allowed

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

Table 110-2 Housing Types Allowed In The Single-Dwelling Zones						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See Chapter 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplexes: On corners (See 33.110.265.D)	No	Yes	Yes	Yes	Yes	Yes
Other situations (See 33.110.265.D)	No	No	No	Yes	Yes	Yes
Triplexes (See 33.110.265.E)	No	No	No	Yes	Yes	Yes
Fourplexes (See 33.110.265.E)	No	No	No	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	No	No	Yes	Yes	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Congregate Housing Facility (See 33.110.100.B.11)	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplexes	Only in Planned Developments, See Chapter 33.270.					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.

33.110.202 When Primary Structures are Allowed

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

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

D. Plots. Primary structures are prohibited on plots that are not lots, adjusted lots, lots of record, or lot remnants-or tracts.

Table 110-3 Minimum Lot Size Requirements	
RF through R5 Zones	
Lot	36 feet wide and meets the minimum lot area requirement of Table 610-2. [1, 2, 3, 4, 5]
Adjusted Lot	
Lot Remnants	
Lot of Record	
R2.5 Zone	
Lot	1600 sq. ft. [1, 4]
Adjusted Lot	
Lot Remnants	
Lots of Record	

Notes:

[1] A primary structure is allowed on a lot or lot of record that did meet the requirements of Table 110-3 in the past but was reduced below the requirements solely because of condemnation or required dedication by a public agency for right-of-way.

[2] In the R5 zone, the minimum size requirements for adjusted lots and lot remnants approved through a property line adjustment under 33.677.300.A.4. or 33.677.300.C. are 36 ft. wide and 1,600 sq. ft.

[3] In the R20 zone, a primary structure is allowed on a lot, lot of record, adjusted lot, lot remnant, or combination thereof that did meet the requirements of Table 110-3 in the past but no longer meets the requirements solely due to a zone change effective on May 24, 2018.

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

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

33.110.205 Minimum Dwelling Unit Density

- A. Purpose.** This standard promotes additional housing opportunities in areas of the city where services are available and restricts larger sites from being utilized for a single house.
- B. Minimum dwelling unit density.**
 - 1. R7. In the R7 zone, a minimum of two dwelling units are required on sites that are 14,000 square feet or larger in total site area.
 - 2. R5. In the R5 zone, a minimum of two dwelling units are required on sites that are 10,000 square feet or larger in total site area.
 - 3. R2.5. In the R2.5 zone, a minimum of two dwelling units are required on sites that are 5,000 square feet or larger in total site area.

Table 110-4 Summary of Development Standards In Single-Dwelling Zones						
Standard	RF	R20	R10	R7	R5	R2.5
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [2] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	no limit	no limit	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [3]	0.5 to 1 0.6 to 1 0.7 to 1 [3]	0.7 to 1 0.8 to 1 0.9 to 1 [3]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [2] - 3 or more total dwelling units [1] (See 33.110.210 and 33.110.265)	NA	NA	NA	0.4 to 1 0.6 to 1 0.7 to 1	0.5 to 1 0.7 to 1 0.8 to 1	0.7 to 1 0.9 to 1 1 to 1
Maximum Height (See 33.110.215)	30 ft.	30 ft.	30 ft.	30 ft. [3]	30 ft. [3]	35 ft.
Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 0/5 ft. 5 ft. 18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-5					
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.240)	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.				

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

[2] Including accessory dwelling units.

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

33.110.210 Floor Area Ratios

- A. Purpose.** Floor area ratios (FAR) in the R7, R5 and R2.5 zones work with height, setback, and building coverage requirements to control the overall bulk and placement of buildings. The maximum FAR allowances have been calibrated by zone to:

- Define the character of each zone by establishing greater FAR allowances in the higher intensity zones;
 - Encourage the provision of additional dwelling units within existing neighborhoods by relating the allowed amount of FAR to the total number of units on a site; and
 - Ensure that the bulk of buildings on one lot does not overwhelm development on adjacent lots.
- B. Maximum FAR.** Maximum floor area ratios are stated in Table 110-4. The maximum FAR allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.
- C. Exception.** Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years.
- D. Maximum FAR with bonus.**
1. Affordable housing bonus option. In the R7, R5 and R2.5 zones, the maximum FAR for sites that provide at least one dwelling unit to those earning no more than 80 percent of the area median family income is stated in Table 110-4. To qualify for this maximum FAR with bonus:
 - a. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability standard stated above. The letter is required to be submitted before a building permit can be issued but is not required in order to apply for a land use review; and
 - b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. The covenant must ensure that the affordable dwelling unit will remain affordable to households meeting the income restriction and any administrative requirements of the Portland Housing Bureau.
 2. Preserving existing dwelling units bonus option. In the R7, R5 and R2.5 zones, the maximum FAR for sites that contain a primary residential structure that received final inspection at least 5 years ago is stated in Table 110-4. To qualify for this maximum FAR with bonus, no more than 25 percent of the existing street-facing façade of the primary residential structure may be altered to add additional floor area.

33.110.215 Height

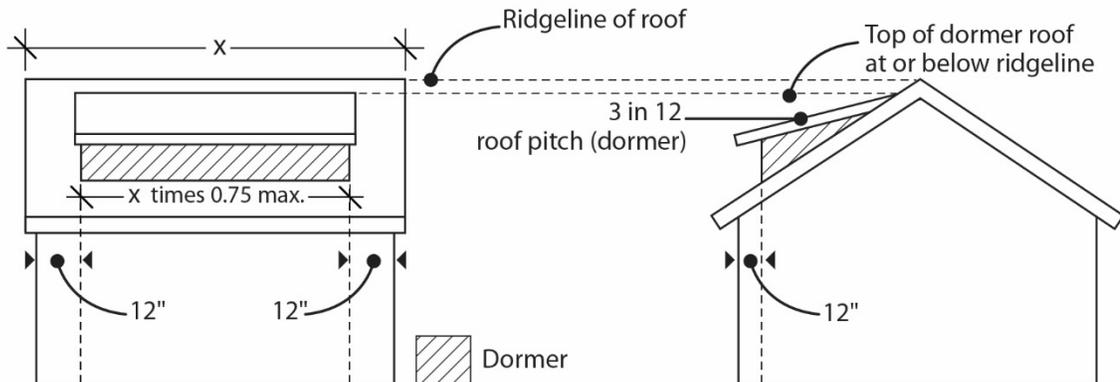
- A. Purpose.** The height standards serve several purposes:
- They foster a reasonable building scale and relationship of one residence to another;
 - They promote options for privacy for neighboring properties; and
 - They reflect the general building scale and placement of houses in the city's single-dwelling neighborhoods.

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

C. Exceptions to the maximum height.

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

Figure 110-1
Dormers



D. Alternative height limits for steeply sloping lots.

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

33.110.220 Setbacks

A. Purpose. The setback regulations for buildings and garage entrances serve several purposes:

- They maintain light, air, separation for fire protection, and access for fire fighting;
- They reflect the general building scale and placement of residences in the city's single-dwelling neighborhoods;
- They foster a reasonable physical relationship between residences;
- They promote options for privacy for neighboring properties;
- They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

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

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

C. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, the feature must be at least three feet from a lot line:
 - a. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Water collection cisterns and stormwater planters that do not meet the standard of Paragraph C.3;
 - c. Decks, stairways, wheelchair ramps and uncovered balconies that do not meet the standards of Paragraph C.3; and
 - d. Bays and bay windows that meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - (2) At least 30 percent of the area of each bay which faces the property line requiring the setback must be glazing or glass block; and
 - (3) Bays and bay windows must cantilever beyond the foundation of the building.
2. Building eaves may extend up to 2 feet into a required building setback provided the eave is at least three feet from a lot line.
3. The following minor features of a building may extend into the entire required building setbacks:
 - a. Utility connections attached to the building that are required to provide services such as water, electricity, and other similar utility services;
 - b. Gutters and downspouts that drain stormwater off a roof of the structure;
 - c. Stormwater planters that are no more than 2-1/2 feet above the ground;
 - d. Water collection cisterns that are 6 feet or less in height;

- e. Decks, stairs and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing façade of a building are allowed to extend into the required setback from a street lot line regardless of height above ground; and
 - f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
4. Detached accessory structures. The setback standards for detached-accessory structures, including detached mechanical equipment, are stated in 33.110.245. Fences are addressed in 33.110.275. Detached accessory dwelling units are addressed in Chapter 33.205.

D. Exceptions to the required setbacks.

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

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

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

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

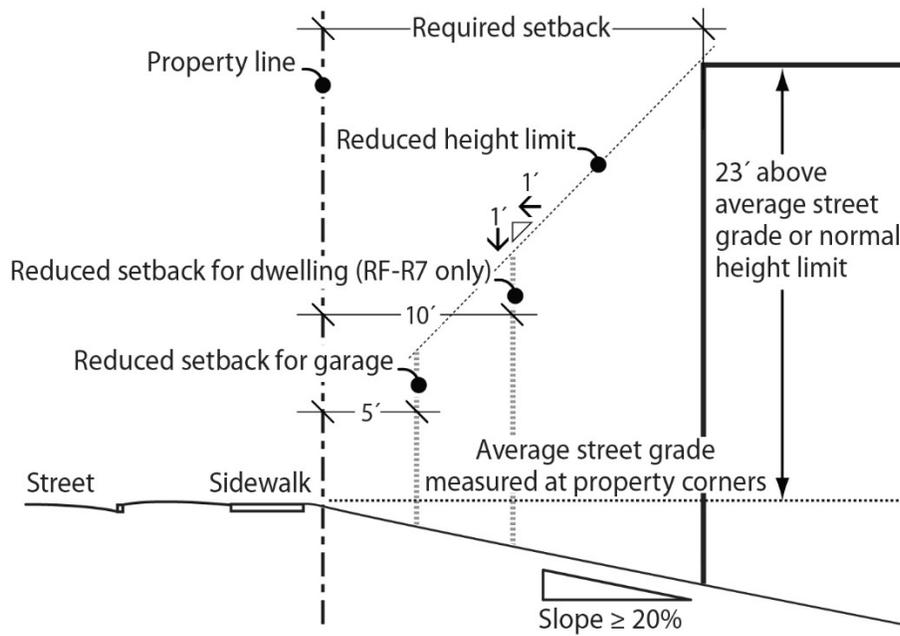


Figure 110-3
Exceptions To Front Building Setback And Garage Entrance Setback—Uphill

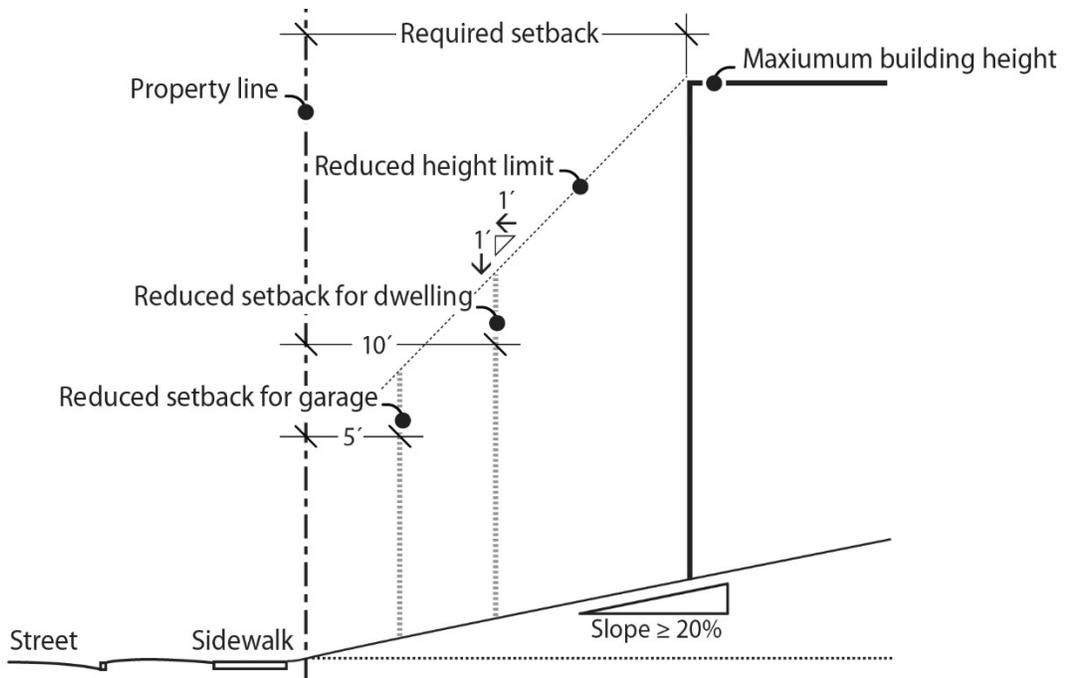
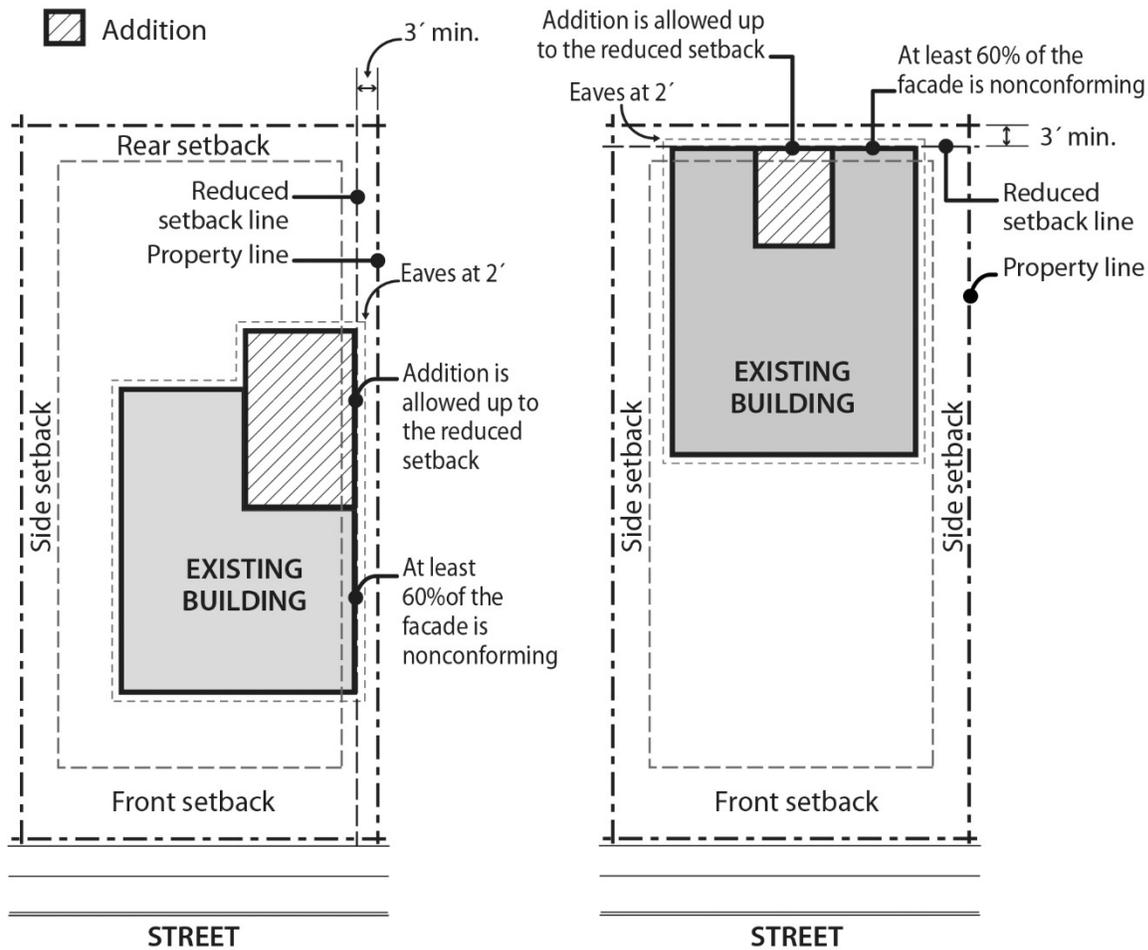


Figure 110-4
Established Building Lines



33.110.225 Building Coverage

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

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

33.110.227 Trees

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

33.110.230 Main Entrances

A. Purpose. These standards:

- Work with the street-facing facade and garage standards to ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

1. The standards of this section apply to all residential structure types except accessory dwelling units-in the R10 through R2.5 zones;
2. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may choose on which frontage to meet the standards;
4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards;
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards; and
6. Development on lots where any portion of the lot is in the special flood hazard area is exempt from the standard in Subsection D.

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

1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and
 2. Either:
 - a. Face the street. See Figure 110-5;
 - b. Be at an angle of up to 45 degrees from the street; or
 - c. Open onto a porch. See Figure 110-6. The porch must:
 - (1) Be at least 25 square feet in area;
 - (2) Have at least one entrance facing the street; and
 - (3) Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- D. Distance from grade.** The main entrance that meets Subsection C must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing façade. See Figure 110-7.

Figure 110-5
Main Entrance Facing the Street

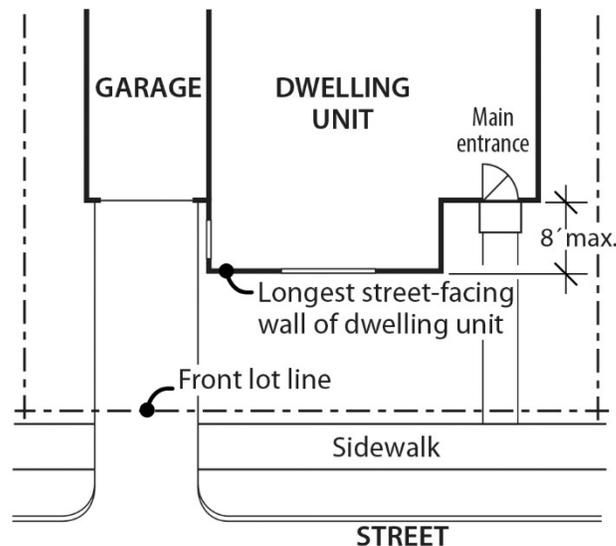


Figure 110-6
Main Entrance Opening onto a Porch

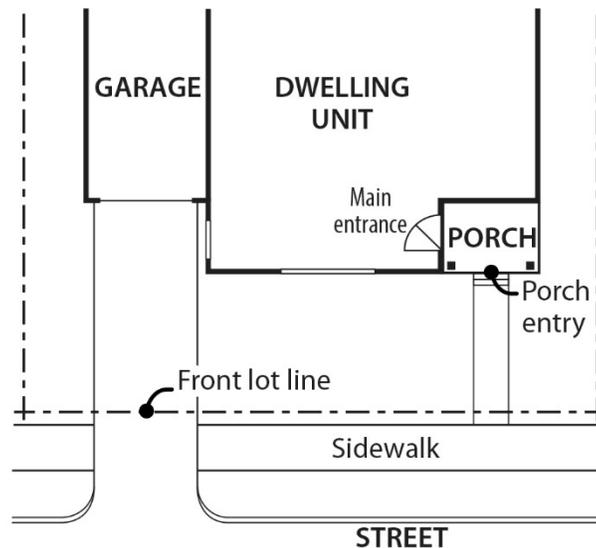
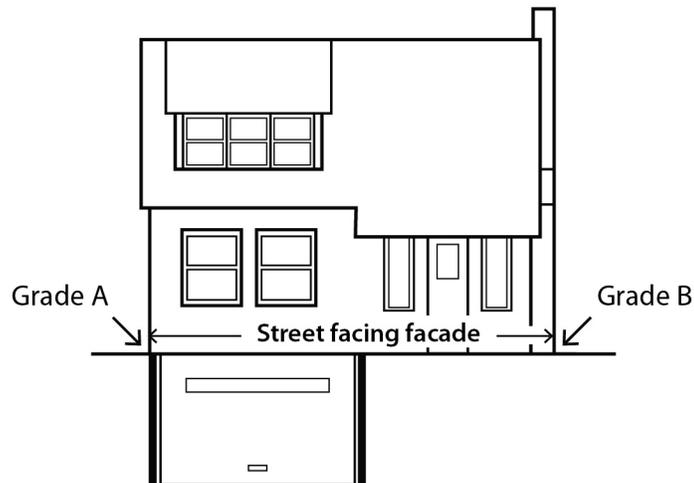


Figure 110-7
Calculation of Grade: (Grade A + Grade B) / 2



33.110.235 Street-Facing Facades

A. Purpose. The standards:

- Work with the main entrance and garage standards to ensure that there is a visual connection between the living area of the residence and the street;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a pleasant pedestrian environment along the street by preventing large expanses of blank facades and façade-obscuring staircases from interrupting the connection between the residence and the public realm.

B. Where the standards apply.

1. The street-facing façade standards apply to all residential structure types except accessory dwelling units in the R10 through R2.5 zones;
2. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade;
3. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard; and
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

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

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

33.110.240 Required Outdoor Areas

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

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

C. Requirements.

1. The required outdoor area must be a contiguous area and may be on the ground or above ground.
2. The area must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for recreational purposes. User amenities, such as tables, benches, trees, planter boxes, garden plots, drinking fountains, spas, or pools may be placed in the outdoor area. It may be covered, such as a covered patio, but it may not be fully enclosed. Required outdoor area may not be used as vehicle area.
3. General landscaped areas that are included as part of the required outdoor area may extend into the required side and rear building setback, but the required outdoor area may not be located in the front building setback.

33.110.245 Detached and Connected Accessory Structures

- A. Purpose.** This section regulates detached and connected structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of these structures, promote compatibility of design for larger structures, provide for necessary access around larger structures, help maintain privacy between abutting lots, and maintain open front setbacks.
- B. General standards.**
1. The regulations of this section apply to detached accessory structures and connected accessory structures. Farm structures associated with an agricultural use such as barns and silos are exempt from these standards as long as they are set back from all lot lines at least one foot for every foot in height. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
 2. Detached accessory structures are allowed on a lot only in conjunction with a primary building and may not exist on a lot prior to the construction of the primary structure, except as allowed by Paragraph B.3.
 3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a lot confirmation, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.
 - a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
 - b. For a property line adjustment or a lot confirmation, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS approving the property line adjustment or lot confirmation is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
 - c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.
- C. Detached and connected covered accessory structures.** The following standards apply to all detached covered accessory structures and connected covered accessory structures. Detached covered accessory structures are items such as garages, carports, greenhouses, artist's studios, guest houses, accessory dwelling units, storage buildings, wood sheds, water collection cisterns, and covered decks or patios that are not connected to the primary structure. Connected covered accessory structures include accessory structures that are connected to a primary structure via a roofed structure such as a breezeway. The standards of this subsection do not apply to the portion of the structure that connects the

accessory structure to the primary structure. Garages are also subject to the standards of 33.110.250.

1. Height. The maximum height allowed for all detached covered accessory structures and connected covered accessory structures is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures and connected covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.110.250.
 - a. Water collection cisterns that are 6 feet or less in height are allowed in required side and rear setbacks.
 - b. In the R7, R5 and R2.5 zones, detached covered accessory structures other than water collection cisterns, are allowed in required side and rear building setbacks if all of the following are met:
 - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, is at least 20 feet from a side street lot line;
 - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
 - (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
 - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;
 - (6) Walls located within the setback do not have doors or windows facing the adjacent lot line;
 - (7) The structure does not have a rooftop deck; and
 - (8) Dormers are set back at least 5 feet from the side and rear lot lines that abut another lot.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures and connected covered accessory structures:
 - a. The combined building coverage of all detached and connected covered accessory structures may not exceed 15 percent of the total area of the site; and
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure, and the building

coverage of a connected covered accessory structure may not be greater than the building coverage of the primary structure.

4. Additional development standards. The following additional standards apply to detached covered accessory structures and connected covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior finish materials. The exterior finish materials must meet one of the following:
 - (1) The exterior finish material must be the same in type, size and placement as the exterior finish material of the primary structure; or
 - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - b. Roof Pitch. The pitch of the roof with the highest ridgeline-must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of the primary structure; or
 - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.
 - c. Trim. The trim must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on the primary structure; or
 - (2) The trim around all windows and doors must be at least 3 ½ inches wide.
 - d. Windows. The windows on all street facing facades must meet one of the following:
 - (1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
 - (2) Each window must be square or vertical – at least as tall as it is wide.
 - e. Eaves. The eaves must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on the primary structure;
 - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
 - (3) If the primary structure has no eaves, no eaves are required.

- D. Detached uncovered vertical structures.** Detached uncovered vertical structures are items such as flag poles, trellises, arbors and other garden structures, play structures, antennas,

satellite receiving dishes, and lamp posts. The following standards apply to detached uncovered vertical structures. Fences are addressed in 33.110.275:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is 20 feet:
 - a. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 - b. Flagpoles are subject to the height limit of the base zone for primary structures.
 - c. Detached small wind turbines are subject to the standards of 33.299, Wind Turbines.
 2. Setbacks. Except as follows, detached uncovered vertical structures are subject to required building setbacks:
 - a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setbacks.
 - b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in the front setback. The arbor must allow for pedestrian access under its span.
 - c. Flagpoles are allowed in required building setbacks.
 - d. In the R7, R5, and R2.5 zones, detached uncovered vertical structures that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:
 - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
 - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet;
 - (3) The structure is no more than 10 feet high;
 - (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and
 - (5) The structure does not have a rooftop deck.
- E. Detached uncovered horizontal structures.** Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures.
1. Height. The maximum height allowed for all detached uncovered horizontal structures is 20 feet.

2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to required buildings setbacks:
 - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
 - b. Structures that are no more than 2-1/2 feet above the ground are allowed in required building setbacks.

F. Detached mechanical equipment. Detached mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to a building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:

1. Height. The maximum height allowed for all detached mechanical equipment is 20 feet.
2. Setbacks. Except as follows, detached mechanical equipment is subject to required buildings setbacks. Detached mechanical equipment is allowed in side or rear building setbacks if all of the following are met:
 - a. The equipment is no more than 5 feet high; and
 - b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.110.250 Additional Development Standards for Garages

A. Purpose. These standards:

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

B. Existing detached garages.

1. Rebuilding. A detached garage that is nonconforming due to its location in a setback, may be rebuilt on the footprint of the existing foundation, if the garage was originally constructed legally. In this case, the rebuilt garage may be no more than 15 feet high, and the garage walls may be no more than 10 feet high, excluding the portion of the

wall within a gable. Decks are not allowed on the roof of the garage. The rebuilt garage is not required to comply with other standards of this chapter.

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

C. Length of street-facing garage wall.

1. Where these regulations apply. Unless exempted by Paragraph C.2, the regulations of this subsection apply to garages in the R10 through R2.5 zones.
2. Exemptions.
 - a. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more-are exempt from the standards of this subsection.
 - b. Subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.
 - c. On corner lots, only the street-facing garage wall that contains the garage door must meet the standards of this subsection.
3. Standards.
 - a. Garages that are accessory to houses. For garages that are accessory to houses and manufactured homes, the length of the-garage wall facing the street may be up to 50 percent of the length of the-street-facing building-façade. See Figure 110-8. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that façade.
 - b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses:
 - (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. See Figure 110-8. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facades; and
 - (2) When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facades must be without

garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.

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

D. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to garages in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
 - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
 - c. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.
3. Standard. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 110-10.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
 - a. The street-facing garage wall is 40 percent or less of the length of the building facade; and
 - b. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 110-11. The porch must meet the following:
 - (1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - (2) The porch must have a solid roof; and
 - (3) The roof may not be more than 12 feet above the floor of the porch.

Figure 110-8
Length of Street-Facing Garage Wall

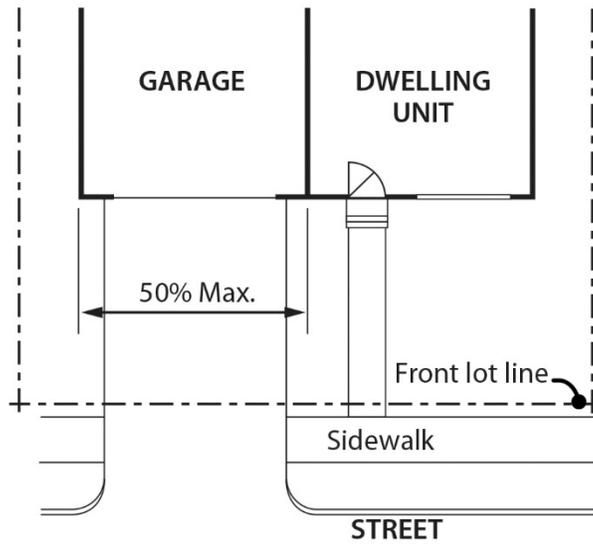


Figure 110-9
Combined Length of Street-Facing Garage Wall

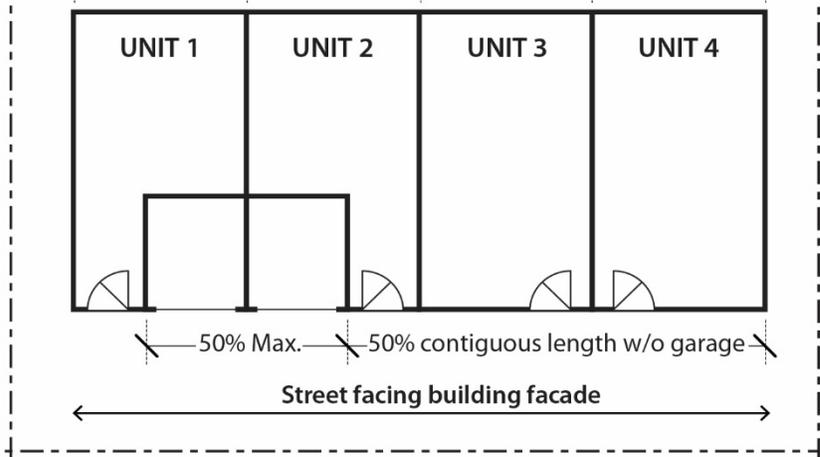
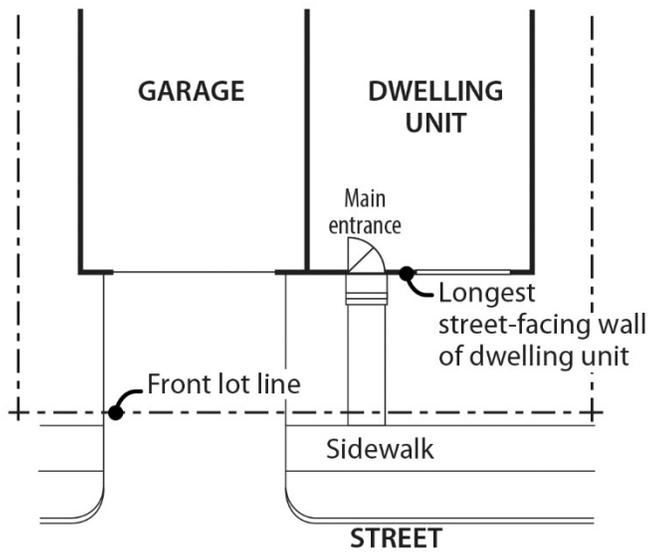
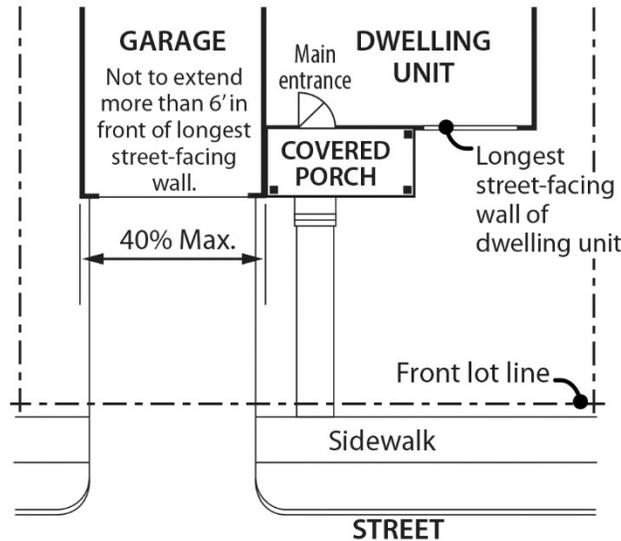


Figure 110-10
Street Lot Line Setback



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



33.110.255 Additional Development Standards for Flag Lots

- A. Purpose.** Flag lots encourage additional housing opportunities in a land efficient manner that allows existing homes to be retained. The standards in this section are intended to:
- Protect privacy between the flag lots and abutting residences; and
 - Increase the compatibility of structures on small flag lots.

B. Flag lot standards.

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

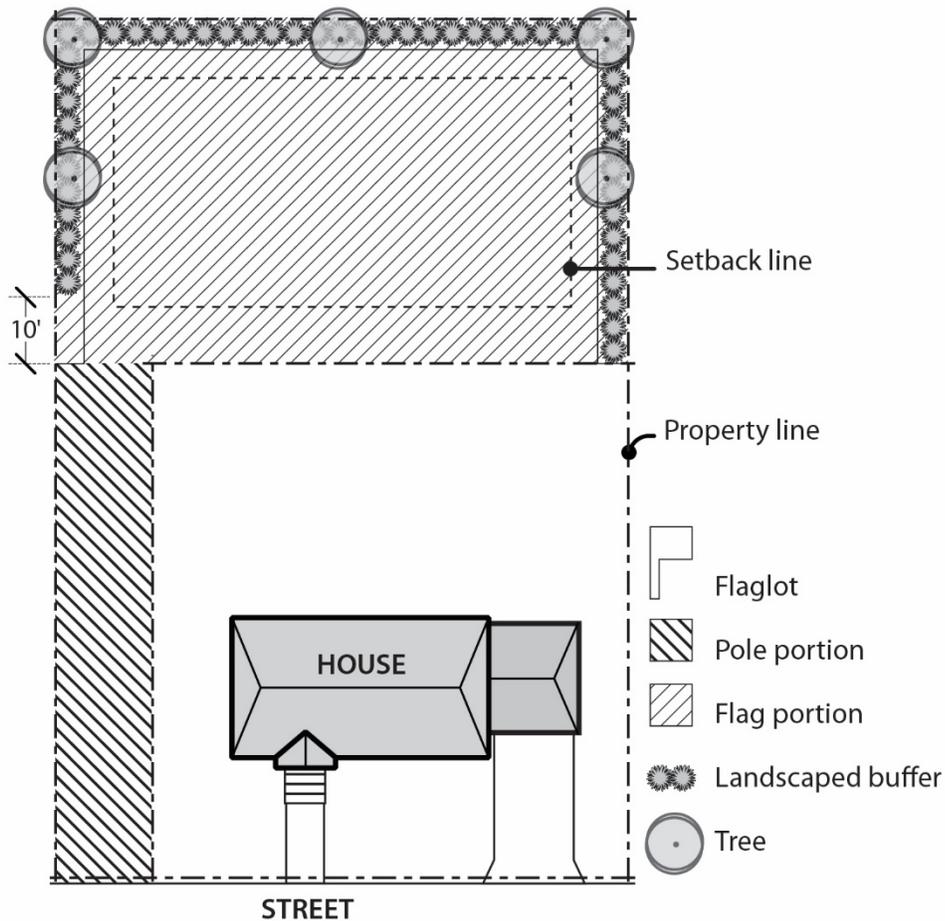
- a. Setbacks. Large flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

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

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

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

Figure 110-12
Flag Lot Description and Buffer



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

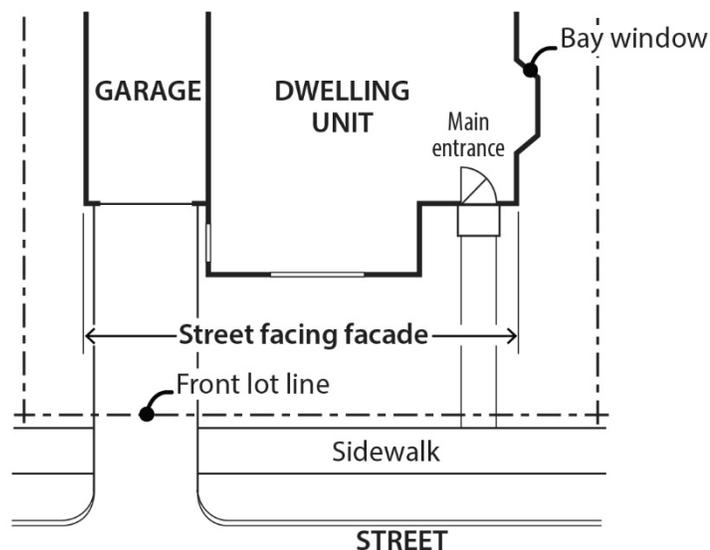
33.110.260 Additional Development Standards for Narrow Lots

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

C. Standards.

1. Required housing type. Attached houses are required on lots and lots of record that are less than 26 feet wide. Attached houses are not required on sites that contain a combination of lots or lots of record when the combination is at least 26 feet wide. Attached houses are also not required when there are primary structures on all of the adjacent sites that share a side lot line with the development site. See 33.110.265.C. for development standards that apply to attached houses.
2. Floor Area Ratio. The maximum floor area ratio for attached houses in the R5 zone on lots less than 3,200 square feet is 0.6 to 1.
3. Maximum height. The maximum height allowed for all primary structures is 1.5 times the width of the structure, up to the maximum height limit listed in Table 110-4. Attached houses are exempt from this standard. For the purposes of this Paragraph, width is the length of the street-facing façade of the structure. See Figure 110-13.

Figure 110-13
Width of Street-Facing Facade



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

33.110.265 Residential infill options

- A. Purpose.** The residential infill options allow for a variety of residential housing types in a manner that maintains the overall character of single-dwelling neighborhoods. These options have several public benefits:
- They promote housing types that accommodate households of varying sizes and income levels;
 - They promote energy-efficient development;
 - They provide for a more efficient use of residential land; and
 - They promote better site layout and opportunities for private recreational areas.
- B. General requirements for all residential infill options.** The residential infill options listed in this section are allowed by right unless specifically stated otherwise. The project must comply with the applicable development standards of this section.
- C. Attached housing.** Attached housing allows for more efficient use of land and for energy-conserving housing.
1. R20 through R5 zones. Attached houses are allowed as follows:
 - a. Lot dimensions.
 - (1) Interior (noncorner) lots. Each attached house must be on a lot that complies with Section 33.110.202, When Primary Structures are Allowed.
 - (2) Corner lots. The original lot must comply with Section 33.110.202, Development on Lots and Lots of Record, and the new lots for attached houses must either meet the minimum lot dimension standard stated in Chapter 33.611, Lots in the R2.5 Zone, or must have been created through a Property Line Adjustment. Adjustments are prohibited
 - b. Number of attached houses. Two attached houses may have a common wall. Structures made up of three or more attached houses are prohibited unless approved as a Planned Development.
 - c. Building setbacks. The required building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
 - d. Development standards. Both attached houses must meet the following standards to ensure that the two units have compatible elements:
 - (1) Height. The height of the two units must be within four feet of each other; and
 - (2) On both units:
 - Exterior finish materials. The exterior finish material must be the same in type, size and placement.
 - Roof pitch. The roof pitch must be the same.

- Eaves. Roof eaves must project the same distance from the building wall.
 - Trim. Trim must be the same in type, size and location.
 - Windows. Windows must match in proportion and orientation.
2. R2.5 zone. Attached houses are allowed as follows:
- a. Density and lot dimensions. Each attached house must be on a lot that meets the density and minimum lot dimensions stated in Chapter 33.611, Lots in the R2.5 Zone.
 - b. Number of attached houses. Up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.
 - c. Building setbacks. The required building setback on the side containing the common wall is reduced to zero. The reduced setback extends along the full length of the lot line that contains the common or abutting wall.
 - d. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project, however the building coverage per lot may not exceed 5 percent more than the base zone maximum.
 - e. Floor area. The maximum floor area ratio may be applied to the entire attached housing project, however the floor area ratio per lot may not exceed .05 more than the base zone maximum floor area per lot.

D. Duplexes. Duplexes are allowed on corner lots in the R20 and R10 zones, and on interior and corner lots in the R7 through R2.5 zones as follows:

1. Density. One extra dwelling unit is allowed up to a maximum of two units.
2. Minimum lot area. Lots for duplexes must meet the minimum lot area standard shown in Table 110-6. Adjustments are prohibited

Table 110-6 Duplex Minimum Lot Area Standard	
Zone	Minimum Lot Area
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,600 sq. ft.

3. Compatibility standards. Both units of the duplex must meet the following standards to ensure that the two units have compatible elements. The standards are:
 - a. Exterior finish materials. The exterior finish material must be the same in type, size and placement.
 - b. Roof pitch. The roof pitch must be the same.
 - c. Eaves. Roof eaves must project the same distance from the building wall.

- d. Trim. Trim must be the same in type, size and location.
 - e. Windows. Windows must match in proportion and orientation.
- E. Triplexes and fourplexes.** Triplexes and fourplexes that meet the following standards are allowed on interior and corner lots in the R7 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Triplexes and fourplexes are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.
- 1. Density. Up to a maximum of four dwelling units are allowed.
 - 2. Minimum lot area. Lots for triplexes and fourplexes must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.

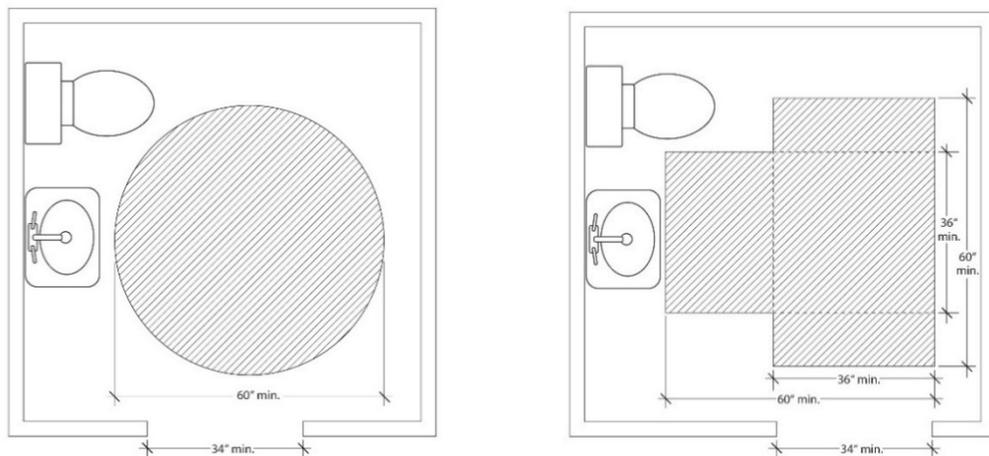
Table 110-7	
Triplex and Fourplex Minimum Lot Area Standard	
Zone	Minimum Lot Area
R7	5,000 sq. ft.
R5	4,500 sq. ft.
R2.5	3,200 sq. ft.

- 3. Visitability.
 - a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to

accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

- (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Subsection:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a triplex or fourplex.

Figure 110-14
Visitable Bathroom Clearances



- F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed on interior and corner lots in the R7 through R2.5 zones when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that abut a street that has not been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Fourplexes and multi-dwelling structures are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or

contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review.

1. Density. A maximum of six dwelling units are allowed. More than six dwelling units are prohibited.
2. Affordability. 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. Adjustments are prohibited.
3. Minimum lot area. Lots for multi-dwelling structures must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.
4. Maximum FAR. The maximum FAR is 1.2 to 1. Adjustments are prohibited.
5. Maximum Height. The maximum height is 35 feet. Adjustments are prohibited.
6. Visitability.
 - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. VISIBLE unit standard. Unless exempted by Subparagraph E.3.c., at least two dwelling units on the lot must meet all of the following visitability standards:
 - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

- (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable
- c. Exemptions. The following are exempt from Subparagraph E.3.b:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
 - (3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.

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

33.110.270 Institutional Development Standards

- A. Purpose.** The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.
- B. Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
1. The development standards are stated in Table 110-8. If not addressed in this section, the regular base zone development standards apply.
 2. Setbacks on a transit street or in a Pedestrian District.
 - a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.
 - b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C.
 - c. Conflicts.
 - (1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the

maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.

- (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.
- d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.
3. Exterior storage. Exterior storage of materials or equipment is prohibited.
4. Outdoor activity facilities. Except as specified in paragraph C.5. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
6. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an abutting R zoned lot:
 - a. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
 - c. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
7. Electrical substations. In addition to the standards in Table 110-8-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
8. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the L3 landscaping standard of Table 110-8 and are exempt from the setback standard of Paragraph 4, above.

9. Garbage and recycling collection areas. All exterior garbage cans. Garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.
10. Pedestrian standards. The on-site pedestrian circulation system must meet the standards of Section 33.120.255, Pedestrian Standards.

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

Notes:

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

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

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

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

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

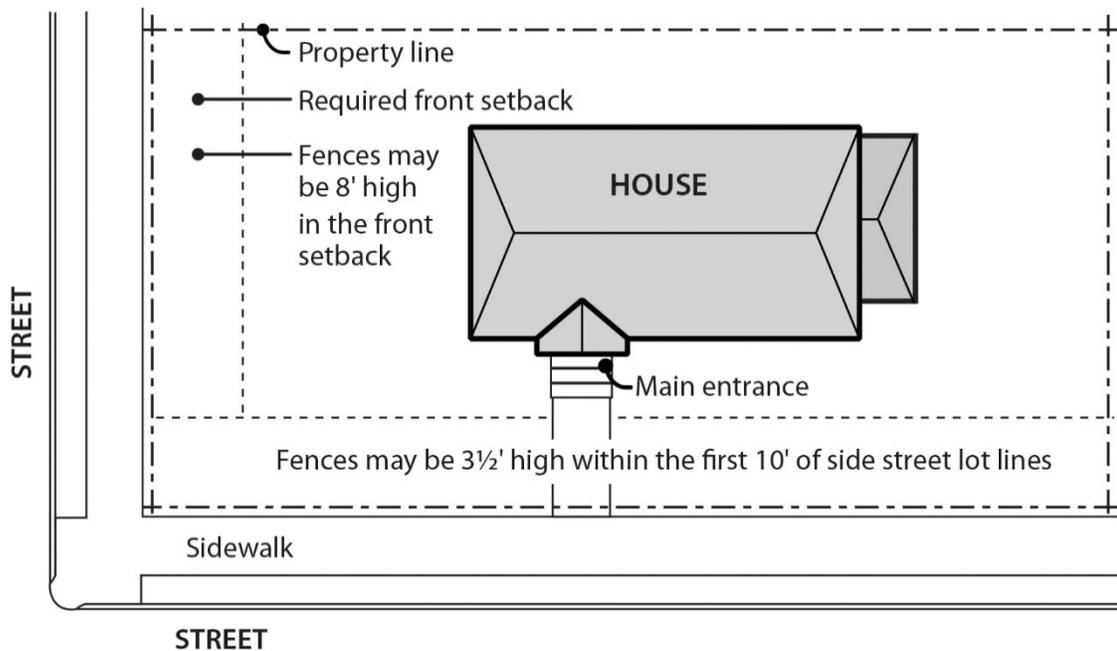
[6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

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

33.110.275 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and height.**
1. Front building setbacks. Fences up to 3-1/2 feet high are allowed in required front building setbacks, or between the front lot line and the front building line of the primary structure, whichever is less.
 2. Side and rear building setbacks.
 - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
 - b. Fences abutting a pedestrian connection.
 - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
 - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
 3. Exceptions for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1 and C.2. See Figure 110-15.
 - a. Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.
 - b. Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;
 - c. Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3_a.
 - d. Fences up to 8 feet high are allowed in all other side or rear building setbacks.
 4. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

Figure 110-15
Fence Height Option on Corner Lots



- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.110.280 Retaining Walls

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

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

C. Standards.

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

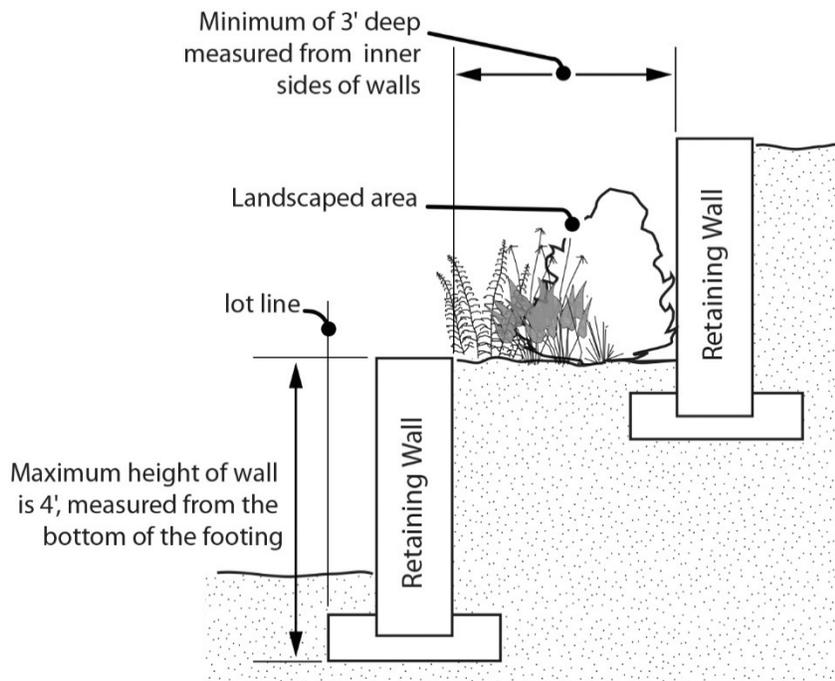
33.110.285 Demolitions

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

33.110.290 Nonconforming Development

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

**Figure 110-16
Retaining Walls**



33.110.292 Parking and Loading

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

33.110.295 Signs

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

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

33.120 Multi-Dwelling Zones

120

Sections:

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- 33.120.010 Purpose
- 33.120.020 List of the Multi-Dwelling Zones
- 33.120.030 Characteristics of the Zones
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- 33.120.283 Additional Development Standards for Structured Parking and Garages
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- 33.120.290 Demolitions
- 33.120.300 Nonconforming Development
- 33.120.305 Parking and Loading
- 33.120.310 Signs
- 33.120.320 Inclusionary Housing
- 33.120.330 Street and Pedestrian Connections

Supplemental Information

- Map 120-1 Civic and Neighborhood Corridors
- Map 120-2 Minimum Required Site Frontage Areas
- Map 120-3 Pattern Areas

General

33.120.010 Purpose

The multi-dwelling zones are intended to preserve land for urban housing and to provide opportunities for multi-dwelling housing.

- A. Use regulations.** The use regulations are intended to create and maintain higher density residential neighborhoods. At the same time, they allow for institutional, limited commercial, and other nonresidential uses, but not to such an extent as to sacrifice the overall residential neighborhood character of the multi-dwelling zones and their intended role as places for housing.
- B. Development standards.** The six multi-dwelling zones are distinguished primarily by their allowed scale and development standards. The development standards work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City’s character and contribute to the intended characteristics of each zone. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. The development standards are generally written for development on flat, regularly shaped lots. Other situations are addressed through special standards or exceptions.

33.120.020 List of the Multi-Dwelling Zones

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

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

33.120.030 Characteristics Of The Zones

- A. RM1 zone.** The RM1 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to single-dwelling residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development

will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.

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

33.120.040 Other Zoning Regulations

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

33.120.050 Neighborhood Contact

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

A. Neighborhood contact I.

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

B. Neighborhood contact II.

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

Use Regulations

33.120.100 Primary Uses

- A. Allowed uses.** Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those

chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.

1. Retail Sales And Service and Office uses. This regulation applies to all parts of Table 120-1 that have a [1].
 - a. Limited uses. Retail Sales And Service and Office uses are allowed when:
 - (1) Retail Sales And Service and Office use on Civic and Neighborhood corridors. Retail Sales And Service and Office uses are allowed, up to the following amounts, on sites that abut a Civic or Neighborhood corridor shown on Map 120-1. All of the Retail Sales And Service and Office uses allowed by this Subsubparagraph must be located on the ground floor within 100 feet of the street lot line adjacent to the Civic or Neighborhood corridor and there can be no exterior activities associated with the use except for outdoor seating:
 - In the RM1 and RM2 zones, each use allowed by this Subsubparagraph is limited to 1,000 square feet of net building area up to a total combined floor area ratio of .25 to 1 for all of the uses allowed by this Subsubparagraph. More than .25 to 1 total on the site and more than 1,000 square feet per use is prohibited; and
 - In the RM3, RM4, and RX zones, each use allowed by this Subsubparagraph is limited to 2,000 square feet of net building area up to a total combined floor area ratio of .4 to 1 for all of the uses allowed by this Subsubparagraph. More than .4 to 1 total on the site and more than 2,000 square feet per use is prohibited;
 - (2) Retail Sales And Service and Office use in the RM3 and RM4 zones. Retail Sales and Service and Office uses are allowed in multi-dwelling buildings in the RM3 and RM4 zones. Each use allowed by this Subsubparagraph is limited to 1,000 square of net building area up to a total combined floor to area ratio of .1 to 1 for all of the uses allowed by this Subsubparagraph. More than .1 to 1 total on the site and more than 1,000 square feet per use is prohibited. The uses allowed by this Subsubparagraph must be located entirely within the building and must have no external doors or signs visible from the exterior of the building. Development of a use allowed by this Subsubparagraph must not result in reduction of existing dwelling units.
 - b. Conditional uses. Retail plant nurseries that do not meet the standards of Subparagraph B.2.a. are a conditional use.
2. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [2]. Outside the Central City plan district, Commercial Parking facilities in parking structures are a conditional use. Commercial Parking facilities in surface lots are prohibited. Within the Central City plan district, there are special regulations; see Chapter 33.510. Any ground floor retail requirements that result from other regulations continue to apply and are reviewed as part of the land use review process.
3. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [3]. Most Community Service uses are regulated by Chapter 33.815,

Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.

- a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
 - b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.
4. Community Service in RM1 through RM4 and RMP. This regulation applies to all parts of Table 120-1 that have a [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
5. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.
- a. Swimming pools.
 - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
 - c. Golf courses, including club houses, restaurants, and driving ranges.
 - d. Boat ramps.
 - e. Parking areas.
 - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
6. Daycare. This regulation applies to all parts of Table 120-1 that have a [6]. Daycare uses are allowed as follows:
- a. Allowed use. Daycare uses are allowed by right if located in within a building that currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.
 - b. Limited use. Daycare uses are allowed when:
 - (1) The total amount of Daycare use on the site does not exceed 3,000 square feet of net building area. The total amount allowed does not include outdoor play area; and
 - (2) All of the Daycare use, except for outdoor play area, is located on the ground floor.

- c. Conditional uses. Daycare uses that do not meet Subparagraph B.7.a. or b. are a conditional use.
7. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [7]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
8. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [8].
 - a. Basic Utilities that serve a development site are accessory uses to the primary use being served;
 - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. In the RX zone, up to 10 tons per week of biological materials or byproducts from other sites may be used to generate energy. The requirements of Chapter 33.262 Off Site Impacts must be met;
 - c. All other Basic Utilities are a conditional use except in the RX zone where all other Basic Utilities are allowed but are limited to 20 percent of the net building area on a site. If they are over 20 percent of the net building area, a conditional use review is required.
9. Agriculture. This regulation applies to all parts of Table 120-1 that have a [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.
10. Retail Sales and Service in the RMP zone. This regulation applies to all parts of Table 120-1 that have note [10]. Recreational vehicle parks are allowed by right in the RMP zone. All other Retail Sales And Service uses are prohibited.

C. Conditional uses.

1. Table 120-1. Uses which are allowed if approved through the conditional use review process are listed in Table 120-1 with a “CU”. These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a “CU” that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
2. Accessory short-term rentals. Accessory short-term rentals are accessory uses that may require a conditional use review. See Chapter 33.207.

D. Prohibited uses. Uses listed in Table 120-1 with an “N” are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

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

Table 120-1 Multi-Dwelling Zone Primary Uses						
Use Categories	RM1	RM2	RM3	RM4	RX	RMP
Other Categories						
Agriculture	L [9]	L [9]	L [9]	L [9]	L [9]	L [9]
Aviation And Surface Passenger Terminals	N	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	N	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
Rail Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.120.200 Housing Types Allowed

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

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

Yes = allowed; No = prohibited.

Notes:

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

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

33.120.205 Development on Lots and Lots of Record

- A. Purpose.** The regulations of this section require lots and lots of record to be an adequate size so that development on a site will in most cases be able to comply with all site development standards, including density. Where more than one lot is in the same ownership, these standards prevent breaking up large vacant ownerships into small lots, which are difficult to develop in conformance with the development standards. However, where more than one lot is in the same ownership, and there is existing development, allowing the ownership to be separated may increase opportunities for residential infill while preserving existing housing.
- B. Where these regulations apply.** These regulations apply to existing lots and lots of record in the multi-dwelling zones. The creation of new lots is subject to the lot size standards listed in Chapter 33.612, Lots in Multi-Dwelling Zones.
- C. Ownership of multiple lots and lots of record.** Where more than one abutting lot or lot of record is in the same ownership, the ownership may be separated as follows:
 - 1. If all requirements of this Title will be met after the separation, including lot dimensions, minimum density, and parking, the ownership may be separated; or

2. If one or more of the lots or lots of record does not meet the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, the ownership may be separated if all requirements of this paragraph are met. Such lots and lots of record are legal.
 - a. There is a primary use on at least one of the lots or lots of record, and the use has existed since December 31, 1980. If none of the lots or lots of record have a primary use, they may not be separated; and
 - b. Lots or lots of record with a primary use on at least one of them may be separated as follows:
 - (1) The separation must occur along the original lot lines;
 - (2) Lots or lots of record with primary uses on them may be separated from lots or lots of record with other primary uses; and
 - (3) Lots or lots of record with primary uses on them may be separated from lots or lots of record without primary uses.
- D. New development on standard lots and lots of record.** New development on lots and lots of record that comply with the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, is allowed by right subject to the development standards.
- E. New development on substandard lots and lots of record.** New development is allowed on lots and lots of record which do not conform to the lot dimension standards in Chapter 33.612, Lots in Multi-Dwelling Zones, if both of the following are met:
 1. The development is proposed for a lot or lot of record. Development on plots that are not lots or lots of record is prohibited; and
 2. The lot or lot of record did not abut any property owned by the same family or business on July 26, 1979, or any time since that date, unless the ownership was separated as allowed in Subsection C, above.

33.120.206 Minimum Required Site Frontage for Development

- A. Purpose.** The purpose of the minimum required site frontage standard is to ensure that sites in and around certain centers in Eastern Portland have sufficient street frontage and site area to:
 - Accommodate new streets where pedestrian, bicycle and vehicular connectivity is lacking;
 - Foster efficient site design;
 - Allow for buildings with an orientation to the street; and
 - Provide opportunities to create outdoor space and preserve trees.
- B. Where the standard applies.** The minimum required site frontage standard applies in the multi-dwelling zones to sites shown on Map 120-2.
- C. Minimum required site frontage standard.**
 1. Standard. If the site is more than 160 feet deep, new dwelling units are prohibited unless the site has at least 90 feet of frontage on a street. Adjustments are prohibited.

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

Table 120-3 Summary of Development Standards in Multi-Dwelling Zones						
Standard	RM1	RM2	RM3	RM4	RX	RMP
Maximum FAR (See 33.120.210)	FAR of 1 to 1	FAR of 1.5 to 1	FAR of 2 to 1	FAR of 4 to 1 or 3 to 1	FAR of 4 to 1	NA
Maximum Density (See 33.120.212)	none	none	none	none	none	1 unit per 1,500 sq. ft. of site area
Maximum Density with Affordable Housing Bonus (See 33.120.212.C)	NA	NA	NA	NA	NA	1 unit per 1,000 sq. ft. of site area
Minimum Density (See 33.120.213)	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	1 unit per 1,875 sq. ft. of site area
Base Height (See 33.120.215)	35 ft.	45 ft.	65 ft.	75/100 ft.	100 ft.	35 ft.

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

Standard	RM1	RM2	RM3	RM4	RX	RMP
Step-down Height (see 33.120.215.B.2 - Within 25 ft. of lot line abutting RF-R2.5 zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones	35 ft. 35 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 45 ft.	35 ft. 35 ft.
Minimum Setbacks - Front building setback - Side and rear building setback. - Garage entrance setback (See 33.120.220)	10 ft. 5 ft. [1] 18 ft.	10 ft. 5 ft. [1] 5/18 ft.	10 ft. 5/10 ft. [1] 5/18 ft.	5 ft. 5/10 ft. [1] 5/18 ft.	0 ft. 0 ft. 5/18 ft.	10 ft. 10 ft. 18 ft.
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	20 ft.	20 ft.	20 ft.	10 ft.	10 ft.	NA
Max. Building Coverage (See 33.120.225)	50% of site area	60/70% of site area	85% of site area	85% of site area	100% of site area	50% of site area
Max. Building Length (See 33.120.230)	Yes	Yes	No	No	No	Yes
Min. Landscaped Area (See 33.120.235)	30% of site area	20% of site area	15% of site area	15% of site area	none	30% of site area
Required Outdoor Areas (See 33.120.240)	Yes	Yes	Yes	Yes	No	See 33.251

Notes:

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

33.120.210 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. In the RM4 zone the maximum FAR is 4 to 1, except in Historic Districts and Conservation Districts, where the maximum FAR is 3 to 1. Floor area ratio is not applicable in the RMP zone. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing

code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years. Adjustments to the maximum floor area ratios are prohibited. Floor area does not include the following:

1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and
 2. Floor area for indoor common area used to meet the requirements of Section 33.120.240.
- C. Maximum increase in FAR.** An increase in FAR using bonuses and transfers of more than is stated in Table 120-5 is prohibited. This total FAR includes FAR transferred from another site, and any additional FAR allowed from bonus options.
- D. Transfer of FAR.** FAR may be transferred from one site to another subject to the following:
1. Sending site. FAR may be transferred from:
 - a. A site where all existing dwelling units are affordable to those earning no more than 60 percent of the area median family income. In order to qualify for this transfer, the applicant must provide a letter from the Portland Housing Bureau certifying that this affordability standard and any administrative requirements have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review.;
 - b. A site where trees that are at least 12 inches in diameter are preserved. The maximum amount of floor area that may be transferred for each preserved tree is indicated in Table 120-4, however the maximum amount of FAR that can be transferred may not exceed the total amount of unused FAR on the site. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees. To qualify for this transfer, a report is required from the City Forester or a certified arborist documenting that the trees to be preserved are not nuisance trees and are not dead, dying or dangerous.; or
 - c. A site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:
 - (1) Unused FAR up to the maximum FAR allowed by the zone; and
 - (2) An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:
 - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;

- If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- BPON improvement standard as defined in City of Portland Title 24.85; or
 - The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
2. Receiving site. The transfer must be to a site zoned RM1, RM2, RM3, RM4, RX, CM1, CM2, CM3, or CE outside of the Central City plan district. Transferring to a site zoned RMP is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
 3. Maximum increase in FAR. An increase in FAR on the receiving site of more than 1 to 1 from a transfer is prohibited. In addition, the total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the overall maximum FAR with other bonuses stated in Table 120-5.
 4. Covenants. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060 and is attached to, and recorded with, the deeds of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential FAR. In addition:
 - a. The covenant for the historic resource transferring the density must also meet the requirements of 33.445.610.D., Covenant.
 - b. The covenant for the site where trees will be preserved must:
 - (1) Require that all trees be preserved for at least 50 years; and
 - (2) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

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

33.120.211 Floor Area Bonus Options

- A. Purpose and description.** The bonus options allow additional floor area as an incentive for development that includes affordable housing, family-sized units, or units that are physically accessible to people of all abilities. The bonus options are designed to allow additional development intensity in a manner that is consistent with the purposes of the multi-dwelling zones.
- B. General floor area bonus regulations.**
1. The floor area bonus options in this section are only allowed in the RM1, RM2, RM3, RM4, and RX zones outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
 2. More than one bonus may be used up to the overall maximum per site stated in Table 120-5. Adjustments to the maximum amount of floor area obtainable through bonuses are prohibited.
 3. The increment of additional FAR allowed per bonus is stated in Table 120-5 and described in Subsection C.
 4. The bonus option standards must be met in full to receive the bonus.

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

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

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

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

C. Bonus options.

1. Inclusionary housing bonus option. Maximum FAR may be increased as stated in Table 120-5 if one of the following is met:
 - a. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
 - b. Voluntary inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-5 when one of the following voluntary bonus options is met:
 - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; or

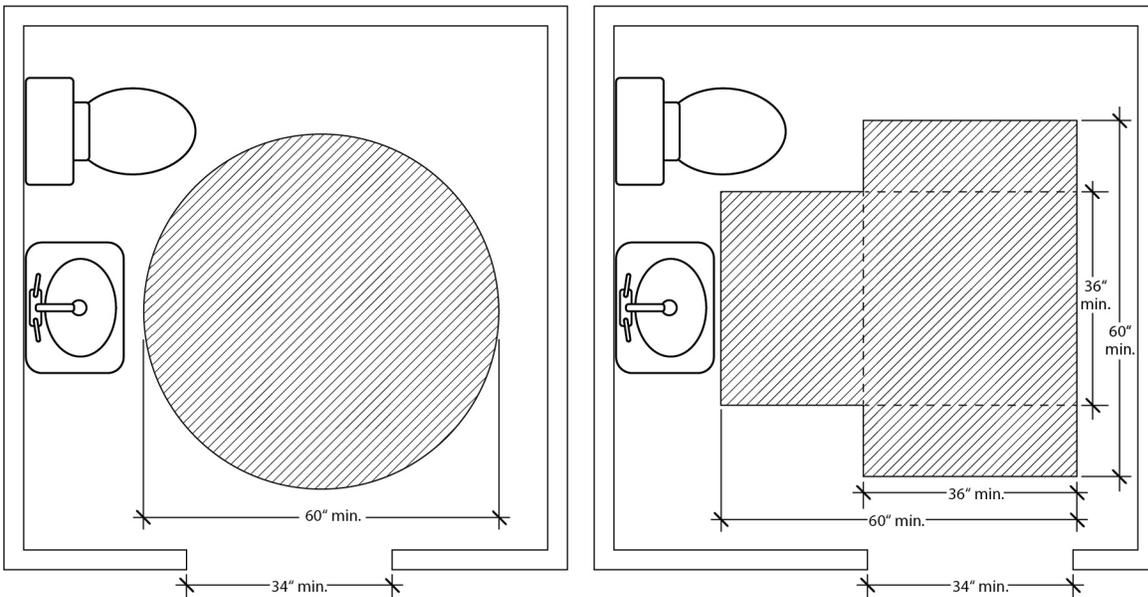
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development but is not required in order to apply for a land use review.
2. Deeper housing affordability bonus option. Bonus FAR is allowed up to the maximum with deeper housing affordability bonus as stated in Table 120-5 when at least 50 percent of all the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income or an affordability level established by Title 30. Projects taking advantage of this bonus are also allowed an additional 10 feet of base height and an additional 10 percent of building coverage beyond the limits for the zone stated in Table 120-3. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review.
3. Three-bedroom unit bonus option. Bonus FAR is allowed up to the maximum with three-bedroom unit bonus as stated in Table 120-5 if at least 50 percent of the dwelling units on the site have at least three bedrooms and are affordable to those earning no more than 100 percent of the area median family income. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the required three-bedroom units meet the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau.
4. Visitable units bonus option. Bonus FAR is allowed up to the maximum with visitable units bonus as stated in Table 120-5 when at least 25 percent of all the dwelling units on the site meet the following visitability standards, except that this bonus is not available for projects with buildings that are required by the Oregon Structural Specialty Code to include Type A or Type B accessible units:
 - a. Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8;
 - b. Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 120-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;

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

33.120.212 Maximum Density

- A. Purpose.** The maximum number of dwellings per unit of land, the maximum density, is controlled in the RMP zone so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standard is used as one type of control of overall building bulk. The bonus density options allow additional floor area as an incentive for providing affordable housing.
- B. Maximum density.** The maximum density for the RMP zone is stated in Table 120-3. There is no maximum density for any other multi-dwelling zone. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.
- C. RMP zone affordable housing bonus option.** In the RMP zone, maximum density can be increased up to the maximum with RMP affordable housing bonus stated in Table 120-3 when at least 50 percent of all of the dwelling units on the site are affordable to those earning no more than 60 percent of area median family income. To qualify for this bonus the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this bonus and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.
- D. Transfer of density.**
 - 1. Density may be transferred from a site zoned RMP to a site zoned RM1, RM2, RM3, or RM4 outside of the Central City plan district. When density will be transferred from a site zoned RMP, one dwelling unit is equal to 800 square feet of floor area. Transfers of density or FAR to a site zoned RMP is prohibited.
 - 2. The property owner must execute a covenant with the City that is attached to, and recorded with, the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060.

Figure 120-1
Visitable Bathroom Clearances



33.120.213 Minimum Density

- A. Purpose.** The minimum density standards ensure that the service capacity is effectively utilized and that the City's housing goals are met. The standards also ensure that incremental development will not preclude the ability to meet the intended development intensity of the zoning of a site.
- B. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Group living uses are exempt from minimum density requirements. Land within an Environmental zone may be subtracted from the calculation of minimum density.
1. If units are being added to a site with an existing building with residential units, the minimum density is reduced by two units.
 2. In the RMP zone, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.
 3. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
 - a. The maximum allowed reduction in minimum density is shown in Table 120-6.
 - b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:
 - (1) Require that all trees used to reduce the minimum density be preserved for at least 10 years;

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

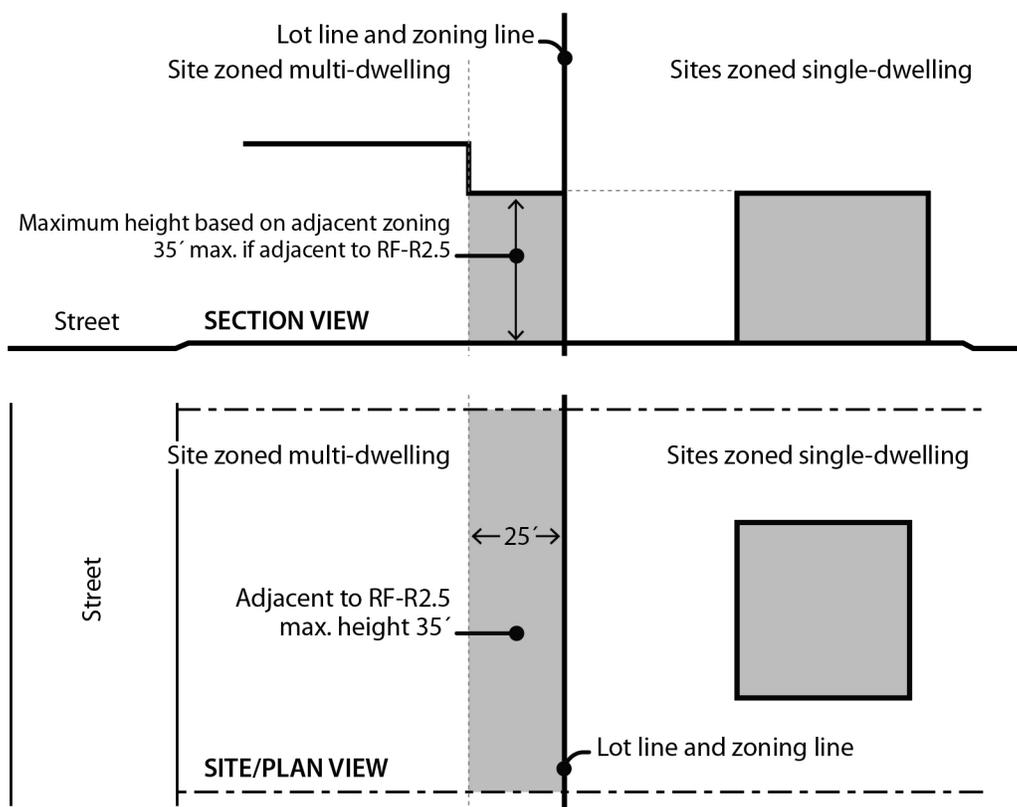
Table 120-6 Reduction in Minimum Residential Density from Tree Preservation		
Required Minimum Residential Density	No. of 12-Inch Trees To Be Preserved	Reduction of Minimum Residential Density
Up to 7 units	1	1
8-12 units	1	1
	2 or more	2
13-17 units	1	1
	2	2
	3 or more	3
18 or more units	1	1
	2	2
	3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

33.120.215 Height

- A. Purpose.** The height standards serve several purposes:
 - They promote a reasonable building scale and relationship of one residence to another;
 - They promote options for privacy for neighboring properties; and
 - They reflect the general building scale of multi-dwelling development in the City's neighborhoods.
- B. Height standard.**
 - 1. Base height. The base heights allowed in the multi-dwelling zones are stated in Table 120-3. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures. In the RM4 zone the base height is 75 feet, except as follows:
 - a. On sites that are not within a Historic or Conservation district but are within 500 feet of a transit street with 20-minute peak hour service the base height is 100 feet; and
 - b. On sites within 1,000 feet of a transit station the base height is 100 feet, including on sites that are within a Historic or Conservation district.

2. Step-down height. In the following situations, the base height is reduced, or stepped-down:
 - a. On the portion of a site within 25 feet of a lot line abutting a site zoned RF through R2.5, the step-down height is 35 feet. See Figure 120-2. Sites with property lines that abut a single-dwelling zone for less than a 5-foot length are exempt from this standard; and
 - b. On the portion of the site within 15 feet of a lot line that is across a local service street or alley from a site zoned RF through R2.5 the following step-down height limits apply. The limits do not apply to portions of buildings within 100 feet of a transit street.
 - (1) The step-down height is 45 feet for sites in the RM2, RM3, RM4, and RX zones.
 - (2) The step-down height is 35 feet for sites in the RM1 and RMP zones.

Figure 120-2
Step-Down Height Adjacent to Single-Dwelling Zones



C. Exceptions to the maximum height.

1. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items, with a width, depth, or diameter of 5 feet or less may extend above the height limit, as long as they are attached to a building and do not exceed 5 feet above the top of the

highest point of the roof. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.

2. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the height limits.
3. Walls and fences. Walls or fences located between individual rooftop decks may extend 6 feet above the height limit provided that the wall or fence is set back at least 4 feet from the edges of the roof.
4. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
5. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit as follows:
 - a. For flat roofs or the horizontal portion of mansard roofs, the roof mounted solar panel may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, the roof mounted solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

33.120.220 Setbacks

- A. Purpose.** The building setback regulations serve several purposes:
- They maintain light, air, separation for fire protection, and access for fire fighting;
 - They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
 - They promote a reasonable physical relationship between residences;
 - They promote options for privacy for building residents and neighboring properties;
 - They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
 - Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and

- They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.

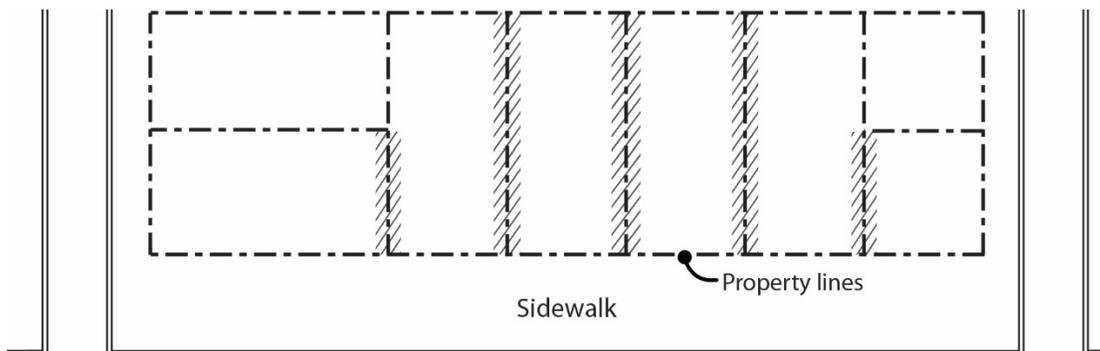
B. Minimum building setbacks. The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Setbacks for parking areas are in Chapter 33.266.

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

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

walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts another property and this setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.

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



CIVIC OR NEIGHBORHOOD CORRIDOR

 Locations where no setbacks are required.

C. Maximum building setbacks.

1. Maximum building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Table 120-5, and apply only to buildings that are enclosed on all sides. The maximum building setbacks on a transit street or in a Pedestrian District are as follows. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard:
 - a. Applying the standard.
 - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-3 and 120-4.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all the buildings. See Figures 120-6 and 120-7.
 - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and
 - The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and

- At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- b. Outside a Pedestrian District. Where the site is not in a Pedestrian District:
 - (1) One transit street. Where the site is adjacent to one transit street, the standard must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - The standard must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;
 - If one of the transit streets intersects a City Walkway, the standard must be met along both the street with the highest transit classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the standard must be met on the frontages of the two streets with the highest transit classifications. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;
- c. In a Pedestrian District. Where the site is in a Pedestrian District, the maximum building setback standard applies to all street frontages, with the following exceptions:
 - (1) Through lots. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose on which street to apply the standard.
 - (2) Three or more street frontages. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose on which streets to apply the standard.

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

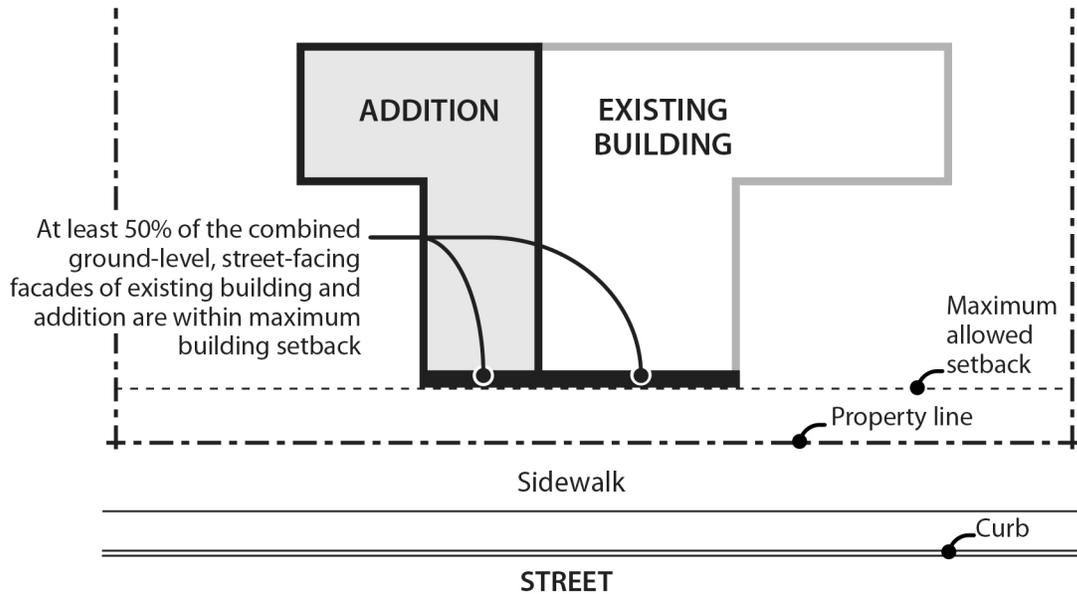
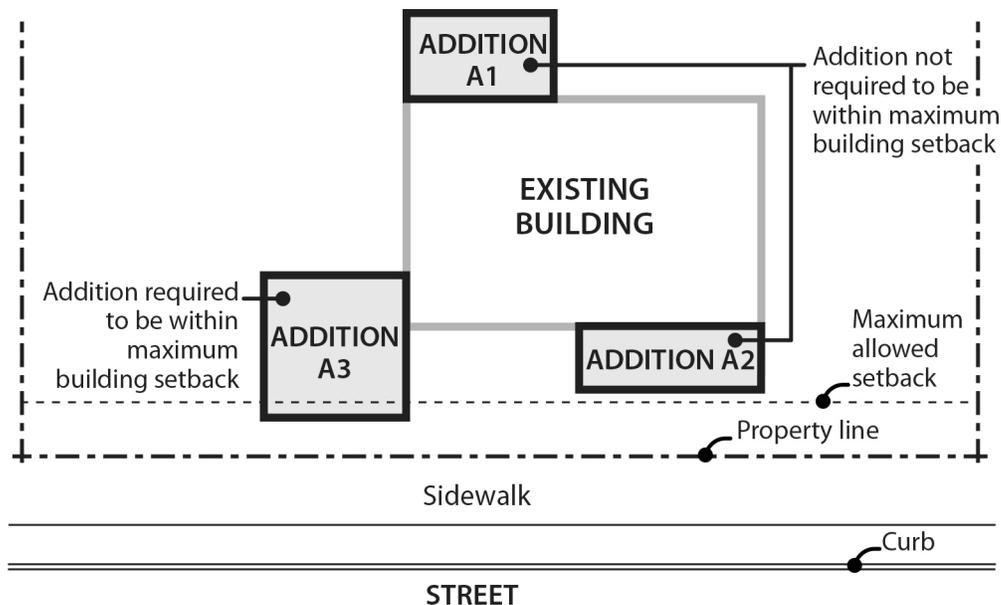


Figure 120-5
Alterations to Existing Building



Notes:

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

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

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

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

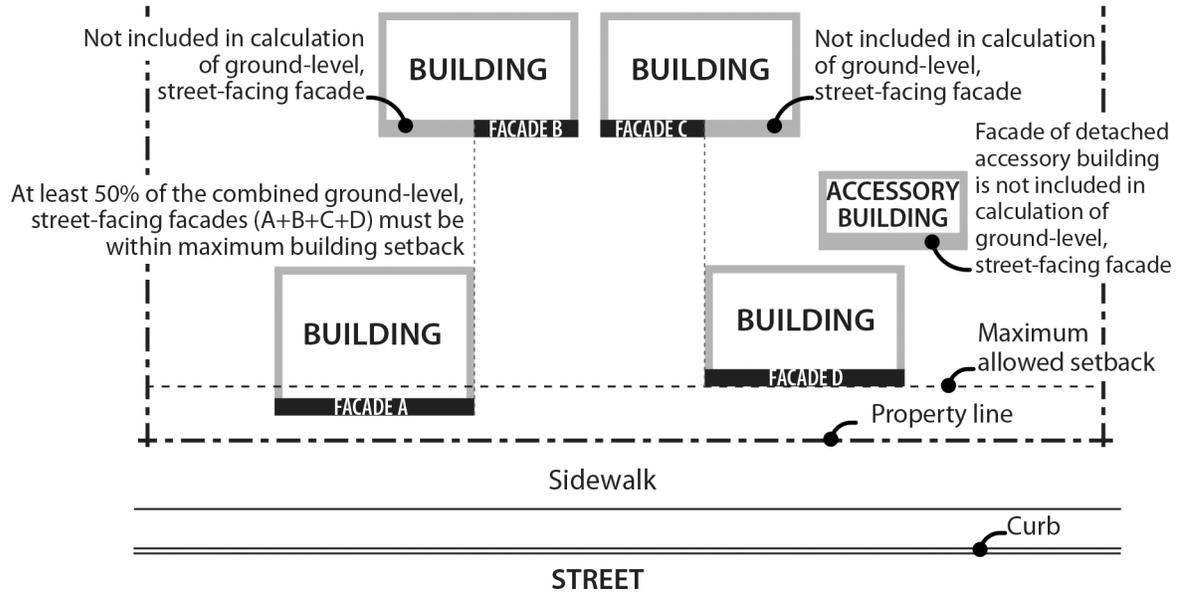
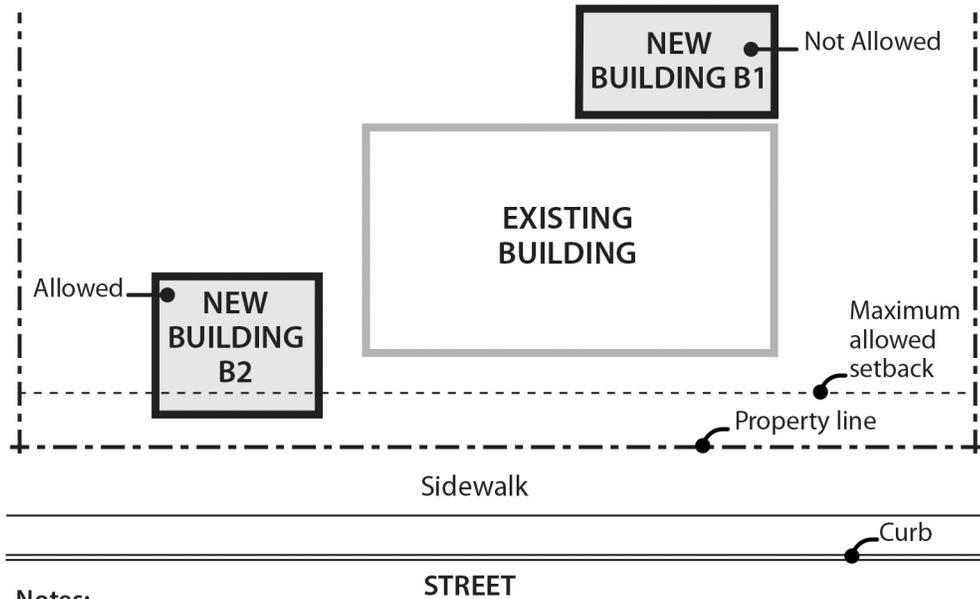


Figure 120-7
New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback



Notes:

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

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

2. Exemptions.
 - a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.
 - b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-6.

D. Extensions into required building setbacks.

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:
 - a. Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
 - b. Wheelchair ramps, water collection cisterns and stormwater planters that do not meet the standards of Paragraph D.4;
 - c. Decks, stairways, and uncovered balconies that do not meet the standard for Paragraph D.4, but only along a street lot line; and
 - d. Bays and bay windows but only along a street lot line and must meet the following requirements:
 - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block; and
 - (3) Bays and bay windows must cantilever beyond the foundation of the building.
2. Building eaves may project up to 2 feet into a required setback, provided the eave is at least 3 feet from a lot line.
3. Canopies and awnings may extend up to 5 feet into a required setback along a street lot line.
4. The following minor features may extend into entire required building setbacks:
 - a. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
 - b. Gutters and downspouts that drain stormwater off a roof of the structure;
 - c. Stormwater planters that are no more than 2-1/2 feet above the ground;

- d. Water collection cisterns that are 6 feet or less in height;
 - e. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
 - f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
5. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment are stated in 33.120.280 below. Fences are addressed in 33.120.285, below. Detached accessory dwelling units are addressed in Chapter 33.205.

E. Garage entrance and structured parking setback.

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

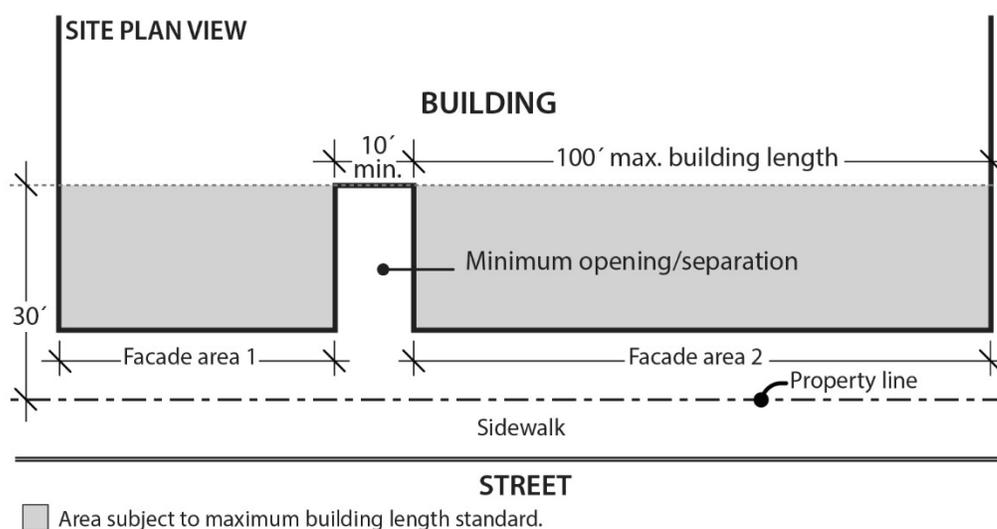
33.120.225 Building Coverage

- A. Purpose.** The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.
- B. Maximum building coverage.** The maximum building coverages for all covered structures on the site are stated in Table 120-3. In the RM2 zone, maximum building coverage on sites that abut a Civic Corridor or Neighborhood Corridor shown on Map 120-1 is 70 percent of site area. Maximum building coverage on all other RM2 sites is 60 percent of site area.
- C. Exception.** Structured parking that is no more than 6 feet above grade at any point, except as indicated below, does not count toward building coverage if the structured parking does not have floor area above it, and the structured parking is covered by landscaping or an outdoor common area. Vehicle or pedestrian access into the structured parking is exempt from the calculation of grade, if the access is no more than 20 feet wide.

33.120.230 Building Length and Façade Articulation

- A. Purpose.** These standards, along with the height and setback standard, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and development patterns of Portland’s multi-dwelling residential areas and add visual interest and variety to the street environment.
- B. Maximum building length.** In the RM1, RM2, and RMP zones, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions of buildings subject to this standard must be separated by a minimum of 10 feet. See Figure 120-8. Manufactured dwelling parks are exempt from this standard.

Figure 120-8
Maximum Building Length

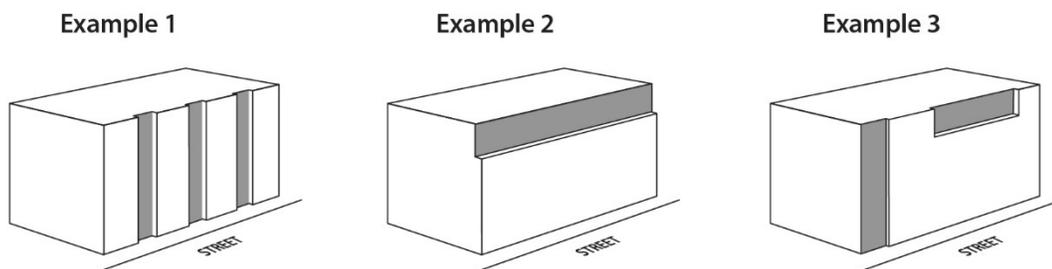


C. Façade articulation

- Where the standard applies. This standard applies in the RM2 through RM4 zones as follows:
 - In the RM2 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - In the RM3 and RM4 zones, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 30 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 120-8.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 120-9.

Figure 120-9
Facade Articulation



33.120.231 Main Entrances

A. Purpose. The main entrance standards:

- Together with the window and garage standards, ensure that there is a physical and visual connection between the living area of the residence and the street;
- Enhance public safety for residents and visitors and provide opportunities for community interaction;
- Ensure that the pedestrian entrance is visible or clearly identifiable from the street by its orientation or articulation; and
- Ensure a connection to the public realm for development on lots fronting both private and public streets by making the pedestrian entrance visible or clearly identifiable from the public street.

B. Where these standards apply.

1. The standards of this section apply to all residential structure types in the multi-dwelling zones except for accessory dwelling units, manufactured dwelling parks, and houseboat moorages. For multi-dwelling development, the standards apply only to residential structures that are located within 40 feet of a street lot line.
2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the standards apply to the transit street. If there is no transit street, the applicant may choose on which frontage to meet the standards. If there is more than one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.

4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
6. Development on lots where any portion of the lot is in a special flood hazard area is exempt from the standard in Subsection D.

C. Main entrance.

1. Standard. At least one main entrance for each structure must:
 - a. Be within 8 feet of the longest street-facing wall of the structure; and
 - b. Either:
 - (1) Face the street. See Figure 120-10;
 - (2) Be at an angle of up to 45 degrees from the street; or
 - (3) Open onto a porch. See Figure 120-11. The porch must:
 - Be at least 25 square feet in area;
 - Have at least one entrance facing the street; and
 - Have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
2. Alternative for multi-dwelling structures. As an alternative to Paragraph C.1, an entrance to a multi-dwelling structure may face a courtyard if the courtyard-facing entrance is located within 60 feet of a street and the courtyard meets the following standards:
 - a. The courtyard must be at least 15 feet in width;
 - b. The courtyard must abut a street; and
 - c. The courtyard must be landscaped to at least the L1 level, or hard-surfaced for use by pedestrians.

- D. Distance from grade.** For houses, attached houses, manufactured homes, duplexes, triplexes, and fourplexes, the main entrance that meets Paragraph C.1 must be within 4 feet of grade. For the purposes of this Subsection, grade is the average grade measured at the outer most corners of the street facing facade. See Figure 120-12.

Figure 120-10
Main Entrance Facing the Street

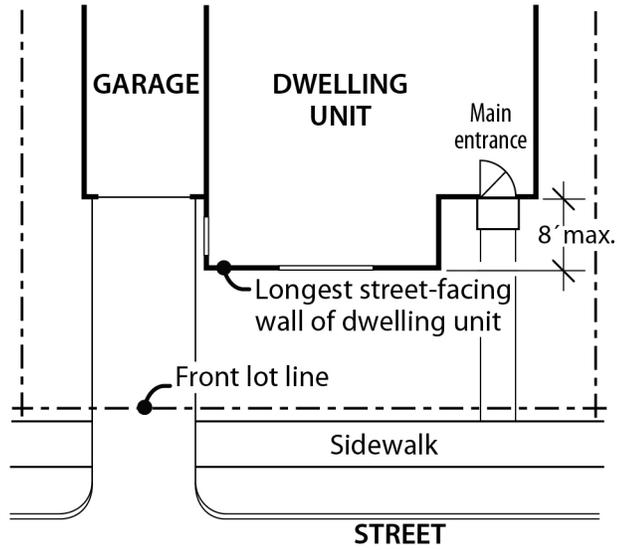


Figure 120-11
Main Entrance Opening Onto a Porch

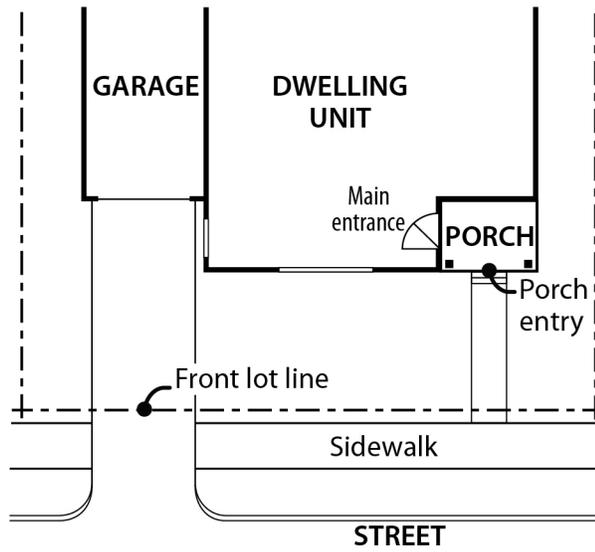
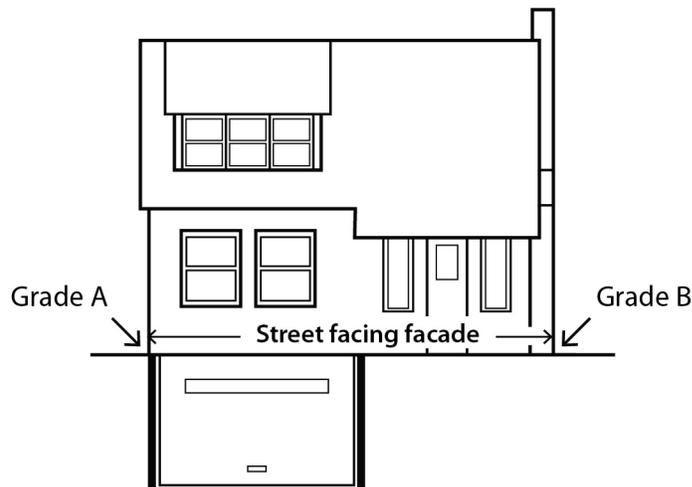


Figure 120-12
Calculation of Grade: (Elevation A + Elevation B) / 2



33.120.232 Street-Facing Facades

A. Purpose. The standards:

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

B. Where these standards apply.

1. The standards of this section apply to the street-facing facades of buildings that include any residential uses. The standards of this section do not apply in the RMP zone.
2. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.
3. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more, is exempt from these standards.
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C.
5. For structures subject to ground floor window standard in Subsection D, windows used to meet the ground floor window standard may also be used to meet the requirements of Subsection C.

- C. Windows.** At least 15 percent of the area of each facade that faces a street lot line must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street property line. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
- D. Ground floor windows.** The following ground floor window standards apply to the portion of a building with ground floor commercial uses. For the purposes of this Paragraph, ground floor wall area includes exterior wall area from 2 feet to 10 feet above the finished grade. Required ground floor windows must be windows in walls or entrances that allow views into working area or display windows that are at least 24 inches deep set into a wall. The bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade:
1. Windows must cover at least 40 percent of the ground floor wall area of the portion of a building that has a ground floor commercial use when the ground floor wall is located closer than 5 feet from a street lot line.
 2. Windows must cover at least 25 percent of the ground floor wall area of the portion of building that has a ground floor commercial use when the ground floor wall is located 5 feet or more from a street lot line.

33.120.235 Landscaped Areas

- A. Purpose.** The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.
- B. Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-3. Sites developed with a house, attached house, duplex, or manufactured dwelling park are exempt from this standard. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area.
1. Except as allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level or in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening. However, up to one-third of the required landscaped area may be improved for active or passive recreational use or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.

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

C. Additional landscaping standards.

1. Building setbacks. The required building setbacks must be landscaped to at least the L1 standard of Chapter 33.248, Landscaping and Screening. Ground-level pedestrian pathways, detached accessory structures and other development allowed in the setbacks are exempt from this standard except in the Eastern Pattern Area where allowed development can cover no more than 50 percent of the Eastern Pattern Area minimum rear setback area. Sites that are 10,000 square feet or less in total site area are also exempt from this standard.
2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking And Loading.

33.120.237 Trees

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

33.120.240 Required Outdoor and Common Areas

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

1. Required outdoor area. Outdoor area is required in the amounts stated below. Outdoor area may be provided as individual private outdoor area, such as a patio or balcony, or may be provided as common area, such as outdoor courtyards, outdoor play area, indoor recreational facilities, or indoor community rooms. There may be a combination of individual or common areas.
 - a. RM1 and RM2 zones. In the RM1 and RM2 zones, at least 48 square feet of outdoor area is required per dwelling unit.
 - b. RM3 and RM4 zones. In the RM3 and RM4 zones, on sites that are 20,000 square feet or less in total area, at least 36 square feet of outdoor area is required per dwelling unit. In the RM3 and RM4 zones, on sites that are more than 20,000 square feet in total area, at least 48 square feet of outdoor area is required per dwelling unit.
2. Required common area.
 - a. Required common area standard. On sites that are more than 20,000 square feet in total site area, and on sites with a congregate housing facility, at least 10 percent of total site area must be provided as common area. At least 50 percent of the required common area must be outdoor area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
 - b. Exemption. The required common area standard does not apply to sites where:
 - (1) All of the dwelling units have individual entrances that are within 20 feet of a street lot line;
 - (2) Each entrance is connected to the street by a path that is at least 3 feet wide and hard surfaced; and
 - (3) Each dwelling unit has at least 200 square feet of individual outdoor area with a minimum dimension of 10 feet by 10 feet.

C. Size, location and configuration.

1. Individual unit outdoor area. Where a separate outdoor area is provided for an individual unit, it must be designed so that a 4-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard of this subsection. If the area is at ground level, it may extend into the entire required side and rear setback. Individual unit outdoor areas located at ground level may also extend into the entire required street setback, but when located within a required street setback the outdoor area must either be at least 2 feet above the grade of the closest adjoining sidewalk or separated from the street lot line by a minimum 3 foot setback landscaped to at least the L2 standard described in Chapter 33.248, Landscaping and Screening. Covered outdoor areas are subject to Paragraph C.5 below.
2. Common areas.

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

33.120.250 Screening

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

- D. Other screening requirements.** Outdoor seating associated with a Retail Sales And Service use must be screened from any abutting residential zones by walls, fences or vegetation. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.120.255 Pedestrian Standards

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

facade is within 10 feet of the street, no connection is required to that street.

- b. Internal connections. On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
2. Materials.
 - a. The circulation system required by the standards of this section must be hard-surfaced and must meet the following minimum width requirements:
 - (1) The circulation system on sites with up to 4 residential units must be at least 3 feet wide.
 - (2) The circulation system on sites with 5 to 20 units must be at least 4 feet wide.
 - (3) The circulation system on sites with more than 20 residential units must be at least 5 feet wide.
 - (4) Segments of the circulation system that connect only to an entrance providing access to up to 4 units may be 3 feet wide.
 - b. Except as allowed in subparagraph d, below, where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Except as allowed in subparagraph d, below, where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
 - d. The pedestrian circulation system may be within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.
 3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.120.260 Recycling Areas

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

33.120.270 Alternative Development Options

- A. Purpose.** The alternative development options provide increased variety in development while maintaining the residential neighborhood character. The options are intended to:
- Accommodate a diversity of housing types and tenures;
 - Encourage development which is more sensitive to the environment, especially in hilly areas;
 - Encourage the preservation of open and natural areas;
 - Promote better site layout and opportunities for private recreational areas;
 - Allow for greater flexibility within a development site while limiting impacts to the surrounding neighborhood;
 - Promote more opportunities for affordable housing;
 - Allow more energy-efficient development;
 - Reduce the impact that new development may have on surrounding residential development;
 - Allow a greater sense of enclosure within common greens and shared courts; and
 - Ensure adequate open area within common greens.
- B. General requirements for all alternative development options.** The alternative development options listed in this section are allowed by right unless it is specifically stated otherwise. They must conform with all other development standards of the base zone unless those standards are superseded by the ones in this section. Sites in the RMP zone are not eligible for alternative development option.
- C. Attached houses.** The development standards for attached housing are:
1. Density, height, and other development standards. The minimum density, height, building length, landscaped areas, required outdoor area, and window requirements of the base zone apply.
 2. Lot size. See 33.612, Lots in Multi-Dwelling Zones, for lot size information.
 3. Building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
 4. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project, however the maximum building coverage for an individual lot may not exceed 5 percent more than the base zone allowance.
 5. Maximum building length. The maximum building length standard stated in Table 120-3 applies to the combined length of the street-facing facades of each unit.
- D. Reduced setbacks for detached houses.** For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the land division Preliminary Plan. Eaves may project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.

- E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys.** These standards promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects on small sites. Standards within this section also promote pedestrian-oriented street frontages by facilitating the creation of rear alleys and allowing more efficient use of space above rear vehicle areas.
1. When these standards apply. These standards apply when the proposal includes a common green, shared court, or alley;
 2. Minimum density in RM1 and RM2 zones. The minimum density in the RM1 zone is 1 unit per 3,000 square feet. The minimum density in the RM2 zone is 1 unit per 2,000 square feet;
 3. Accessory structures.
 - a. Covered accessory structures for the common use of residents are allowed within common greens and shared courts. Covered accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
 - b. Structures for recycling or waste disposal are allowed within common greens, shared courts, private alleys, or parked tracts;
 4. Setbacks.
 - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet; and
 - (1) Minor architectural features such as eaves, awnings, and trellises are allowed in this setback; and
 - (2) On corner lots where there is one street lot line on a public street and one street lot line is on the common green or shared court, up to 30 percent of the area of the building facade facing the common green or shared court may extend into this setback. At least 30 percent of the area extending into this setback must include windows or glass block. Porches are exempt from the window standard.
 - b. The setbacks of garage entrances accessed from a shared court must be either 5 feet or closer to the shared court property line, or 18 feet or further from the shared court property line. If the garage entrance is located within 5 feet of the shared court property line, it may not be closer to the property line than the residential portion of the building.
 - c. For accessory structures in common greens, shared courts, private alleys, or parking tracts, the setbacks are:
 - (1) Adjacent to a public street. The minimum setback from a public street is 10 feet;
 - (2) Setback from project perimeter. If the common green, shared court, private alley, or parking tract abuts the perimeter property line of the project, the

minimum setback for the accessory structure is 5 feet. The perimeter property line of the project is the boundary of the site before development;

- (3) Setback from all other lot lines. The minimum setback from all other lot lines is 3 feet;
5. Maximum height. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.
6. Building coverage.
 - a. When a land division proposal includes common greens, shared courts, or private alleys, maximum building coverage is calculated based on the entire land division site, rather than for each lot.
 - (1) Buildings or structures in common greens, shared courts, private alleys, or parking tracts are included in the calculation for building coverage for the land division site;
 - (2) The combined building coverage of all buildings and structures in common greens or shared courts may not exceed 15 percent of the total area of the common greens or shared courts.
 - (3) Any amount of building coverage remaining from the calculation for the area of the common green, shared court, alley, or parking tract will be allocated evenly to all of the lots within the land division, unless a different allocation of the building is approved through the land division decision. The building coverage allocated to the lots will be in addition to the maximum allowed for each lot.
 - b. For attached houses, uncovered rear balconies that extend over an alley or vehicle maneuvering area between the house and rear lot line do not count toward maximum building coverage calculations.
7. Garages fronting onto shared courts. For garages accessory to houses or detached houses that are less than 24 feet wide that front onto shared courts, the length of the garage wall facing the shared court may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.
- F. Attached duplexes.** The attached duplex regulations allow for an alternative housing type that promotes owner-occupied structures, the efficient use of land, and for energy-conserving housing.
 1. Lot size. Each attached duplex must be on a lot that complies with the lot size standard for new lots of the base zone.
 2. Building setbacks. The side building setback on the side containing the common wall is reduced to zero.
 3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.
- G. Planned Development.** See Chapter 33.638, Planned Development.

33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the multi-dwelling zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.
- B. Use categories to which these standards apply.** Except for Daycare uses, the standards of this section apply to uses in the institutional group of use categories in the multi-dwelling zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
- C. The standards.**
1. The development standards are stated in Table 120-7. If not addressed in this section, the regular base zone development standards apply.
 2. Setbacks on a transit street or in a Pedestrian District. If the minimum setback conflicts with the maximum setback, the maximum setback supersedes the minimum.
 3. Exterior storage. Exterior storage of materials or equipment is prohibited.
 4. Outdoor activity facilities. Except as specified in paragraph C.5, below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.
 5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
 6. Electrical substations. In addition to the standards in Table 120-7, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
 7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph C.2, above.
 8. Access for accessory Retail Sales And Service Uses. Areas occupied by an accessory Retail Sales And Service use may have no direct access to the outside of the building. Access to the area must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.
 9. Exterior signage for accessory Retail Sales And Service uses is prohibited.

Table 120-7 Institutional Development Standards [1]	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	2 to 1
Maximum Height [3]	75 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 10 ft.
Maximum Building Coverage [2]	70% of site area
Minimum Landscaped Area [2,4]	20% of site area
Buffering from Abutting Residential Zone [5]	10 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	10 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences	10 ft.
Parking and Loading	See Chapter 33.266, Parking And Loading
Signs	See Title 32, Signs and Related Regulations

Notes:

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

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

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

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

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

33.120.280 Detached Accessory Structures

A. Purpose. This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures and promote compatibility of design for larger accessory structures when they are in conjunction with single-dwelling development. The standards provide for necessary access around structures, help maintain privacy to abutting lots, provide flexibility for the location of accessory structures, and maintain open front yard areas.

B. General standards.

1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
2. Detached accessory structures are allowed on a site only in conjunction with a primary building and may not exist on a site prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a lot confirmation, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.

- a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
 - b. For a property line adjustment or a lot confirmation, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS approving the property line adjustment or lot confirmation is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
 - c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.
- C. Detached covered accessory structures.** Detached covered accessory structures are items such as garages, greenhouse, artist's studios, guest houses, accessory dwelling units, laundry or community buildings, storage buildings, covered bicycle parking, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.
1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
 2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.
 - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
 - b. Detached covered accessory structures are allowed in the side and rear building setbacks, if all of the following are met:
 - (1) The structure is at least 10 feet from a street lot line or no closer to a street line than the closest primary building, whichever distance is greater;
 - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;

- (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
 - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;
 - (6) Walls located within the setback may not have doors or windows facing the adjacent lot line;
 - (7) The structure does not have a rooftop deck; and
 - (8) Dormers are set back at least 5 feet from the side and rear lot lines that abut another lot.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.
 - a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site.
 - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.
 4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high, and are accessory to houses, attached houses, duplexes, attached duplexes, manufactured homes, triplexes, or fourplexes on individual lots. Additions to existing structures that do not meet a standard are exempt from that standard.
 - a. Exterior Finish Materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:
 - (1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or
 - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
 - b. Roof Pitch. The pitch of the roof with the highest ridgeline on the detached covered accessory structure must meet one of the following:
 - (1) The pitch of the roof with the highest ridgeline must be the same as the pitch of the roof with the highest ridgeline of the primary structure; or
 - (2) The pitch of the roof with the highest ridgeline must be at least 6/12.

- c. Trim. The trim on the detached covered accessory structure must meet one of the following:
 - (1) The trim must be the same in type, size, and location as the trim used on the primary structure; or
 - (2) The trim around all windows and doors must be at least 3 ½ inches wide.
 - d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:
 - (1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
 - (2) Each window must be square or vertical – at least as tall as it is wide.
 - e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:
 - (1) The eaves must project from the building walls the same distance as the eaves on the primary structure;
 - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
 - (3) If the primary structure has no eaves, no eaves are required.
- D. Detached uncovered vertical structures.** Vertical structures are items such as flag poles, trellises, arbors, and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. The following standards apply to uncovered vertical structures. Fences are addressed in Section 33.120.285 below:
- 1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet:
 - a. Antennas, utility power poles, and public safety facilities are exempt from height limits.
 - b. Flagpoles are subject to the height limit of the base zone for primary structures.
 - c. Detached small wind turbines are subject to the standards of 33.299.
 - 2. Setbacks. Except as follows, detached uncovered vertical structures are subject to the required building setbacks:
 - a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setback.
 - b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in a front setback. The arbor must allow for pedestrian access under its span.

- c. Flagpoles are allowed in required building setbacks.
- d. Detached uncovered vertical structures that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:
 - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
 - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet; and
 - (3) The structure is no more than 10 feet high;
 - (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and
 - (5) The structure does not have a rooftop deck.

E. Detached uncovered horizontal structures. Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures:

- 1. Height. In general, the maximum height allowed for detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
- 2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to the required building setbacks:
 - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
 - b. Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks.

F. Detached mechanical equipment. Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to the building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:

- 1. Height. In general, the maximum height allowed for detached mechanical equipment is the maximum height of the base zone. The maximum height allowed for detached mechanical equipment that is accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.

2. Setbacks. Except as follows, detached mechanical equipment is subject to required building setbacks. Detached mechanical equipment accessory to a house, attached house, duplex, attached duplex, manufactured home, triplex, or fourplex on an individual lot is allowed in side or rear building setbacks if all of the following are met:
 - a. The equipment is no more than five feet high; and
 - b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.120.283 Additional Development Standards for Structured Parking and Garages

A. Purpose. These standards:

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

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

C. Existing detached garages.

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

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

1. Where these regulations apply. The regulations of this subsection apply to structured parking and garages in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. Development on flag lots and development on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this Subsection.
 - b. Garages and structured parking that are located more than 40 feet from a street lot line and sites where all parking access is from a shared court are exempt from the standards of this Subsection.
 - c. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from the standard of this subsection.
 - d. Structured parking where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way is exempt from the standards of this Subsection.
 - e. On corner lots:
 - (1) Garages. On corner lots, only one street-facing garage wall that contains the garage door must meet the standards of this Subsection.
 - (2) Structured parking. On corner lots, only one street-facing facade of a building with structured parking must meet the standards of this Subsection. For sites with more than one street frontage, the standards of this Subsection must be met along the street with the highest transit street classification. If two or more streets have the same highest transit street classification, then the standards must be met on the longest street-facing façade located within 40 feet of a street lot line. If two or more streets have the same highest transit street classification and the street-facing facades are the same length, the applicant may choose on which of those streets to meet the standards.
3. Standards.
 - a. Garages that are accessory to houses. For garages that are accessory to houses or manufactured homes, the length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 120-13. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.
 - b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses and attached duplexes:

- (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. See Figure 120-12. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facade; and
 - (2) When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facade must be without garage, and the 50 percent length without garage must be contiguous. See Figure 120-14.
- c. Garages and structured parking that are accessory to all other residential structure types. The following standards apply to garages and structured parking that are accessory to all residential structure types:
- (1) The length of the garage or structured parking wall facing the street may be up to 50 percent of length of the street-facing building façade. See Figure 120-12. Where the length of the street-facing facade is less than 22 feet long, an attached garage and structured parking are not allowed; and
 - (2) For a fourplex or a multi-dwelling structure, at least 50 percent of the total length of the street-facing building facade must be without garage or structured parking, and the 50 percent length without garage or structured parking must be contiguous. See Figure 120-14.

E. Street lot line setbacks.

1. Where this standard applies. The standard of this paragraph applies to structured parking and garages in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
 - a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
 - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
3. Standard. A structured parking or garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the building. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located. See Figure 120-15.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the building, if:
 - a. The street-facing garage wall is 40 percent or less of the length of the building facade; and

- b. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 120-16. The porch must meet the following:
- (1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
 - (2) The porch must have a solid roof; and
 - (3) The roof may not be more than 12 feet above the floor of the porch.

Figure 120-13
Length of Street-Facing Garage Wall

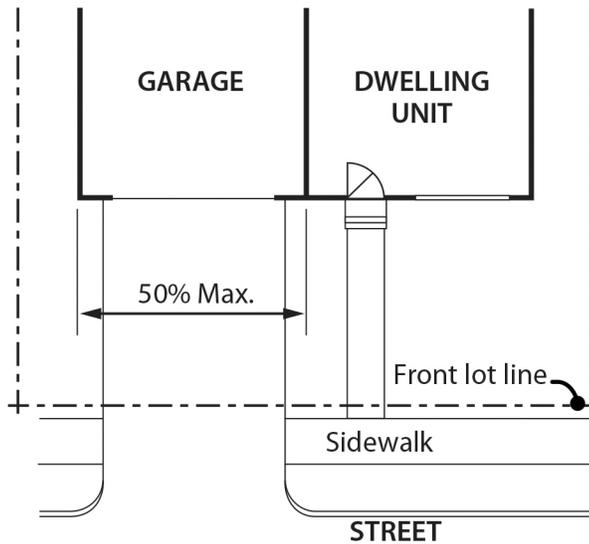


Figure 120-14
Combined Length of Street-Facing Garage Wall

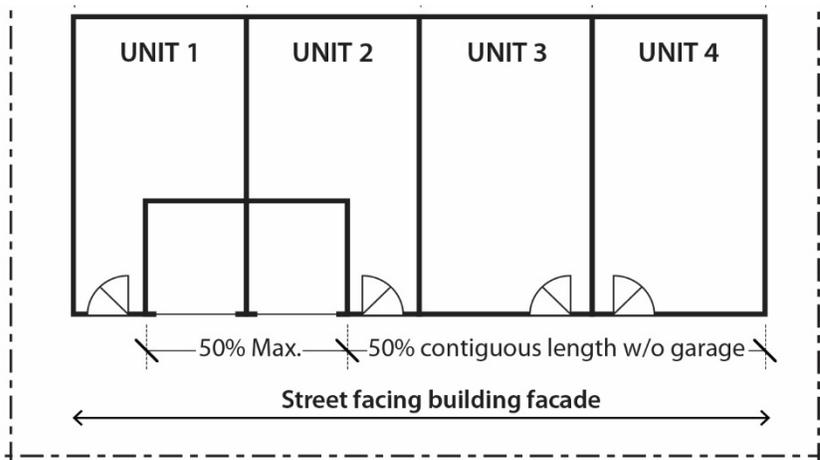


Figure 120-15
Street Lot Line Setback

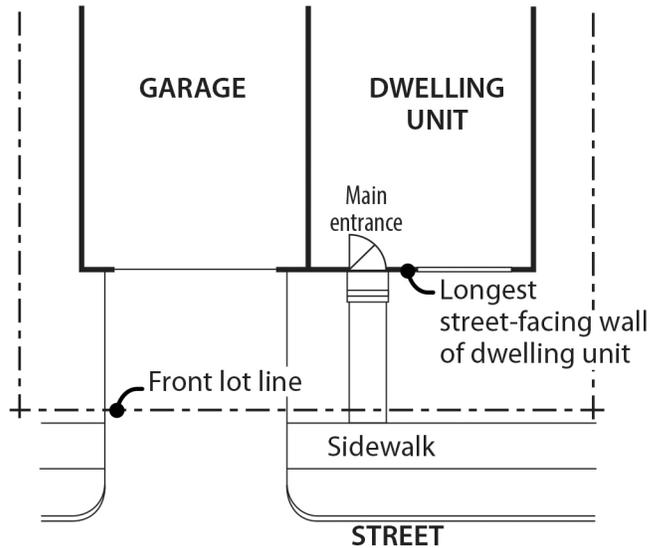
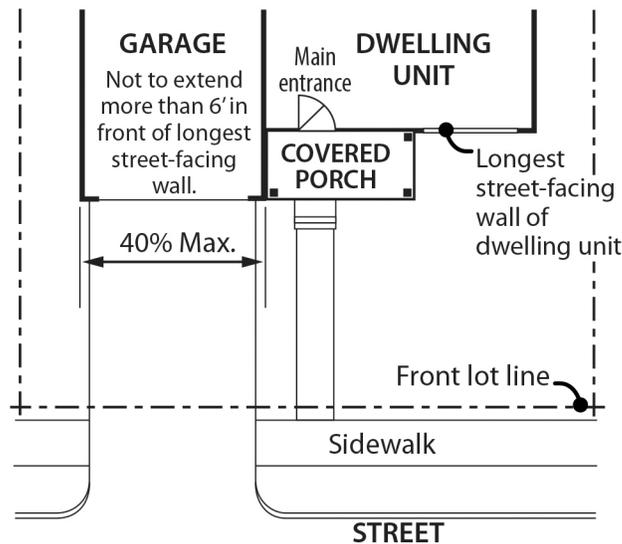


Figure 120-16
Garage Front Setback Exception



33.120.284 Additional Development Standards for Flag Lots

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

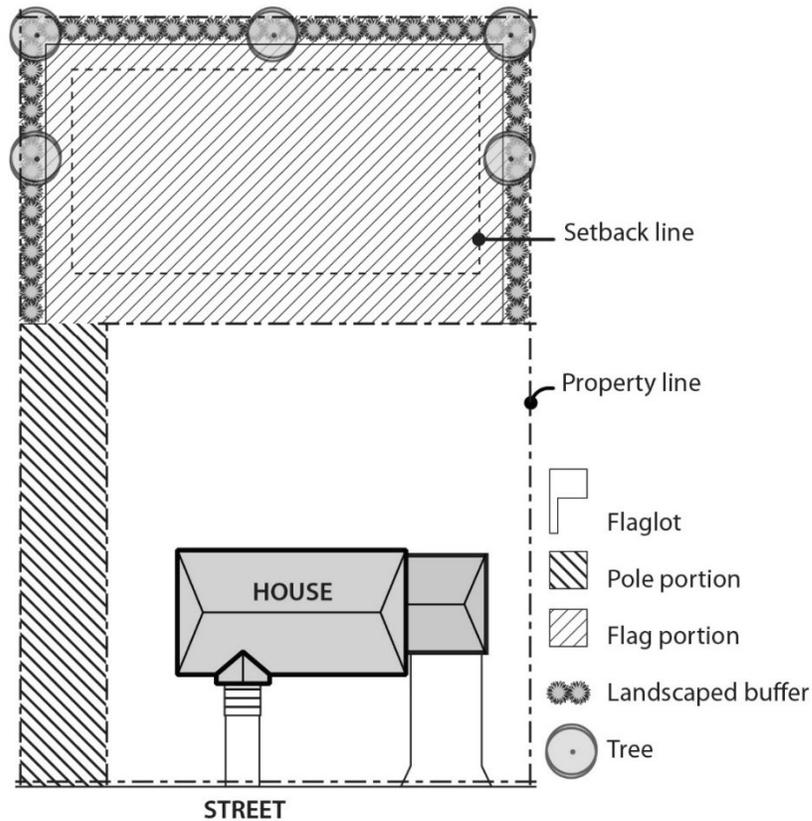
C. Standards.

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

Zone	Setback
RM1, RM2, RM3, RM4	10 feet

2. Landscaped buffer area. In the RM1 through RM4 zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-17.

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



33.120.285 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and

community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.

B. Types of fences. The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.

C. Location and height.

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

2. All other development. The following fence location and height standards apply to development that is not a house, attached house, manufactured home, duplex or attached duplex:
 - a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front building setback, or within the first 5 feet of the front lot line, whichever is greater.
 - b. Side and rear building setbacks.
 - (1) Fences up to 3-1/2 feet high are allowed in required side building setbacks that abut a street.
 - (2) Fences abutting a pedestrian connection.
 - Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
 - Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
 - (3) Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a street or a pedestrian connection.
 - c. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.120.290 Demolitions

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

33.120.300 Nonconforming Development

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

33.120.305 Parking and Loading

The standards for the minimum required and maximum allowed number of auto parking spaces, required number of bike parking spaces, parking lot placement, parking lot setbacks and landscaping, loading areas and driveways are stated in Chapter 33.266, Parking And Loading.

33.120.310 Signs

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

33.120.320 Inclusionary Housing

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

33.120.330 Street and Pedestrian Connections

A. Large site pedestrian connectivity.

1. Purpose. The large site pedestrian connectivity standard implements regional pedestrian and bicycle connectivity standards. The standard enhances direct movement by pedestrians and bicycles between destinations and increases the convenience of travelling by foot or bike. The standard also protects public health and safety by ensuring safe movement and access through a large site. The standard provides flexibility for locating the pedestrian connection in a manner that addresses site constraints such as existing development.
2. When does the standard apply. The large site pedestrian connectivity standard applies to new development and major remodeling on sites that are more than 5 acres in size.
3. Standard. If the site does not have pedestrian connections at least every 330 feet as measured from the centerline of each connection, then dedication of right-of-way for pedestrian connections is required.
4. Exemptions. Dedication of right-of-way for pedestrian connections is not required in:
 - a. The Central City plan district; and
 - b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of elements within, the pedestrian connections.

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

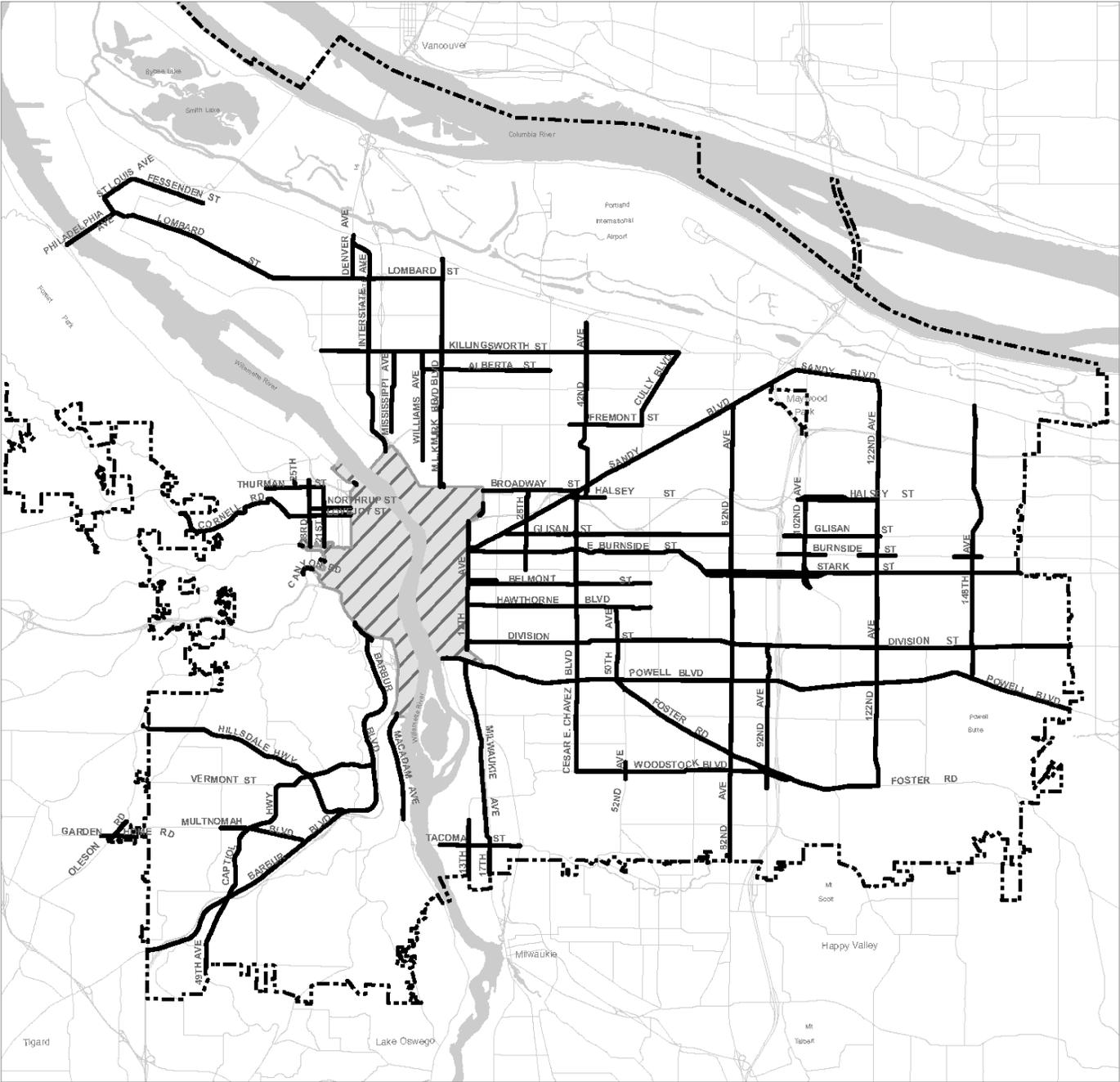
(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95;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

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

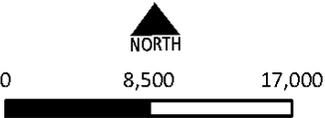
Civic and Neighborhood Corridors

Map 120-1

Map Revised June 18, 2020



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



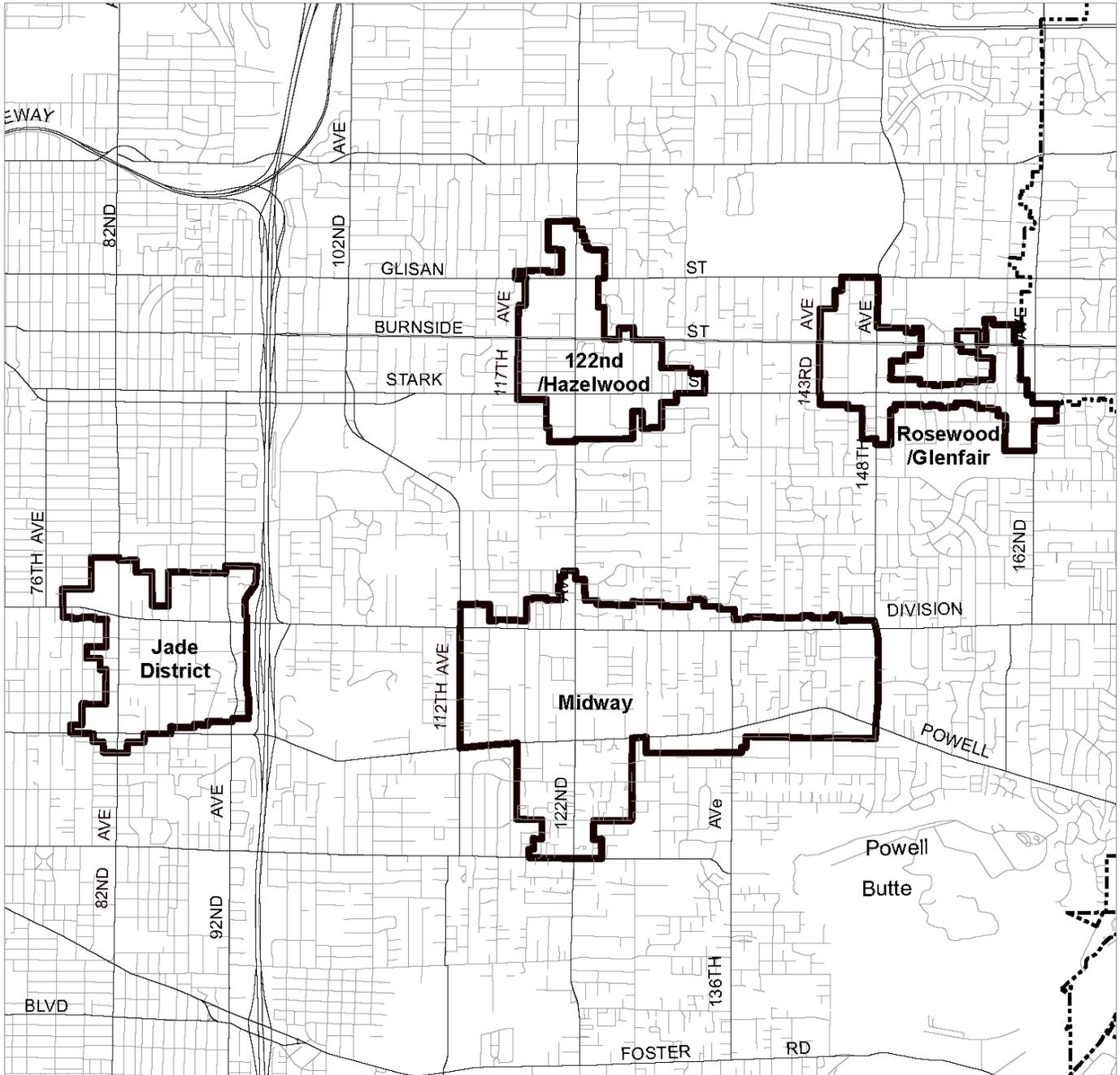
Scale in Feet
 Bureau of Planning and Sustainability
 Portland, Oregon

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

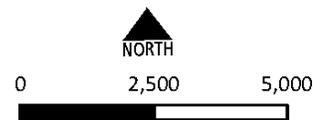
Minimum Required Site Frontage Areas

Map 120-2

Map Revised March 1, 2020



- City Boundary
- Minimum required site frontage areas

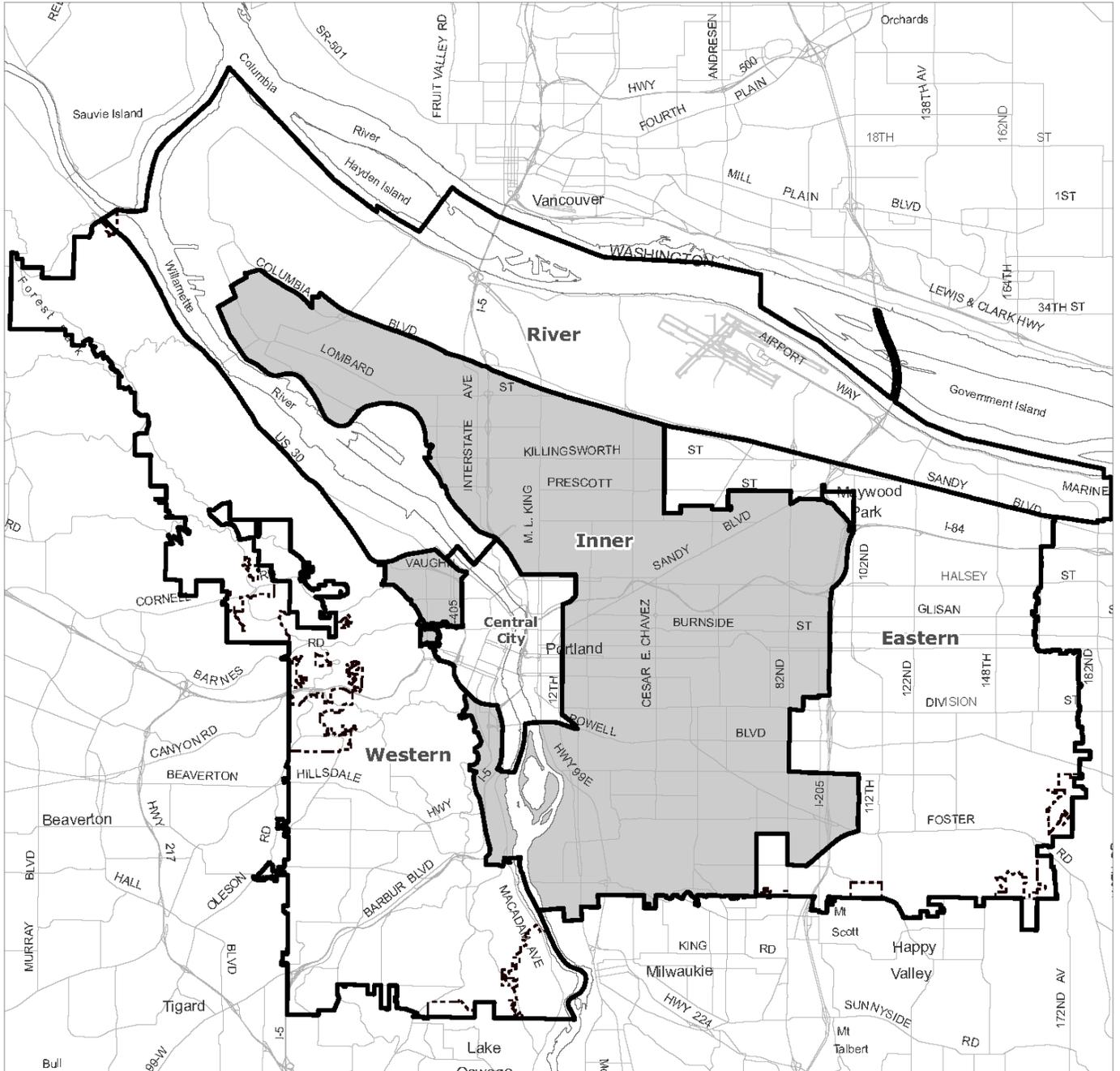


Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Pattern Areas

Map 120-3

Map Revised March 1, 2020



----- City Boundary

———— Pattern Area Boundaries



0 9,000 18,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

33.130 Commercial/Mixed Use Zones

130

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General

33.130.010 Purpose

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

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

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

33.130.020 List of the Commercial/Mixed Use Zones

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

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

33.130.030 Characteristics of the Zones

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

compatibility with surrounding residential areas. Development is intended to be pedestrian-oriented and building height is intended to be compatible with the scale of surrounding residentially zoned areas.

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

for development with auto-accommodating configurations, while also including pedestrian-oriented design features that support transit and pedestrian access.

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

33.130.040 Other Zoning Regulations

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

33.130.050 Neighborhood Contact

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

A. Neighborhood contact I.

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

B. Neighborhood contact II.

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

Use Regulations

33.130.100 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. Commercial limitations. These regulations apply to all parts of Table 130-1 that have a [1].
 - a. In the CR and CM1 zones, each individual Retail Sales and Service and Office use is limited to 5,000 square feet of net building area, except that in the CM1 zone on sites that are over 40,000 square feet in size and are located on a Neighborhood Collector or higher classification traffic street, each individual Retail Sales and Service or Office use is limited to 40,000 square feet of net building area; and
 - b. In the CR zone, in addition to the size limitation specified in Subparagraph B.2.a., the hours when Retail Sales And Service uses can be open to the public are limited to 6:00 AM to 11:00 PM.
 - c. In the CM1, CM2, and CM3 zones, Quick Vehicle Servicing uses that existed on May 24, 2018 are allowed. New Quick Vehicle Servicing uses are prohibited. If a Quick Vehicle Servicing use that existed on May 24, 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.
 2. Industrial use and size limitations. These regulations apply to all parts of Table 130-1 that have a [2]. 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. In the CM1 zone, each individual Industrial use is limited to 5,000 square feet of net building area;

- b. In the CM2 and CX zones, each individual Industrial use is limited to 15,000 square feet of net building area;
 - c. In the CM3 zone, the total net building area of all Industrial uses on the site may not exceed the total square footage of the site; and
 - d. In the CE zone, each individual Industrial use is limited to 40,000 square feet of net building area.
3. Self-Service Storage limitation. This regulation applies to all parts of Table 130-1 that have a [3]. The limitations are stated with the special regulations for these uses in Chapter 33.284, Self-Service Storage.
4. Exterior development limitation. This regulation applies to all parts of Table 130-1 that have a [4]. Exterior display or storage of industrial equipment, such as tools, equipment, vehicles, products, materials, or other objects that are part of or used for the business operation is prohibited.
5. Community Services. This regulation applies to all parts of Table 130-1 that have a [5]. Most Community Service uses are allowed by right. Short term, mass, and outdoor shelters may be allowed by right if they meet certain standards, or may be a conditional use. See Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
6. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 130-1 that have a [6]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
7. Basic Utilities. This regulation applies to all parts of Table 130-1 that have an [7].
 - a. Public safety facilities that include Radio Frequency Transmission Facilities are a conditional use. The approval criteria are in Section 33.815.223.
 - 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.
8. Commercial Parking. This regulation applies to all parts of Table 130-1 that have a [8]. 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 May 24, 2018.

- c. Commercial Parking is allowed by right on a surface parking lot legally constructed after May 24, 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.
 9. Agriculture in the CR and CM1 zones. This regulation applies to all parts of Table 130-1 that have a [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
 10. Agriculture in the CM2 and CX zones. This regulation applies to all parts of Table 130-1 that have an [10]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.
 11. Agriculture in the CM3 and CE zones. This regulation applies to all parts of Table 130-1 that have a [11]. 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; and
 - b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.
- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.130.110 Accessory Uses

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

33.130.130 Nuisance-Related Impacts

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

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	Y	Y	Y	Y	Y	Y
Commercial Categories						
Retail Sales And Service	L [1]	L [1]	Y	Y	Y	Y
Office	L [1]	L [1]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [1]	L [1]	L [1]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [54
Commercial Parking	N	N	L [8]	L [8]	Y	CU [8]
Self-Service Storage	N	N	N	L [3]	L [3]	L [3]
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 [2,4]				
Warehouse and Freight Movement	N	N	N	L [2,4]	L [2,4]	N
Wholesale Sales	N	N	L [2,4]	L [2,4]	L [2,4]	L [2,4]
Industrial Service	N	N	CU [2,4]	CU [2,4]	CU [2,4]	CU [2,4]
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	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
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

Use Categories	CR	CM1	CM2	CM3	CE	CX
Other Categories						
Agriculture	L [9]	L [9]	L/CU [10]	L/CU [11]	L/CU [11]	L/CU [10]
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 [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
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

Notes:

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

Development Standards

33.130.200 Lot Size

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

33.130.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development. 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. Adjustments to the maximum floor area ratios are prohibited. Except in the CR zone, floor area does not include the following:
 1. Floor area for structured parking and required long-term bicycle parking not located in a dwelling unit, up to a maximum FAR of 0.5 to 1; and
 2. Floor area for indoor common area used to meet the requirements of Section 33.130.228.
- 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. FAR may be transferred from a site that contains a Historic or Conservation landmark or a contributing resource in a Historic or Conservation district. Sites that are eligible to send floor area through this transfer are allowed to transfer:
 - a. Unused FAR up to the maximum FAR allowed by the zone; and
 - b. An additional amount equivalent to 50 percent of the maximum FAR for the zone. To qualify to transfer this additional amount of FAR, the Bureau of Development of Services must verify that the landmark or contributing resource on the site meets one of the following:
 - (1) If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - (2) If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41-BPON improvement standard as defined in City of Portland Title 24.85; or
 - (3) The owner of the landmark or contributing resource has entered into a phased seismic agreement with the City of Portland as described in Section 24.85.
2. Receiving site. The transfer must be to a site that is zoned CM1, CM2, CM3, CE, CX, RM1, RM2, RM3, RM4, or RX outside of the Central City plan district. Transferring to a site that is zoned CR is prohibited. Transferring to a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
3. Maximum increase in FAR in the CM1, CM2, CM3, and CE zones. 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.
4. Maximum increase in FAR in the CX zone. In the CX zone, an increase in FAR on the receiving site of more than 3 to 1 is prohibited. The total increased FAR includes FAR

transferred from historic resources, and additional FAR allowed at the receiving site from bonus provisions, or from other transfers;

5. Development standards. The building on the receiving site must meet the development standards of the base zone, overlay zone, and plan district except floor area ratio, which is regulated by Paragraphs C.2 and C.3 above;
6. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density. The covenant must reflect the respective increase and decrease of potential 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.

33.130.207 Minimum Density

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

33.130.210 Height

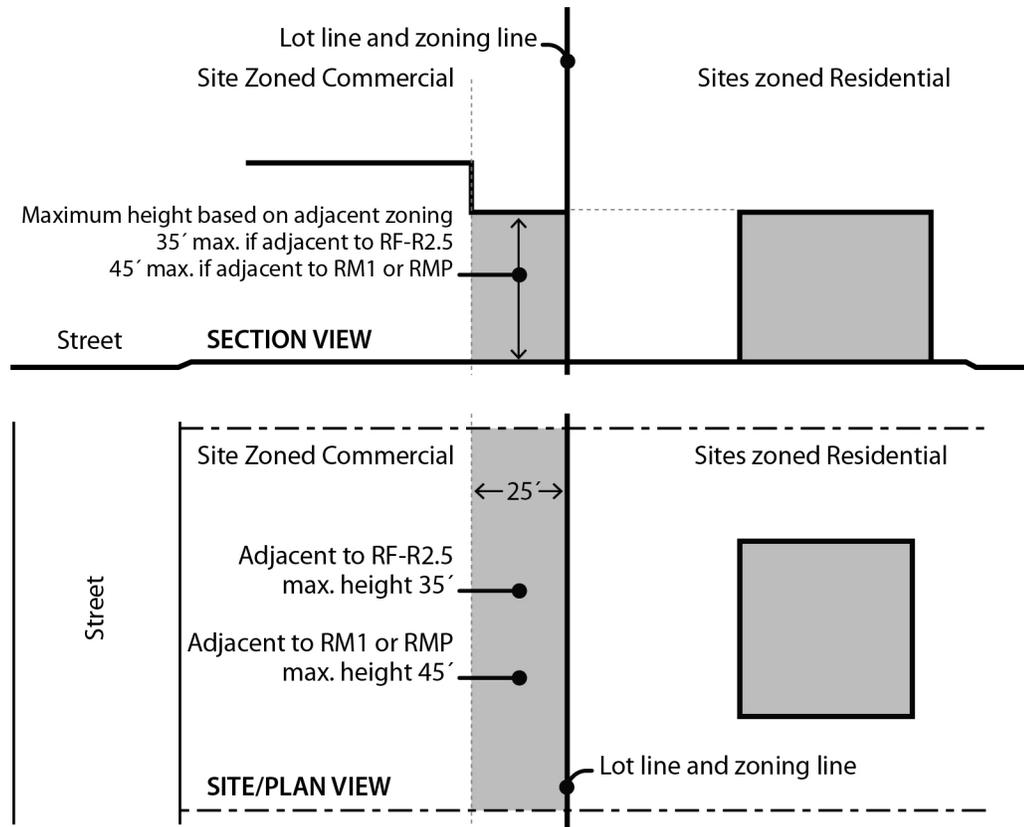
- A. Purpose.** The height limits are intended to control the overall scale of buildings. The height limits in the CR and CM1 zones allow buildings that are in scale with low rise residential areas. The height limits in the CM2 and CE zones allow for a greater building height at a scale that can accommodate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

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

- B. Height standard.**
 1. Base height. The base height standards for all structures, except detached accessory structures, are stated in Table 130-2. The height standards for detached accessory structures are stated in 33.130.265, Detached Accessory Structures.

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

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



b. Step-down across a local service street or alley from a residential zone. In the CM2, CM3, CX, and CE zones the following step-down height limit applies. The limit does not apply to portions of buildings within 100 feet of a transit street. On the portion of the site within 15 feet of a lot line that is across a local service street or alley from a site zoned RF through R2.5 or RM1 or RMP, the step-down height limit is 45 feet. See Figure 130-2.

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

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

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

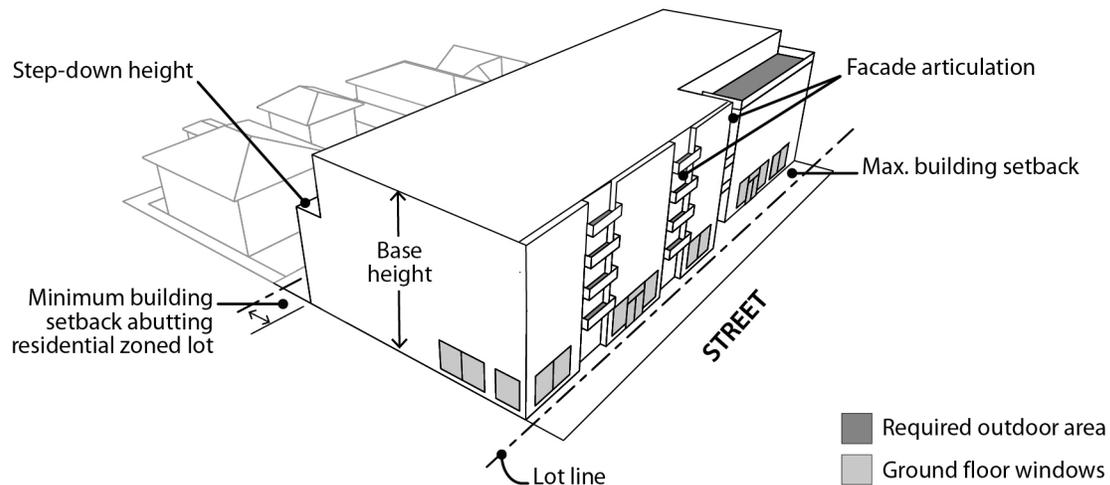
2. Parapets and railings. In the CM1, CM2, CM3, CE and CX zones, parapets and rooftop railings may extend 4 feet above the height limits.
3. Walls and fences. In the CM1, CM2, CM3, CE and CX zones, walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
4. Rooftop equipment. In the CM1, CM2, CM3, CE and CX zones, rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limits as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment and stairwell enclosures may extend up to 16 feet above the height limits; and
 - b. Other mechanical equipment that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limits.
5. Antennas and mounting devices, utility power poles, and public safety facilities are exempt from the height limits.
6. Small wind turbines are subject to the standards of Chapter 33.299.
7. Roof mounted solar panels are not included in height calculations and may exceed the maximum height limits if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, the solar panel may extend up to 5 feet above the top of the highest point of the roof; and
 - b. For pitched, shed, hipped, or gambrel roofs, the solar panel must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.
8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams.

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

Notes:

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

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



33.130.212 Floor Area and Height Bonus Options

- A. Purpose.** The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.
- B. General floor area and height bonus option regulations.**
1. Unless specified below, the bonus options in this section are allowed only in the CM1, CM2, CM3, and CE zones, and in the CX zone outside the Central City and Gateway plan districts. Sites where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years are not eligible to use bonus options unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure on the site that was demolished was an accessory structure, or the demolition was approved through demolition review.
 2. The bonus options refer to an administrative agency or qualified administrator. The administrative and reporting requirements of each bonus must be met to the satisfaction of the named agency or administrator. The named agencies are authorized to publish administrative rules with clear and objective administrative requirements.
 3. More than one bonus option may be used up to the overall maximums per site stated in Table 130-3. For development without any residential use, and for mixed use development that proposes fewer than 20 dwelling units and does not voluntarily provide units on the site per the standards of 33.245.040.A, the affordable commercial space bonus option must be used up to the maximum increment allowed for the zone before any other bonus is allowed. Adjustments to the maximum FAR and height obtainable through bonuses are prohibited.

4. The increment of additional floor area ratio allowed per bonus is stated in Table 130-3 and described in Subsections C through E.
5. The increment of additional height allowed per bonus is stated in Table 130-3, except as follows:
 - a. Additional height is not allowed where the step-down height limits of 33.130.210.B.2 apply.
 - b. In the CM2 zone, increasing maximum height through a bonus is allowed only on sites that:
 - (1) Are within the Design Overlay Zone; and
 - (2) Have a Comprehensive Plan Map designation of Mixed Use – Urban Center or Mixed Use – Civic Corridor.

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

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

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

- C. Inclusionary housing bonus.** Maximum height and FAR may be increased as stated in Table 130-3 if one of the following is met:
1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
 2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:

- a. Bonus height and FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus height and FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.
- D. Affordable commercial space bonus.** Proposals that provide on-site affordable commercial space, or pay into the Affordable Commercial Space Fund, may increase maximum height and FAR if all of the following are met. Floor area may be increased by 2 square feet for each square foot of on-site affordable commercial space provided, up to the maximum stated in Table 130-3. Floor area may be increased by 1 square foot for each square foot purchased through the Affordable Commercial Space Fund, up to the maximum stated in Table 130-3:
1. The applicant must submit with the development application a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and
 2. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that floor area built as a result of this bonus will meet the administrative requirements of the Portland Development Commission or qualified administrator.
- E. Planned Development bonus.** Proposals that provide a combination of affordable housing, a publicly accessible plaza or park, and energy efficient buildings may increase maximum height and FAR as stated in Table 130-3 if approved through a Planned Development Review and Design Review (see Chapter 33.270 and Chapter 33.854). The site must be at least two acres in size to be eligible for this bonus. Sites located within Historic or Conservation districts are not eligible to use this bonus.

33.130.215 Setbacks

- A. Purpose.** The required building setbacks promote streetscapes that are consistent with the desired character of the different commercial/mixed use zones. The setbacks promote buildings close to the sidewalk to reinforce a pedestrian orientation and built-up

streetscape. The setback requirements for areas that abut residential zones promote commercial/mixed use development that will maintain light, air, and the potential for privacy for adjacent residential zones.

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

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

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

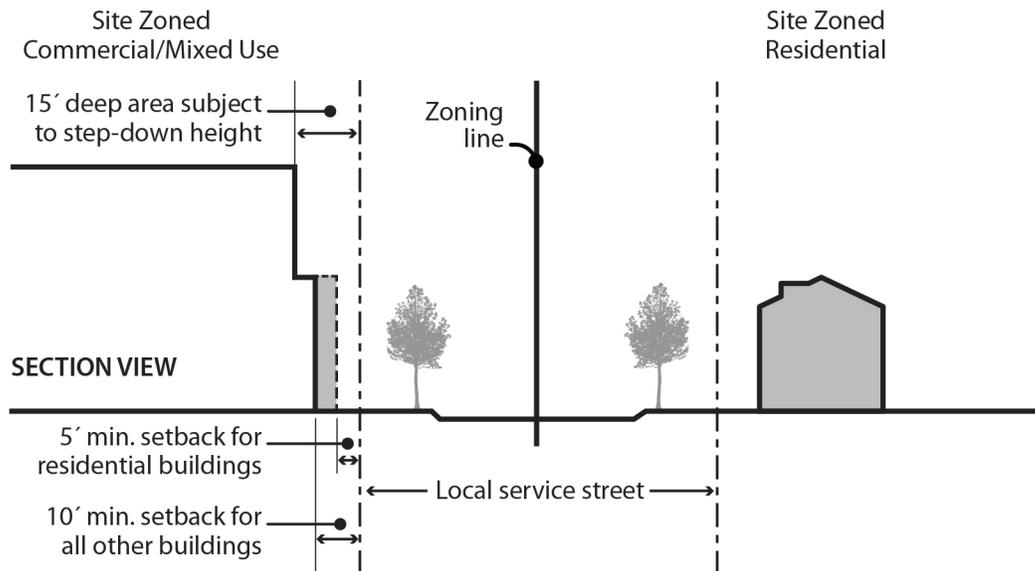
1. Required setbacks from a street lot line. Unless as specified below, there is no minimum required setback from a street lot line:
 - a. The minimum setback required from a street lot line adjacent to a Civic Corridor shown on Map 130-1 is 10 feet.
 - b. The following minimum setbacks are required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

or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.

- c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.
- d. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line. See 33.266.130.C.

Figure 130-2

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



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

feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.

- c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.
3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4 or RMP zoned lot, and also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;
 - (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.

- c. Uncovered decks are allowed to fully extend into required street setbacks.
 4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.
- C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
 1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.
 2. Applying the standard.
 - a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.
 - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.
 - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.
 - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.
 - e. For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:

- (1) For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - (2) The porch must have at least one entrance facing the street; and
 - (3) The porch must have a roof that is no more than 12 feet above the floor of the porch and at least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
3. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 130-5.

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

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

Figure 130-3

Alteration to Existing Building in Conformance with Maximum Setback Standard

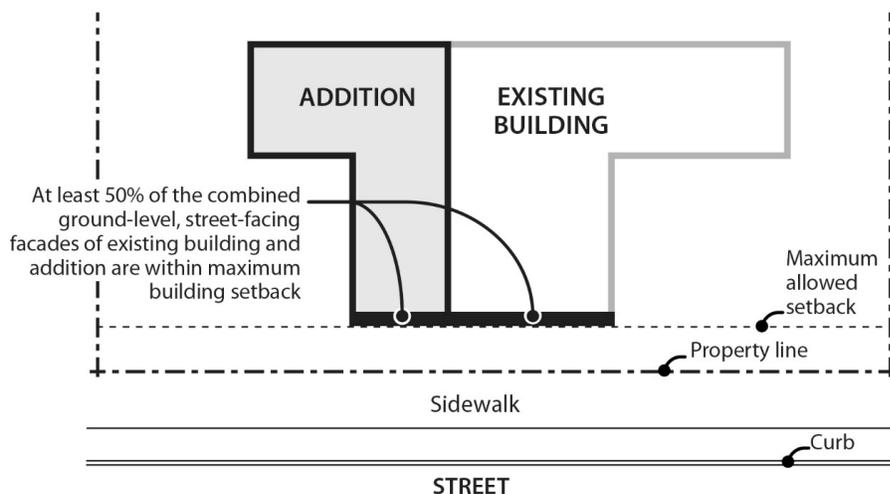
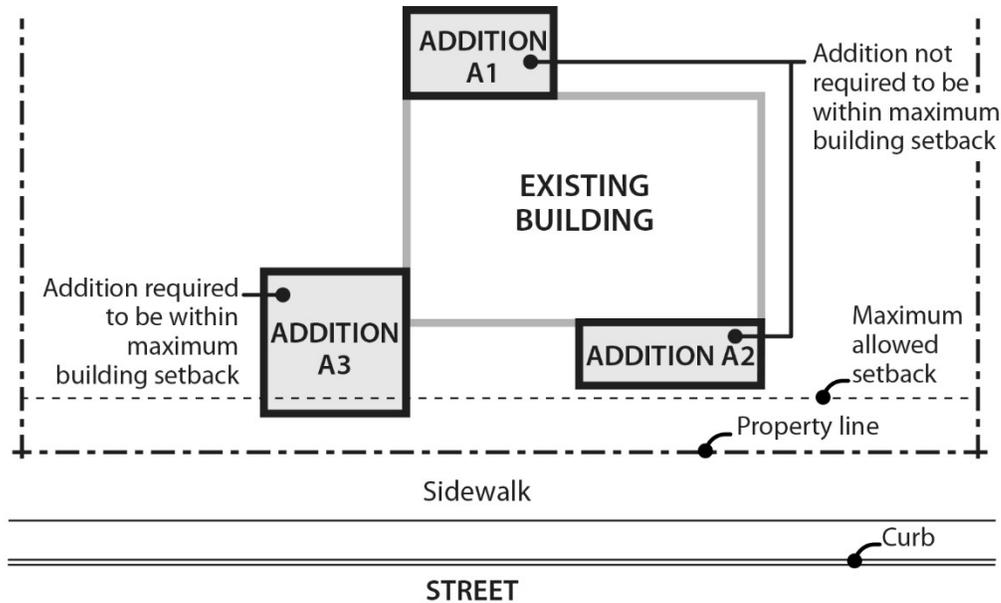


Figure 130-4
Alterations to Existing Building



Notes:

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

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

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

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

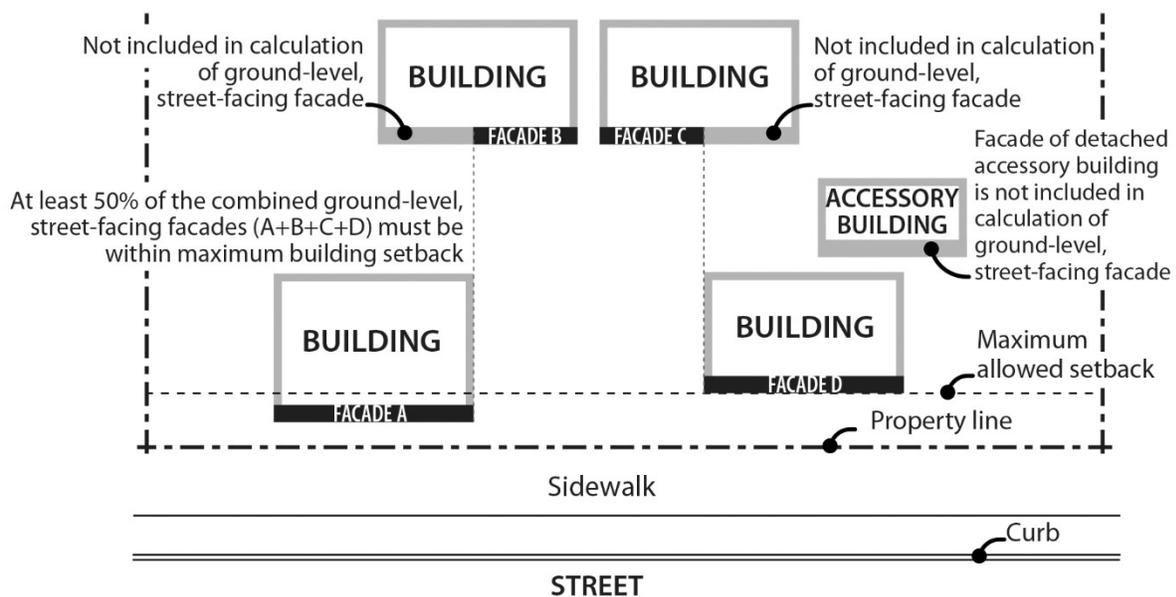
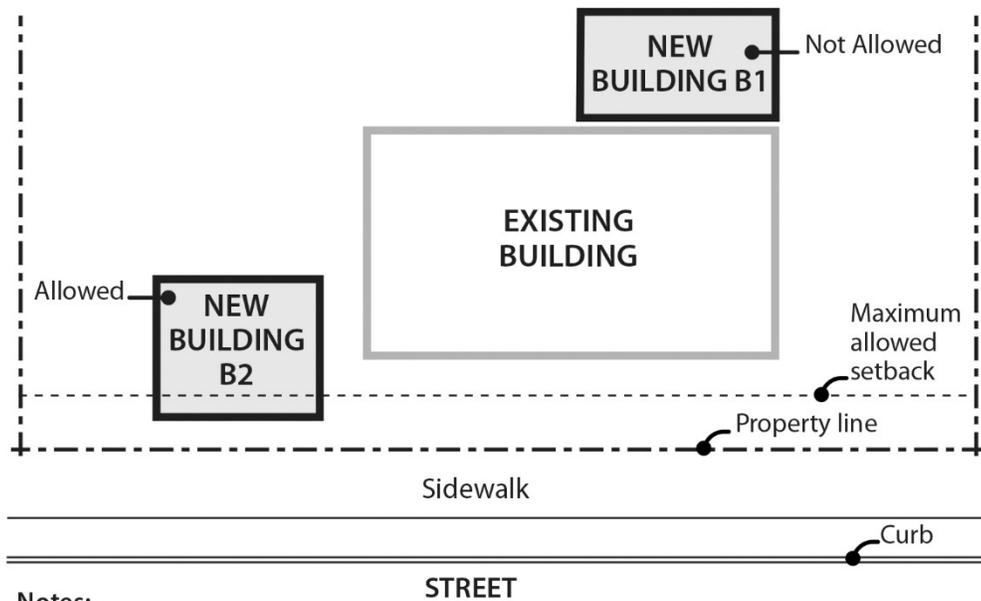


Figure 130-6
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

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

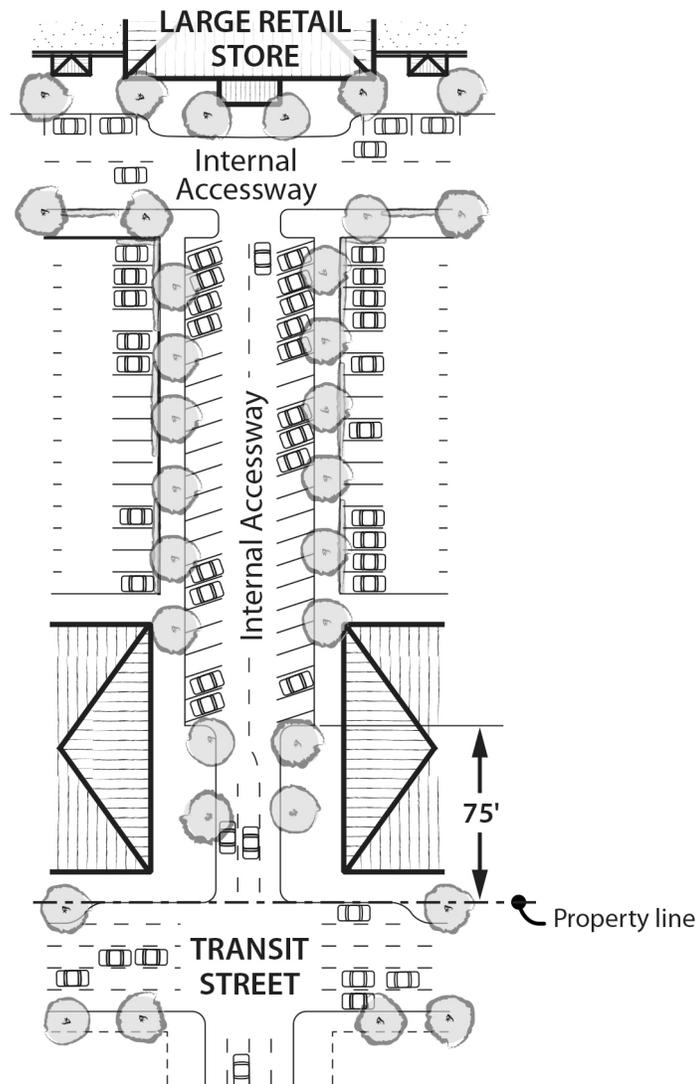
New Building B2. Because building increases length of combined street-facing facade on the site, 100% of building facade must be within maximum setback until maximum setback standard for site is met.

E. Alternative maximum building setback for large retailers.

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

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

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

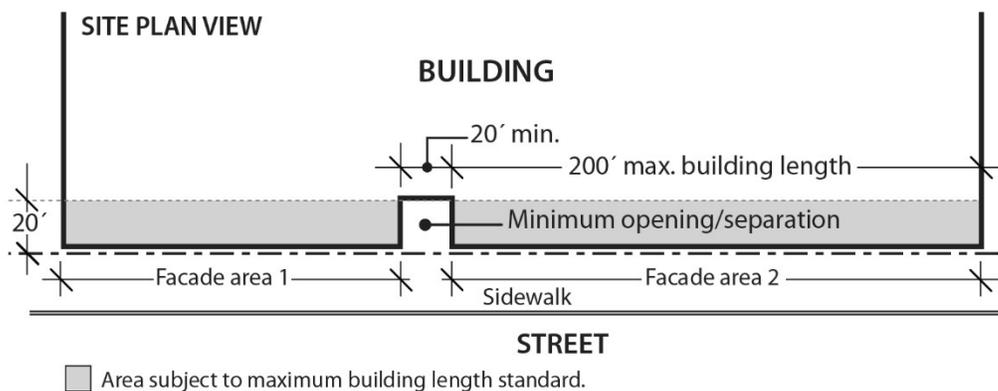
- A. Purpose.** The building coverage standards limit the footprint of buildings and work with the FAR, height, and setback standards to control the overall scale of development. The standards promote development consistent with the desired character of the zone. The standards allow a high degree of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

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

33.130.222 Building Length and Facade Articulation

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

Figure 130-8
Maximum Building Length



C. Facade articulation.

1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:
 - a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
 - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
 - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are

considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.

2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

Figure 130-9
Facade Articulation

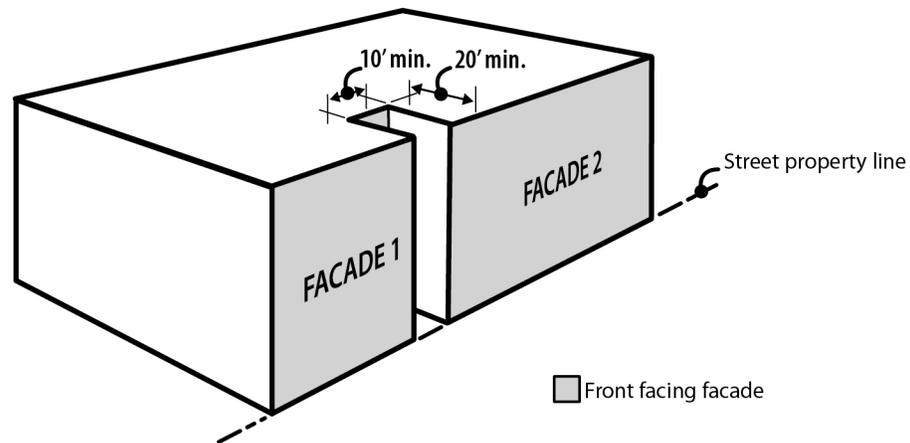
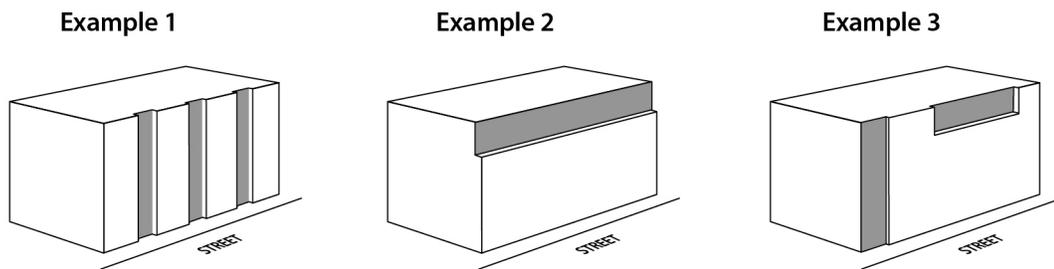


Figure 130-10
Facade Articulation



33.130.225 Landscaped Areas

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

to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.216) to provide buffering and promote livability.

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

1. Unless allowed by Paragraph B.2., required landscaped areas must:
 - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
 - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
 - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
 - b. Large trees. The minimum required landscaped area may be reduced to 10 percent of site area when the site includes an area with minimum dimensions of 30 feet by 30 feet planted with at least one large-canopy tree. An existing large-canopy tree can be used to meet this requirement, subject to the Tree Protection Specifications of Title 11 (Section 11.60.030). Large canopy trees are defined in Section 33.248.030, Plant Materials. At least 50 percent of the ground area within this space must be planted with ground cover plants and the remainder may be hard-surfaced for use by pedestrians.
 - c. Raised landscaped areas. Landscaped areas raised above ground level may be used to meet the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches. Large trees are not allowed in raised landscaped area used to meet this alternative.

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

33.130.227 Trees

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

33.130.228 Required Outdoor Areas

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

B. Requirements.

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

- (1) Outdoor common area. Where outdoor areas are common, shared areas, each area must be designed so that it is at least 500 square feet in area and must measure at least 20 feet in all directions. The outdoor common area must be located within 20 feet of a building entrance providing access to residential units.
 - (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.
- c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a and each common area must meet B.2.b above, and together must provide a total amount of space equivalent to the combined amount of outdoor area required for each dwelling unit.
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.
 4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.

33.130.230 Windows

A. Windows in street-facing facades.

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

count toward meeting this standard a door must be at the main entrance and face the street lot line. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet this standard.

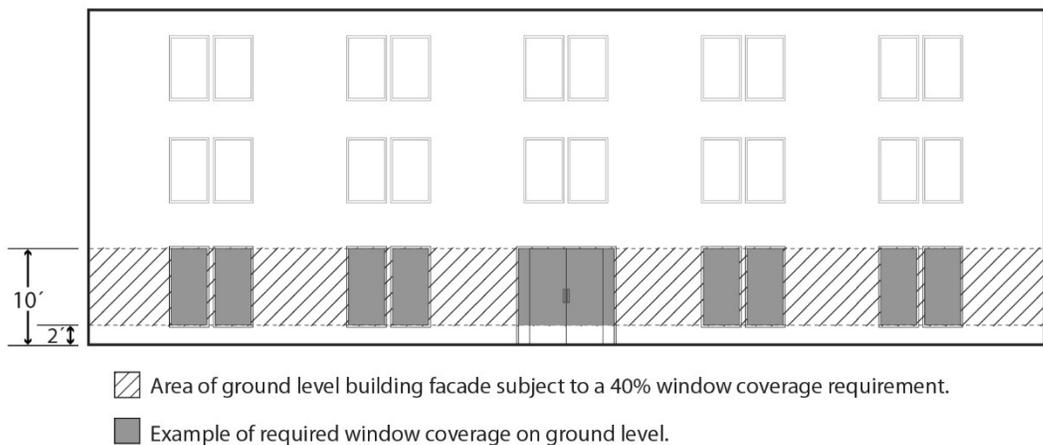
4. Exemption. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.

B. Ground floor windows.

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

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

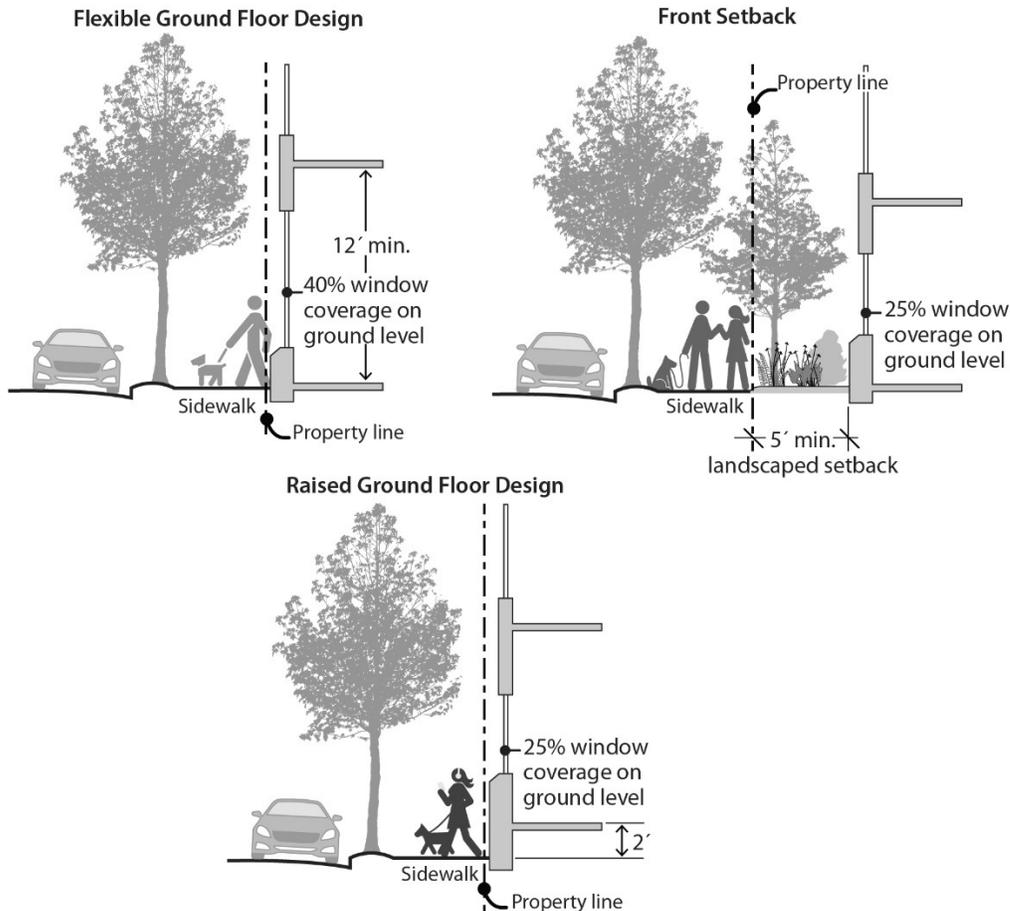
**Figure 130-11
Ground Floor Windows**



4. Ground floor window and frontage standards for dwelling units. The ground floor wall area of street-facing facades of dwelling units that are 20 feet or closer to a street lot line must meet at least one of the following standards:
- a. Flexible ground floor design. The ground floor window standard of Subparagraph B.2.a(1) must be met, and the ground level of the building must be designed and constructed as follows:
 - (1) The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - (2) The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade; and
 - (3) Each unit must include a front entrance that is located at the level of the finished grade and can be accessed without steps.

- b. Front setback.
 - (1) The portions of the building with residential dwelling units on the ground-floor must be set back at least 5 feet from the street lot line. The setback must be landscaped to at least the L1 level and/or hard-surfaced for use by pedestrians; and
 - (2) Windows must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.
- c. Raised ground floor.
 - (1) The portion of the building with residential dwelling units on the ground-floor must have the finished floor of each residential unit at least 2 feet above the grade of the closest adjoining sidewalk.
 - (2) Window must cover at least 25 percent of the ground level wall area of the portion of the building with residential dwelling units on the ground-floor.

Figure 130-12
Ground Floor Window Options for Dwelling Units



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

33.130.235 Screening

- A. Purpose.** The screening standards address specific unsightly features which detract from the appearance of commercial/mixed use areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
- D. Other screening requirements.** The screening requirements for parking, exterior storage, and exterior display areas are stated with the regulations for those types of development.

33.130.240 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible.
- B. The standards.** The standards of this Section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this Subsection.
1. Connections. The on-site pedestrian circulation system must provide connections as specified below:
 - a. Connection between streets and entrances.
 - (1) Sites with one street frontage.
 - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Buildings separated from the street by other buildings are exempt from this standard.
 - Household Living. If a building is located within 40 feet of a street lot line, and all of the floor area in the building is in a Household Living use, then there must be at least one connection between one main entrance and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
 - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.

- (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
 - The standard of Subparagraph B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks;
 - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.
 - b. Internal connections. The system must connect all main entrances on the site and provide connections to other areas of the site used by building occupants, including parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities. Pedestrian connections to public sidewalks may substitute for internal connections for main entrances that are within 10 feet of a public sidewalk.
2. Materials.
- a. The circulation system must be hard-surfaced and be at least 6 feet wide. On sites where all of the floor area is in Household Living, segments of the circulation system that provide access to no more than 4 units may be 3 feet wide.
 - b. Except as allowed in Subparagraph B.2.d., where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
 - c. Except as allowed in Subparagraph B.2.d., where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
 - d. On sites where all the floor area is in a Household Living use, the pedestrian circulation system may be located within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.
3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

33.130.242 Transit Street Main Entrance

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

B. Applicability.

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

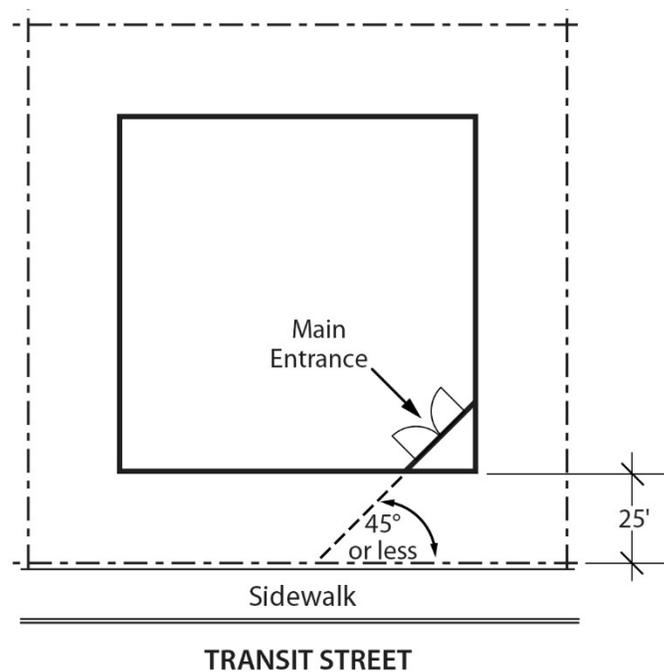
C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building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

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

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

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

Figure 130-13
Transit Street Main Entrance



33.130.245 Exterior Display, Storage, and Work Activities

- A. Purpose.** The standards of this section are intended to assure that exterior display, storage, and work activities:
- Will be consistent with the desired character of the zone;
 - Will not be a detriment to the overall appearance of a commercial/mixed use area;
 - Will not have adverse impacts on adjacent properties, especially those zoned residential; and
 - Will not have an adverse impact on the environment.
- B. Exterior display.**
1. CR zone. Exterior display of goods is not allowed.
 2. CM1, CM2, CM3, and CX zones. Exterior display of goods is allowed except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and the display of goods associated with an industrial use.
 3. CE zone. Exterior display of goods is allowed except for the display of goods associated with industrial uses. Exterior display areas for motor vehicles and trailers must be set back at least 5 feet from street lot lines and be landscaped to at least the L1 standard.
 4. Exterior display landscape screening abutting R zones. Exterior display areas must be set back at least 5 feet from lot lines abutting R zones and be landscaped to at least the L3 standard.

C. Exterior storage.

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

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

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

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

33.130.250 General Requirements for Small Housing Types

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

B. Residential main entrance.

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

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

Figure 130-14
Main Entrance Facing the Street

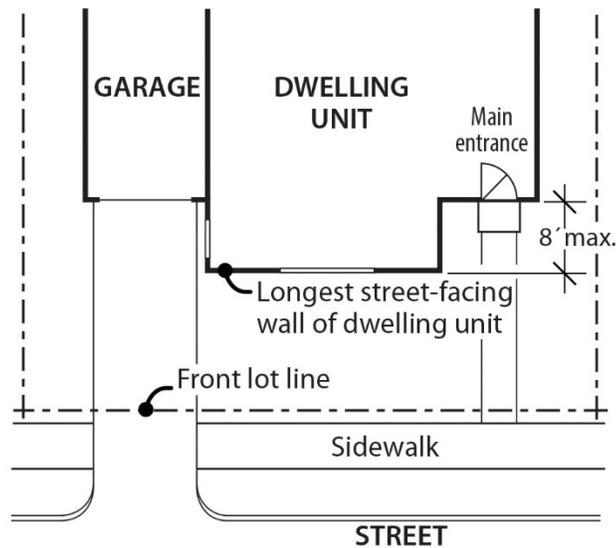
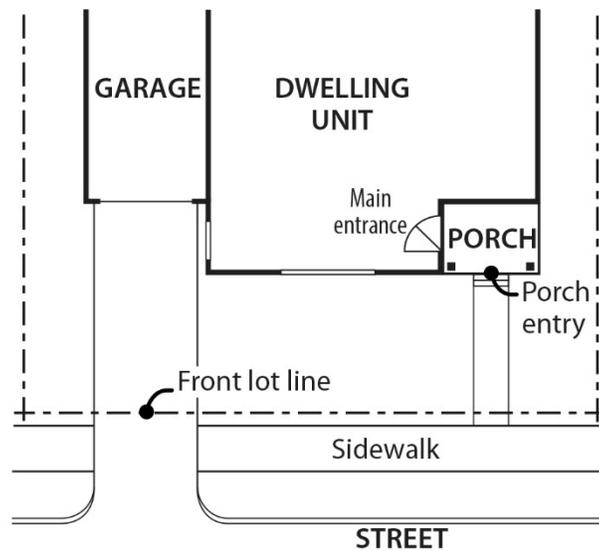


Figure 130-15
Main Entrance Opening On to a Porch



C. Garages.

1. Purpose. These standards:

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

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

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

Figure 130-16
Length of Street Facing Garage Wall

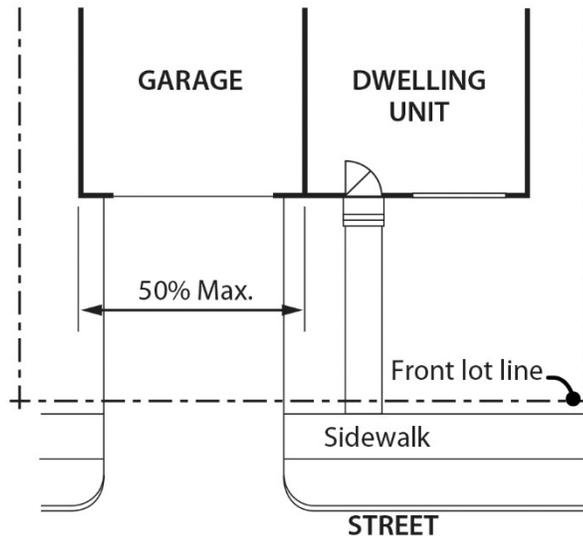


Figure 130-17
Street Lot Line Setback

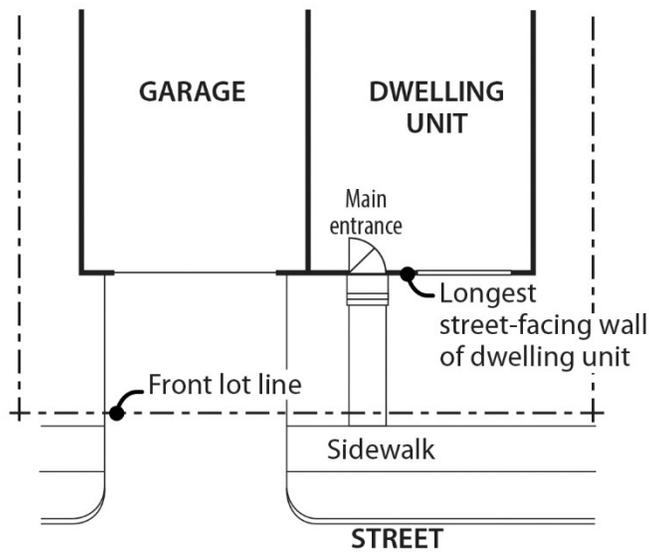
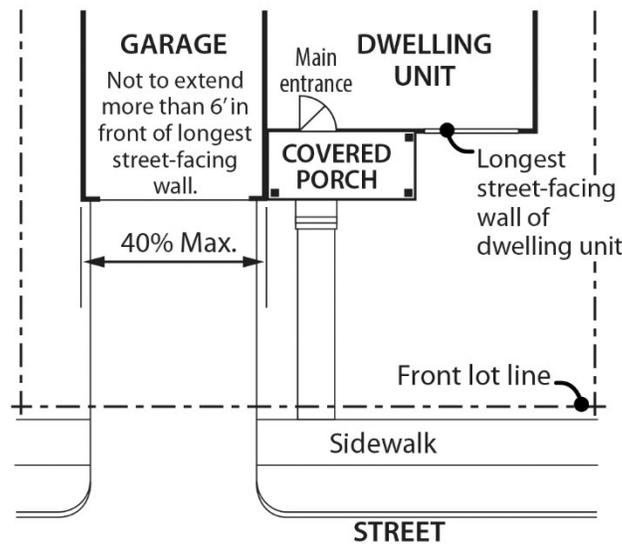


Figure 130-18
Garage Front Setback Exception



33.130.255 Trucks and Equipment

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

33.130.260 Drive-Through Facilities

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

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

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

33.130.265 Detached Accessory Structures

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

Detached garages are also subject to the standards of 33.130.250, General Requirements for Residential and Mixed Use Developments.

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

C. Setbacks.

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

33.130.270 Fences

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

- D. **Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

33.130.275 Demolitions

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

33.130.285 Nonconforming Development

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

33.130.290 Parking, Loading, and Transportation and Parking Demand Management

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

33.130.292 Street and Pedestrian Connections

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

33.140 Employment and Industrial Zones

140

Sections:

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- 33.140.300 Signs
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- 33.140.315 Recycling Areas
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General

33.140.010 General Purpose of the Zones

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

33.140.020 List of the Employment and Industrial Zones

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

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

33.140.030 Characteristics of the Zones

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

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

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

33.140.040 Other Zoning Regulations

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

33.140.050 Neighborhood Contact in EG and I Zones

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

33.140.055 Neighborhood Contact in EX Zone

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

A. Neighborhood contact I.

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

B. Neighborhood contact II.

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

Use Regulations

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
 1. Household Living and Group Living uses in I zones. This regulation applies to all parts of Table 140-1 that have a [1]. Household Living and Group Living in houseboats and houseboat moorages in I zones are regulated by Chapter 33.236, Floating Structures. Household and Group Living in other structures is prohibited.

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

- storage, work and other exterior activity area may be up to 3,000 square feet per use.
- b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office uses on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, storage, work and other exterior activity area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 20,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
 - (2) For sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 60,000 square feet or twice the square footage of site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.
5. IH commercial limitation. This regulation applies to all parts of Table 140-1 that have a [5].
- a. Limited uses. Up to four Retail Sales And Service or Office uses are allowed per site. The square footage of the net building area plus the exterior display, storage, work and other exterior activity area may be up to 3,000 square feet per use.
 - b. Conditional uses.
 - (1) More than four Retail Sales And Service or Office use on a site is a conditional use.
 - (2) Any Retail Sales And Service or Office use where the net building area plus the exterior display, work and other exterior activity storage area is more than 3,000 square feet is a conditional use.
 - c. Prohibited uses.
 - (1) Except for sites with a historic landmark, the net building area of all the Retail Sales And Service and Office uses on a site plus the exterior display, storage, work and other exterior activity area, taken together, may not exceed 12,000 square feet or the square footage of the site area, whichever is less. Retail Sales And Service and Office uses that exceed these area limits are prohibited.

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

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	N	N	Y	CU [1]	CU [1]	CU [1]
Group Living	N	N	Y	CU [1]	CU [1]	CU [1]
Commercial Categories						
Retail Sales And Service	L/CU [2]	L/CU [2]	Y	L/CU [3]	L/CU [4]	L/CU [5]
Office	Y	Y	Y	L/CU [3]	L/CU [4]	L/CU [5]
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU [13]	CU [13]	CU [13]	CU [13]	CU [13]	CU [13]
Self-Service Storage	Y	Y	L [6]	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L [15]	L [15]	N	L [15]	L [15]	L [15]
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU [7]	L/CU [7]	L/CU [7]

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Institutional Categories						
Basic Utilities	Y/CU [10]	Y/CU [10]	Y/CU [10]	Y/CU [11]	Y/CU [12]	Y/CU [11]
Community Service	L/CU [8]	L/CU [8]	L/CU [8]	L/CU [9]	L/CU [9]	L/CU [9]
Parks And Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	N	N	N
Colleges	Y	Y	Y	N	N	N
Medical Centers	Y	Y	Y	N	N	N
Religious Institutions	Y	Y	Y	N	N	N
Daycare	Y	Y	Y	L/CU [9]	L/CU [9]	L/CU [9]
Other Categories						
Agriculture	L [14]	L [14]	L [14]	L [14]	L [14]	L [14]
Aviation And Surface Passenger Terminals	CU	CU	CU	CU	CU	CU
Detention Facilities	CU	CU	CU	CU	CU	CU
Mining	N	N	N	CU	CU	CU
Radio Frequency Transmission Facilities	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]
Rail Lines And Utility Corridors	Y	Y	Y	Y	Y	Y

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

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

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

12. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [12]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 13. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [13]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.
 14. Agriculture. This regulation applies to all parts of Table 140-1 that have a [14]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
 15. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].
 - a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on January 13, 2017 are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on January 13, 2017. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on January 13, 2017 is prohibited. Storing coal on the site is prohibited.
 - b. New Bulk Fossil Fuel Terminals are prohibited.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

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

33.140.130 Nuisance-Related Impacts

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

33.140.140 On-Site Waste Disposal

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

Development Standards

33.140.200 Lot Size

Lot size regulations are in Chapters 33.614 and 33.615.

33.140.205 Floor Area Ratio

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. The floor area standards.** The FARs are stated in Table 140-2. The FAR standards of plan districts supersede the FAR standards of this chapter.
- C. Bonus FAR.** In the EX zone, bonus FAR is allowed as follows. Sites in the other employment and industrial zones are not eligible to use the bonus options. Adjustments to this Subsection, or to the maximum floor area allowed through the following bonuses, are prohibited:
 - 1. **Mandatory inclusionary housing.** Bonus FAR is allowed up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.
 - 2. **Voluntary inclusionary housing.** Bonus FAR up to the maximum FAR with inclusionary housing bonus stated in Table 140-2 is allowed when one of the following is met:
 - a. Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR with bonus stated in Table 140-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the

applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

D. Transfer of FAR from 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;
3. Receiving site. The transfer must be to a site that is:
 - a. Zoned C or EX; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential 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.

E. 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;
3. Receiving site. The transfer must be to a site that is:
 - a. Zoned EG1 or EG2; and
 - b. Within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark; and
4. The property owner executes a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential 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 140-2. The height standards for detached accessory structures are stated in 33.140.270. Exceptions to the maximum height standard are stated below.
1. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
 2. Parapets and rooftop railings may extend 4 feet above the height limit.
 3. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades:
 - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
 - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.
 4. Antennas, utility power poles, and public safety facilities are exempt from the height limit.
 5. Small wind turbines are subject to the standards of Chapter 33.299.
 6. Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:
 - a. For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
 - b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

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

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

Notes:

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

33.140.215 Setbacks

- A. Purpose.** The setback standards promote different streetscapes. The EG2 and IG2 zone setbacks promote a spacious style of development. The EG1, IG1, and EX zone setbacks reflect the generally built-up character of these areas. The IH zone requires only a minimal setback to separate uses from the street. The setback standards are also intended to ensure that development will preserve light, air, and privacy for abutting residential zones. In the EG1 and EX zones, the setback requirements along transit streets and in Pedestrian Districts create an environment that is inviting to pedestrians and transit users.
- B. Minimum building setbacks.** The setback standards apply to all buildings and structures on the site except as specified in this section. Setbacks for exterior development are stated in 33.140.245 below, and for parking areas in Chapter 33.266.
1. Generally. The required building setbacks are stated in Table 140-2.
 2. Lot line abutting R-zoned lot, except RX. Building setbacks and required landscape buffering on lot lines that abut lots in residential zones, except RX, are stated in Table 140-3. Required landscaped areas must comply with at least the L3 standard as stated in Chapter 33.248, Landscaping and Screening. Landscaping is not required where buildings abut a lot line.
 3. Exceptions to the building setbacks.
 - a. Setback averaging. Outside of Pedestrian Districts and along non-transit streets, the street setback from a street lot line for buildings, decks, balconies, and porches may be reduced to the average of the existing respective setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.
 - b. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
 4. Extensions into required building setbacks.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves, they may not project into the landscape buffer required by Paragraph B.2.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns, and planters;
 - (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and
 - (3) Bays and bay windows extending into the setback also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;

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

C. Maximum building setbacks.

1. Building setbacks on a transit street or in a Pedestrian District. The maximum setback standards of this paragraph apply to buildings that are enclosed on all sides.
 - a. Where these standards apply. Except as provided in Subsection D. below, these setback standards apply to sites in the EG1 and EX zones.
 - b. Measurement.
 - (1) Where an existing building is being altered, the standards of this paragraph apply to the ground level, street-facing facade of the entire building. See Figures 140-1 and 140-2.
 - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and

- The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:
 - (1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
 - (2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
 - (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.
- e. In a Pedestrian District. Where the site is in a Pedestrian District:
 - (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of

- the frontages. The applicant may choose on which street to meet the standard;
- (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
 - Standard 2 must be met on the frontage of the transit street,
 - Standard 1 must be met on the intersecting non-transit street;
 - (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting transit street;
 - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting street;
 - (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
 - Standard 2 must be met on the frontage of one street; and
 - Standard 1 must be met on an intersecting street.
2. Exemption. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 140-3.

33.140.310 Superblock Requirements

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

33.140.315 Recycling Areas

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

33.140.320 Inclusionary Housing

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

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

33.150 Campus Institutional Zones

150

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

General

33.150.010 Purpose

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers

and colleges that have been developed as campuses, and for other uses that are compatible with surrounding neighborhoods. The differences between the zones reflect the diversity and location of campus institutions. Allowed uses and development standards promote the desired character of each zone, and reflect the character and development intensity of surrounding neighborhoods. The CI1 and IR zones encourage development that is at a low to medium density residential scale, while the CI2 zone encourages development that is at a more intense, urban scale. The development standards allow flexibility for development and provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

33.150.020 List of the Campus Institutional Zones

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

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

33.150.030 Characteristics of the Zones

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

Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are

designated as District Collector streets, Transit Access Streets, or streets of higher classification
The IR zone will be applied only when it is accompanied by the Design overlay zone.

33.150.040 Other Zoning Regulations

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

33.150.050 Where This Chapter Does Not Apply

The regulations in this chapter do not apply to sites with a College or Medical Center use that are continuing to develop under an approved conditional use, conditional use master plan, or impact mitigation plan as allowed by 33.700.110.B.2.b. and 33.700.110.B.4. According to 33.700.110.B.2.b. and 33.700.110.B.4., Colleges and Medical Centers in the CI1 and CI2 zones that were approved conditional uses under prior regulations can continue to develop under the approved conditional use master plan or impact mitigation plan, and the base zone regulations that were in effect at the time the conditional use application was deemed complete, until the conditional use, conditional use masterplan, or impact mitigation plan expires, or December 31, 2023, whichever comes first. In this case, the regulations of this chapter do not apply to development on the site.

33.150.060 Neighborhood Contact and Outreach

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

- in 33.705.020.B. must be completed before an application for a building permit can be submitted.
- b. Exemption. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.
- C. Annual meeting.** Colleges and Medical Centers must conduct at least one community meeting per year. The annual community meeting is intended to ensure that the College or Medical Center updates the community at least once a year regarding future development and other potential changes that could affect the surrounding area, and to provide a forum for discussion of a Good Neighbor Agreement:
1. The following information must be provided during the meeting:
 - a. The status of and any updates to the College's or Medical Center's Transportation and Parking Demand Management Plan, Transportation Impact Analysis, and related mitigation measures;
 - b. Development that is anticipated to take place on the site during the next 12 months;
 - c. Potential impacts of other on-site activities that could affect the surrounding neighborhood; and
 - d. Updated contact information for the College or Medical Center;
 2. The College or Medical Center must send notice of the meeting to the neighborhood association and business association for the area at least 30 days before the meeting. Notice must be by registered or certified mail, and must include the following:
 - a. The purpose of the meeting;
 - b. Information on how to contact the institution regarding details about this meeting;
 - c. The date, time, and location of the meeting.
 3. A copy of the notification, the mailing list, and registered or certified mail receipt must be retained by the College or Medical Center for at least 5 years and must be available for inspection by City staff upon request.

Use Regulations

33.150.100 Primary Uses

- A. Allowed uses.** Uses allowed in the campus institutional zones are listed in Table 150-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 150-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs

listed below contain the limitations and correspond with the footnote numbers from Table 150-1.

1. Retail Sales And Service uses in the CI1 zone. This regulation applies to all parts of Table 150-1 that have note [1]. Up to 10,000 square feet of Retail Sales And Service use per site may be allowed as a conditional use in the CI1 zone.
2. Manufacturing And Production and Industrial Service in the CI1 and CI2 zones. This regulation applies to all parts of Table 150-1 that have note [2]. In the CI 1 and CI2 zones, up to 10,000 square feet of Manufacturing And Production use and 10,000 square feet of Industrial Service use is allowed per site. More than 10,000 square feet of Manufacturing and Production use and 10,000 square feet of Industrial Service use may be allowed as a conditional use in the CI2 zone. More than 10,000 square feet of Manufacturing and Production and Industrial Service is prohibited in the CI1 zone.
3. Basic Utilities. These regulations apply to all parts of Table 150-1 that have note [3].
 - a. Basic Utilities that serve a development site are accessory uses to the primary use being served on that site.
 - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net, metered) or wholesale—are included. However, they are only considered accessory if they generate energy primarily from biological materials or byproducts from the site itself, or conditions on the site itself. Not more than 10 tons per week of biological material or byproducts from other sites may be used to generate energy. Not more than 20 percent of the floor area on a site, exclusive of parking area may be devoted to small scale energy production. The requirements of Chapter 33.262, Off Site Impacts must be met.
 - c. All other Basic Utilities are conditional uses.
4. Community Service. This regulation applies to all parts of Table 150-1 that have note [4]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses.
 - a. In the CI1 and IR zones, most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
 - b. In the CI2 zones, most Community Service uses are allowed by right. Short term, mass, and outdoor shelters are regulated by Chapter 33.285, Short Term, Mass, and Outdoor Shelters.
5. Parks And Open Areas. This regulation applies to all parts of Table 150-1 that have note [5]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities that are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities that require a conditional use review are listed below.
 - a. Swimming pools.
 - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
 - c. Golf courses, including club houses, restaurants, and driving ranges.
 - d. Boat ramps.

- e. Parking areas.
 - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
6. Colleges. This regulation applies to all parts of Table 150-1 that have note [6]. Colleges are allowed by right. However, outdoor sports facilities that include more than 1,500 square feet of accessory building floor area, more than 500 linear feet of spectator seating, outdoor lighting, or voice amplification require a conditional use review.
 7. Agriculture. This regulation applies to all parts of Table 150-1 that have note [7]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
 8. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 150-1 that have an [8]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
 9. Group Living in the IR Zone. This regulation applies to all parts of table 150-1 that have a note [9]. Group Living uses in the IR zone are regulated as follows:
 - a. The Group Living use must be included in the mission statement of the campus's impact mitigation plan; and
 - b. The impact mitigation plan's implemented mitigation measures must accommodate the impacts the Group Living use will create.
 10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [10].
 - a. Purpose. Retail Sales And Service uses are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.
 - b. Retail Sales and Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
 - c. Retail Sales and Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:
 - (1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;
 - (2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and
 - (3) Retail Sales and Services uses in combination with office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of floor area or 10 percent of the campus floor area, whichever is less. When structured parking is provided 250 square feet of parking structure floor area is included in the area subject to this floor area limitation for each required parking space. Size exceptions are prohibited.

- d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and
 - e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:
 - (1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;
 - (2) The office uses allowed are limited to the following:
 - Institutional administrative, faculty, staff, student, and educational offices;
 - Blood collection facilities;
 - Medical office space and medical office buildings; and
 - Medical, scientific, educational research and development facilities and laboratories.
 - (3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and their associated structured parking to 30 percent or less of the campus floor area. Exceptions to the 30 percent maximum are prohibited.
11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11].
- a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.
 - b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.
 - (1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.
 - (2) The institution has an approved impact mitigation plan or conditional use master plan.
 - (3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.
 - c. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.
 - d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
12. Daycare in the IR zone. This regulation applies to all parts of Table 150-1 that have a note [11]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.

- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 150-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 150-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

33.150.110 Accessory Uses

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

33.150.120 Nuisance-Related Impacts

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

Development Standards

33.150.200 Lot Size

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

33.150.205 Floor Area Ratio

- 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.
- FAR standard.** The floor area ratios are stated in Table 150-2 and apply to all development.
- 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.
 - Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum FAR allowed with inclusionary housing bonus stated in Table 150-2 for development that triggers the requirements of 33.245, Inclusionary Housing. The amount of bonus floor area allowed is

an amount equal to the net building area of the building that triggers 33.245, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

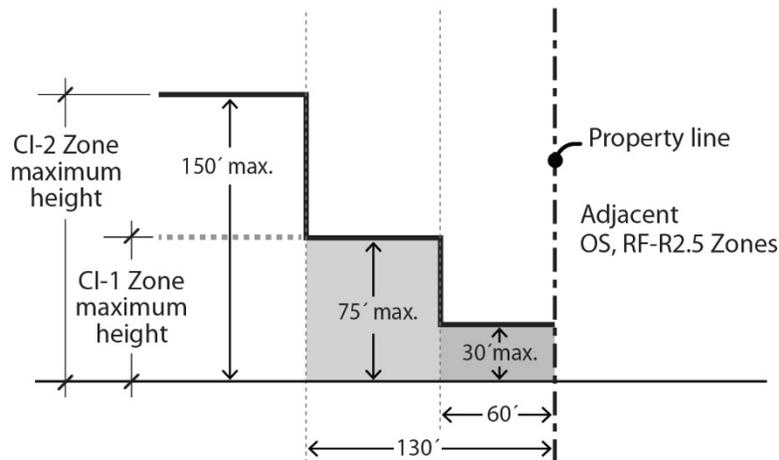
2. Voluntary inclusionary housing. Bonus FAR up to the maximum with inclusionary housing bonus stated in Table 150-2 is allowed when one of the following voluntary bonus options is met:
 - a. Bonus density or FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus floor area allowed is an amount equal to the net building area of the building that complies with 33.245.040 and .050, up to the maximum FAR allowed with bonus stated in Table 150-2. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review; or
 - b. Affordable Housing Fund. Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

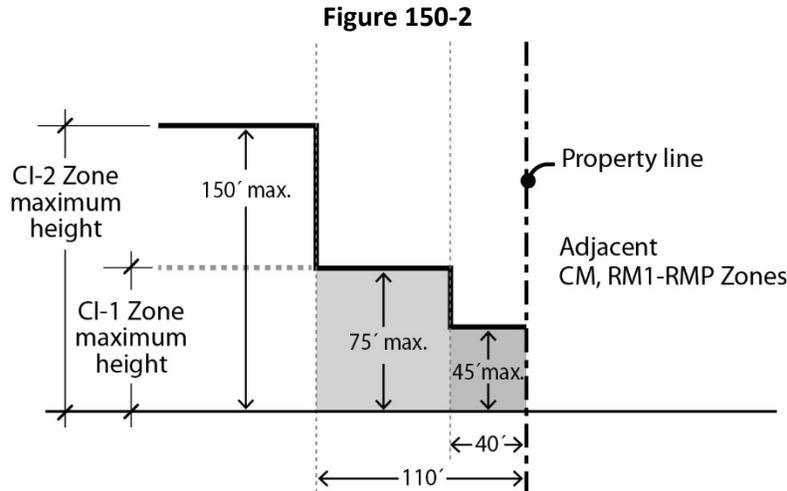
33.150.210 Height

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

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

Figure 150-1





D. Exceptions

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

Table 150-2 Summary of Development Standards in Campus Institutional Zones			
Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum FAR with Inclusionary Housing Bonus [1] (see 33.150.205.C)	NA	3.75 to 1 [2] [3]	NA
Maximum Height (see 33.150.210)	75 ft. [4]	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an RM1-RMP, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District (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.

33.150.215 Setbacks

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

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

C. Maximum building setbacks in the CI2 zone.

1. Where the building is within 100 feet a transit street or street lot line within a pedestrian district, the maximum the building can be set back is 10 feet. Where an existing building is being altered, the standard applies to the portion of the building being altered. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.
2. Exception. The maximum building setbacks do not apply to primary structures under 500 square feet in floor area, or to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standard.

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

33.150.220 Building Coverage

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

33.150.235 Building Length in the CI1 Zone

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

33.150.240 Landscaped Areas

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

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

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

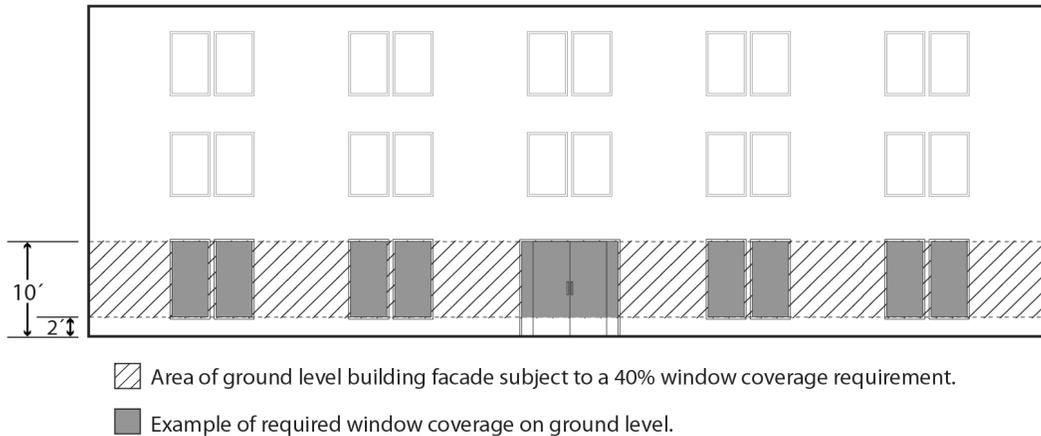
33.150.245 Trees

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

33.150.250 Ground Floor Windows in the CI2 Zone.

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

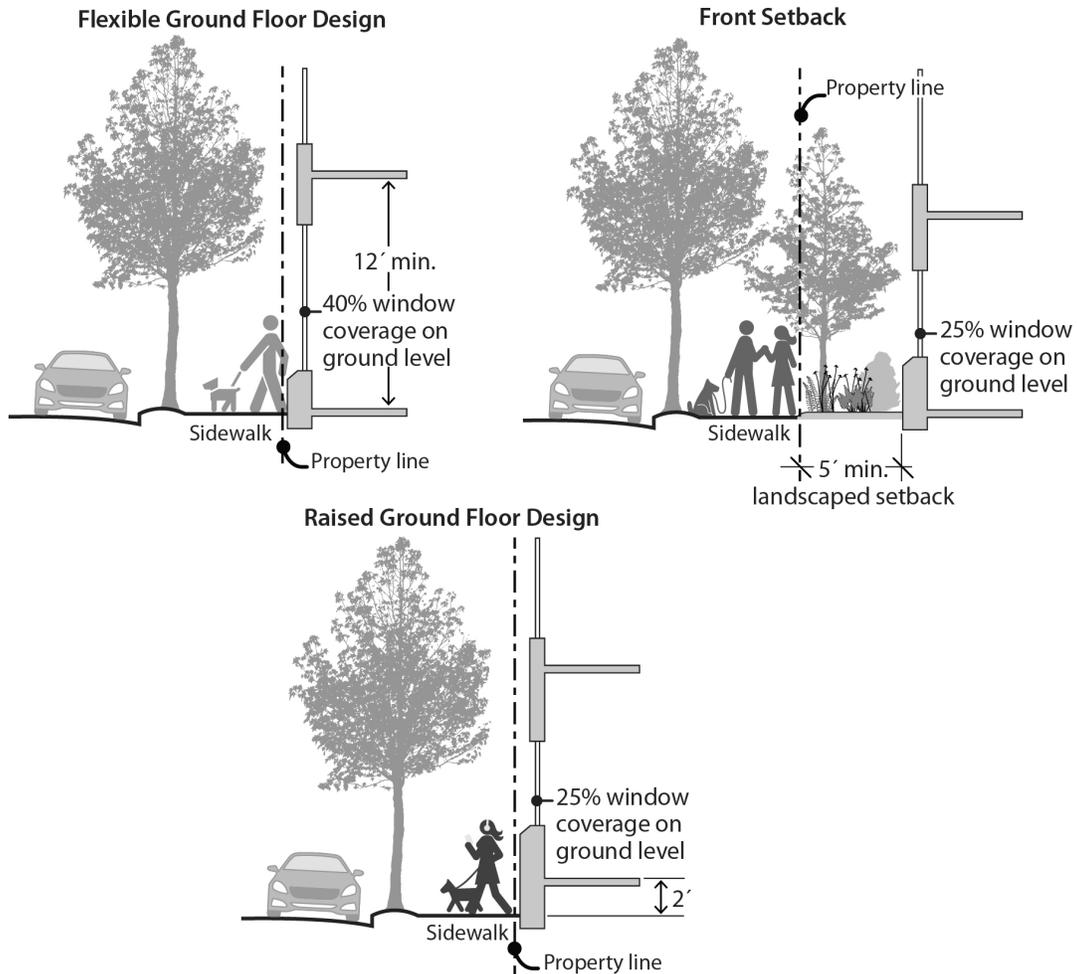
**Figure 150-3
Ground Floor Windows**



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

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

Figure 150-4
Ground Floor Window Options



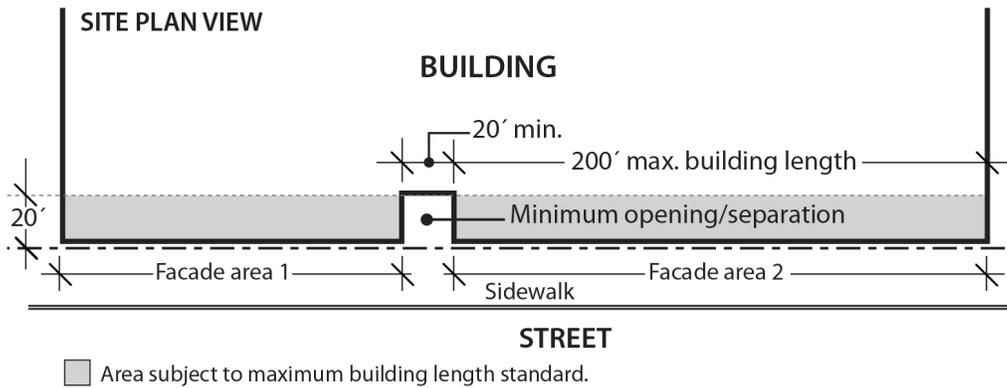
- E. Exception for Public Art.** Public art may be used to meet up to one half of the required window coverage of the ground floor window provision. Covenants for the public art will be required, following the regulations of Section 33.700.060, Covenants with the City, to ensure the installation, preservation,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

33.150.255 Building Length and Facade Articulation in the CI2 Zone

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

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

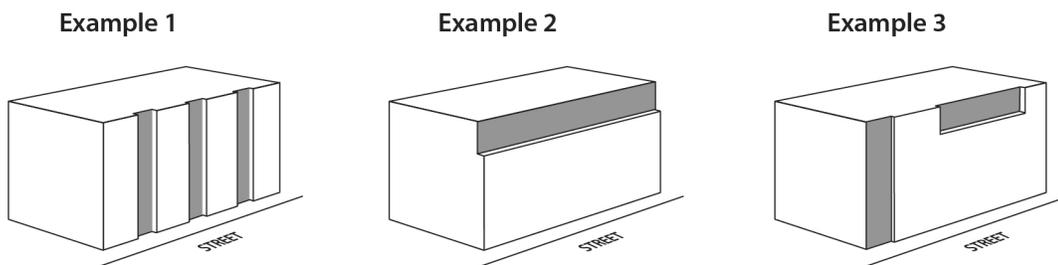
**Figure 150-5
Maximum Building Length**



C. Building Facade articulation in the CI2 Zone.

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

**Figure 150-6
Facade Articulation**



33.150.260 Screening

- A. Purpose.** The screening standards address specific unsightly features that detract from the appearance of campus institutional areas.
- B. Garbage and recycling collection areas.** All exterior garbage cans, garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash

receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

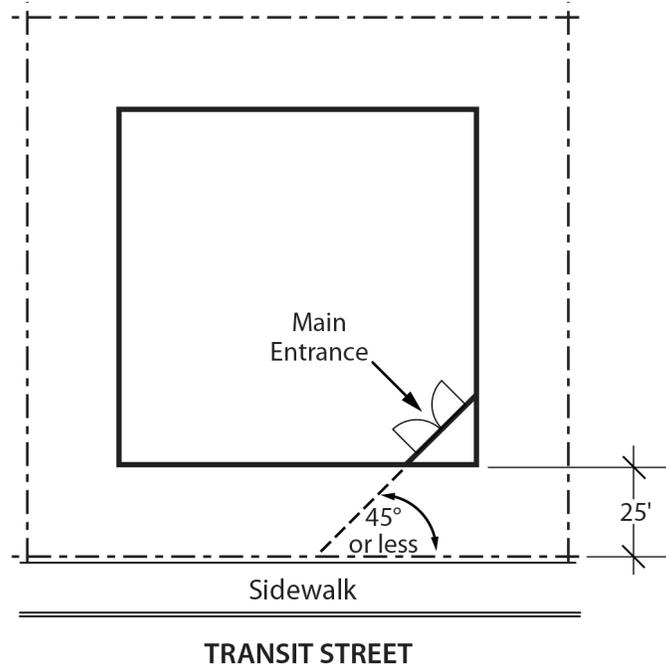
- C. Mechanical equipment.** Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an R zone:
1. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment; or
 3. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.

33.150.265 Transit Street Main Entrance

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

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

Figure 150-7
Transit Street Main Entrance



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

33.150.267 Additional Development Standards for Institutional Campuses in the IR Zone

- A. Purpose.** The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.
- B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another.
- C. The standards.**
1. Access to accessory Retail Sales And Service uses must be from an interior space, or from an exterior space that is at least 150 feet from a public right of way.
 2. Exterior signage for accessory Retail Sales And Service uses is prohibited.
 3. The following subsections apply to development in the IR zone unless superseded by development standards in an approved impact mitigation plan or approved conditional use master plan:
 - a. 33.120.200 Housing Types Allowed;

- b. 33.120.232 Street-Facing Facades;
- c. 33.120.240 Required Outdoor Areas; and
- d. 33.120.255 Pedestrian Standards.

33.150.270 Exterior Display and Storage,

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

33.150.275 Trucks and Equipment

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

33.150.277 Drive-Through Facilities

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

33.150.280 Detached Accessory Structures

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

33.150.285 Fences

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

D. Reference to other regulations

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

33.150.290 Demolitions

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

33.150.295 Nonconforming Development

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

33.150.300 Parking, Loading, and Transportation and Parking Demand Management

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

33.150.305 Signs

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

33.150.310 Superblock Requirements

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

33.150.315 Recycling Areas

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

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

Additional Use & Development Regulations

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

33.281 Schools and School Sites

33.284 Self-Service Storage

33.285 Short Term, Mass, and Outdoor Shelters

33.288 Special Street Setbacks

33.293 Superblocks

33.296 Temporary Activities

33.299 Wind Turbines

33.205 Accessory Dwelling Units

205

Sections:

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

33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

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

33.205.020 Where Accessory Dwelling Units are Allowed

- A. RF through R10.** One accessory dwelling unit is allowed on a site with a house, attached house or manufactured home in the RF through R10 zones except for attached houses in the R20 and R10 zones that were built using the regulations of 33.110.265.C.1. In this case, an accessory dwelling unit is prohibited.
- B. R7 through R2.5.**
 1. One accessory dwelling unit is allowed on a site with a house, attached house or manufactured home in the R7 through R2.5 zones when the lot complies with Section 33.110.202, When Primary Structures are Allowed.
 2. Up to two accessory dwelling units are allowed on a site with a house, attached house or manufactured home in the R7 through R2.5 zones when the lot meets the minimum lot area requirement stated in Table 205-1. Two accessory dwelling units are prohibited on lots that do not abut a street that has been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, and are prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. Two accessory dwelling units are also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the

owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review. If there are two accessory dwelling units on the site, only one may be attached to or within the primary structure.

Zone	Minimum Lot Area
R7	5,000 sq. ft.
R5	4,500 sq. ft.
R2.5	3,200 sq. ft.

3. One accessory dwelling unit is allowed on a site with a duplex in the R7 through R2.5 zones when the lot meets the minimum lot area requirements stated in Table 205-1. An accessory dwelling unit is prohibited on lots that do not abut a street that has been accepted for maintenance by the City of Portland, or the State of Oregon in the case of state highways, or is prohibited on lots that abut a private street that connects to a street or highway that has not been accepted for maintenance by the City or State. See Title 17.42, Property Owner Responsibility for Streets. Payment in lieu of street improvements does not satisfy this requirement. An accessory dwelling unit is also prohibited on lots where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District was demolished within the past ten years unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner, the only structure that was demolished was an accessory structure, or the demolition was approved through demolition review. The accessory dwelling unit must be detached.

C. Multi-dwelling, C and EX.

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

33.205.030 General Requirements

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

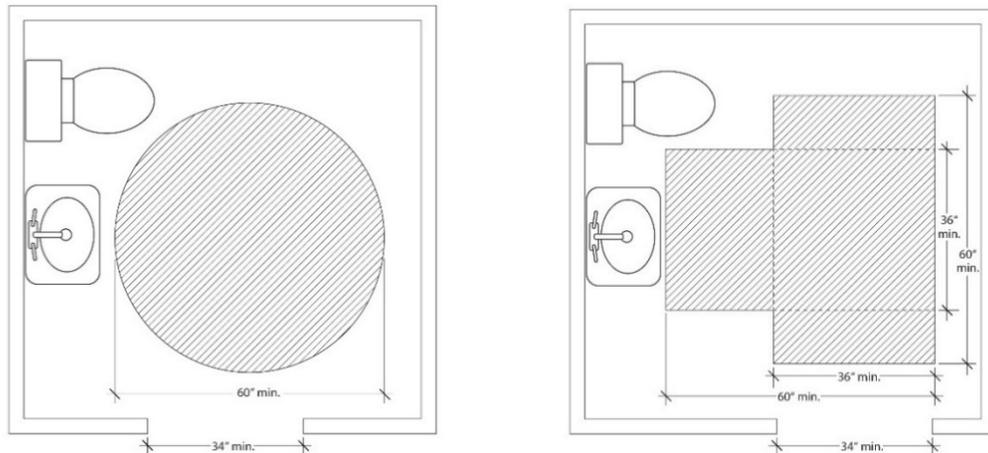
33.205.040 Development Standards

- A. **Purpose.** Standards for creating accessory dwelling units address the following purposes:

- Ensure that accessory dwelling units are compatible with the desired character and livability of Portland's residential zones;
 - Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
 - Ensure that accessory dwelling units are smaller in size than primary dwelling units; and
 - Provide adequate flexibility to site buildings so that they fit the topography of sites.
- B. Generally.** The development standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
- C. Requirements for accessory dwelling units.** Accessory dwelling units must meet the following:
1. **Parking.** No additional parking is required for the accessory dwelling unit. Existing required parking must be maintained or replaced on-site.
 2. **Maximum size.** The living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the larger of the two primary units or 800 square feet of living area, whichever is less.
 3. **Setbacks.** Detached and connected accessory dwelling units must be:
 - a. Set back 40 feet from the front lot line; or
 - b. Located behind the rear building line of the primary dwelling unit.
 4. Detached and connected accessory dwelling units must meet the development standards for covered accessory structures in the base zone.
 5. **Visitability.**
 - a. **Purpose.** Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting a residence regardless of age or ability. The standards:
 - Promote a diverse supply of more physically accessible housing;
 - Allow people of all ages and abilities to easily enter and visit the residence;
 - Foster community interaction by reducing barriers that can lead to social isolation; and
 - Enhance public safety for all residents and visitors.
 - b. When the visitable unit standards apply. Unless exempted by Subparagraph C.5.c, the visitable unit standards apply to the following situations:
 - (1) When there are two accessory dwelling units on a site with a house, attached house or manufactured home; and

- (2) When there is one accessory dwelling unit on a site with a duplex.
- c. Visitability standard. Unless exempted by Subparagraph E.3.c., at least one dwelling unit on the lot must meet the following visitability standards:
- (1) **Visible entrance.** At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 - (2) **Visible bathroom.** At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1 The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited;
 - (3) **Visible living area.** There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 - (4) **Visible doors.** All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide. Adjustments are prohibited.

Figure 205-1
Visible Bathroom Clearances



- d. Exemptions. The following are exempt from the visitable unit standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
 - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

- (3) Conversion of an existing accessory structure that is at least 5 years old or converting space in a house that is at least 5 years old to an accessory dwelling unit.

33.205.050 Density

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

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

33.207 Accessory Short-Term Rentals

33.207

Sections:

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

33.207.010 Purpose

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

33.207.020 Description and Definitions

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

33.207.030 Where These Regulations Apply

The regulations of this chapter apply to accessory short-term rentals in all zones. In zones where Retail Sales And Service uses are allowed, limited or conditional uses, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

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

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

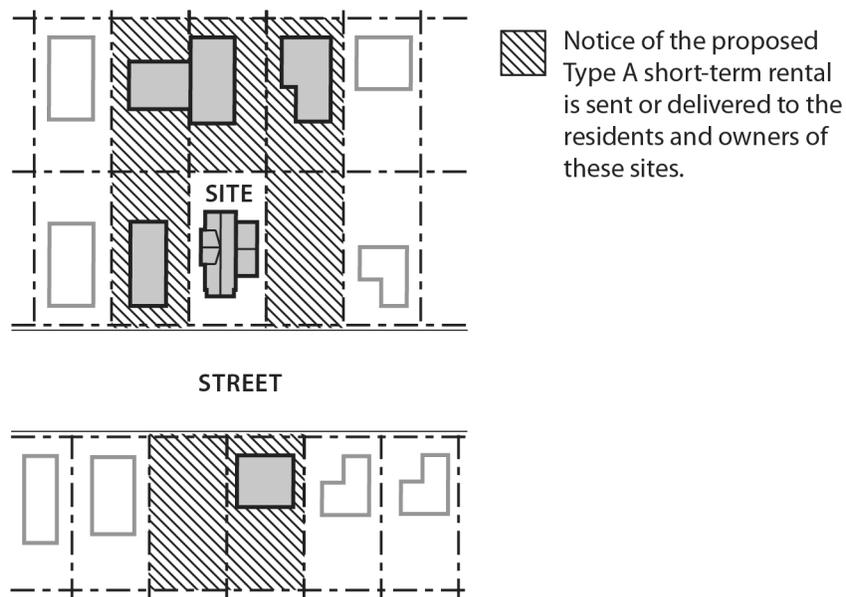
1. Maximum size. A Type A accessory short-term rental is limited to renting a maximum of 2 bedrooms to overnight guests.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit, but the maximum number of bedrooms on the site that can be rented to overnight guests is 2.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;
 - b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.

5. Number of guests. The maximum number of guests occupying a Type A accessory short-term rental may not exceed 5.
 6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
 7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This is not considered a commercial meeting.
 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
- C. Type A accessory short-term rental permit.** The resident of a dwelling unit with a Type A accessory short-term rental must obtain a permit from the Bureau of Development Services. It is the responsibility of the resident to obtain the permit every two years. The permit requires the resident, and operator if the operator is not the resident, to agree to abide by the requirements of this section, and document that the required notification requirements have been met:
1. Notification. The resident must:
 - a. Prepare a notification letter that:
 - (1) Describes the operation and the number of bedrooms that will be rented to overnight guests;
 - (2) Includes information on how to contact the resident, and the operator if the operator is not the resident, by phone; and
 - (3) Describes how the standards in Subsection .040.A and B are met.
 - b. Mail or deliver the notification letter as follows:
 - (1) All residential structure types except multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a residential structure other than a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, and all residents and owners of property abutting or across the street from the accessory short-term rental. See Figure 207-1.
 - (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries

include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.

2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
 - a. Two copies of the completed application form bearing the address of the property, and the name, notarized signature, address, and telephone number of the following:
 - (1) Resident;
 - (2) Operator; and
 - (3) Property owner or their authorized agent.
 - b. A copy of the notification letter and a list with the names and addresses of all the property owners, residents, and recognized organizations that received the notification.

Figure 207-1
Type A Accessory Short-Term Rental Permit Notice Area
for All Dwelling Units Except Those in Multi-Dwelling Structures



- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term

rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued to that resident at that site for 2 years.

33.207.050 Type B Accessory Short-Term Rentals

A. Use-related regulations.

1. Accessory use. A Type B accessory short-term rental must be accessory to a residential use on a site. This means that a resident must occupy the dwelling unit for at least 270 days during each calendar year, and unless allowed by Paragraph .050.B.2 or .050.B.3, the bedrooms rented to guests must be within the dwelling unit that the resident occupies.
2. Conditional use review. A Type B accessory short-term rental requires a conditional use review. A Type B accessory short-term rental that proposes commercial meetings is processed through a Type III procedure. All other Type B accessory short-term rentals are processed through a Type II procedure. The approval criteria are stated in 33.815.105, Institutional and Other Uses in R Zones.
3. Allowed structure type. A Type B accessory short-term rental is allowed in all residential structure types when accessory to a residential use.
4. Cap. The number of dwelling units in a multi-dwelling structure or a triplex that can have an accessory short-term rental is limited to 1 unit or 25 percent of the total number of units in the structure, whichever is greater.
5. Prohibition. Accessory short term rentals are prohibited in a building subject to Chapter 13 of the Uniform Building Code (1970 edition) in effect on September 7, 1972, except when the Fire Marshal's Office has determined that the building has a fire sprinkler system that protects the exitways.

B. Standards.

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:
 - a. Met the building code requirements for a sleeping room at the time it was created or converted. Bedrooms in multi-dwelling structures and in triplexes are exempt from this requirement;

- b. Has a smoke detector that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
 - c. Is located on the floor of a dwelling unit equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have a carbon monoxide source, then a carbon monoxide alarm is not required.
5. Number of residents and overnight guests. The total number of residents and overnight guests occupying a dwelling unit with a Type B accessory short-term rental may be limited as part of a conditional use approval.
6. Employees. Nonresident employees for activities such as booking rooms and food preparation may be approved as part of the conditional use review. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored as part of a conditional use approval.
7. Services to guests and visitors. Serving alcohol and food to guests and visitors is allowed and may be subject to other county or state requirements.
8. Commercial meetings.
 - a. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are regulated as follows:
 - (1) In the single-dwelling zones, commercial meetings are prohibited;
 - (2) In all other zones, up to 24 commercial meetings per year may be approved as part of a conditional use review. The maximum number of visitors or guests per event will be determined through the conditional use review. Adjustments to the maximum number of meetings per year are prohibited.
 - b. Historic landmarks. A historic landmark that receives special assessment from the State, may be open to the public for 4 hours one day each year. This does not count as a commercial meeting.
 - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.
9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

10. A Type B accessory home occupation is prohibited with a Type B accessory short-term rental.

33.207.060 Monitoring

All accessory short-term rentals must maintain a guest log book. It must include the names and home addresses of guests, guest's license plate numbers if traveling by car, dates of stay, and the room assigned to each guest. The log must be available for inspection by City staff upon request.

33.207.070 Pre-Established Bed and Breakfast Facilities

- A. Facilities without a revocable permit.** Bed and breakfast facilities that were operating before May 24, 1988, and which did not receive a revocable permit, may continue to operate as an approved conditional use if the operator can show proof that the operation was established through City licensing. The requirements for verification are listed below.
 1. The facility was operating with a City business license or was granted exemption from the business license requirement;
 2. City transient lodging taxes were paid part or all of the tax period preceding May 24, 1988; and
 3. The owner or operator can document that the Portland Bureaus of Planning or Buildings approved the site for a bed and breakfast facility prior to purchase, construction, or remodeling of the facility.
- B. Alterations and Expansions.** The approved conditional use status provided for in Subsection 070.A applies only to the number of bedrooms and size of facility that existed on January 1, 1991. Any expansions of building area or alterations that increase the intensity of the facility are not allowed unless approved through a conditional use review as provided in Section 33.207.050.A.2.
- C. Facilities with a revocable permit.** Bed and breakfast facilities operating under approved revocable permits are subject to the regulations for revocable permits in 33.700.120, Status of Prior Revocable Permits.

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

33.218 Community Design Standards

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General

33.218.010 Purpose

Historic resource review ensures that development conserves and enhances the values of a site or area, and promote the conservation, enhancement, and continued vitality of special historic areas of the City.

The Community Design Standards provide an alternative process to historic resource review for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through the discretionary review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the applicant chooses to meet the objective standards of this chapter, no discretionary review process is required.

The purpose of these standards is to:

- A. Ensure that new development enhances the character and livability of Portland's historic neighborhoods;
- B. Ensure that increased density in established neighborhoods makes a positive contribution to the area's character;
- C. Ensure the historic integrity of conservation landmarks and the compatibility of new development in conservation districts;
- D. Enhance the character and environment for pedestrians in historic areas;
- E. Offer developers the opportunity to comply with specific objective standards as a more timely, cost effective, and more certain alternative to the historic resource review process.

33.218.015 Procedure

- A. Generally.** This chapter provides an alternative to the historic resource review process for some proposals. Where a proposal is eligible to use this chapter, the applicant may choose to go through either the discretionary review process set out in Chapter 33.846, Historic Resource Reviews, or to meet the objective standards of this chapter. If the proposal meets the standards of this chapter, no historic resource review is required. The standards determining which proposals are eligible to use this chapter are in Chapter 33.445, Historic Resource Overlay Zone.

The standards of this chapter do not apply to proposals reviewed through the discretionary design review processes set out in Chapter 33.846, Historic Resource Reviews. Where a proposal is for an alteration or addition to existing development, the standards of this chapter apply only to the portion being altered or added.

- B. Adjustments.** Adjustments to these standards are prohibited.
- C. Permit application requirements.** The following information must be submitted as part of an application for a building or development permit:
1. Site plan and elevations. The site plan and elevations must include enough detail to document compliance with the standards of this chapter. The site plan and elevations must be drawn at a scale of 1/8 inch = 1 foot or larger.
 2. Vicinity plan. For proposals in the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, a vicinity plan, drawn at a scale of 1 inch = 30 feet or larger, must show the following:
 - a. The footprint of the proposed development;
 - b. The lot lines of the site;
 - c. The footprints and front yard setbacks of all buildings on lots that abut each side of the site and are on the same street.

Standards

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

The standards of this section apply to development of new primary and attached accessory structures in single-dwelling zones.

- A. Landscaping.** Landscaping must be provided between structures and the street, as follows:
1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;

- b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area; and
 2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.
- B. Front setbacks in the Southwest Community Plan area and conservation districts.** In the Southwest Community Plan area, shown on Map 825-4, and in conservation districts, the setback for primary buildings is based on the setbacks of primary buildings on the lots that abut each side of the site and are on the same street. The primary structure may be no closer to the front lot line than the adjacent primary structure that is closest to the front lot line. The primary structure may be no further from the front lot line than the adjacent primary structure that is farthest from the front lot line. In any case, the structure may not be set back from the front lot line more than 25 feet.
- C. Large building elevations divided into smaller areas.** The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 500 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
 1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
 2. A bay window that extends at least 2 feet; or
 3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
- D. Roofs.**
 1. Primary structures must have a roof that is either:
 - a. Sloped, with a pitch that is no flatter than 6/12 and no steeper than 12/12; or
 - b. No steeper than and no flatter than the pitch of the roofs of the primary structures on the lots that abut either side of the site and front onto the same street.
 2. Flat roofs are allowed when the space on top of the roof is no more than 150 square feet and accessible from an interior room, or as specified in subparagraph D.1.b, above.
- E. Main entrance.**
 1. Location of main entrance. The main entrance of each primary structure must face the street. On corner lots the main entrance may face either of the streets or be oriented to the corner. For single dwelling, duplex, and triplex buildings that have more than one main entrance only one entrance must meet this requirement.

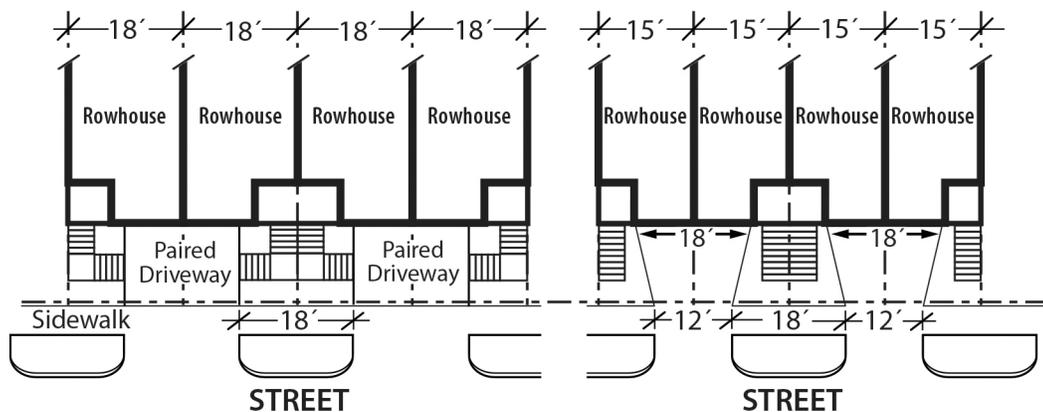
2. Front porch at main entrance. There must be a front porch at all main entrances that face a street. If the porch projects out from the building, it must have a roof. If the roof of a required porch is developed as a deck or balcony, it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 48 square feet and a minimum of 8 feet wide. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 63 square feet and a minimum of 9 feet wide.
3. Covered balcony. For attached houses, a covered balcony on the same facade as the main entrance may be provided instead of a front porch. The covered portion of the balcony must be at least 48 square feet and a minimum of 8 feet wide. The floor of the covered balcony must be no more than 15 feet above grade, and must be accessible from the interior living space of the house.
4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
5. Openings between porch floor and ground. Openings of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

F. Vehicle areas.

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.
2. Parking areas in the front setback. Parking areas may not be located in the front setback.
3. Vehicle areas between the porch and the street. Vehicle areas may not be located between the building's porch or porches and an adjacent street.
4. Attached garages. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet long, whichever is greater;
 - b. The front of the garage can be no closer to the front lot line than the front facade of the house;
 - c. Garage doors may be no more than 75 square feet in area; and
 - d. There may be no more than two individual garage doors.

5. Driveways. Driveways for attached houses must meet the following. See Figures 218-1 and 218-2 for examples of driveways that meet the standard.
 - a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and
 - b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.
- G. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- H. Exterior finish materials.** The standards of this subsection must be met on all building facades.
 1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.
 2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
 3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
 5. Siding material may not cover required window and door trim.

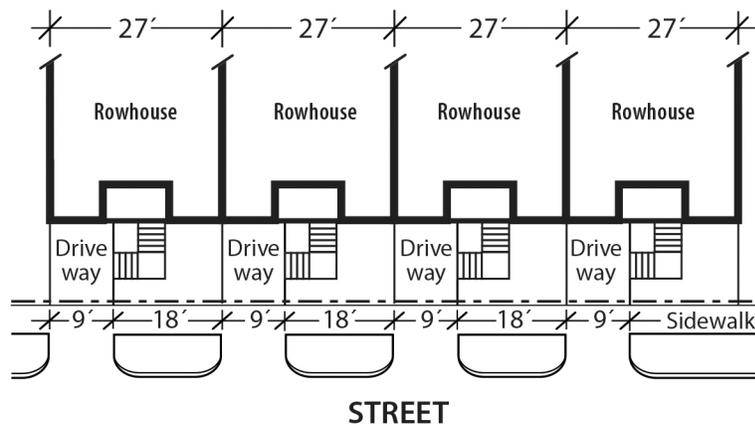
Figure 218-1
Paired Driveways for Attached Houses



- I. Architectural features.** Each primary structure must have one of the following features on the front street-facing elevation:

1. Roof dormer placed a minimum of 3 feet from all the side building walls;
 2. A porch roof with a gable end facing the street. The roof eaves of the porch must be the same height as the roof eaves of the building. The pitch of the porch roof must be between 6/12 and 12/12; or
 3. A gable end facing the front lot line with one of the following in the gable area above the eave line:
 - a. A window; or
 - b. A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.
- J. Windows.** At least 15 percent of the area of a street-facing facade must be windows. All street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:
1. Each window must be square or vertical—at least as tall as it is wide; or
 2. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
 - b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

Figure 218-2
Single Driveways for Attached Houses



- K. Trim.** Trim must mark all building roof lines, porches, windows, and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.

- L. Exterior stairs and fire escapes.** Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.
- M. Roof eaves.** Roof eaves must project from the building wall at least 12 inches on all elevations.
- N. Rooftop solar energy systems.**
 - 1. Rooftop solar energy systems must meet the following requirements:
 - a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or
 - (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.
 - b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
 - 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
 - 3. Photovoltaic glazing may be integrated into windows or skylights.
- O. Water cisterns.** Above-ground cisterns for rainwater or greywater collection meet the following:
 - 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and
 - 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- P. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 - 1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.

2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
3. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-1:
 - a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.
 - b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.
4. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:
 - a. It must be higher than it is wide; or
 - b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.
5. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures must be set back exactly 25 feet from the front property line. On corner lots, this standard can be met on either frontage.
6. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
7. Rooftop solar energy systems.
 - a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building facade and they must be screened by development, plantings, or fences so they are not visible from the street.

33.218.110 Standards for Primary and Attached Accessory Structures in RM1, RM2, and RMP Zones

The standards of this section apply to development of new primary and attached accessory structures in the RM1, RM2, and RMP zones. The addition of an attached accessory structure to a primary structure on a site where all the uses are residential, is subject to Section 33.218.130, Standards for Exterior Alteration of Residential Structures in Single-Dwelling, RM1, RM2, and RMP Zones.

The standards of this section can also apply to development of new structures in the RM3, RM4, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RM3, RM4, RX, C and E Zones.

A. Landscaping. Landscaping must be provided between structures and the street, as follows:

1. Foundation landscaping. All street-facing elevations must have landscaping along their foundation. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. Front yard trees. There must be at least one tree in front of each residential structure. On corner lots, there must be one tree for each 30 feet of frontage on the side street.

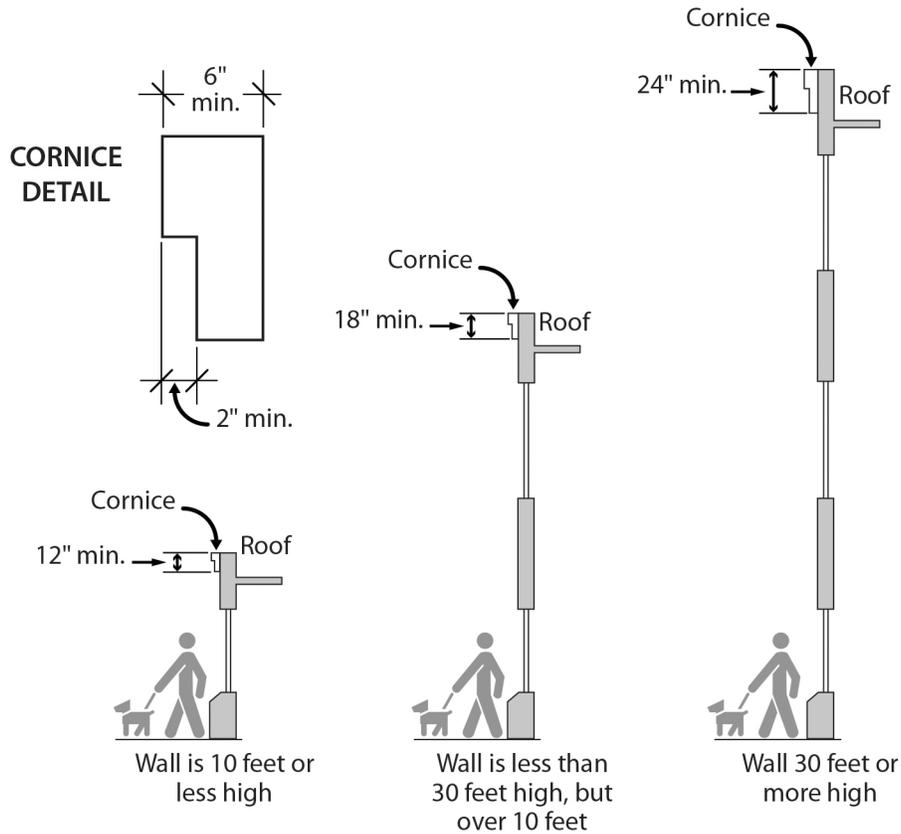
B. Building setback. Primary buildings must not be set back from the front lot line more than 25 feet.

C. Residential buffer. Where a site zoned RM2, RM3, RM4, RX, or E abuts or is across a street from an RF through RM1 or RMP zone, the following is required. Proposals in the Hollywood, Kenton, and Sandy plan districts are exempt from this standard:

1. On sites that abut an RF through RM1 or RMP 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 RM1 or RMP 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 RM1 or RMP 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.
- D. Building height.** Except as provided in Subsection C, above, structures in the RM3, RM4, RX, and E zones may be up to 55 feet in height.
- E. Large building elevations divided into smaller areas.** The front elevation of large structures must be divided into smaller areas or planes. When the front elevation of a structure is more than 750 square feet in area, the elevation must be divided into distinct planes of 500 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
1. A porch, a dormer that is at least 4 feet wide, or a balcony that is at least 2 feet deep and is accessible from an interior room;
 2. A bay window that extends at least 2 feet; or
 3. Recessing a section of the facade by at least 2 feet; the recessed section must be at least 6 feet long.
- F. Roofs.** Primary structures must have either:
1. A sloped roof with a pitch that is no flatter than 6/12 and no steeper than 12/12; or
 2. A roof with a pitch of less than 6/12 if either:
 - a. The space on top of the roof is used as a deck or balcony that is no more than 150 square feet in area and is accessible from an interior room; or
 - b. A cornice that meets the following:
 - (1) There must be two parts to the cornice. The top part of the cornice must project at least 6 inches from the face of the building and be at least 2 inches further from the face of the building than the bottom part of the cornice. See Figure 218-3; and
 - (2) The height of the cornice is based on the height of the building as follows:
 - Buildings 10 feet or less in height must have a cornice at least 12 inches high.
 - Buildings greater than 10 feet and less than 30 feet in height must have a cornice at least 18 inches high.
 - Buildings 30 feet or greater in height must have a cornice at least 24 inches high.

Figure 218-3
Two-Part Cornice



G. Main entrance.

1. Location of main entrance. The main entrance of each primary structure must face the street lot line. The following are exceptions to this standard:
 - a. On corner lots the main entrance may face either of the streets or be oriented to the corner.
 - b. For buildings that have more than one main entrance, only one entrance must meet this requirement.
 - c. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.
2. Front porch at main entrance. There must be a front porch at all main entrances that face the street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

3. Covered balcony. Attached houses have the option of providing a covered balcony on the same facade as the main entrance instead of a front porch. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
4. Ornamental columns. If the front porch or covered balcony at a main entrance provides columns as corner supports, the columns must be ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
5. Openings between porch floor and ground. Opening of more than 1 foot between the porch floor and the ground must be covered with a solid material or lattice.

H. Vehicle areas

1. Alleys. If the site is served by an alley, access for motor vehicles must be from the alley, not from a street frontage.
2. Vehicle areas between the building and the street. There are no vehicle areas allowed between the building and the street. If a site has two street lot lines, this standard must be met on both frontages. If a site has more than two street lot lines, this standard must be met on two frontages.

An exception is allowed for single dwelling developments. Each dwelling unit in a single dwelling development is allowed one 9 foot wide driveway.
3. Parking areas in the front setback. Parking areas may not be located in the front setback.
4. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
 - b. The front of the garage can be no closer to front lot line than the front facade of the house;
 - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
 - d. There may be no more than one garage door per 16 feet of building frontage.

5. Driveways. Driveways for attached houses must meet the following. See Figures 218-1 and 218-2 for examples of driveways that meet the standard.
 - a. Driveways may be paired so that there is a single curb-cut providing access to two attached houses. The maximum width allowed for the paired driveway is 18 feet; and
 - b. There must be at least 18 feet between single or paired driveways. Distance between driveways is measured along the front property line.
- I. **Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- J. **Exterior finish materials.** The standards of this subsection must be met on all building facades.
 1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material except as secondary finishes if they cover no more than 10 percent of each facade.
 2. Composite boards manufactured from wood or other products, such as hardboard or hard plank, may be used when the board product is less than 6 inches wide.
 3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
 5. Siding material may not cover required window and door trim.
- K. **Windows.** Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:
 1. Each window must be square or vertical;
 2. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
 - b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

3. St. Johns plan district. In the St. Johns plan district, at least 15 percent of the street facing facade must be windows. 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. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard.
- L. Trim.** Trim must mark all building roof lines, porches, windows and doors on all elevations. The trim must be at least 3-1/2 inches wide. Buildings with an exterior material of stucco or masonry are exempt from this standard.
- M. Roof-mounted equipment.** All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to Subsection N below, and exempt from this standard:
 1. A parapet as tall as the tallest part of the equipment;
 2. A screen around the equipment that is as tall as the tallest part of the equipment;
 3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
 4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the top of the penthouse, is flush mounted, and is painted to match the facade of the penthouse.
- N. Rooftop solar energy systems.**
 1. Rooftop solar energy systems must meet the following requirements:
 - a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or
 - (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.
 - b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
 3. Photovoltaic glazing may be integrated into windows or skylights.

- O. Exterior stairs and fire escapes.** Exterior stairs, other than those leading to a main entrance, must be at least 40 feet from all streets. Fire escapes must be at least 40 feet from all streets.
- P. Roof eaves.** Roof eaves must project from the building wall at least 12 inches on all elevations. Buildings that take advantage of the cornice option are exempt from this standard.
- Q. Water cisterns.** Above-ground cisterns for rainwater or greywater collection must meet the following:
1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and
 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- R. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
1. Skylights. Skylights may not be on street-facing elevations. On all other elevations, the glass, plastic, or other transparent material must be parallel to the slope of the roof.
 2. Ornamental columns. Corners of the porch roof on street-facing elevations must be supported with ornamental columns that meet one of the following standards. Wrought iron style porch supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches; or
 - b. Groupings of 2, 3, or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
 3. Roof dormers and gable areas in the Albina and Outer Southeast Community Plan areas. In the Albina and Outer Southeast Community Plan areas, shown on Maps 825-1 and 825-2, each residential structure must have one of the following for every 40 feet of length along the street-facing elevations. Buildings with flat roofs are exempt from this standard:
 - a. A street-facing roof dormer placed at least 3 feet from all side building walls; or
 - b. A gable end facing the front lot line with either of the following in the gable area above the eave line:

- (1) A window; or
 - (2) A trimmed vent. The trim must match the trim on the windows and the vent must be at least 4 square feet in area.
4. Albina Community Plan area. The standards of this paragraph apply in the Albina Community Plan area, shown on Map 825-1:
 - a. Floor level delineation. Each primary residential structure must reflect, on its street-facing elevations, all floor levels in the building, including the attic. The different floor levels must be delineated through the use of porch roofs, changes in materials or texture of materials, location of pediment and roof lines, overhangs and setbacks.
 - b. Ground floor. The ground floor of a primary structure that is entirely above grade must be at least 2 feet above grade. Developments must meet the standards of Chapter 11, Accessibility, of the Oregon Structural Specialty Code.
5. Stone or cast stone foundations in Kenton and Mississippi. In the Kenton and Mississippi Avenue Conservation Districts, stone or cast stone must be used as a foundation material on street-facing elevations. The stone, cast stone, or cast in place stone must be the material used between the finished building grade and the ground floor.
6. Vertical building proportions in Eliot. In the Eliot Conservation District, the front facade of each primary structure must have vertical proportions. New development must meet one of the following standards:
 - a. It must be higher than it is wide; or
 - b. Where the size of the building requires horizontal proportions, the street-facing elevations must be divided into visually distinct areas with vertical proportions. This is accomplished through setbacks, use of vertical elements such as columns or multi-story bay windows, changes in materials or other architectural devices.
7. Woodlawn street pattern. Buildings may not be in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
8. Rooftop solar energy systems.
 - a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
9. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street facing building facade and they must be screened by development, fences, or plantings so they are not visible from the street.
10. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.120 Standards for Detached Accessory Structures in Single-Dwelling, RM1, RM2, and RMP Zones.

The standards of this section are applicable to development of new detached accessory structures in single-dwelling, RM1, RM2, and RMP zones.

- A. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- B. Exterior finish materials.** The standards of this subsection must be met on all building facades.
 - 1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.
 - 2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
 - 3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 - 4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
 - 5. Siding material may not cover required window and door trim.
 - 6. Compatible exterior finish materials. Exterior material type, size and placement on detached accessory structures must be the same as or visually match that of the primary structure. However, if the exterior finishes and materials on the primary structure do not meet the standards above then any material that meets the standards above may be used.
- C. Roof pitch.** Where the accessory structure is more than 15 feet high, the roof pitch must be the same as the predominant roof slope of the primary structure.
- D. Compatible trim.** Trim on the accessory structure must be the same in type, size, and location as the trim that is used in the primary structure.
- E. Compatible windows.** Street-facing windows must meet the following. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from this standard:
 - 1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical);
 - 2. Be square or vertical—at least as tall as they are wide; or
 - 3. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size

must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or

- b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover at least 20 percent of the total height of the window.

F. Compatible roof eaves. Eaves must project from the building walls the same distance as the eaves on the primary structure.

G. Additional standards for large accessory structures.

1. Where these standards apply. The standards of this subsection apply to detached, accessory structures that:
 - a. Are more than 10 feet in height and at least one foot wide;
 - b. Have a street-facing elevation more than 6 feet wide; or
 - c. Have a street-facing elevation with more than 100 square feet in total surface area.
2. Setback. Large accessory structures must be set back at least 60 feet from the front lot line; and
3. Height. Large accessory structures must be no more than 25 feet in height.

H. Solar energy systems.

1. Solar energy systems on detached accessory buildings are subject to the same standards as would apply to new primary and attached accessory structures. See applicable solar standards in Sections 33.218.100 and .110.
2. Ground or pole mounted solar panels systems are subject to the following standards:
 - a. The tallest part of the system may not exceed 8 feet in height;
 - b. The system may not be located closer to the street than the primary street-facing building facade.

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

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

- J. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
1. Roof dormers. Where the structure is more than 20 feet in height, it must have a roof dormer. The dormer must be placed a minimum of 3 feet from the side building walls.
 2. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.
 - b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.
 3. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
 4. Cisterns. Cisterns for rainwater or greywater collection must be screened by development, fences, or plantings so they are not visible from the street.
 5. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.130 Standards for Exterior Alteration of Residential Structures in Single-Dwelling, RM1, RM2, and RMP Zones

The standards of this section apply to exterior alterations of primary structures and both attached and detached accessory structures in residential zones. These standards apply to proposals where there will be only residential uses on the site.

The standards of this section can also apply to exterior alterations in the RM3, RM4, RX, C and E zones on sites where all the uses are residential. In this case, the applicant can choose to meet all the standards in this section or all the standards in Section 33.218.140, Standards for all Structures in the RM3, RM4, RX, C and E Zones.

- A. Foundation material.** Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
- B. Exterior finish materials.** The standards of this subsection must be met on all building facades. The exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the existing exterior finish materials do not meet the following standards, then they must be replaced on the portion being altered or added with materials that meet the following standards.
1. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material.

2. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
 3. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
 4. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.
 5. Siding material may not cover required window and door trim.
- C. Compatible trim.** Trim on edges of elements in the remodeled area must be the same in type, size, and location as the trim used on the rest of the structure.
- D. Compatible windows.** Street-facing windows must meet one of the following standards. Windows in rooms with a finished floor height 4 feet or more below grade are exempt from these standards:
1. Match those in the primary structure in proportion (relationship of width to height) and orientation (horizontal or vertical); or
 2. Be square or vertical—at least as tall as they are wide.
 3. A horizontal window opening may be created when:
 - a. Two or more vertical windows are grouped together to provide a horizontal opening, and they are either all the same size, or no more than two sizes are used. Where two sizes of windows are used in a group, the smaller window size must be on the outer edges of the grouping. The windows on the outer edges of the grouping must be vertical; the center window or windows may be vertical, square, or horizontal; or
 - b. There is a band of individual lites across the top of the horizontal window. These small lites must be vertical and cover no more than one-third of the total height of the window.
- E. Rooftop solar energy systems.**
1. Rooftop solar energy systems must meet the following requirements:
 - a. On a flat roof. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof, not including the parapet. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system; or
 - (2) Setting the solar energy system back from the street-facing roof edges. For each foot of height that the portion of the system projects above the parapet, or roofline when there is no parapet, the system must be set back 4 feet.

- b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
 2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
 3. Photovoltaic glazing may be integrated into windows or skylights.
- F. Water cisterns.** Above-ground cisterns for rainwater or greywater collection meet the following:
 1. Cisterns with a capacity of more than 80 gallons, or racks of cisterns with a total capacity of more than 80 gallons, may not be attached to the front facade of the primary structure; and
 2. Cisterns must either:
 - a. Match the color of the adjacent building wall, the color of the trim, or the color of the rain gutter; or
 - b. Be screened by development, plantings, or fences so they are not visible from the street.
- G. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
 1. Building features to be retained. The following building features on street-facing elevations must be retained. Building features that are not original to the building are exempt from this standard:
 - a. Doors;
 - b. Windows;
 - c. Porches;
 - d. Balconies;
 - e. Bay windows; and
 - f. Dormers.
 2. Porch enclosures. No portion of the front porch may be enclosed.
 3. Columns and supporting pillars. Columns and supporting pillars on street-facing elevations must meet one of the following standards. Wrought iron style supports do not meet this standard:
 - a. Large columns that are divided visually into clear areas of top, center, and bottom. Large rectilinear columns are at least 8" x 8", large rounded columns have a diameter of at least 8 inches.
 - b. Groupings of 2, 3 or 4 small columns that are divided visually into clear areas of top, center, and bottom. Small rectilinear columns are at least 4" x 4", small rounded columns have a diameter of at least 4 inches.

4. Historic setback pattern in Piedmont. In the Piedmont Conservation District, the front facades of primary structures in single-dwelling zones must be set back exactly 25 feet from the front property line.
5. Woodlawn street pattern. No portion of a building may be located in the vacated portions of the angled street pattern in the Woodlawn Conservation District.
6. Rooftop solar energy systems.
 - a. Rooftop solar energy systems in conservation districts must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Solar energy systems may not be installed on a conservation landmark.
7. Cisterns. Cisterns for rainwater or greywater collection may not be located closer to the street than the primary street-facing building facade and they must be screened by development, plantings, or fences so they are not visible from the street.
8. Photovoltaic glazing, roofing shingles, or tiles may not be installed on a conservation landmark.

33.218.140 Standards for All Structures in the RM3, RM4, RX, C, CI, and E Zones

The standards of this section apply to development of all structures in RM3, RM4, 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.** Landscaping, an arcade, or a hard-surfaced expansion of the pedestrian path must be provided between a structure and the street. All street-facing elevations must meet one of the following options.

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

1. Foundation landscaping option. All street-facing elevations must have landscaping along their foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building. The foundation landscaping must meet the following standards:
 - a. The landscaped area must be at least 3 feet wide;
 - b. There must be at least one three-gallon shrub for every 3 lineal feet of foundation; and
 - c. Ground cover plants must fully cover the remainder of the landscaped area.
2. Arcade option. All street-facing elevations must have an arcade that meets the following requirements:

- a. The arcade must be at least 6 feet deep between the front elevation and the parallel building wall;
 - b. The arcade must consist of openings that are at least 6 feet wide and that run the full length of the street facing elevation;
 - c. The arcade elevation facing a street must be at least 14 feet in height and at least 25 percent solid, but no more than 50 percent solid; and
 - d. The arcade must be open to the air on three sides; none of the arcade's street facing or end openings may be blocked with walls, glass, lattice, glass block or any other material.
3. Hard-surface sidewalk extension option. The area between the building and the street lot line must be hard-surfaced for use by pedestrians as an extension of the sidewalk:
- a. The building walls may be set back no more than 10 feet from the street lot line; and
 - b. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph:
 - (1) A bench or other seating;
 - (2) A tree;
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
 - c. Bicycle parking may be located in the area between a building and a street lot line.

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. Where no maximum street setback is specific 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. The area between the building and an adjacent transit street, City Walkway, or street in a Pedestrian District, must be hard-surfaced for use by pedestrians as an extension of the sidewalk. Where the ground floor is in residential use, the area adjacent to the dwelling unit may be landscaped to an L1 standard of Chapter 33.248, Landscaping and Screening; and
 - c. For each 100 square feet of hard-surface area between the building and the street lot line at least one of the following amenities must be provided. Structures built within 2 feet of the street lot line are exempt from the requirements of this subparagraph.
 - (1) A bench or other seating;
 - (2) A tree;
 - (3) A landscape planter;
 - (4) A drinking fountain; or
 - (5) A kiosk.
 - d. Bicycle parking may be located in the area between a building and a street lot line when the area is hard-surfaced.
- C. Reinforce the corner.** On sites within a Pedestrian District or with at least two frontages on the corner where two City Walkways meet:
- 1. The primary structures must be within 10 feet of both street lot lines. Where a site has more than one corner, this requirement must be met on only one corner;
 - 2. At least one of the street-facing walls must be at least 40 feet long;
 - 3. The highest point of the building's street-facing elevations must be within 25 feet of the corner;
 - 4. A main entrance must be on a street-facing wall and either at the corner, or within 25 feet of the corner; and
 - 5. There is no parking within 40 feet of the corner.
- D. Residential buffer.** Where a site zoned RM3, RM4, RX, CI, or E abuts or is across a street from an RF through RM1 zone, the following is required. Proposals in the Hollywood, Kenton, and Sandy Boulevard plan districts are exempt from this standard:
- 1. On sites that abut an RF through RM1 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 RM1 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 RM1 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.

E. Building height.

1. Maximum height in RM3, RM4, RX, CI, C, and E zones.
 - a. Generally. Structures in the RM3, RM4, RX, CI, C, and E zones may be up to 55 feet in height where allowed by the base zone;
 - b. Where a site zoned RM3, RM4, 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. Minimum height. In C and E zones, primary buildings must be at least 16 feet in height.

F. Main entrance.

1. Location of main entrance. The main entrance of the primary structure must face the street lot line. Where there is more than one street lot line, the entrance may face either of them or the corner. For residential developments there are the following exceptions:
 - a. For buildings that have more than one main entrance only one entrance must meet this requirement.
 - b. Entrances that face a shared landscaped courtyard, landscaped to at least the L1 General Landscaping standard, are exempt from this requirement.
2. Front porch at main entrances to residential. There must be a front porch at the main entrance to residential portions of a development, if the main entrance faces a street. If the porch projects out from the building it must have a roof. If the roof of a required porch is developed as a deck or balcony it may be flat. If the main entrance is to a single dwelling unit, the covered area provided by the porch must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area provided by the porch must be at least 9 feet wide and 7 feet deep.

G. Vehicle areas.

1. Access to vehicle areas and adjacent residential zones. Access to vehicle areas must be at least 20 feet from any adjacent residential zone.
2. Parking lot coverage. No more than 50 percent of the site may be used for vehicle areas.
3. Vehicle area screening. Where vehicle areas are across a local service street from an RM2, RM3, RM4, or RX zone, there must be a 6 foot wide landscaped area along the street lot line that meets the L3 standard of Chapter 33.248, Landscaping and Screening. Vehicle areas across a local service street from an RF through RM1 zone are subject to the standards of Subsection D., Residential Buffer, above.

H. Foundation material. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall. This subsection does not apply to sites in the EX zone within the St. Johns plan district.

I. Exterior finish materials.

1. The standards of this paragraph must be met on all building facades.
 - a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, sheet pressboard, and horizontal shiplap or clapboard siding may not be used except as secondary finishes if they cover no more than 10 percent of each facade.
 - b. Exception for sites in the EX zone within the St. Johns plan district. Plain concrete block, plain concrete, and corrugated metal are permitted as exterior finish materials in the EX zone in the St. Johns plan district.
2. Compatible exterior finish materials. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finish materials on the existing building do not meet the standards of Paragraph I.1, any material that meets the standards of Paragraph I.1 may be used.

J. Roof-mounted equipment. All roof-mounted equipment, including satellite dishes and other communication equipment, must be screened in one of the following ways. Solar energy systems are subject to paragraph K below, and exempt from this standard:

1. A parapet as tall as the tallest part of the equipment;
2. A screen around the equipment that is as tall as the tallest part of the equipment;
3. The equipment is set back from the street-facing perimeters of the building 4 feet for each foot of height of the equipment; or
4. If the equipment is a satellite dish or other communication equipment, it is added to the facade of a penthouse that contains mechanical equipment, is no higher than the

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

K. Rooftop solar energy systems.

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

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

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

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

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

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

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

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

33.218.150 Standards for I Zones

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

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

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

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

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

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

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

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

33.236 Floating Structures

236

Sections:

- 33.236.010 Purpose
- 33.236.015 Willamette River Restrictions
- 33.236.020 Allowed Uses
- 33.236.030 Houseboats
- 33.236.050 Additional Regulations
- 33.236.060 Floating Structures Code

33.236.010 Purpose

This chapter adapts the existing upland regulations for use with floating structures.

33.236.015 Willamette River Restrictions

The Willamette Greenway regulations prohibit floating structures that are not river-dependent or river-related to locate on the Willamette River unless a Greenway goal exception is obtained. For example, uses such as houseboats, restaurants, bars, grocery stores, and general office uses are not river-dependent or river-related. The exception to this is that new houseboats may locate in existing houseboat moorages. However, new houseboat moorages, the expansion of existing houseboat moorages, and the relocation of existing houseboat moorages are prohibited without a Greenway goal exception. See Chapter 33.440, Greenway Zones.

33.236.020 Allowed Uses

All uses in floating structures must be an allowed use on the upland lot they are attached to and must comply with all use regulations applying to the upland lot.

33.236.030 Houseboats

Houseboats and houseboat moorages are classified under the use categories of Household Living or Group Living. An individual houseboat outside of a houseboat moorage is considered to be one dwelling unit connected to the upland lot. A houseboat moorage is considered to be multi-dwelling development connected to the upland lot. Generally, an individual houseboat outside of a houseboat moorage is allowed only where a house would be allowed on the upland lot, and a houseboat moorage is allowed only where a multi-dwelling development is allowed on the upland lot.

In the I zones, houseboats and houseboat moorages are a conditional use.

33.236.050 Additional Regulations

- A. Ownership of the upland lot.** The owner of the floating structure must own or lease enough of the upland lot to meet all of the applicable regulations for the site.
- B. Density and floor area.** Uses in floating structures are not subject to the density and floor area regulations of the upland lot.

- C. Development standards.** The development standards applicable to floating structures and associated upland accessory structures are stated below.
1. Lot dimensions and size. The lot to which a floating structure is secured must comply with all lot size and dimension requirements. For zones with no minimum dimensions, the lot must be large enough to meet all of the development standards of this section.
 2. Accessory structures. Accessory structures on the upland lot are subject to all of the accessory structure regulations that apply to the upland lot.
 3. Parking. Uses in floating structures must comply with the parking requirements of the base zone, except that houseboat moorages must provide a minimum of two parking spaces per houseboat. The parking is to be provided on the upland lot to which the floating structure is attached.

33.236.060 Floating Structures Code

Title 28, Floating Structures, applies to all floating structures.

(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 188177, effective 5/24/18; Ord. No. 190380, effective 8/1/21.)

33.251 Manufactured Homes and Manufactured Dwelling Parks

251

Sections:

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

33.251.010 Purpose

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

33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
 - 1. In all zones where houses are an allowed housing type, except in Historic Districts where they are prohibited;
 - 2. In zones where multi-dwelling development is allowed, two to six manufactured homes may be allowed if they meet the provisions of this chapter; and
 - 3. On individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- C. Development standards.** Manufactured homes must meet the development standards of the base zone, except on individual lots in manufactured dwelling parks that were created under the provisions of Chapter 33.642.
- D. Other regulations.** Manufactured homes must meet the following standards:
 - 1. Foundation. The manufactured home must be set on a foundation that is enclosed at the perimeter.
 - 2. Hauling mechanisms. The transportation mechanisms including the wheels, axles and hitch must be removed.

33.251.025 More Than One Manufactured Home on a Site

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

- A. Two or three manufactured homes.** Two or three manufactured homes on a site are regulated as multi-dwelling development in zones that allow multi-dwelling development.

They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above.

- B. Four to six manufactured homes.** Four to six manufactured homes on a site must meet one of the following standards:
 - 1. Four to six manufactured homes on a site may be regulated as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to multi-dwelling development on the site. The manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or
 - 2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- C. Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- D. Historic Districts and Conservations Districts.** Manufactured homes are prohibited in Historic Districts. More than one manufactured home on a site is prohibited in Conservation Districts.

33.251.030 Manufactured Dwelling Park Regulations

- A. Purpose.** Manufactured dwelling parks are allowed in certain multi-dwelling residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.
- C. Zones allowed.** Manufactured dwelling parks are allowed only in the RM1 and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.
- D. Uses allowed.** In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- E. Density.** The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or private streets or driveways which serve four or more manufactured dwelling spaces.
- F. Development Standards.** Manufactured dwelling parks must meet the development standards of the base zone in addition to the standards of this section. Development standards are measured related to the property lines of the site, not the boundaries or dimensions of the individual manufactured dwelling space.

G. Types of structures allowed.

1. All types of manufactured dwellings are allowed in manufactured dwelling parks. Recreational vehicles, if owned by a manufactured dwelling park resident, may be parked on the required parking space but may not be used for residential purposes.
2. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling Parks, residential structure types other than manufactured dwellings are prohibited.

H. General park requirements.

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

I. Vehicle and pedestrian circulation and parking.

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

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

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

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

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

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

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

Chapter 33.260 Occupied Recreational Vehicle

260

Sections:

- 33.260.010 Purpose
- 33.260.020 When This Chapter Applies
- 33.260.030 Occupied Recreational Vehicles

33.260.010 Purpose

Title 29 of the Portland City Code allows the residential occupancy of recreational vehicles under certain circumstances. This chapter provides direction on how Title 33 regulations apply to occupied recreational vehicles.

33.260.020 When This Chapter Applies

This chapter applies to an occupied recreation vehicle on a site with a house, attached house, or manufactured home.

33.260.030 Occupied Recreational Vehicles

An occupied recreational vehicle is a vehicle and is not a building, structure or dwelling unit in terms of Title 33. The following standards clarify how Title 33 applies to an occupied recreational vehicle.

- A. Parking.** Chapter 33.266 applies to both occupied and unoccupied recreational vehicles. The development standards in 33.266 that apply to parking area and recreational vehicles on a site also apply occupied recreational vehicles.
- B. Density.** Because an occupied recreational vehicle is not a dwelling unit, building or structure it does not count toward minimum or maximum density or FAR.
- C. Other development standards.** Occupied recreational vehicles are not subject to development standards in this Title that apply to buildings or structures. However, structures attached to an occupied recreational vehicle are subject to all applicable development standards in this Title.
- D. Accessory short-term rentals.** An occupied recreational vehicle is prohibited from being an accessory short-term rental.

(Added by: Ord. No. 190380, effective 8/1/21.)

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

Sections:

33.266.010 Introduction

Motor Vehicle Parking

33.266.100 General Regulations

33.266.110 Minimum Required Parking Spaces

33.266.115 Maximum Allowed Parking Spaces

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

33.266.130 Development Standards for All Other Development

33.266.140 Stacked Parking Areas

33.266.150 Vehicles in Residential Zones

Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

33.266.210 Bicycle Parking Development Standards

Loading

33.266.310 Loading Standards

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

33.266.420 Transportation Impact Review in the Campus Institutional Zones

33.266.010 Introduction

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

Motor Vehicle Parking

33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones, whether required by this code or put in for the convenience of property owners or users. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Occupancy.** All required parking areas must be completed and landscaped prior to occupancy of any structure except as provided in Chapter 33.248, Landscaping and Screening.
- C. Calculations of amounts of required and allowed parking.**
 1. The number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.2., below. When there are two or more separate

primary uses on a site, the required or allowed parking for the site is the sum of the required or allowed parking for the individual primary uses. When there are two or more instances of the same primary use on the site, the required or allowed parking is based on the total square footage of all those same uses added together. For joint use parking, see Paragraph 33.266.110.B., below.

2. When more than 20 percent of the net building area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The required or allowed parking would be computed separately for the office and warehouse uses.
 3. If the maximum number of spaces allowed is less than or equal to the minimum number required, then the maximum number is automatically increased to one more than the minimum.
 4. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- D. Use of required parking spaces.** Required parking spaces must be available for the use of residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. See 33.266.110.B. Also, required parking spaces may not be used for the parking of equipment or storage of goods or inoperable vehicles.
- E. Proximity of parking to use.** Required parking spaces must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- F. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, some form of guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. Automated stacked parking and tandem parking for individual dwelling units are exempt from the attendant and guarantee requirements. The requirements for minimum or maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.
- G. Office of Transportation review.** The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

33.266.110 Minimum Required Parking Spaces

- A. Purpose.** The purpose of required parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses which might locate at the site over time. Sites that are located in close proximity to transit, have good street connectivity, and good pedestrian facilities may need little or no off-street parking. Parking requirements should be balanced with an active pedestrian network to minimize pedestrian, bicycle and vehicle conflicts as much as possible. Transit-supportive plazas and bicycle parking may be substituted for some required parking on a site to encourage transit use and bicycling by employees and visitors to the site. The required parking numbers correspond to broad use categories, not specific uses, in response to this long term

emphasis. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use.

B. Minimum number of required parking spaces.

1. Minimum for sites located close to transit. For sites located 1500 feet or less from a transit station, or 500 feet or less from a transit street with 20-minute peak hour service the following minimum parking requirements apply. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds:
 - a. Household Living uses. No parking is required for Household Living uses in the single-dwelling zones. For all other zones, the minimum number of required parking spaces for a site with a Household Living use is:
 - (1) Where there are up to 30 dwelling units on the site, no parking is required;
 - (2) Where there are 31 to 40 dwelling units on the site, the minimum number of required parking spaces is 0.20 spaces per dwelling unit;
 - (3) Where there are 41 to 50 dwelling units on the site, the minimum number of required parking spaces is 0.25 spaces per dwelling unit; and
 - (4) Where there are 51 or more dwelling units on the site, the minimum number of required parking spaces is 0.33 spaces per dwelling unit.
 - b. All other uses. No parking is required for all other uses.
2. Minimum for sites located far from transit. For sites located more than 1500 feet from a transit station, or more than 500 feet from a transit street with 20-minute peak hour service, the following minimum parking requirements apply:
 - a. Household Living uses.
 - (1) Single-dwelling zones. No parking is required for Household Living uses in the single-dwelling zones.
 - (2) All other zones. The minimum number of parking spaces required for Household Living uses in all other zones is stated in Table 266-1.
 - b. All other uses.
 - (1) Group Living. No parking is required for Group Living uses in single-dwelling zones that do not require a conditional use review. The minimum number of parking spaces required for all other Group Living uses is stated in Table 266-1.
 - (2) All other uses. The minimum number of parking spaces required is stated in Table 266-1.
3. Joint use parking. Joint use of required parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required parking spaces is allowed only if the uses and housing types to which the parking is accessory are

allowed in the zone where the parking is located. Joint use of required parking spaces is allowed if the following documentation is submitted in writing to BDS as part of a building or zoning permit application or land use review:

- a. The names and addresses of the uses and of the owners or tenants that are sharing the parking;
 - b. The location and number of parking spaces that are being shared;
 - c. An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - d. A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- C. Required carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
 2. The spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
 3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
- D. Exceptions to the minimum number of parking spaces.** The minimum number of required parking spaces may be reduced as follows:
1. Affordable housing exceptions. The minimum number of required parking spaces may be reduced to zero when the applicant demonstrates compliance with the on-site or off-site affordable dwelling unit requirements of Chapter 33.245, Inclusionary Housing, the on-site or off-site affordable dwelling unit requirements of an applicable voluntary inclusionary housing bonus, or the requirements of the deeper housing affordability bonus of Section 33.120.211. This exception does not apply if the applicant pays a fee-in-lieu of complying with the requirements of Chapter 33.245, Inclusionary Housing, or makes a payment into the Affordable Housing Fund in exchange for bonus density or FAR.
 2. Other exceptions. The minimum number of required parking spaces may not be reduced by more than 50 percent through the exceptions of this Paragraph. The 50 percent limit applies cumulatively to all exceptions in this Paragraph:
 - a. Exceptions for sites where trees are preserved. Minimum parking may be reduced by one parking space for each tree 12 inches in diameter and larger that is preserved. A maximum of 2 parking spaces or 10 percent of the total required may be reduced, whichever is greater. However, required parking may not be reduced below 4 parking spaces under this provision.
 - b. Replacement of parking areas with non-required bicycle parking. Bicycle parking may substitute for up to 25 percent of required parking. For every 5 non-required bicycle parking spaces that meet the short or long-term bicycle parking

standards, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

- c. Replacement of existing parking areas with required bicycle parking. Existing required parking spaces may be converted to bicycle parking to accommodate required bicycle parking minimums. The amount of parking spaces required is reduced by the amount needed to accommodate the minimum bicycle parking required.
- d. A transit-supportive plaza may substitute for up to 10 percent of the required parking on sites where at least 20 parking spaces are required, and where at least one street lot line abuts a transit street. Existing parking areas may be converted to take advantage of these provisions. The plaza must meet the following regulations. Adjustments to the regulations of this Subparagraph are prohibited:
 - (1) The plaza must be adjacent to and visible from the transit street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop;
 - (2) The plaza must be at least 300 square feet in area and be shaped so that a 10 foot x 10 foot square will fit entirely in the plaza;
 - (3) The plaza must be open to the public. The owner must record a public access easement that allows public access to the plaza; and
 - (4) The plaza must include all of the following elements:
 - A bench or other sitting area with at least 5 linear feet of seating;
 - A shelter or other weather protection that covers at least 20 square feet. If the plaza is adjacent to the bus stop, TriMet must approve the shelter; and
 - Landscaping. At least 10 percent, but not more than 25 percent of the transit-supportive plaza must be landscaped to the L1 standard of Chapter 33.248, Landscaping and Screening. This landscaping is in addition to any other landscaping or screening required for parking areas by the Zoning Code.
- e. Motorcycle parking may substitute for up to 5 spaces or 5 percent of required automobile parking, whichever is less. For every 4 motorcycle parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this provision.
- f. Car-sharing parking spaces may substitute for required parking if all of the following are met:
 - (1) For every car-sharing parking space that is provided, the motor vehicle parking requirement is reduced by 2 spaces, up to a maximum of 25 percent of the required parking spaces;
 - (2) The car-sharing parking spaces must be shown on the building plans; and
 - (3) A copy of the car-sharing agreement between the property owner and the car-sharing company must be submitted with the building permit.

- g. City of Portland bike-sharing stations may substitute for required parking if all of the following are met:
- (1) A City of Portland bike-sharing station providing 15 docks and 10 shared bicycles reduces the motor vehicle parking requirement by 3 spaces. The provision of each addition of 4 docks and 2 shared bicycles reduces the motor vehicle parking requirement by an additional space, up to a maximum of 25 percent of the required parking spaces;
 - (2) The bike-sharing station must be adjacent to, and visible from the street, and must be publicly accessible;
 - (3) The bike-sharing station must be shown on the building plans; and
 - (4) A copy of the signed agreement between the property owner and the Portland Bureau of Transportation must be submitted before the building permit is approved.

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

RX, CX	<p>No minimum except for Household Living, which has the following minimums: 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> <p>Maximum is Standard B in Table 266-2.</p>
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[1] Regulations in a plan district or overlay zone may supersede the standards of this table.

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

<p align="center">Table 266-2 Parking Spaces by Use [2] (Refer to Table 266-1 to determine which standard applies.)</p>			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units, except SROs exempt	None, except 1.35 per unit on sites that are both in a commercial/mixed use or multi-dwelling zone and close to transit (close to transit is described in 33.266.110.B.1.) Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 bedrooms	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
Commercial Categories			
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
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

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

33.266.115 Maximum Allowed Parking Spaces

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

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

- B. Maximum number of parking spaces allowed.** Regulations in a plan district or overlay zone may supersede the regulations in this Subsection.
1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
 - a. Generally. The maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2, except as specified in Subparagraph B.1.b.;
 - b. Exception for sites not well served by transit. For sites located more than 1/4 mile from a bus stop with 20-minute peak-hour service and more than 1/2 mile from a Transit Station with 20-minute peak-hour service, the maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2. The Bureau of Transportation will publish a map annually, adopted through Administrative Rule, showing sites that meet these service thresholds. For sites not shown on the map, the applicant may provide current information demonstrating that the site meets the service thresholds.
 2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
 - a. Generally. There is no maximum number of parking spaces, except as provided in Subparagraph B.2.;
 - b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.
 3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:
 - a. The site is at least eight acres in area;
 - b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and
 - c. At least 700 of the accessory parking spaces are in a structure; or
 - d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

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

- A. Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.
- B. Structures these regulations apply to.** The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to all parking areas. The following are exceptions to this requirement:
1. Parking that is in a parking tract is subject to the standards of Section 33.266.130 instead of the standards of this section. However, perimeter landscaping is not

required where the parking tract abuts a lot line internal to the site served by the tract.

2. Parking for manufactured dwelling parks is regulated in Chapter 33.251.

C. Parking area locations.

1. Vehicle area. The following standards apply to the location of vehicle area:
 - a. Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:
 - (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; and
 - (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed.
 - b. No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. See Figure 266-2. On corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. For attached houses, this standard applies to the combined lot lines of attached house lots. As an exception to the area limitations in this subparagraph, a flag lot with a pole that allows vehicle access is allowed at least a 12-foot wide vehicle area.
2. Parking spaces. The following standards apply to the location of parking spaces:
 - a. Generally, parking spaces are not allowed within the first 10 feet from a front lot line, and on corner lots, parking spaces are not allowed within the side street setback.
 - b. Exceptions.
 - (1) A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.
 - (2) On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.
3. Vehicle area access. If the lot abuts an alley, all parking and vehicle access to the site must be from the alley.
4. Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.

D. Parking space sizes.

1. A parking space must be at least 9 feet by 18 feet.
2. The minimum driveway width on private property is 9 feet.

3. Shared driveways are allowed to extend across a property line onto abutting private properties if the following are met:
 - a. The width of the shared driveway is at least 9 feet; and
 - b. There is a recorded easement guaranteeing reciprocal access and maintenance for all affected properties.

E. Paving.

1. Generally. All driveways and parking areas must be paved.
2. Exceptions.
 - a. Gravel surfaces may be approved by BDS when the abutting street or alley is not paved, and the applicant executes a covenant agreeing to pave the area if the street or alley is paved in the future.
 - b. Utility trailers and non-motorized accessory recreational vehicles may be stored on unpaved surfaces. A gravel surface is not required.

**Figure 266-1
Parking Space Locations**

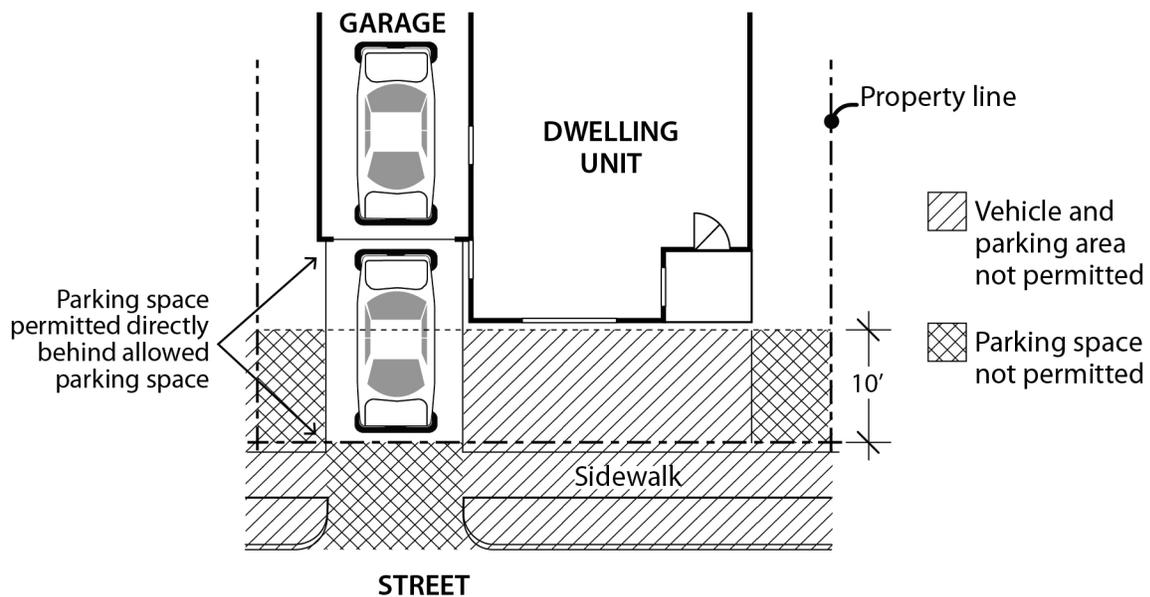
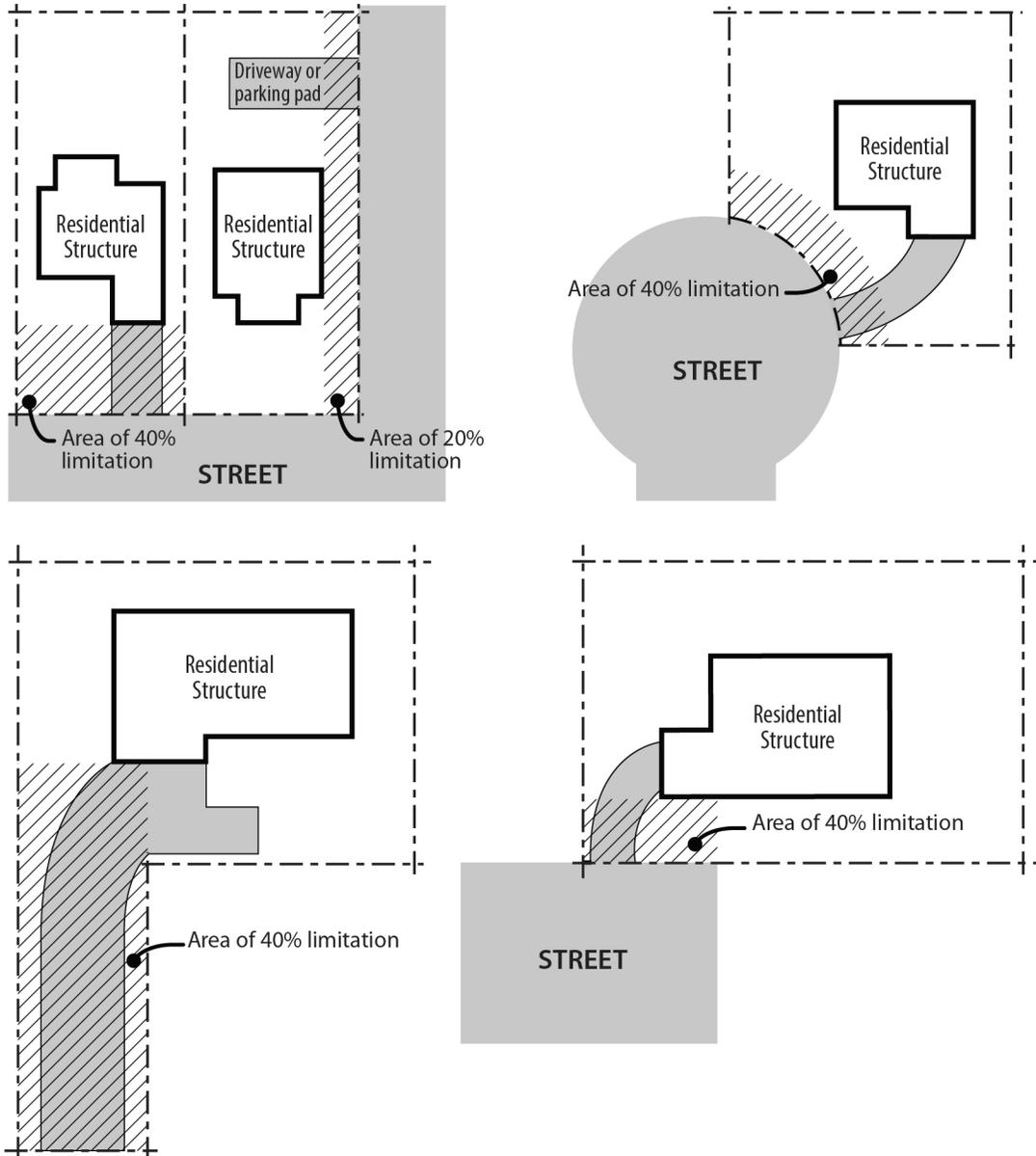


Figure 266-2
Parking Area Limitation



33.266.130 Development Standards for All Other Development

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

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations:

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

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

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

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

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

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Additionally, on sites in single dwelling zones or multi-dwelling zones that abut an alley and are 10,000 square feet or less in total site area, vehicle area may only be accessed from the alley.
2. Building setbacks for structures that contain vehicle areas.
 - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
 - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
 - c. Structured parking that does not allow exiting in a forward motion in C, E, I, CI, or IR zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
 - a. The standard of this Subparagraph applies outside the Central City plan district in the R7, R5, R2.5, RM1, RM2, RM3, RM4, and RMP zones. No more than 40 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 RX, CR, CM1, CM2, CM3, CE, CX, EG1, EX, CI, and IR zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.
4. Surface parking and driveway paving limitations. In the RM1 through RM4 zones, the following parking area and driveway size and paving material limitations apply:
 - a. No more than 30 percent of total site area may be paved or used for surface parking and driveways; and
 - b. Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.

D. Improvements.

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

Table 266-3 Location of Vehicle Areas [1], [2]			
Zone	General Standard	Exception for Through Lots and Sites with Three Frontages	Exception for Full-Block Sites
OS, RF-R10, EG2, I	No restrictions.		
RMP, IR, CE, EG1, CI; sites in RM1, RM2, and RM3 that are more than 10,000 square feet in total area; sites in CM1, CM2, and CM3 that are more than 2 acres in total area	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
R7-R2.5, RM4, RX, CX, CR, EX,; sites in RM1, RM2, and RM3 that are 10,000 square feet or less in total area; sites in CM1, CM2, and CM3 that are 2 acres or less in total area	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

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

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

E. Stormwater management. Stormwater runoff from parking lots is regulated by the Bureau of Environmental Services. See Chapter 17.38, Drainage and Water Quality, and the City’s Stormwater Management Manual, which contain requirements for managing stormwater in parking lot landscaping.

F. Parking area layouts.

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

2. Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.
3. Parking for disabled persons. The Bureau of Development Services regulates the following disabled person parking standards and access standards through the Oregon Structural Specialty Code.
 - Dimensions of disabled person parking spaces and access aisles;
 - The minimum number of disabled person parking spaces required;
 - Location of disabled person parking spaces and circulation routes,
 - Curb cuts and ramps including slope, width and location;
 - Signage and pavement markings.
4. A portion of a standard parking space may be landscaped instead of paved, as follows:
 - a. As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped area;
 - b. Landscaping must be ground cover plants; and
 - c. The portion of the 2-foot wide area described in 4.a that is landscaped counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

Table 266-4					
Minimum Parking Space and Aisle Dimensions [1,2]					
Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	22 ft. 6 in.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.	12 ft.	20 ft.	17 ft.
60°	8 ft. 6 in.	9 ft. 9 in.	16 ft.	20 ft.	17 ft. 6 in.
90°	8 ft. 6 in.	8 ft. 6 in.	20 ft.	20 ft.	16 ft.

Notes:

[1] See Figure 266-4.

[2] See Section 33.266.130.F.3 for information on parking spaces for the disabled.

Figure 266-3
Landscaped area at front of parking space.

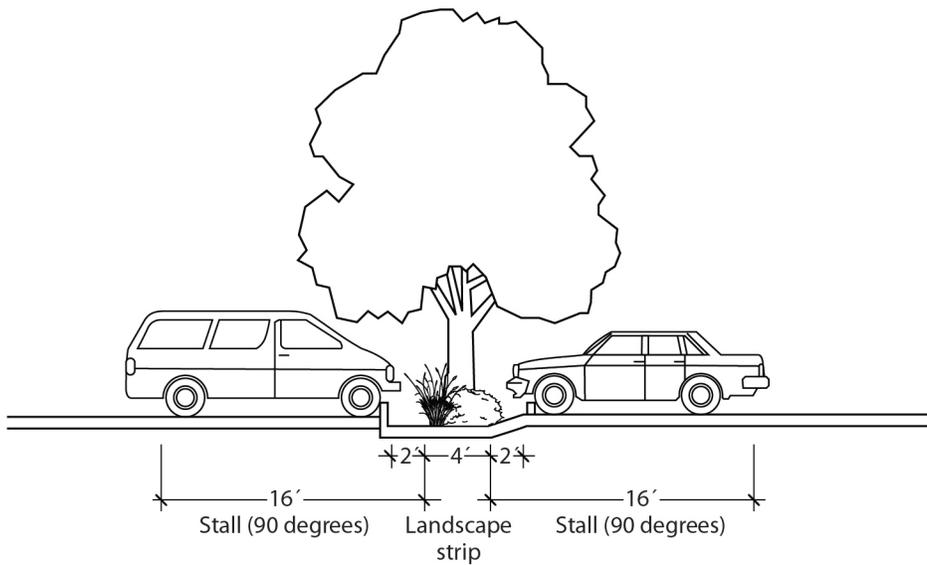
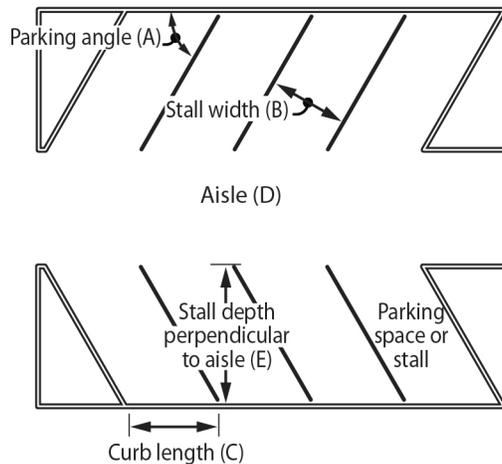


Figure 266-4
Parking Dimension Factors



5. Large parking areas in R, C, E, IR, and CI zones. In the R, C, E, IR, and CI zones, where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:
 - a. 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. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.
2. Setbacks and perimeter landscaping.
 - a. Where these regulations apply. The regulations of this paragraph apply to:
 - (1) Surface parking areas abutting a lot line;
 - (2) Any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it;
 - (3) Driveways.
 - b. Exceptions.
 - (1) Shared driveways and parking aisles that straddle a lot line do not need to meet setback and perimeter landscaping requirements;
 - (2) Sites containing 5 or fewer parking spaces and developed only with residential development may provide a 3-foot-high fence meeting the F2 standards as an alternative to the perimeter setback and landscaping requirements on any lot line not abutting a street;
 - (3) Stacked parking areas must meet the requirements of Section 33.266.140, below.
 - c. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

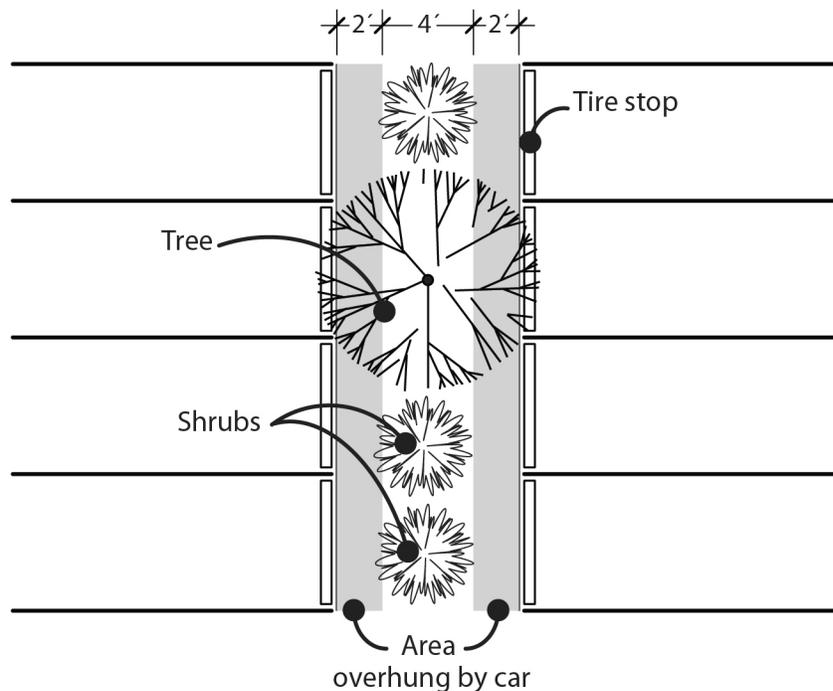
Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line	5 ft. of L3	10 ft. of L3

- d. Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.
 - (1) Surface parking abutting streets, and C, E, I, and CI zones. Where a surface parking area abuts a street lot line, or a C, E, I, or CI zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.
 - (2) Surface parking abutting OS, R, and IR zones. Where a surface parking area abuts an OS, R, or IR zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.
- 3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.
 - a. Amount of interior landscaping required. In all zones, interior landscaping must be provided for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.
 - b. The landscape materials must comply with the P1 standard of Chapter 33.248.
 - c. The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading area.
 - d. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line.
 - e. Exception for existing parking lots. Where compliance with Subparagraph G.3.a, above, would result in the loss of existing required parking spaces, the amount of

parking required is reduced by the amount needed to accommodate the minimum landscaping required.

- f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:
- (1) Option 1: Landscape strips. See Figure 266-5.
- Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls.
 - Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be adjacent to the four-foot landscape strip.

**Figure 266-5
Landscape Strips**



- (2) Option 2: Other landscape patterns. See Figure 266-6.
- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking.
 - Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line.
 - Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
 - The abutting landscaped area must be in addition to required perimeter landscaping;

- Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
 - The landscaped area is not abutting and parallel to required perimeter landscaping.
- g. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of five feet. See Figure 266-7.

Figure 266-6
Other Landscape Patterns

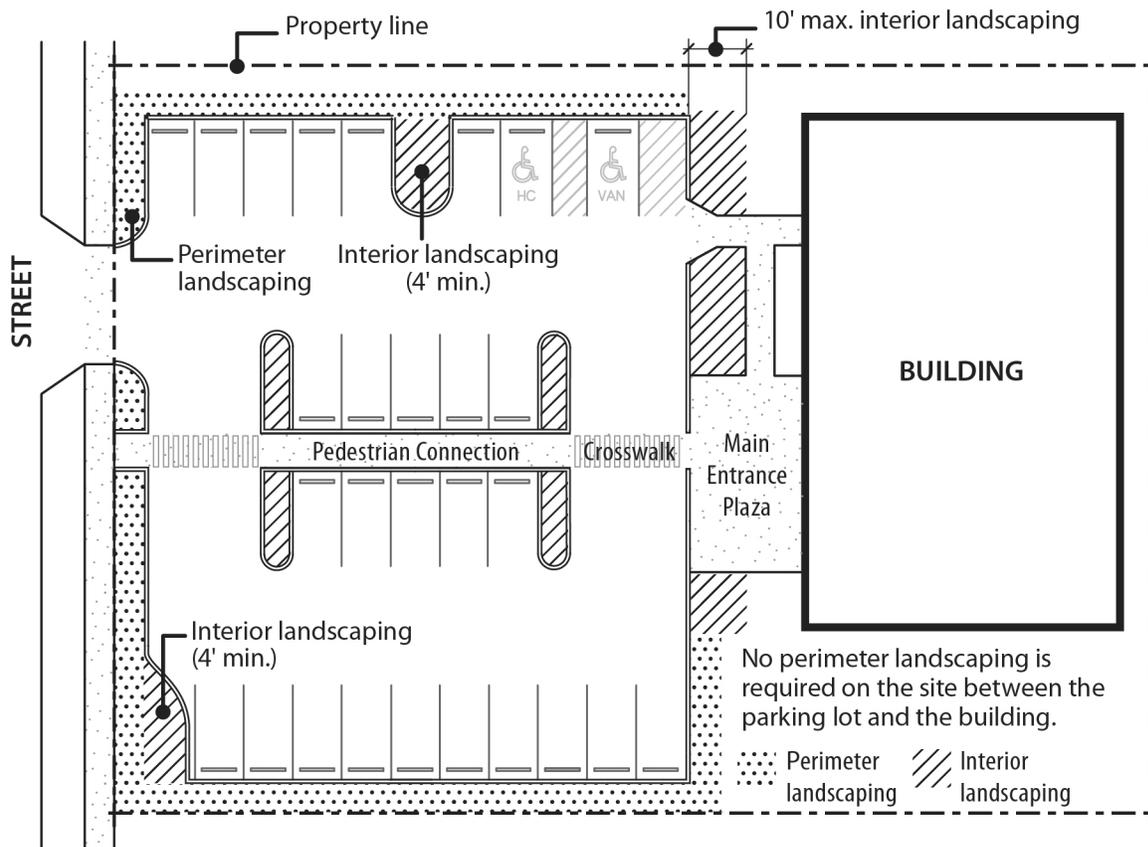
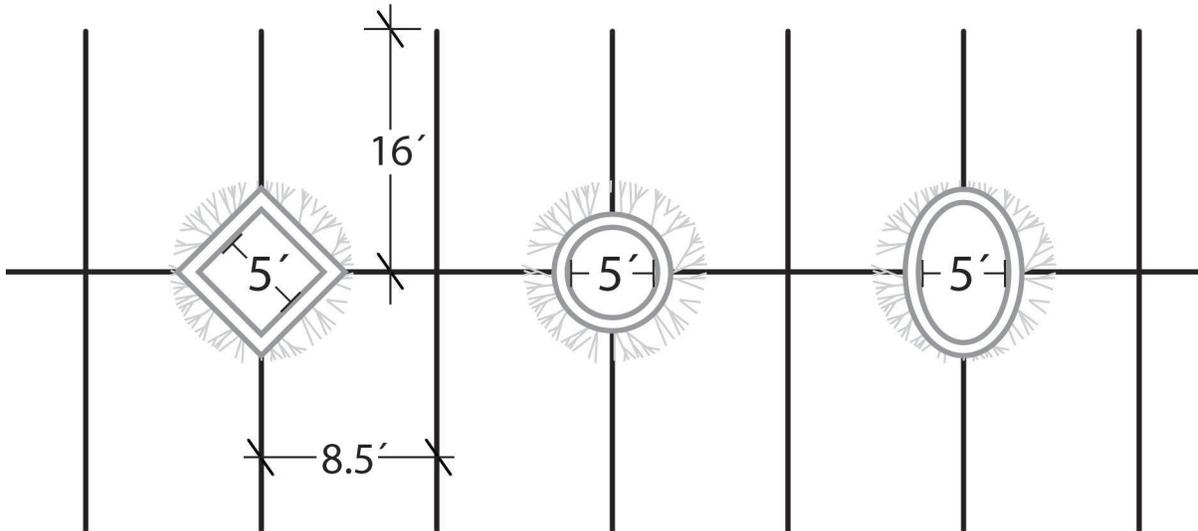


Figure 266-7
Individual Tree-Planting Spaces



33.266.140 Stacked Parking Areas

Stacked parking areas must comply with all of the development standards of Section 33.266.130 above, except for those standards superseded by this section.

- A. Perimeter setbacks and landscaping.** Parking areas must be set back from streets at least 4 feet and landscaped to at least the L2 level.
- B. Striping and layout.** Parking areas used exclusively for stacked parking need not be striped or meet the layout standards of Subsection F. above. Stacked parking areas which will allow parking at some times without attendants must be striped in conformance with the layout standards of Subsection F. above.
- C. Interior landscaping for surface parking areas.** The minimum interior landscaping requirement for surface parking areas is one tree per 5,000 square feet of parking area. If surrounded by cement, the tree planting area must have a minimum dimension of 4 ft. If surrounded by asphalt, the tree planting area must have a minimum dimension of 3 ft. Trees must be protected from potential damage by vehicles through the use of bollards, curbs, wheel stops, or other physical barriers.

33.266.150 Vehicles in Residential Zones

- A. Purpose.** The regulations of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. The size, number, and location of parked and stored vehicles in residential zones are regulated in order to preserve the appearance of neighborhoods as predominantly residential in character. Since parking lots and outdoor storage are not intended to be primary activities in residential zones, these activities should constitute no more than a minimal intrusion on any residential area.
- B. Where these regulations apply.** These regulations apply to all residential uses in all R zones.

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

OR

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

Bicycle Parking

33.266.200 Minimum Required Bicycle Parking

- A. Purpose.** Bicycle parking is required for most use categories to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by different uses. Minimum bicycle parking facilities are based on the City's mode split goals, while acknowledging the usage rates for different uses. These regulations will help meet the City's goal that 25 percent of all trips be made by bicycle, while still acknowledging that to meet the citywide goal the bicycle mode split will vary by geographic area.

B. Number of spaces required.

1. The required minimum number of bicycle parking spaces for each use category is shown in Table 266-6. No bicycle parking is required for uses not listed. Minimum bicycle parking is calculated on a geographic hierarchy based on the current and future bicycle usage. Standard A in Table 266-6 applies to the areas shown as Standard A on Map 266-1. Standard B in Table 266-6 applies to all other areas of the city.
2. Until June 30, 2022, no bicycle parking is required for projects that are eligible to use the alternative bicycle parking standards specified in Ordinance 189785. To qualify for this exemption the applicant must provide a letter from the Portland Housing Bureau certifying that the project is eligible to use, and has met, the alternative bicycle parking standards specified in Ordinance 189785.
3. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

Table 266-6					
Minimum Required Bicycle Parking Spaces [1]					
Uses	Specific Uses	Long-term Spaces		Short-term Spaces	
		Standard A	Standard B	Standard A	Standard B
Residential Categories					
Household Living	5 or more units on site	2, or 1.5 per unit	2, or 1.1 per unit	2, or 1 per 20 units	2, or 1 per 20 units
	Elderly and disabled housing	2, or 1 per 8 units	2, or 1 per 10 units	2, or 1 per 20 units	2, or 1 per 20 units
Group Living		2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Units with restricted tenancy [2]	2, or 1 per 5 bedrooms	2, or 1 per 10 bedrooms	2, or 1 per 20 bedrooms	2, or 1 per 20 bedrooms
	Dormitory	2, or 1 per 4 bedrooms	2, or 1 per 4 bedrooms	4 spaces	4 spaces

**Table 266-6
 Minimum Required Bicycle Parking Spaces [1]**

Commercial Categories					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
Industrial Categories					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area
Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area

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

Notes:

[1] Wherever this table indicates two numerical standards, such as “2, or 1 per 3,000 sq. ft. of net building area,” the larger number applies.

[2] Group Living units with restricted tenancy are units that are regulated affordable housing per the Portland Housing Bureau requirements. The applicant must provide a letter from the Portland Housing Bureau certifying that the group living development meets any income restrictions and administrative requirements. The letter is required to be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. The applicant must also execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must ensure that the group living use will remain limited to households meeting any income restrictions and administrative requirements of the Portland Housing Bureau.

[3] No long-term bicycle parking is required for a Commercial Parking facility with less than 10 vehicle parking spaces.

33.266.210 Bicycle Parking Development Standards

- A. Purpose.** These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.
- B. Where these standards apply.** The standards of Subsection C and D apply to required long-term bicycle parking, and the standards of Subsection C and E apply to required short-term bicycle parking.
- C. Standards for all bicycle parking.** The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:
 - 1. Bicycle parking area standards. The area devoted to bicycle parking must be hard surfaced.
 - 2. Bicycle racks. Where bicycle parking is provided in racks, the racks must meet the following standards:
 - a. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
 - b. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and
 - c. The rack must be securely anchored with tamper-resistant hardware.

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

Notes:

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

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

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

3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions contained in Table 266-7.
 - a. Standard Bicycle Parking Space Requirements.
 - (1) The standard required bicycle space is 2 feet wide, 6 feet long and 3 feet 4 inches tall. See Figure 266-8;
 - (2) There must be at least 5 feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the right-of-way;
 - (3) A wall clearance of 2 feet 6 inches must be provided. See Figure 266-9.
 - b. Alternative Spacing Requirements. The following bicycle parking layouts may be provided as an exception to the standard spacing requirements in Subparagraph C.3.a. See Table 266-7 for the alternative spacing dimensions.
 - (1) Horizontal bicycle parking spaces. Horizontal bicycle parking spaces secure the parked bicycle horizontal to the ground.
 - Horizontal: Side by Side. Horizontal bicycle parking that is placed side by side as shown in Figure 266-9 may meet the alternative side by side dimensions in Table 266-7.

- Horizontal: Wall Attached. Horizontal bicycle parking that is attached to the wall as shown in Figure 266-10 may meet the alternative wall attached dimensions in Table 266-7.
 - Horizontal: Diagonal. Horizontal bicycle parking that is placed at a diagonal as shown in Figure 266-11 may meet the alternative diagonal, 45-60 degree dimensions in Table 266-7.
- (2) Vertical bicycle parking space. Vertical bicycle parking secures the parked bicycle perpendicular to the ground. Vertical bicycle parking that is placed as shown in Figure 266-12 may meet the alternative vertical dimensions in Table 266-7.
- (3) Stacked bicycle parking spaces. Stacked bicycle parking are racks that are stacked, one tier on top of another. Bicycles are horizontal when in the final stored position. Stacked bicycle parking that is placed as shown in Figure 266-13 may meet the alternative stacked dimensions in Table 266-7 and the following:
- The rack must include a mechanically-assisted lifting mechanism to mount the bicycle on the top tier.

**Figure 266-8
Standard Spacing Requirements**

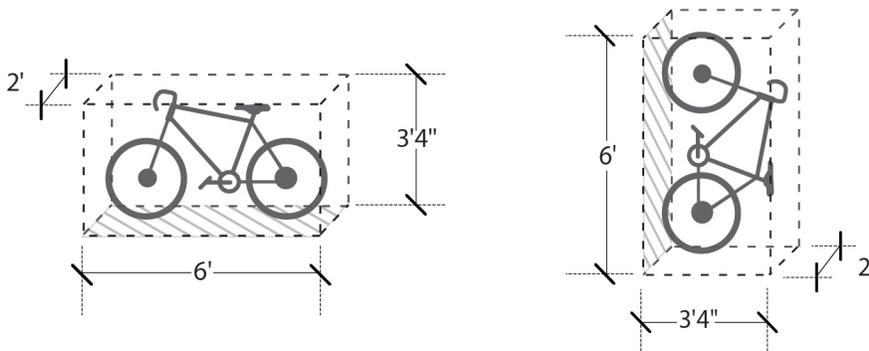


Figure 266-9
Horizontal Spaces: Side-by-Side

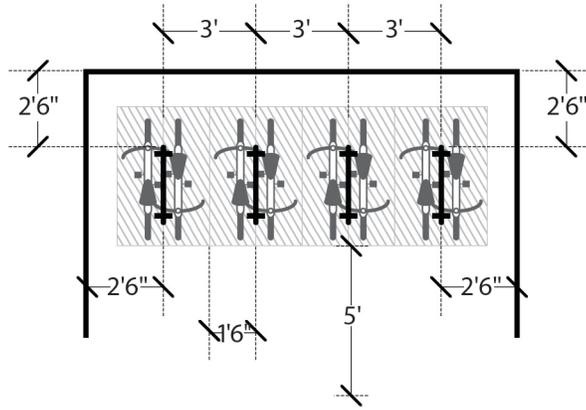


Figure 266-10
Horizontal Spaces: Wall Attached

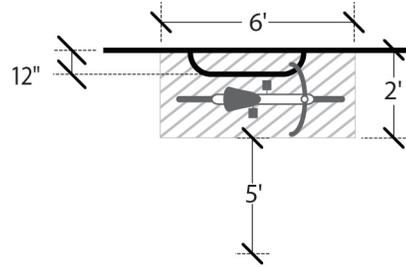


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)

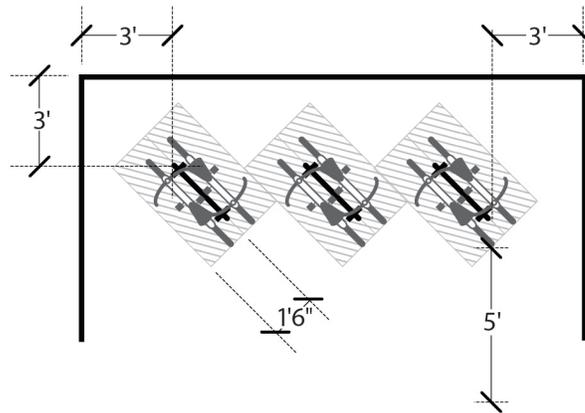


Figure 266-12
Vertical Spaces

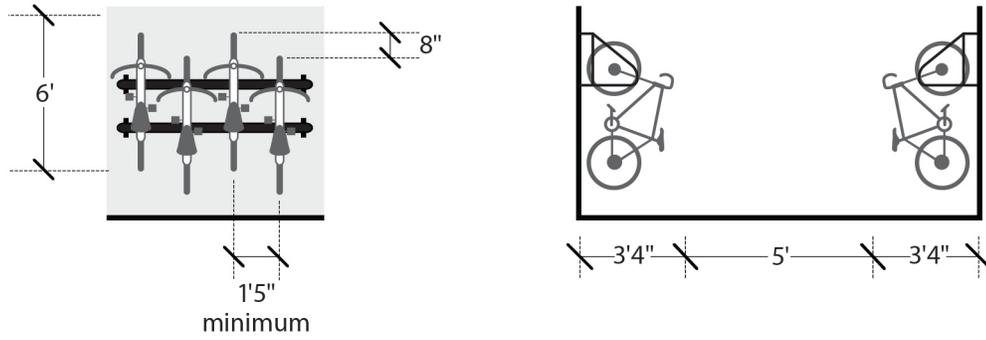


Figure 266-13
Stacked Spaces

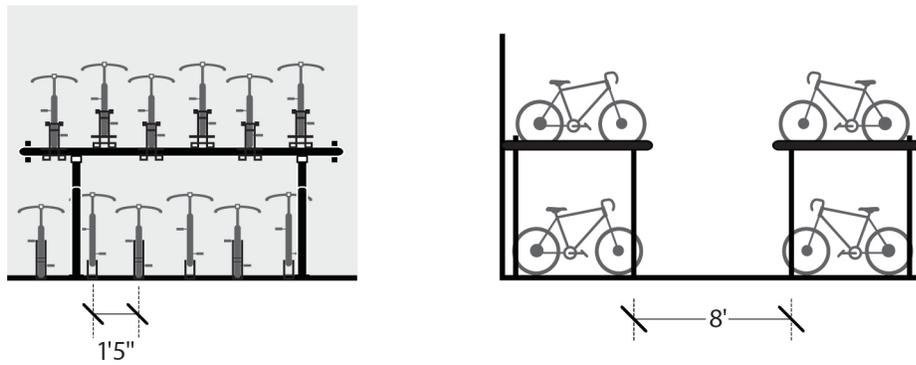
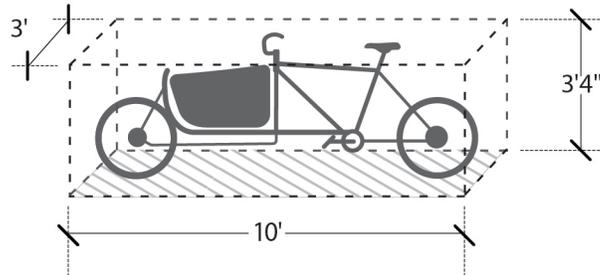


Figure 266-14
Large Bicycle Space



4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
 - a. The locker must be securely anchored to the ground.
 - b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
 - c. Locker Dimensions. All bicycle lockers must meet one of these:
 - (1) The locker space has a minimum depth of 6 feet, with an access door of 2 feet wide and a minimum height of 3 feet 11 inches.
 - (2) A locker space provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet 6 inches; and an access door with a minimum width of 2 feet 6 inches; and a minimum height of 3 feet 11 inches.
5. Signage
 - a. Light rail stations and transit centers. If bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the bicycle parking.
 - b. Other uses. If bicycle parking is not visible from the streets or main building entrances, a sign must be permanently posted at the main entrance indicating the location of the bicycle parking.
6. Bicycle parking information in plans. The following information must be submitted with applications for a building permit or land-use review:
 - a. Location, access route to long-term bicycle parking and number of bicycle parking spaces for short-term and long-term bicycle parking requirements;
 - b. The model or design of the bicycle parking facilities to be installed;
 - c. Dimensions of all aisles and maneuvering areas; and

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

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:
 - a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:
 - (1) Within a building, including on the ground floor or on individual building floors;
 - (2) On-site, including in parking areas and structured parking;
 - (3) In an area where the closest point is within 300 feet of the site; or
 - (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
 - The bicycle parking is located within 15 feet of the entrance to the dwelling unit.
 - The bicycle parking is located in a closet or alcove of the dwelling unit that includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.
 - For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.
 - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.
 - b. Exceptions. Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. All other in-unit standards in Subsubparagraph D.1.a.(4)., above must be met.
 - c. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.
 - d. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:
 - (1) Permanent;
 - (2) Impervious; and
 - (3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.

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

E. Standards for Short-term Bicycle Parking

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

- Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)
 - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
 - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
 - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
 - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.
- b. Bicycle Parking Fund
- (1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:
 - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;
 - Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
 - The open areas meet the location requirements of Subparagraph E.1.a., above.
 - (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

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

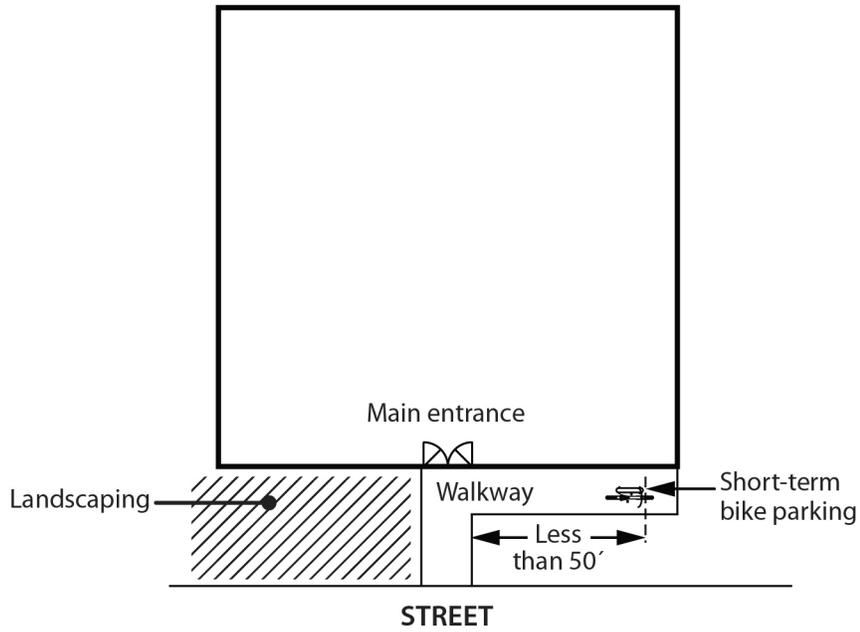


Figure 266-16
Short-term bike parking – one building, multiple entrances

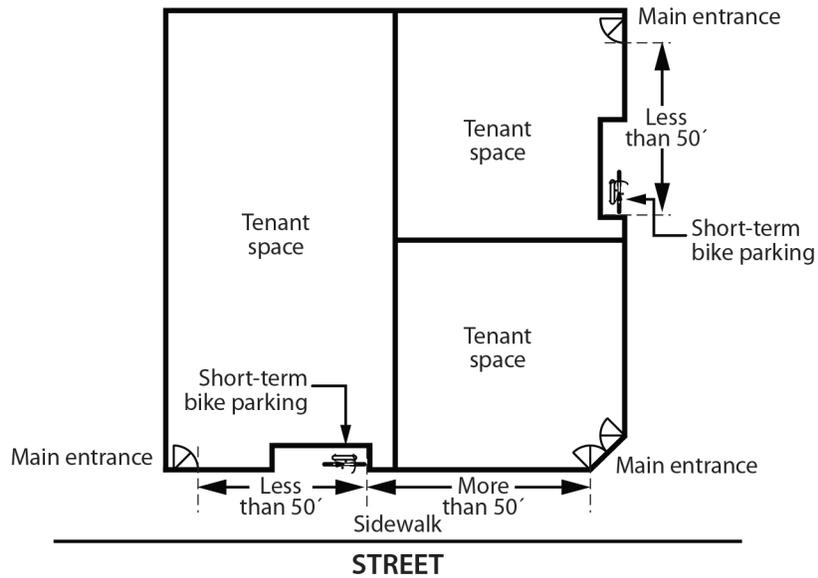
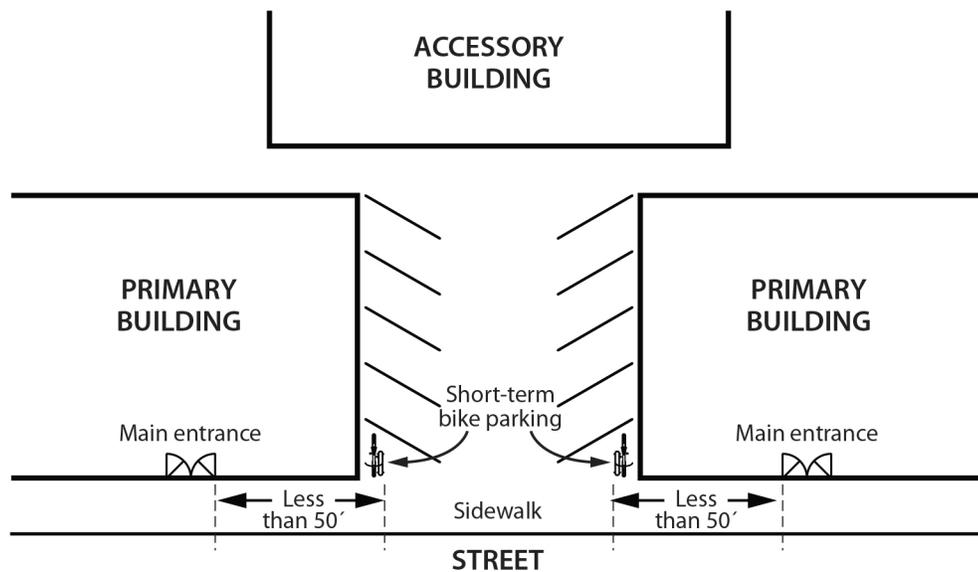


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



Loading

33.266.310 Loading Standards

- A. Purpose.** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.
- B. Where these regulations apply.** The regulations of this section apply to all required and non-required loading areas.
- C. Number of loading spaces.**
 1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
 - a. One loading space meeting Standard B is required where there are more than 40 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
 - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
 - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building.
 2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.

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

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

Transportation and Parking Demand Management

33.266.410 Transportation and Parking Demand Management

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

33.266.420 Transportation Impact Review in the Campus Institutional Zones

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

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

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

188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21.)

33.270 Planned Development

270

Sections:

- 33.270.010 Purpose
- 33.270.020 Relationship to Other Regulations
- 33.270.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in R7 and R5 zones
- 33.270.210 Additional Requirements for Planned Developments
in Commercial/Mixed Use Zones

33.270.010 Purpose

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

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

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

33.270.020 Relationship to Other Regulations

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

B. Density and FAR. Adjustments to density and FAR regulations are prohibited.

1. Density

a. Maximum dwelling unit density.

(1) RF through R10. In RF through R10, maximum density is expressed as a number of lots. Maximum density for the RF through R10 zones is specified in 33.610.100. Maximum density can be met in the Planned Development by providing the same number of dwelling units.

(2) R7 and R5.

- If the Planned Development is in the Constrained Sites Overlay or does not qualify to use the triplex or fourplex provisions of 33.110.265.E, maximum density is calculated as follows:

Square footage of site;

÷ Maximum density from Table 610-1;

x 2

= Maximum number of dwelling units allowed.

- For all other Planned Developments, maximum density is calculated as follows:

Square footage of site;

÷ Maximum density from Table 610-1;

x 4

= Maximum number of dwelling units allowed.

(3) In R2.5 maximum density is calculated as follows:

Square footage of site;

÷ 2,500;

x 2

= Maximum number of dwelling units allowed.

- b. Minimum density. Minimum density must be met in the Planned Development. Minimum density for single-dwelling zones is expressed as a number of lots. Minimum density can be met in a Planned Development by providing the same number of dwelling units. Minimum density for single-dwelling zones is stated in 33.610.110 and 33.611.100. Minimum density for all other zones is stated in the base zone chapters.

2. FAR

a. Maximum FAR

(1) R7 through R2.5. The maximum FAR in the R7 through R2.5 zones is specified in 33.110.210.

(2) Multi-dwelling zones. The maximum FAR in the multi-dwelling zones is specified in 33.120.210.

- (3) Commercial/mixed use zones. The maximum FAR in the commercial/mixed use zones is specified in 33.130.205.
 - b. Minimum FAR. Where the base zone requires a minimum FAR, the standard must be met in a Planned Development
- C. **Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required. Maximum dwelling unit density in a Planned Development does not equate to maximum lot density in a Land Division.

33.270.100 Additional Allowed Uses and Development

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

- A. **Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. **Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. **Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. **Triplexes.** Triplexes may be requested in the RF through R2.5 zones;
- E. **Fourplexes.** Fourplexes may be requested in the RF through R2.5 zones;
- F. **Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- G. **Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- H. **Modification of site-related development standards.** Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.
- I. **Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot dimension regulations for land divisions may be requested in the RF through RM4 zones.
- J. **Commercial uses.** Commercial uses that are allowed in the CM1 zone may be requested in the RF through RM2 zones;
- K. **Additional height and FAR.** For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;
- L. **New dwelling units.** New dwelling units may be requested on lots that are zoned multi-dwelling and are less than 90 feet wide;
- M. **Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:

1. RF through R2.5 zones. If the site is located in more than one zone, and all the zones are RF through R2.5, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries.
2. RM1 through RX zones. If the site is located in more than one zone, and the zones are RM1 through RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
3. C, E, I, CI, and IR zones. If the site is located in more than one zone, and all the zones are C, E, I, CI, and IR zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R2.5, and at least one of the zones is RM1 through RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
 - a. The number of units allowed on the RF through R2.5 portion of the site is calculated in terms of dwelling units;
 - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
 - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.

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

33.270.110 Limitations on Residential Uses and Development

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

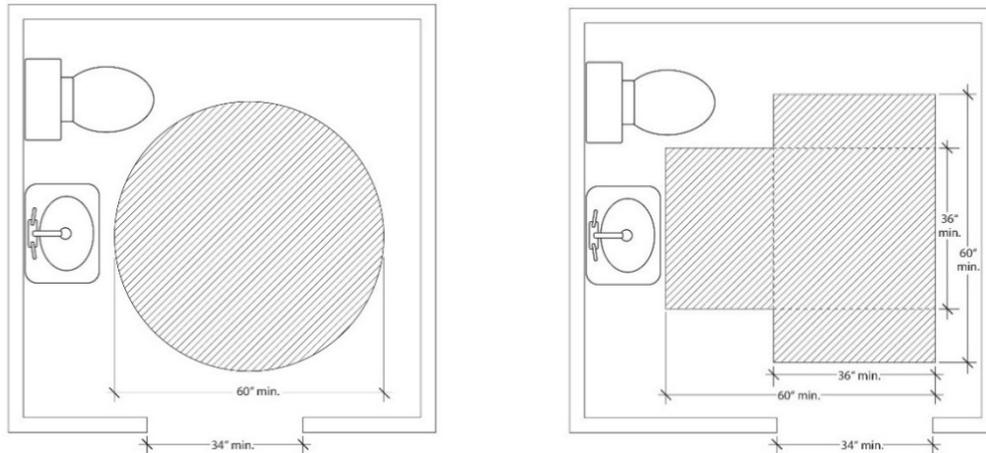
- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** Residential uses and development are prohibited in EG1 and EG2 zones. Using floor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

33.270.200 Additional requirements for Planned Developments in the R7 and R5 Zones

- A. Where this standard applies.** In the R7 and R5 zones, unless exempted by Subsection C., the standards of this section apply when the total number of proposed dwelling units is at least 75 percent of the maximum number of dwelling units allowed through the Planned Development,

- B. Visitability.** At least 33 percent of the dwelling units on the Planned Development site must meet the following standards:
1. **Visitable entrance.** At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
 2. **Visitable bathroom.** At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 270-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
 3. **Visitable living area.** There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
 4. **Visitable doors.** All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- C. Exemptions.** The following are exempt from the standards of Subsection B:
1. Sites with an average slope of 20 percent or greater
 2. Sites where fewer than 3 units are proposed.
 3. Sites with a concurrent land division where no multi-dwelling development or multi dwelling structures are proposed. For these sites, the visitability standards are applied to each lot according to 33.110.265.E.3. at the time of development.

Figure 270-1
Visitable Bathroom Clearances



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

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

- A. Affordable housing.** The applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of Paragraph 33.130.212.C.1. or C.2. have been met.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
 1. The plaza or park must be:
 - a. Located outside on the site;
 - b. Located adjacent to a public street; and
 - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
 2. The plaza must have a minimum dimension of 50 feet by 50 feet;
 3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
 4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.2.a, and there must be at least one building entrance facing the plaza or park; and
 5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.

- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through design review or meet the design standards in 33.420.050 as follows. Development associated with a plaza or park required by Subsection B must go through design review and is not eligible to use the design standards:
1. The Design overlay zone design standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Section 33.420.050. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

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

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

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

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

square feet. Parking area increases that are allowed by B.3 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. are reviewed through a Type III procedure.

33.281.055 Loss of Conditional Use Status on School Sites.

If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

- A. If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.
- B. If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.
- C. If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

Regulations in C and E zones

33.281.060 Use Regulations

In the C and E zones, new schools and changes to existing schools are allowed by right subject to the development standards of the base zone and this chapter. Other uses on school sites are subject to the regulations of the base zone.

Development Standards

33.281.100 General Standards

In the OS, R, 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 33.110.270 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.

33.281.110 Building Coverage and Floor Area Ratio

If the school site is contiguous with a public park, and the school has a signed joint use agreement with the Park Bureau, then the building coverage and FAR calculations are based on the combined site area.

33.281.120 Special Event Parking

Paved play areas may be used for special event parking. The area does not have to comply with landscaping requirements for parking areas. These areas may not be used for required parking for the uses on the site.

33.281.130 Bus Loading

- A. Purpose.** The purpose of bus loading requirements is to provide safe and efficient bus loading areas in a manner that has minimal negative impacts on the surrounding uses and on the traffic flow and access potential of the surrounding streets. Whenever possible bus loading should be done on-site.
- B. New school sites.** On-site bus loading is required for new school sites.
 - 1. When there is a conditional use review, the size and design of the bus loading area is determined as part of the conditional use review.
 - 2. When there is no conditional use review, the bus loading area must meet the standards of Section 33.266.310, Loading Standards, except for landscaped setbacks. Bus loading areas are required to comply with the landscaped setbacks for parking areas, not loading areas.
- C. Existing school sites.**
 - 1. When there is a conditional use review, alterations to on-street and on-site bus loading are reviewed by BDS and Office of Transportation. The provision of on-site bus loading is encouraged whenever possible.
 - 2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Bureau of Transportation.

33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

- A. Parking areas.** In parking areas where L3 landscaping is normally required, a 20-foot deep area landscaped to the L2 standard may be substituted. Special event parking is addressed in 33.281.120.
- B. Other landscaping.** In situations where L3 landscaping is required by the base zone or other regulations, L1 or L2 landscaping may be substituted. However, the landscaping requirements for parking areas are stated in Subsection A. above.

33.281.150 Temporary Structures

Temporary, portable, or relocatable structures are treated as any other type of structure. Structures which are proposed to be placed temporarily on a site during construction, are reviewed as part of the conditional use review of the proposed construction.

(Amended by: Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07;

Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21.)

33.284 Self-Service Storage

284

Sections:

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

33.284.010 Purpose

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

33.284.020 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.
- 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 that detract from the vitality and desired interaction among commercial uses in the area. This also allows them to locate on odd-shaped or infill sites that are difficult to develop for many commercial uses.
- B. Maximum site frontage.** In the C and EX zones, the maximum site frontage along a street is 100 feet. This limitation applies only to sites for the construction of new buildings that are 30 feet or less in height.
- C. Storage areas.** The maximum size of individual storage areas in C and EX zones is 500 square feet.
- D. Internal circulation.** The internal circulation between buildings must be wide enough so that there is a 12-foot wide travel lane for emergency vehicles to pass while tenant's vehicles are parked at their storage areas.
- E. Parking.** For parking requirements see Chapter 33.266, Parking and Loading.
- F. Ground floor active use standards.** The ground level floor area that must be in active use as required by 33.284.020 must meet the following standards:
 1. The distance from the finished floor to the bottom of the ceiling structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 2. The area must be at least 25 feet deep measured from the street-facing façade; and
 3. The area must have at least one main entrance that faces the street.

33.284.040 Design Review

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

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

(Added by: Ord. No. 188177, effective 5/24/18. Amended by: Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21.)

2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

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

Notes:

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

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.
8. Parking. No motor vehicle parking is required.

C. Outdoor shelters.

1. An outdoor shelter is prohibited in:
 - a. Environmental overlay zones;
 - b. Pleasant Valley Natural Resource overlay zone;
 - c. River Natural overlay zones;
 - d. River Environmental overlay zones;
 - e. Scenic overlay zones; and
 - f. The special flood hazard area.
2. Minimum and maximum site size.

- a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
- b. In I zones, the maximum site size for an outdoor shelter is 2 acres. Adjustments are prohibited.
3. The facility must operate 24 hours a day.
4. The facility must have a designated supervisor.
5. All development associated with the outdoor shelter must be setback at least 5 feet from street lot lines and at least 25 feet from the lot line of any abutting R zoned property that is not part of the outdoor shelter site.
6. The outdoor shelter site must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.
7. The outdoor shelter is exempt from all pedestrian standards required by other chapters in this code.
8. No motor vehicle parking is required.

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

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

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

H. Mass and outdoor shelters.

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

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

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

33.296.040 General Regulations.

All temporary activities are subject to the regulations listed below.

- A.** New development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.
- B.** Temporary activities may not cause the elimination of required off-street parking, except for Farmers Markets. Required parking may be temporarily occupied by a Farmers Market, as follows:
 1. The market may occupy up to 3 required spaces or 30 percent of the required spaces, whichever is more; or

2. If the market occurs at a time other than a peak time for the primary use on the site, the market may occupy all of the required spaces. If this option is used, the operator of the market must keep an analysis on file. The analysis must document when the peak times are for the primary use, and the hours of operation (including set-up and take-down) for the market.
- C. Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.
 - D. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.
 - E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21.)

Overlay Zones

- 33.400 Aircraft Landing Zone – h
- 33.410 Buffer Zone – b
- 33.415 Centers Main Street Overlay Zone – m
- 33.418 Constrained Sites Overlay Zone – z
- 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
- 33.465 Pleasant Valley Natural Resources Overlay Zone – v
- 33.470 Portland International Airport Noise Impact Zone – x
- 33.471 Prime Industrial Overlay Zone – k
- 33.475 River Overlay Zones – g*, e
- 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”.

33.405 Alternative Design Density Overlay Zone

405

(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 169763, effective 3/25/96; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20.)

Chapter 33.418 Constrained Sites Overlay Zone

418

Sections:

- 33.418.010 Purpose
- 33.418.020 Map Symbol
- 33.418.030 Applying the Constrained Sites Overlay Zone
- 33.418.040 Housing Type Limitations

33.418.010 Purpose

Under some circumstances, up to four dwelling units is allowed per lot in the R7, R5 and R2.5 zones. The Constrained Sites overlay zone reduces that development potential on lots that have certain development constraints. The constraints make the lots unsuitable for three or more dwelling units.

33.260.020 Map Symbol

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter “z” map symbol.

33.260.030 Applying the Constrained Sites Overlay Zone

The Constrained Sites overlay zone is applied to lots in the R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints:

- A. Low, medium, or high value natural resource as shown on the City’s Natural Resources Inventory;
- B. Special flood hazard area;
- C. Floodway;
- D. 1996 Flood Inundation area;
- E. Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- F. Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.

33.418.040 Residential Infill and ADU Limitations

The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

- A. 33.110.265.E which allows triplexes and fourplexes in the R7 through R2.5 zones;
- B. 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R7 through R5 zones;
- C. 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R7 through R2.5 zones; and
- D. 33.205.020.B.3 which allows an accessory dwelling unit on a site with a duplex in the R7 through R.25 zones.

(Added by: Ord. No. 190093, effective 8/1/21.)

33.420 Design overlay zone

420

Sections:

- 33.420.010 Purpose
- 33.420.020 Map Symbol
- 33.420.021 Applying the Design overlay zone
- 33.420.025 Where These Regulations Apply
- 33.420.030 Neighborhood Contact
- 33.420.041 When These Regulations Apply
- 33.420.045 Items Exempt From Design Review and Design Standards
- 33.420.050 Design Standards
- 33.420.060 Design Guidelines

Map 420-1 Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-2 Terwilliger Design District

Map 420-3 Marquam Hill Design District

Map 420-4 Gateway Design District

33.420.010 Purpose

The Design overlay zone ensures that Portland is both a city designed for people and a city in harmony with nature. The Design overlay zone supports the city's evolution within current and emerging centers of civic life. The overlay promotes design excellence in the built environment through the application of additional design standards and design guidelines that:

- Build on context by enhancing the distinctive physical, natural, historic and cultural qualities of the location while accommodating growth and change;
- Contribute to a public realm that encourages social interaction and fosters inclusivity in people's daily experience; and
- Promotes quality and long-term resilience in the face of changing demographics, climate and economy.

33.420.020 Map Symbol

The Design overlay zone is shown on the Official Zoning Maps with a letter "d" map symbol.

33.420.021 Applying the Design overlay zone

The Design overlay zone is applied to current and emerging urban locations including centers and corridors. The Design overlay zone is also applied to areas outside of centers and corridors that have distinct features with important development context, and to specific zones identified through the Comprehensive Plan. Application of the Design overlay zone must be accompanied by adoption of design guidelines, or by specifying which guidelines will be used.

Some areas of the Design overlay zone are referred to as design districts. A design district may be divided into subdistricts. Subdistricts are created when an area within a design district has unique characteristics that require special consideration and additional design guidelines. The location and name of each design district and subdistrict is shown on maps 420-1 through 420-4 at the end of this chapter.

33.420.025 Where These Regulations Apply

The regulations of this chapter apply to all design overlay zones. Meeting the regulations of this chapter may also be a requirement of a plan district, other overlay zone, or as a condition of approval of a quasi-judicial decision. This chapter does not apply to sites located within the Historic Resources overlay zone.

33.420.030 Neighborhood Contact

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

- A. When the proposed development will add at least 10,000 square feet of net building area to a site, the neighborhood contact step of 33.705.020.C., Neighborhood contact III, are required.
- B. If the proposed development has already met the neighborhood contact requirements as part of a land use review process, it is exempt from the neighborhood contact requirements.

33.420.041 When Design Review or Meeting Design Standards is Required

Unless exempted by Section 33.420.045, Items Exempt From This Chapter, the following must meet the design standards or be approved through design review:

- A. New development;
- B. Exterior alterations to existing development;
- C. Nonstandard improvements in the public right-of-way such as street lights, street furniture, planters, public art, sidewalk and street paving materials, landscaping, and new bridges. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for design review. Improvements that meet the City Engineer's standards are exempt from this chapter;
- D. Items identified in the Citywide Policy on Encroachments in the Public Right-of-Way or Title 17, Public Improvements, as requiring design review;
- E. Removal of trees 6 or more inches in diameter in the South Auditorium plan district;
- F. Where City Council requires design review of a proposal because it is considered to have major design significance to the City. In these instances, the City Council will provide design guidelines by which the proposal will be reviewed, and specify the review procedure; and
- G. Floating structures, except individual houseboats.

33.420.045 Items Exempt From This Chapter

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

A. General exemptions:

1. Development that does not require a permit;
2. Development when:
 - a. The only use on the site will be Household Living;
 - b. There will be no more than four dwelling units total on the site;
 - c. All new buildings and additions to existing buildings on the site are no more than 35 feet in height; and
 - d. The site is not zoned RX, EX, or CX;
3. Houseboats in a houseboat moorage;
4. Manufactured dwelling parks;
5. Outdoor shelters;
6. Development associated with a Rail Lines and Utility Corridor use;
7. Development associated with a Parks and Open Areas use when the development does not require a conditional use review;
8. Anemometers, and small wind energy turbines that do not extend into a view corridor designated in the Scenic Resources Protection Plan; and
9. New bridges in the right-of-way, and alterations to existing bridges in the right-of-way. However, a new bridge in the right-of-way with a horizontal span more than 100 feet must complete a design advice request with the Design Commission as specified in 33.730.050.B.

B. Exterior alterations

1. Repair, maintenance, and replacement with comparable materials;
2. Exterior alterations to a structure required to meet the Americans With Disabilities Act's requirements, or as specified in Section 1113 of the Oregon Structural Specialty Code;
3. Exterior work activities associated with an Agriculture use;
4. Detached accessory structures when the structure has a building coverage no more than 300 square feet in area and is located at least 20 feet from all street lot lines, or located within an existing vehicle area;
5. Exterior alterations for parking lot landscaping, short-term bicycle parking, and pedestrian circulation systems when all relevant development standards of this Title are met;

6. Except in the South Auditorium plan district, signs with a sign face area of 32 square feet or less;
7. The following alterations to the facade of a building:
 - a. Awnings as follows:
 - (1) If awnings were approved on the same facade through design review, then a new or replacement awning is exempt if it meets the previous design review conditions of approval; or
 - (2) If there are no previous conditions of approval for awnings on the same facade, then a new or replacement awning is exempt if the awning projects at least four feet from the wall, and the area of the awning does not exceed 200 square feet measured from the building elevation, except in the Central City, where it does not exceed 100 square feet measured from the building elevation;
 - b. Alterations to an existing ground floor storefront glazing and mullion system that uses the same materials and profile as the existing system without reducing the percentage of ground floor windows on the facade;
 - c. Louvers or vents for mechanical systems that meet the following:
 - (1) The louver or vent opening affects 1 square foot or less of the facade and is the same color as the adjacent facade; or
 - (2) The louver or vent is placed within an existing window mullion, is the same color as the mullion, and is at least 8 feet above the adjacent grade;
 - d. Radon systems on non-street facing facades;
 - e. The removal of fire escapes;
 - f. Seismic bracing, except on street-facing facades within the Central City plan district; or
 - g. Any other alteration to a facade when the total area of the alteration is 200 square feet of the facade or less measured from the building elevation and the alteration meets one of the following. This exemption does not apply to signs or within the Central City plan district:
 - (1) On street-facing facades, the alteration is above the ceiling of the ground floor or is setback at least 20 feet from the street lot line; or
 - (2) The alteration is on a facade that does not face the street;
8. The following alterations to the roof of a building when the roof has a 1/12 pitch or less:
 - a. Ecoroofs, landscaping on a roof, solar panels, skylights, and roof hatches;
 - b. Protective railings that project up to 4 feet above the adjoining roof;
 - c. Rooftop alterations and equipment that do not increase floor area when:

- (1) The proposed alteration or equipment is screened by an existing parapet, screen, or enclosure that is as tall as the tallest part of the equipment or alteration;
 - (2) The proposed alteration or equipment is set back 4 feet from the edge of the roof for every 1 foot of height above the roof surface or top of parapet;
 - (3) The proposed alteration or equipment is located entirely within 5 feet of the facade of an existing equipment penthouse, does not extend above the penthouse, and is the same color as the penthouse; or
 - (4) The proposed alteration or equipment does not exceed 3 feet in width, depth, length, diameter or height.
- d. Radio frequency transmission facilities as follows:
- (1) New or replacement antennas that are mounted to the side of an existing stairwell enclosure or an existing or extended equipment penthouse when the antennas do not extend above the penthouse and are the same color as the existing penthouse or stairwell enclosure.
 - (2) New or replacement equipment associated with the antennas when screened by an existing penthouse or located entirely within 5 feet of the facade of an existing penthouse. As an alternative, an existing penthouse may be extended to screen the equipment if:
 - The penthouse extension is at least 15 feet from any street facing roof edge;
 - The equipment does not extend above the penthouse; and
 - The penthouse extension is the same color as the existing penthouse;
 - (3) Alterations to an existing facility that comply with a previous design review approval for the facility including screening or concealment; or;
 - (4) Alterations to an existing eligible facility, that qualifies under the terms pursuant to 47 U.S.C. §1455, when approved measures of concealment are maintained.
9. The following alterations and additions to the roof of a building when the roof has a pitch that is greater than 1/12:
- a. The addition or alteration is parallel with the roof surface and extends no more than 12 inches above the roof surface; or
 - b. The addition or alteration extend no more than 18 inches from the surface of the roof and is less than 2 feet in diameter.
10. Public Art as defined in Chapter 5.74, or a Permitted Original Art Mural as defined in Title 4.

C. Geographically specific:

1. In the South Auditorium plan district shown in Map 420-1, signs that meet the following:
 - a. Except within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 32 square feet or less; and
 - b. Within 50 feet of the Halprin Open Space Sequence historic district, signs with a sign face area of 3 square feet or less;
2. In the Marquam Hill Design District shown on Map 420-3:
 - a. Additions of less than 25,000 square feet of floor area;
 - b. Exterior alterations that affect less than 50 percent of the area of the facade where the area affected is also less than 3,000 square feet;
 - c. Exterior improvements that are less than 5,000 square feet in total area, except for exterior improvements affecting areas counting towards the formal open area requirements of Section 33.555.260; and
 - d. Landscaping not associated with formal open areas required under 33.555.260.

33.420.050 Design Standards

The design standards provide an alternative process to design review for some proposals. Proposals that are eligible to use the design standards are stated in Subsection A. The standards for signs are stated in Title 32, Signs and related Regulations. Proposals that do not meet the design standards stated in Subsection C — or where the applicant prefers more flexibility — must go through the design review process.

- A. Unless excluded by Subsection B, proposals that are within the maximum limits of Table 420-1 may use the design standards stated in Subsection C as an alternative to design review.

Table 420-1 Maximum Limits for Use of the design standards [1]	
Zones	Maximum Limit—New Floor Area
RM2, RM3, RM4, C, E, I, & CI Zones	40,000 sq. ft. of floor area
IR Zone	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.

Notes:

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

- B.** The design standards may not be used as an alternative to design review as follows:
1. In the Central City plan district. See Map 420-1;
 2. In the Gateway plan district as follows. See Map 420-4;
 - a. New development and alterations to existing development when any portion of the new development or alteration exceeds 35 feet in height not counting additional height allowed through a base zone height standard exception; and
 - b. Development subject to the requirements of 33.526.240, Open Area;
 3. New buildings or additions when any portion of the new building or addition exceeds 75 feet in height not counting additional height allowed through a base zone height standard exception;
 4. For Institutional uses in residential zones, unless specifically allowed by the base zone, overlay zone, plan district, or an approved Impact Mitigation Plan or Conditional Use Master Plan;
 5. Non-standard improvements in the right-of-way or other encroachments identified in City Titles as requiring design review;
 6. In the CM3 zone within the St. Johns plan district, structures that exceed 45 feet in height;
 7. For motor vehicle fuel sales in the 122nd Avenue subdistrict of the East Corridor plan district; and
 8. In the North Interstate plan district proposals taking advantage of the additional height allowed by 33.561.210.B.2.
- C. Design standards**
1. New development.
 - a. Required design standards. New development must meet all the design standards identified in Table 420-2 as required standards. Only the standards applicable to the development apply; and
 - b. Optional design standards. New development must meet the optional design standards as follows. Unless otherwise stated, if a standard is required, no optional points are earned:
 - (1) Buildings up to 55 feet tall. New development with buildings that are 55 feet tall or less must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or one point for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories;
 - (2) Building more than 55 feet tall. New development with buildings that are more than 55 feet tall must meet enough of the standards identified in

Table 420-2 as providing optional points to total 20 points, or two points for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories.

2. Alterations to existing development must meet all the design standards identified in Table 420-2 as required. Only the standards applicable to the alteration apply. In addition, major remodels must meet enough of the standards identified in Table 420-2 as optional to total 5 points, or one point for every 1,000 square feet of site area, whichever is less.

Table 420-2 Design Standards CONTEXT (C1 – C18)			
The standards for context provide an opportunity for development to respond to the surrounding natural and built environment and build on the opportunities provided by the site itself. The context standards are split into the following categories: Building Massing and Corners, Older Buildings/History, Landscaping, and Adjacent Natural Areas.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
BUILDING MASSING AND CORNERS			
X	C1	Corner Features on a Building	
	New development on a site on a corner lot, located within a neighborhood or town center, where the zoning does not require a minimum building setback from a street lot line:	<p>At least one of the following must be met:</p> <ul style="list-style-type: none"> • At least one building must be within 5 feet of the intersecting street lot lines and meet the following: <ul style="list-style-type: none"> • Each street facing wall meeting this standard must be at least 25 feet long; • At least 30 percent of the street-facing building wall within 25 feet of the corner must be windows or main entrance doors. Windows and doors used to meet ground floor window requirements may be used to meet this standard; and • At least one main entrance to a lobby or individual commercial tenant space must be located within 15 feet of the two intersecting street lot lines, and face the street with the highest transit designation. • At least one building must abut a plaza at the corner of the two intersecting street lot lines. The plaza must meet the following standards: <ul style="list-style-type: none"> • The plaza must measure at least 20 feet in all directions; • The plaza must be hard surfaced for use by pedestrians or be an extension of the sidewalk; • No more than 25 percent of the plaza may be covered; • The plaza must include benches or seating that provides at least 10 linear feet of seating surface. The seating surface must be at least 15 inches deep, and between 16 and 24 inches above the grade upon which the seating or bench sits; and • At least one main entrance to a lobby or commercial tenant space must face the plaza. 	

		<ul style="list-style-type: none"> The top of the building must have a parapet or cap that extends at least 18 inches above the roofline and is distinguished from the rest of the building by a different color or material. 	
		<ul style="list-style-type: none"> The street-facing windows on floors above the ground floor must be vertical – taller than it is wide. Street-facing windows on each upper floor must be directly above the one below, excluding the ground floor. Upper floors that step back per the standard below do not need to be vertical or aligned. 	1
		<ul style="list-style-type: none"> On street-facing facades, floors that are more than 35 feet above the existing or proposed sidewalk adjacent to the site must be set back at least 5 feet from the exterior walls below. 	2
		<ul style="list-style-type: none"> On corner sites, a main entrance for a ground floor tenant must be located at the corner of the intersecting streets and be at an angle of 30 to 45 degrees from the transit street with the highest classification. 	1
	C4	Preservation of Existing Facades	
	Alteration or addition to a building that: <ul style="list-style-type: none"> is at least 50 years old and has at least 1,000 square feet of net building area 	Meet one of the following standards:	
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and meet the standards of 33.415.200 Required Ground Floor Active Use. 	2
		<ul style="list-style-type: none"> Retain at least 75 percent of the area of all existing street-facing facades and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. 	3
		<ul style="list-style-type: none"> Retain at least 90 percent of the area of the existing street-facing facade and at least 75 percent of the existing building’s exterior walls and meet the standards of 33.415.200 Required Ground Floor Active Use. This option is only available if the building is listed on the City’s Historic Resources Inventory. 	5

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C5 Building addition above the existing wall of a building that is at least 50 years old</p>	<p>Vertical Addition to Existing Building. The building addition must include one of the following features:</p> <ul style="list-style-type: none"> • Set back the walls above the existing facade at least 2 feet from the exterior edge of the existing wall. • Place windows on the vertical extension directly above the existing windows. The area of the new windows may be up to 20 percent larger or smaller than the area of the existing windows, but the center of the new window must align with the vertical plane of the center of the existing windows. 	2
	<p>C6 Site that contains a building that is at least 50 years old</p>	<p>Historical Plaque. Install a plaque on a street-facing facade of the building that provides information on the previous uses of the building or site. The plaque must be:</p> <ul style="list-style-type: none"> • at least 2 square feet in area, • made of metal with stamped lettering and • be permanently secured to the building facade. 	1

Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
X	C7	Building Abutting a Historic Landmark		
	<p>New building located on a site that abuts a site containing a Historic Landmark.</p> <p>If the new building abuts a site containing a historic landmark and the historic landmark contains only residential uses, C9 applies instead of this standard.</p>		<p>Meet one of the following standards. Additional features may be provided for optional points up to a maximum of 3 points.</p>	
			<ul style="list-style-type: none"> The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. This standard only applies to new buildings not subject to Standards PR1 or PR2. 	1
			<ul style="list-style-type: none"> Street-facing ground floor windows in the new building must be as tall as the ground floor windows in the Historic Landmark. 	1
			<ul style="list-style-type: none"> The base of the street-facing ground floor windows must be the same distance above grade as the ground floor windows in the Historic Landmark. 	1
			<ul style="list-style-type: none"> If the Historic Landmark has transom windows on the ground floor, the new building must include transom windows that match in location, size, and distance above grade as the transom window on the historic building. 	1
			<ul style="list-style-type: none"> The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building's street-facing facade. 	1
			<ul style="list-style-type: none"> Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. 	1
<ul style="list-style-type: none"> If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 			2	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C9	Building Abutting a Residential Historic Landmark.	
	<p>New building located on a site that abuts a site that contains a Historic Landmark that:</p> <ul style="list-style-type: none"> • only contains residential uses, and • is located within 10 feet of the street lot line <p>If the new building abuts a site containing a historic landmark and the historic landmark contains non- residential uses, C7 applies instead of this standard.</p>	<p>Meet any of the following standards up to a maximum of 2 points.</p>	
	<ul style="list-style-type: none"> • The ground floor height in the new building must match the ground floor height in the Historic Landmark, or be at least 10 feet tall, whichever is greater. 	1	
	<ul style="list-style-type: none"> • The exterior materials on the new building must match the exterior materials on the Historic Landmark on at least 80 percent of the new building's street-facing facade 	1	
	<ul style="list-style-type: none"> • Floor and cornice bands on the new building must match the width and location of the floor and cornice bands on the Historic Landmark. • If any portion of the new building is taller than the Historic Landmark, that portion of the new building must be setback at least 10 feet from the property line adjacent to the site that contains the Historic Landmark. 	1 2	
LANDSCAPING			
	C10	Tree Preservation.	
	<p>Site with at least one tree 20 inches or greater in diameter</p>	<p>Earn one point for each tree 20 inches or greater in diameter that is protected as specified in Title 11, Trees. No more than 6 points can be earned.</p> <p>A report from a certified arborist is required documenting the diameter of each tree to be preserved and that the trees are not nuisance trees and are not dead, dying or dangerous.</p>	1-6
	C11	Grouping of Trees.	
	<p>Site located within the Eastern Pattern Area shown on Map 130-2</p>	<p>Plant a minimum of 5 evergreen trees in an area that is at least 500 square feet in area and measures at least 20 feet in all directions.</p> <p>Trees planted must be a minimum of 5 feet in height and listed on the Portland Plant List.</p>	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	C12 Native landscaping. Site that is 20,000 square feet or larger and located outside of environmental zones	<ul style="list-style-type: none"> • Plant at least 80 percent of the total landscaped area with native species listed on the Portland Plant List, and • Plant at least 80 percent of all trees on site with native trees listed on the Portland Plant list. 	2
	C13 Trees in Setbacks along a Civic Corridor. Site with at least 100 feet of street frontage on a civic corridor identified on Map 130-1	Plant trees within the 10-foot required building setback for the civic corridor. The row of trees must meet the following. <ul style="list-style-type: none"> • The row must extend along at least 50 percent of the street frontage. • A minimum of 4 trees must be planted and the trees must meet the L1 standard for tree spacing. • Trees planted to meet perimeter parking lot landscaping do not count toward meeting this standard. 	1
ADJACENT NATURAL AREAS			
	C14 Setback from Waterbodies. Site that: <ul style="list-style-type: none"> • Has at least one wetland, water body, seep or spring, and • Is located outside of environmental zones 	Locate all buildings, structures, and outdoor common areas that are more than 50 percent impervious a minimum of 50 feet from the edge of wetlands, the top of bank of water bodies, and seeps or springs located on the site.	4

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>C15 Public View of Natural Feature.</p> <p>Site that:</p> <ul style="list-style-type: none"> • Has at least one existing natural feature on site, such as a grove of native trees, rock outcropping, wetland, water body, seep or spring, and • is located outside of environmental zones 	<p>Provide a view corridor between the public street and an existing natural feature on site. The area of the natural feature must be at least 500 square feet and measure 20 feet in all directions.</p> <p>The view corridor must:</p> <ul style="list-style-type: none"> • be a minimum of 20 feet wide and • be landscaped with shrubs and ground cover or include a pedestrian connection to a viewing platform accessible from the street. <p>Trees greater than 6 inches in diameter that are not on the nuisance plant list must be preserved in the view corridor.</p>	2
X	<p>C16 Maximum Building Length Adjacent to Willamette River.</p> <p>In the River overlay zones, a new building located in, or within 25 feet landward of, the river setback.</p> <p>See 33.475 for a description of the river setback.</p>	<p>The maximum building length of the portion of the building located within 25 feet landward of the river setback is 100 feet.</p> <p>The portions of a building subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.</p>	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	C17	Building Features Adjacent to Willamette River.	
	<p>In the River overlay zones, a new building that:</p> <ul style="list-style-type: none"> • is located within 50 feet landward of the River setback; and • contains commercial or residential uses. 	Meet one of the following standards. Additional standards may be met for optional points up to a maximum of 3 points.	
		<ul style="list-style-type: none"> • At least 25 percent of the building facade facing the river must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane. See Figure 130-10. 	2
		<ul style="list-style-type: none"> • Provide balconies on at least 75 percent of the dwelling units that have facades that face a lot line abutting the Willamette River and are located above the ground floor. 	1
		<ul style="list-style-type: none"> • Ground floor windows must cover at least 40 percent of the ground floor wall area of facades facing a lot line abutting the Willamette river. Ground floor wall area includes all exterior wall areas from 2 feet to 10 feet above finished grade. Windows must meet the standards for qualifying window features stated in 33.130.230.B.3. 	1
		<ul style="list-style-type: none"> • Windows must cover at least 15 percent of the area of facades facing the property line along the river above the ground level wall areas. This requirement is in addition to any required ground floor windows. 	1
		<ul style="list-style-type: none"> • One main entrance must be located on the facade facing a lot line abutting the Willamette river. The main entrance must provide access to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. The entrance must be unlocked during regular business hours. 	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	<p>C18 Open Area Adjacent to Willamette River Greenway Trail.</p> <p>New development on a site that is at least 20,000 square feet in site area, located within the River overlay zone that has the major public trail designation.</p>	<p>Provide an outdoor area of at least 500 square feet and a minimum 20 feet dimension in all directions.</p> <p>The open area must:</p> <ul style="list-style-type: none"> • be adjacent to and landward of the greenway trail. • include a minimum of 15 percent landscaping, with one small canopy tree per 100 square feet of landscaping, • include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • include one of the following: <ul style="list-style-type: none"> • The open area must connect directly to the Willamette Greenway trail through a pedestrian connection that is hard surfaced and at least 6 feet wide. • If there is a building located directly adjacent to the open area, the building must have a main entrance to a nonresidential tenant space or to a lobby area of a multi-dwelling structure. • At least 15 percent of the open area is covered by awnings, building eaves or other covered structures. • The open area includes a 5-foot setback from the Willamette Greenway trail landscaped to the L2 standard. 	

PUBLIC REALM (PR1 – PR22)				
The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.				
Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
GROUND FLOORS				
X	PR1	Ground Floor Height		
	New building with a ground floor that fronts on a street identified as a civic or neighborhood corridor on Map 130-3		At least 50 percent of the ground floor must meet the following: <ul style="list-style-type: none"> The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams; and The area meeting this standard must be at least 25 feet deep measured from the street-facing facade. 	
X	PR2	Ground Floor Height for Taller Buildings		
	New building with a ground floor that fronts on a street identified as a civic or neighborhood corridor on Map 130-3 as follows: The standard is required for a new building with a height that exceeds 55 feet. The standard is optional for a building that is 55 feet or less in height.		At least 50 percent of the ground floor must meet the following: <ul style="list-style-type: none"> The distance from the finished floor to the bottom of the structure above must be at least 15 feet. The bottom of the structure above includes supporting beams; and The area meeting this standard must be at least 25 feet deep, measured from the street-facing facade. 	2
	PR3	Ground Floor Active Floor Area		
	Site that is at least 10,000 square feet in total site area except for a site located within the Centers Main Street Overlay Zone or where a commercial use in excess of 1,500 square feet is prohibited.		The site must have: <ul style="list-style-type: none"> at least 1,500 square feet of floor area on the ground floor in one of the following active uses: Retail Sales and Service, Office, Manufacturing and Production, Community Service, or Daycare; and at least one main entrance to the space that faces the street and is within 5-feet of the street lot line. 	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	PR4 Affordable Ground Floor Commercial Space Site where commercial uses are allowed or limited	Provide at least 1,500 square feet of floor area located on the ground floor for an affordable commercial space that meets the affordable commercial space program administrative requirements of the Portland Development Commission. To qualify the applicant must: <ul style="list-style-type: none"> • Submit a letter from the Portland Development Commission certifying that any program administrative requirements have been met; and • Execute a covenant with the City, complying with the requirements of 33.700.060, that ensures that the floor area will meet the administrative requirements of the Portland Development Commission or qualified administrator. 	2
	PR5 Oversized Street-Facing Opening New building that has at least one ground floor tenant space with a facade that faces the street lot line and is used for Retail Sales And Service uses	At least 50 percent of the ground floor tenant spaces, with a minimum of one, must meet the following: <ul style="list-style-type: none"> • Provide a roll-up door or movable storefront that provides an opening to the street; and • The opening must be at least 8 feet wide and cannot open onto storage areas, mechanical equipment and utility areas, garbage and recycling areas, or vehicle parking areas. 	1
X	PR6 Louvers and Vents New louver or vent	All new louvers or vents must be the same color as the adjacent facade material. For new louvers or vents on street-facing facades within 5 feet of the street, one of the following standards must be met. The measurement is made from the adjacent grade: <ul style="list-style-type: none"> • The bottom of the louver or vent is at least 7 feet above the adjoining grade; or • The top of the louver or vent is a maximum of 2 feet above the adjoining grade 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
X	PR7 Exterior Lighting		
	New building with a street-facing facade within 20 feet of the street	Provide exterior light fixtures on the street facing facade that meet the following: <ul style="list-style-type: none"> • The fixtures must be spaced a maximum of 30-feet apart; • The bottom of each fixture is a maximum of 15 feet above the adjoining grade or sidewalk; and • Lights may only project light downward. 	
	PR8 Ground Floor Bicycle Parking		
	Long-term bicycle parking racks located within the ground floor of a building	Set back the bicycle racks at least 10 feet from any exterior walls that are adjacent to, and facing, a street lot line.	1
ENTRIES / ENTRY PLAZAS			
X	PR9 Main Entrance Location		
	New building with at least one main entrance for a nonresidential tenant space, or an existing building where the main entrance to a nonresidential tenant space is being moved.	Locate the main entrances at least 25-feet from a lot line that abuts an RF through R2.5 zone. For alterations that impact the location of an existing main entrance, the applicant must either meet the standard or move the existing entrance further from the single dwelling zone lot line.	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR10 Residential Entrance</p> <p>New building with ground floor dwelling unit main entrances adjacent to a street that is not identified as a civic or neighborhood corridor on <i>Map 130-3</i>.</p>	<p>At least 50 percent, or four, whichever is more, of the dwelling units on the street-facing ground floor of the building must have a pedestrian connection between the street and the main entrance of the dwelling unit.</p> <p>The entrance must be set back at least 6 feet from the street lot line and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the right of way; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the right of way. <p>In addition, the dwelling units meeting this standard must not have windows into bedrooms located on the ground floor that face the street.</p>	3

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	<p>PR11 Separation of Dwelling Unit Entry from Vehicle Areas</p> <p>New building with ground floor dwelling unit entrances adjacent to a parking area</p>	<p>At least four of the ground floor dwelling units must provide pedestrian entrances adjacent to a parking area.</p> <p>Doors leading to the ground floor dwelling units that face a vehicle area on site must be set back at least 8 feet from the vehicle area and have at least two of the following within the setback:</p> <ul style="list-style-type: none"> • A wall or fence that is 18 to 36 inches high; • Landscaping that meets the L2 standard; • A tree within the small tree category identified in 33.248.030; • Individual private open space of at least 48 square feet designed so that a 4-foot by 6-foot dimension will fit entirely within it. The floor of the open space is between 18 and 36 inches above the grade of the vehicle area; or • A change of grade where the door to the dwelling unit is 18 to 36 inches above the grade of the vehicle area. 	2
	<p>PR12 Seating Adjacent to Main Entrance</p> <p>Main entrance to a lobby or to a non-residential tenant space.</p>	<p>Provide at least 10 linear feet of seating or bench within 25 feet of a main entrance. The seating or bench must be accessible to the sidewalk or a completed trail and the access must be open to the public. The seating surface must be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits.</p>	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	PR13 Pedestrian Access Plaza. New development	Provide an outdoor plaza that abuts a sidewalk on a public right-of-way. The plaza must meet the following requirements: <ul style="list-style-type: none"> • The plaza is designed so that it is at least 500 square feet in area and must measure at least 20-feet in all directions. • A maximum of 25 percent of the plaza may be covered by structures or overhangs. • A minimum of 15 percent of the plaza must be landscaped with a small canopy tree for each 100 square feet of landscaping. • The plaza must include benches or seating that provides at least 10 linear feet of seats. The seating surface should be at least 15 inches deep and between 16 and 24 inches above the grade upon which the seating or bench sits. • A plaza provided to meet C1 does not count toward meeting this standard. 	4
WEATHER PROTECTION			
X	PR14 Weather Protection at Entrances New main entrances at a new or existing building	Provide weather protection at new main entrances that face a street lot line. The weather protection may be an awning, a portion of the building, a balcony, or other covered structure. The weather protection must meet the following: <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the wall above the doorway; • The weather protection is four feet wider than the doorway, unless there is a building wall that prohibits this width; and • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. 	

Required (X)	APPLIES TO:		THE DESIGN STANDARD	Optional points
X	PR15	Weather Protection Along a Transit Street		2
	<p>New building on a transit street as follows:</p> <p>The standard is required for a new building with a height that exceeds 55 feet.</p> <p>The standard is optional for new buildings that are 55 feet or less in height</p>	<p>Weather protection must be provided along at least 50 percent of the street-facing facade located within 20 feet of a transit street lot line. The weather protection must meet the following:</p> <ul style="list-style-type: none"> • The weather protection must project out at least 4 feet from the adjoining wall. • The height of the weather protection must be between 9 feet and 15 feet above the grade underneath it. <p>When this standard is met as an optional standard, the street facing facade within 20 feet of a transit street lot line must have a length of at least 50 feet.</p>		
UTILITIES				
X	PR16	Location of Utilities		
	<p>New electric meters, gas meters and radon mitigation equipment located at the ground level of a building</p>	<p>Screen new electric meters, gas meters and radon mitigation equipment located at ground level from the street or a completed major recreational trail by meeting one of the following standards:</p> <ul style="list-style-type: none"> • The meters or equipment are enclosed by a building; • The meters or equipment are screened by a fence or wall meeting the F2 standards that is as tall as the tallest part of the meters or equipment, excluding the conduit or pipe; • The meters or equipment are mounted to a wall that does not face a street or major recreational trail. Electric and gas meters must be set back at least 5-feet from a street lot line or lot line along a major recreational trail; or • The meters or equipment are set back at least 20-feet from all street lot lines or a major recreational trail. 		

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
VEHICLE AREAS			
	PR17	Pervious Paving Materials	
	New parking area with at least 10 parking spaces	At least 50 percent of the vehicle area must be paved with pervious pavement, approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.	2
	PR18	No Parking Area	
	Site with a minimum area of 10,000 square feet	Provide no parking areas on site.	1
	PR19	Structured Parking and Vehicle Areas	
	New vehicle area	At least 80 percent of the proposed vehicle area is covered by a building. The vehicle area may meet PR19 or PR20, but not both.	2
	PR20	Alternative Shading of Vehicle Areas	
	New vehicle area	At least 50 percent of the proposed vehicle area is covered by buildings, structures containing photovoltaic panels, reflective roof shade structures with a Solar Reflectance Index (SRI) greater than 75, or tree canopy. The amount of shade from tree canopy is determined by the diameter of the mature crown spread stated for the species of tree. The vehicle area may meet PR19 or PR20, but not both.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ART AND SPECIAL FEATURES			
	PR21 City Approved Public Art Installation Any site	Provide an art feature or mural on the site that has been approved by the Regional Arts and Culture Commission (RACC). The feature must be set back a maximum of 15 feet from the street lot line with the highest street classification. To meet this option, the applicant must provide the following prior to the issuance of the building permit: <ul style="list-style-type: none"> • A letter from the RACC indicating the approval of the art. • A covenant in conformance with 33.700.060, Covenants with the City. The covenant must state the steps to be taken by the property owner and RACC to ensure the installation, preservation, maintenance, and replacement of the public art. 	2
	PR22 Water Feature Any site	Provide a water feature, such as a fountain, waterfall, or reflecting pool. The feature must be setback a maximum of 20 feet from the street lot line with the highest street classification. The water feature must have the following: <ul style="list-style-type: none"> • A feature area of at least 6 square feet that contains water year-round; and • A bench or seat with 6 linear feet of seating adjacent to it. 	1

QUALITY AND RESILIENCE (QR1 – QR23)			
The standards for Quality and Resilience provide an opportunity for development of quality buildings that provide benefits to current users and can adapt to future changes. They also provide an opportunity for successful site designs that enhance the livability of those who live, work and shop at the site. The quality and resilience standards are split into the following categories: Site Planning and Pedestrian Circulation, On-site Common Areas, Windows and Balconies, Building Materials, and Roofs.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
SITE PLANNING AND PEDESTRIAN CIRCULATION			
X	QR1	On-site Building Separation	
	New building containing dwelling units on the ground floor	Set back any building on the site that contains dwelling units on the ground floor at least 10 feet from other buildings on the site that contain dwelling units on the ground floor.	
X	QR2	Vertical Clearance to Pedestrian Circulation System	
	New building	Projections from a building, such as a balcony, bay window, or skybridges must be at least 9 feet above the grade of any pedestrian circulation system below.	
	QR3	Pedestrian Connection to a Major Public Trail	
	New development on a site with the major public trail designation.	Provide a pedestrian connection from a completed trail to the site's pedestrian circulation system. The pedestrian connection must be unlocked during business or daylight hours. This standard is not available if the major public trail designation is located within a street.	1
	QR4	Windows Facing a Pedestrian Walkway	
	New buildings that are within 15 feet of, and face the on-site pedestrian circulation system	At least 15 percent of the area of each facade that faces the circulation system must be windows or main entrance doors.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
ON-SITE COMMON AREAS			
	QR5	On-site Outdoor Common Area	
	New Development	<p>Provide a common outdoor area designed so that it is at least 600 square feet in area and measures 20 feet in all directions. On sites in the Western or Eastern pattern area identified on Map 130-2, provide a common outdoor area designed so that it is at least 800 square feet in area and measures 20 feet in all directions. Up to 20 percent of the outdoor area may be landscaped to the L1 standard. The remainder of the outdoor area must meet one of the following:</p> <ul style="list-style-type: none"> • The outdoor area is hard-surfaced or meets the surfacing materials requirement in 33.130.228.B.3. The outdoor area includes at least 4 linear feet of seating per 100 square feet of area; • The entire outdoor area is a community garden with the area divided into individual raised garden beds. The beds are raised at least 12 inches above grade and can each be between 12 and 50 square feet in area. Individual beds are separated by pathways at least 3 feet in width; or • The entire outdoor area is a children’s play area that includes a play structure at least 100 square feet in area and manufactured to the American Society for Testing and Materials (ASTM) standards for public playground equipment. At least 4 linear feet of seating per 100 square feet of area must be located adjacent to the play structure. 	2
X	QR6	Building Walls Adjacent to Outdoor Common Area	
	New building with facade facing and within 10 feet of an outdoor common area	<p>Meet the following standards:</p> <ul style="list-style-type: none"> • At least 15 percent of the facade that faces the outdoor common area must be windows; or doors leading to lobbies, tenant spaces or dwelling units; and • Pedestrian access must be provided between the outdoor common area and at least one entrance for a lobby, tenant space or dwelling unit. 	

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR7 Buildings Surrounding Outdoor Common Area New building with walls located within 10 feet of an outdoor common area meeting QR5	Walls located within 10 feet of an outdoor common area meeting QR5 must not be taller than two-times the shortest width of the outdoor area. As an example, if the outdoor area is 20-feet by 30-feet, the building walls within 10-feet of this open area may be up to 40-feet above the grade of the open area.	2
WINDOWS AND BALCONIES			
X	QR8 Street-Facing Window Detail New street-facing facade	Meet the following window standard on the street-facing facade: <ul style="list-style-type: none"> • Provide trim that is at least 3 inches wide around 80 percent of the windows; or • Recess the window glazing at least 3 inches behind the exterior wall or window frame for 80 percent of the windows. Ground floor storefront or curtain wall glazing systems are exempt from this standard. Alterations must either meet this standard or match the window trim and recess of the existing building for all new windows on street facing facades.	
	QR9 Upper Floor Windows New building, and an expansion of existing building above the ground floor	At least 30 percent of the area of the new street-facing facade above the ground floor must be: <ul style="list-style-type: none"> • Windows; or • Doors opening up to balconies. 	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR10 Street-Facing Balconies New building	Provide balconies for at least 50 percent, or six whichever is greater, of the dwelling units with facades that face a street lot line and are located above the ground floor. The balconies must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. If the balcony has glazed railings, they must have a treatment pattern that is applied using techniques from the <i>Portland Bird Safe Windows</i> list.	3
	QR11 Sunshades for Windows New windows above the ground floor on facades that face south or west	Provide awnings or eaves directly above 50 percent of the window openings on facades that are facing within 45 degrees of south or west. The awning or eave must project out at least 2 feet.	2
	QR12 Bird-Safe Glazing for Windows Facades that contain more than 30 percent glazing	At least 90 percent of the windows must provide bird-safe glazing. Treatment patterns and application techniques must be from the <i>Portland Bird Safe Windows</i> list.	2
	QR13 Operable Windows on Upper Level Units Dwelling units or commercial tenant spaces located above the ground floor	Provide at least one operable window in an exterior wall of each dwelling unit or tenant space. Each window meeting this standard must provide an operable opening of at least 6 square feet.	1
X	QR14 Ground Floor Windows New building as follows: The standard is required for a new building with a height that exceeds 55 feet. The standard is optional for new buildings that are 55 feet or less in height	The 60 percent ground floor window standard in 33.415.340 of the Centers Main Street Overlay Zone applies to all street-facing elevations. Other ground floor window standards of the base zone apply.	2

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
BUILDING MATERIALS			
X	<p>QR15 Exterior Finish Materials</p> <p>New building that has a net building area of at least 5,000 square feet</p> <p>Alterations to buildings with a net building area of at least 5,000 square feet may choose to meet the standard above or use materials which are the same as, or visually match the appearance of, those on the existing building.</p>	<p>Meet the following standards:</p> <ul style="list-style-type: none"> The exterior finish materials on 80 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. The exterior finish materials on 90 percent of the street facing facade of the ground floor must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. No more than 3 exterior finish material types listed on Table 420-3 may be used per building. There may be no more than one unlisted material used per facade. 	
	<p>QR16 Exterior Finish Materials Option</p> <p>New building</p>	<p>The exterior finish materials on 100 percent of the building must be materials listed on the approved materials list in Table 420-3 excluding windows and doors. No more than 3 exterior finish material types listed in Table 420-3 may be used per building.</p>	2
	<p>QR17 Building Materials Application to Side Walls of Building</p> <p>New building located 20 feet or closer to the street lot line</p>	<p>Exterior finish materials on the street-facing facade of buildings located 20 feet or closer to a street lot line and on the first 2 feet of the adjoining, but not street-facing, facades must be the same exterior finish materials.</p>	1
	<p>QR18 Sustainable Wood</p> <p>Building using wood products where allowed as an exterior material in Table 420-3</p>	<p>Provide at least one of the following Forest Stewardship Council (FSC) certified materials on at least 500 square feet of the exterior of a building:</p> <ul style="list-style-type: none"> Salvaged/reclaimed wood having "FSC Recycled" certification. Wood from well-managed forests having a "FSC 100%" certification. 	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
	QR19 Low Carbon Concrete		
	New building using concrete as allowed for an exterior material in Table 420-3	Use mixes that have a global warming potential (GWP) that is 15 percent lower than the GWP limits referenced in the City's Pre-Approved Concrete Mix Design List maintained by the Bureau of Environmental Services' materials testing lab.	1
ROOFS			
X	QR20 Rooftop Equipment		
	New rooftop equipment	New rooftop equipment must be screened by a parapet that is as tall as the equipment, or the rooftop equipment must be set back 3 feet for every 1 foot of height above the roof or parapet.	
	QR21 Ecoroof		
	New building or alteration	Provide an ecoroof that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater. The ecoroof must meet the Stormwater Management Manual's <i>Ecoroof Facility Design Criteria</i> .	2
	QR22 Solar Energy System		
	New building or alteration	Provide a rooftop solar energy system that covers at least 40 percent of the total building roof area or 2,000 square feet whichever is greater.	2
	QR23 Reflective Roof Surface		
	New building or alteration	Meet the Energy Star requirements for solar reflectance on at least 90 percent of the roof area not covered by rooftop equipment, vents, skylights, stairwells or elevator enclosures. This standard does not apply if either standard QR21 or QR22 are met.	1

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Brick		
All brick and brick veneer	Brick and Brick veneer	n/a
Stucco		
Stucco that is one of the following: <ul style="list-style-type: none"> Portland cement based three coat stucco system; or Cement board stucco system 	Stucco	n/a
Wood		
<ul style="list-style-type: none"> The wood must be painted or sealed. If clear-finished or stained wood is used on a facade, the facade that contains this wood product must be protected from the elements. Protection from the elements means the wood is recessed at least two feet back from the exterior walls, or there is an eave or awning that extends out two feet from the edge of the wood wall; and On the ground floor, the wood must be at least 6 inches above the foundation grade. 	Wood: boards	<ul style="list-style-type: none"> The boards have a width of 6 inches or less. Wood with a larger dimension must contain a reveal or board pattern that has dimension of 6 inches or less.
	Wood: shakes/shingles	The shingles or shakes must contain a reveal of 10 inches or less.

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Metal Wall Cladding		
The cladding must have a factory applied color or coat finish. Exterior paint applied to the panels does not count to meet this requirement. Metal wall cladding made of zinc or copper does not need a factory applied color or coat finish;	Metal: narrow format panels	If the material has a vertical or horizontal dimension of 12 inches or less, the material must have a minimum thickness of 24-gauge.
	Metal: large format panels	If the material has a vertical or horizontal dimension greater than 12 inches, the material must meet one of the following: <ul style="list-style-type: none"> • The material has a minimum thickness of 20-gauge. The panels must include a rib or reveal of 4 inches or less. The rib or reveal must have a minimum depth of 7/8 inch. • The material is bonded to a minimum 1/8" thick solid phenolic resin or plastic core.
Fiber Cement Wall Cladding		
In Town Centers and on Civic Corridors, fiber cement wall cladding cannot be used on the ground floor except on the portion of the ground floor containing residential uses;	Fiber Cement: planks	If the product has a vertical or horizontal dimension of 6 inches or less, it must have a thickness of at least 5/8 inch.
	Fiber cement: shake/shingles	If the product is composed of shingles or shakes, the installation of the shingles or shakes must contain a reveal of 10 inches or less and have a thickness of at least 5/8 inch.
	Fiber cement: panels	If the product has a vertical or horizontal dimension greater than 6 inches, the panel must have a density greater than 80 pounds per cubic foot.

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Concrete		
	Concrete: Poured in Place	Poured in place Architectural Concrete meeting ACI 117 Class A Surface and ACI 301 Surface Finish 3.0, used as an exterior material; or Poured in place concrete used as an exterior material for the foundation and ground floor up to the floor level of the second floor;
	Concrete Masonry Units (CMU)	CMU may be used as a foundation material if the material is not revealed more than 3 feet above the finished grade adjacent to the foundation wall.

33.420.065 Design Guidelines

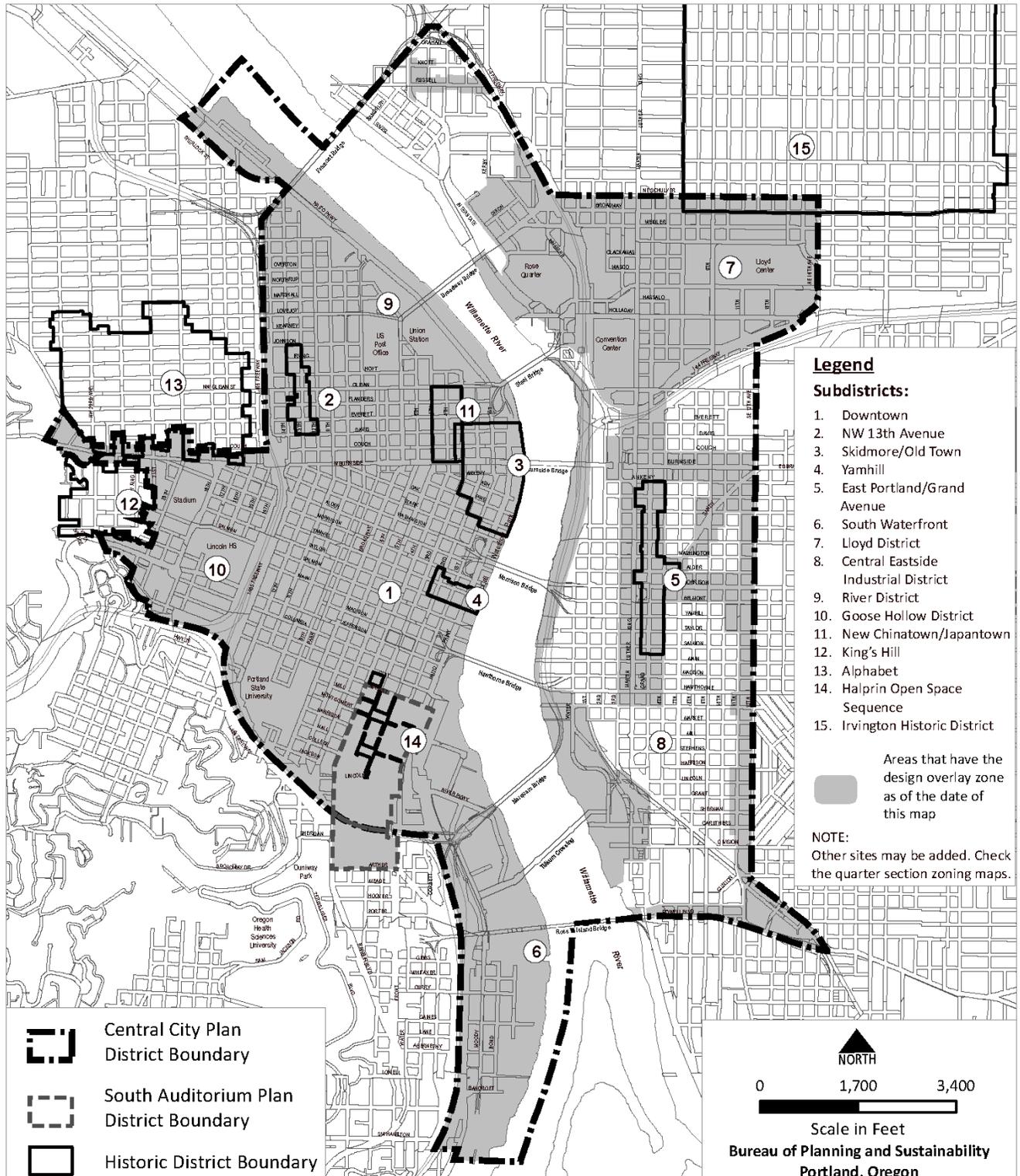
For projects subject to design review, guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 at the end of this chapter. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict. All other areas within the Design overlay zone use the Portland Citywide Design Guidelines.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 01/07/05, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21.)

Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-1

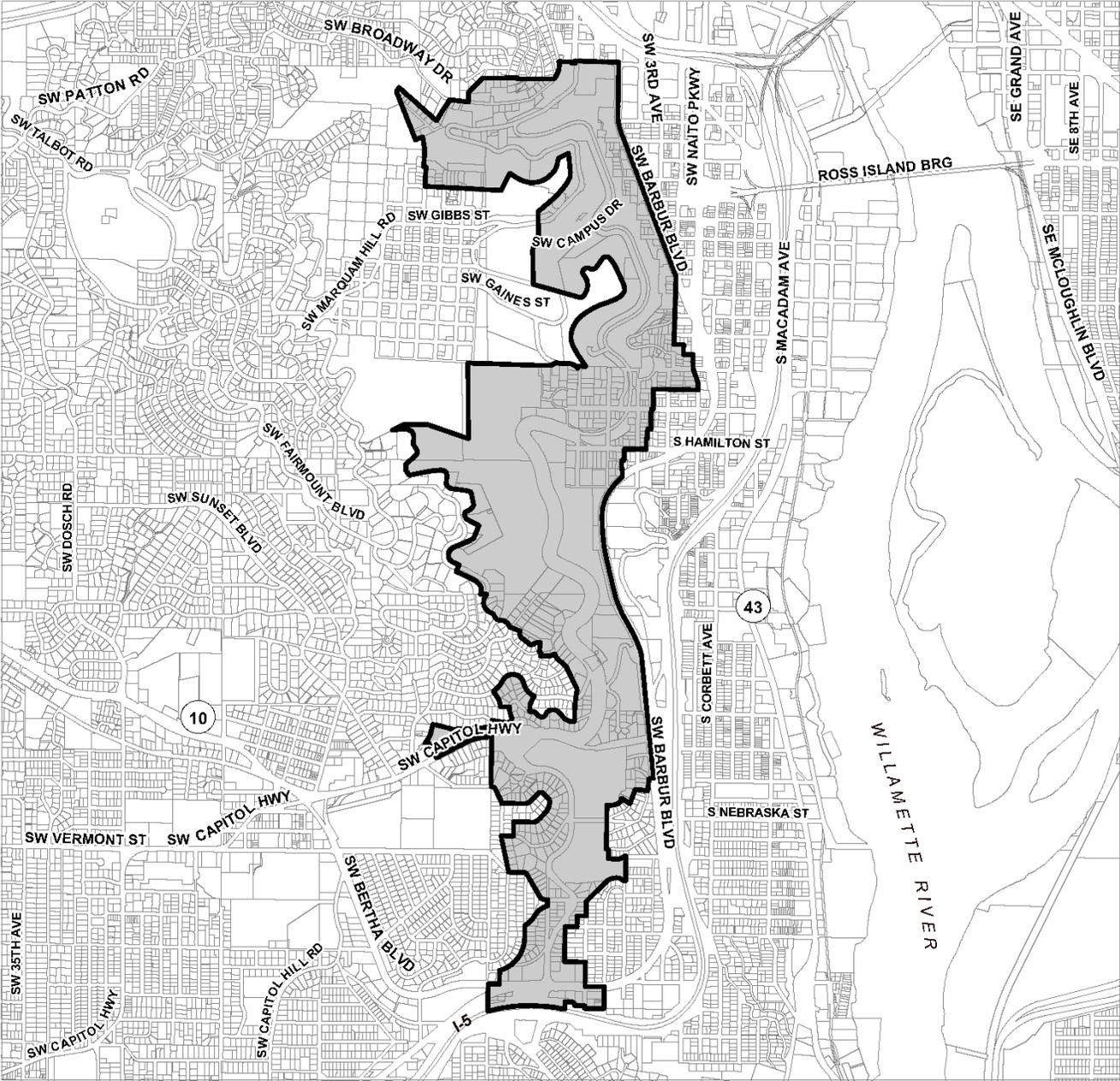
Map Revised August 10, 2020



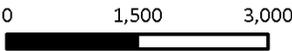
Terwilliger Design District

Map 420-2

Map Revised August 1, 2021



 Design District Boundary

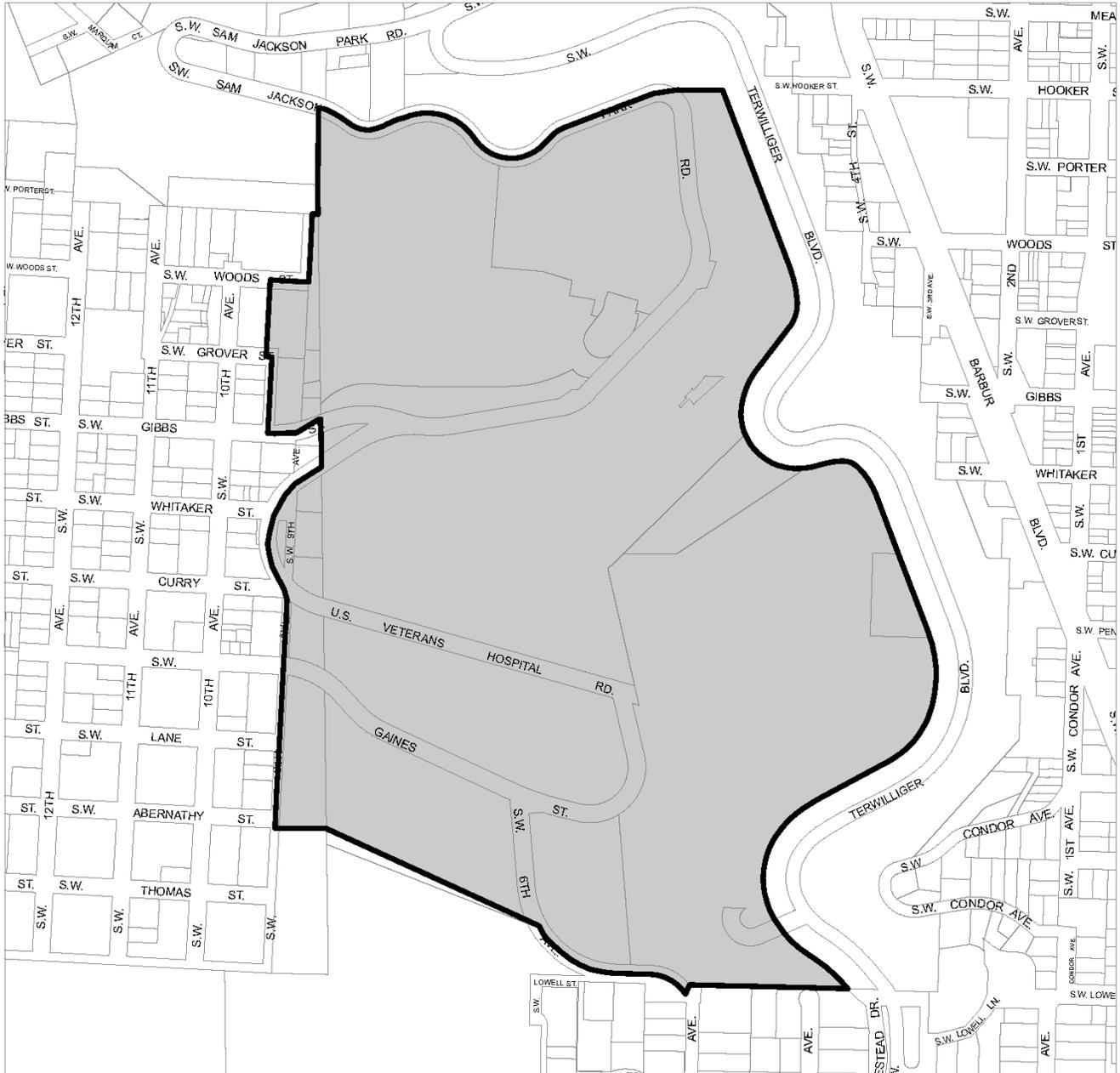


Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Marquam Hill Design District

Map 420-3

Map Revised August 1, 2021



 Design District Boundary



0 375 750

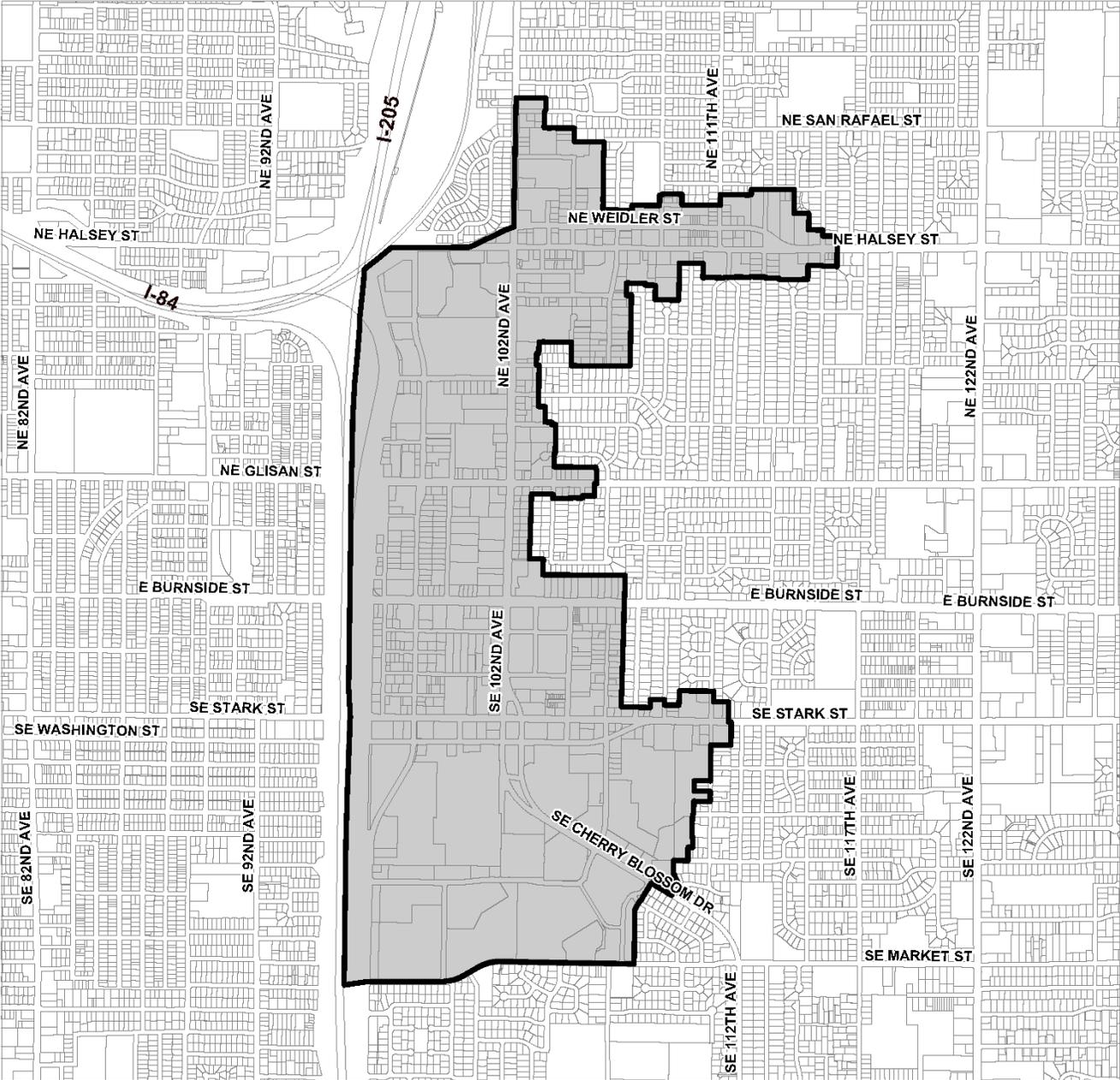
Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Gateway Design District

Map 420-4

Map Revised August 1, 2021



 Design District Boundary



33.445.130 Relocation of a Historic Landmark

When a Historic Landmark is relocated, the following apply:

- A. The receiving site is subject to Section 33.846.060, Historic Resource Review. If the applicant wishes to retain the Historic Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review.
- B. The Historic Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Map Amendments For Historic resources
- C. When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.140 Alterations to a Historic Landmark

Alterations to a Historic Landmark require historic resource review to ensure the landmark's historic value is considered prior to or during the development process.

- A. **When historic resource review for a Historic Landmark is required.** Unless exempted by Subsection B, below, the following proposals are subject to historic resource review. Some modifications to site-related development standards may be reviewed as part of the historic resource review process; see Section 33.445.050:
 - 1. Exterior alterations;
 - 2. Change of exterior color when:
 - a. Exterior color or material is specifically listed in the Historic Resources Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value; or
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of exterior color; or
 - c. Exterior color has been specifically required through a land use review.
 - 3. Installation or alteration of exterior signs; and
 - 4. Alteration of an interior space when that interior space is designated as a Historic Landmark.
- B. **Exempt from historic resource review.**
 - 1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, at least 25 feet from a side street lot line;
 - 2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as attributes that contribute to the resource's historic value;

3. Alterations in landscaping unless the landscaping is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark;
4. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
5. Repair;
6. Maintenance;
7. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
8. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:
 - a. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;
 - b. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - c. The proposed vent and associated elements must be set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - d. The proposed vent and associated elements must have a matte finish or be painted to match the roof.
9. Public Art as defined in Chapter 5.74;
10. Exterior Alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
11. Light wells when fully surrounded by the existing walls of the building;
12. Installation or removal of storm windows and doors; and
13. Installation or removal of screen windows and doors.

33.445.150 Demolition of a Historic Landmark

Demolition of a Historic Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Historic Landmark is subject to demolition review if:
 - a. It is individually listed in the National Register of Historic Places; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Historic Landmark.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Historic Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Historic Landmarks are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. The following are exempt from demolition review and 120-day delay:

1. Demolition of Historic Landmarks required to be demolished because:
 - a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
2. Demolition of detached accessory structures no larger than 200 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of the Historic Landmark.

Conservation Landmarks

33.445.200 Designation of a Conservation Landmark

Conservation Landmarks may be designated by the Historic Landmark Commission through a legislative procedure or through a quasi-judicial procedure.

- A. Designation by Historic Landmark Commission.** Conservation Landmark designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- B. Quasi-judicial designation.** Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.210 Removal of a Conservation Landmark Designation

- A. Requests for removal.** Removal of a resource's designation as a Conservation Landmark requires a historic designation removal review, except when the resource is destroyed or relocated as specified in Subsections B and C, below.
- B. Removal after destruction.** If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed.
- C. Removal after demolition.** If the resource is demolished or relocated, after either approval of demolition through demolition review or after 120-day delay, its Conservation Landmark designation is automatically removed.

33.445.220 Historic Preservation Incentives for Conservation Landmarks

Conservation Landmarks are eligible to use historic preservation incentives and preservation agreements. See Sections 33.445.600 through .610.

33.445.225 Relocation of a Conservation Landmark

When a Conservation Landmark is relocated, the following apply:

- A.** The receiving site is subject to Section 33.846.060, Historic Resource Review. If the applicant wishes to retain the Conservation Landmark designation at the receiving site, the receiving site is also subject to Section 33.846.030, Historic Designation Review.
- B.** The Conservation Landmark designation is automatically removed from the sending site; see Section 33.855.075, Automatic Creation or Removal of Historic Resource Designation.
- C.** When there is a preservation agreement that requires demolition review before demolition or relocation will be allowed, the sending site is also subject to Section 33.846.080, Demolition Review.

33.445.230 Alterations to a Conservation Landmark

Alterations to Conservation Landmarks require historic resource review to ensure the landmark's historic value is considered prior to or during the development process.

- A. When historic resource review for a Conservation Landmark is required.** Unless exempted by Subsection B, below, the following proposals are subject to historic resource review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:
 - 1. Exterior alteration;
 - 2. Change of exterior color when:

- a. Exterior color or material is a character defining features that is specifically listed in the Historic Resource Inventory, Conservation Landmark nomination, or National Register nomination; or
 - b. Other proposed alterations to the landmark require review and the proposed alterations include a change of exterior color; or
 - c. Exterior color has been specifically required through a land use review.
3. Installation or alteration of exterior signs; and
 4. Alteration of an interior space when that interior space is designated as a Conservation Landmark.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from the front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as attributes that contribute to the resource's historic value;
3. Alterations in landscaping unless the landscaping is identified in the Historic Resource Inventory, Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Conservation Landmark;
4. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
5. Repair;
6. Maintenance;
7. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met:
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof;

8. Rooftop vents installed on roofs if the vent and associated elements such as pipes, conduits and covers meet the following:
 - a. The area where the vent and associated elements will be installed must have a pitch of 1/12 or less;
 - b. The proposed vent and associated elements must not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - c. The proposed vent and associated elements must be set back at last 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - d. The proposed vent and associated elements must have a matte finish or be painted to match the roof.
9. Public Art as defined in Chapter 5.74;
10. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
11. Light wells when fully surrounded by the existing walls of the building;
12. Installation or removal of storm windows and doors; and
13. Installation or removal of screen windows and doors.

33.445.240 Demolition of a Conservation Landmark

Demolition of a Conservation Landmark requires one of two types of review to ensure the landmark's historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a Conservation Landmark is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the Conservation Landmark.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the Conservation Landmark, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, all Conservation Landmarks are subject to 120-day delay.

- C. Exempt from demolition review and 120-day delay.** The following are exempt from demolition review and 120-day delay.
1. Demolition of Conservation Landmarks required to be demolished because:
 - a. The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 2. Demolition of detached accessory structures no larger than 200 square feet, unless the accessory structure is identified in the Historic Resource Inventory, Historic Landmark nomination, or National Register nomination as an attribute that contributes to the historic value of a Historic Landmark.

Historic Districts

33.445.300 Designation of a Historic District

Local designation of Historic Districts may be established by the Historic Landmark Commission through a legislative or quasi-judicial procedure.

- A. Designation by Historic Landmark Commission.** Historic District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- B. Quasi-judicial designation.** Historic District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.310 Removal of a Historic District Designation

Removal of a resource's designation as a local Historic District requires a historic designation removal review.

33.445.315 Preservation Agreements in Historic Districts

Historic resources in Historic Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.320 Development and Alterations in a Historic District

Building a new structure or altering an existing structure in a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

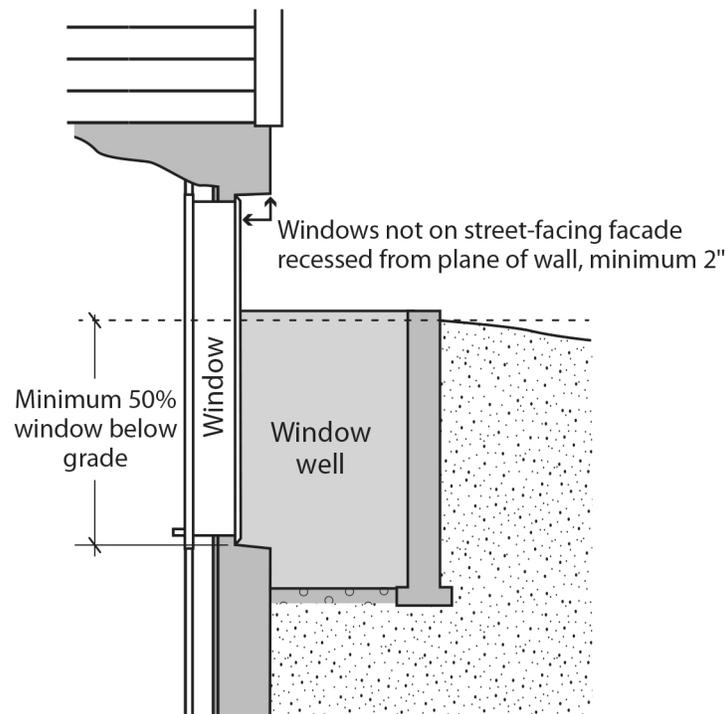
- A. When historic resource review is required in a Historic District.** Unless exempted by Subsection B, below, the following proposals in a Historic District are subject to historic resource review:
 1. Exterior alterations;

2. Building a new structure;
3. Installation or alteration of exterior signs; and
4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, at least 25 feet from a side street lot line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Landmark nomination, or National Register nomination as an attribute that contributes to the resource's historic value;
3. Alterations to noncontributing resources where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the façades affected includes the sum of the area of each alteration.
4. Alterations to existing basement windows, where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. Are limited to any combination of the following:
 - (1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - (2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.
5. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
6. Repair;
7. Maintenance;
8. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;

Figure 445-1
Basement Windows Replacement



9. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met.
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;
 - b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
10. Vents. On all residential structures in the RF through RM2 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:
 - a. Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a non-street facing facade;
 - (2) Project no more than 12 inches from the wall;

- (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
 - (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - (5) Be painted to match the adjacent surface.
 - b. Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - (1) Be on a flat roof;
 - (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
 - (4) Painted to match the adjacent surface.
11. Solar energy systems that meet the following requirements. When solar energy systems are proposed as part of a project that includes elements subject to historic resource review, the solar energy systems is not exempt:
 - a. On a flat roof, the horizontal portion of a mansard roof, or roofs surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface. The solar energy system must be mounted flush or on racks, with the system or rack extending no more than 5 feet above the top of the highest point of the roof. Solar energy systems must also be screened from the street by:
 - (1) An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - (2) Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - b. On a pitched roof. Solar energy systems may be on a pitched roof facing a rear lot line or on a pitched roof surface facing within 45 degrees of the rear lot line. See Figure 445-2. The system must be mounted flush, with the plane of the system parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline. See Figure 445-3.
12. Skylights or roof hatches that meet the following requirements:
 - a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.

Figure 445-2
Solar Energy System, Skylight and Roof Hatch Location on Rooftop

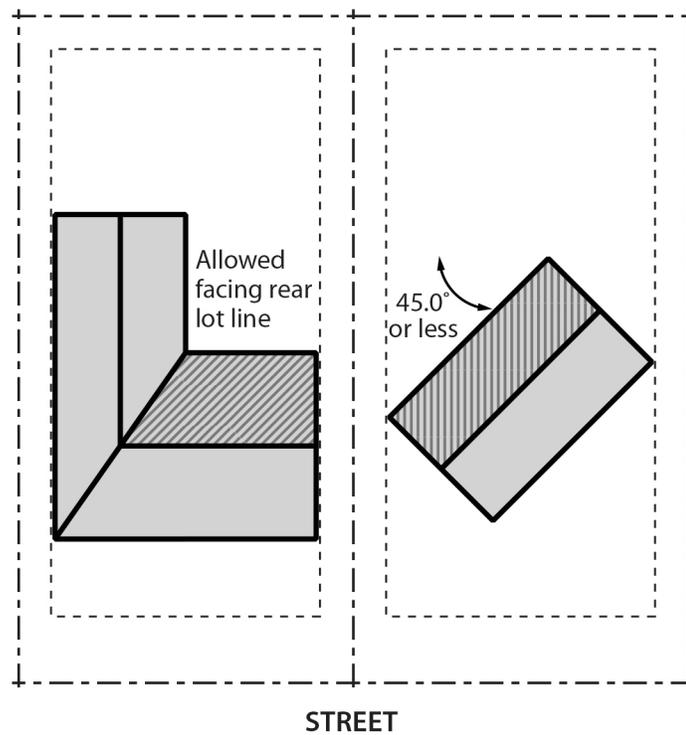
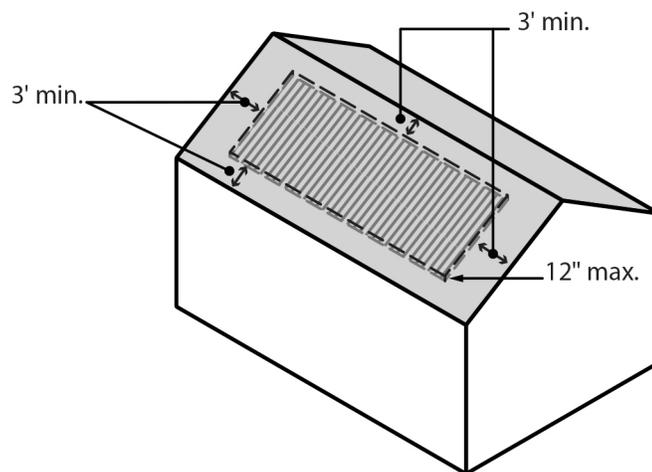


Figure 445-3
Solar Energy Systems on a Pitched Roof



13. Radon mitigation systems on non-street facing facades;
14. Eco-roofs installed on existing buildings when the roof is flat or surrounded by an existing parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements

subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;

15. Public Art as defined in Chapter 5.74;
16. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Historic District;
17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
18. Alterations to light wells when fully surrounded by the existing walls of the building;
19. Installation or removal of storm windows and doors;
20. Installation or removal of screen windows and doors;
21. Fences, retaining walls, and decks that meet the standards of this Title; and
22. Removal of fire escapes when required by the Fire Marshal.

33.445.330 Demolition of Historic Resources in a Historic District

Historic Landmarks in a Historic District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Historic District are subject to the regulations of Section 33.445.240. Demolition of other historic resources within a Historic District requires demolition review to ensure their historic value is considered. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection B, below, demolition of a historic resource in a Historic District is subject to demolition review if:
 - a. It is a structure that is identified as contributing to the historic significance of a Historic District; or
 - b. There is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the historic resource.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

- B. Exempt from demolition review.** Historic resources in Historic Districts required to be demolished because of the following are exempt from demolition review:
1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Conservation Districts

33.445.400 Designation of a Conservation District

Conservation Districts may be designated by the Historic Landmark Commission through a legislative procedure or may be designated through a quasi-judicial procedure.

- A. Designation by Historic Landmark Commission.** Conservation District designation may be established by the Historic Landmark Commission through a legislative procedure, using the approval criteria of Section 33.846.030.C.
- B. Quasi-judicial designation.** Conservation District designation may be established through a quasi-judicial procedure; historic designation review is required.

33.445.410 Removal of a Conservation District Designation

Removal of a resource's designation as a Conservation District requires a historic designation removal review.

33.445.415 Preservation Agreements in Conservation Districts

Historic resources in Conservation Districts are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.420 Development and Alterations in a Conservation District

Building a new structure or altering an existing structure in a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

- A. When historic resource review is required in a Conservation District.** Unless exempted by Subsection B., below, the following proposals in a Conservation District are subject to historic resource review. Some may be eligible to use the Community Design Standards as an alternative; see Section 33.445.710:
1. Exterior alterations;
 2. Building a new structure;
 3. Installation or alteration of exterior signs; and
 4. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping.

Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.

B. Exempt from historic resource review.

1. Construction of a detached accessory structure with 200 square feet or less of floor area when the accessory structure is at least 40 feet from a front property line and, if on a corner lot, 25 feet from a side street property line;
2. Alterations that do not require a building, site, zoning, or sign permit from the City, and that will not alter the exterior features of a resource having such features specifically listed in the Historic Resource Inventory, Landmark nomination, or National Register nomination as attributes that contribute to the resource's historic value;
3. Alterations to noncontributing resources where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. The total area altered on all facades is up to 150 square feet. Calculation of the area of the facades affected includes the sum of the area of each alteration.
4. Alterations to existing basement windows, where the alterations:
 - a. Affect only non-street-facing facades; and
 - b. Are limited to any combination of the following exclusive of any other exempt alterations:
 - (1) Replacement of windows in the same size opening, provided the window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - (2) Replacement of windows in a larger or smaller opening, provided that at least half of the area of the new window opening is below grade and the window glass is recessed at least 2 inches from the outside edge of the exterior wall. See Figure 445-1.
5. Parking lot landscaping that meets the standards of this Title and does not include a wall or fence;
6. Repair;
7. Maintenance;
8. Improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping, that meet the City Engineer's standards;
9. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, that is added to the roof of an existing building if the following are met.
 - a. The area where the equipment will be installed must have a pitch of 1/12 or less;

- b. No more than 8 mechanical units are allowed, including both proposed and existing units;
 - c. The proposed mechanical equipment must be set back at least 4 feet from the edge of the roof for every 1 foot of height of the equipment above the roof surface or top of parapet; and
 - d. The proposed equipment must have a matte finish or be painted to match the roof.
10. Vents. On all residential structures in the RF through RM2 zones and residential structures with up to three dwelling units in other zones, vents that meet all of the following:
 - a. Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - (1) Be on a non-street facing façade;
 - (2) Project no more than 12 inches from the wall;
 - (3) Be no more than 1 square foot in area, where the area is width times height. The cumulative area of all proposed vents may be up to 2 square feet;
 - (4) Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - (5) Be painted to match the adjacent surface.
 - b. Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduits and covers, must meet the following:
 - (1) Be on a flat roof;
 - (2) Not be more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) Set back from the perimeters of the building at least 4 feet for every 1 foot of height; and
 - (4) Painted to match the adjacent surface.
11. Solar energy systems added to an existing building that is neither a Conservation Landmark or Historic Landmark that meet the following requirements:
 - a. Rooftop solar energy systems must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - b. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - c. Photovoltaic glazing may be integrated into windows or skylights.

12. Skylights or roof hatches that meet the following requirements:
 - a. The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - b. The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-2.
13. Radon mitigation systems on non-street facing facades;
14. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that his at least 12 inches higher than the highest part of the eco-roof surface, and when no other nonexempt exterior improvements subject to historic resource review are proposed. Plants must be species that do not characteristically exceed 12-inches in height at mature growth;
15. Public Art as defined in Chapter 5.74;
16. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as contributing to the historic significance of a Conservation District;
17. Exterior alterations to accommodate persons with disabilities in accordance with Chapter 11 of the Oregon Structural Specialty Code, when such alterations can be installed and removed without destroying existing materials;
18. Alterations to light wells when fully surrounded by the existing walls of the building;
19. Installation or removal of storm windows and doors;
20. Installation or removal of screen windows and doors;
21. Fences, retaining walls, and decks that meet the standards of this Title; and
22. Removal of fire escapes when required by the Fire Marshal.

33.445.430 Demolition of Historic Resources in a Conservation District

Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.150. Conservation Landmarks in a Conservation District are subject to the regulations of Section 33.445.240. Demolition of other historic resources in a Conservation District requires one of two types of review to ensure the resource's historic value is considered prior to or during the development process. The review period also ensures that there is an opportunity for the community to fully consider alternatives to demolition.

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a historic resource in a Conservation District is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.

2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.
- B. 120-day delay.** Unless addressed by Subsection A, above, or exempted by Subsection C, below, all primary structures in Conservation Districts are subject to 120-day delay.
- C. Exempt from demolition review and 120-day delay.** The following are exempt from demolition review and 120-day delay:
 1. Historic resources in Conservation Districts required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 2. Demolition of a structure that is identified as noncontributing to the historic significance of a Conservation District.

Historic Resource Inventory Listing

33.445.500 Listing in the Historic Resource Inventory

A historic resource may be listed in the City's Historic Resource Inventory by the Historic Landmarks Commission as the result of an area planning study reviewed through a legislative procedure. Consent of the owner of the resource is required.

33.445.510 Removal of Historic Resource Inventory Listing

- A. Automatic removal of listing in the Historic Resource Inventory.** When a resource listed in the City's Historic Resource Inventory is demolished or destroyed by causes beyond the control of the owner, its listing in the Inventory is automatically removed.
- B. Requests for removal of ranked resources.** Removal of ranked resources in the City's Historic Resource Inventory is subject to the 120-day delay specified in Sections 33.445.520.B and 33.445.810.
- C. Requests for removal of unranked resources.** An unranked resource will be removed from the Inventory on the date that the Bureau of Development Services receives the property owner's written request to remove the resource from the Inventory.

33.445.515 Preservation Agreements for Resources Listed in the Historic Resource Inventory

Resources listed in the Historic Resource Inventory are eligible for the preservation agreement detailed in Section 33.445.600.

33.445.520 Demolition of Resources Listed in the Historic Resource Inventory

A. Demolition review.

1. When demolition review is required. Unless exempted by Subsection C, below, demolition of a resource listed in the Historic Resource Inventory is subject to demolition review if there is a covenant with the City that requires the owner to obtain City approval before demolishing or relocating the resource.
2. Issuance of a demolition permit after demolition review. If the review body for demolition review approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. The decision in the demolition review is final;
 - b. At least 120 days have passed since the date the Director of the Bureau of Development Services determined that the application was complete; and
 - c. A permit for a new building on the site has been issued. The demolition and building permits may be issued simultaneously.

B. 120-day delay. Unless addressed by Subsection A, above, or exempted by Subsection C, below, Rank I, II, or III resources listed in the City's Historic Resource Inventory are subject to 120-day delay.

C. Exempt from demolition review and 120-day delay. Rank I, II, or III resources listed in the City's Historic Resource Inventory that are required to be demolished because of the following are exempt from demolition review and 120-day delay:

1. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
2. The Code Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.

Historic Preservation Agreements and Historic Preservation Incentives

33.445.600 Preservation Agreements

- A. Purpose.** Preservation agreements increase the potential for historic resources to be used, protected, renovated, and preserved. They provide a mechanism for owners to commit to good stewardship of their historic resources.
- B. Eligibility for preservation agreements.** All historic resources are eligible to use the preservation agreement described in this Section.

- C. Covenant.** Owners who wish to enter into a preservation agreement must execute a covenant with the City. The covenant may not be revoked or rescinded.

The covenant must:

1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish the historic resource unless the City approves the demolition or relocation through demolition review;
2. State that the owner agrees that the historic resource may be relocated only if the City approves the relocation through the following reviews:
 - a. Sending site. The sending site is subject to Section 33.846.080, Demolition Review; and
 - b. Receiving site. The receiving site is subject to both Section 33.846.060, Historic Resource Review and Section 33.846.030, Historic Designation Review; and
3. Meet the requirements of Section 33.700.060, Covenants with the City.

33.445.610 Historic Preservation Incentives

- A. Purpose.** Historic preservation incentives increase the potential for historic resources to be used, protected, renovated, and preserved. Incentives make preservation more attractive to owners of historic resources because they provide flexibility and economic opportunities.
- B. Eligibility for historic preservation incentives.** Conservation Landmarks and Historic Landmarks are eligible to use the historic preservation incentives in Subsection C if the requirements of Subsection D are met. Sites with resources identified as contributing to the historic significance of a Historic District or a Conservation District are eligible to use the incentives in Paragraphs C.3 through C.8 if the requirements of Subsection D are met.
- 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 33.120.210.D, Transfer of FAR. In commercial and employment zones, the transfer of FAR is regulated by Subsections 33.130.205.C and 33.140.205.C.
 2. Additional density in Single-Dwelling zones. Landmarks in Single-Dwelling zones may be used as multi-dwelling structures, up to a maximum of one dwelling unit for each 1,000 square feet of site area. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The landmark may be expanded and the new net building area used for additional dwelling units only if the expansion is approved through historic resource review.
 3. Additional density in Multi-Dwelling zones. Structures located in multi-dwelling zones may be used as multi-dwelling structures, with no maximum density. No additional off-street parking is required, but the existing number of off-street parking spaces must be retained. The building may be expanded and the new net building area used

for additional dwelling units only if the expansion is approved through historic resource review.

4. Daycare in residential and IR zones. Daycare is an allowed use in residential and IR zones.
 5. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI, and IR zones, applications for conditional uses are processed through a Type II procedure.
 6. Exemption from minimum density. Minimum housing density regulations do not apply.
 7. Nonresidential uses in the RX zone. In the RX zone, except on sites that front on the Park Blocks frontages shown on Map 510-14, up to 100 percent of the net building area of a structure may be approved for Retail Sales And Service, Office, Major Event Entertainment, or Manufacturing And Production through Historic Preservation Incentive Review.
 8. Nonresidential uses in the RM1, RM2, RM3, and RM4 zones. In the RM1, RM2, RM3, and RM4 zones, up to 100 percent of the net building area of a structure may be approved for Retail Sales And Service, Office, or Manufacturing And Production as follows:
 - a. Review required. The nonresidential uses must be approved through Historic Preservation Incentive Review; and
 - b. Previous nonresidential use required. The last use in the structure must have been in a nonresidential use category and have been allowed when established; if part of the structure was in residential use, the proposal must include at least as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.
 9. Office uses in the R5 zone. In the R5 zone, up to 100 percent of the net building area of a structure may be approved for Office use as follows:
 - a. Review required. The Office use must be approved through Historic Preservation Incentive Review; and
 - b. Previous Office use required. The last use in the structure must have been an Office use and must have been allowed when established; if part of the structure was in residential use, the proposal must include at least as many dwelling units as were part of the last allowed use or uses. If the last allowed use was residential only, the structure is not eligible for this incentive.
- D. Covenant.** The owner must execute a covenant with the City. The covenant may not be revoked or rescinded. The covenant must:
1. State that the owner agrees that the historic resource is subject to demolition review, and the owner will not demolish or relocate the historic resource unless the City approves the demolition or relocation through demolition review; and
 2. Meet the requirements of Section 33.700.060, Covenants with the City.

Community Design Standards

33.445.700 Purpose

The Community Design Standards provide an alternative process to historic resource review for some proposals. For some proposals, the applicant may choose to go through the historic resource review process set out in Chapter 33.846, Historic Resource Reviews, 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 historic resource review.

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
RM1 Zone	10 dwelling units
RM2, RM3, RM4, 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.
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.** For alterations to sites where there is a nonconforming use;

- C. For mixed-use or non-residential development in the RF through RM2 zones;
- D. If the site is in a Historic District or the proposal is for alteration to a Historic Landmark; and
- E. For installation of solar panels on a conservation landmark.

120-Day Delay

33.445.800 Types of Procedures.

There are two types of procedure that may be required before a historic resource is demolished or a ranked historic resource is removed from the City Historic Resource Inventory. Other sections of this chapter describe when each review is required. The two types are:

- A. **120-Day Delay.** See Section 33.445.810;
- B. **Demolition Review.** See Section 33.846.080.

33.445.805 Supplemental Application Requirements.

- A. **Applicability.** In addition to the application requirements of Section 33.730.060, a demolition review application requesting approval based on criterion 33.846.080.C.1, or on both 33.846.080.C.1 and 33.846.080.C.2, requires two copies of a written statement that includes the information listed in Subsection B. An application requesting approval based solely on criterion 33.846.080.C.2 requires two copies of a written statement that includes the information listed in Paragraphs B.1 through B.4. Applicants may also submit any additional information relevant to the specific review and approval criteria.
- B. **Application requirements.**
 1. Statements from a licensed engineer and a licensed architect with experience in renovation, restoration, or rehabilitation as to the structural soundness of the structure and its suitability for continued use, renovation, restoration, or rehabilitation;
 2. Statements from developers, real estate consultants, appraisers, or other real estate professionals experienced in rehabilitation as to the economic feasibility of restoration, renovation, or rehabilitation of existing structures or objects;
 3. All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any structures or objects for alternative use, or a statement that none were obtained;
 4. A summary of the historic preservation incentives and programs available and the extent to which they were explored by the applicant;
 5. The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
 6. The current balance of any mortgages or any other financing secured by the property and the annual debt service, if any, for the previous two years;

7. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing or ownership of the property, or a statement that none were obtained;
 8. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four years, or a statement that none were obtained;
 9. Itemized income and expense statements for the property for the previous two years;
 10. Estimate of the cost of the proposed demolition; and
 11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other.
- C. Exceptions.** The Director of BDS may waive items listed if they are not applicable to the specific review and the applicant may choose not to submit any or all missing information requested by the Director of BDS, as specified in Section 33.730.060.

33.445.810 120-Day Delay.

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as restoration, relocation, or architectural salvage. It also provides notice when a request has been made to remove a ranked resource from the Historic Resource Inventory.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or alteration of a ranked resource may be issued. This suspension of permit issuance does not apply to relocation of a ranked resource during the 120-day delay period.
- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.
1. **Application.** The applicant must submit an application for a demolition permit or a written request to BDS to remove the ranked resource from the Historic Resource Inventory. Current or historic photographs of the features of the resource that were identified when the resource was nominated, designated, placed within a Historic District or Conservation District, or placed on the Historic Resource Inventory must be included with the application for a demolition permit or request for removal from the Historic Resource Inventory.
 2. **Notice of application.**
 - a. **Posting notice on the site.** Within 14 days of applying for a demolition permit or submitting a written request for removal of a ranked resource from the Historic Resource Inventory, the applicant must post a notice on the site of the historic resource proposed for demolition or removal from the Historic Resource Inventory. The posting must meet the following requirements:
 - (1) **Number and location of posted notices.** Notice must be placed on each frontage of the site occupied by the historic resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;

- (2) Content of the posted notice. The notice must include the following information:
 - The date of the posted notice;
 - The address of the resource proposed for demolition or removal from the City Historic Resource Inventory;
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or alteration of a ranked resource requested to be demolished or removed from the Historic Resource Inventory may be issued, other than a permit for relocation of the ranked resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice, and if proposed for demolition, time to consider alternatives, including restoration, relocation or salvage of materials.
 - A statement that building permits may be issued after [insert 120 days after a request for Historic Resource Inventory removal is accepted by the Bureau of Development Services], or, if proposed for demolition, the date on which the demolition permit will be issued.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner;
 - (3) Removal of the posted notice. The posted notice must not be removed until the date on which the demolition permit is issued or the resource is removed from the Historic Resource Inventory. The posted notice must be removed within 30 days of that date.
- b. Mailed notice. Within 14 days of receiving the application for a demolition permit or request for removal of a ranked property from the Historic Resource Inventory, the Director of BDS will mail a notice of the proposed demolition or Historic Resource Inventory removal to all properties within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource and to the State Historic Preservation Office. If the proposal is to demolish a resource or remove a ranked resource from the Historic Resource Inventory in a Conservation District or Historic District and the district has a Historic Advisory Committee that has been recognized by the neighborhood association, notice will also be sent to the Historic Advisory Committee. The notice will include the same information as in Subsubparagraph C.2.a.(2), above.
3. Decision.
 - a. Demolition permit. The Director of BDS will issue the demolition permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.
 - b. Historic Resource Inventory removal. The Director of BDS will remove the ranked resource from the Historic Resource Inventory 120 days after a request for

Historic Resource Inventory removal is accepted by the Bureau of
Development Services.

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord. No. 178946, effective 1/7/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 3/6/13.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21.)

33.480 Scenic Resource Zone

480

Sections:

- 33.480.010 Purpose
- 33.480.020 Map Symbol
- 33.480.030 Application of the Scenic Resource Zone
- 33.480.035 Where These Regulations Apply
- 33.480.040 Development Standards
- 33.480.050 Tree Removal Review

33.480.010 Purpose

The Scenic Resource zone is intended to:

- Protect Portland's significant scenic resources that provide benefits to the public as identified by the City in the *Scenic Resources Protection Plan* (1991) and the *Central City Scenic Resources Protection Plan* (2017);
- Enhance the appearance of Portland to make it a better place to live and work;
- Create attractive entrance ways to Portland and its districts;
- Improve Portland's economic vitality by enhancing the City's attractiveness to its citizens and to visitors; and
- Implement the scenic resource policies, goals, and objectives of Portland's Comprehensive Plan.

The purposes of the Scenic Resource zone are achieved by establishing height limits within view corridors to protect significant views and by establishing additional landscaping and screening standards to preserve and enhance identified scenic resources.

33.480.020 Map Symbol

The Scenic Resource zone is shown on the Official Zoning Maps with a letter "s" map symbol.

33.480.030 Application

The Scenic Resource zone is to be applied to all significant view corridors, viewpoints, and scenic corridors identified in the *Scenic Resources Protection Plan* or the *Central City Scenic Resources Protection Plan*.

33.480.035 Where These Regulations Apply

Any changes to land or development, including rights-of-way, within the Scenic Resource zone are subject to the regulations of this chapter.

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* or the *Central City Scenic Resources Protection Plan*. The standards for each subsection below apply only to areas with that designation in the respective 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. View Corridors.** The following standards apply to development and vegetation within a view corridor.
1. Purpose. The intent of the view corridor designation and standards is to establish maximum heights within view corridors to protect views from designated viewpoints and to provide a location where the public can safely take in a significant view.
 2. Standards.
 - a. Height limit. All development within the designated view corridors are subject to the height limits of the base zone, overlay zone, or plan district, except when a more restrictive height limit is established by the view corridor. In those instances, the view corridor height limit applies to both development and vegetation. Removal of trees or limbs necessary to maintain the view corridor is allowed. When no development is proposed, tree removal is subject to the requirements of Title 11, Trees. Public safety facilities are exempt from this standard.
 - b. Viewpoint standards. The following standards apply to the viewpoint portion of view corridors shown on a Map 480-1:
 - (1) Construction of a viewpoint. Construction of a viewpoint that is at least 16 feet in total area is required as follows:
 - When there is new development;
 - When exterior alterations to existing development are 35 percent or greater of the assessed improvement value of the total improvements on the site.
 - (2) Viewpoint location.
 - If the viewpoint is identified on a site that also has a major public trail designation, the viewpoint must be located adjacent to the major public trail and must comply with the Use of Trail, Hours of Use, Trespass and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails.
 - A viewpoint shown in a right-of-way must be located within or adjacent to the lanes of pedestrian or bicycle travel.
 - (3) Viewpoint amenities. The viewpoint must include at least two of the following amenities. The amenities must be located within the required viewpoint area:
 - A bench;
 - A light;
 - A sign with information about the view; or
 - A telescope directed at the focal features of the view.

- The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
 - Floors of the building above 75 feet must be 10,000 square feet in area or less;
 - Adjustments to the standards of this subsection are prohibited; however, modifications through design review may be requested as follows:
 - A modification to the 25,000 square foot limitation may be requested;
 - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
- (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;
- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.
- Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;
- (6) The applicant must contribute \$24.20 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their

advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:
 - a. The site must be shown on Map 510-3 as eligible for a height increase;
 - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;
 - (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; or
 - (3) The historic resource transfer of Paragraph 33.510.205.D.1.
 - c. Limit shadow. The following additional shadow standard and approval criterion are intended to limit the effects of shadow cast by buildings using bonus height. The shadow study standard applies to sites shown on Map 510-4 as requiring a shadow study. The shadow approval criterion applies to sites within 500 feet of a residential zone located outside of the Central City when more than 75 feet of bonus height is proposed:
 - (1) Shadow study standard. When bonus height will be used on a site shown on Map 510-4 as requiring a shadow study, the shadow study must show that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
 - (2) Shadow approval criterion. A proposal for more than 75 feet of bonus height on a site that is within 500 feet of a residential zone located outside of the Central City plan district will be approved if the review body finds that shadow cast by the proposed building will not have a significant negative impact on dwelling units located outside the Central City plan district in an R zone within 500 feet of the site.

B. Parking and loading access standards.

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
 - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
 - c. On SW Park between SW Jackson Street and SW Salmon Street;
 - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
 - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;
 - f. On 1st Ave between NW Davis Street and SW Stark Streets;
 - g. On 1st Ave between SW Washington and SW Yamhill Streets; and
 - h. Motor vehicle access to or from any parking area or structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area or structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.
2. Unless addressed by Paragraph B.1., motor vehicle access to any parking area, loading area, or parking structure is not allowed in the following situations:
 - a. To or from any of the following streets:
 - (1) Major City bikeway;
 - (2) Major City Traffic Street;
 - (3) Major Truck Street; and
 - (4) Major Transit Priority Street.
 - b. To or from any parking area or structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking access measured from the property line.
3. All other streets. Motor vehicle access to any parking area, loading area, or parking structures is allowed.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

33.520 Division Street Plan District

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Sections

General

33.520.010 Purpose

33.520.020 Where These Regulations Apply

Development Standards

33.520.100 Reinforce the Corner

33.520.110 Exterior Finish Material

Map 520-1 Division Street Plan District

General

33.520.010 Purpose

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

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

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

Development Standards

33.520.100 Reinforce the Corner

- A. Where the standards apply.** The following standards apply to sites where any of the floor area on the site is in a nonresidential use, and where a site abuts both Division Street and an intersecting street:
- B. Main entrance standard.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the following. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. The main entrance must:
1. Be within 5 feet of the facade facing Division Street; and
 2. Either:
 - a. Face Division Street; or
 - b. Be at an angle of up to 45 degrees from Division Street, measured from the street property line.
- C.** Surface parking areas are not allowed within 40 feet of the corner.

33.520.110 Exterior Finish Materials

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

(Adopted by Ord. No. 188177, effective 5/24/18; Amended by Ord. No. 190477, effective 8/1/21.)

33.521 East Corridor Plan District

521

Sections:

General

- 33.521.010 Purpose
- 33.521.020 Where These Regulations Apply

Use Regulations

- 33.521.100 Purpose
- 33.521.110 Prohibited Uses
- 33.521.120 Housing Regulations

Development Standards

- 33.521.200 Purpose
- 33.521.210 Building Height
- 33.521.220 Floor Area Ratios
- 33.521.230 Connectivity
- 33.521.240 Pedestrian Standards
- 33.521.250 Entrances
- 33.521.260 Building Design
- 33.521.270 Exterior Display and Storage
- 33.521.280 Drive-Through Facilities
- 33.521.290 Parking
- 33.521.300 Additional Standards in the 122nd Avenue Subdistrict

Map 521-1 East Corridor Plan District

Map 521-2 Maximum Building Heights

Map 521-3 Floor Area Ratios

Map 521-4 Areas Where Exterior Display and Storage are Allowed

General

33.521.010 Purpose

The East Corridor plan district includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city's growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of retail, office, and housing with a high level of pedestrian amenities. Lower density residential and commercial development will continue to surround the Pedestrian Districts.

These regulations:

- Encourage new housing and mixed use development and expansions of existing development to promote the corridor's growth and light rail transit ridership;
- Promote compatibility between private and public investments along the light rail system through enhanced building design and site layout standards;
- Implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service; and
- Encourage connectivity for vehicles, bicycles, and pedestrians on large sites.

33.521.020 Where These Regulations Apply

The regulations of this chapter apply to development in the East Corridor plan district. The boundaries of the plan district are shown on Map 521-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.521.100 Purpose

Use regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and enhances the pedestrian environment along the transit corridor and near the light rail stations by encouraging uses that support transit patrons and pedestrians.

33.521.110 Prohibited Uses

The following uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

- A. Vehicle Repair that is not on the same site as auto sales in the Retail Sales And Service category;
- B. Quick Vehicle Servicing;
- C. Commercial Parking; and
- D. Self-Service Storage.

33.521.120 Housing Regulations

- A. **Purpose.** Housing is regulated to ensure that new housing is built at transit-supportive densities.
- B. **Attached houses.** Attached housing at R2.5 densities is allowed on lots in the R5 or R7 zone if the development standards of the R2.5 zone are met and the site:
 - 1. Is on a corner; or
 - 2. Is adjacent to a light rail alignment; or
 - 3. Has a side or rear lot line that abuts a multi-dwelling, C, E, or I zone.

Development Standards

33.521.200 Purpose

Development regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and fosters intense mixed-use development with a high level of pedestrian amenities in Pedestrian Districts near light rail stations. The development regulations do this by:

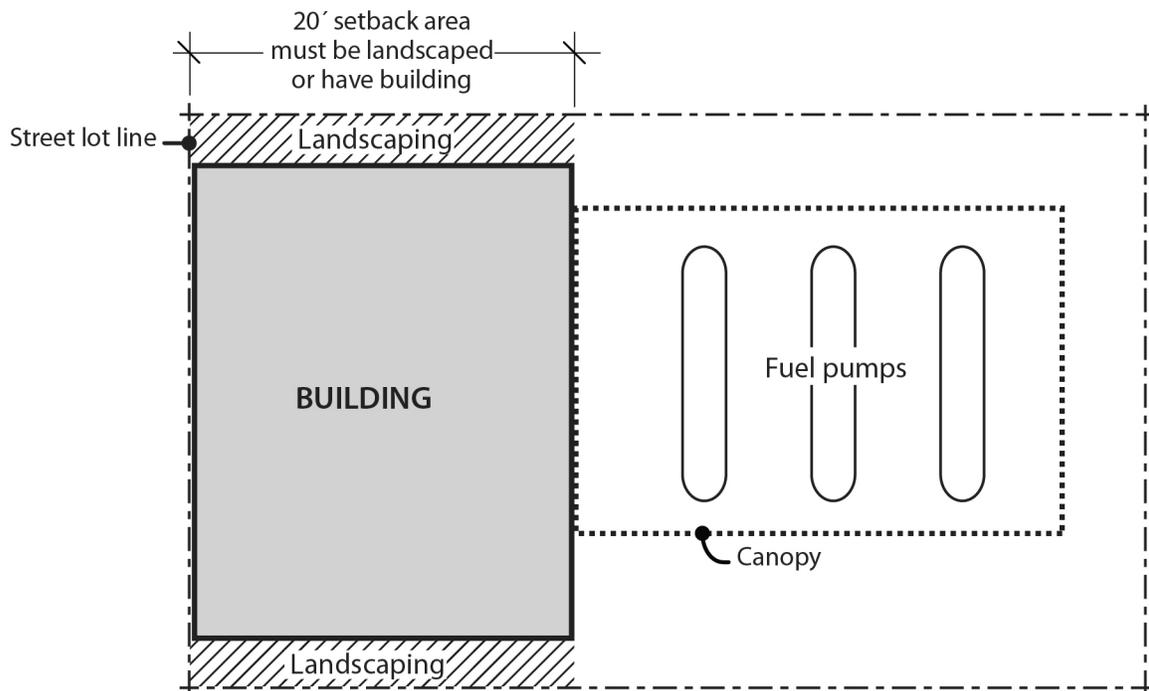
- Enhancing the pedestrian experience throughout the plan district, but focusing more active, intense pedestrian activities around the light rail stations;
- Increasing the development potential around the light rail stations;

- a. The area that is nonconforming may be moved to another location on the site where exterior display and storage is prohibited if:
 - (1) The square footage of nonconforming exterior display or storage is not increased;
 - (2) The standards of Table 521-1 are met for the area that is moved; and
 - (3) The change does not take the site out of conformance, or further out of conformance with B.4.d, site frontage.
 - b. If the exterior display and exterior storage areas are not being moved, changes may be made that bring the areas closer into conformance with this section.
- C. Residential development standards.** When all the floor area on a site is in Residential uses, the maximum setback from a street lot line is 20 feet.
- D. Retail Sales And Service and Office uses in the RM3 and RM4 zones.**
1. Purpose. This regulation provides opportunity for mixed use development in the RM3 and RM4 zones by allowing a limited amount of commercial use while ensuring that development in residential zones is predominately residential in character.
 2. Retail Sales And Service and Office uses are allowed in the RM3 and RM4 zones if they meet the following regulations:
 - a. The total amount of Retail Sales And Service and Office use does not exceed 2,000 square feet of net building area per use up to a total combined floor area ratio of 0.4 to 1. More than 2,000 square feet per use is prohibited, and more than 0.4 to 1 total on the site is prohibited;
 - b. All of the gross building area that is in a Retail Sales And Service or Office use is located on the ground floor within 100 feet of a street lot line; and
 - c. There are no exterior activities associated with the Retail Sales And Service or Office use other than for outdoor seating.
- E. Vehicle Repair in the CM3 zone.**
1. Purpose. Vehicle Repair uses are limited in size to ensure that they will not dominate the commercial area and to limit their potential impacts on residential and commercial uses.
 2. No more than 30,000 square feet of net building area in Vehicle Repair uses is allowed on a site.
- F. Motor vehicle fuel sales in the CM3 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 zone if the following are met. Drive-through facilities serving or associated with other uses are prohibited:
 - a. The site must be at least 150,000 square feet in area, and have another primary use on the site. The other primary use must be a Retail Sales And Service, and have at least 50,000 square feet of net building area.
 - b. Up to twelve fueling positions are allowed on a site. Fueling positions are the maximum number of vehicles that can be fueled simultaneously. Therefore, 12 fueling positions would allow 12 cars to fuel at one time.
 - c. The fuel pumps and any associated awning, canopy, or cover must be at least 20 feet from street lot lines. Any portion of the 20-foot setback area that is not occupied by buildings that are enclosed on all sides must be landscaped to at least the L2 standard. See Figure 521-4. Adjustments to this subparagraph are prohibited, but modifications may be requested through design review.
 - d. The fuel pumps, stacking lanes, and any associated awning, canopy, or cover must be at least 200 feet from the intersection of two transit streets. Adjustments to this standard are prohibited.
 - e. Development on the site that does not comply with the development standards listed below must be brought into conformance:
 - (1) Landscaped setbacks for surface parking and exterior development areas;
 - (2) Interior parking lot landscaping; and
 - (3) Landscaping in existing building setbacks;
 - f. The proposed development must be approved through design review; the Design overlay zone design standards in 33.420.050 may not be used.

Figure 521-4
Setbacks for Motor Vehicle Fuel Sales



(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180372, effective 9/30/06 and 7/1/07; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.526 Gateway Plan District

526

Sections:

General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Project Consultation

Use Regulations

- 33.526.100 Purpose
- 33.526.110 Prohibited Uses
- 33.526.120 Retail Sales and Service and Office Uses

Development Standards

- 33.526.200 Purpose
- 33.526.210 Building Height
- 33.526.220 Floor Area Ratio
- 33.526.230 Floor Area and Height Bonus Options
- 33.526.240 Open Area
- 33.526.250 Connectivity
- 33.526.260 Pedestrian Standards
- 33.526.270 Entrances
- 33.526.280 Enhanced Pedestrian Street Standards
- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
- 33.526.320 Drive-Through Facilities
- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

33.526.020 Where These Regulations Apply

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

33.526.030 Early Project Consultation

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, the Bureau of Development Services, the Portland Development Commission, the Portland Office of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

Use Regulations

33.526.100 Purpose

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

33.526.110 Prohibited Uses

- A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.

area can provide passive or active recreational opportunities, and help to soften the built environment. In order to provide flexibility, this provision allows the requirement to be met by phasing the open area, locating it off site, or paying into a fund.

- B. Calculations.** For purposes of this section, site area dedicated for public right-of-way is subtracted from the total site or lot area;
- C. Where these regulations apply.** The requirements of this section apply to sites 5 acres or more in area.
- D. Additions of floor area to the site.** The requirements of this subsection apply to sites where the proposal will result in an increase of at least 10,000 square feet of floor area on the site. The applicant may choose from the three options below:
 - 1. On-site option. If the open area will be on-site, the following standards must be met:
 - a. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - b. Open areas are parks; plazas; or other similar areas approved through design review. These areas may include improvements such as children’s play equipment, picnic areas, landscaping, benches, paved walkways or trails, gardens, organized sport fields or courts, or other outdoor amenities. Open areas do not include areas used for parking or loading, or landscaping within parking areas.
 - c. Existing open areas on the site may be used to meet this requirement. Open areas used for stormwater management or required recreation area may also be used to meet the requirements of this section. Open areas used to earn bonus floor area may not be used to meet the requirements of this section.
 - d. The open area must be located outdoors on the site and abut either the public sidewalk or the site’s pedestrian circulation system.
 - e. Open area may be provided in a variety of sizes, but each open area must measure at least 20 feet in all directions.
 - f. The application must identify the location, proposed improvements, and timing of the improvements.
 - 2. Off-site option. If the open area will be off-site, the following standards must be met:
 - a. The area that will be used to meet this requirement must be:
 - (1) Identified as proposed open space on the Gateway urban design concept or approved by Portland Parks and Recreation;
 - (2) Under the applicant’s control; and
 - (3) Vacant or used for surface parking.

- b. At least 0.5 square foot of open area is required for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area. Adjustments to this standard are prohibited.
 - c. The application must identify when the proposed open area site will be transferred into the ownership of the Portland Bureau of Parks and Recreation.
 3. Gateway Regional Center Public Open Area Fund option. As an alternative to developing open area, the applicant may pay \$30.00 per required square foot of open area into the Gateway Regional Center Public Open Area Fund (Open Area Fund). The Open Area Fund is collected and administered by the Portland Bureau of Parks and Recreation. The funds collected must be used within the Gateway plan district, either for acquisition or improvement of public open areas. If using this option, the following must be met:
 - a. The required square footage of open area is calculated as 0.5 square foot of open area for each square foot of floor area proposed for the site, up to a maximum requirement of 15 percent of the site area;
 - b. When applying for building permits or land use reviews on the site, the applicant must submit with the application a letter from the Portland Bureau of Parks and Recreation documenting the amount that has been contributed to the Open Area Fund.
- E. Land Divisions.** The standards and approval criteria of this subsection apply to sites where a land division is proposed:
 1. The regulations of this subsection do not apply to proposed lots 5 acres or more in area. The regulations will apply if such lots are divided further.
 2. The regulations of this paragraph apply to proposed lots less than 5 acres in area.
 - a. For each lot, an area equal to at least 15 percent of the area of the lot must be in open area.
 - b. For each lot, the applicant may choose to locate the required amount of open area on the lot, elsewhere on the land division site, or off-site. The applicant may also choose to make a contribution to the Open Area Fund. The application must specify which of these options, or combination of options, will be used to meet the requirements of this subsection.
 - (1) If the open area requirement will be met on the lot, the applicant must specify the location.
 - (2) If the open area requirement will be met elsewhere on the land division site, the required area must be in a tract.
 - (3) If the open area requirement will be met off-site or through a contribution to the Open Area Fund, the requirements of Paragraphs C.2 or C.3 must be met:
 - c. If the requirements of this subsection will be met on the land division site or on the lot, the applicant must indicate when improvements will be made to the

- b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

33.526.340 Parking

- A. Purpose.** The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The parking ratios in this section will accommodate most auto trips to a site and take into account the intensity of development in the area, on-street parking supply, pedestrian activity, and proximity to frequent transit service.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

B. Number of parking spaces.

1. Minimum required parking spaces. There is no minimum number of required parking spaces.
2. Maximum allowed parking spaces.
 - a. Except as specified in B.2.b., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking and Loading. The maximums apply to both surface and structured parking.
 - b. Exceptions.
 - (1) Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 204 square feet of net building area. The maximum applies to both surface and structured parking.
 - (2) Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 294 square feet of net building area.
 - (3) Park-and-ride facilities. There is no maximum for park-and-ride facilities.

C. Location.

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:
 - a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.
 - b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
 - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.

- D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.534 Hillsdale Plan District

534

Sections:

General

- 33.534.010 Purpose
- 33.534.020 Where These Regulations Apply

Use Regulations

- 33.534.100 Purpose
- 33.534.110 Prohibited Uses

Development Standards

- 33.534.200 Purpose
- 33.534.210 Setbacks
- 33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones
- 33.534.230 Drive-Through Facilities

Map 534-1 Hillsdale Plan District

General

33.534.010 Purpose

The regulations of the Hillsdale plan district promote compatibility between existing and new residential and commercial development and support the Hillsdale Town Center.

33.534.020 Where These Regulations Apply

The regulations of this Chapter apply to development in the Hillsdale plan district. The boundaries of the plan district are shown on Map 534-1 at the end of this Chapter, and on the Official Zoning Maps.

Use Regulations

33.534.100 Purpose

Use restrictions in the Hillsdale plan district will help avoid conflicts between the public's investment in pedestrian, transit and bicycle improvements and the role Hillsdale plays as a Town Center. Limiting auto-oriented uses will ensure that private investment complements the public's investment.

33.534.110 Prohibited Uses

The following uses are prohibited:

- A. Vehicle repair;
- B. Quick vehicle servicing;
- C. Self-service storage; and
- D. Warehouse and freight movement.

33.534.200 Purpose

These development standards maintain the established character of the Hillsdale area while encouraging pedestrian-oriented development.

33.534.210 Setbacks

- A. Front building setback in the RM2zone. A setback of at least 10 feet is required in the RM2 zone along streets designated as Local Service Streets in the Transportation Element of the Comprehensive Plan.
- B. Building setback in C zones. Buildings in the commercial/mixed use 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.

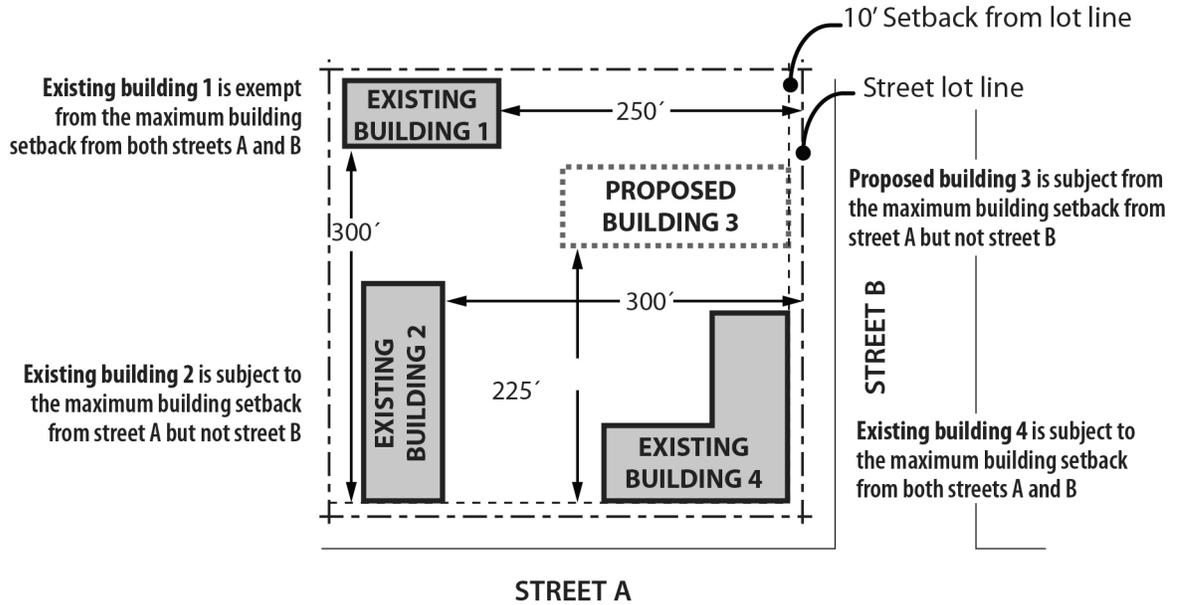
33.534.220 Exterior Display, Storage and Work Activities in the IR and C Zones

Exterior display, storage and work activities are prohibited in the IR and C zones, except for the following, which are allowed:

- A. Outdoor seating for restaurants;
- B. Pedestrian-oriented uses, including flower, food, and drink stands, and other similar, pedestrian-oriented uses;
- C. Farmers' markets selling plants and produce may operate one day per week; and
- D. Exterior display of items for sale, if the following are met:
 - 1. The display is within 20 feet of the store from which the items are being sold; and
 - 2. Items are displayed only when the store is open.

Development Standards

Figure 534-1
Exemption from Maximum Building Setback in C Zone



33.534.230 Drive-Through Facilities

Drive-through facilities are prohibited.

(Added by: Ord. No. 171699, effective 11/21/97. Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

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 CM2 and CM3

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
- 33.536.280 Enhanced Pedestrian Street Standards
- 33.536.290 Maximum Parking Allowed in the RX, CM2, and CM3 Zones
- 33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard
- 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

General

33.536.010 Purpose

The Hollywood plan district provides for an urban level of mixed-use development including commercial, office, housing, and recreation. Specific objectives of the plan district include strengthening Hollywood's role as a commercial and residential center, and promoting the use of light rail, bus transit, and walking. These regulations:

- Enhance business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and developments and direct the placement of auto-oriented uses and developments away from the area of most intense activity;
- Reinforce the connection between the Hollywood Transit Center and the business core of the Hollywood District;

- Enhance the pedestrian experience; and

- Enhance the character of buildings in the plan district.

33.536.020 Where These Regulations Apply

The regulations of this Chapter apply in the Hollywood plan district. The boundaries of the plan district and subdistricts are shown on Map 536-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.536.100 Purpose

Use restrictions in the area near the transit center and in the business core of Hollywood ensure that development maximizes the public's investment in transit. The restrictions also strengthen the role of Hollywood as a mixed-use center. Limits on parking and auto-oriented uses encourage pedestrian and transit-oriented uses and activities. Requiring residential uses in key areas supports the commercial uses in Hollywood and also increases pedestrian activity near the transit center and in the commercial core of Hollywood.

33.536.110 Prohibited Uses

- A. Purpose.** These regulations limit auto-oriented uses in the plan district, and help reduce traffic congestion, especially in the commercial core of Hollywood.
- B. Prohibited uses.**
 1. Park and Ride facilities are prohibited in the plan district; and
 2. Vehicle Repair and Quick Vehicle Servicing are prohibited in Subdistrict A.

33.536.120 Required Residential Uses

- A. Purpose.** This regulation ensures a minimum level of housing in the area near the Hollywood Transit Center to support transit use and promote a dense, vital, urban-scaled mix of uses and activities. Housing is particularly important in this mix because it supports the commercial uses, promotes walking from residential areas to nearby services, and contributes to evening and weekend activity.
- B. Where this regulation applies.** The regulation of this section applies to new development or additions of more than 2,500 square feet of floor area in the Required Residential Area shown on Map 536-1.
- C. Required residential uses.** At least 50 percent of new floor area must be in residential uses.

33.536.130 Commercial Parking in the CM2 and CM3 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 CM2 and CM3 zones is a conditional use, and must be in a structure.

- 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.

Table 536-1 Maximum Parking Spaces Allowed in the RM4, CM2, and CM3 Zones		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Residential		
Household Living		1.35 per unit for surface parking. No maximum for structured parking and for houses, attached houses, and duplexes.
Group Living		No maximum
Commercial		
Retail Sales And Service	Retail, personal service, repair oriented	1 per 250 sq. ft. of net building area
	Restaurants and bars	1 per 75 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
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area
Office	General office	1 per 400 sq. ft. of net building area
	Medical/Dental office	1 per 330 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area
Commercial Parking		Not applicable
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.
Commercial Outdoor Recreation		20 per acre of site
Major Event Entertainment		1 per 8 seats or per CU review
Industrial		
Manufacturing And Production		1 per 750 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
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area
Waste-Related		Per CU review

Table 536-1 Maximum Parking Spaces Allowed in the RM4, CM2, and CM3 Zones		
Use Categories	Specific Uses	Maximum Parking Spaces Allowed
Institutional		
Basic Utilities		None
Community Service		1 per 500 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas
Schools	Grade, elementary, junior high	1 per classroom
	High school	7 per classroom
Medical Centers		1 per 500 sq.ft. of net building area; or per CU review or Impact Mitigation Plan approval
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms; or per CU review or Impact Mitigation Plan approval
Religious Institutions		1 per 100 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area
Other		
Agriculture		None, or per CU review
Aviation, Detention Facilities, Aggregate Extraction		Per CU review
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None
	Radio or television broadcast	2 per site
Rail Lines & Utility Corridors		None

33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard

- 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.
- 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.

33.536.320 Nonconforming Development

- A. Purpose.** These regulations ensure that improvements to nonconforming development will comply with the parking limits established for the Hollywood plan district.
- B. Sites that are nonconforming in parking spaces.** When a site is nonconforming in the number of required or allowed parking spaces, the following applies:

1. Minimum required parking spaces. If changes to a use or building are made that increase the number of required parking spaces over the existing situation, only the number of spaces relating to the increase need to be provided, up to the maximum allowed for the site.
2. Maximum allowed parking spaces. If changes to a use or building are made, existing parking spaces that are in excess of the maximum may be retained if the following conditions are met:
 - a. Parking area may not be expanded, but may be reconfigured; and
 - b. If the parking area is reconfigured, it must meet the minimum setback and perimeter landscaping requirements and the minimum parking space and aisle dimensions stated in Chapter 33.266.

(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00; Ord. No. 177422, effective 6/7/03; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.538 Kenton Plan District

538

Sections:

General

- 33.538.010 Purpose
- 33.538.020 Where These Regulations Apply

Use Regulations

- 33.538.100 Prohibited Uses
- 33.538.110 Limited Uses

Development Standards

- 33.538.200 Drive-Through Facilities
- 33.538.210 Maximum Building Height
- 33.538.220 Floor Area Ratio
- 33.538.230 Required Building Lines
- 33.538.240 Active Use Areas
- 33.538.250 Parking Access Restricted Streets

Map 538-1 Kenton Plan District

Map 538-2 Maximum Building Heights

Map 538-3 Floor Area Ratio

Map 538-4 Required Building Lines

Map 538-5 Active Building Use Areas

Map 538-6 Parking Access Restricted Streets

General

33.538.010 Purpose

The Kenton plan district use regulations foster a vital retail corridor along Denver Avenue. The Kenton plan district development standards ensure that the design of new buildings, and modifications to existing buildings, are compatible with the historic character of the area. These regulations also ensure a pleasant, safe and efficient environment for pedestrians along the Denver Avenue commercial corridor and near the light rail station. Together, these regulations:

- Enhance the commercial character along Denver Avenue by restricting industrial uses;
- Discourage auto-oriented uses and development; and
- Encourage retail uses in the historic storefront buildings along Denver Avenue.

33.538.020 Where These Regulations Apply

The regulations of this chapter apply in the Kenton plan district. The boundaries of the plan district are shown on Map 538-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.538.100 Prohibited Uses

The following uses are prohibited:

- A. Wholesale Sales; and
- B. Vehicle Repair.

33.538.110 Limited Uses

- A. Individual Manufacturing and Production uses are limited to 3,000 square feet of net building area; and
- B. Retail vehicle sales or leasing is limited to 3,000 square feet of net building area per site. Retail vehicle sales or leasing where the net building area is more than 3,000 square feet is prohibited.

Development Standards

33.538.200 Drive-Through Facilities

Drive-through facilities are prohibited.

33.538.210 Maximum Building Height

Maximum building heights are shown on Map 538-2.

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. **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.

- 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.

33.538.230 Required Building Lines

- A. Purpose.** These regulations ensure a lively and attractive pedestrian environment with buildings that are compatible with the historic storefront buildings. They ensure that ground level uses are near the sidewalk.
- B. Where these regulations apply.** These regulations apply to site frontages shown on Map 538-4.
- C. Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high.
 1. Zero setback standard. On frontages designated for the zero setback standard, buildings must extend to the street lot line for the entire lot frontage except that up to 10 feet of the length of the building may be set back up to 10 feet from the street lot line to accommodate the main entrance.
 2. Pedestrian amenities standard. On frontages designated for the pedestrian amenities standard, buildings must extend to the street lot line for at least 75 percent of the lot frontage. Up to 25 percent of the building may be set back up to 10 feet from the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."

33.538.240 Active Building Use Areas

- A. Purpose.** These regulations work with the Required Building Line standard to ensure a lively and attractive pedestrian environment with buildings that are compatible with the existing historic storefront buildings. These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk.
- B. Where these regulations apply.** These regulations apply to new development along frontages shown on Map 538-5.
- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls along the frontages shown on Map 538-5.

Areas designed to accommodate active building uses must meet the following standards:

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing facade;
3. The area may be designed to accommodate a single tenant or multiple tenants;
4. The street-facing facade must include windows and doors; and
5. Parking is not allowed in the active building use areas.

33.538.250 Parking Access Restricted Frontages

- A. Purpose.** This regulation preserves on-street parking, while reducing the impact of automobiles. It creates a safer, more attractive environment for pedestrians. On Denver Avenue this regulation protects the existing historic pattern of no mid-block curb cuts.
- B. Parking access restricted.** Motor vehicle access to a vehicle area or structure is not allowed through a frontage shown on Map 538-6.

(Added by Ord. No. 175210, effective 1/26/01. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21.)

3. Attached garages. When parking is provided in a garage attached to the primary structure and garage doors face a street the following standards must be met:
 - a. The garage must not be more than 40 percent of the length of the building frontage or 12 feet long, whichever is greater;
 - b. The front of the garage can be no closer to front lot line than the front facade of the house;
 - c. Garage doors that are part of the street-facing elevations of a primary structure may be no more than 75 square feet in area; and
 - d. There may be no more than one garage door per 16 feet of building frontage.
4. Exterior finish materials. All buildings must meet the foundation material standard of 33.218.110.I, and the exterior finish materials standards of 33.218.110.J. The standards must be met on all building facades.
5. Corner lots with alley access. If the site is a corner lot that is adjacent to an alley, access for motor vehicles must be from the alley.
6. On lots less than 10,000 square feet in the RM2 zone, the minimum density is 1 unit per 2,250 square feet of site area. This standard does not apply on corner lots.

(Adopted by Ord. No. 188177, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.550 Macadam Plan District

550

Sections:

General

- 33.550.010 Purpose
- 33.550.020 Where the Regulations Apply

Use Regulations

- 33.550.100 Prohibited Uses

Development Standards

- 33.550.200 Floor Area Ratio
- 33.550.210 Building Height
- 33.550.220 Building Setbacks
- 33.550.230 Building Coverage
- 33.550.240 Building Length
- 33.550.250 View Corridors
- 33.550.260 Exterior Display and Storage
- 33.550.270 Drive-Through Facilities
- 33.550.280 Signs

Map 550-1 Macadam Avenue Plan District

General

33.550.010 Purpose

The Macadam plan district implements the Macadam Corridor Study. The plan district contains a set of regulations designed to preserve and promote the unique character of the Macadam area. In addition to special development standards for the district, the regulations restrict auto-oriented uses and development, limit signs, allow for future light rail, and provide view corridors to the Willamette River.

33.550.020 Where the Regulations Apply

The regulations of this chapter apply to development within the Macadam plan district. The boundaries of the district are shown on Map 550-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

33.550.100 Prohibited Uses

The following use categories are prohibited in the Macadam plan district:

- A. Quick Vehicle Servicing; and
- B. Vehicle Repair, excluding boat repair which is allowed.

Development Standards

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.

33.550.210 Building Height

Building heights may not exceed the maximum and average building heights shown on Map 550-1.

33.550.220 Building Setbacks

The setback standards require that buildings with greater bulk be set back further from lot lines, to be consistent with the plan district's campus-like character, to maintain views of the river, and to prevent a canyon effect along SW Macadam Ave.

- A. Setbacks from lot lines.** The minimum building setbacks from all lot lines are based on the area of the plane of the building wall and are stated in Table 550-1. These setbacks do not apply to nonstreet lot lines on sites of 15,000 square feet or less.

Table 550-1 Building Setbacks From Lot Lines	
If the area of the plane of the building wall is: [1]	The required setback is:
1,000 sq. ft. or less	5 ft.
1,001 to 1,300 sq. ft.	6 ft.
1,301 to 1,600 sq. ft.	7 ft.
1,601 to 1,900 sq. ft.	8 ft.
1,901 to 2,200 sq. ft.	9 ft.
2,201 to 2,500 sq. ft.	10 ft.
2,501 to 2,800 sq. ft.	11 ft.
2,801 to 3,100 sq. ft.	12 ft.
3,101 to 3,400 sq. ft.	13 ft.
3,401 or greater	14 ft.

Notes:

[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.

- B. Future light rail line setback.** Buildings that abut the future light rail facility are subject to special setbacks. The setbacks are listed below. The future light rail alignment is shown on Map 550-1 at the end of this chapter.
 1. Residential buildings. Residential buildings must be set back at least 40 feet from the centerline of the potential light rail line.
 2. Commercial buildings. Commercial buildings must be set back at least 30 feet from the centerline of the potential light rail line.
 3. Uninhabitable structures. Uninhabitable structures, such as a parking structure, must be set back at least 17 feet from the centerline of the potential light rail line. Commercial uses are not allowed on the ground floor.
 4. Along lot lines. If the light rail line abuts a lot line, the more restrictive standard of Subsection A. or B. applies.

33.550.230 Building Coverage

The maximum building coverage is 75 percent of the site area.

33.550.240 Building Length

- A. Length.** The maximum length of any building facade is 200 feet.
- B. Uninterrupted wall.** An exterior wall of a building adjacent to a street may not continue along an uninterrupted plane for more than 100 feet. An uninterrupted plane is a wall which has no variation in exterior surface along its length. An offset of less than 3 feet in the plane of a building wall is considered an uninterrupted plane.

33.550.250 View Corridors

- A.** Ground level view corridors must be maintained along the rights-of-way of SW Miles, SW Nevada, SW California, SW Vermont, SW Nebraska, SW Pendleton, and SW Richardson Streets. These view corridors must be preserved by maintaining open space from SW Macadam Ave to the ordinary high water line of the Willamette river and are measured 30 feet from each side of the center line of these streets. Houses within the SW Miles Street view corridor are exempt from these regulations. A 60-foot wide view corridor at ground level must also be maintained at SW Carolina Street. This view corridor is directed northeasterly beginning at the intersection of SW Macadam Ave and SW Carolina Street and extending so that the extension of the northern edge of the view corridor meets the intersection of the mean low water line and the north property line of River Lot 6, Southern Portland Addition.
- B.** The view corridors are shown on Map 550-1 at the end of this chapter.

33.550.260 Exterior Display and Storage

Exterior display and storage, except of boats, is not allowed.

33.550.270 Drive-Through Facilities

Drive-through facilities are prohibited in the Macadam plan district.

33.550.280 Signs

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

(Amended by: Ord. No. 167650, effective 6/10/94; Ord.173528, effective 7/30/99; Ord. No. 175204, effective 3/1/01; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 190477, effective 8/1/21.)

- C. Existing Bicycle Parking.** Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
1. The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
 2. The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
 3. The bicycle parking area does not exceed 500 spaces;
 4. The bicycle parking must be within 100 feet of a suspended cable transportation system; and
 5. The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

Design Review

33.555.300 Design Review

- A. Purpose.** Design review ensures that institutional development is physically and visually integrated within the plan district and with the surrounding neighborhoods, open space areas, Terwilliger Parkway, and the skyline associated with Marquam Hill. It also ensures that the pedestrian environment within the institutionally developed portions of Marquam Hill incorporates quality design providing an attractive and safe environment for pedestrian passage within and through the plan district and an integrated relationship between structures and the pedestrian environment. Design review also promotes the protection and enhancement of views within and to and from the plan district, as well as sustainable development, protection of environmentally sensitive resources, and the incorporation of site amenities within the pedestrian environment. Additionally, design review promotes an efficient and functional arrangement of institutional development within the plan district and improvements to vehicular access and circulation patterns.
- B. Design overlay zone.** The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design overlay zone.

(Added by: Ord. No. 176742, effective 7/31/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.561 North Interstate Plan District

561

Sections:

General

- 33.561.010 Purpose
- 33.561.020 Where These Regulations Apply

Development Standards

- 33.561.210 Maximum Building Height
- 33.561.220 Floor Area Ratios
- 33.561.230 Transition Between Zones
- 33.561.250 Exterior Display and Storage
- 33.561.260 Off-Site Impacts of Industrial Uses in the CM3 Zone
- 33.561.270 Required Building Lines
- 33.561.280 Active Building Use Areas
- 33.561.300 Motor Vehicle Access
- 33.561.310 Compatibility Standards in the R2.5 and R2 Zones

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

33.561.010 Purpose

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards:

- Implement urban design concepts of the North Interstate Corridor Plan;
- Help ease transitions between new high-density development and the existing, low-density neighborhoods; and
- Enhance the pedestrian experience.

33.561.020 Where These Regulations Apply

The regulations of this chapter apply in the North Interstate plan district. The boundaries of the plan district are shown on Map 561-1 at the end of this chapter, and on the Official Zoning Maps.

Development Standards

33.561.210 Maximum Building Height

A. Purpose. The maximum building height standards:

- Allow taller buildings to provide visual prominence and intense activity near station platforms and at identified focal points;
- Allow taller buildings along Interstate 5 to achieve a defined edge within the larger neighborhood context and allow buildings to take greater advantage of views to the east over the freeway; and

- Increase opportunities for creative design, encourage quality construction, and foster provision of neighborhood amenities such as underground parking and ground level open space by allowing additional height in special areas with additional design requirements.

B. Maximum building heights.

1. Generally. The maximum building heights are shown on Map 561-2, except as specified in Section 33.561.230. Adjustments to maximum heights are prohibited, but modifications through Design Review may be requested.
2. In the height opportunity areas shown on Map 561-2, buildings may be up to 125 feet high if:
 - a. The applicant meets with the Design Commission to discuss the proposal before applying for Design Review. As specified in 33.730.050.B, the applicant must submit a design advice request to schedule this meeting; and
 - b. The applicant requests design review, rather than using the Design overlay zone design standards in 33.420.050.

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.
- 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. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
- c. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
- d. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

(Added by: Ord. No. 182072, effective 8/22/08; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

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 and CM3 Zones
- 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 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

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 562-9 Northwest Master Plan Required

General

33.562.010 Purpose

The Northwest plan district implements the Northwest District Plan, providing for an urban level of mixed-use development including commercial, office, housing, and employment. Objectives of the plan district include strengthening the area's role as a commercial and residential center. The regulations of this chapter:

- Promote housing and mixed-use development;
- Address the area's parking scarcity while discouraging auto-oriented developments;
- Enhance the pedestrian experience;
- Encourage a mixed-use environment, with transit supportive levels of development and a concentration of commercial uses, along main streets and the streetcar alignment; and

- Minimize conflicts between the mixed-uses of the plan district and the industrial uses of the adjacent Guild's Lake Industrial Sanctuary.

33.562.020 Where These Regulations Apply

The regulations of this chapter apply in the Northwest plan district. The boundaries of the plan district are shown on Map 562-1 at the end of this chapter, and on the Official Zoning Maps.

Use Regulations

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 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 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 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.

33.562.130 Commercial Parking in Multi-Dwelling Zones

- A. Purpose.** These regulations allow a limited amount of Commercial Parking in Multi-Dwelling zones to address the scarcity of off-street parking in an area where busy commercial main streets are adjacent to high-density residential areas.

- Development that is integrated into the broader urban fabric;
- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
- Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.

B. Where these regulations apply. The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.

C. When a Northwest Master Plan is required.

1. Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:
 - a. Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or
 - b. A change from one use category to another.
2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.
3. Exempt. The following are allowed without a Northwest Master Plan:
 - a. Normal maintenance and repair;
 - b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
 - c. Development where all of the floor area and exterior improvement area is in residential use; and
 - d. Fences, handicap access ramps, and on-site pedestrian systems.

D. Components of a Northwest Master Plan. The applicant must submit a Northwest Master Plan with all of the following components:

1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for

each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.
4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.
5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Portland Citywide Design Guidelines or the Design overlay zone design standards in 33.420.050 will apply; however, the Northwest Master Plan may augment those standards and guidelines for the area covered by the Northwest Master Plan.
6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:
 - a. The location and amount of motor vehicle and bicycle parking;
 - b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:
 - (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);
 - (2) Car or van pool programs;
 - (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;
 - (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;
 - c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;

- d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;
 - e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Bureau of Transportation; and
 - f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.
7. Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.
 8. Process. The Northwest Master Plan must include:
 - a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and
 - b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.
 9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.
- E. Review Procedure.** A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

F. Amendments to a Northwest Master Plan.

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:
 - a. A change in use category involving more than 1,500 square feet;
 - b. Increases in floor area or exterior improvements area of more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;
 - c. Increases or decreases in the amount of parking;

- d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and
 - e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.
2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.
 3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.
- 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. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.
 2. Design.
 - a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.
 - b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:
 - (1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;
 - (2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and
 - (3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.

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 G.3.c.;
 - 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
 - e. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.
4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:
 - a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;
 - b. The transportation system is capable of safely supporting the proposed uses and development;
 - c. The proposed uses and development will not have significant adverse effects on the area;
 - d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and
 - e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

- H. Duration of the Northwest Master Plan.** The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated, with the exception of Northwest Master Plans approved prior to August 10, 2020, which remain in effect until January 1, 2024. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.
- I. After approval of a Northwest Master Plan.** After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No. 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183916, effective 7/17/10; Ord. No. 186639, effective 7/11/14; Ord. No. 187889, effective 8/12/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

3. There are no minimum lot area or width standards for the lots, lots of record, or combinations thereof described in Subsection C;
- G. Minimum area standards. The minimum area standards are in Table 563-1. These minimum area standards apply only as specified in Subsections A and B, above. New lots proposed through a land division are subject to the regulations of Chapters 33.610 and 33.611, not the regulations of this subsection.

Zone	Minimum Area
RF	87,120 square feet
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea.

In the Linnton Hillside subarea, duplexes as allowed by 33.110.265.D, and attached houses on corners as allowed by 33.110.265.C.1.a(2) are prohibited.

Skyline Subdistrict

33.563.400 Zoning Map Amendments

All requests for quasi-judicial Zoning Map Amendments within the Skyline subdistrict must meet the following:

- A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and
- B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

33.563.410 Land Divisions and Planned Developments

The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

- A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:
 1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:
 - a. The potential daily and peak hour traffic volumes that will be generated by the site;
 - b. Distribution on the street system of the traffic that will be generated by the site;
 - c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,

- d. Current traffic volumes on the principal roadways relative to the site; and
 2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.
- B.** Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:
1. Public sewer and water service must be available to the site; and
 2. The applicant must either:
 - a. Show that the existing public transportation is adequate; or
 - b. Participate in or subsidize a private transportation service.

(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 180095, effective 5/26/06; Ord. No. 187216, effective 7/24/15; Ord. No. 190093, effective 9/11/20; Ord. No. 190093, effective 8/1/21.)

33.580 South Auditorium Plan District

580

Sections:

- 33.580.010 Purpose
- 33.580.020 Where the Regulations Apply
- 33.580.040 Portland Development Commission

Development Standards

- 33.580.100 Floor Area Ratios
- 33.580.110 Landscaped Areas
- 33.580.120 Parking Lot Landscaping
- 33.580.130 Preservation of Existing Trees
- 33.580.140 Sign Restrictions

Map 580-1 South Auditorium Plan District

Map 580-2 South Auditorium Plan District Maximum Floor Area Ratio

Map 580-3 Pedestrian Mall and Open Area Landscaping

33.580.010 Purpose

The South Auditorium plan district protects the unique character of the former South Auditorium urban renewal district. The district is an award-winning development, with its high-rise buildings, generous setbacks and landscaping, numerous plazas and fountains, and elaborate pedestrian walkway system. Maintenance of this character is achieved by requiring additional landscaping requirements, the preservation of existing trees, screening of roof-top equipment, and additional sign regulations which limit the type, number, and size of signs.

33.580.020 Where the Regulations Apply

The regulations of this chapter apply to development in the South Auditorium plan district, as shown on Map 580-1 at the end of this chapter, and on the Official Zoning Maps. Where the regulations of this chapter conflict with the regulations of the Central City plan district, the regulations of this chapter prevail.

33.580.040 Portland Development Commission

Due to their involvement in the development of the plan district, the participation of the Portland Development Commission (PDC) is actively encouraged. The PDC will be notified of all pre-application conferences and their advice sought before any final staff recommendations are made on a land use review.

Development Standards

33.580.100 Floor Area Ratios

Maximum floor area ratios for sites in the South Auditorium plan district are shown on Map 580-2. In the portion of the South Auditorium plan district that is also in the Central City plan district, the Central City floor area bonus and transfer options apply rather than any base zone bonus or transfer options.

33.580.110 Landscaped Areas

At a minimum, new development and modifications to existing development must meet the landscape standards stated in this section. The standards do not apply to parking lots, which are subject to the standards in 33.580.120 below. These standards are minimums; the review body may require higher standards as part of a land use review. The standards are:

- A. Fourth Avenue.** A 6 foot deep area landscaped to at least the L2 standard is required along SW Fourth Avenue. The landscape standards are stated in Chapter 33.248, Landscaping and Screening.
- B. Other streets.** A 15 foot deep area landscaped to at least the L1 standard is required along any public street other than SW Fourth Avenue.
- C. Pedestrian malls/open areas.** A 6 foot deep area landscaped to at least the L1 standard is required along lot lines abutting a pedestrian mall or open area, as shown on Map 580-3.

33.580.120 Parking Lot Landscaping

The perimeter of surface parking lots which abut pedestrian malls or rights-of-way must have a 5 foot deep area landscaped to at least the L2 standard. In addition, the interior landscaping of surface parking lots must have at least 1 tree for each 500 square feet of paved area. These standards are minimums; the review body may require higher standards as part of a land use review.

33.580.130 Preservation of Existing Trees

- A. Existing trees must be preserved.** Unless exempt under subsection B, removal of existing trees 6 or more inches in diameter is allowed only when approved through design review, using the following approval criteria:
 - 1. The location of the tree to be removed is needed for development of a new building or an arborist finds that the tree will be affected by proposed development in a manner that is likely to cause significant damage or death to the tree;
 - 2. The proposal is consistent with the purpose of the plan district; and
 - 3. Each tree removed will be replaced with a new tree elsewhere in the plan district in accordance with the adopted landscaping plan for the plan district, or as determined by the design review.
- B. Exemption.** Removal of trees that are dead, dying, or dangerous, as determined by an arborist, is exempt from the requirement for design review if the tree is replaced by at least one tree in the same general location or in accordance with the adopted landscaping plan for the plan district.
- C. Tree removal without development.** When no development is proposed, removal of trees allowed under the exemption in Subsection B, above, is subject to the tree permit requirements of Title 11, Trees.

33.580.140 Sign Restrictions

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

(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175204, effective 3/1/01; Ord. No. 184524, effective 7/1/11; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

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 CM3 Zone

Development Standards

33.583.200 Purpose

33.583.210 Drive-Through Facilities

33.583.220 Exterior Activities in the EG and CM3 Zones

33.583.230 Detached Houses Prohibited in the CM3 Zone

33.583.250 Maximum Building Height

33.583.270 Building Coverage in the CM3 Zone

33.583.280 Residential Uses in the EG1 Zone

33.583.285 Additional Regulations in the Riverfront Subdistrict

Map 583-1 St. Johns Plan District

Map 583-2 Maximum Heights

General

33.583.010 Purpose

The St. Johns plan district provides for an urban level of mixed-use development including commercial, employment, office, housing, institutional, and recreation uses. Specific objectives of the plan district include strengthening St. Johns' role as the commercial and civic center of the North Portland peninsula. These regulations:

- Stimulate business and economic vitality;
- Promote housing and mixed-use development;
- Discourage auto-oriented uses and development;
- Enhance the pedestrian environment;
- Enhance the character of buildings in the plan district; and
- Support the Willamette greenway and opportunities to celebrate the Willamette River as a unique element of the urban environment.

33.583.020 Where These Regulations Apply

The regulations of this chapter apply in the St. Johns plan district. The boundaries of the plan district are shown on Map 583-1 and on the Official Zoning Maps.

Use Regulations

33.583.100 Purpose

These regulations support St. Johns as the commercial and civic core of the North Portland peninsula by guiding the types and intensity of uses allowed in the plan district. These use regulations also ensure that land uses fostered within the plan district support an enhanced pedestrian environment and residential mixed-use development. Retail uses outside of the central commercial and civic core are limited to neighborhood-serving retail uses that will complement the riverfront area but do not compete with the uses located in the commercial core of the plan district.

33.583.110 Prohibited Uses

- A. **Plan district.** Quick Vehicle Servicing is prohibited in the plan district.
- B. **EG and CM3 zones.** The following uses are prohibited in the EG and CM3 zones:
 - 1. Vehicle Repair;
 - 2. Commercial Parking;
 - 3. Self-Service Storage;
 - 4. Agriculture; and
 - 5. Detention Facilities.

33.583.120 Retail Sales And Service Uses in the CM3 Zone

- A. **Purpose.** Limiting the net building area of Retail Sales And Service uses in the CM3 zone 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 CM3 zone, 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 CM3 zone, 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.

Development Standards

33.583.200 Purpose

These development standards foster a vibrant mixed-use area with well-designed buildings that are of a scale and orientation that support a safe and attractive pedestrian environment. These standards help minimize conflicts between commercial and residential uses, and ensure transit-supportive levels of residential development in the plan district. The standards also support existing sites with drive-through facilities by creating limited opportunity for these facilities to redevelop as part of development that fosters an urban intensity of uses.

33.583.210 Drive-Through Facilities

Drive-through facilities are prohibited, except when they meet the following:

- A. There was a legal drive-through facility on the site on January 1, 2004;
- B. The new drive-through facility is on the same site and the existing drive-through will be removed;
- C. The new drive-through facility will be part of a development on the site that meets the lot coverage and setback requirements of the zone, and after the new development is built, the FAR on the site will be at least 1:1; and
- D. The drive-through facility must either:
 - 1. Meet the standards of Chapter 33.224, Drive-Through Facilities; or
 - 2. Meet the following:
 - a. The service area must be within the primary structure on the site;
 - b. The service area must have useable floor area above it on the second story; and
 - c. The stacking lanes must meet the standards of Section 33.224.050, Stacking Lane Standards, and must be enclosed within the primary structure on the site.

33.583.220 Exterior Activities in the EG and CM3 Zones.

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

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

33.583.230 Detached Houses Prohibited in the CM3 Zone.

Detached houses are prohibited in the CM3 zone.

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 Design overlay zone design standards and the Portland Citywide Design Guidelines to ensure that the character and scale of new development is appropriate for this mixed-use area, and for the zone.
- B. **Standards.** 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 maximum height are prohibited in all other zones.

33.583.270 Building Coverage in the CM3 Zone

- A. Purpose.** The building coverage standard works 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 buildings do not completely cover a site.
- B. Maximum building coverage.** The maximum building coverage in the CM3 zone is 85 percent.

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.** 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.

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.
- B. Where these regulations apply.** The regulations of this section apply to sites in the Riverfront Subdistrict, shown on Map 583-1.
- C. Minimum residential density in the CM3 zone.** Where all of the floor area on a site in the CM3 zone is in residential use, the minimum residential density is 1 unit per 1,000 square feet of site area.
- D. 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.

*(Added by: Ord. No. 178452, effective 7/10/04. Amended by: Ord. No. 186639, effective 7/11/14;
Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective
5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)*

Land Divisions and Planned Developments

Lots

33.605 Lots in the Open Space Zone

33.610 Lots in RF through R5 Zones

33.611 Lots in the R2.5 Zone

33.612 Lots in Multi-Dwelling and IR Zones

33.613 Lots in Commercial Lots in Commercial/Mixed Use and CI Zones

33.614 Lots in Employment Zones

33.615 Lots in Industrial Zones

Additional Regulations

33.630 Tree Preservation

33.631 Sites in Special Flood Hazard Areas

33.632 Sites in Potential Landslide Hazard Areas

33.633 Phased Plans and Staged Final Plats

33.634 Required Recreation Area

33.635 Clearing and Grading and Land Suitability

33.636 Tracts and Easements

33.639 Solar Access

33.640 Streams, Springs, and Seeps

33.641 Transportation Impact

33.642 Land Divisions of Manufactured Dwelling Parks

Services and Utilities

33.651 Water Service

33.652 Sanitary Sewer Disposal Service

33.653 Stormwater Management

33.654 Rights-of-Way

33.655 School District Enrollment Capacity

Reviews

33.660 Review in OS, R, & IR Zones

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

33.663 Final Plats

33.664 Review on Large Sites in I Zones

33.668 Review of Changes to an Approved Planned Unit Development

33.669 Review of Changes to an Approved Industrial Park

33.670 Review of Land Divisions of Manufactured Dwelling Parks

33.675 Replat

33.676 Lot Confirmation

33.677 Property Line Adjustments

33.610 Lots in RF Through R5 Zones

610

Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R5 zones.

33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
- C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

Square footage of site;
÷ Maximum density from Table 610-1;
= Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

Square footage of site;
- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;
x 0.80;
÷ Maximum density from Table 610-1;
= Minimum number of lots required.

- D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

Square footage of site;
x 0.85;
÷ Maximum density from Table 610-1;
= Maximum number of lots allowed.

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site.

Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:
Square footage of site
- Square footage of site within an environmental or River Environmental overlay zone, potential landslide hazard area, or special flood hazard area;
x 0.68
÷ Maximum density from Table 610-1
= Minimum number of lots required.

- E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;

2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

Table 610-1 Maximum Density Standards					
	RF	R20	R10	R7	R5
Maximum Density	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.

33.610.200 Lot Dimension Regulations

Lots in the RF through R5 zones must meet the lot dimension regulations of this section.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized house and garage;
- Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are compatible with existing lots;
- Lots are wide enough to allow development to orient toward the street;
- Lots don't narrow to an unbuildable width close to the street
- Each lot has adequate access from the street;
- Each lot has access for utilities and services;
- Lots are not landlocked; and
- Lots are regularly shaped.

Table 610-2 Lot Dimension Standards					
	RF	R20	R10	R7	R5
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] See 33.930.100.A for how lot width is measured.

- B. Minimum lot area.** Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.

- C. Maximum lot area.** Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.
- D. Minimum lot width.** Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.
1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
 2. Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:
 - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;
 - b. The minimum width for lots that will be developed with detached houses may not be reduced below 26 feet;
 - c. If the lot abuts a public alley, then vehicle access must be from the alley;
 - d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.250.D at the time of development;
 - e. Lots that are less than 32 feet wide must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
 - f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of Subparagraph D.2.d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
 - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
 - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
 - (3) Be attached to, and recorded with the deed for the new lot.
- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.

- G. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.610.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.610.400 Flag Lots

The following regulations apply to flag lots in the RF through R5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following are met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
 2. Up to three lots are proposed, only one of which is a flag lot; and
 3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
1. The pole must connect to a street;
 2. The pole must be at least 12 feet wide for its entire length; and
 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Minimum lot dimensions.**
1. Flag lots are exempt from the minimum front lot line standard.

2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

33.610.500 Split Zoned Lots

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21.)

33.611 Lots in the R2.5 Zone

611

Sections:

- 33.611.010 Purpose
- 33.611.020 Where These Regulations Apply
- 33.611.100 Density Standards
- 33.611.200 Lot Dimension Regulations
- 33.611.300 Through Lots
- 33.611.400 Flag Lots
- 33.611.500 Split Zoned Lots

33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

33.611.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the R2.5 zone.

33.611.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.** The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
- C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \div 2,500; \\ & = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.80; \\ & \quad \quad \div 5,000; \\ & = \text{Minimum number of lots required.} \end{aligned}$$

- D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div 2,500; \\ & = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site.

Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.68 \\ & \quad \quad \div 5,000; \\ & = \text{Minimum number of lots required.} \end{aligned}$$

- E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one;

2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

33.611.200 Lot Dimension Regulations

Lots in the R2.5 zone must meet the lot dimension regulations of this section. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

A. Purpose. The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street;
- Lots are compatible with existing lots while also considering the purpose of this chapter; and
- Lots are regularly shaped.

B. Minimum lot area. Each lot must be at least 1,600 square feet in area.

C. Minimum lot width. Each lot must meet one of the following regulations.

1. Each lot must be at least 36 feet wide; or
2. Minimum lot width may be reduced to 26 feet if the following are met:
 - a. An existing dwelling unit or attached garage is located on the site so that it precludes a land division that meets the minimum lot width standard of Paragraph C.1. The dwelling unit and attached garage must have been on the site for at least 5 years; or
 - b. The side lot line of a lot that is less than 36 feet wide will not abut the side lot line of any other lot within the land division site.
3. Minimum lot width may be reduced to 21 feet for a lot if the lot will be developed with an attached house that shares a common wall with at least one other attached house.
4. Minimum lot width may be reduced to 16 feet for a lot if the lot will be developed with an attached house that shares two common walls with two other attached houses.

- D. **Minimum front lot line.** Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph C.2. through C.4., may reduce the front lot line to equal the width of the lot.
- E. **Minimum lot depth.** Each lot must be at least 40 feet deep.
- F. **Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

33.611.300 Through Lots

- A. **Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.
- B. **Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

33.611.400 Flag Lots

The following regulations apply to flag lots in the R2.5 zones:

- A. **Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. **When a flag lot is allowed.** A flag lot is allowed only when the following are met:
 - 1. One of the following is met:
 - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or
 - b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
 - 2. Up to three lots are proposed, only one of which is a flag lot; and
 - 3. Minimum density requirements for the site will be met.
- C. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - 1. The pole must connect to a street;
 - 2. The pole must be at least 12 feet wide for its entire length; and
 - 3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.

- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Lot dimensions.**
 - 1. Flag lots are exempt from the minimum front lot line standard.
 - 2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
 - 3. For the purposes of this subsection, width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

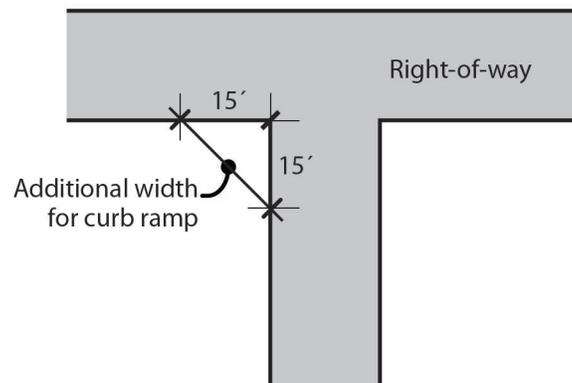
33.611.500 Split Zoned Lots

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21.)

10. An increase of up to 5 percent in the area approved for clearing and grading.
11. A decrease in the area approved for clearing and grading.
12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 663-1.
13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and
14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

Figure 663-1
Allowed Increase to Right-of-Way Width



- B. Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions of approval remain in effect;
- C. Services.** All services must meet the requirements of the City Code;
- D. Dedications, tracts, and easements.**
 1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
 2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- E. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;
- F. Legal documents.** Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to

the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and

G. Variations beyond the limits allowed in this Section.

1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.
2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

33.663.210 Staged Final Plat

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Staged Final Plats are defined in Chapter 33.633, Phased Land Divisions and Staged Final Plats. Each stage must meet the all of the Final Plat approval standards of Section 33.663.200.

Changes to Final Plat

33.663.310 Changes to Final Plat Before Recording

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where a land use review of the changes is required by Section 33.660.300 for land divisions in Open Space and Residential Zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, the revised Final Plat must undergo Final Plat review again.

33.663.320 Changes to Final Plat Survey After Recording

After the Final Plat Survey has been recorded with the County Recorder and Surveyor, changes are processed as a new land division or alternative process, such as a Replat under 33.675, or Property Line Adjustment under Chapter 33.677, if allowed.

(Added by: Ord. No. 179980, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188259, effective 3/31/17; Ord. No. 190076, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20.)

33.667 Property Line Adjustment

667

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20.)

33.677 Property Line Adjustment

677

Sections:

- 33.677.010 Purpose
- 33.677.050 When these Regulations Apply
- 33.677.100 Prohibited Property Line Adjustments
- 33.677.150 Method of Review
- 33.677.200 Application Requirements
- 33.677.300 Standards
- 33.677.400 Recording an Approval

33.677.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site;
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval; and
- A Property Line Adjustment does not make it difficult to delineate property boundaries or apply use and development standards predictably and uniformly.

33.677.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

33.677.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

- A.** A Property Line Adjustment that configures either property as a flag lot, unless:
 1. The property was already a flag lot; or
 2. Both properties are in the R5 or R2.5 zone and:
 - a. There is an existing house on one or both properties;
 - b. Only one flag lot is proposed;
- B.** A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C.** A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street;

- D. A Property Line Adjustment that removes alley frontage from one or both properties unless alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment; and
- E. A Property Line Adjustment that creates a nonconforming use.

33.677.150 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.677.200 Application Requirements

No more than three Property Line Adjustments may be requested on a site within one calendar year. The application must contain the following:

- A. **Application form.** Two copies of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. **Surveys.**
 - 1. Three paper copies of a property line survey. The survey must be prepared, stamped and signed by a registered land surveyor to meet ORS 92.050. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
 - 2. One copy of the property line survey that is 8-1/2 by 11 inches in size; and
 - 3. One paper copy of a survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.
- C. **Legal description.** Two copies of the legal description for each adjusted property and each exchange parcel. The legal descriptions must be prepared and signed by a registered land surveyor.

33.677.300 Standards

The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. A request for a Property Line Adjustment will be approved if all of the following are met:

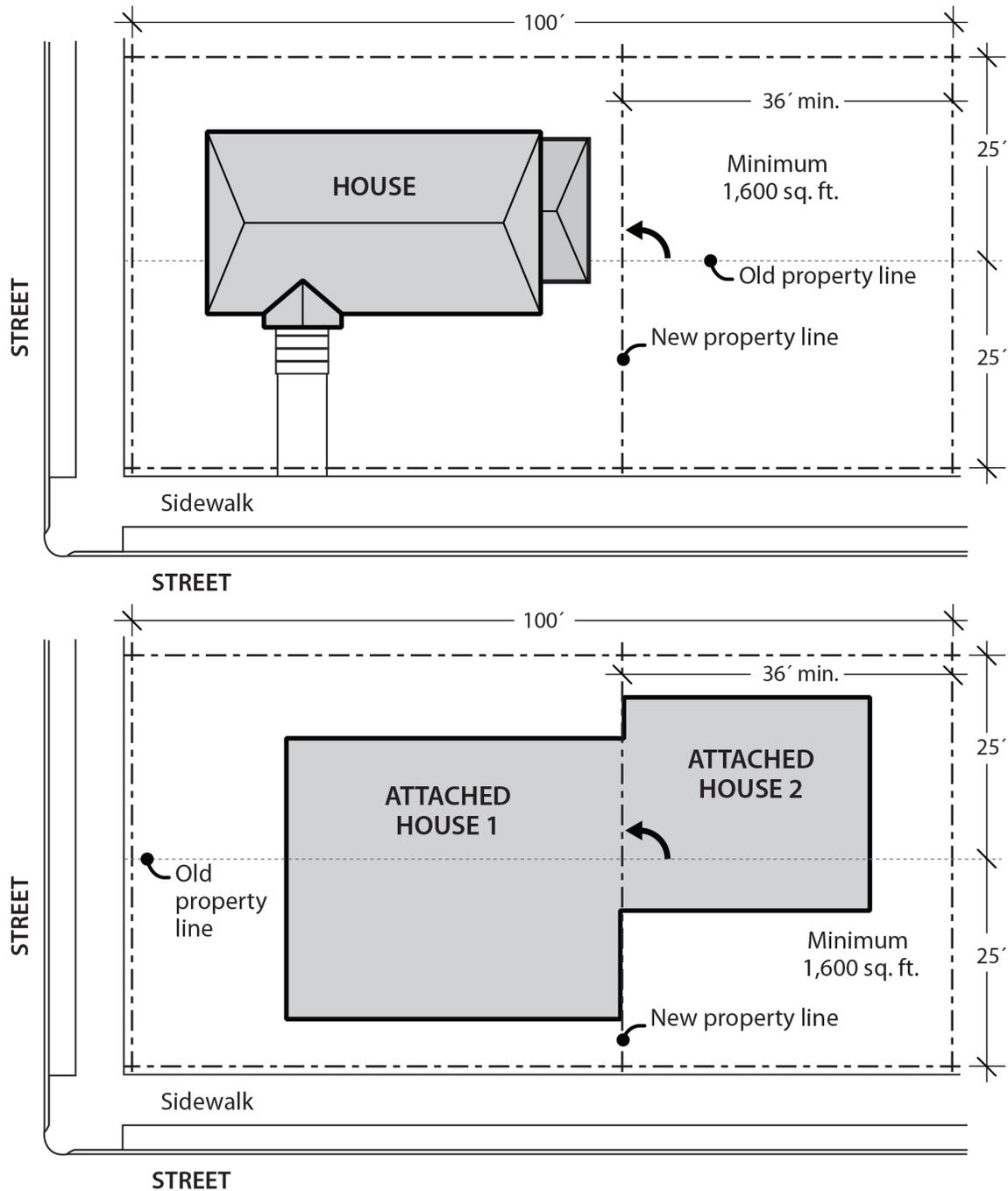
- A. **Conformance with regulations.** Both properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615, except as follows:
 - 1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation

2. If the Property Line Adjustment will configure one of the properties as a flag lot, nonconformance with the maximum floor area ratio standard is allowed for the existing development at the time of the property line adjustment. Future alterations may not move the development further out of conformance and new development must comply with the maximum floor area ratio;
3. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
4. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard;
5. Lots with an institutional use are exempt from maximum lot size standards; and
6. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
 - a. At least one lot is a corner lot; and
 - b. The adjusted property line must be perpendicular to the street lot line for its entire length.

See Figure 677-1.

- B. Regular lot lines.** In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the special flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

Figure 677-1
Property Line Adjustment on Corner Site in R5 Zone



- C. Flag Lots in the R5 and R2.5 Zone.** In the R5 and R2.5 zone, a Property Line Adjustment may be used to configure a property as a flag lot when all the following are met:
1. Flag pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
 - a. The pole must connect to a street;

- b. Pole width:
 - (1) If the pole portion of the flag lot will provide vehicle access to the flag portion of the flag lot, the pole must be at least 12 feet wide for its entire length; or
 - (2) If the pole portion of the flag lot will not provide vehicle access to the flag portion of the flag lot, the pole must be at least 10 feet wide for its entire length. A covenant must be recorded with the deed specifying that no vehicle access is allowed along the pole.
2. Lot dimensions. The lots must meet the following lot dimension standards:
 - a. Lot area.
 - (1) Minimum lot area. Each reconfigured lot must be at least 1,600 square feet. Only the area of the flag portion is included when calculating the minimum lot area for the flag lot. The area of the pole portion of the lot is not included.
 - (2) Maximum flag lot area. The area of the flag lot must be less than 3,000 square feet. The total area of the flag lot, including the pole portion, is included when calculating the maximum lot area for the flag lot.
 - b. Front lot line. There is no minimum front lot line standard for the flag lot.
 - c. Lot width and depth. The minimum lot width and minimum lot depth required for the flag lot is 36 feet measured at the midpoints of the opposite lot lines of the flag portion of the lot. The minimum lot width for the lot in front of the flag lot is 36 feet.
- D. Split zoning.** The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.
- E. Environmental overlay zones.** If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met. Adjustments are prohibited.
- F. Services.** The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.
- G. Conditions of previous land use reviews.** All conditions of previous land use reviews must be met. Adjustments are prohibited.

33.677.400 Record an Approval

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21.)

or policy to a small area or a specific factual situation. There are different legal requirements for the processing of these two types of actions. In general, quasi-judicial actions require greater notice and procedural protections than do legislative actions. If there are questions as to whether a specific request for a land use review is quasi-judicial or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the Director of BDS, who will forward the request to the City Attorney.

33.700.075 Automatic Changes to Specified Dollar Thresholds

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on March 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

- A. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50:
1. 33.258.070.D.2.a;
 2. 33.258.070.D.2.d(2);
 3. 33.440.230.D.1;
 4. 33.510.253.D.1.a;
 5. 33.515.278.B.17.a(1);
 6. 33.560.020
 7. 33.565.310.B.2
 8. Table 846-1; and
 9. Table 846-3
- B. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$0.10 will be rounded to the nearest multiple of \$0.10:
1. 33.510.205.C.2.f.; and
 2. 33.510.210.D.2.b(6)

Timeliness of Regulations

33.700.080 Regulations That Apply at the Time of an Application

The regulations of this section apply to applications for land use reviews and building or development permits.

A. Applications.

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, as follows:
 - a. Complete at filing. If, on the date the application is filed with the City, the application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, the application will be processed based on the regulations in effect on the date the application is filed;
 - b. Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.
2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for BDS to determine whether the proposal conforms with all applicable use regulations and development standards.

B. Revisions to building or development permit applications. Revisions will be processed based on the regulations in effect when the original complete application was received if:

1. The use remains within the same use category as in the original application;
2. The revision does not increase the total square footage of the proposed use;
3. The original application has not expired; and
4. The revised development meets all applicable development standards.

C. Use of new regulations or mapping. Applications will not be accepted for building permits or land use reviews based on regulations or changes to zoning maps that have been approved but not yet implemented, or have been adopted but have not yet become effective. However, pre-application conferences may be requested and held.

33.700.090 Regulations That Apply After Approval

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

- A. Building permits.** Applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1.

- B. Land divisions.** Tree preservation requirements for land divisions expire 10 years from the date the final plat is approved, unless otherwise stated in the conditions of approval; and
- C. Master plans and IMPs.** Multi-year Conditional Use Master Plans and Impact Mitigation Plans may establish an expiration date through conditions of approval.

33.700.120 Status of Prior Revocable Permits

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

- A. Uses that are now allowed.** Revocable permits for uses that are now an allowed use are revoked and the uses are subject to the zoning regulations. Specific activities of the use which were allowed by the revocable permit but that do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit. Any other conditions of approval no longer apply.
- B. Uses that are now conditional uses.** Revocable permits for uses that are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use that were allowed by the revocable permit but do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.
- C. Uses that are prohibited.** Revocable permits for uses that are prohibited by this Title may continue under the conditions of the permit as provided below.
 - 1. Revocable permits with a specified expiration date.
 - a. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the owner changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years. Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:
 - (1) The use has no adverse impacts on surrounding uses; and
 - (2) The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.
 - b. Exception. If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density, and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
 - 2. Revocable permits without an expiration date.
 - a. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the owner changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.

- b. Exceptions.
 - (1). If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
 - (2) If the use established by the revocable permit has been maintained over time, and the applicant can document that the use has been maintained over time using standard evidence per 33.258.038.B or through a review per 33.258.075, then the use becomes a nonconforming use and must meet nonconforming use regulations. If the use approved through the revocable permit has been discontinued for 3 consecutive years, it has not been maintained over time. The use is considered to be discontinued when the use approved ceases to operate, even if the structure or materials related to the use remain. Conditions of approval of the revocable permit continue to apply, except for any conditions that limit the transfer of ownership.

33.700.130 Legal Status of Lots

- A. A lot shown on a recorded plat remains a legal lot except as follows:
 - 1. The plat, or the individual lot or parcel lines have been vacated as provided by City Code; or
 - 2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in this Title, or as allowed by the former Title 34.
- B. Where a portion of the lot has been dedicated for public right-of-way, the remaining portion retains its legal status as a lot, unless it has been further altered as specified in Subsection A, above.
- C. The determination that a lot has legal status does not mean that the lot may be developed, unless all requirements of this Title are met.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

33.710 Review Bodies

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Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning and Sustainability Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- 33.710.070 Adjustment Committee
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of the Bureau of Development Services
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

33.710.010 Purpose

Review bodies are established to make decisions on land use actions and to recommend land use policy to the City Council. The review bodies provide an opportunity for citizen involvement and provide expertise for specialized topic areas. Review bodies that make quasi-judicial decisions do so on authority delegated by the City Council. The provisions of this chapter define the powers and duties for each review body and state how each body will operate.

33.710.020 Delegation of Authority

The commissions, committees, boards, and officers established in this chapter are empowered to perform all duties assigned to them by State law or this Title on behalf of the City Council.

33.710.030 Commissions, Committees, and Boards Generally

- A. Length of terms.** Members of commissions, committees, and boards provided under this chapter may be appointed to terms of not more than 4 years. Initial appointments for newly formed commissions, committees, and boards must include a sufficient number of appointments for less than the maximum 4 year term of office to provide overlap and a continuity of membership. Members of commissions are limited to a maximum of two full terms. Vacancies which may occur must be filled for the unexpired terms.
- B. Required attendance.** If a member fails to attend three consecutive meetings or misses 20 percent or more of the meetings held during a calendar year, the Mayor may declare the position vacant.
- C. Officers and rules.** Each commission, committee, or board elects its own presiding officers and adopts rules of procedure that are necessary to fulfill its duties. The rules of procedure must be in writing and comply with the Oregon Public Meetings law, Statutory land use hearing requirements, and this Title.
- D. Voting.** A majority of the members present must vote affirmatively in order to take action. Individual members may not have more than one vote for the conduct of commission or committee business.

- E. Pay.** All members on a commission, committee, or board serve without pay.
- F. Public meetings.** All meetings, including briefing sessions, must be open to the public and comply with the Oregon Public Meetings law.
- G. Staff.**
 - 1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability must provide the Planning and Sustainability Commission with staff assistance necessary to enable it to discharge its duties.
 - 2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Bureau of Development Services must provide the Design Commission, Historic Landmarks Commission, and Adjustment Committee with staff assistance necessary to enable them to discharge their duties.
- H. Records.**
 - 1. Planning and Sustainability Commission. The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning and Sustainability Commission.
 - 2. Design Commission, Historic Landmarks Commission, Adjustment Committee. The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission, Historic Landmarks Commission, and Adjustment Committee.
- I. Conflict of interest.** A member of any commission, committee, board, or review body except City Council may not participate as a member in deciding any land use action in which the member has a direct or substantial financial interest. A member may not participate if the member's spouse, brother, sister, child, parent, father-in-law, or mother-in-law have a direct or substantial financial interest, or if any business in which the member is then serving or has served within the previous two years or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment, has a direct or substantial financial interest. Any actual or potential interest must be disclosed at the hearing or meeting where the action is scheduled.
- J. Commission coordination.** The chairs, or their delegates, of the Planning and Sustainability Commission, Design Commission, and Historic Landmarks Commission meet quarterly to discuss trends and issues relevant to their respective commissions and, as appropriate, to coordinate the Commissions' programs. The chairs will share a summary of their meeting with their respective Commissions.

33.710.040 Planning and Sustainability Commission

- A. Purpose.** The Planning and Sustainability Commission advises City Council on the City's long-range goals, policies, and programs for land use, planning, and sustainability. In making recommendations and decisions, it considers the economic, environmental, and social well-being of the city in an integrated fashion. The Commission has specific responsibility for the stewardship, development and maintenance of the City's

Comprehensive Plan, Climate Action Plan, and zoning code. The Commission is committed to effective public involvement and leadership in its work and in the decisions it considers.

- B. Membership.** The Planning and Sustainability Commission consists of eleven members, none of whom may hold public elective office. The members are appointed by the Mayor and confirmed by the City Council. The membership of the Planning and Sustainability Commission should include broad representation of Portland's community and reflect the dynamic nature of this changing city. No more than two members of the Planning and Sustainability Commission may be engaged in the same occupation, business, trade, or profession. No more than two members of the Commission may be individuals, or members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling, leasing, or developing of real estate for profit.
- C. Meetings, officers, and subcommittees.**
1. The Planning and Sustainability Commission meets at least once a month. Meetings are conducted in accordance with adopted rules of procedure. Six members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Planning and Sustainability Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Planning and Sustainability Commission has all of the powers and duties which are now or may in the future be imposed upon City planning commissions by State law, by this Title, by the City Council, or by the City Charter. The Commission's powers and duties include:
1. Holding hearings and making recommendations on all policy matters related to the Comprehensive Plan; the Climate Action Plan, the zoning code; significant transportation and sustainable development policies, projects, and issues; street vacations; sign regulations, and renaming city streets;
 2. Advising the City Council on plans and policies regarding such issues as land use, zoning, housing, energy, transportation, urban renewal, urban design, equity, economic development, public buildings, climate change, sustainable development, environmental protection, resource conservation, and other policies of City-wide interest;
 3. Articulating and guiding the City's long-range goals, policies, and programs for developing and achieving sustainable communities; and
 4. Developing opportunities for community members to learn about principles, policies, and programs that promote sustainable practices and development.
- E. Communications on appeals.** The Planning and Sustainability Commission may submit written responses or appear in person on appeals of quasi-judicial land use decisions to the City Council.

- F. Annual report.** The Planning and Sustainability Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Planning and Sustainability Director by the first working day of September. The Planning and Sustainability Director may combine the report with annual reports of other bodies for transmission to the City Council.

33.710.050 Design Commission

- A. Purpose.** The Design Commission provides leadership and expertise on urban design and architecture and advances the purpose of the Design overlay zone.
- B. Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:
1. One representative of the Regional Arts and Culture Council;
 2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
 3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The Regional Arts and Culture Council member is nominated by the Regional Arts and Culture Council chair and approved by the Mayor. The other members are appointed by the Mayor and confirmed by the City Council.

- C. Meetings, officers, and subcommittees.**
1. The Design Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Design Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.
- D. Powers and duties.** The Design Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Reviewing major developments within Design overlay zones except those projects involving or located within the following:
 - a. Historic Districts;
 - b. Conservation Districts;
 - c. Historic Landmarks; and
 - d. Conservation Landmarks.

2. Recommending the establishment, amendment, or removal of the Design overlay zone and design districts to the Planning and Sustainability Commission;
 3. Recommending design guidelines for adoption by City Council except for guidelines for Historic Districts and Conservation Districts;
 4. Reviewing other land use requests assigned to the Design Commission; and
 5. Providing advice on design matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, City Council, and other City Bureaus or public agencies when necessary or requested.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April of the following year. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.060 Historic Landmarks Commission

- A. Purpose.** The Historic Landmarks Commission provides leadership and expertise on maintaining and enhancing Portland's historic and architectural heritage. The Commission identifies and protects buildings and other properties that have historic or cultural significance or special architectural merit. The Commission provides advice on historic preservation matters, and coordinates historic preservation programs in the City. The Commission is also actively involved in the development of design guidelines for historic districts.
- B. Membership.** The Historic Landmarks Commission consists of seven members, none of whom may hold public elective office. The Commission must include a historian with knowledge of local history; an architectural historian; an architect; two members from the following: landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines; and two members at-large. All members must have demonstrated interest, competence, or knowledge of historic preservation. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such subcommittees. Subcommittee actions require the affirmative vote of at least three members.

- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing or removing Historic Landmark and Conservation Landmark designations for specific buildings or sites in quasi-judicial reviews;
 2. Recommending the establishment or removal of Historic Landmark and Conservation Landmark designations to the City Council in legislative actions;
 3. Recommending the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission and the City Council;
 4. Recommending and developing design guidelines for Historic Districts and Conservation Districts to the City Council;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts;
 6. Reviewing demolition and relocation requests for certain Historic landmarks and buildings in Historic Districts;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning and Sustainability Commission, Portland Development Commission, other City commissions and committees, and City Council; and
 8. Initiating and coordinating historic preservation and public outreach programs in the City, including reviewing recommendations for national register status and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.070 Adjustment Committee

- A. Purpose.** The Adjustment Committee reviews adjustment requests to the development standards of Title 33. The Committee provides the opportunity for a public forum in the review of these requests.
- B. Membership.** The Adjustment Committee consists of seven members, none of whom may hold public elective office. The Committee must include three persons representing the public at large, two members in either urban design, architecture, or landscape architecture, and two members experienced in either engineering, financing, construction, management of buildings, or land development. The members are appointed by the Mayor and confirmed by the City Council.
- C. Second Committee.** If the Director of BDS determines that the number of adjustment requests exceeds the capacity of the Adjustment Committee to review in a timely manner, the Director of BDS may recommend to the Mayor that a second Committee be formed.

The second Committee may be dissolved by the Mayor if the number of reviews can be adequately handled by one Committee. The second committee is also subject to all the regulations in this section.

- D. Meeting and officers.** The Adjustment Committee meets at least once a month and as necessary to act on adjustment requests. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
- E. Powers and duties.** The Adjustment Committee has all of the powers and duties which are assigned to it by this Title or by City Council. The Committee powers and duties include:
 - 1. Reviewing requests to adjust the development standards of Title 33, when no other land use reviews are associated with the project; and
 - 2. Providing advice on adjustment matters to the Hearings Officer, Planning and Sustainability Commission, Historic Landmarks Commission, Portland Development Commission, and City Council.
- F. Annual report.** The Committee must make an annual report of its actions and accomplishments for each fiscal year. The report must be filed with the Director of BDS by the first working day of September. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.080 Land Use Hearings Officer

- A. Purpose.** The position of the Land Use Hearings Officer is established to perform quasi-judicial reviews of most land use applications. This frees the City Council and Planning and Sustainability Commission from a large quasi-judicial case load and allows for prompt decision-making. It also assigns quasi-judicial reviews to a body with expertise in applying law and policy to specific situations and in meeting legal requirements for considering and processing such reviews.
- B. Short name.** The Land Use Hearings Officer is also called the Hearings Officer.
- C. Appointment.** The Hearings Officer is appointed by the City Auditor in conformance with City rules.
- D. Hearings.** The Hearings Officer must conduct hearings as necessary to review and make decisions on land use requests.
- E. Powers and duties.**
 - 1. The Hearings Officer acts on behalf of the City Council as a review body to decide matters assigned by this Title.
 - 2. The Hearings Officer has the power to request, receive, and examine available information; conduct public hearings; prepare a record; and enter findings and conclusions on all matters for which the Hearings Officer is assigned by this Title to act as review body.
- F. Annual report.** An annual report of the Hearings Officers' actions and accomplishments for each fiscal year must be made. The report must be filed with the Planning and

Sustainability Commission by the first working day of September for transmission to the City Council. This report may contain recommendations for Planning and Sustainability Commission and City Council consideration.

33.710.090 Director of the Bureau of Development Services

The Director of BDS directs and manages the staff of BDS. The Director of BDS provides staff services to the commissions, committees, and boards as specified in this chapter. The Director of BDS is responsible for the decisions and recommendations required of the Director of BDS by this Title. The Director of BDS is in charge of implementing this Title. The Director of BDS may delegate review and decision-making authority to BDS staff.

33.710.100 City Council

The City Council acts as a review body for land use reviews which specifically need final Council action, the appeals of certain land use reviews, and for all legislative actions.

33.710.120 Healy Heights Radiofrequency Advisory Board

- A. Purpose.** The Healy Heights Radiofrequency (RF) Advisory Board provides technical expertise and advice to applicants and review bodies when Radio Frequency Transmission Facility development is proposed in the plan district. The board will recommend when monitoring of radiofrequency power density or surveying of radiofrequency interference (RFI) is necessary and may recommend assessment of the Radio Frequency Transmission Facility owners and operators to cover the costs incurred. The board will also provide information on radiofrequency emissions and interference in the vicinity of the Healy Heights plan district, and respond to other related citizen inquiries.
- B. Membership.**
1. The advisory board will consist of five members: two representatives from the recognized neighborhood associations within 2,000 feet of the plan district; two representatives from the broadcast or communications industry within the plan district; and one member at-large, not from or affiliated with the recognized neighborhood associations within 2,000 feet of the plan district or the broadcast and communications industries within the plan district. The at-large member should have either some background with the communications and broadcast industry, or in a related academic field, or related regulatory experience, or mediation experience.
 2. Nominations. Before the Planning and Sustainability Director makes nominations to the Mayor for membership on the advisory board, he must solicit recommendations, by letter, from the presidents of all active neighborhood associations within 2,000 feet and from the tower owners and operators of major facilities. The four members selected from the industry and surrounding neighbors will make recommendations to the Planning and Sustainability Director for the member at-large.
 3. Appointments. The Mayor must appoint board members from the nominations tendered, but may reject individuals nominated to serve on the advisory board and request additional nominations.
 4. Terms. Advisory board members serve for four years, except during the initial terms. For those persons first selected to this advisory board, one neighborhood

representative and one industry representative will serve for two years, the other three members will serve the full four-year term. Consecutive terms are not allowed. Multiple terms are allowed.

5. **Staffing.** The Planning and Sustainability Director or designee will staff the board, in accordance with 33.710.030.
- C. Meetings.** The advisory board will meet at least once every three months. The advisory board will meet with the City of Portland/Multnomah County Health Officer at least annually; this meeting will include a discussion of any new information regarding the human health aspects of non-ionizing electromagnetic energy.
- D. Powers and duties.** The duties, responsibilities, and authority of the advisory board include, but are not limited to:
- Initiation of monitoring or measurement of radiofrequency emissions in the vicinity of the plan district;
 - Initiation of survey of the radiofrequency interference levels in the vicinity of the plan district;
 - Recommendation to the City Council for assessment and collection of fees, for measurement or monitoring of the radiofrequency environment, survey of RFI, maintenance of records, distribution of information, liaison with the City, and other board duties;
 - Advice to the Planning and Sustainability Commission, City Council, and Land Use Hearings Officer on legislative and quasi-judicial matters affecting RF operations in the plan district and to the Code Hearings Officer for enforcement;
 - Provision of leadership and expertise in problem-solving;
 - Counseling of citizens and facility operators when conflicts arise, such as radiofrequency interference or wind noise;
 - Provision of a point of contact for citizen inquiries or complaints;
 - Provision and initiation of communication, notification, and information for affected residents; and
 - Maintenance of records of complaints, surveying or monitoring results, and other information pertinent to the operation of the RF facilities within the Healy Heights Plan District and/or mitigation of the effects of that operation.

(Amended by: Ord. No. 166921, effective 10/1/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175164, effective 12/14/00; Ord. No. 184046, effective 9/10/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 190477, effective 8/1/21.)

33.720 Assignment of Review Bodies

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Sections:

- 33.720.010 Purpose
- 33.720.020 Quasi-Judicial Land Use Reviews
- 33.720.030 Legislative Land Use Reviews

33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. Director of BDS.** All land use reviews that are subject to a Type II or Type IIx procedure are assigned to the Director of BDS.
- B. Hearings Officer.** All appeals of land use reviews that were processed as a Type II or Type IIx procedure and all land use reviews subject to a Type III procedure, unless stated otherwise in Subsection C., or D., or E. below, are assigned to the Hearings Officer.
- C. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
 - 1. Design review, except as provided for in Paragraph D.2 below;
 - 2. Adjustments in a Design zone, except historic districts and historic landmarks;
 - 3. Adjustments associated with a design review required by City Council outside of a Design zone;
 - 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
 - 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
 - 6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; and
 - 7. Central City Master Plan reviews.
- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.
 - 1. Landmark designations, and the removal of landmark designations; and

2. Historic resource review of Historic and Conservation Landmarks and structures in Historic or Conservation Districts.
- E. Adjustment Committee.** Appeals of adjustment reviews that were processed as a Type II procedure where no other land use review is involved are assigned to the Adjustment Committee.
- F. City Council.** Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council. All land use reviews subject to a Type IV procedure are assigned to the City Council.
- G. Applications for more than one land use review request on a site may be consolidated into a single application package.** If the reviews are not assigned to the same review body, they are assigned in the manner stated below;
1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.
 2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type II procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.
 3. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.
 4. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed and assigned to review bodies as specified in Paragraphs G.1 through G.3. The review subject to the Type IV procedure is assigned to the City Council.
 5. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

33.720.030 Legislative Land Use Reviews

- A.** Legislative land use reviews, unless stated otherwise in Subsections B or C, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.

- B.** Design Guidelines in Historic Districts and Conservation Districts require a recommendation from the Historic Landmarks Commission before being submitted to the City Council for adoption.
- C.** Design guidelines require a recommendation from the Design Commission before being submitted to the City Council for adoption. In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.
- D.** Final action on all legislative land use reviews is by the City Council.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

33.730 Quasi-Judicial Procedures

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Sections:

General

33.730.010 Purpose

Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.014 Type I Procedure

33.730.015 Type Ix Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

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33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type Ix procedures are administrative procedures.

The Type I and Ix procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type Iix procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

Basic Procedures

33.730.013 Expedited Land Division Procedure

The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360. The steps of this procedure are in ORS 197.365 through .375. The application requirements are listed in Section 33.730.060, below. Two additional steps are required for land division requests using the ELD Procedure:

A. Neighborhood contact.

1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is in an EG or I zone, it is exempt from the neighborhood contact requirements.
2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact II. If the proposed expedited land division is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.

- B. Pre-application conference.** A pre-application conference is required for all land division requests processed through the ELD procedure. See 33.730.050.A., Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.

33.730.014 Type I Procedure

The Type I procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is not required.

B. Neighborhood Contact

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.725.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor historic resource cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
1. The director of BDS will not make the decision until at least 14 days after the notice required by Subsection D is mailed; and
 2. The Director of BDS will make the final decision on the case and mail a notice of decision within 21 days after the application is determined to be complete. The applicant may extend this time limit.
- F. Administrative decision.**
1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
 3. The decision of the Director of BDS is final.
- G. Notice of decision.** The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.
- H. Date that decision is final and effective.** The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

33.730.015 Type Ix Procedure

The Type Ix procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is optional.
- B. Neighborhood contact.**
 - 1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 - 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type Ix procedures are intended for such reviews as minor design cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
 - 1. The director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and
 - 2. The Director of BDS will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.
- F. Administrative decision.**
 - 1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
 3. The decision of the Director of BDS is final.
- G. Notice of decision.** The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.
- H. Date that decision is final and effective.** The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

33.730.020 Type II Procedure

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 3. When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C, Neighborhood contact III, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

- D. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070.C, Type II and Type IIX notice of request.
- E. Processing time.** Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:
1. The Director of BDS will not make the decision until 21 days after the notice required by Subsection D, above, is mailed.
 2. The Director of BDS will make a final decision on the case and mail a notice of decision within 28 days after the notice required by Subsection D. above is mailed. The applicant may extend this time limit.
- F. Administrative decision.**
1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of BDS will mail the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIX or Type III decision (pending appeal).
- H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:

- The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.
 3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
 6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
 7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
 8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.025 Type IIx Procedure

The Type IIx procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
 1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. When the application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIx notice of request.
- E. Processing Time.** Upon determining that the application is complete the Director of BDS will make a final decision on the case as follows:

1. The Director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and
2. The Director of BDS will make the final decision on the case and mail a notice of decision within 42 days after the application is determined to be complete. The applicant may extend this time limit.

F. Administrative decision.

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

G. Notice of decision (pending appeal). The Director of BDS will mail a notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

H. Ability to appeal. The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

I. When no appeal is filed. If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

J. When an appeal is filed. Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, and phone number;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if

different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.

3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
 - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 14 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 14 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

33.730.030 Type III Procedure

A Type III procedure requires a public hearing before an assigned review body. Subsections A through D apply to all sites. If the site is within the City of Portland, Subsections E through H also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection I also applies.

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
 - a. The application is for a land division that includes four to ten lots and does not include an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
 2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
 - a. The application is for a land division that includes eleven or more lots and does not include an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
 3. The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:
 - a. The application is for a land division that includes an environmental review; or
 - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.

E. Notice of a request.

1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III and Type IV notice of request.
2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.

F. Decision by review body if site is in City of Portland.

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.
2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
 - a. Hearings Officer.
 - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
 - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Mailed notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies,

the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's decision (pending appeal) to the owner, the applicant if different, and all recognized organizations or persons who responded in writing to the notice of the request, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

- G. Ability to appeal.** The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.
- H. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- I. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
 - The file number and land use review(s) appealed;
 - The appellant's name, address, signature, phone number, and relationship to the land use action;
 - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
 - The required fee.
 2. Mailed notice of the appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, the review body, and all persons and recognized organizations that received the notice of the decision. See 33.730.070.H, Notice of a Type II, Type IIx, or Type III appeal hearing. No notice of the appeal hearing is required to be posted on the site.
 3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
 4. Submit report to City Council. The Director of BDS will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.
 5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City

Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director of BDS will represent the review body in appeals heard by City Council.

6. Appeal decision and findings.
 - a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.
 - b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.
7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
8. Date that decision is final and effective. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor.
9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

J. Decision by review body if site is not in City of Portland.

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different and to any recognized organizations whose boundaries include the site.
2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.

3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
 - a. Hearings Officer.
 - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
 - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
 - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who commented in writing, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.
7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.031 Type IV Procedure

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type IV procedure. See 33.730.050.A., Pre-Application Conference.
- B. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

- C. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 71 days. The applicant may extend the time limit.
- D. Notice of a request.**
1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070.D, Type III and IV notice of request.
 2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080, below.
- E. Advice from Historic Landmarks Commission.** BDS staff will ask the Historic Landmarks Commission to review the proposal at a public meeting where members of the public may comment. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to the review body. Such comments or suggestions are advisory to the review body and are not a land use decision. In addition to any comments or suggestions, the Historic Landmarks Commission will forward to the review body tapes or transcripts of any public meetings at which the Historic Landmarks Commission reviewed the proposal, and any correspondence or other documents received at such meetings.
- F. Decision by review body.**
1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different, and to any recognized organizations whose boundaries include the site.
 2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
 3. Review body decision.
 - a. The review body may adopt the Director of BDS' report and recommendation, modify it, or reject it based on information presented at the hearing and in the record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.
 - b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and

conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.

4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

- A. Applications for more than one land use review on a site may be consolidated into a single application package;
- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.

- D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

A. Pre-Application Conference.

1. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
2. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.
3. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
4. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.
5. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held. This allows information obtained at the conference to be incorporated in the application submittal.
6. Time limit. A pre-application conference is valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

B. Design advice requests

1. Purpose. Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, BDS staff, the public, and the

representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request. In some cases, a design advice request may be required by a provision of this title. These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives.

2. Requirements. Forms for design advice requests are available from the Director of BDS. A fee is required and must be paid at the time of the submittal for the design advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.
 3. Notification. The following notification will be provided prior to the design advice request meeting:
 - a. Mailed notice. At least 20 days before the scheduled meeting, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the BDS staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.
 - b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the BDS staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.
 4. Meeting. Meeting. The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.
 5. Design advice request recommendations. BDS staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.
- C. Other pre-application advice.** An applicant may choose to meet with BDS staff to discuss preliminary proposals prior to the submission of a land use review or building permit. The process for setting up these meetings is developed by the Director of BDS and the meetings are advisory only.

33.730.060 Application Requirements

A. Check for complete application.

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
 - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
 - b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
 - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
 - (1) All of the missing information;
 - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
 - (3) Written notice from the applicant that none of the missing information will be provided.
 - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

B. Changes to applications. Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

C. Required information for land use reviews except land divisions. Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.

2. One copy of a written statement that includes the following items:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
 - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
 - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.

3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
 - All property lines with dimensions and total lot area;
 - North arrow and scale of drawing;
 - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
 - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
 - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
 - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
 - Easements and on-site utilities;
 - Existing and proposed development with all dimensions;
 - Building elevations;
 - Location of adjacent buildings;
 - Distances of all existing and proposed development to property lines;
 - Types and location of vegetation, street trees, screening, fencing, and building materials;
 - Percentage of the site proposed for building coverage, and landscaping coverage;
 - Motor vehicle and pedestrian access and circulation systems, including connections off-site;
 - Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
 - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
 - Additional requirements of the specified land use review.

4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.
6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.

D. Required information for land divisions. Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.

1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:
 - a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
 - b. Written statement. Two copies of a written statement that includes the following:
 - A complete list of all land use reviews requested;
 - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
 - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
 - Additional information needed to understand the proposal, or requested at the pre-application conference;
 - Names and address of land division designer or engineer and surveyor;
 - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
 - If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
 - If more than 3 lots are proposed, the proposed name of land division;
 - Proposed names of all streets;

- A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
 - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;
- c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
- Zoning and Comprehensive Plan designations;
 - Streets;
 - Transit, pedestrian, and bicycle facilities and connections; and
 - Water bodies, wetlands, special flood hazard areas, floodways, and potential landslide hazard areas; and
 - Location of utilities and services;
- d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
- (1) Base map. The following information must be on all maps:
- Surveyed information:
- Boundary lines of the site with dimensions and total site area;
 - North arrow and scale of map;
 - Identification as the Preliminary Plan Map
 - Stamp of surveyor; and
 - If more than 3 lots are proposed, the proposed name of land division;
- Additional information:
- Proposed lot layout with sizes, dimensions, and lot numbers;
 - Proposed tract layout with sizes, dimensions, purpose, and name;
 - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
 - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
 - Proposed location, dimensions, and purpose of all easements;
- (2) Existing conditions map. The following existing site conditions must be shown:
- Surveyed information:
- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;

- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. On sites where the proposal is to preserve tree canopy under Option 5 or 6 of the Tree Preservation Standards in 33.630.100.A.5 or 6, the trees do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of the special flood hazard area and floodway boundaries. Sites that contain a water body not shown on the special flood hazard area maps must identify the location of the special flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
- Location, dimensions, and purpose of existing easements on and abutting the site;

- (3) Proposed improvements map. The following proposed improvements must be shown:
- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
 - Distances of all known proposed development to proposed lot lines;
 - Proposed pedestrian connections;
 - If proposed lots are within a special flood hazard area or landslide hazard area, proposed building locations, and
 - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
 - Existing and proposed services and utilities; and
 - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;

- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
 - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
 - Existing trees and vegetation;
 - Areas of the site where fill has been placed;
 - Boundaries of Environmental Overlay Zones;
 - Proposed areas of clearing and grading, including grading and clearing for:
 - Rights-of-way;
 - Services and utilities; and
 - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
 - Proposed contours within areas to be cleared and graded;
 - Proposed stormwater and sedimentation control devices to be used during construction;
 - Proposed stockpile areas;
 - Proposed trees and vegetation to be preserved;
 - Proposed location and material of construction fencing for proposed tree preservation tract;
 - Proposed location and material of construction fence;
 - Proposed amount (cubic yards) of soil to be disturbed; and
 - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree information, as follows:
- (1) Existing tree map and preservation plan showing the following:
- Existing and proposed lots, tracts, rights-of-way, and utilities;
 - Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
 - The location, species and size of trees located in adjacent rights-of-way;
 - The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
 - Heritage trees on or adjacent to the site;
 - Tree numbers corresponding to the arborist report;
 - Location, type, and size of trees to be removed;
 - Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
 - Existing and proposed tree preservation tracts.

- (2) Tree planting information, including:
 - Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
 - A preliminary street tree planting plan; and
 - (3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and
 - (4) A written report prepared by an arborist that includes the following:
 - Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
 - Evaluation of tree health and condition;
 - Identification of tree groves and Heritage Trees;
 - Identification of nuisance, dead, dying, and dangerous trees;
 - Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
 - Identification of trees to be preserved and trees to be removed;
 - Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
 - A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
 - Recommendations for short or long-term tree care.
 - Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.
- f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City's Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope

stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Field explorations as necessary; and
 - Laboratory testing;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;
- j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and
- k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.
3. Final Plat. An application for a Final Plat must include all of the following:
- a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
 - The statement: "This plat is subject to the conditions of City of Portland Case File No. LUR..."; and
 - Easements and tracts, including their purpose;
 - b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special

- development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
- c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
 - d. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - e. Performance Guarantees. One copy of each Performance Guarantee;
 - f. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
 - g. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - h. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

- A. General information on notices.** The following applies to all notices.
1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Office of Neighborhood Involvement.
 2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.
 3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.
- B. Type I and Type Ix notice of request.** The notice of request, when processed through a Type I or Type Ix procedure, will contain at least the following information:

- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal which could be authorized;
 - An explanation of the local decision-making process for the decision being made;
 - A list, by commonly used citation, of the applicable criteria for the decision;
 - An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
 - A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
 - A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
 - A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
 - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- C. Type II and Type Iix notice of request.** The notice of request, when processed through a Type II procedure and Type Iix procedure, will contain at least the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site.
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal which could be authorized;
 - An explanation of the local decision-making process for the decision being made;
 - A list, by commonly used citation, of the applicable criteria for the decision;
 - An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;

- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

D. Type III and Type IV notice of request and hearing. The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal and the proposed use or uses which could be authorized;
- The land use reviews requested and other land use reviews which may be considered as an option;
- An explanation of the local decision-making process for the decision being made;
- The applicable comprehensive plan and code approval criteria;
- The date, time and location of the hearing;
- A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;
- A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
- A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

- E. Notice of deferral.** If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.
- F. Type I, Type Ix and Type IV notice of decision.** The notice of decision must include the following:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and
 - A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.
- G. Notice of Type II, Type Iix, or Type III decision (pending appeal).** The notice of Type II, Type Iix, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:
- The file number;
 - The name and address of the applicant and owner;
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - An explanation of the local decision-making process for the decision being made;
 - A summary of the applicable approval criteria;
 - The review body's decision, the decision date, and the filing date;
 - A statement that the decision is final unless appealed;
 - A description of the appeal process, time frame, the review body, and the fee for an appeal; and

- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- H. Notice of a Type II, Type IIx, or Type III appeal hearing.** If a local appeal of a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.
- I. Notice of final Type II, Type IIx, or Type III decision following appeal.** Where a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:
- The file number;
 - The name and address of the applicant, owner, and appellant (if different);
 - The legal description of the site;
 - The street address or other easily understood geographical reference to the subject property;
 - A map depicting the subject property in relation to surrounding properties;
 - The name and telephone number of the recognized organization(s) whose boundaries include the site;
 - A description of the proposal, including proposed uses and land use reviews;
 - A description of the review body decision, the decision date, and filing date; and
 - A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

- A. Number and location on the site.** A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access.
- B. Placing notice.** When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:
- The message that must be placed on the notice;
 - The number of notices required;
 - The latest date that the notice may be posted; and

- A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.
- C. Standards and timing.** The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.
- D. Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.
- E. Content of the notice.** The posted notice must contain the following information:
- The file number;
 - The date of the hearing;
 - A summary of the key items of the request;
 - A statement that further information is available from BDS; and,
 - The phone number and address of BDS.

33.730.090 Reports and Record Keeping

Required reports and records must contain the information stated below.

- A. Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.
- B. Reports.** Reports must include:
- The file number;
 - The owner's and applicant's name and address;
 - The legal description and site location;
 - A brief description of the request;
 - The review body;
 - The relevant approval criteria;
 - The findings applying the facts to the criteria;
 - The decision; and
 - Any additional information relevant to the case.
- C. The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other

items considered as part of the case which were not printed in the report; and the appeal report if applicable.

33.730.100 Public Hearing Requirements

- A. Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.
- B. Initial hearing statements.** At the beginning of each hearing, the review body must state:
 - 1. That testimony can only address the applicable approval criteria;
 - 2. The applicable approval criteria;
 - 3. That any party can request the record be kept open for 7 days;
 - 4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
 - 5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

33.730.110 Ex parte Contact

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
 - 1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
 - 2. If the communication was in written or tangible form, place a copy of the communication into the record.
- B. BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

After the Final Decision

33.730.120 Recording an Approval

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

33.730.130 Expiration of an Approval

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.
- B. When approved decisions expire.**
1. Land use approvals, except as otherwise specified in this section, expire if:
 - a. Generally.
 - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
 - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
 - b. Exception. Within the City, final decisions that became effective between March 8, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, final decisions that became effective between August 10, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024.
 2. Zoning map and Comprehensive Plan map amendments do not expire.
 3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
 4. Multiple developments.
 - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply. Examples of multiple developments include phased development and multi-building proposals.
 - b. Exception. Within the City, on sites where the final decisions became effective between March 8, 2017 and January 1, 2021 and a City permit is not issued for all

development by January 1, 2024, the approval does not expire but no additional development may occur without another review. Within the portion of unincorporated Multnomah County that is subject to City zoning, on sites where the final decisions became effective between August 10, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
 - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
 - b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
 - a. Generally.
 - (1) The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - (2) Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
 - b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.

9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
 - a. Application for approval of a Final Plat for part or all of the site.
 - (1) Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
 - (2) Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
 - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
 - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
 - b. The final plat of the land division has not expired; and
 - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between August 10, 2017, and January 1, 2021 the improvements must have been made by January 1, 2024.
11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
- b. The PUD or PD has not expired;

- c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. Within the City limits, for a PUD or PD receiving final approval between March 8, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, for a PUD or PD receiving final approval between August 10, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024.
12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.
- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).
- D. Expiration of adjustments approved prior to March 16, 2001.** Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

33.730.140 Requests for Changes to Conditions of Approval

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No.

175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21.)

33.740 Legislative Procedure

740

Sections:

- 33.740.010 Purpose
- 33.740.020 Commission Review
- 33.740.030 City Council Consideration

33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

33.740.020 Commission Review (Amended by Ord. No. 170704, effective 1/1/97.)

A. Hearing required.

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning and Sustainability Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.

B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
2. Notice time frame. The notice must be provided at least 35 days prior to the first public hearing.
3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.
4. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning and Sustainability Commission, Design Commission, or Historical Landmarks Commission, or is a joint hearing. When more than one hearing is held, additional notice will be made as follows:

- a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.
 - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.
- C. Report.** The Planning and Sustainability Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning and Sustainability recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.
- D. Additional information.** A Commission has the authority to request, receive, and examine additional information.
- E. Commission recommendation and decision.**
1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.
 2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

33.740.030 City Council Consideration

- A. Hearing scheduled.** The City Auditor will schedule a public hearing and the Bureau of Planning and Sustainability will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.
- B. Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will mail notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice.
- C. Council decision.** At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 190477, effective 8/1/21.)

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes; and
- D. The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

- A. The proposed use will not have a significant adverse effect on truck and freight movement.
- B. Transportation system:
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the

development is complete or, if the development is phased, will be available as each phase of the development is completed.

- C. City-designated scenic resources are preserved; and
- D. The proposal is for houseboats or houseboat moorages which will not interfere with industrial use of the waterway or with adjacent industrial uses.

33.815.140 Mass and Outdoor Shelters in the C, CI2, E, and I Zones

These criteria apply to mass and outdoor shelters in the C, CI2, E, and I zones.

A. Physical compatibility.

- 1. The proposal will preserve any City-designated scenic resources; and
- 2. The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development.

B. Livability. The proposal will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

- 1. Noise, glare from lights, late-night operations, odors, and litter; and
- 2. Privacy and safety issues.

C. Public services.

- 1. The proposed use is in conformance with the street designations in the Transportation Element of the Comprehensive Plan;
- 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
 - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- D. Area plans.** The proposal is consistent with any area plans adopted by the City Council as part of the Comprehensive Plan, such as neighborhood or community plans.
- E. Additional criteria for outdoor shelters in I zones.** The following criteria apply to outdoor shelters in I zones:
1. The outdoor shelter must be on publicly owned property that was not identified as being in an industrial use or identified as vacant or underutilized land needed for future industrial use in the City's inventory of buildable employment land.
 2. The shelter will not have a significant adverse effect on truck and freight movement.

33.815.200 Aviation And Surface Passenger Terminals

These approval criteria allow Aviation And Surface Passenger Terminals at locations where their impacts on surrounding land uses, especially residential, are limited. The approval criteria are:

- A. Commercial seaplane facilities.** The approval criteria for commercial seaplane facilities are:
1. The proposal mitigates any significant off-site impacts and nuisances of the proposal on surrounding properties, including the use of buffers and/or restricting the hours of operation; and
 2. The regulations in 33.209.040, Commercial Seaplane Facilities are met.
- B. Helicopter landing facilities.** The approval criteria for helicopter landing facilities are stated in 33.815.210.
- C. Bus, rail and ship passenger terminals.**
1. Public services.
 - a. The proposed use is in conformance with the street designations of the Transportation Element of the Comprehensive Plan;
 - b. Transportation system:
 - (1) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
 - (2) Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include

transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

- (3) Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- c. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services;
2. Benefit. The public benefit of the use outweighs any impacts which cannot be mitigated; and
3. IG and IH zones. If the proposal is in an IG or IH zone, the proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.205 Detention Facilities

These approval criteria ensure that the facility is physically compatible with the area in which it is to be located and that the safety concerns of people on neighboring properties are addressed. The approval criteria are:

- A. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it will be located and with the character of the surrounding uses and development; and
- B. Safety.** The facility and its operations will not pose an unreasonable safety threat to nearby uses and residents;
- C. Public services.**
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
 3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors

- C. Industrial service and manufacturing and production uses, are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;
- D. All Industrial Service and Manufacturing And Production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking will be associated with the Industrial Service and Manufacturing And Production uses for each parking space required for those uses. Size exceptions are prohibited;
- E. Exterior display, storage and work activities are prohibited;
- F. Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the Impact Mitigation Plan. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master Plan;
- G. Long term parking of medium and heavy trucks on site is prohibited; and
- H. All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

33.815.315 Utility Scale Energy Production in Specified C zones.

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

- A. The proposed Utility Scale Energy Production facility will serve the immediate area;
- B. The off-site impact standards of Chapter 33.262 must be met;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
 - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic

management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D.** Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178480, effective 6/18/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21.)

33.825 Design Review

825

Sections:

- 33.825.010 Purpose
- 33.825.025 Review Procedures
- 33.825.035 Factors Reviewed During Design Review
- 33.825.040 Modifications That Will Better Meet Design Review Requirements
- 33.825.055 Approval Criteria
- 33.825.065 Design Guidelines
- 33.825.075 Relationship to Other Regulations

33.825.010 Purpose

Design review implements the Design overlay zone, strengthening these areas as places designed for people. Design review supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. Design Review offers opportunities for increased flexibility over the design standards within Chapter 33.420.

33.825.025 Review Procedures

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

The procedures stated in this section supersede procedural and threshold statements in the City's adopted design guidelines documents. Procedures for design review vary with the type of proposal being reviewed and the geographic area in which the site is located. Some proposals in the Central City plan district must provide a model of the approved proposal, as set out in Subsection D.

- A.** Proposals subject to design review are reviewed according to the procedure type listed in Table 825-1. When a proposal is subject to more than one procedure type, the higher procedure type applies. For example, a proposal may include both an alteration and an addition to a building. If the alteration is subject to a Type II procedure, but the addition is subject to a Type III procedure, the proposal would be subject to a Type III procedure.
- B.** Minor changes to an approved design review prior to issuance of final permit approval. Minor changes to an approved design review that was originally processed through a Type III procedure are reviewed through a Type II procedure when all of the following are met. Alterations to a structure after the final building permit approval are exempt from this regulation:
 - 1. The original design review has not expired;
 - 2. The building permit for the project has not received final approval;
 - 3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and

4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.
- C.** Phased design plans.
1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
 2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
 3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.
- D.** Models of proposals in the Central City plan district. For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

Table 825-1 Procedure Type for Design Review Proposals			
Geographic Area	Proposal	Threshold	Procedure
Central City Plan District	New development or new building(s) on a site with existing development	1) New floor area is > 25,000 s.f. or 2) New building height is > 45 ft.[1]	Type III[2]
		All other new development or new buildings	Type II
	Exterior alteration to existing development	Addition to an existing building > 45 ft height [1], and adds > 25,000 s.f. of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alterations	Type II
	All Other Areas Subject to Design Review	New development or new building(s) on a site with existing development	1) New floor area is > 80,000 s.f. or 2) New building height is > 65 ft. [1]
All other new development or new buildings			Type II
Exterior alteration to existing development		Addition to an existing building > 65 ft height [1], and adds > 50,000 s.f of floor area	Type III [2]
		Exterior alteration affecting 500 s.f. or less of façade or roof area	Type I
		All other exterior alteration	Type II
Exterior development not listed above			Type II

[1] The height threshold does not include additional height allowed through a height exception in the bases zone.

[2] An affordable housing project may choose a Type II review procedure if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height, except when the height being proposed includes bonus height, and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

33.825.040 Modifications That Will Better Meet Design Review Requirements

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

- A. Better meets design guidelines.** The resulting development will better meet the applicable design guidelines; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.
- C. Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

33.825.055 Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

- A. Purpose.** Design guidelines are the approval criteria used to review new development and alterations to existing development. They ensure They ensure that the development builds on the context of the area, contributes to the public realm and promotes quality and long-term resilience within the Design overlay zone.
- B. Design guidelines.** Guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4. Where two of the design districts shown on those maps overlap, both sets of guidelines apply. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict.

All other areas within the Design overlay zone or proposals subject to design review use the Citywide Design Guidelines. Within design districts the design guidelines are mandatory approval criteria used in design review procedures. The design guidelines may consist of a common set of design guidelines for the whole district and special design guidelines for subdistricts.

Where subdistrict guidelines conflict with the district guidelines, the subdistrict guidelines control.

- C. Waiver of design guidelines.** If a design district's design guidelines document includes goals for the design district, the review body may waive one or more of the guidelines as part of the design review of a development in order to meet the goals.

33.825.075 Relationship to Other Regulations

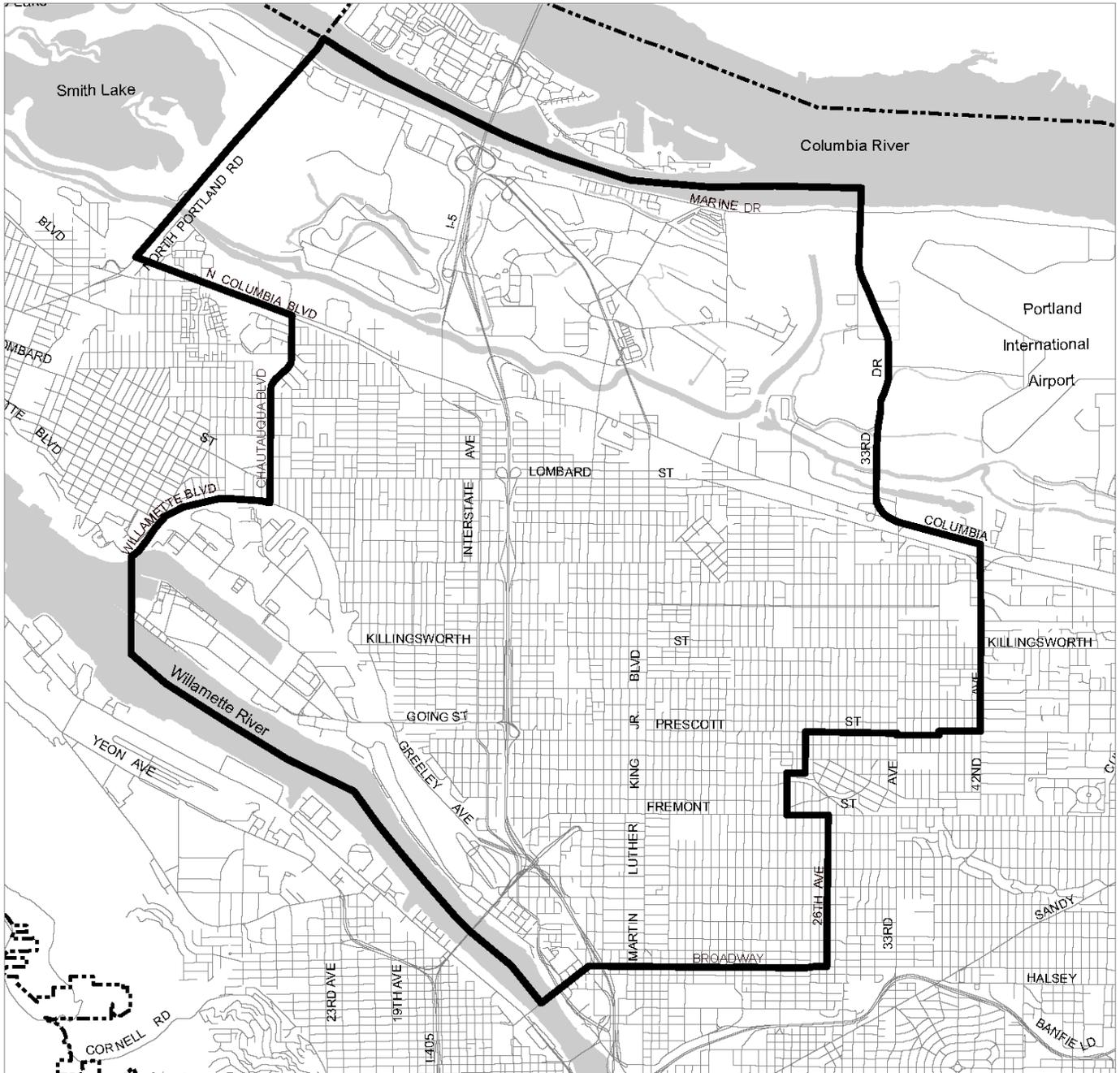
Design review approval by BDS does not imply compliance with the other requirements of the Zoning Code or other City, Regional, State, and Federal agencies.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174325, effective 5/5/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. 176742, effective 7/31/02; Ord. No. 177701, effective 8/30/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 184016, effective date 08/20/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190477, effective 8/1/21.)

Albina Community Plan Area

Map 825-1

Map Revised August 10, 2020



Legend

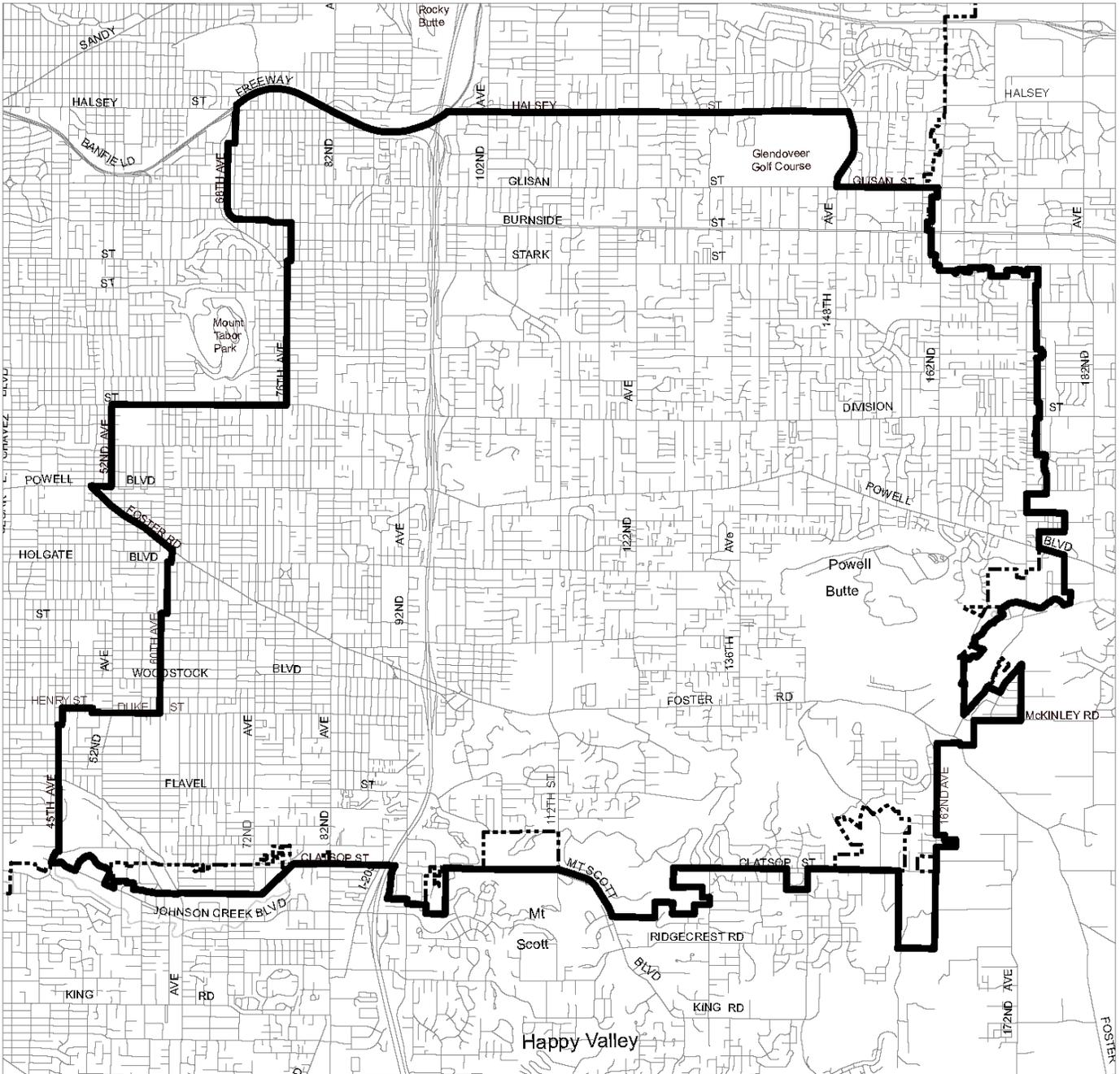
- City Boundary
- ▭ Community Plan Boundary



Outer Southeast Community Plan Area

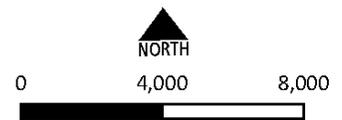
Map 825-2

Map Revised August 10, 2020



Legend

- City Boundary
- ▭ Community Plan Boundary

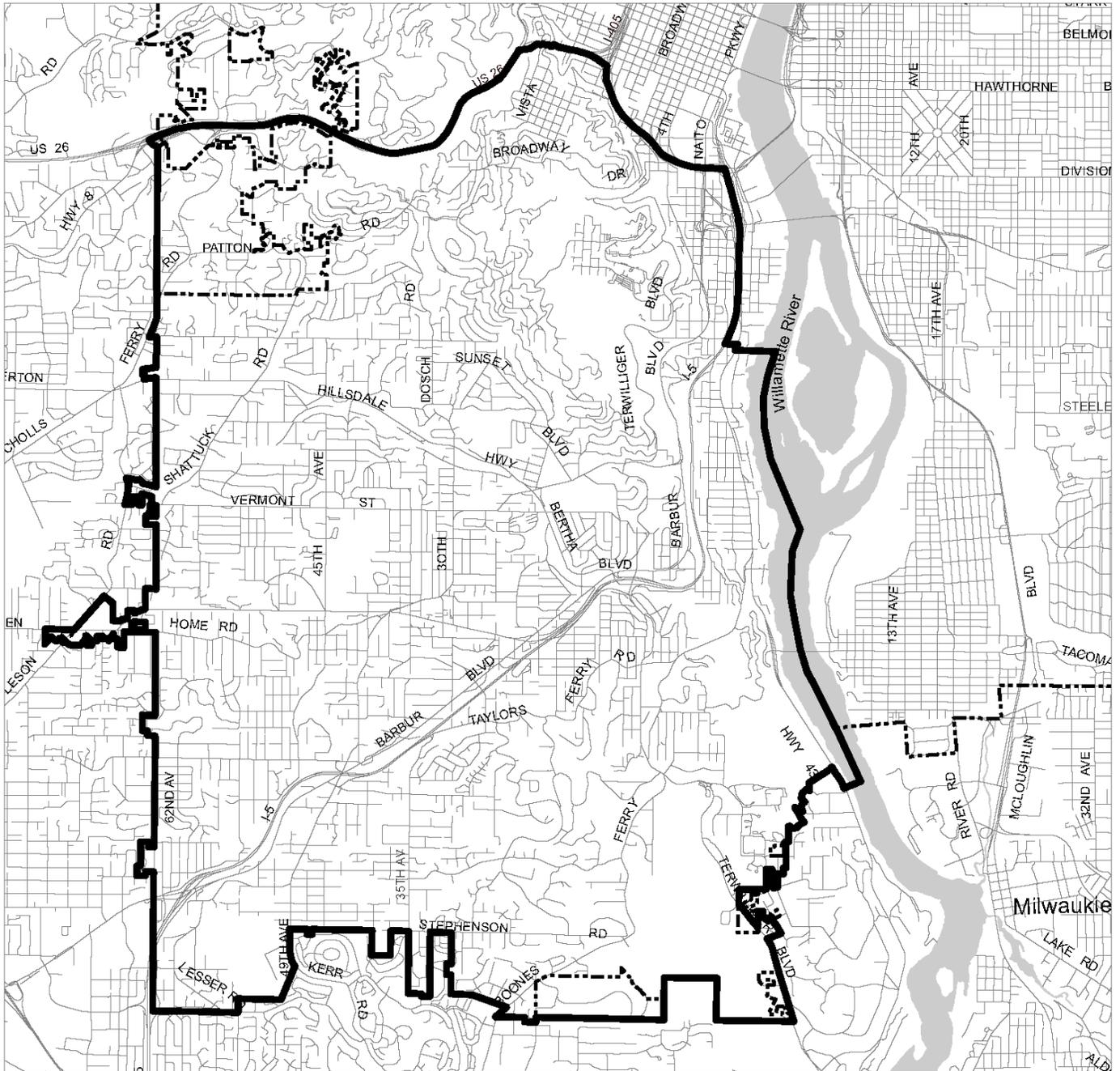


Scale in Feet
Bureau of Planning and Sustainability
Portland, Oregon

Southwest Community Plan Area

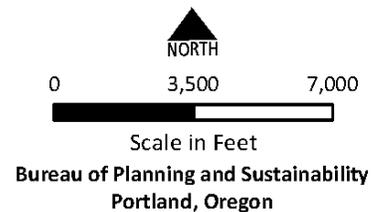
Map 825-3

Map Revised August 10, 2020



Legend

- City Boundary
- Community Plan Boundary



33.835 Goal, Policy, and Regulation Amendments

835

Sections:

- 33.835.010 Purpose
- 33.835.020 Initiating a Text Amendment
- 33.835.030 Procedure
- 33.835.040 Approval Criteria

33.835.010 Purpose

This chapter states the procedures and review criteria necessary to amend the land use goals, policies, and regulations of the City. For the purposes of this chapter, regulation includes all land use standards, guidelines, area plans, or other similar text. For convenience, all of these amendments are referred to as "text amendments".

33.835.020 Initiating a Text Amendment

Text amendments may be initiated by the Planning and Sustainability Director, the Planning and Sustainability Commission, or by the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design guidelines. Others may make a request to the Planning and Sustainability Commission to consider a text amendment initiation, except for design guidelines. Requests for amendments to design guidelines in historic districts are made to the Historical Landmarks Commission and to the Design Commission for design guideline amendments in the Design overlay zone. Initiations by a review body are made without prejudice towards the final outcome.

33.835.030 Procedure

Text amendments are reviewed through the legislative procedure stated in Chapter 33.740, Legislative Procedure.

33.835.040 Approval Criteria

- A. Amendments to the zoning code.** Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.
- B. Amendments to the goals and policies of the Comprehensive Plan.** Text amendments to the goals and policies of the Comprehensive Plan must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.
- C. Neighborhood plans.** Adoption or amendment of neighborhood plans and similar area plans must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

- D. Design guidelines.** Design guidelines must be found to both maintain and enhance the characteristics that distinguish the Design overlay zone or design district and be consistent with the reasons for establishing the overlay zone or design district.

(Amended by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 195915, effective 5/1/13; Ord. No. 190477, effective 8/1/21.)

33.854 Planned Development Review

854

Sections:

General

33.854.010 Purpose

Review of Planned Development

33.854.200 Review Procedures

33.854.250 Supplemental Application Requirements

33.854.300 Approval Criteria in General

33.854.310 Approval Criteria for Planned Developments In All Zones

33.854.320 Additional Approval Criteria for Modifications of Development Standards

33.854.330 Commercial Uses in Residential Zones

33.854.340 Proposals Without a Land Division

Changes to an Approved Planned Development

33.854.500 Types of Changes

33.854.510 Review Procedure

33.854.520 Approval Criteria

General

33.854.010 Purpose

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

Review of Planned Development

33.854.200 Review Procedures

- A. Concurrent reviews.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site when the Planned Development bonus is being utilized (See 33.130.212.E). In this case, Design Review may be processed after the Planned Development Review.
- B. Planned Development bonus.** Proposals that are using the commercial/mixed use zones Planned Development bonus (See 33.130.212.E) are processed through a Type III procedure.
- C. All other Planned Development Reviews.**
 1. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:
 - a. Type III review. Proposals in the RF through R2.5 zones that include multi-dwelling structures are processed through a Type III procedure.

- b. Type IIx review. All other proposals are processed through the Type IIx procedure.
2. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:
 - a. Type III review. Proposals that include any of the following elements are processed through a Type III procedure:
 - (1) Multi-dwelling structures in the RF through R2.5 zones;
 - (2) Eleven or more units in the RF through R10 zones;
 - (3) Twenty-one or more units R7 through R2.5, Multi-Dwelling, Commercial/Mixed Use, CI2, IR and EX zones;
 - (4) Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
 - (5) Environmental review;
 - (6) Any portion of the site is in an Open Space zone.
 - b. Type IIx review. All other proposals not assigned to a Type III in Subparagraph C.2.a. are processed through a Type IIx procedure.

33.854.250 Supplemental Application Requirements

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

- A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that are proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):
 1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
 2. An urban design and development framework plan showing:
 - a. The location of existing and proposed structures;
 - b. Proposed land uses including areas with active ground floor uses;
 - c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;
 - d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;

- e. The allocation of any required affordable housing if there will be more than one building;
 - f. The location, design and programming of plazas, parks or open areas; and
 - g. Relationships and transitions to adjacent properties and the neighborhood;
3. A transportation and circulation plan showing:
 - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
 - b. Transit service lines and stops within and immediately adjacent to the site;
 - c. Locations of right-of-way to be vacated or dedicated within the site; and
 - d. Vehicle and bicycle parking and any parking access points;
 4. Transportation and parking demand management strategies;
 5. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
 6. A stormwater management plan;
 7. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
 8. A Project narrative describing how the proposal meets applicable design guidelines.
- B.** Supplemental application requirements for all other Planned Developments:
1. Photographs that show the characteristics of surrounding neighborhood; and
 2. Either B2.a. or B.2.b., must be submitted with the application:
 - a. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or
 - b. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

33.854.300 Approval Criteria in General

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.854.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.854.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.854.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.I) are not required to meet the criteria in Section 33.854.340.

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

33.854.310 Approval Criteria for Planned Developments in All Zones

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

- A. Urban design and development framework.**
 - 1. The proposed overall scheme and site plan provide a framework for development that meets applicable design guidelines and will result in development that complements the surrounding area;
 - 2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Planned Development area;
 - 3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
 - 4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood.
- B. Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods.
- C. Stormwater Management.** The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.
- D. Phasing Plan.** The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.
- E. Site Design.** Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:

1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm. Public realm includes adjacent streets as well as plazas and common open areas that are accessible from the street;
2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
5. Minimizing potential negative effects on surrounding residential uses; and
6. Preservation of any City-designated scenic resources.

F. Open Area. On sites zoned RF through R2.5

1. Where proposed development includes attached houses, duplexes, triplexes, fourplexes, multi-dwelling structures, or multi-dwelling development, adequate open area to accommodate the proposed development must be provided. Open area does not include vehicle areas.
2. Where multi-dwelling development with detached single dwelling units is proposed, 50 percent of the total number of dwelling units on the site must be oriented around a common outdoor area.

G. Accessible connections. Provide one or more accessible routes that connect all buildings on the site to adjacent streets, common open areas, and parking areas. Use landscaping and site furnishings to ensure the accessible route provides a pleasant user experience.

H. Garbage and recycling areas. Garbage and recycling collection areas must be adequate in size to accommodate the proposed development, designed to encourage recycling, and located to facilitate pick-up service. Screening and buffering of garbage and recycling areas must be provided to maintain a clean and attractive development.

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

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

- A. Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310; and
- B. Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

33.854.330 Commercial Uses in Residential Zones.

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

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CN1 zone.

33.854.340 Proposals Without a Land Division

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

A. Services.

- 1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
- 2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
- 3. The standards of Section 33.651.020, Water Service Standards, must be met;
- 4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;
- 5. The standard of Section 33.655.100, School District Enrollment Capacity Standard, must be met; and
- 6. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

B. Tree preservation. The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

C. Flood hazard areas.

- 1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
- 2. RM2 through RX, C, E, I, and IR zones. In the RM2 through RX, C, E, I, and IR zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

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

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

E. Clearing, grading, and land suitability.

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

F. Streams, springs, seeps, and wetlands.

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.

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

G. Transportation impacts.

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;

2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop improvements;
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

Changes to an Approved Planned Development

33.854.500 Types of Changes

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

- A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:
 1. An increase in the site area of more than 5 percent;
 2. Changes to the building heights or floor area allocations of more than 10 percent;
 3. In residential zones:
 - a. An increase in density, including the number of housing units;
 - b. A change in the mix of single-dwelling and multi-dwelling structures; and
 - c. An increase in the amount of land in nonresidential uses;
 4. A reduction in the amount of open space;
 5. In commercial/mixed use zones:
 - a. Changes to building locations or required plaza or park locations;
 - b. A decrease in the amount or location of required affordable housing; and
 - c. Changes to the location of additional height;
 6. Deleting or changing the purpose of flood hazard or landslide hazard easements; or
 7. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
 8. Changes in the amount of parking by more than 20 percent.
- B. Minor change.** A minor change is a change that is neither major nor administrative.
- C. Administrative change.** An administrative change is a change to an element of a Planned Development that:

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

33.854.510 Review Procedures

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

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

33.854.520 Approval Criteria

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

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/3/31; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21.)

33.855 Zoning Map Amendments

855

Sections:

- 33.855.010 Purpose
- 33.855.020 Initiating a Zoning Map Amendment
- 33.855.030 When a Comprehensive Plan Map Amendment Is Also Required
- 33.855.040 Procedure
- 33.855.050 Approval Criteria for Base Zone Changes
- 33.855.060 Approval Criteria for Other Changes
- 33.855.070 Corrections to the Official Zoning Maps
- 33.855.075 Automatic Map Amendments for Historic Resources
- 33.855.080 Recently Annexed Areas

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.020 Initiating a Zoning Map Amendment

- A. Quasi-Judicial.** Requests for a zoning map amendment that are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning and Sustainability Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts. The Director of BDS may request amendments for initiation by the Planning and Sustainability Commission. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for zoning map amendments that are legislative may be initiated by the Planning and Sustainability Commission or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts. Others may request to the Planning and Sustainability Commission to initiate a legislative zoning map amendment. The Planning and Sustainability Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.030 When a Comprehensive Plan Map Amendment Is Also Required

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy 1.18 in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

33.855.040 Procedure

- A. **Quasi-Judicial.** Requests for quasi-judicial zoning map amendments are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.
- B. **Legislative.** Requests for legislative zoning map amendments are reviewed through the legislative procedure stated in Chapter 33.740.
- C. **Manufactured dwelling park special notice.** The applicant for a zoning map amendment that changes the zoning on a manufactured dwelling park must provide written notice by first class mail to each unit in the manufactured dwelling park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.

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. 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.
- B. **Adequate public services.**
 - 1. Adequacy of services applies only to the specific zone change site.
 - 2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
 - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning

period defined by the Oregon Transportation Rule, which is 20 years from the date the Transportation System Plan was adopted. Limitations on development level or mitigation measures may be necessary in order to assure transportation services are adequate.

- d. The school district within which the site is located has adequate enrollment capacity to accommodate any projected increase in student population over the number that would result from development in the existing zone. This criterion applies only to sites that are within a school district that has an adopted school facility plan that has been acknowledged by the City of Portland.
3. Services to a site that is requesting rezoning to IR Institutional Residential, will be considered adequate if the development proposed is mitigated through an approved impact mitigation plan or conditional use master plan for the institution.
- C. When the requested zone is IR, Institutional Residential.** In addition to the criteria listed in subsections A. and B. of this Section, a site being rezoned to IR, Institutional Residential must be under the control of an institution that is a participant in an approved impact mitigation plan or conditional use master plan that includes the site. A site will be considered under an institution's control when it is owned by the institution or when the institution holds a lease for use of the site that covers the next 20 years or more.
 - D. When the requested zone change is CI1 or CI2.** When the requested zone change is CI1 or CI2, a Transportation Impact Review is required as part of the zoning map amendment.
 - E. Location.** The site must be within the City's boundary of incorporation. See Section 33.855.080.

33.855.060 Approval Criteria for Other Changes

In addition to the base zones and Comprehensive Plan designations, the Official Zoning Maps also show overlay zones, plan districts, and other items such as special setback lines, recreational trails, scenic viewpoints, and historic resources. Amendments to all of these except historic resources and the creation of plan districts are reviewed against the approval criteria stated in this section. Historic resources are reviewed as stated in Chapter 33.846, Historic Resource Reviews. The creation of a new plan district is subject to the approval criteria stated in 33.500.050. An amendment will be approved (either quasi-judicial or legislative) if the review body finds that all of the following approval criteria are met:

- A.** Where a designation is proposed to be added, the designation must be shown to be needed to address a specific situation. When a designation is proposed to be removed, it must be shown that the reason for applying the designation no longer exists or has been addressed through other means;
- B.** The addition or removal is consistent with the purpose and adoption criteria of the regulation and any applicable goals and policies of the Comprehensive Plan and any area plans; and
- C.** In the Marquam Hill plan district, relocation of a scenic viewpoint must be shown to result in a net benefit to the public, taking into consideration such factors as public access, the quality of the view, the breadth of the view, and the public amenities that are or will be available.

33.855.070 Corrections to the Official Zoning Maps

The Director of BDS may initiate and approve a review following the Type II procedure for the types of discretionary corrections to the Official Zoning Maps listed below. Nondiscretionary corrections to the Official Zoning Maps may be initiated by the Director of Planning and Sustainability as described in Section 1.01.037 of the Portland City Code.

- A. Mapping errors.** The correction may be made for mapping errors such as:
 - 1. A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches; or
 - 2. There is a discrepancy between maps and on balance there is sufficient evidence of legislative intent for where the line should be located.
- B. Movement of the reference item for the map line.** The correction may be made when it can be clearly shown that a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar type items. Map line changes in these cases must not be more than a trivial change to the map pattern and must not result in any significant impacts to abutting lots.
- C. Land within the Urban Growth Boundary.** The correction may be made when it involves the removal of the Future Urban overlay zone from properties that are now within the Urban Growth Boundary.

33.855.075 Automatic Map Amendments For Historic Resources

The Official Zoning Maps will be amended automatically to add or remove historic resources as follows:

- A. Resources listed in the National Register of Historic Places.**
 - 1. When a historic resource is listed in the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource in the National Register; and
 - 2. When a historic resource is removed from the National Register of Historic Places and it has no local historic designation, it is automatically removed from the Official Zoning Maps as a Historic Landmark or Historic District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the removal of the resource from the National Register.
- B. Removal after destruction.** If a Historic Landmark or Conservation Landmark is destroyed by causes beyond the control of the owner, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- C. Removal after demolition.** If a Historic Landmark or Conservation Landmark is demolished, after either approval of demolition through demolition review or after 120-day delay, the

Landmark designation for the resource is automatically removed from the Official Zoning Maps.

- D. Removal after relocation.** If a Historic Landmark or Conservation Landmark is relocated, the Landmark designation for the resource is automatically removed from the sending site on the Official Zoning Maps.

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.

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	CM1
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	CM1
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	RM1 [3]
HR-2, A-2	RM1 [3]
HR-1, A1B	RM2 [3]
BPO	CM2
LC, C4, SC	CM1
GC, EC, C2, NC, C3	CE
LM, M3, M4	EG1
Gm, M2	IG2

Table 855-1 Assigned City Zoning for Multnomah County Zones	
HM, M1	IH
THR	RM3
TMR	RM1 [3]
TLR-5	R5
TLC	CM1
TNC	CM2
TGC	CM2
TO	CM2
TLM	EG1
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 CM1. Sites with a documented, approved retail or commercial use are CM1.

[4] The most appropriate overlay zone will be applied based on any approved City plans.

(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178961, effective 6/13/05; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21.)

33.900 List of Terms

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Sections:

33.900.010 List of Terms

33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route	Attached House <i>See Residential Structure Types</i>	City
Accessory Dwelling Unit <i>See Residential Structure Types</i>	Attached Structure	City-Designated Natural Resources
Accessory Parking Facility	Auto-Accommodating Development <i>See Development Types</i>	Clearing
Accessory Recreational Vehicle <i>See Recreational Vehicle</i>	Average Slope, how to measure <i>See Chapter 33.930, Measurements</i>	Colleges <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Structure	Aviation, General	Commercial Outdoor Recreation <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Use	Aviation And Surface Passenger Terminals <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Commercial Parking <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Agriculture <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Basic Utilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Common Green <i>See Street Types</i>
Airport Airside Development	Basement	Community Garden
Airport Landside Development	Beach	Community Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Alley	BDS	Comprehensive Plan
Alteration <i>See Development, Alteration</i>	Block	Congregate Housing Facility <i>See Residential Structure Types</i>
Alternative or Post Incarceration Facility	Block Frontage	Connected Structure
Applicant	Building	Convenience Store
Arborist	Building Coverage	Conservation Landmark <i>See Historic Resource</i>
Area of the Facade of a Building, how to measure <i>See Chapter 33.930, Measurements</i>	Building Line	Contributing Resource <i>See Historic Resource</i>
Area with Squares of Specified Dimensions, how to measure <i>See Chapter 33.930, Measurements</i>	Bulkhead	Corner Lot <i>See Lot</i>
Arterial <i>See Street Types</i>	Bus Stop	Council
Attached Duplex <i>See Residential Structure Types</i>	Calendar Year	Courtyard
	Caretaker	
	Carpool	
	Cemetery	
	Certificate of Occupancy	
	Change of Use	

Crown Cover	Drive-Through Facility	Functional Values
Daycare <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Driveway	Future Division Plan
Days	Duplex <i>See Residential Structure Types</i>	Garage
Delivery Days	Dwelling Unit <i>See Residential Structure Types</i>	Garage Entrance Setback <i>See Setback</i>
Dead-End Street <i>See Street Types</i>	Easement	Garage Wall Area, how to measure <i>See Chapter 33.930, Measurements</i>
Density	Eave	Grade
Design Guidelines	Ecologically and Scientifically Significant Natural Areas	Grading
Desired Character	ESEE Analysis	Gross Building Area
Detention Facilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Excavating or Filling	Groundwater Sensitive Areas
Develop	Exchange Parcel	Group Living <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Developed Portion of Right-of-Way	Exterior Alteration <i>See Development, Exterior Alteration</i>	Hazardous Substances
Development	Exterior Display	Heavy Truck <i>See Truck under Vehicle Types</i>
Development, Alteration	Exterior Improvements	Height, how to measure <i>See Chapter 33.930, Measurements</i>
Development, Exterior Alteration	Exterior Storage	Helicopter Approach-Departure Flight Path
Development, New	Exterior Work Activities	Helicopter Landing Facility (HLF)
Development Types	Facade	<ul style="list-style-type: none">• Private Helicopter Landing Facility• Public Helicopter Landing Facility
<ul style="list-style-type: none">• Auto Accommodating Development• Pedestrian-Oriented Development	Farmers Market	Helicopter Trip
Director of BDS	Final Plat	Historic Landmark <i>See Historic Resource</i>
Disabled Person	Fish and Wildlife Habitat Areas	Historic Landmark Tree
Distances, how to measure <i>See Chapter 33.930, Measurements</i>	Flag Lot <i>See Lot</i>	Historic Resource
Disturbance	Floodway	Historic Resources
Disturbance Area	Floor Area	Inventory <i>See Historic Resource</i>
<ul style="list-style-type: none">• Permanent Disturbance Area• Temporary Disturbance Area	Floor Area Ratio (FAR)	Historic Restoration
Drainageway	Food membership	Historic Value
Dredge Material	Distribution Site	Home Occupation
	<ul style="list-style-type: none">• Food Buying Clubs• Community Supported Agriculture Organizations	
	Fractions, how to measure <i>See Chapter 33.930, Measurements</i>	
	Front Lot Line <i>See Lot Lines</i>	
	Front Setback <i>See Setback</i>	

House *See Residential Structure Types*

Household Living *See Chapter 33.920, Descriptions of the Use Categories*

Houseboat Moorage *See Residential Structure Types*

Identified Wetlands, Identified Streams, Identified Waterbodies *See Environment-Related Definitions*

Industrial Service *See Chapter 33.920, Descriptions of the Use Categories*

Institutional Campus

Intensity

Kennel

Land Division

Land Use Approval

Ldn (or DNL)

Light Rail Line

Light Rail Alignment

Light Truck *See Truck under Vehicle Types*

Live Stake

Living Area

Loading Area

Long Term Bicycle Parking

Long Term Parking

Longest Street-Facing Wall

Lot

- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure *See Chapter 33.930, Measurements*

Lot Lines

- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record

Lot Remnant

Lot Width, how to measure *See Chapter 33.930, Measurements*

Main Entrance

Maintenance

Major Event Entertainment *See Chapter 33.920, Descriptions of the Use Categories*

Major Remodeling

Manufactured Dwelling *See Residential Structure Types*

Manufactured Dwelling Park

Manufactured Dwelling Space

Manufactured Home *See Residential Structure Types*

Manufacturing And Production *See Chapter 33.920, Descriptions of the Use Categories*

Marina

Market Garden

Mass Shelter

Mass Shelter Beds

Medical Centers *See Chapter 33.920, Descriptions of the Use Categories*

Medium Truck *See Truck under Vehicle Types*

Mining *See Chapter 33.920, Descriptions of the Use Categories*

Mitigate

Mixed-Use

Mobile Home *See Residential Structure Types*

Motor Home *See Recreational Vehicle, under Vehicle Types*

Motor Vehicle *See Vehicle Types*

Multi-Dwelling Development *See Residential Structure Types*

Multi-Dwelling Structure *See Residential Structure Types*

Near Shore Complexity

Net Building Area

New Development *See Development, New*

New Narrow Lot *See Lot*

Noise Contour

Nonconforming Development

Nonconforming Residential Density

Nonconforming Situation

Nonconforming Use

Nondiscretionary Reviews

Nuisance Plants List

Office *See Chapter 33.920, Descriptions of the Use Categories*

Operator

Ordinary High Water Mark

Organized Sports

Outdoor Shelter

Outfall

Owner	Primary Use	<i>Descriptions of the Use Categories</i>
Ownership	Private Helicopter Landing Facility <i>See Helicopter Landing Facility (HLF)</i>	Remediation
Parcel <i>See Lot</i>	Project	Repair
Parking Area	Property Line Adjustment	Replacement
Parking Space	Pruning	Residential Facility
Parks And Open Areas <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Public Access Easement	Residential Home
Partial Street <i>See Street Types</i>	Public Helicopter Landing Facility <i>See Helicopter Landing Facility (HLF)</i>	Residential Structure Types
Passenger Vehicle <i>See Vehicle Types</i>	Public Safety Facility	<ul style="list-style-type: none">• Accessory Dwelling Unit• Attached Duplex• Attached House• Congregate Housing Facility• Duplex• Dwelling Unit• Fourplex• House• Houseboat Moorage• Manufactured Dwelling<ul style="list-style-type: none">— Manufactured Home— Mobile Home— Residential Trailer• Multi-Dwelling Development• Multi-Dwelling Structure• Triplex
Paved Area	Quick Vehicle Servicing <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Residential Trailer <i>See Residential Structure Types</i>
Peace Officer	Radio or Television Broadcast Facility	Resource Enhancement
Peak Hour Service	Radio Frequency Transmission Facilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Retail Sales And Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Pedestrian Access Route	Rail Lines And Utility Corridors <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Retaining Wall
Pedestrian Connection	Rail Right-Of-Way <i>See Right-of-Way, Rail</i>	Review Body
Pedestrian-Oriented Development <i>See Development Types</i>	Railroad Yards <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Right-Of-Way
Permanent Disturbance Area <i>See Disturbance Area, Permanent</i>	Rear Lot Line <i>See Lot Lines</i>	Right-of-Way, Rail
Person	Rear Setback <i>See Setback</i>	Riparian Areas
Personal Wireless Service Facility	Recognized Organization	
Phased Development Plan	Recreational Vehicle <i>See Vehicle Types</i>	
Plane of a Building Wall, how to measure <i>See Chapter 33.930, Measurements</i>	Recreational Vehicle Park	
Planning and Sustainability Director	Recycling Drop-Off Center	
Plat	Recycling Operation	
Plaza	Regional Attractor	
Plot	Religious Institutions <i>See Chapter 33.920,</i>	
Pollution Reduction Facility		
Potential Landslide Hazard Area		
Practicable		
Primary Structure		

Riparian Functional Values	Side Setback <i>See Setback</i>	Temporary Disturbance Area <i>See Disturbance Area, Temporary</i>
River Bank Complexity	Side Street Lot Line <i>See Lot Lines</i>	Through Lot <i>See Lot</i>
River-Dependent	Sign	Through Street <i>See Street Types</i>
River-Related	Significant Detrimental Impact	Top of Bank
Roadway	Site	Topping
Root Protection Zone, how to measure <i>See Chapter 33.930, Measurements</i>	Site Frontage	Tower
Scenic Corridor	Small Scale Energy Production	Tract
Scenic Site	<ul style="list-style-type: none">• Biogas• Biomass	Transit Station
Scenic View	Special Flood Hazard Area	Transit Street <i>See Street Types</i>
Scenic Viewpoint	Stormwater Facility	Transportation Management Association
Schools <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Stormwater Management System	Tree Diameter, how to measure <i>See Chapter 33.930, Measurements</i>
School Site	Stream	Tree Types
Seep or Spring	Stream Channel	<ul style="list-style-type: none">• Dangerous Tree• Dead Tree• Dying Tree
Self-Service Storage <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Street <i>See Street Types</i>	Triplex <i>See Residential Structure Types</i>
Services	Street Lot Line <i>See Lot Lines</i>	Truck <i>See Vehicle Types</i>
Setback	Street Setback <i>See Setback</i>	Underground Parking
<ul style="list-style-type: none">• Front Setback• Garage Entrance• Setback• Rear Setback• Side Setback• Street Setback	Street-facing Facade	Uplands
Setback Averaging, how to measure <i>See Chapter 33.930, Measurements</i>	Streetcar Alignment	Utility Scale Energy Production
Shallow Water Habitat	Streetcar Line	Utility Trailer <i>See Vehicle Types</i>
Shared Court <i>See Street Types</i>	Street Types	Utilities
Shelter Beds <i>See Mass Shelter Beds</i>	<ul style="list-style-type: none">• Arterial• Common Green• Dead-End Street• Local Service Street• Partial Street• Shared Court• Street• Through Street• Transit Street	Valet Parking
Short Term Bicycle Parking	Structure	Vegetation
Short Term Housing	Structured Parking	Vegetative Maintenance
Short Term Parking	Superblock	Vehicle Areas
Side Lot Line <i>See Lot Lines</i>	Supermarket	Vehicle Repair <i>See Chapter 33.920, Descriptions of the Use Categories</i>
	Surface Parking	

Vehicle Types

- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
 - Accessory recreational vehicle
 - Motor home
- Truck
 - Light Truck
 - Medium Truck
 - Heavy Truck
- Utility Trailer

View Corridor

Viewing Area

Warehouse And Freight Movement *See Chapter 33.920, Descriptions of the Use Categories*

Waste Collection Areas

Waste-Related *See Chapter 33.920, Descriptions of the Use Categories*

Water Bodies

Water Quality Resource Area

Wetland

Wholesale Sales *See Chapter 33.920, Descriptions of the Use Categories*

Wildlife Species of Concern

Wind Turbine or Wind Energy Turbine

(Added by Ord. No. 164264, effective 7/5/91. Amended by: Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183750, effective 6/4/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. 185412, effective 6/13/12.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190076, effective 8/10/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21.)

33.910 Definitions

910

Sections:

- 33.910.010 Defining Words
- 33.910.020 Use of Terms
- 33.910.030 Definitions

33.910.010 Defining Words

Words used in the zoning code have their normal dictionary meaning unless they are listed in 33.910.030 below. Words listed in 33.910.030 have the specific meaning stated, unless the context clearly indicates another meaning.

33.910.020 Use of Terms

Information about the use of terms in the zoning code is contained in 33.700.070.D.

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

Accessible Route. A route that can be used by a disabled person using a wheelchair and that is also safe for and usable by people with other disabilities.

Accessory Dwelling Unit. See Residential Structure Types.

Accessory Parking Facility. A parking facility that provides parking for a specific use or uses. The facility may be located on or off the site of the use or uses to which it is accessory. A fee may or may not be charged. An accessory parking facility need not be in the same ownership as the specific uses to which it is accessory. See also Commercial Parking in Chapter 33.920, Descriptions of Use Categories.

Accessory Recreational Vehicle. See Recreational Vehicle, under Vehicle Types.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Accessory structures may be attached or detached from the primary structure. Examples of accessory structures include: garages, decks, fences, trellises, flag poles, stairways, heat pumps, awnings, and other structures. See also Primary Structure.

Accessory Use. A use or activity which is a subordinate part of a primary use and which is clearly incidental to a primary use on a site.

Adjusted Lot. See Lot-Related Definitions

Airport Airside Development. Airside development occurs at the Portland International Airport within the Perimeter Security Fence and the Runway Protection Zone. Examples include runways, taxiways, airfield roadways, aviation approach lighting systems, navigational beacons, associated equipment sheds, and security fencing.

Airport Landside Development. Landside development occurs at the Portland International Airport outside the Perimeter Security Fence. This area is comprised of the Passenger Terminal, airport access roadways, parking lots, aircraft maintenance facilities, cargo hangers, maintenance buildings, fire and rescue facilities, and other similar types of development.

Alley. A right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed or not possible, the alley may provide primary vehicle access. See also Street-Types.

Alteration. See Development, Alteration.

Alternative or Post Incarceration Facility. A Group Living use where the residents are on probation or parole.

Applicant. A person who applies for a land use review or building permit. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, consultant, or architect.

Arborist. A professional listed as a certified arborist or a registered consulting arborist.

Arterial. See Street Types.

Attached Duplex. See Residential Structure Types.

Attached House. See Residential Structure Types.

Attached Structure. Any structure that is attached to a primary structure by a common wall or shares a common floor/ceiling. For example, a garage is an attached structure when it shares a common wall with a primary dwelling unit. Structures that are attached solely by elements other than a common wall or floor/ceiling are not considered attached. See Connected Structure.

Auto-Accommodating Development. See Development Types.

Aviation, General. General aviation refers to all flights other than military and scheduled airline and cargo flights, both private and commercial. Examples include business aviation, private flying, flight training, air ambulance, police aircraft, aerial firefighting, and air charter services.

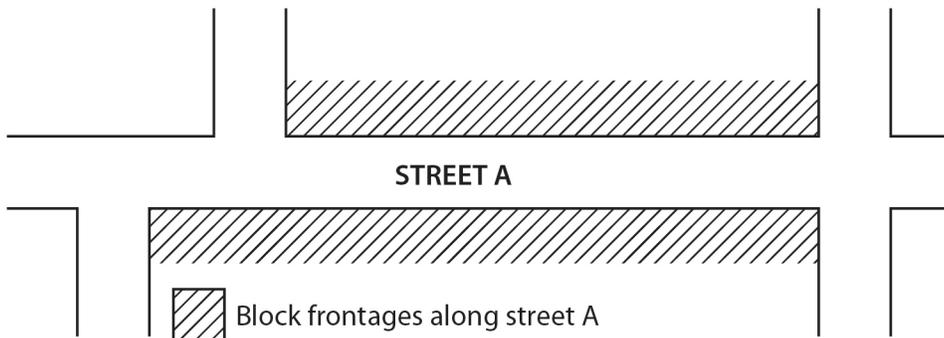
Basement. The portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement. Only one basement level may be partly below grade; additional basement levels must be completely below grade.

BDS. Bureau of Development Services.

Block. All of the property bounded by streets, rights-of-way, and water features, but is not divided or separated in any way by streets, rights-of-way, or water features.

Block Frontage. All of the property fronting on one side of a street that is between intersecting or intercepting streets, or that is between a street and a water feature, or end of a dead end street. An intercepting street determines only the boundary of the block frontage on the side of the street which it intercepts. See Figure 910-1.

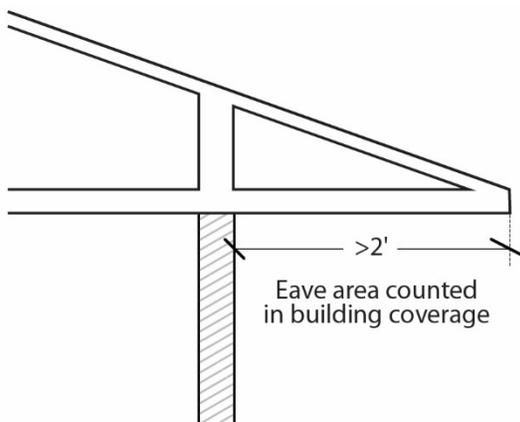
Figure 910-1
Block Frontage



Building. A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

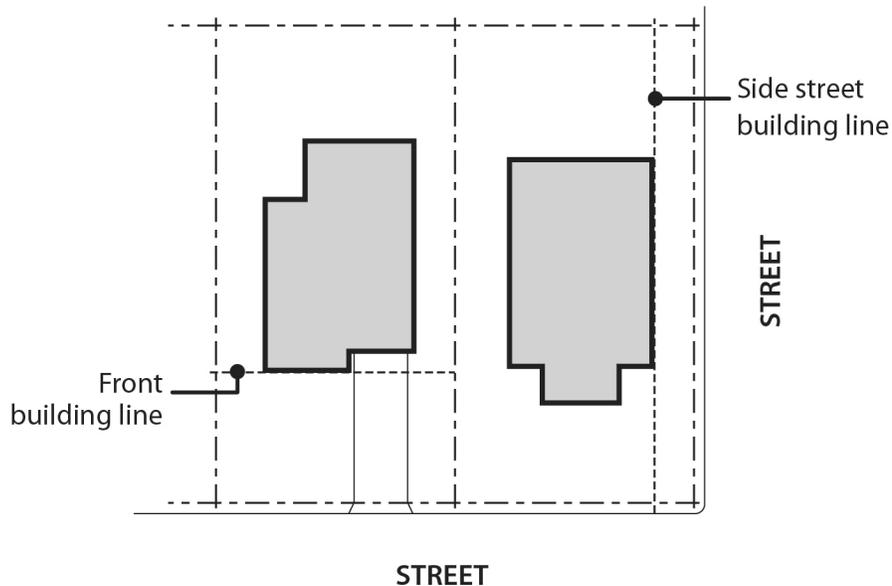
Building Coverage. The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves up to 2 feet in depth are not included in building coverage. See Figure 910-11.

Figure 910-11
Area of eave excluded from building coverage



Building Line. A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

**Figure 910-2
Building Lines**



Bus Stop. A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

Calendar Year is the year from January 1 through December 31.

Caretaker. A caretaker looks after or provides security for goods or property.

Carpool. At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

Cemetery. An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

Certificate of Occupancy. A certificate of occupancy or a certificate of inspection issued by BDS at the completion of a building permit or change of occupancy.

Change of Use. Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

City. The City of Portland, Oregon.

City-Designated Natural Resources. Natural resources and functional values protected by Environmental Overlay Zones.

Clearing. Any activity that removes existing vegetation or strips surface material from any portion of the site.

Common Green. See Street Types.

Community Garden. A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

Comprehensive Plan. The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

Congregate Housing Facility. See Residential Structure Types.

Connected Structure. Any structure that is connected to a primary structure by a roof, a deck or by other structural connections, and which does not share a common wall, ceiling or floor. For example, decks or stairways are connected structures when they are fastened to a primary structure. A garage that is connected to a primary structure by a roofed structure such as a breezeway, and does not share a common wall with the primary structure, is a connected accessory structure. See Attached Structure.

Convenience Store. Any retail grocery store that has all of the following characteristics:

- Is under 4,000 square feet in area;
- Requires a package store liquor license; and
- Is open more than 15 hours a day.

Conservation Landmark. See Historic Resource.

Contributing Resource. See Historic Resource.

Corner Lot. See Lot-Related Definitions.

Courtyard. An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way.

Council. The City Council of Portland, Oregon.

Crown Cover. The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

Delivery Days. Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

Dead-End Street. See Street Types.

Density. A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

Design Guidelines. A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

Desired Character. The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

Develop. To construct or alter a structure or to make a physical change to the land including excavations and fills.

Developed Portion of Right-of-way. Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

Development, Alteration. A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, Exterior Alteration. A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

Development, New. Development of a site that was previously unimproved or that has had previously existing buildings demolished.

Development Types

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. This type of development usually has more than the minimum required number of parking spaces. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through

facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics. See also Pedestrian-Oriented Development.

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

Director of BDS. The Director of the City of Portland Bureau of Development Services, or the Director's designee.

Disabled Person. For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

Disturbance. An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

Disturbance Area. The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

Drainageway. A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

Drive-Through Facility. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales

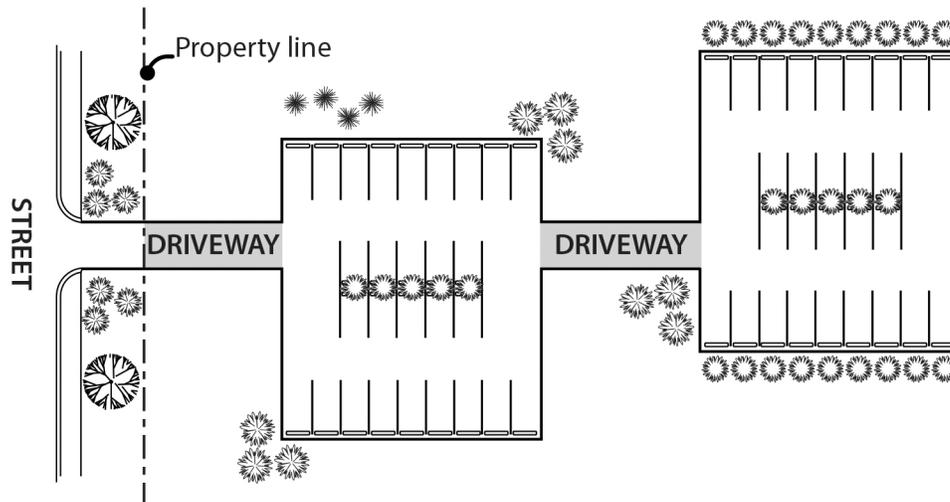
And Service use. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; menu boards; order boards or boxes; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. Parking spaces used for customer pick-up or loading of goods or products purchased on-site, on the phone, or on-line from the establishment are not a drive-through facility. Facilities designed for the picking-up or loading of goods or products purchased from the establishment that include a stacking lane and a service area are a drive-through facility.

Driveway. There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

Figure 910-13
Driveway

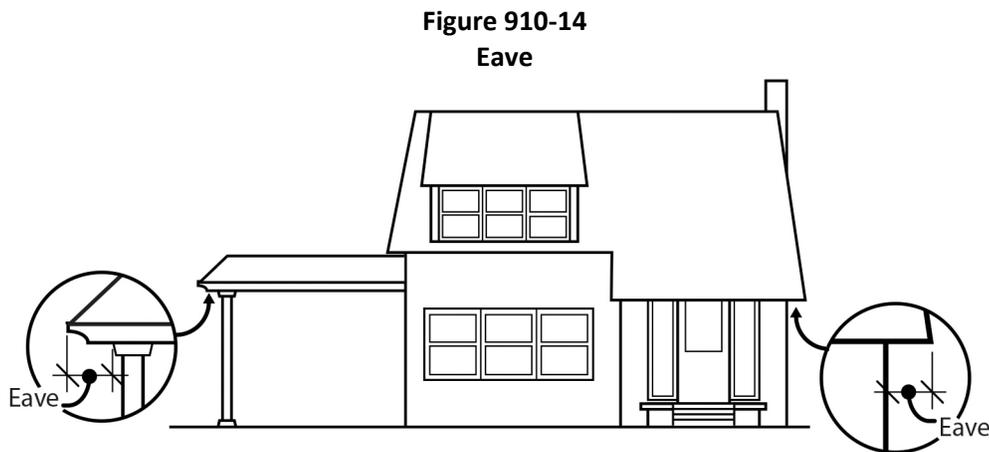


Duplex. See Residential Structure Types.

Dwelling Unit. See Residential Structure Types.

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

Eave. Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.



Ecologically and Scientifically Significant Natural Areas. Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

ESEE Analysis. A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

Excavating or Filling. The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

Exchange Parcel. The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

Exterior Alteration. See Development, Exterior Alteration.

Exterior Display. Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

Exterior Improvements. All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

Exterior Storage. Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

Exterior Work Activities. Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

Facade. All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

Farmers Market. Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

Final Plat. The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

Fish and Wildlife Habitat Areas. Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

Flag Lot. See Lot-Related Definitions.

Floodway. The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse

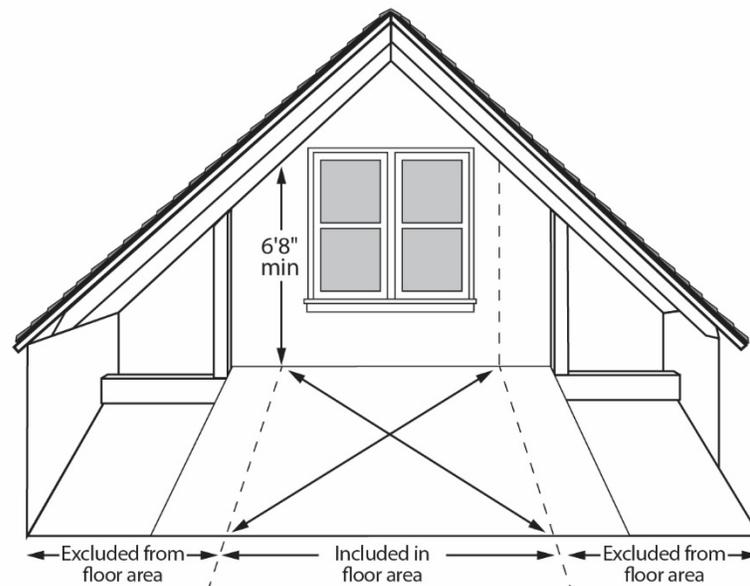
and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Basements;
- Portions of attics where the finished ceiling height is less than 6 feet 8 inches. See Figure 910-20;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

Figure 910-20
Floor Area in Attics



Floor Area Ratio (FAR). The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

Food Membership Distribution Site. A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.

- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

Fossil Fuel. Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Denatured ethanol and similar fuel additives with less than 5 percent fossil fuel content, biodiesel/renewable diesel with less than 5 percent fossil fuel content, and petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels.

Front Lot Line. See Lot Lines.

Front Setback. See Setback.

Functional Values. Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

Future Division Plan. A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

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

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

Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

Garage Entrance Setback. See Setback.

Grade. The final elevation of the ground.

Grading. All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

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

- Roof area;
- Roof top mechanical equipment; and

- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

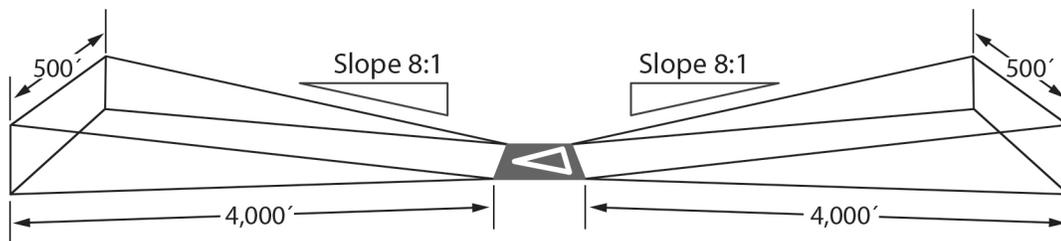
Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open

for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A place, structure, or object that has historic significance. Historic Resources include:

- **Historic Landmarks.** A Historic Landmark designation may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City or the Keeper of the National Register of Historic Places has designated or listed for their special historic, cultural, archaeological, or architectural merit;
- **Conservation Landmarks.** A Conservation Landmark may include buildings, a portion of a building, sites, trees, statues, signs, or other objects or spaces that the City has designated or listed for their special historic, cultural, archaeological, or architectural merit. They are primarily of local or neighborhood importance;
- **Historic Districts,** including those listed in the National Register of Historic Places;
- **Conservation Districts;**
- **Contributing Resources,** including an associated building, site, structure, or object that adds to the historic associations, historic architectural qualities, or archeological values that make a Historic Landmark, Conservation Landmark, Historic District or Conservation District significant, as identified in the documentation prepared for the listing or designation of the landmark or district; and
- Structures or objects that are included in the **Historic Resources Inventory.** The Historic Resources Inventory is a documentation and preliminary evaluation of the significance of historic resources. Information for each resource may include a photograph, the year the resource was constructed, the builder or architect, original owner, significant features, architectural style, and in most cases, a ranking of significance.

Historic Resources Inventory. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, Lot, Tract, Plat, and Property Line Adjustment.

Land Use Approval. A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

Ldn (or DNL). An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

Light Rail Line. A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

Light Rail Alignment. A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

Light Truck. See Truck under Vehicle Types.

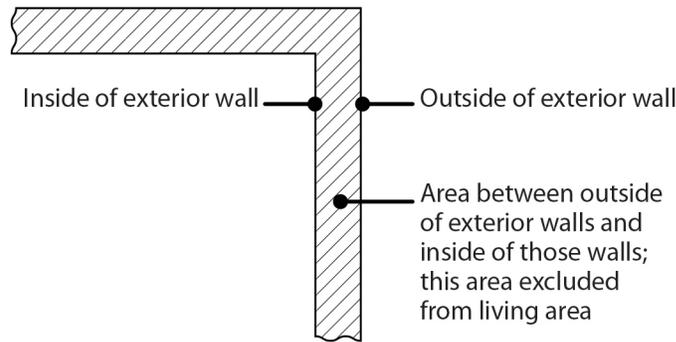
Live Stake. A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

Living Area. The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;

- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.

Figure 910-15
Calculation of Living Area



Loading Area. The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

Long-Term Bicycle Parking. Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

Long Term Parking. Parking having a duration of more than four hours.

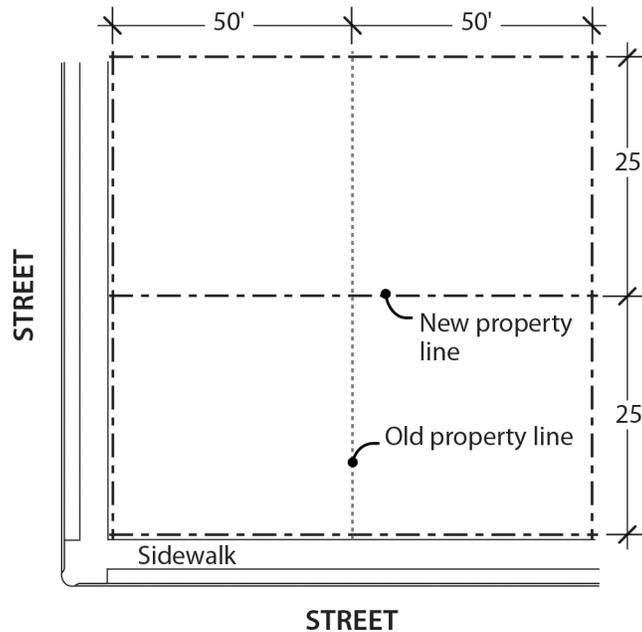
Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

Lot. See Lot-Related Definitions.

Lot-Related Definitions.

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

Figure 910-18
Adjusted Lots with Equal Lot Areas as the Original Lots



- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4. A corner lot may also be a through lot.
- **Flag Lot.** A lot, adjusted lot, lot remnant, or lot of record with two distinct parts. See Figure 910-5:
 - The flag, which is the only building site; and is located behind another lot; and
 - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). This definition also includes a lot that is smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See also Ownership and Site.
- **Lot of Record.** A lot of record is a plot of land:
 - That was not created through an approved subdivision or partition;
 - That was created and recorded before July 26, 1979; and
 - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.
- **Lot Remnant.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. A lot remnant has a lot area that less than the lot area of the original platted lot. This definition does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **Through Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on two streets, and where the lot frontages do not intersect. See Figure 910-4. A through lot may also be a corner lot.

Figure 910-17
Adjusted Lot and Lot Remnant

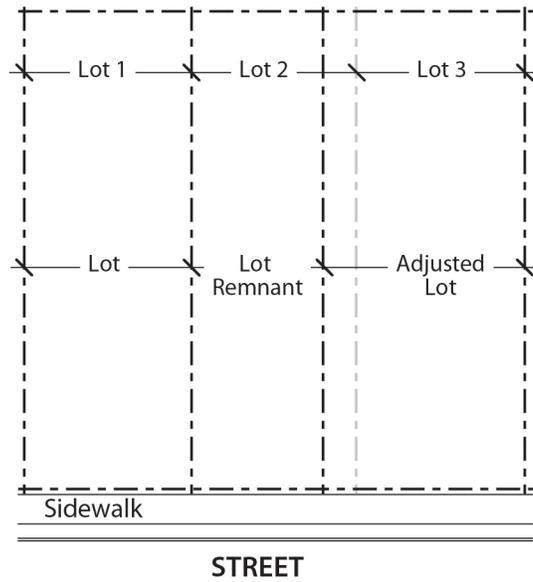


Figure 910-5
Flag Lot

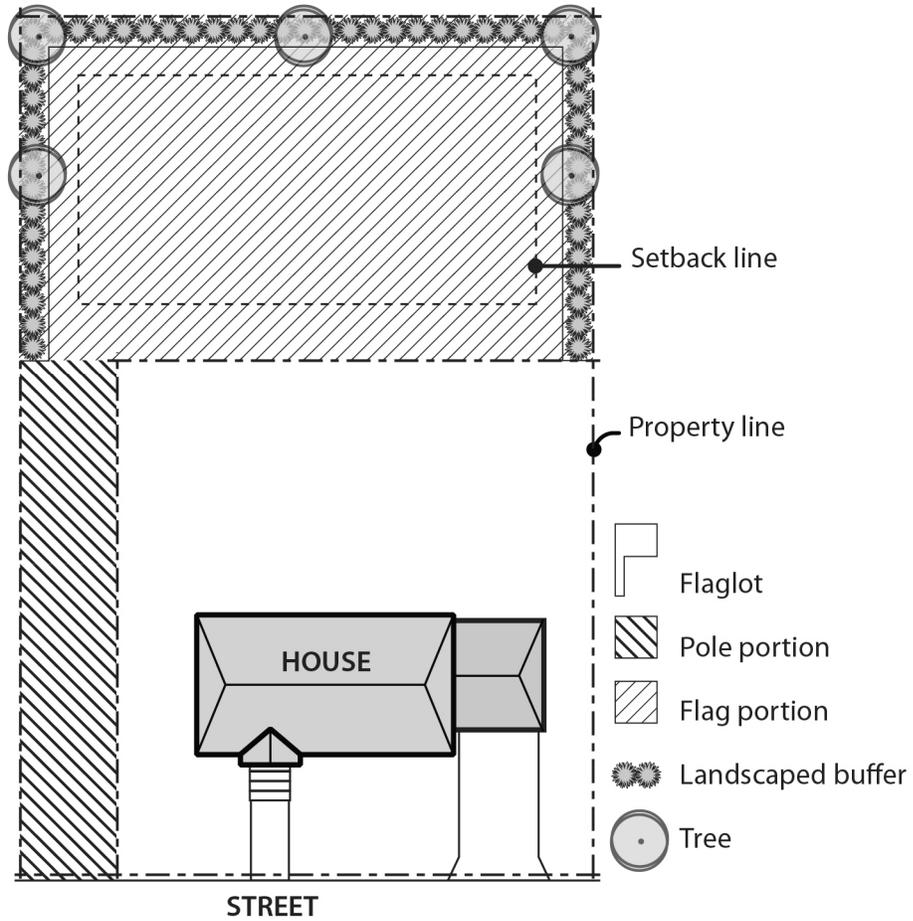
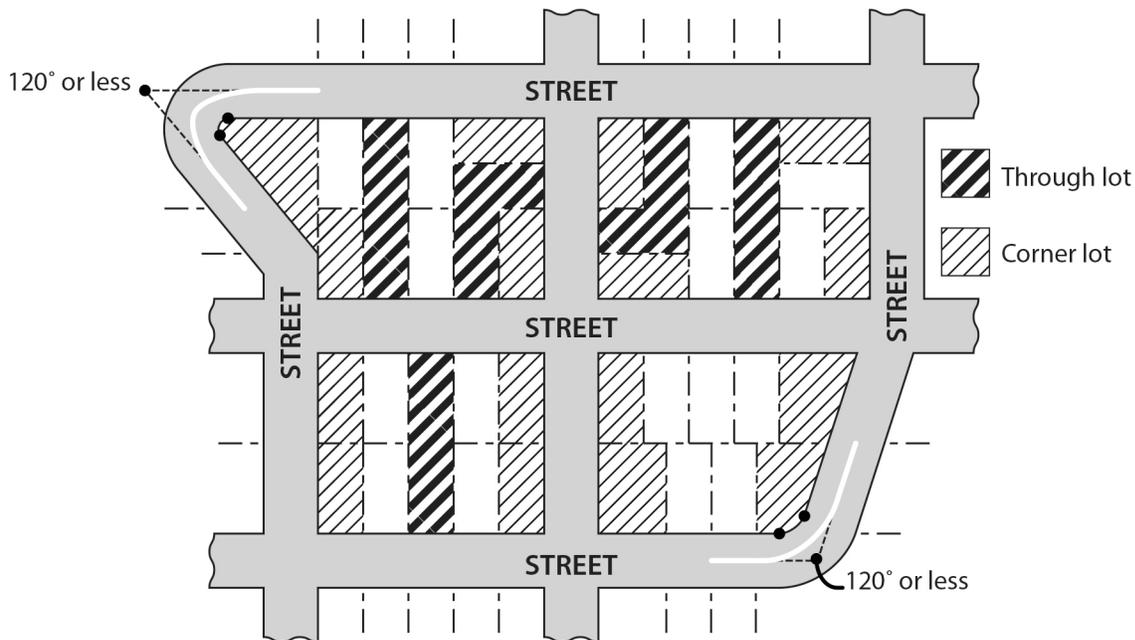


Figure 910-4
Corner and Through Lots



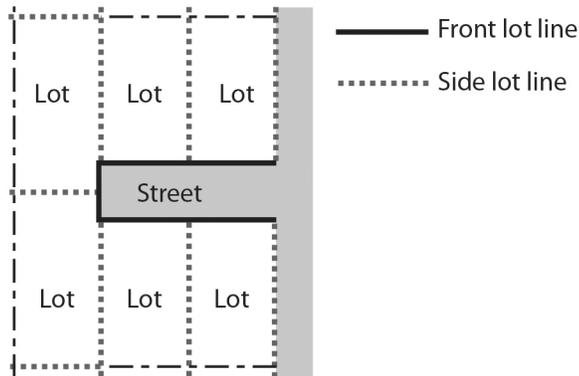
Lot Lines. The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-6.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-6 and 910-7.

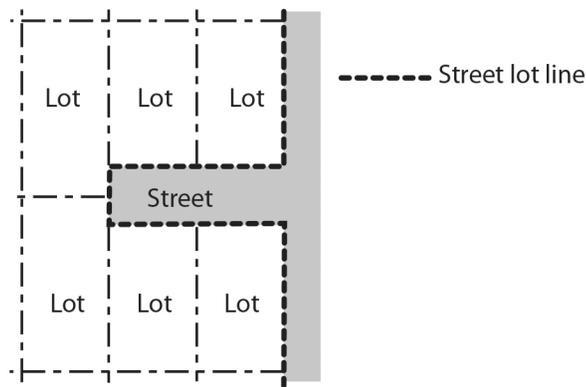
Lot of Record. See Lot-Related Definitions.

Lot Remnant. See Lot-Related Definitions.

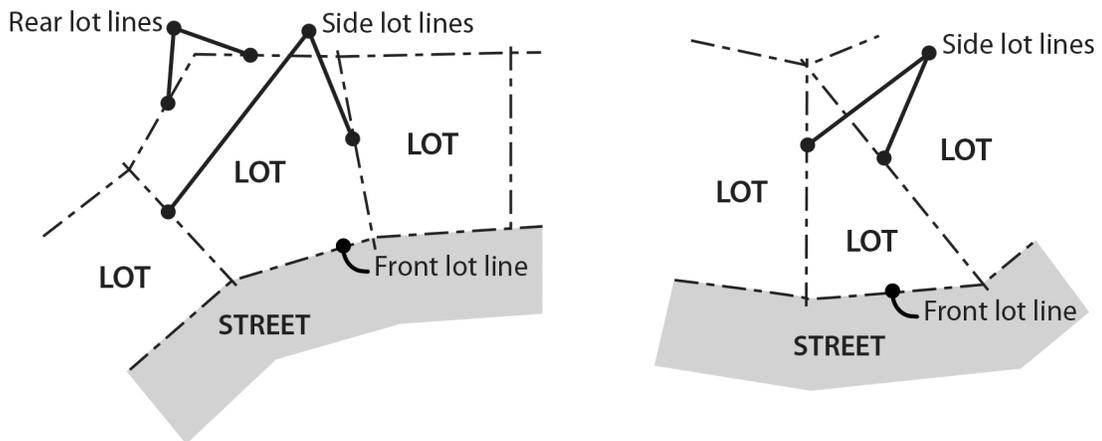
**Figure 910-6
Front and Side Lot Lines**



**Figure 910-7
Street Lot Lines**



**Figure 910-8
Lot Lines on Irregular Lots**



Main Entrance. A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

Maintenance. Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

Major Remodeling. Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

Manufactured Dwelling. See Residential Structure Types.

Manufactured Dwelling Park. Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

Manufactured Dwelling Space. The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

Manufactured Home. See Residential Structure Types.

Marina. A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

Market Garden. A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

Mass Shelter. A building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

Mass Shelter Beds. Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

Medium Truck. See Truck under Vehicle Types.

Mitigate. To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

Mixed-Use. The combination on a site of residential uses with commercial or industrial uses.

Mobile Home. See Residential Structure Types.

Motor Home. See Recreational Vehicle, under Vehicle Types.

Motor Vehicle. See Vehicle Types.

Multi-Dwelling Development. See Residential Structure Types.

Multi-Dwelling Structure. See Residential Structure Types.

Near Shore Complexity. A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

Net Building Area. Gross building area, excluding parking areas.

New Development. See Development, New.

Noise Contour. A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

Nonconforming Development. An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

Nonconforming Residential Density. A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

Nonconforming Situation. A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

Nonconforming Use. A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

Nondiscretionary Reviews. A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

Nuisance Plants List. The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.

Operator. A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

Ordinary Low Water. The line on the bank or shore to which the low water ordinarily recedes annually in season. On the Willamette River, ordinary low water is defined as 8' North American Vertical Datum of 1988 (NAVD88) or 5.90' City of Portland datum.

Organized Sports. Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

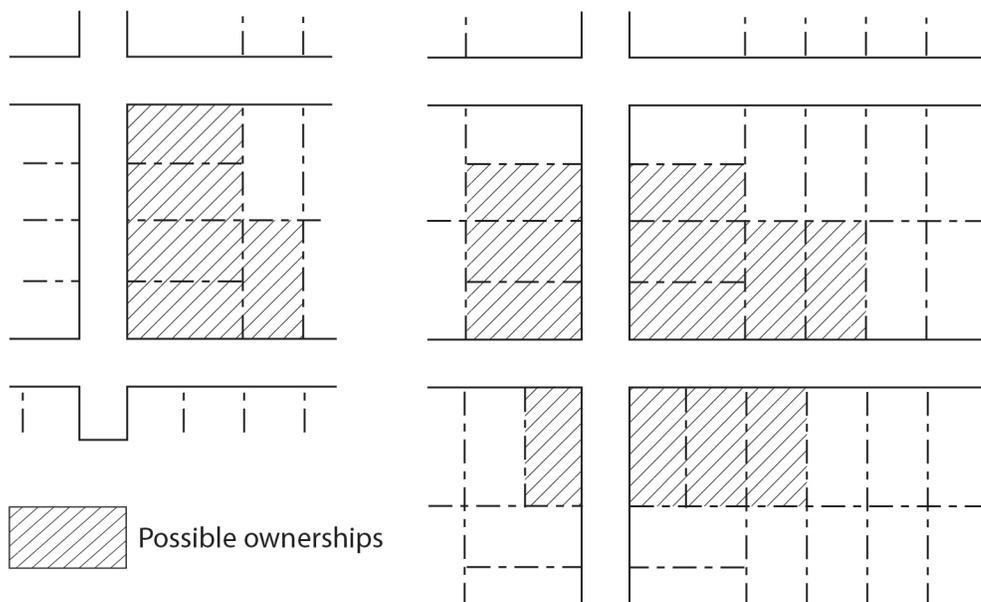
Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

Outfall. A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

Owner. The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

Ownership. An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

**Figure 910-9
Ownership**



Parcel. See Lot.

Parking Area. A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

Parking Space. A space designed to provide standing area for a motor vehicle.

Partial Street. See Street Types.

Passenger Vehicle. See Vehicle Types.

Paved Area. An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

Peace Officer. Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

Peak Hour Service. Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

Pedestrian Access Route. A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

Pedestrian Connection. A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

Pedestrian-Oriented Development. See Development Types.

Permanent Disturbance Area. See Disturbance Area, Permanent.

Person. Any person, partnership, association, or corporation.

Personal Wireless Service Facility. A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

Phased Development Plan. A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

Planning and Sustainability Director. The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

Plat. Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat".

Plaza. An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

Plot. A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

Pollution Reduction Facility. A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

Potential Landslide Hazard Area. Potential Landslide Hazard Areas are shown on the City’s Potential Landslide Hazard Areas Map.

Practicable. Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

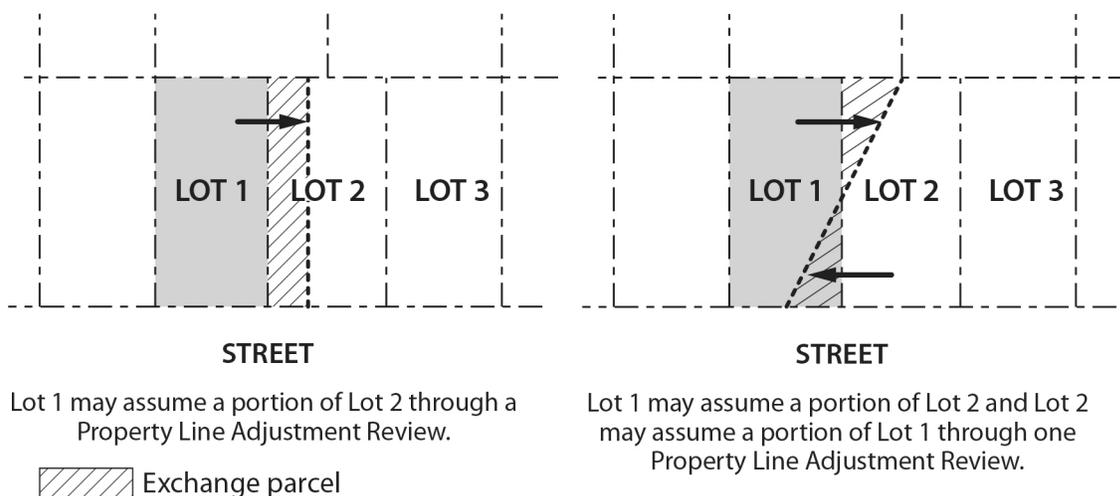
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

Private Helicopter Landing Facility. See Helicopter Landing Facility (HLF).

Project. An existing or proposed development.

Property Line Adjustment. The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

**Figure 910-10
Property Line Adjustment**



Pruning. The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”. Topping a tree is considered destruction of the tree.

Public Access Easement. A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

Public Safety Facility. A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

Radio or Television Broadcast Facility. A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

Rail Right-Of-Way. See Right-Of-Way, Rail.

Rear Lot Line. See Lot Lines.

Rear Setback. See Setback.

Recognized Organization. An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life’s Diversity and Civic Leadership Program.

Recreational Vehicle. See Vehicle Types.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Recycling Drop-Off Center. A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

Recycling Operation. A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

Regional Attractor. A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

Remediation. The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

Repair. Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

Replacement. Actions to substitute one material or system for another.

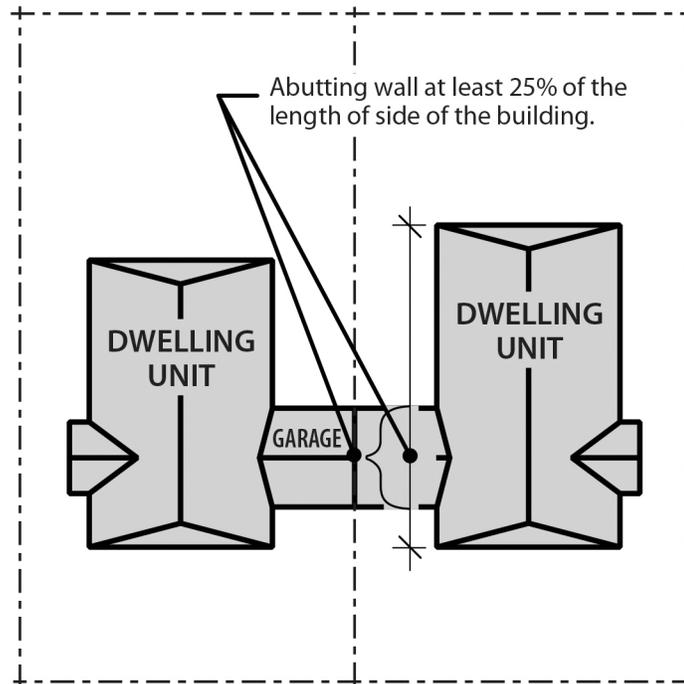
Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

Residential Home. A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

Residential Structure Types

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.
- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** A dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

Figure 910-16
Attached Houses



- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people, except that a congregate housing facility is not a dwelling unit. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.
- **House.** A detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
 - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.

- **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
- **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** A grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit.

Residential Trailer. See Residential Structure Types.

Resource Enhancement. The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site. Mitigation banks, which sell credits for off-site mitigation, are not considered resource enhancement.

Retaining Wall. A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

Right-Of-Way. An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

Right-of-way, Rail. A public or private right-of-way, for the purpose of allowing rail travel.

Riparian Areas. Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

Riparian Functional Values. The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

River Bank Complexity. A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

River-Dependent. A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

River-Related. A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.

Roadway. The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Scenic Corridor. A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

Scenic Site. A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

Scenic View. A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

Scenic Viewpoint. A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

School Site. An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

Seep or Spring. An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

Services. For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

Setback. The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

Shallow Water Habitat. Land and riverbed located between the ordinary high water mark and 20 feet below the ordinary low water mark of the Willamette or Columbia Rivers.

Shelter Beds. See Mass Shelter Beds.

Short-Term Bicycle Parking. Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

Short Term Shelter. A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

Short Term Parking. Parking having a duration of four hours or less.

Side Lot Line. See Lot Lines.

Side Setback. See Setback.

Side Street Lot Line. See Lot Lines.

Sign. As defined in Title 32, Signs and Related Regulations

Significant Detrimental Impact. An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

Site. For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

Site Frontage. The part of a site that abuts a street. See also, Block Frontage.

Small Scale Energy Production. Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:
 - **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
 - **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

Special Flood Hazard Area. Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

Stormwater Facility. A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

Stormwater Management System. A stormwater facility, and a conveyance system or an outfall.

Stream. An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

Stream Channel. An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

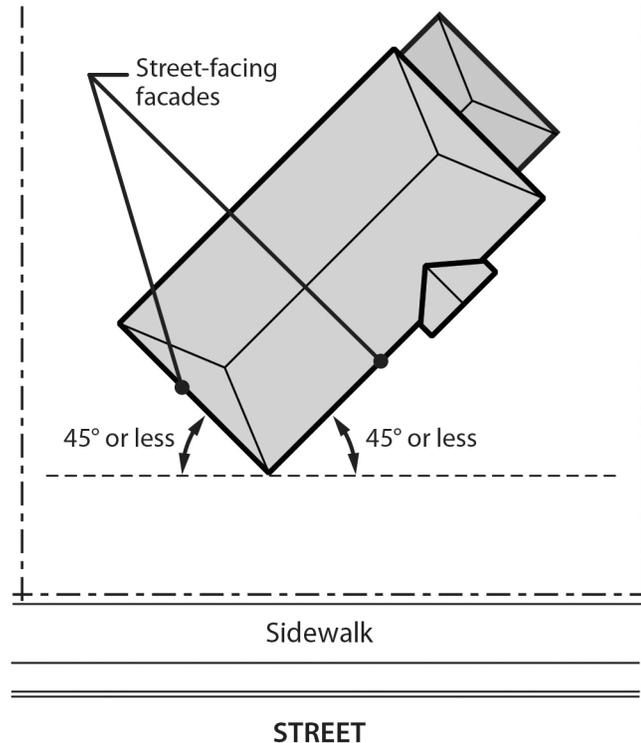
Street. See Street Types.

Street Lot Line. See Lot Lines.

Street Setback. See Setback.

Street-facing Facade. All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

Figure 910-12
Street-facing Facade



Streetcar Alignment. A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

Streetcar Line. A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

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

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.
- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- **Through Street.** A street that connects to other streets at both ends.
- **Transit Street.** A street that is classified in the Transportation System Plan as:
 - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
 - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

Structure. Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Structured Parking. A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a single-dwelling residential structure (including houses, attached houses, duplexes, triplexes, fourplexes, manufactured dwellings, or houseboats) is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

Superblock. A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

Supermarket. A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

Surface Parking. A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

Temporary Disturbance Area. See Disturbance Area, Temporary.

Through Lot. See Lot-Related Definitions.

Through Street. See Street Types.

Top of Bank. The largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Section 33.930.150, Measuring Top of Bank. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default location described in Section 33.930.150, Measuring Top of Bank.

Topping. The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

Tower. A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

Tract. A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

Transit Station. A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

Transit Street. See Street Types.

Transportation Management Association. An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

Tree Grove. A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

Tree Types

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be

dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.

- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

Triplex. See Residential Structure Types.

Truck. See Vehicle Types.

Underground Parking. Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

Uplands. Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

Utilities. Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

Utility Scale Energy Production. Energy production that does not meet the definition of Small Scale Energy Production.

Utility Trailer. See Vehicle Types.

Valet Parking. Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

Vegetation. All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

Vegetative Maintenance. Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

Vehicle Areas. All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
 - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as travel trailers, park model recreational vehicles, campers, and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
 - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
 - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
 - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
 - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

View Corridor. A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is

based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

Viewing Area. Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

Waste Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Water Bodies. Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

Water Quality Resource Area. The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

Wildlife Species of Concern. Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

Wind Turbine or Wind Energy Turbine. A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21.)

- C. Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- D. Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales And Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales And Service category.

Residential Use Categories

33.920.100 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living uses often include a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, and food membership distribution.
- C. Examples.** Examples include houses and other dwelling units with nine or more bedrooms; dormitories; fraternities and sororities; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditions; and some residential programs for drug and alcohol treatment.
- D. Exceptions.**
 1. Lodging where the length of stay may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where the length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, mass or outdoor shelters.
 2. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period in a dwelling unit with eight or fewer bedrooms is classified as Household Living.
 3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

33.920.110 Household Living

- A. Characteristics.** Household Living is the residential occupancy of a dwelling unit that contains eight or fewer bedrooms. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other dwellings with eight or fewer bedrooms.
- D. Exceptions.**
 - 1. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.
 - 2. In certain situations, lodging where length of stay may be arranged for periods less than one month may be classified as a Community Service use, such as short term, mass, or outdoor shelter.
 - 3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with more than eight bedrooms is classified as Group Living.

Commercial Use Categories

33.920.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, food membership distribution, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, zoos, marinas, and marine passenger docks for subregional cruise ships such as Willamette and Columbia River cruises.
- D. Exceptions.**
 - 1. Golf courses are classified as Parks And Open Areas.
 - 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

33.920.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing, food membership distribution, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions.**
 - 1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 - 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 33.910, Definitions.
 - 3. Public transit park-and-ride facilities are classified as Community Services.

33.920.220 Quick Vehicle Servicing

- A. Characteristics.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (see 33.910, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. Accessory Uses.** Accessory uses may include auto repair, food membership distribution, and tire sales.
- C. Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, and Department of Environmental Quality vehicle emission test sites.
- D. Exceptions.**
 - 1. Truck stops are classified as Industrial Service.
 - 2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

33.920.230 Major Event Entertainment

- A. Characteristics.** Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
- B. Accessory Uses.** Accessory uses may include restaurants, bars, concessions, parking, food membership distribution, and maintenance facilities.
- C. Examples.** Examples include stadiums, sports arenas, coliseums, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, and fairgrounds.
- D. Exceptions.**
 - 1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales And Service.
 - 2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales And Service category.
 - 3. Theaters, including drive-in theaters, are classified as Retail Sales And Service.

33.920.240 Office

- A. Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. There are two subgroups within the Office category:
 - 1. Traditional Office. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Traditional Office uses require customers or clients to visit the site on a regular basis.
 - 2. Industrial Office. Industrial Office uses are characterized by activities that focus on science, technology, and design services associated with the production of physical or digital goods. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Accessory uses may also include food membership distribution.
- C. Examples.** Examples include uses from the two subgroups:
 - 1. Traditional Office: Professional services such as lawyers, accountants, or management consultants; business services such as headquarters, temporary staffing agencies, sales offices, or call centers; financial services such as lenders, brokerage houses, banks, or real estate agents and developers or property managers; television and radio studios; portrait photography studios; government offices and public utility offices; medical and dental clinics, and blood collection facilities.
 - 2. Industrial Office: Architectural, engineering and related services including landscape architects; drafting services; consultant service providers in the building inspection, architectural, geophysical surveying and mapping, environmental, agricultural, motion picture, biology and life sciences, biotechnology, physics, chemistry, economics, energy, and engineering fields; medical, dental, and veterinary labs primarily engaged

in providing testing services to practitioners; interior, industrial, and graphic design services; commercial photography studios; computer system, software, or internet content design services where all support occurs off-site; data processing and hosting services.

D. Exceptions.

1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

33.920.250 Retail Sales And Service

A. Characteristics. Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.

B. Accessory uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, food membership distribution, and parking.

C. Examples. Examples include uses from the four subgroups listed below:

1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and Farmers Markets; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
5. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.
7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales And Service or Agriculture.
8. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated are classified as Industrial Service.

33.920.260 Self-Service Storage

- A. Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- B. Accessory uses.** Accessory uses may include security and leasing offices and food membership distribution. Living quarters for one resident manager per site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- C. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.
- D. Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse And Freight Movement category.

33.920.270 Vehicle Repair

- A. Characteristics.** Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.
- B. Accessory Uses.** Accessory uses may include offices, sales of parts, vehicle storage, and food membership distribution.

- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

Industrial Use Categories

33.920.300 Bulk Fossil Fuel Terminal

- A. **Characteristics.** Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. The firms rely on access by marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have storage capacity exceeding 2 million gallons for fossil fuels. There is minimal on-site sales activity with the customer present.
- B. **Accessory uses.** Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.
- C. **Examples.** Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.
- D. **Exceptions.**
 - 1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
 - 2. Truck or marine freight terminals that do not have transloading facilities and have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
 - a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
 - b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
 - c. The facilities are owned or operated by a single parent partnership or corporation.
 - 3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
 - 4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.
 - 5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.

6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

33.920.310 Industrial Service

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
 1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
 2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

33.920.320 Manufacturing And Production

- A. Characteristics.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per

site in the E and I zones are allowed. Other living quarters are subject to the regulations for Residential Uses in the base zones.

- C. Examples.** Examples include processing of food and related products; catering establishments; breweries, distilleries, and wineries; slaughter houses, and meat packing; feed lots and animal dipping; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie and video production facilities; recording studios; ship and barge building; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of artwork and toys; sign making; production of prefabricated structures, including manufactured dwellings; and Utility Scale Energy production.
- D. Exceptions.**
1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Retail Sales And Service.
 2. Manufacture and production of goods from composting organic material is classified as Waste-Related uses.
 3. Small Scale Energy Production is a Basic Utility.
 4. Solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production are considered Waste Related Uses.

33.920.330 Railroad Yards

- A. Characteristics.** Railroad yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and transshipment of goods from other transportation modes to or from trains.
- B. Accessory Uses.** Accessory uses include offices, employee facilities, food membership distribution, storage areas, and rail car maintenance and repair facilities.

33.920.340 Warehouse And Freight Movement

- A. Characteristics.** Warehouse And Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.
- C. Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns;

parcel services; major post offices; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.

D. Exceptions.

1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
2. Miniwarehouses are classified as Self-Service Storage uses.
3. Establishments that engage in the transfer or storage of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

33.920.350 Waste-Related

- A. Characteristics.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.
- B. Accessory Uses.** Accessory uses may include recycling of materials, offices, food membership distribution, and repackaging and transshipment of by-products.
- C. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy but do not meet the definition of Small Scale Energy Production, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- D. Exceptions.**
1. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.
 2. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
 3. Small Scale Energy Production is considered a Basic Utility.
 4. Utility Scale Energy Production, other than solid waste incinerators that generate energy, is considered a Manufacturing and Production Use.

33.920.360 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

- B. Accessory uses.** Accessory uses may include offices, food membership distribution, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**
 - 1. Firms that engage primarily in sales to the general public are classified as Retail Sales And Service.
 - 2. Firms that engage in sales on a membership basis are classified as either Retail Sales And Service or Wholesale Sales, based on a consideration of the characteristics of the use.
 - 3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse And Freight Movement.
 - 4. Establishments that engage in the regional wholesaling of fossil fuels, rely on access by marine, railroad or regional pipeline to transport fuels to or from the site, and either have transloading facilities or have storage capacity exceeding 2 million gallons for fossil fuels are classified as Bulk Fossil Fuel Terminal uses.

Institutional Use Categories

33.920.400 Basic Utilities

- A. Characteristics.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. All public safety facilities are Basic Utilities.
- B. Accessory uses.** Accessory uses may include food membership distribution, parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- C. Examples.** Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; Small Scale Energy Production, water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turn arounds, light rail stations, suspended cable transportation systems, transit centers; and public safety facilities, including fire and police stations, and emergency communication broadcast facilities.
- D. Exceptions.**
 - 1. Services where people are generally present, other than mass transit stops or turn arounds, light rail stations, transit centers, and public safety facilities, are classified as Community Services or Offices.

2. Utility offices where employees or customers are generally present are classified as Offices.
3. Bus and light rail barns are classified as Warehouse And Freight Movement.
4. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines And Utility Corridors.
5. Utility Scale Energy Production is considered Manufacturing and Production.
6. Solid waste incinerators that generate energy but are not Small Scale Energy Production are considered Waste Related Uses.

33.920.410 Colleges

- A. **Characteristics.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. **Accessory Uses.** Accessory uses include offices, housing for faculty, staff and students, food service, food membership distribution, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, charitable meal service and food distribution, and support commercial.
- C. **Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- D. **Exceptions.** Business and trade schools are classified as Retail Sales And Service.

33.920.420 Community Services

- A. **Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass, outdoor, or short term shelter with no minimum length of stay when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- B. **Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, food membership distribution, parking, health and hygiene facilities, therapy areas, daycare uses, and athletic facilities.
- C. **Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, ambulance stations, drug and alcohol centers, social service facilities, mass shelters, outdoor shelters, or short term shelters when operated by a public or non-profit agency, vocational training for persons with disabling conditions, crematoriums, columbariums, mausoleums, park-and-ride facilities for mass transit, and charitable meal service or food distribution centers.

D. Exceptions.

1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales And Service. Commercial museums (such as a wax museum) are in Retail Sales And Service.
2. Parks are in Parks And Open Areas.
3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period are residential, and are classified as Household or Group Living.
4. Public safety facilities are classified as Basic Utilities.

33.920.430 Daycare

- A. Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.
- C. Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider that also meet the State's requirements are Household Living uses.

33.920.450 Medical Centers

- A. Characteristics.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include out-patient clinics, offices, laboratories, teaching facilities, meeting areas, cafeterias, food membership distribution, parking, maintenance facilities, and housing facilities for staff, trainees, or patient families.
- C. Examples.** Examples include hospitals and medical complexes that include hospitals.
- D. Exceptions.**
1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.
 3. Urgency medical care clinics are classified as Retail Sales And Service.

33.920.460 Parks And Open Areas

- A. **Characteristics.** Parks And Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. **Accessory uses.** Accessory uses may include club houses, maintenance facilities, concessions, caretaker's quarters, food membership distribution, and parking.
- C. **Examples.** Examples include parks, golf courses, cemeteries, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, off-site mitigation, community gardens, and land used for grazing that is not part of a farm or ranch.
- D. **Exceptions.** On-site mitigation is not a Parks and Open Areas use.

33.920.470 Religious Institutions

- A. **Characteristics.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. **Accessory uses.** Accessory uses include Sunday school facilities, food membership distribution, food service, charitable meal service and food distribution, parking, caretaker's housing, and congregate housing facilities such as convents. A religious institution may allow overnight living in vehicles as specified in ORS 203.082.
- C. **Examples.** Examples include churches, temples, synagogues, and mosques.

33.920.480 Schools

- A. **Characteristics.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. **Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, food membership distribution, before- or after-school daycare, and charitable meal service and food distribution.
- C. **Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- D. **Exceptions.**
 - 1. Preschools are classified as Daycare uses.
 - 2. Business and trade schools are classified as Retail Sales and Service.

Other Use Categories

33.920.500 Agriculture

- A. **Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals.
- B. **Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, food membership distribution, and animal training.

- C. Examples.** Examples include breeding or raising of fowl or other animals, dairy farms, stables, riding academies, kennels or other animal boarding places, farming, truck gardening, forestry, tree farming, Market Gardens, and wholesale plant nurseries.
- D. Exceptions.**
1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing And Production.
 2. Livestock auctions are classified as Wholesale Sales.
 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales And Service.
 4. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or Retail Sales And Service.

33.920.510 Aviation And Surface Passenger Terminals

- A. Characteristics.** Aviation And Surface Passenger Terminals includes facilities for the landing and takeoff of flying vehicles, including loading and unloading areas. Aviation facilities may be improved or unimproved. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Aviation And Surface Passenger Terminals also includes passenger terminals for aircraft, regional bus service, regional rail service, and regional marine transportation.
- B. Accessory uses.** Accessory uses include freight handling areas, concessions, offices, parking, maintenance and fueling facilities, and aircraft sales areas, rental car facilities, food membership distribution, and Basic Utilities.
- C. Examples.** Examples include airports, bus passenger terminals for regional bus service, railroad passenger stations for regional rail service, passenger docks for regional marine travel such as ocean-going cruise ships, air strips, seaplane facilities, and helicopter landing facilities.
- D. Exceptions.**
1. Bus and rail passenger stations for subregional service such as mass transit stops are classified as Basic Utilities. Park-and-ride facilities are classified as Community Service.
 2. Marine passenger docks for subregional marine transportation such as water taxis, water buses and ferries; and other marine tie ups (such as the seawall between the Broadway bridge and the Hawthorne bridge) are not included in this category and are classified as accessory to their adjacent uses. Marine passenger terminals that are accessory to marine freight terminals are classified as accessory facilities in the Warehouse And Freight Movement category.
 3. Private helicopter landing facilities which are accessory to another use, are considered accessory uses. However, they are subject to all the regulations and approval criteria for helicopter landing facilities.

33.920.520 Detention Facilities

- A. Characteristics.** Detention Facilities includes facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24 hour supervision by peace officers, except when on an approved leave.
- B. Accessory Uses.** Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, food membership distribution, and hobby and manufacturing activities.
- C. Examples.** Examples include prisons, jails, probation centers, and juvenile detention homes.
- D. Exceptions.** Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by peace officers are classified as Group Living. Programs that provide transitional living experience for former offenders, such as halfway houses, where residents are not supervised by peace officers, are also classified as Group Living.

33.920.530 Mining

- A. Characteristics.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material
- C. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.

33.920.540 Radio Frequency Transmission Facilities

- A. Characteristics.** Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce nonionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
- B. Accessory Uses.** Accessory use may include transmitter facility buildings.
- C. Examples.** Examples include Personal Wireless Service Facilities, Radio or Television Broadcast Facilities, broadcast towers, communication towers, point to point microwave towers, accessory equipment, antennas, and transmitter radios.
- D. Exceptions.**
 - 1. Receive-only antenna are not included in this category.
 - 2. Radio and television studios are classified in the Office category.
 - 3. Radio Frequency Transmission Facilities that are public safety facilities are classified as Basic Utilities.

33.920.550 Rail Lines And Utility Corridors

- A. Characteristics.** This category includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad. The category also includes public or

private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level.

B. Examples. Examples include rail trunk and feeder lines; regional electrical transmission lines; and regional gas and oil pipelines.

C. Exceptions.

1. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
2. Rail lines and utility corridors that are located within motor vehicle rights-of-way are not included.
3. Light rail lines are not included.
4. Railroad yards are classified in the Railroad Yards category.

(Amended by: Ord. No. 165681, effective 7/15/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21.)

33.930 Measurements

930

Sections:

- 33.930.010 Purpose
- 33.930.020 Fractions
- 33.930.025 Measuring Development Standards
- 33.930.030 Measuring Distances
- 33.930.040 Measuring Distances on Maps
- 33.930.050 Measuring Height
- 33.930.055 Measuring the Area of Limited Uses
- 33.930.060 Determining Average Slope
- 33.930.070 Determining the Area of the Facade of a Building
- 33.930.080 Determining the Plane of a Building Wall
- 33.930.090 Determining the Garage Wall Area
- 33.930.100 Measuring Lot Widths
- 33.930.103 Measuring Lot Depths
- 33.930.110 Measuring Areas with Squares of Specified Dimensions
- 33.930.120 Setback Averaging
- 33.930.130 Measuring Tree Diameter
- 33.930.140 Measuring the Root Protection Zone
- 33.930.150 Measuring Top of Bank

33.930.010 Purpose

This Chapter explains how measurements are made in the zoning code.

33.930.020 Fractions

When calculations result in fractions the results will be rounded as follows:

- A. Minimum requirements.** Minimum requirements other than density are calculated as described in Paragraph A.1. Minimum requirements for density are calculated as described in Paragraph A.2.
 1. Generally. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to 2 required trees.
 2. Density. Minimum density calculations are rounded based on a fraction that is truncated to two numbers past the decimal point. For example, 3.4289 is truncated to 3.42. Where a minimum density calculation results in a fraction that is .50 or above, the fraction is rounded up to the next whole number. Where a minimum density calculation results in a fraction that is less than .50, the fraction is rounded down to the preceding whole number.
- B. Maximum limits.** Maximum limits other than density are calculated as described in Paragraph B.1. Maximum limits for density are calculated as described in Paragraph B.2.

1. Generally. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the preceding whole number. For example, if a maximum limit of one parking space for every 2,500 square feet of site area is applied to an 8,000 square foot site, the resulting fraction of 3.2 is rounded down to 3 allowed parking spaces.
2. Density. Maximum density calculations are rounded as follows. For the purposes of this measurement, rounding is based on a fraction that is truncated to two numbers past the decimal point. For example, 1.7398 is truncated to 1.73.
 - a. 1.01 to 3.99. Where a maximum density calculation results in number that is at least 1.01 and up to 3.99:
 - (1) If the fraction is less than .90, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 13,900 square foot site, the resulting fraction of 2.78 is rounded down to 2 allowed dwelling units.
 - (2) If the fraction is .90 or above, the fraction is rounded up to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 14,600 square foot site, the resulting fraction of 2.92 is rounded up to 3 allowed dwelling units.
 - b. 4.01 to 10.99. Where a maximum density calculation results in a number that is at least 4.01 and up to 10.99:
 - (1) If the fraction is less than .75, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,400 square foot site, the resulting fraction of 4.68 is rounded down to 4 allowed dwelling units.
 - (2) If the fraction is .75 or larger, the fraction is rounded up to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 23,900 square foot site, the resulting fraction of 4.78 is rounded up to 5 allowed dwelling units.
 - c. 11.01 or larger. Where a maximum density calculation results in a number that is 11.01 or greater:
 - (1) If the fraction is less than .50, the fraction is rounded down to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 56,200 square foot site, the resulting fraction of 11.24 is rounded down to 11 allowed dwelling units.
 - (2) If the fraction is .50 or larger, the fraction is rounded up to the next whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet of site area is applied to a 58,200 square foot site, the resulting fraction of 11.64 is rounded up to 12 allowed dwelling units.

33.930.025 Measuring Development Standards

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

33.930.030 Measuring Distances

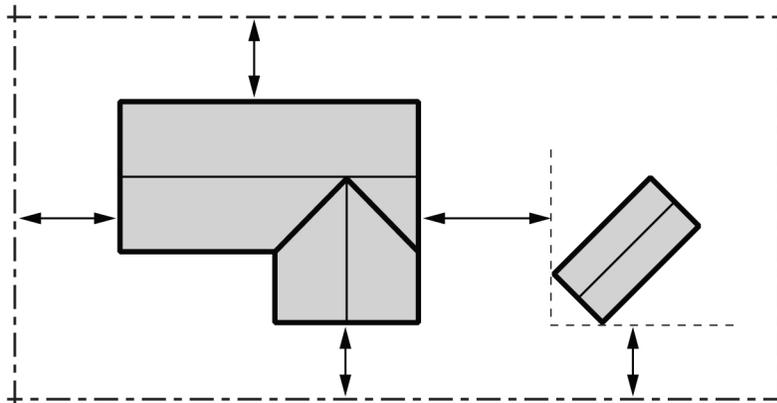
- A. Distances are measured horizontally.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate property line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography of the land. See Figure 930-1.

**Figure 930-1
Horizontal Measurement**



- B. Measurements are shortest distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects. See Figure 930-2. Exceptions are stated in Subsections C., E., and F.

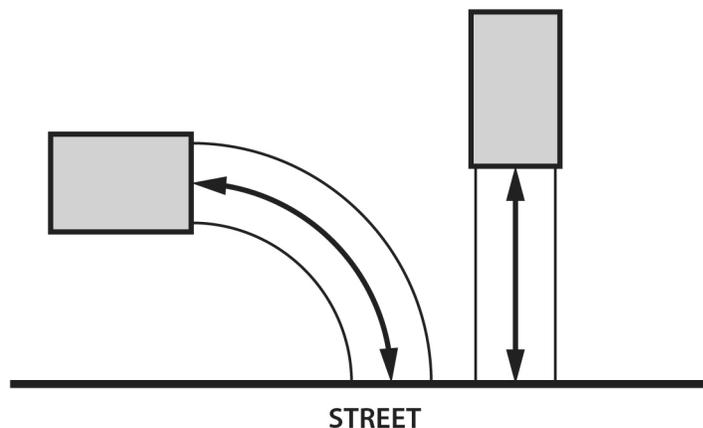
**Figure 930-2
Closest Distance**



Measurement is taken from the shortest distance between the points.

- C. **Measurements of vehicle travel areas.** Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and travel lanes are measured along the arc of the driveway or traffic lane. See Figure 930-3.
- D. **Measurement of distance between rights-of-way.** Distance between rights-of-way is measured from centerline of one right-of-way to the centerline of the other right-of-way.

**Figure 930-3
Measuring Vehicle Travel Areas**

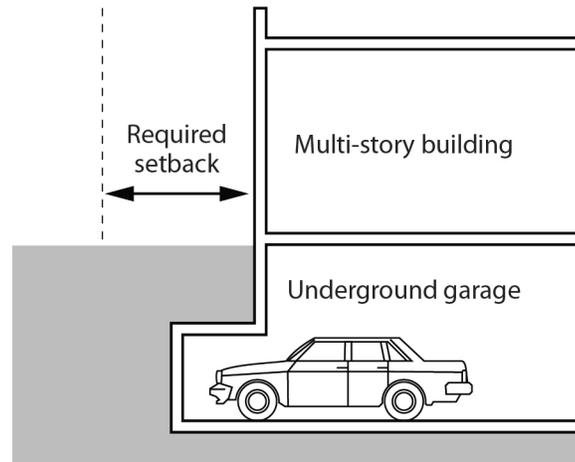


Measure down the middle of the travel area.

- E. **Measurements involving a structure.** Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, building and window trim, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches and entrances, are included in the measurement. See Figure 930-2 above, and the base zone chapters.

- F. **Underground structures.** Structures or portions of structures that are entirely underground are not included in measuring required distances. See Figure 930-4.

Figure 930-4
Underground Structures



Measurements do not include underground structures

- G. **Landscaping.** Measurements of the dimensions of a landscaped area include only the area that is actually landscaped, and not any other elements, such as protective curbs.
- H. **Measurement of distance from a bus stop or Transit Station.** When measuring distance from a bus stop, the measurement is taken from the bus stop sign. When measuring distance from a Transit Station, the measurement is taken from the edge of the platform.

33.930.040 Measuring Distances on Maps

Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope, middle of stream, 25 feet from top of bank, or 30 feet from property line. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

33.930.050 Measuring Height

- A. **Measuring building height.** The height of a building is the vertical distance between the base reference point and the highest roof-type reference point. The methods for establishing the base reference point are described in Paragraph A.1. Methods to establish the roof-type reference point are described in Paragraph A.2.
1. Base reference point.
 - a. In commercial/mixed use and multi-dwelling zones. In the commercial/mixed-use zones, when any portion of a building is within 25 feet of an existing or proposed sidewalk, the base reference point is determined using the method described in Subsubparagraphs A.1.a(1) and A.1.a(2). See Figure 930-25 and 930-26. If no

portion of a building is within 25 feet of an existing or proposed sidewalk, the base reference point is determined using the method described in Subparagraph A.1.b. In addition, in the multi-dwelling zones, when the structure is a multi-dwelling structure, and some portion of the building is within 25 feet of an existing or proposed sidewalk, the applicant may choose to use the following method for determining base reference point:

- (1) Identify the lowest and highest grade of the sidewalk located within 25 feet of the building.
 - (2) Determine the base reference point:
 - When the lowest grade of the existing or proposed sidewalk located within 25 feet of the building is not more than 10 feet below the highest grade of the sidewalk adjacent to the site within 25 feet of the building, the base reference point is the highest grade of the sidewalk.
 - When the lowest grade of the existing or proposed sidewalk located within 25 feet of the building is more than 10 feet below the highest grade of the sidewalk adjacent to the site within 25 feet of the building, the base reference point is the lowest grade of the sidewalk plus 10 feet.
- b. In all other situations, the base reference point is determined using the method described in Subparagraphs A.1.b(1) and A.1.b(2). See Figure 930-6:
- (1) Identify the lowest and highest grade exactly 5 feet from the building. To establish lowest and highest grade, draw a line exactly 5 feet from all sides of the building and identify the lowest and the highest grade along the line. Exclude from the identification of lowest grade pedestrian-only paths that are no more than 5 feet wide that provide access from the street to an entrance into the building. If the property line is less than 5 feet from any side of the building, the line must follow the property line for the segment where the property line is less than 5 feet from the building.
 - (2) Determine the base reference point:
 - When the lowest grade is not more than 10 feet below the highest grade exactly 5 feet from the building, the lowest grade is the base reference point.
 - When the lowest grade is more than 10 feet below the highest grade exactly 5 feet from the building, the base reference point is the lowest grade plus 10 feet.
2. Roof-type reference point. The methods to determine the roof-type reference point are described below and are shown in Figure 930-5. There may be multiple roof-type reference points on a building:
- a. Flat roof (pitch is 2 in 12 or less): Measure to the highest point of the roof except in the single-dwelling zones where the measurement is to the top of the parapet, or if there is no parapet, to the highest point of the roof.
 - b. Mansard roof: Measure to the deck line.

- c. Gabled, hipped, gambrel, or pyramidal roof: Measure to the average height of the gable.
- d. Other roof types such as domed, shed, or vaulted shapes: Measure to the highest point.
- e. Stepped or terraced building: Measure to the highest point of any segment of the building.

Figure 930-5
Measuring Height – Roof Types

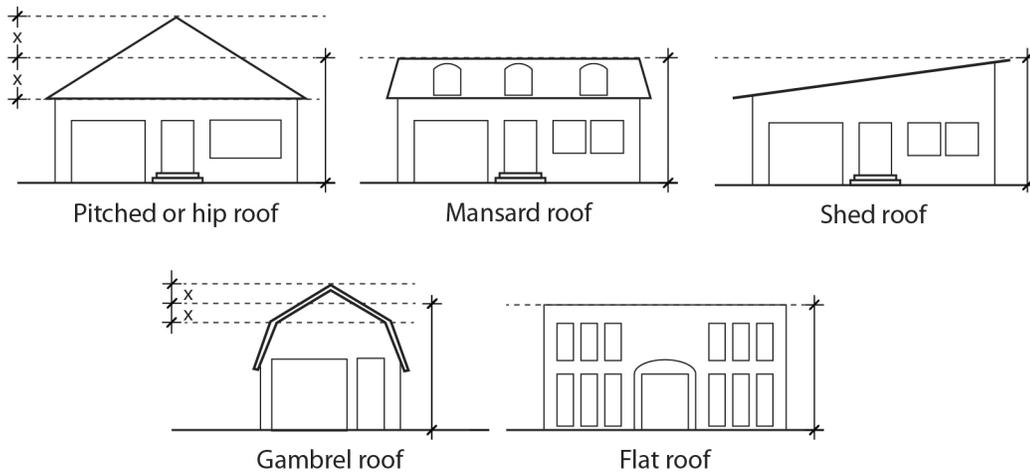


Figure 930-6
Measuring Height – Determining Base Reference Point

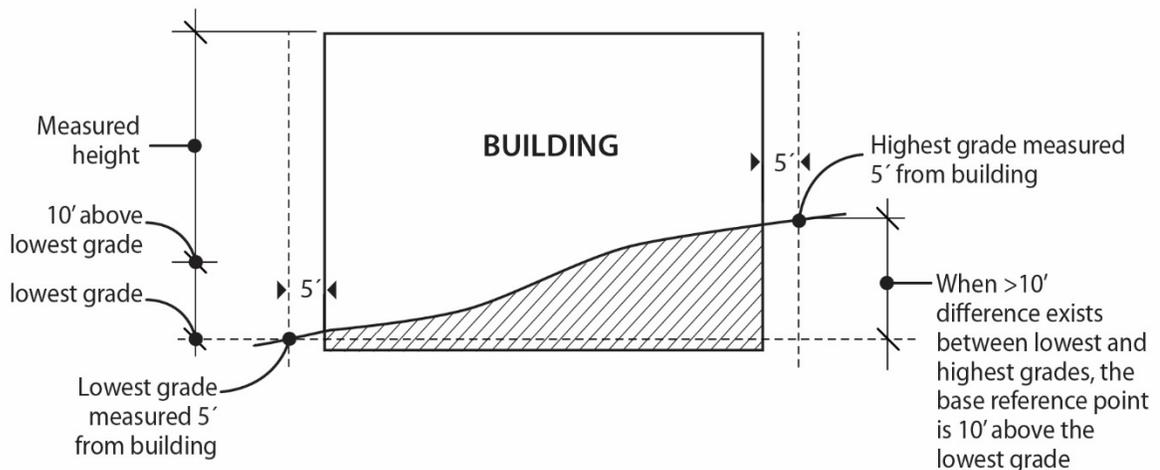


Figure 930-25
Measuring Height – Commercial/Mixed Use Zones

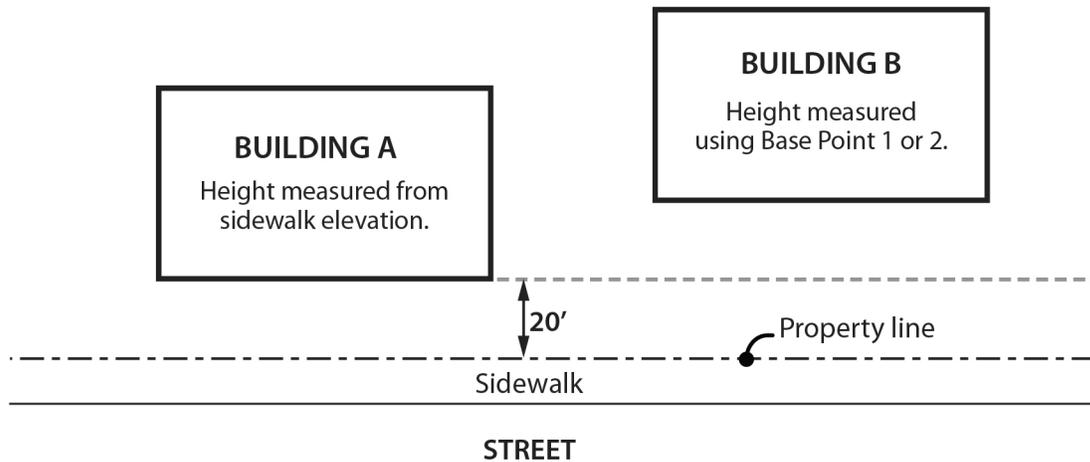
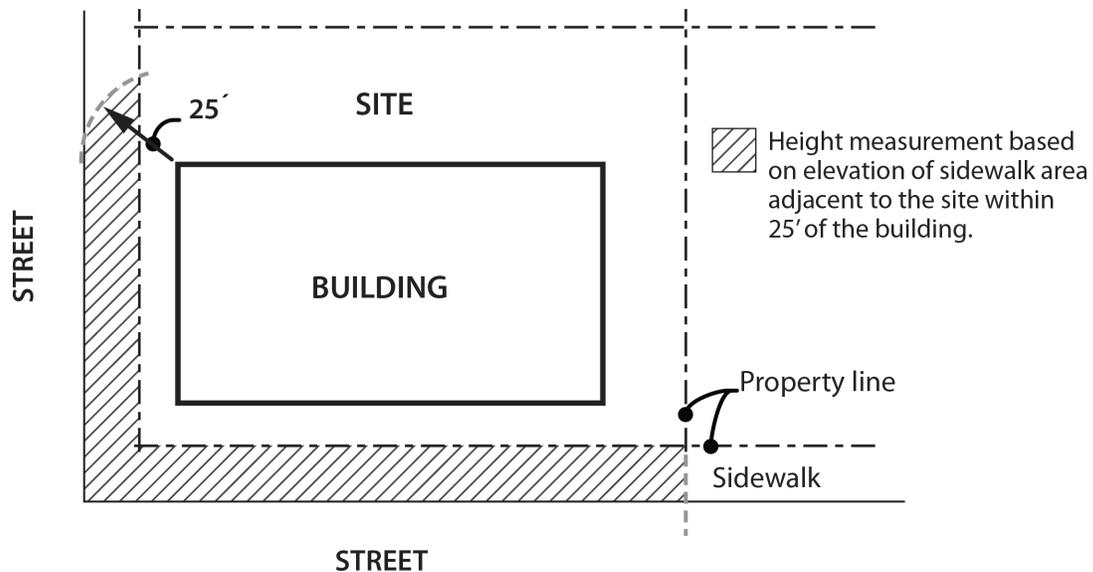


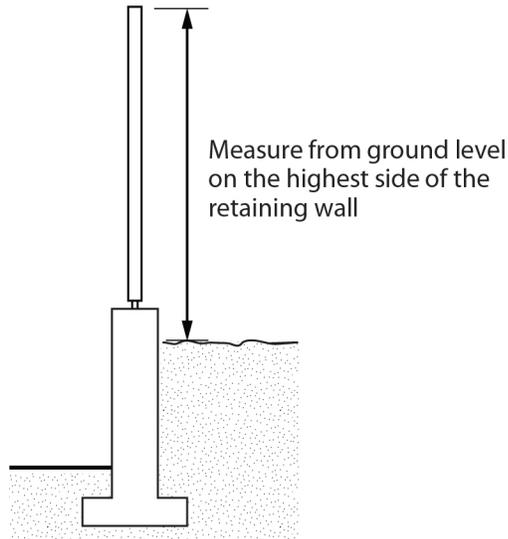
Figure 930-26
Measuring Height – Sidewalk Area Used for Height Measurement in Commercial/Mixed Use Zones



- B. Measuring height of other structures.** The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

1. Measuring height of retaining walls and fences. Retaining walls and fences on top of retaining walls are measured from the ground level on the higher side of the retaining wall. See Figure 930-8.

Figure 930-8
Measuring Height – Retaining Walls



2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50 percent open, and from the ground to the top of the rails for all other situations.

33.930.055 Measuring the Area of Limited Uses

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

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

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

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

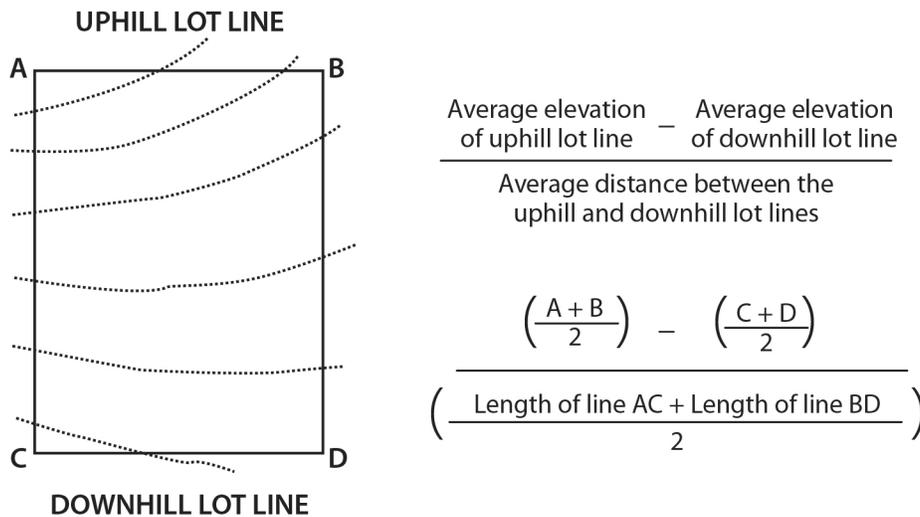
33.930.060 Determining Average Slope

When calculating the slope of a lot an average slope is used based on the elevations at the corners of the lot. The average slope of a lot is calculated by subtracting the average elevation of the uphill lot line and the average elevation of the downhill lot line and dividing the sum by the average distance between the two lot lines. The average elevation of the uphill or downhill lot line is calculated by adding the elevations at the ends of the lot line and dividing by two. See Figure 930-9.

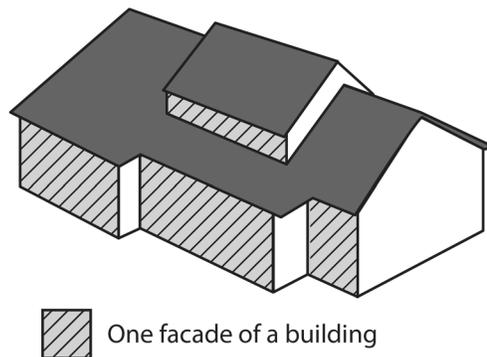
33.930.070 Determining the Area of the Facade of a Building

The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one facade (for example, rooms jutting out from the main building or a building where each floor is set back from the floor below), all of the walls are included in the total area. The total area does not include any roof area. See Figure 930-10.

**Figure 930-9
Calculating Average Slope**



**Figure 930-10
Facade of a Building**



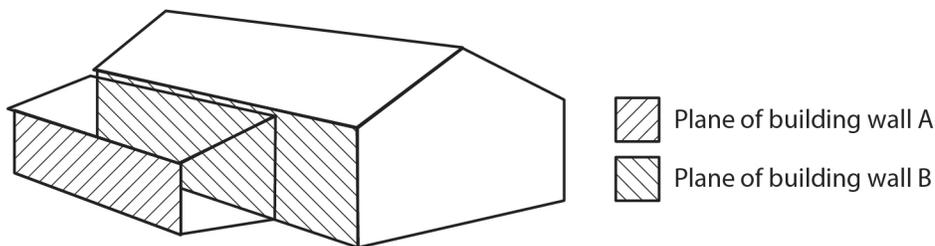
33.930.080 Determining the Plane of a Building Wall

The purpose of this measurement system is to provide a way to calculate varying amounts of bulk on a particular side of a structure. The plane of a building wall is a plane that extends from the ground to the top of each wall of a structure. A structure with more than one wall along one facade

(for example, rooms jutting out from the main structure or a structure where each floor is set back from the floor below) will have a different plane for each of the walls. The area of the plane is determined by calculating the area of the plane from the ground to the top of the wall. The plane does not include roof area.

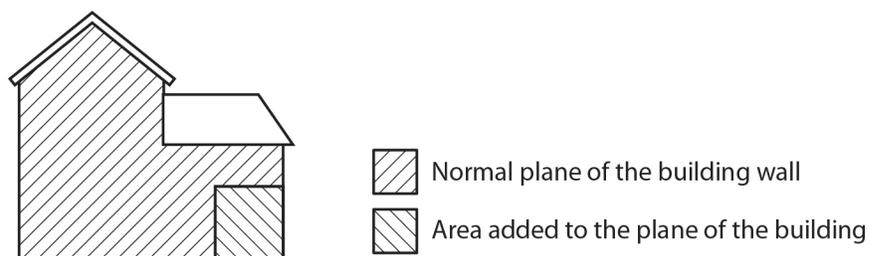
In situations where there is more than one wall along one facade, the bulk of the closer walls covers the bulk of walls that are farther back. In these situations, the wall is measured by extending the plane of the wall to the area that is behind a closer wall. See Figure 930-11. [There are special measurement rules for situations where the plane of the building wall is wider than portions of the wall below. See Figure 930-12, below.]

Figure 930-11
Plane of a Building Wall



Where the plane of a building wall contains portions that are wider than areas of the wall that are below it, the calculation of area is made using the wider dimension and extending the plane to the open area below. See Figure 930-12.

Figure 930-12
Additions to the Plane of a Building Wall



33.930.090 Determining the Garage Wall Area

The garage wall area is determined by calculating the area of the specific side of a structure that is backed by garage space. The garage wall area is not limited to the area of the garage door; it includes all the area on the specified side of a structure between the ceiling, floor, and walls of the garage (see Figure 930-13). For carports, the garage wall area is determined by calculating the area of a vertical plane extending from the outer edges of the roof to the nearest grade. The area within a gable is not included in the calculation. See Figure 930-14.

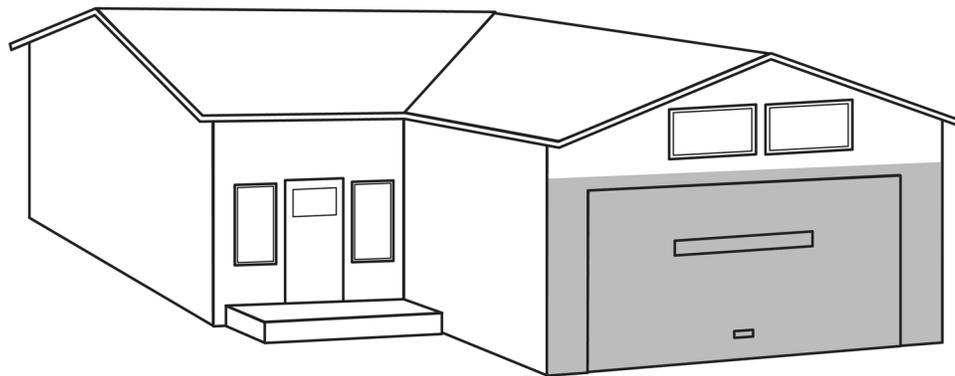
33.930.100 Measuring Lot Widths

- A. Single-Dwelling zones.** In the single-dwelling zones, lot width is measured by placing a rectangle along the minimum front building setback line. Where the setback line is curved, the rectangle is placed on the line between the intersection points of the setback line with the side lot lines. See Figure 930-20.

The rectangle must have a minimum width equal to the minimum lot width specified for the zone in Chapters 33.610 and 33.611. The rectangle must have a minimum depth of 40 feet, or extend to the rear property line, whichever is less. The rectangle must fit entirely within the lot. See Figure 930-20.

- B. All other zones.** In all other zones, lot widths are measured from the midpoints of opposite lot lines. See Figure 930-15.

**Figure 930-13
Garage Wall Area**



Garage wall area of front side of building

Figure 930-14
Garage Wall Area (Carport)

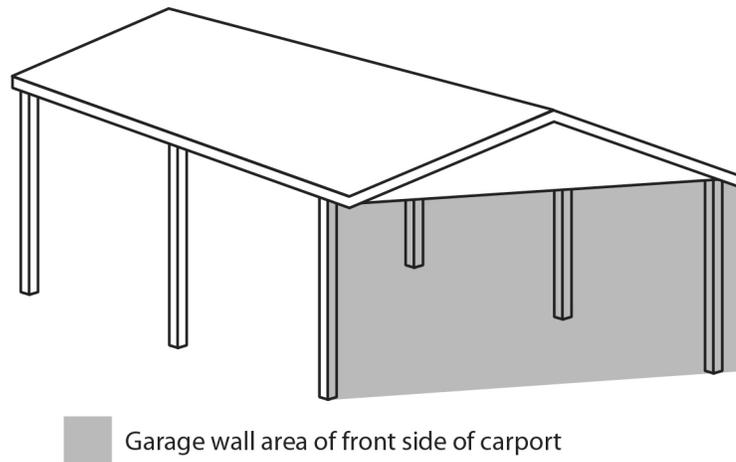
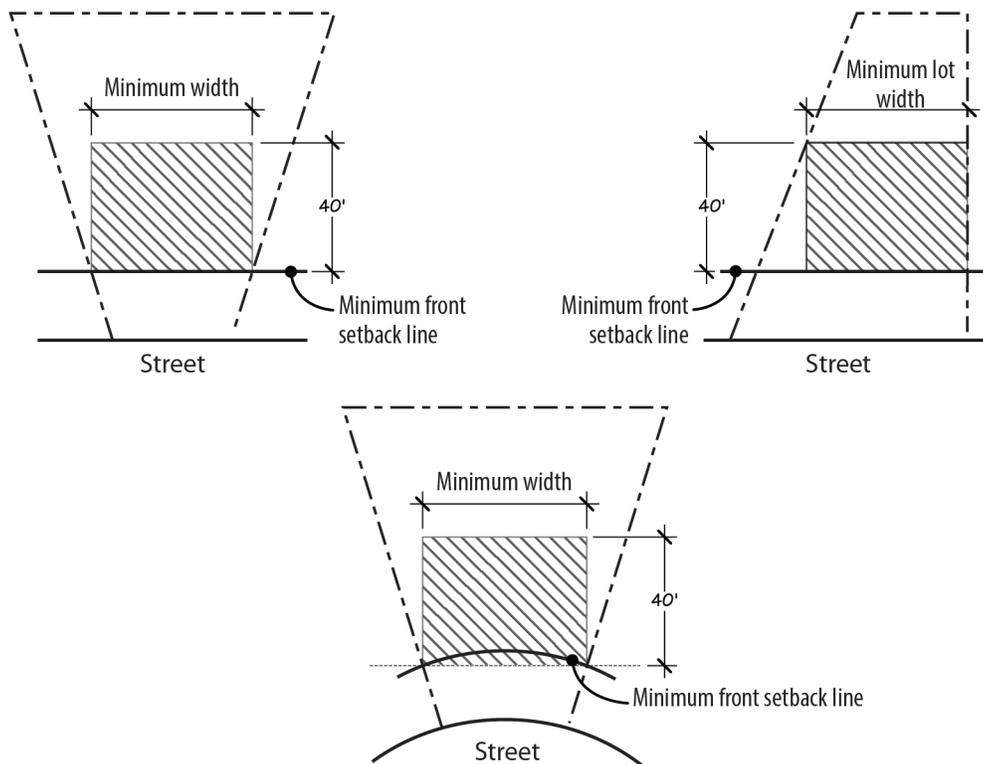


Figure 930-20
Measuring Lot Width in Single-Dwelling Zones



33.930.103 Measuring Lot Depths

Lot depths are measured from the midpoints of opposite lot lines. See Figure 930-16.

Figure 930-15
Measuring Lot Width

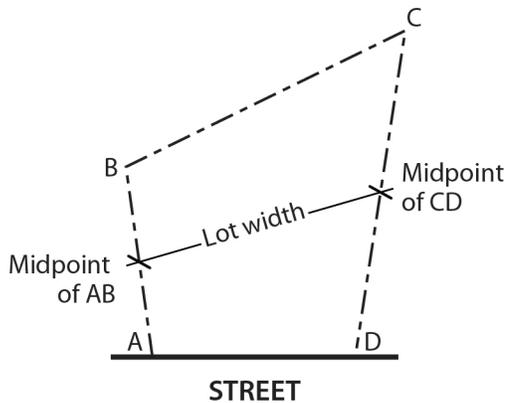
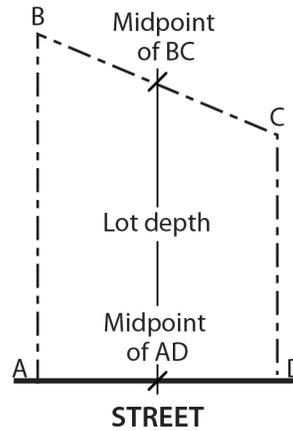


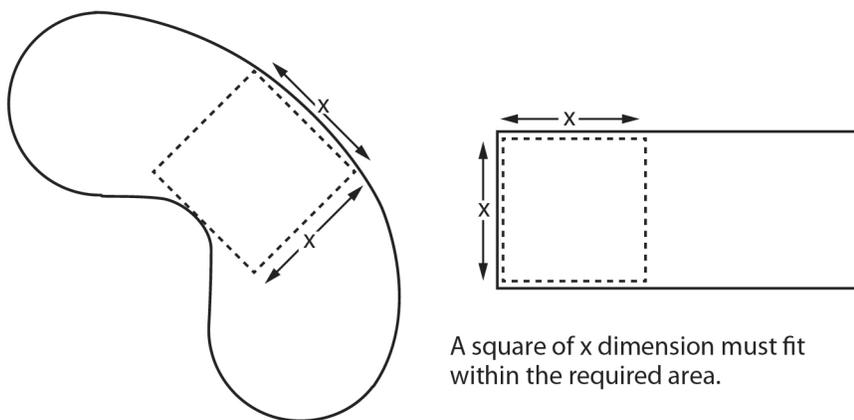
Figure 930-16
Measuring Lot Depth



33.930.110 Measuring Areas with Squares of Specified Dimensions

Required areas (for example, required usable outdoor areas in residential zones and the industrial zone lot standards) must be of a sufficient size and configuration so that a square measuring X by X can be placed totally within the required area. The dimensions of the square are stated in the base zone chapters. See Figure 930-17.

Figure 930-17
Using Squares With Specified Dimensions



A square of x dimension must fit within the required area.

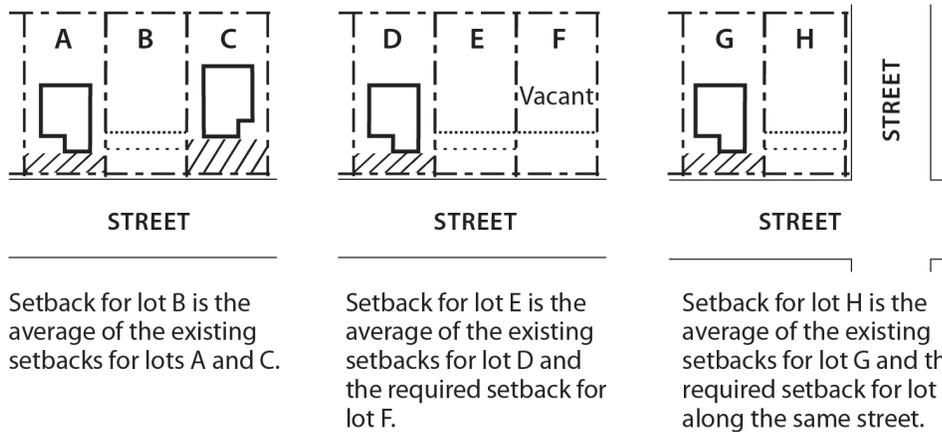
33.930.120 Setback Averaging

Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 930-18. The following rules apply in calculating the average:

- A. The setbacks used for the calculations must be for the same type of structure that is being averaged. For example, only garage entrance setbacks may be used to average a garage entrance setback, and only deck setbacks may be used to average a deck setback.
- B. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used.
- C. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the nonvacant lot and the required setback for the zone.

Figure 930-18
Setback Averaging

..... The normally required setback //////, The existing setback The averaged setback



Setback for lot B is the average of the existing setbacks for lots A and C.

Setback for lot E is the average of the existing setbacks for lot D and the required setback for lot F.

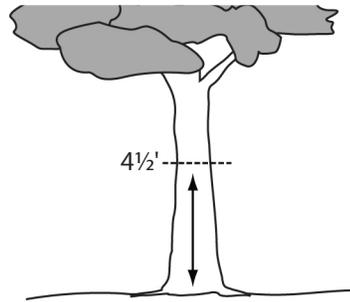
Setback for lot H is the average of the existing setbacks for lot G and the required setback for lot H along the same street.

33.930.130 Measuring Tree Diameter

Tree diameter is measured in several ways:

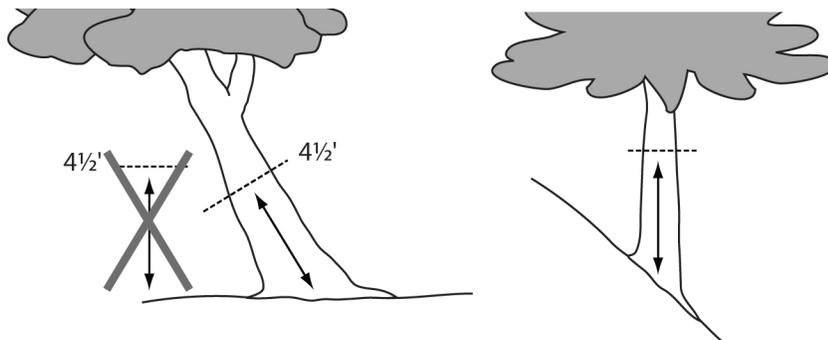
- A. **Existing trees.**
 1. Existing trees are generally measured in terms of diameter inches at a height of 4-1/2 feet above the ground. The diameter may be determined by measuring the circumference of the tree trunk and dividing by 3.14. See Figure 930-19.

Figure 930-19
Measuring Tree Size for Existing Trees



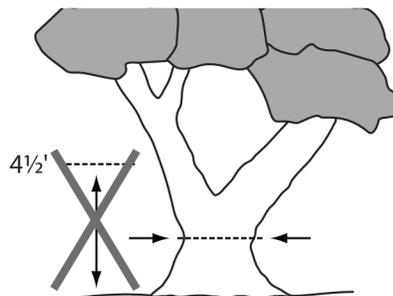
2. When the trunk is at an angle or is on a slope, the trunk is measured at right angles to the trunk 4-1/2 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk. See Figure 930-21.

Figure 930-21
Measuring Existing Trees with an Angle or on Slopes



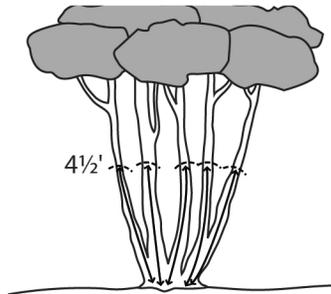
3. When the trunk branches or splits less than 4-1/2 feet from the ground, the trunk is measured at the smallest circumference below the lowest branch. See Figure 930-22.

Figure 930-22
Measuring Split Trunk Tree



4. For multi-stemmed trees, the size is determined by measuring all the trunks and adding the total diameter of the largest trunk and one-half the diameter of each additional trunk; see Figure 930-23. A multi-stemmed tree has trunks that are connected above the ground and does not include individual trees growing close together or from a common root stock that do not have trunks connected above the ground.

Figure 930-23
Measuring Multi-stemmed Trees

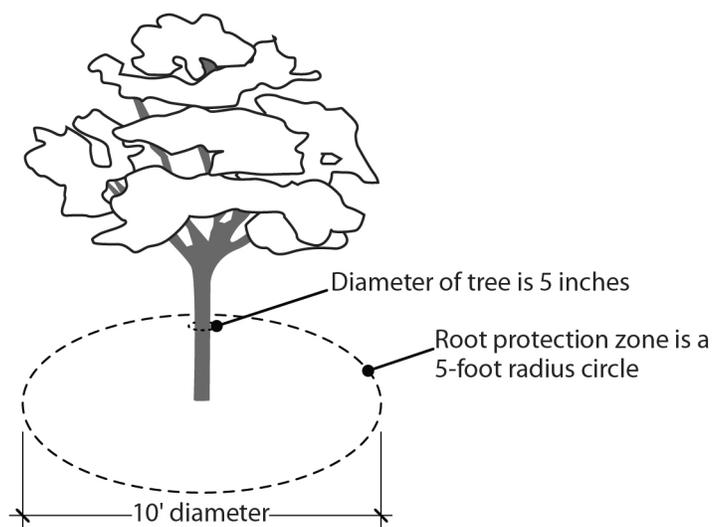


- B. New trees.** New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground or root ball. For coniferous trees, the tree height may also be used.

33.930.140 Measuring the Root Protection Zone

The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone. See Figure 930-24.

Figure 930-24
Measuring the Root Protection Zone



33.930.150 Measuring Top of Bank

See Section 33.910.030, Environmental-Related Definitions, Top of Bank

- A. **Using Percent Slope.** Percent slope is determined by dividing the vertical rise by the horizontal run, and converting that decimal to a percentage. For example, a slope section that rises 1 foot over a distance of 4 feet is a 25 percent slope.
- B. **Identifying a Decrease in Slope.** A decrease in slope is a change in percent slope from a steeper to a less steep grade. For example, a change from 40 percent slope to 30 percent slope is a decrease in slope of 10 percent. A change from 35 percent slope to 15 percent slope is a decrease in slope of 20 percent. To identify the decrease in slope the slope must be sampled every 3 feet between the ordinary high water mark and a point 50 feet from the ordinary high water mark. See Figure 930-27.

Figure 930-27a
Example 1: Identifying a Decrease in Slope

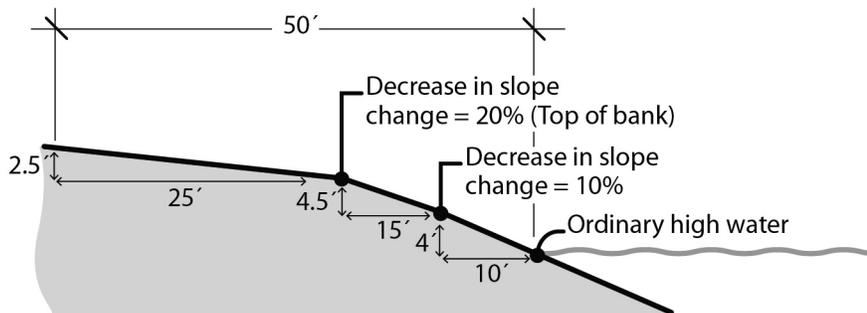
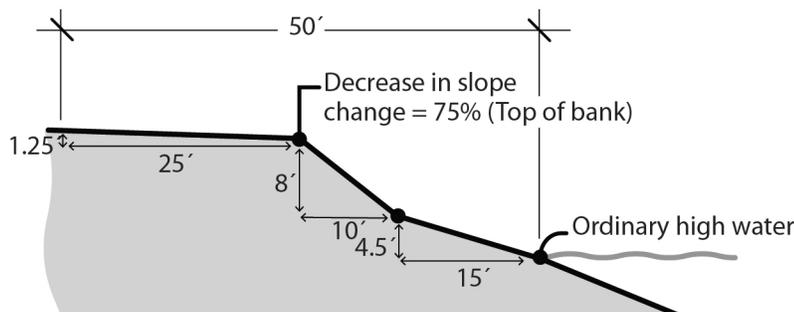


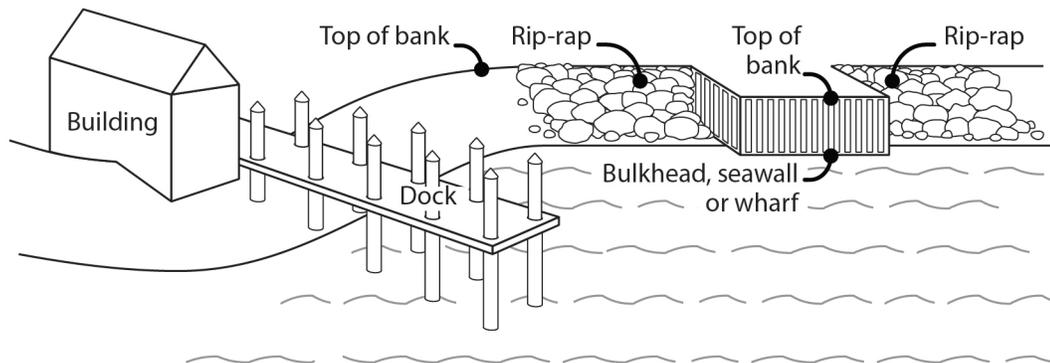
Figure 930-27b
Example 2: Identifying a Decrease in Slope



- C. **Relationship to Other Structures. See Figure 930-28.**
 - 1. Where a structure straddles the top of bank, the top of bank line is drawn as a straight line through the structure, connecting the top of bank line on either side.
 - 2. Where there is a vertical bulkhead or seawall, the top of bank is the point at the top of the bulkhead that is closest to the river.

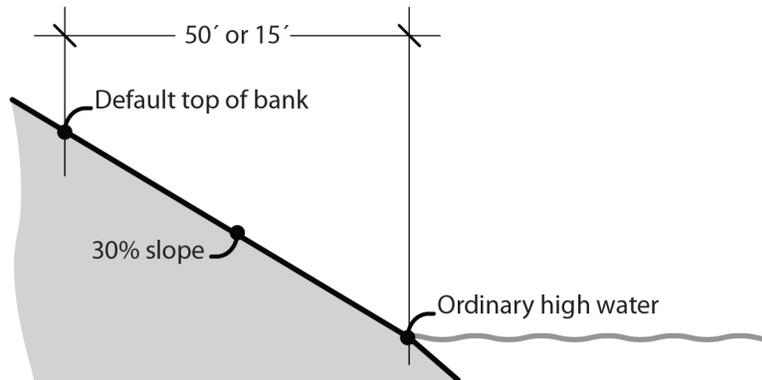
3. Docks, pilings, slips, wharves and other similar structures built over the water are not factored into the determination of top of bank. Where there is a dock, wharf or other structure on the bank, measurements of slope are taken on the underlying dry land.
4. Where the bank itself is a structure, such as a rip-rap slope at the edge of reclaimed land, the top of bank line is based on the predominant slope of that structure, rather than the slope of individual boulders or structural elements.

Figure 930-28
Top of Bank in Relation to Other Structures



- D. Default Top of Bank.** If no slope decrease of 10 percent or more is found within 50 feet (measured horizontally) of the ordinary high water mark, then the top of bank will be one of the following default locations, see Figure 930-29. The Willamette River Reaches are shown on Map 440-1 and 475-1:
1. For the Willamette River Central Reach and Willamette River South Reach, the default top of bank is 50 feet (measured horizontally) from the ordinary high water mark.
 2. For the Willamette River North Reach and the Columbia River, the default top of bank is 2 feet (measured vertically) from the ordinary high water mark.
 3. For perennial streams, seeps and wetlands the default top of bank is 15 feet (measured horizontally) from the ordinary high water mark.
 4. For intermittent and ephemeral streams, the default top of bank is 15 feet (measured horizontally) from the centerline of the stream.

Figure 930-29
Measuring Default Top of Bank



(Amended by: Ord. No.168698, effective 4/17/95; Ord. No. 173533, effective 8/2/99; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 184524, effective 7/1/11; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21.)