

DATE: March 1, 2022
FROM: Julie Ocken
RE: **Update Packet #200 – Annual Dollar Figure Updates and Historic Resources Code Project**

The attached Code Update Pages are the result of the Historic Resources Code Project (Ord. No. 190687) as well as the annual dollar threshold update (8% for 2022).

Contacts:

- *Brandon Spencer-Hartle for HRCP*
- *Shannon Buono for Dollar Figure Updates*

Chapter	Remove Pages	Insert Pages	Changed because of
33.110	7-8	7-8	Typo (table 110-2)
33.120	5-6, 13-16, 61-62	5-6, 13-16, 61-62	Typo, HRCP
33.130	9-12, 17-50	9-12, 17-50	HRCP
33.140	9-22, 39-40	9-22, 39-40	HRCP
33.207	3-8	3-8	HRCP
33.258	9-12	9-12	Dollar Figures
33.266	3-42	3-44	HRCP
33.270	1-2	1-2	Typo
33.420	1-2, 37-38	1-2, 37-38	HRCP
33.440	7-8	7-8	Dollar Figures
33.445	All	All	HRCP
33.510	13-68	13-68	Dollar Figures, HRCP
33.515	33-34	33-34	Dollar Figures
33.560	1-2	1-2	Dollar Figures
33.565	7-8	7-8	Dollar Figures
33.710	5-10	5-10	HRCP
33.720	All	All	HRCP
33.730	11-14, 37-40	11-14, 37-40	HRCP
33.740	All	All	HRCP
33.805	All	All	HRCP
33.815	15-38	15-38	HRCP
33.825	1-6	1-4	HRCP
33.846	All	All	Dollar Figures, HRCP
33.855	All	All	HRCP
33.910	13-42	13-42	HRCP

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.1)	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 Remnant	
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.

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

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

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

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

**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, the covenant for the site where trees will be preserved must:
 - (a) Require that all trees be preserved for at least 50 years; and
 - (b) Require that any tree covered by the covenant that is dead, dying or dangerous be removed and replaced within a 12-month period. The trees must be determined to be dead, dying, or dangerous by the City Forester or a certified arborist. If a tree covered by the covenant is removed in violation of the requirements of this Section, or is dead, dying, or dangerous as the result of a violation, Tree Review is required.

Table 120-4				
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.

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

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 FAR. The covenants for both sites must meet the requirements of Section 33.700.060, Covenants with the City.

33.130.207 Minimum Density

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

33.130.210 Height

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

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

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

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

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 a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner or the only structure on the site that was demolished was an accessory structure.

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

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

1. Mandatory inclusionary housing. Bonus height and FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area allowed is an amount equal to the net building area of the building that triggers 33.245, up to the increment of additional FAR allowed as stated in Table 130-3. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or

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

33.130.215 Setbacks

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

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

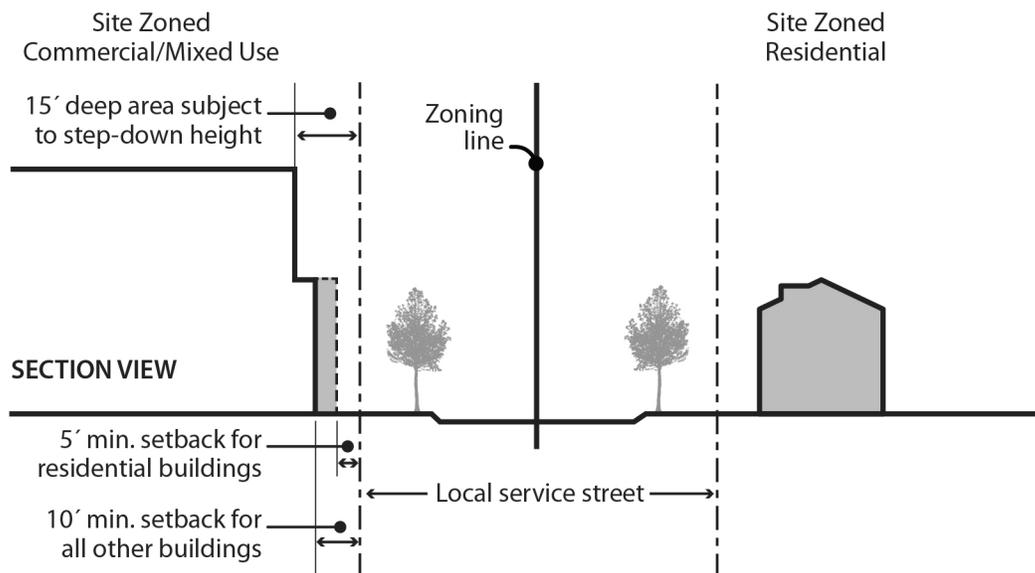
The minimum building setbacks along local service streets adjacent to residential zones work together with requirements for step downs in building height (33.130.210.B.2.b.) to ensure that there is a transition in street frontage characteristics to lower scale residential zones. In these situations,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

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

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

- (2) All other buildings must be set back 10 feet from a street lot line facing an RF through RM2 or RMP zone. The setback must be landscaped to at least the L1 standard. Vehicle access is not allowed through the setback unless the local service street facing the residential zone is the only frontage for the site. Up to one third of the setback area can be hard surfaced for pedestrian or bicycle access. Exterior display and storage is not allowed within the setback. See Figure 130-2.
- c. See 33.130.250.D for the required garage entrance setback for a garage that is accessory to a house, attached house, manufactured home, or duplex.
- d. Structured parking that does not allow exiting in a forward motion must be set back 18 feet from the street lot line. See 33.266.130.C.

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



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

- (2) Buildings that are 15 feet or less in height are exempt from the required setback.
 - (3) For both exceptions, any setback provided that is 5 feet or greater in depth must be landscaped to at least the L3 standard for a distance of up to 10 feet from the lot line. This means that if the building is setback 3 feet, no landscaping is required, but if the building is setback 15 feet, then the first 10 feet measured from the lot line must be landscaped.
 - c. Windows in the walls of dwelling units must be setback a minimum of 5 feet from a lot line that abuts a C, E, I, or CI zoned lot. Windows of dwelling units that also have other windows facing a street lot line or facing a dedicated open space that is at least 10 feet in depth, such as a required setback or required outdoor area, are exempt from this standard. The setback area must be a minimum width of 12 feet or the width of the residential window, whichever is greater.
3. Extensions into required building setbacks and buffering requirements of Table 130-2.
 - a. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback. However, except for building eaves and stormwater planters, they may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Eaves, chimneys, fireplace inserts and vents, mechanical equipment, fire escapes, water collection cisterns and stormwater planters;
 - (2) Stairways and wheelchair ramps that do not meet the standard of Subparagraph B.3.b below; and
 - (3) Bays and bay windows may extend into a street setback, but not a required setback abutting an RF – RM4 or RMP zoned lot, and also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the street lot line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
 - b. The following minor features of a building are allowed to fully extend into required building setbacks, but may not extend closer than 5 feet to a lot line abutting an RF – RM4 or RMP zoned lot.
 - (1) Uncovered decks, stairways, and wheelchair ramps with surfaces that are no more than 2-1/2 feet above the ground;

- (2) On lots that slope down from the street, vehicular and pedestrian entry bridges with surfaces that are no more than 2-1/2 feet above the average sidewalk elevation; and
 - (3) Canopies, marquees, awnings, and similar features may fully extend into a street setback.
 - c. Uncovered decks are allowed to fully extend into required street setbacks.
 4. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of Section 33.120.280. The setback standards for detached accessory structures are stated in 33.130.265 below. Fences are addressed in 33.130.270 below.
 - C. Maximum building setbacks.** Except as stated in Subsection E., the maximum building setback standards are stated below.
 1. Maximum setback standards. Unless otherwise specified, the maximum a building can be set back from a street lot line is 10 feet, except on Civic Corridors shown on Map 130-1, where the maximum set back is 20 feet. At least 50 percent of the length of the ground level street-facing facade of the building must meet the maximum setback standard.
 2. Applying the standard.
 - a. Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 130-3 and 130-4.
 - b. Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings. See Figures 130-5 and 130-6.
 - c. In the CR, CM1, CM2, CM3, and CX zones, and in the CE zone within a Pedestrian District, if the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street or streets to apply the standard.
 - d. In the CE zone outside of pedestrian districts, the maximum setback standard only applies to transit streets unless the site does not have a street lot line on a transit street. If the site does not have a street lot line on a transit street, then the maximum setback standard applies to one street, and if there is more than one street, the applicant may choose which street to apply the standard. If the site has street lot lines on three or more transit streets, the maximum setback standard applies only to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit classification. If multiple transit streets have the same highest street classification, the applicant may choose which streets to apply the standard.

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

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

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

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

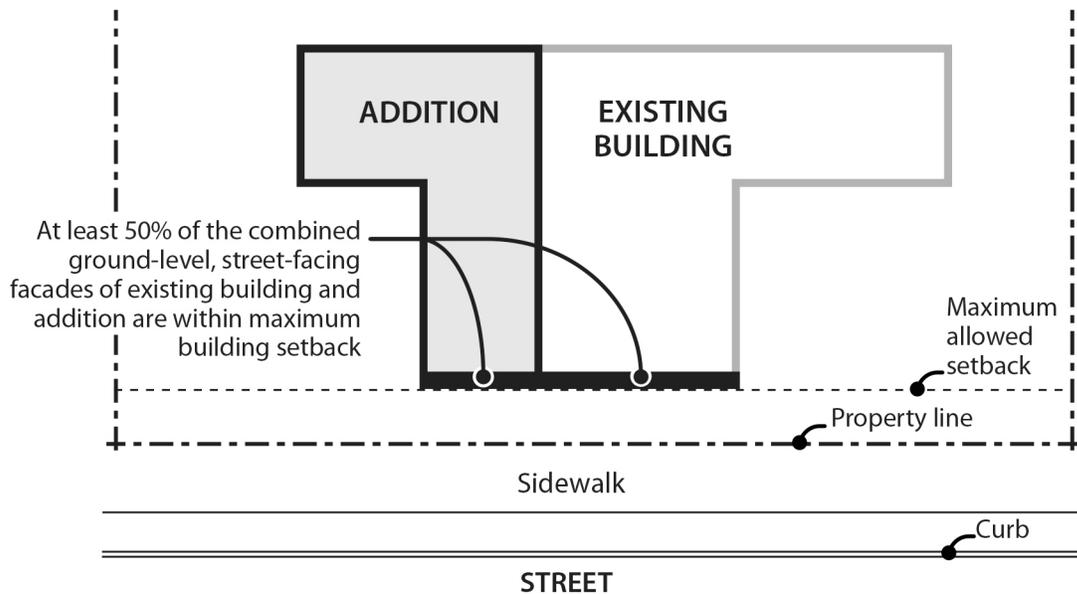
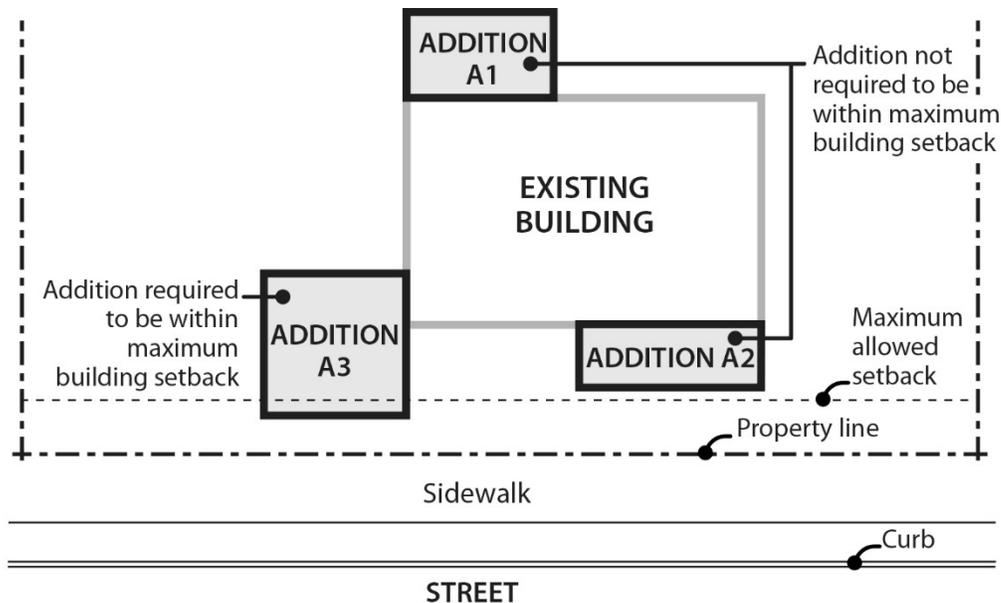


Figure 130-4
Alterations to Existing Building



Notes:

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

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

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

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

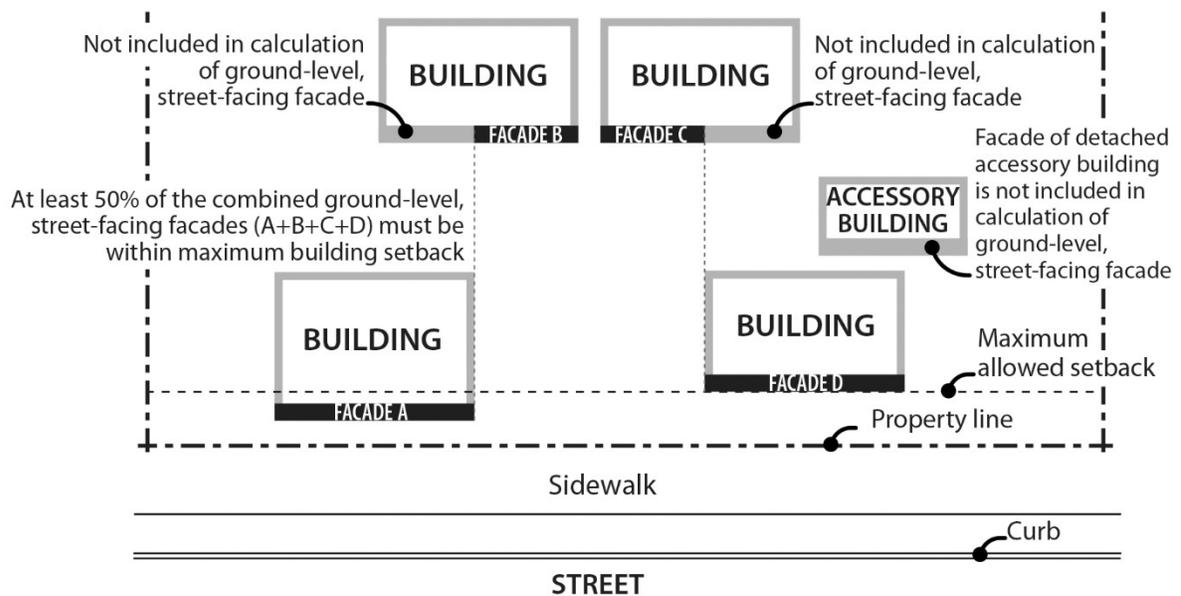
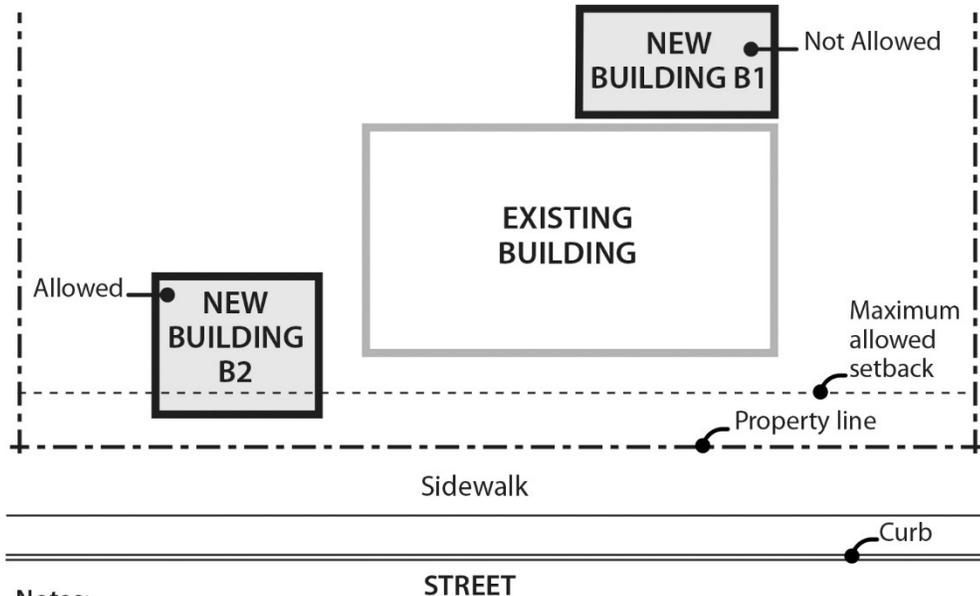


Figure 130-6
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

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

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

E. Alternative maximum building setback for large retailers.

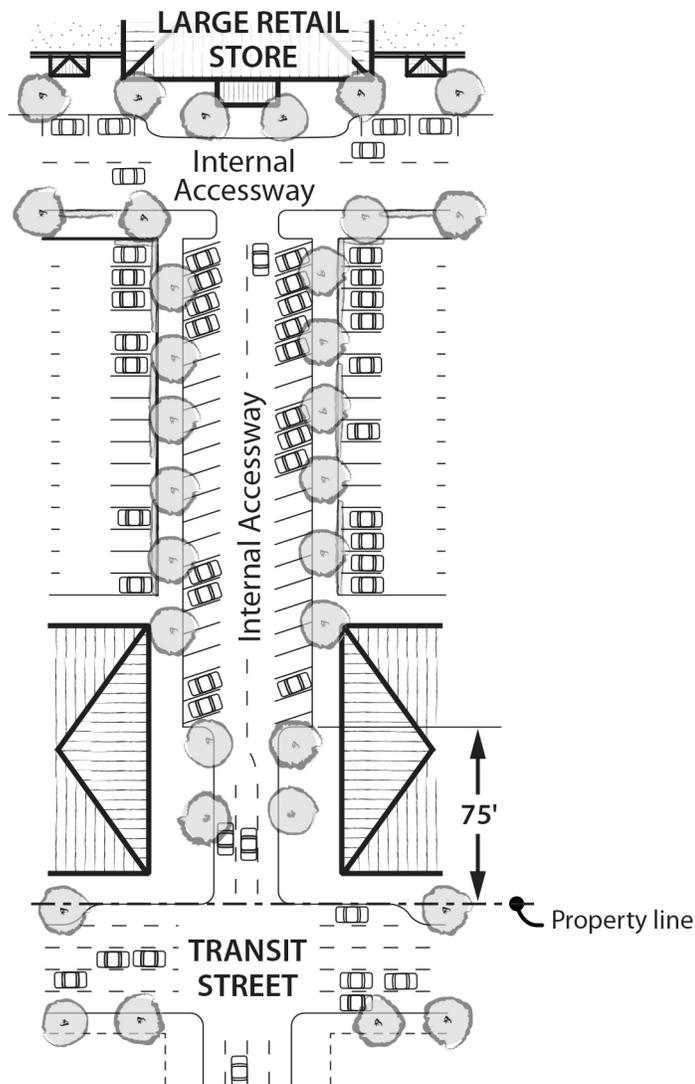
1. Purpose. The intent of the regulations is to allow deeper street setbacks for very large retail stores locating along transit streets or in Pedestrian Districts in exchange for a

pedestrian and transit-friendly main street type of development. These large retail sites can still be transit-supportive and pedestrian-friendly by placing smaller buildings close to the street and by creating an internal circulation system that is similar to streets in order to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks and provide connectivity within the site and to adjacent streets and uses.

2. Regulation. Sites that have at least one building with at least 60,000 square feet of floor area in Retail Sales and Service use are exempt from the maximum setback requirement of Table 130-2 and the vehicle area frontage limitations of 33.266.130.C.3 if all of the requirements of this paragraph are met. For sites with frontage on more than one transit street or more than one street in a Pedestrian District, this exemption may be used only along one transit street frontage or frontage along a street in a Pedestrian District.
 - a. Other buildings on the site have ground level walls within the maximum setback for at least 25 percent of the frontage on a transit street or street in a Pedestrian District. These buildings must be constructed before or at the same time as the large retail store;
 - b. Internal circulation system. An internal circulation system that meets the following standards must be provided:
 - (1) Internal accessways that are similar to streets must divide the site into parking areas that are no greater than 55,000 square feet;
 - (2) These accessways must connect to the transit street, or street in a Pedestrian District, at least every 250 feet;
 - (3) Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides and one of the following must be met:
 - The sidewalks must be at least 10 feet wide and planted with trees a maximum of 30 feet on center. Trees must be planted in the center of unpaved tree wells at least 18 square feet, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
 - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard, except that trees cannot be grouped.
 - (4) Along each internal accessway that intersects a transit street, parking must be provided between both sidewalks and the auto travel lanes except for within 75 feet of the transit street intersection, measured from the street lot line, where parking is not allowed;

- (5) Curb extensions that are at least the full depth of the parking must be provided, as shown in Figure 130-7, at the intersections of internal accessways that have parking; and
 - (6) The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
- c. Connections between sites. This standard applies to all commercial, office, or institutional development that is adjacent to sites either developed for Commercial or Institutional use, or zoned C, E, I, CI, or IR. The system must connect the buildings on the site to these adjacent sites.

Figure 130-7
Internal Circulation System



33.130.220 Building Coverage

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

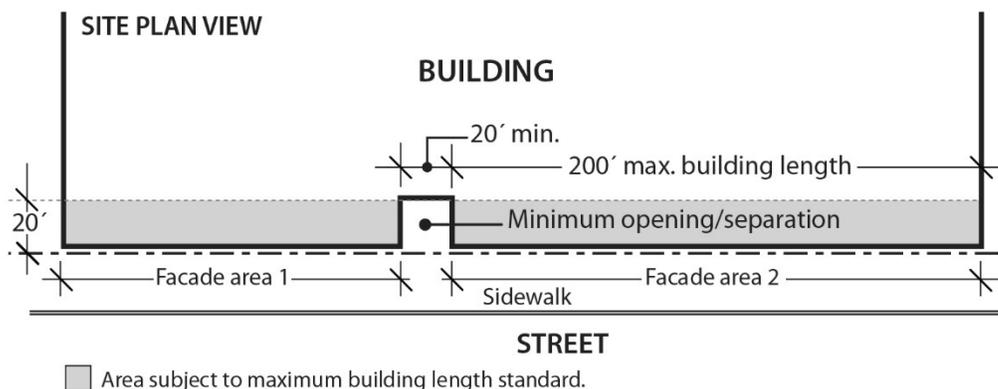
- B. **Building coverage standards.** The maximum building coverage standards are stated in Table 130-2, and the standards apply based on pattern area geography. Map 130-2 identifies the pattern areas. Maximum building coverage applies to all buildings and covered structures.

33.130.222 Building Length and Facade Articulation

- A. **Purpose.** These standards, along with the height and setback standards, limit the bulk of buildings close to the street. These standards help ensure that large buildings will be divided into smaller components that relate to the scale and patterns of Portland’s commercial/mixed-use areas and add visual interest and variety to the street environment.

- B. **Maximum building length.** In the CR, CM1, CM2, CM3, and CE zones, the maximum building length for the portion of a building located within 20 feet of a street lot line is 200 feet. The portions of buildings subject to this standard must be separated by a minimum of 20 feet when located on the same site. See Figure 130-8.

Figure 130-8
Maximum Building Length

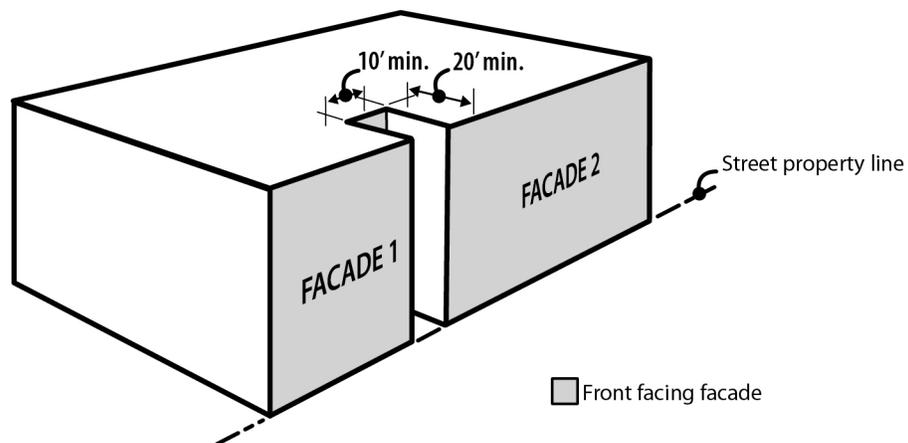


C. Facade articulation.

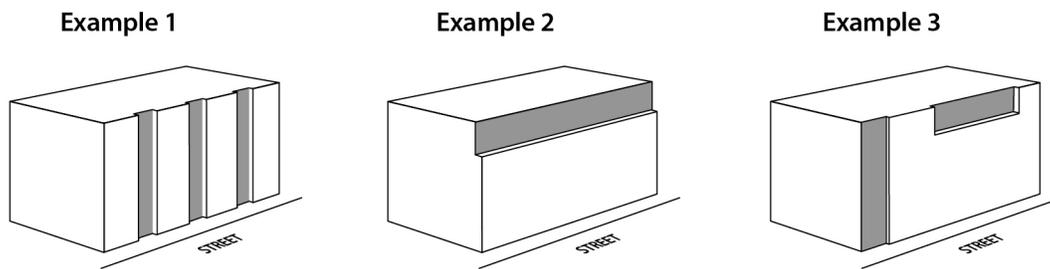
1. Where the standard applies. This standard applies in the CM2, CM3 and CE zones as follows:

- 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.

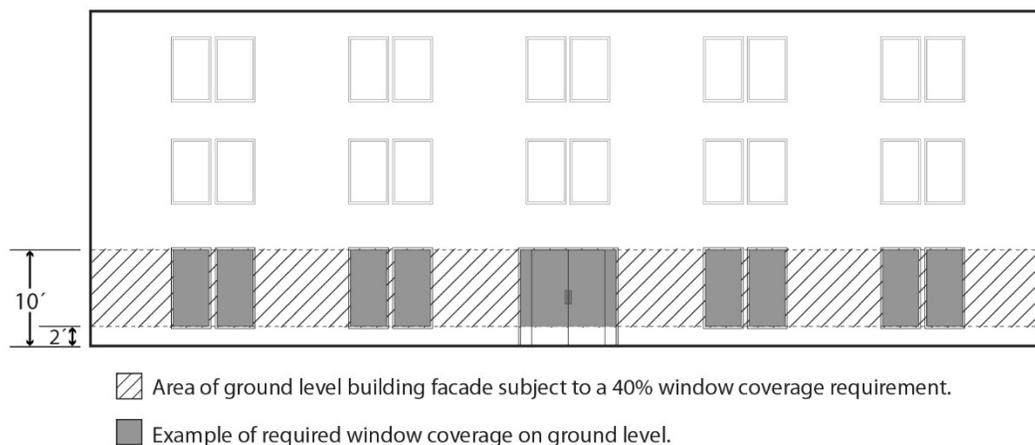
- (2) If the lot has more than one street frontage, then the ground floor window standard in Subparagraph B.2.a(1) applies to the facade that faces the highest transit street classification. All other ground level street-facing facades that are 20 feet or closer to the street lot line must have windows 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.

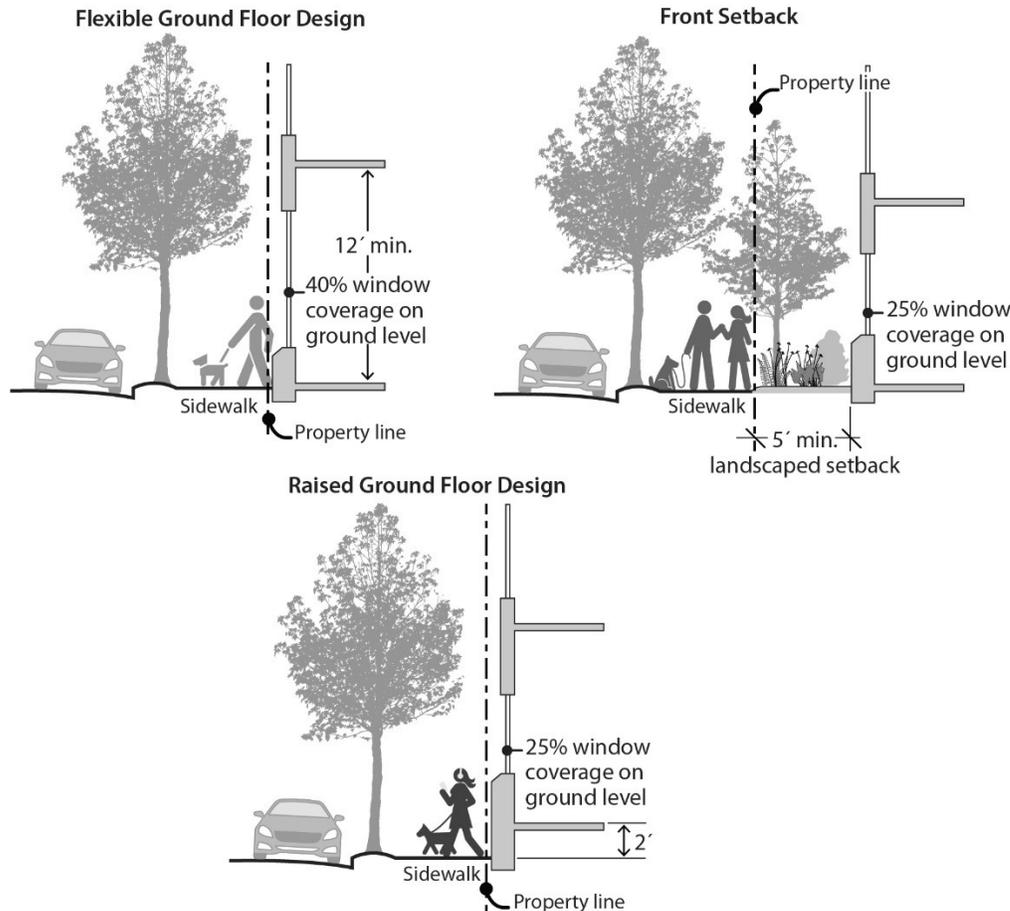
3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, residential units or residential building common areas; glazing in pedestrian entrances; or display windows that are at least 24 inches deep set into a wall. Windows into storage 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.

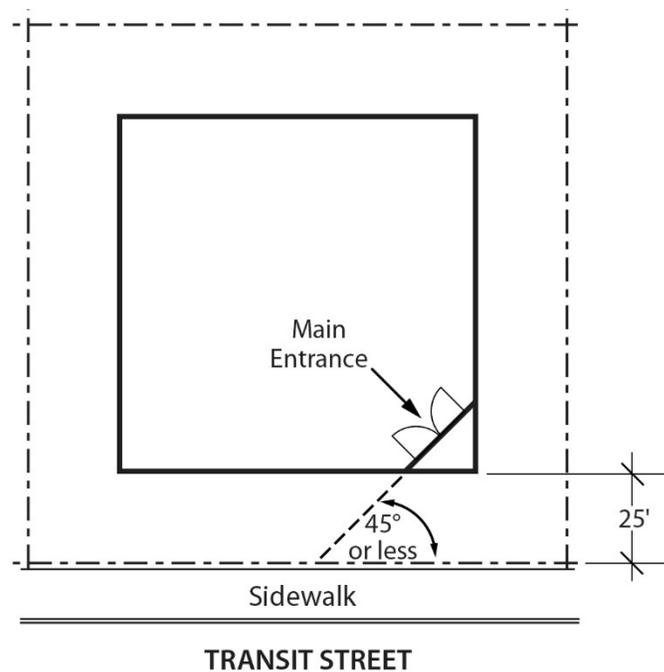
C. Location. For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor, and one main entrance to a multi-dwelling structure must meet the standards of this section. The ground floor is the lowest floor of the building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

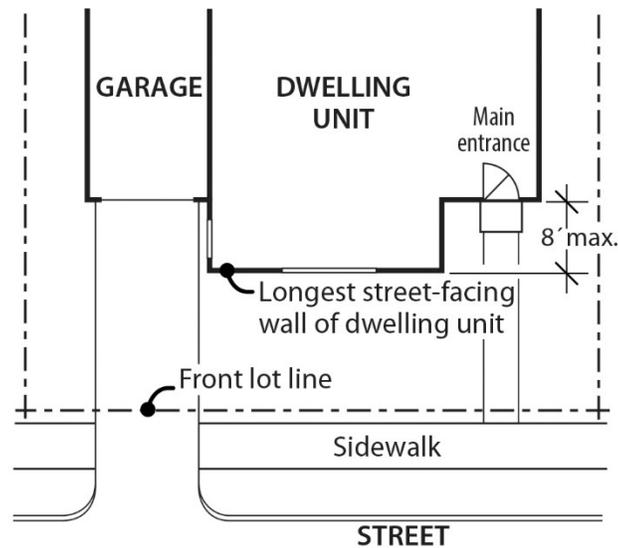
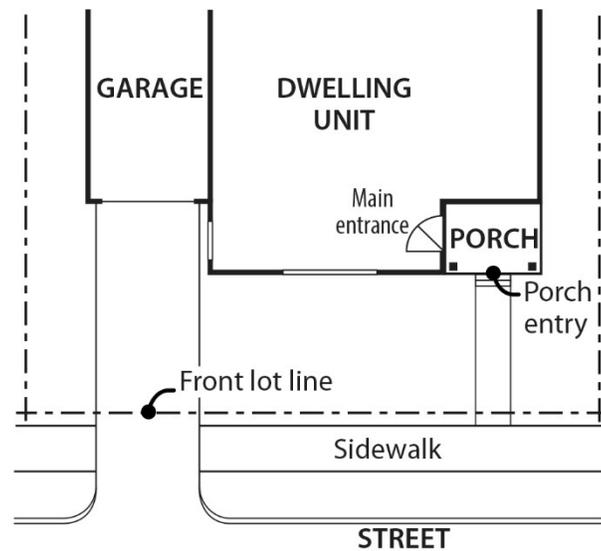


Figure 130-15
Main Entrance Opening On to a Porch



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

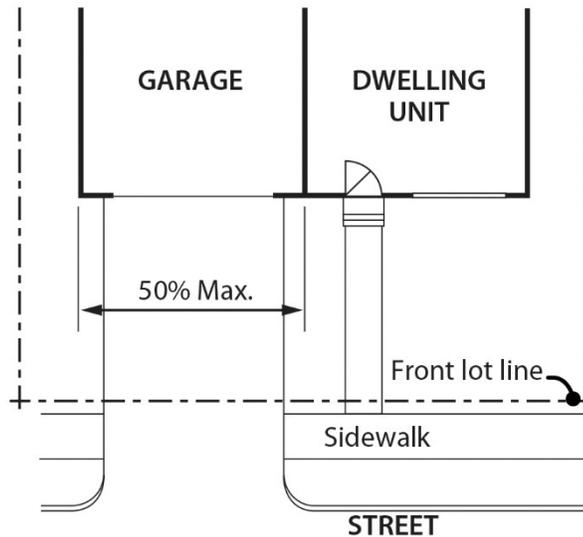


Figure 130-17
Street Lot Line Setback

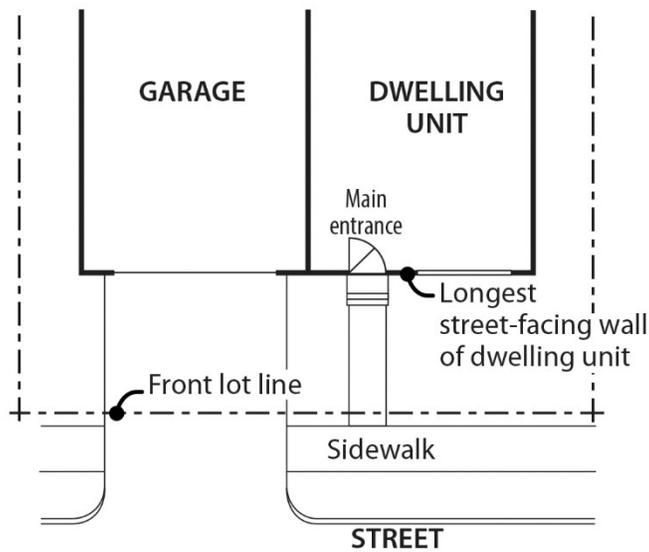
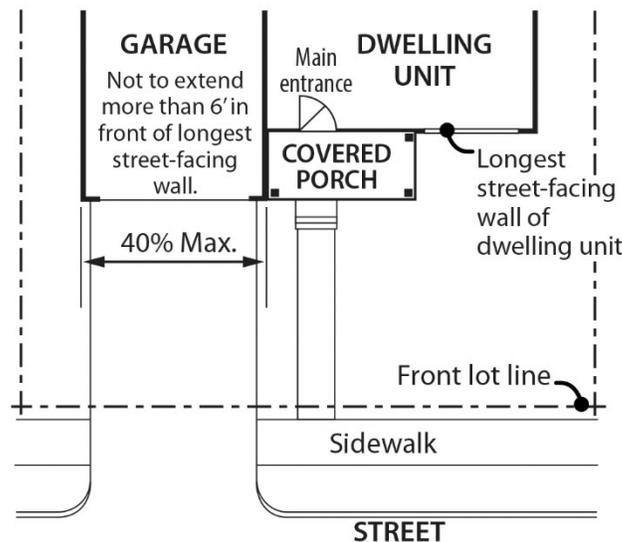


Figure 130-18
Garage Front Setback Exception



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

- b. Areas of a site that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, or have slopes with an average slope of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.
 5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of element within, the pedestrian connections.
- B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

33.130.295 Signs

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

33.130.305 Superblock Requirements

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

33.130.310 Recycling Areas

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

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

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.

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

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

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

located, or to any site within two miles of the Historic or Conservation Landmark or contributing resource in a Historic or Conservation District; and

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

33.140.210 Height

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

- b. For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

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

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

Notes:

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

33.140.215 Setbacks

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

- (2) Decks, stairways, wheelchair ramps, and uncovered balconies not meeting the standard of subparagraph B.4.b.; and
- (3) Bays and bay windows extending into the setback also must meet the following requirements:
 - Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
 - At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
 - Bays and bay windows must cantilever beyond the foundation of the building; and
 - The bay may not include any doors.
- b. The following minor features of a building are allowed to extend into required building setbacks but may not project into the landscaped buffer required by Paragraph B.2:
 - (1) Canopies, marquees, awnings, and similar features may fully extend into a street setback;
 - (2) Uncovered stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building may fully extend into a street setback;
 - (3) Uncovered decks, stairways, and wheelchair ramps that are no more than 2-1/2 feet above the ground may fully extend into a required building setback; and
 - (4) On lots that slope down from the street, vehicular and pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation may fully extend into a required building setback.
5. Detached accessory structures. For sites entirely in residential use, detached accessory structures are subject to the multi-dwelling zone standards of 33.120.280. The setback standards for detached accessory structures are stated in 33.140.270 below. Fences are addressed in 33.140.275 below.

C. Maximum building setbacks.

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

- (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all of the buildings on the site. See Figures 140-3 and 140-4.
 - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
 - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
 - The porch must have at least one entrance facing the street; and
 - The porch must have a roof that is:
 - No more than 12 feet above the floor of the porch; and
 - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.
- c. Standards. There are two standards. Subparagraphs C.1.d. and e. specify where each standard applies:
- (1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
 - (2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;
- d. Outside a Pedestrian district. Where the site is not in a Pedestrian District:
- (1) One transit street. Where the site is adjacent to one transit street, the standard of Standard 1 must be met on the transit street frontage;
 - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
 - Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - If one of the transit streets intersects a City Walkway, Standard 1 must be met along both the transit street with the highest classification and the City Walkway;
 - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, Standard 2 must be met on the frontage of the transit street with the highest classification and Standard 1 must be met on an intersecting transit street. If two streets have the same highest classification, the applicant may choose which street.

- e. In a Pedestrian District. Where the site is in a Pedestrian District:
- (1) One street. Where the site is adjacent to only one street, Standard 1 must be met on that street frontage;
 - (2) Through lot with one transit street. Where the site is a through lot and one frontage is a transit street and one is a non-transit street, Standard 1 must be met on the frontage of the transit street;
 - (3) Through lot with two transit streets. Where the site is a through lot and both frontages are on transit streets, Standard 1 must be met on the frontage of the transit street with the highest classification. If both streets have the same classification, the applicant may choose which street;
 - (4) Through lot with no transit streets. Where the site is a through lot and neither frontage is on a transit street, Standard 1 must be met on one of the frontages. The applicant may choose on which street to meet the standard;
 - (5) One transit street and one intersecting non-transit street. Where the site is adjacent to a transit street and an intersecting non-transit street, the following standards must be met:
 - Standard 2 must be met on the frontage of the transit street,
 - Standard 1 must be met on the intersecting non-transit street;
 - (6) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the following standards must be met on the frontage of the transit street with the highest classification and any intersecting transit street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting transit street;
 - (7) Three or more frontages, two non-intersecting transit streets. Where the site has three or more frontages, and two or them are transit streets that do not intersect, the following standards must be met on the frontage of the transit street with the highest classification and one intersecting street:
 - Standard 2 must be met on the frontage of the transit street with the highest classification. If both transit streets have the same classification, the applicant may choose which street; and
 - Standard 1 must be met on an intersecting street;
 - (8) Two or more frontages, no transit streets, two or more intersecting streets. Where the site has two or more frontages, none of them are transit streets, and two or more of the streets intersect, the following standards must be met on the frontage of one street and one intersecting street:
 - Standard 2 must be met on the frontage of one street; and
 - Standard 1 must be met on an intersecting street.

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

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

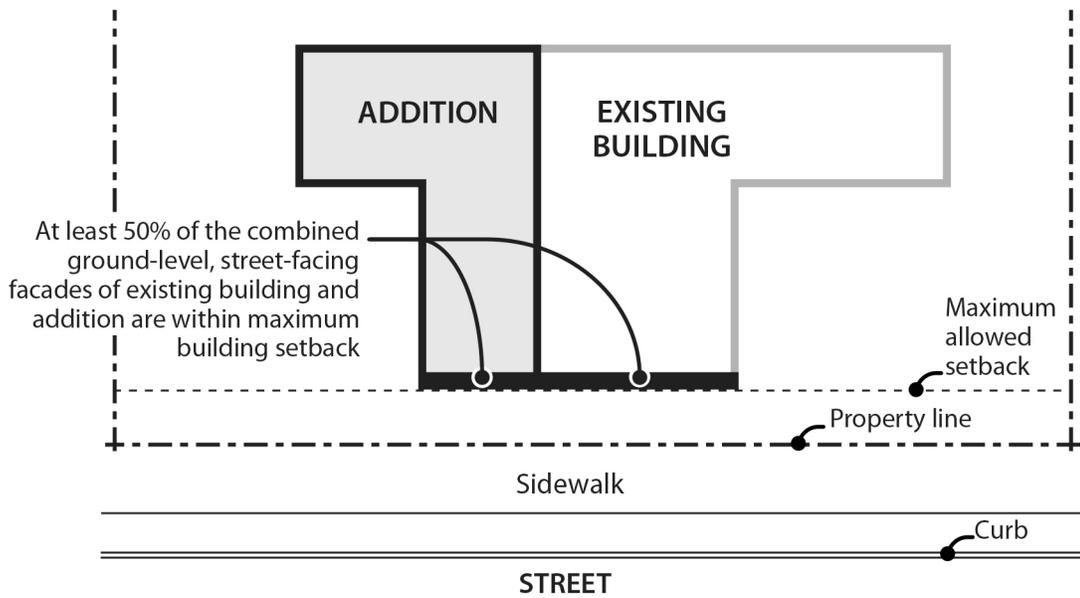
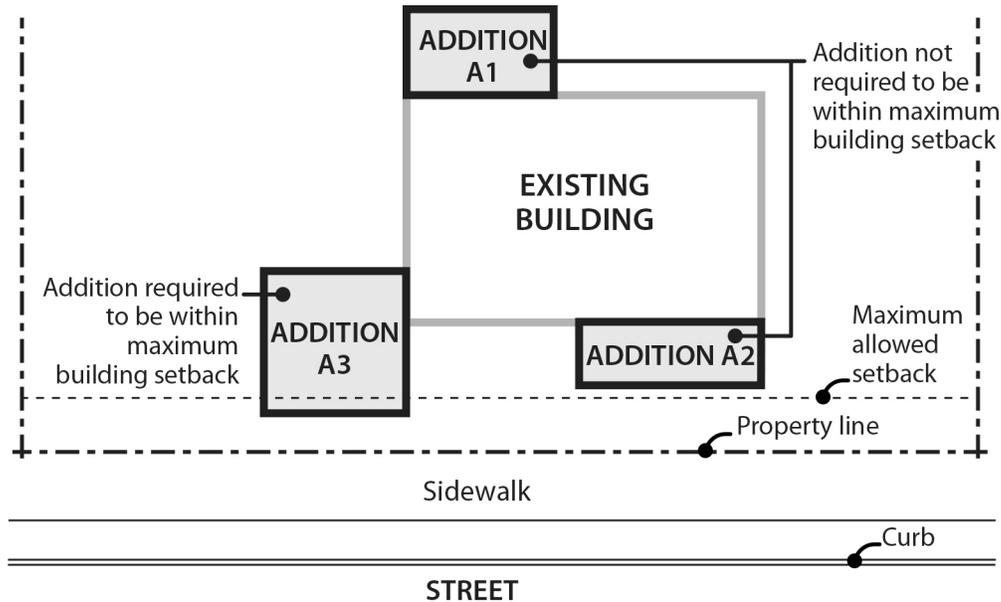


Figure 140-2
Alterations to Existing Building



Notes:

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

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

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

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

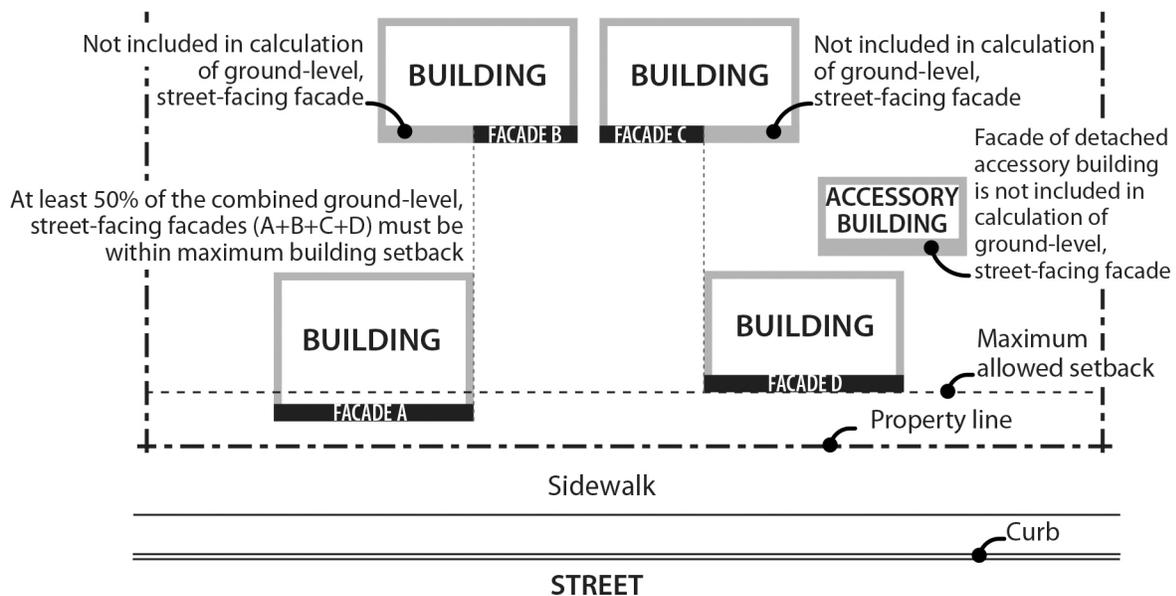
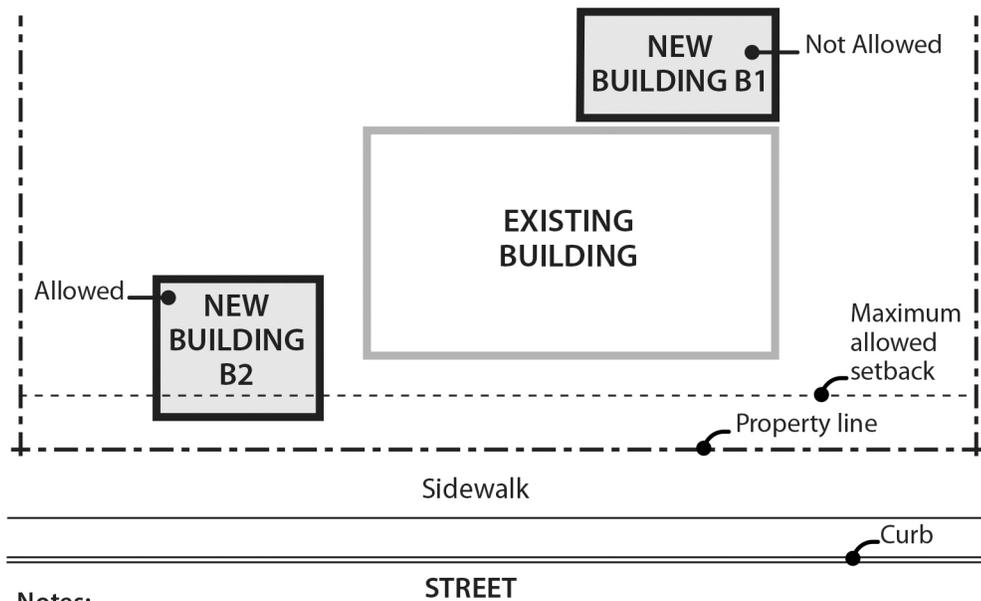


Figure 140-4
New Buildings on Sites with Buildings That Do Not Meet the Maximum Building Setback



Notes:

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

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

D. Alternative maximum setback option for large retailers.

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

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

33.140.310 Superblock Requirements

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

33.140.315 Recycling Areas

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

33.140.320 Inclusionary Housing

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

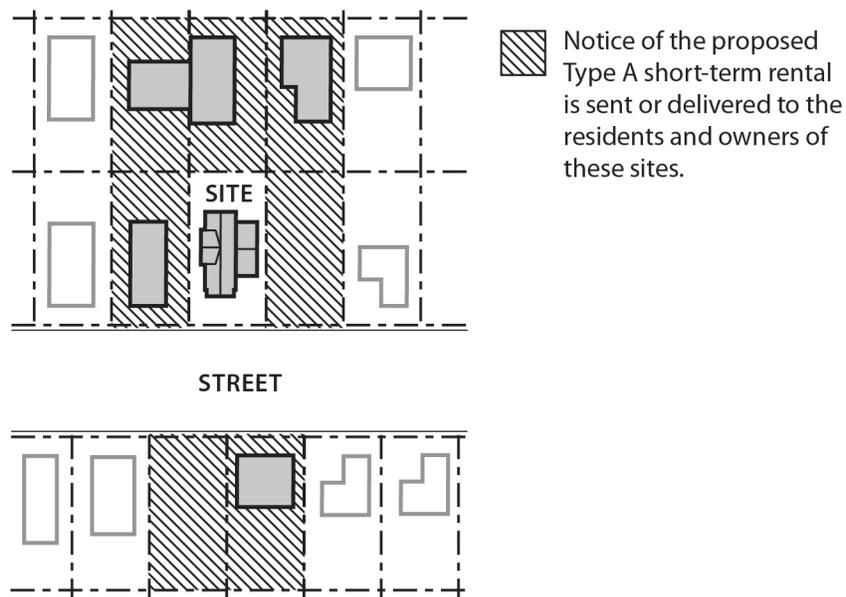
(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord.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

5. Number of guests. The maximum number of guests occupying a Type A accessory short-term rental may not exceed 5.
 6. Employees. Nonresident employees are prohibited. Hired service for normal maintenance, repair and care of the residence or site, such as yard maintenance or house cleaning, is allowed.
 7. Services to overnight guests and visitors. Serving alcohol and food to overnight guests and visitors is allowed and may be subject to other county or state requirements.
 8. Commercial meetings. Commercial meetings include luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation. Commercial meetings are prohibited with a Type A accessory short-term rental. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This is not considered a commercial meeting.
 9. A Type B accessory home occupation is prohibited with a Type A accessory short-term rental.
- 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 resources. A historic resource may be open to the public for 4 hours one day each year if required as part of a historic preservation grant or incentive program. This does not count as a commercial meeting.
 - c. Meeting log. The operator must log the dates of all commercial meetings held, and the number of visitors or guests at each event. The log must be available for inspection by City staff upon request.
9. Appearance. Residential structures may be remodeled for the development of an accessory short-term rental. However, structural alterations may not be made that prevent the structure being used as a residence in the future. Internal or external changes that will make the dwelling appear less residential in nature or function are not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

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

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; Ord. No. 190687, effective 3/1/22.)

33.258.070 Nonconforming Development

- A. Purpose.** This section is primarily aimed at upgrading nonconforming development elements that affect the appearance and impacts of a site. It is not intended to require extensive changes that would be extremely impractical such as moving or lowering buildings.
- B. Continued operation.** Nonconforming developments may continue unless specifically limited by Subsection D. below or other regulations in this Title.
- C. Changes.** Changes may be made to the site that are in conformance with the development standards of the base zone, overlay zone, plan district or other development standards that apply to the site. Changes that bring the site closer to conformance are allowed. Proposed changes that are not in conformance or do not move closer to conformance, are subject to the adjustment process unless prohibited.
- D. Development that must be brought into conformance.** The regulations of this subsection are divided into two types of situations, depending upon whether the use is also nonconforming or not. These regulations apply except where superseded by more specific regulations in the code.
1. Nonconforming development with a new nonconforming use or new non-conforming residential density. When there is a change to a different non-conforming use, or a change from a nonconforming nonresidential use to a non-conforming residential density, the following nonconforming development must be brought into compliance with the development standards that apply to the site (base, overlay, plan district, special use, tree density standards in Title 11):
 - a. Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
 - b. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
 - c. Bicycle parking by upgrading existing bicycle parking and providing additional spaces in order to comply with 33.266.200 and 33.266.210;
 - d. Screening; and
 - e. Paving of surface parking and exterior storage and display areas.
 - f. Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.1.a, above, for the following:
 - (1) Landscaped setbacks for surface parking and exterior development areas;

- (2) Interior parking lot landscaping; and
 - (3) Landscaping in existing building setbacks.
 - (4) This exception expires December 31, 2015.
2. Nonconforming development with an existing nonconforming use, allowed use, limited use, or conditional use. Nonconforming development associated with an existing nonconforming use, an allowed use, a limited use, or a conditional use, must meet the requirements stated below. When alterations are made that are over the threshold of Subparagraph D.2.a., the site must be brought into conformance with the development standards listed in Subparagraph D.2.b. The value of the alterations is based on the entire project, not individual building permits.
- a. Thresholds triggering compliance. The standards of Subparagraph D.2.b., below, must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$330,800. The following alterations and improvements do not count toward the threshold:
 - (1) Replace a manufactured dwelling in a manufactured dwelling park;
 - (2) Alterations required by approved fire/life safety agreements;
 - (3) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (4) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (5) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (6) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - (7) Energy efficiency or renewable energy improvements that meet the Public Purpose Administrator incentive criteria whether or not the project applies for and receives the incentive;
 - (8) Landscaping required by 33.475.220; and
 - (9) Removal or remediation of hazardous substances conducted under ORS 465.200-545 & 900.
 - b. Standards which must be met. Development not complying with the development standards listed below must be brought into conformance or receive an adjustment.
 - (1) Landscaping and trees required for the following areas:
 - Exterior display, storage, and work activity areas;
 - Setbacks for surface parking and exterior development areas;

- Interior parking lot landscaping;
 - Existing building setbacks;
 - Minimum landscaped areas (where land is not used for structures, parking, or exterior improvements); and
 - On-site tree density standards of Subsection 11.50.050.C.
- (2) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the site;
- (3) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 33.266.200, Bicycle Parking as follows:
- Major remodeling projects must meet the standards for all bicycle parking;
 - Sites with accessory surface parking must meet the standards for all bicycle parking;
 - In all other situations, the amounts and standards for short-term bicycle parking must be met.
- (4) Screening; and
- (5) Required paving of surface parking and exterior storage and display areas.
- (6) Exception: Where landscaping in the following areas was conforming after March 16, 2001, and before July 8, 2005, it is exempt from the requirements of D.2.b.1, above, for the following:
- Landscaped setbacks for surface parking and exterior development areas;
 - Interior parking lot landscaping; and
 - Landscaping in existing building setbacks.
 - This exception expires December 31, 2015.
- c. Area of required improvements.
- (1) Generally. Except as provided in D.2.c(2), below, required improvements must be made for the entire site.
- (2) Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant must meet the following:
- The signed ground lease – or excerpts from the lease document – must be submitted to BDS. The portions of the lease must include the following:
 - The term of the lease. There must be at least one year remaining on the ground lease; and
 - A legal description of the boundaries of the lease.
 - The boundaries of the ground lease must be shown on the site plan submitted with the building permit application;

- The area of the lease must include all existing and any proposed development that is required for, or is used exclusively by, uses within the area of the lease; and
 - Screening is not required along the boundaries of ground leases that are interior to the site.
- d. Timing and cost of required improvements. The applicant may choose one of the following options for making the required improvements:
- (1) Option 1. Under Option 1, required improvements must be made as part of the alteration that triggers the required improvements. However, the cost of required improvements is limited to 10 percent of the value of the proposed alterations. It is the responsibility of the applicant to document the value of the required improvements. When all required improvements are not being made, the applicant may choose which of the improvements listed in Subparagraph D.2.b to make. If improvements to nonconforming development are also required by regulations in a plan district or overlay zone, those improvements must be made before those listed in Subparagraph D.2.b.
 - (2) Option 2. Under Option 2, the required improvements may be made over several years, based on the compliance period identified in Table 258-1. However, by the end of the compliance period, the site must be brought fully into compliance with the standards listed in Subparagraph D.2.b. When this option is chosen, the following applies:
 - Before a building permit is issued, the applicant must submit the following to BDS:
 - Application. An application, including a Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph D.2.b.
 - Covenant. The City-approved covenant, which is available in the Development Services Center, is required. The covenant identifies development on the site that does not meet the standards listed in subparagraph D.2.b, and requires the owner to bring that development fully into compliance with this Title. The covenant also specifies the date by which the owner will bring the nonconforming development into full compliance. The date must be within the compliance periods set out in Table 258-1. The covenant must be recorded as specified in Subsection 33.700.060.B.
 - The nonconforming development identified in the Nonconforming Development Assessment must be brought into full conformance with the requirements of this Title that are in effect on the date when the permit application is submitted. The compliance period begins when a building permit is issued for alterations to the site of more than \$330,800. The compliance periods are based on the size of the site. The compliance periods are identified in Table 258-1.
 - By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the

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. Historic resource exception. The minimum number of required parking spaces may be reduced to zero on sites that contain a Historic Landmark, Conservation Landmark, or National Register Landmark and on sites located within a Historic District, Conservation District, or National Register District.
 3. 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	<p>Minimum is Standard A in Table 266-2.</p> <p>Maximum is Standard B in Table 266-2.</p>
RM1-RM4, CR, CM1, CM2, CM3, CE, CI	<p>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.</p> <p>Minimum for all other sites is Standard A in Table 266-2</p> <p>Maximum is Standard B in Table 266-2.</p>
EX	<p>No minimum except for Household Living, which has the following minimums: 0 for 1 to 3 units; 1 per 2 units for four+ units; and SROs are exempt.</p> <p>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.</p>
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>

[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.

Table 266-2			
Parking Spaces by Use [2]			
(Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 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.;
 - 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.

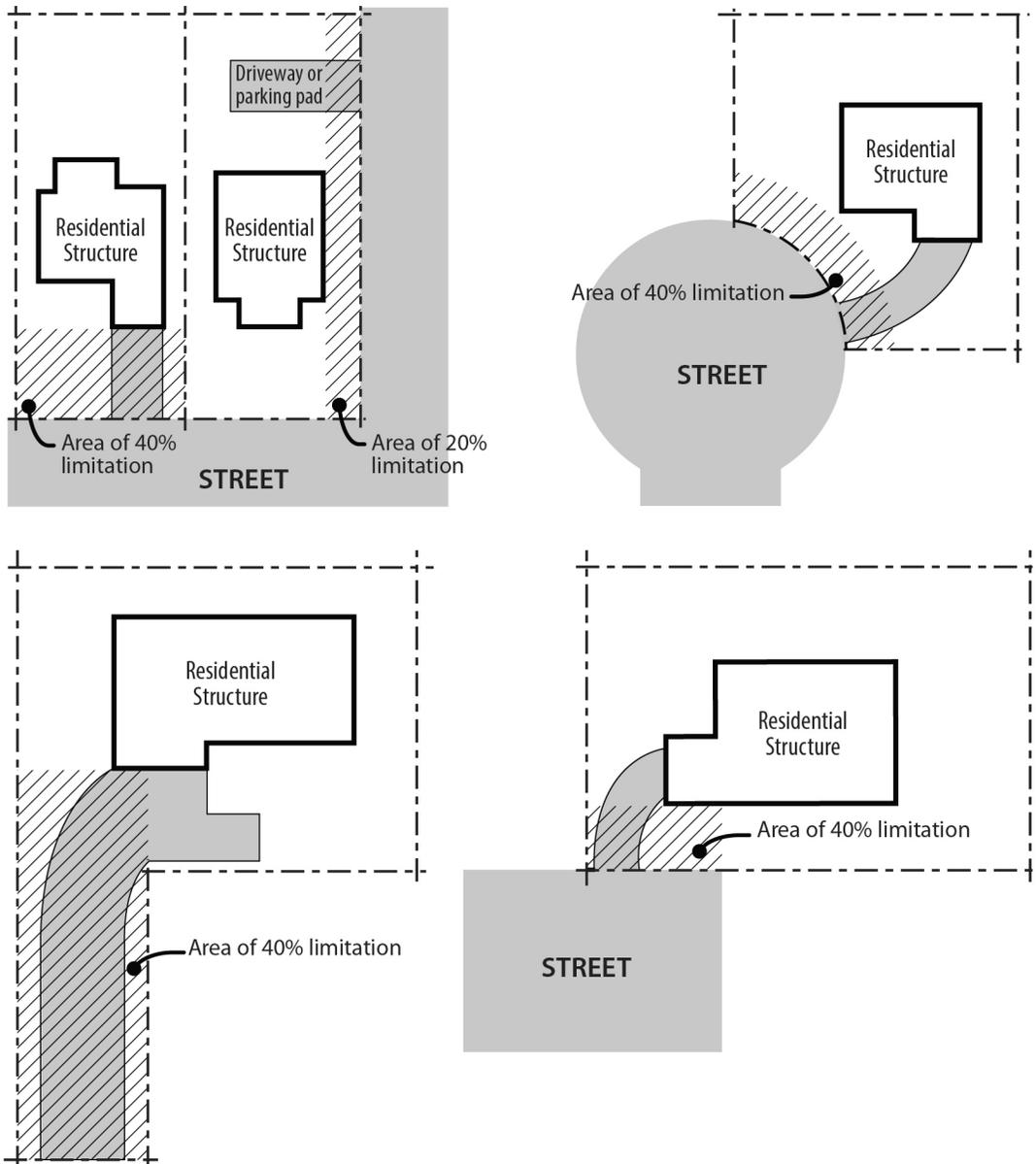
C. Parking area locations.

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

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.

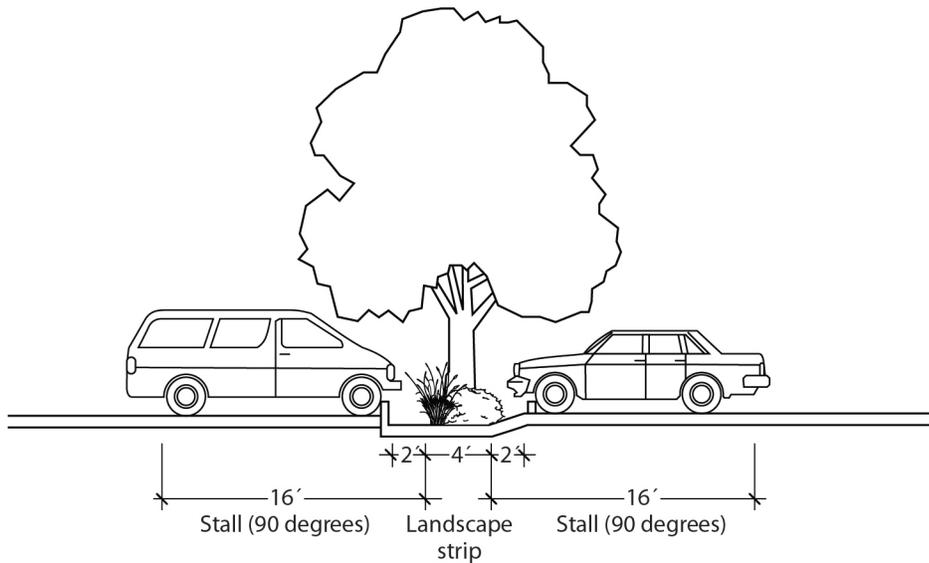
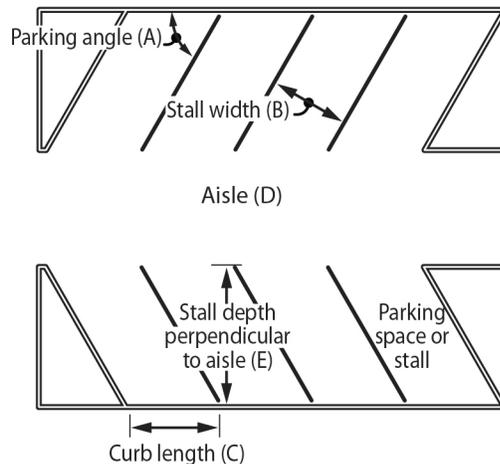


Figure 266-4
Parking Dimension Factors



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.

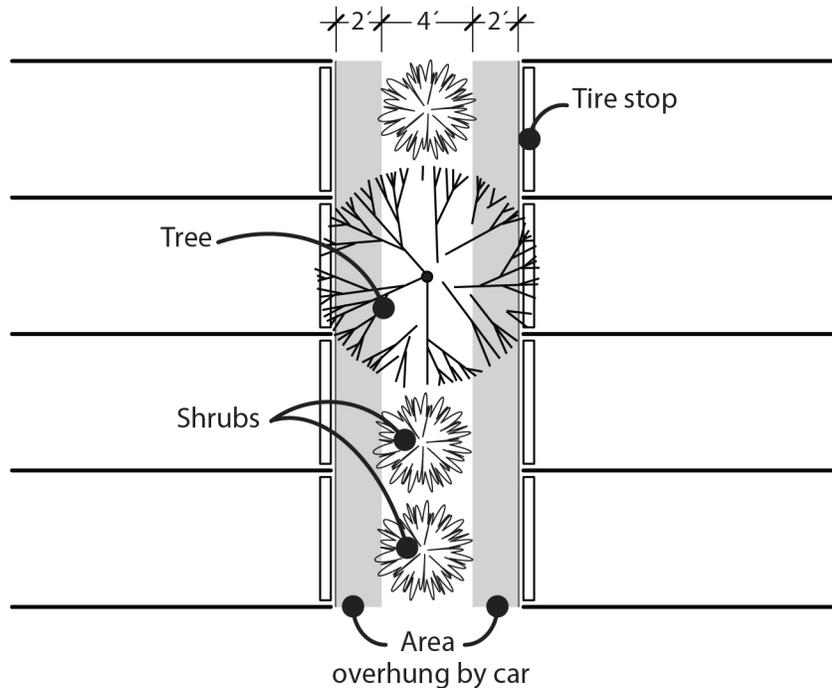
Table 266-5 Minimum Parking Area Setbacks and Landscaping		
Location	All zones except EG2 and IG2	EG2, IG2
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line	5 ft. of L3	10 ft. of L3

- 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

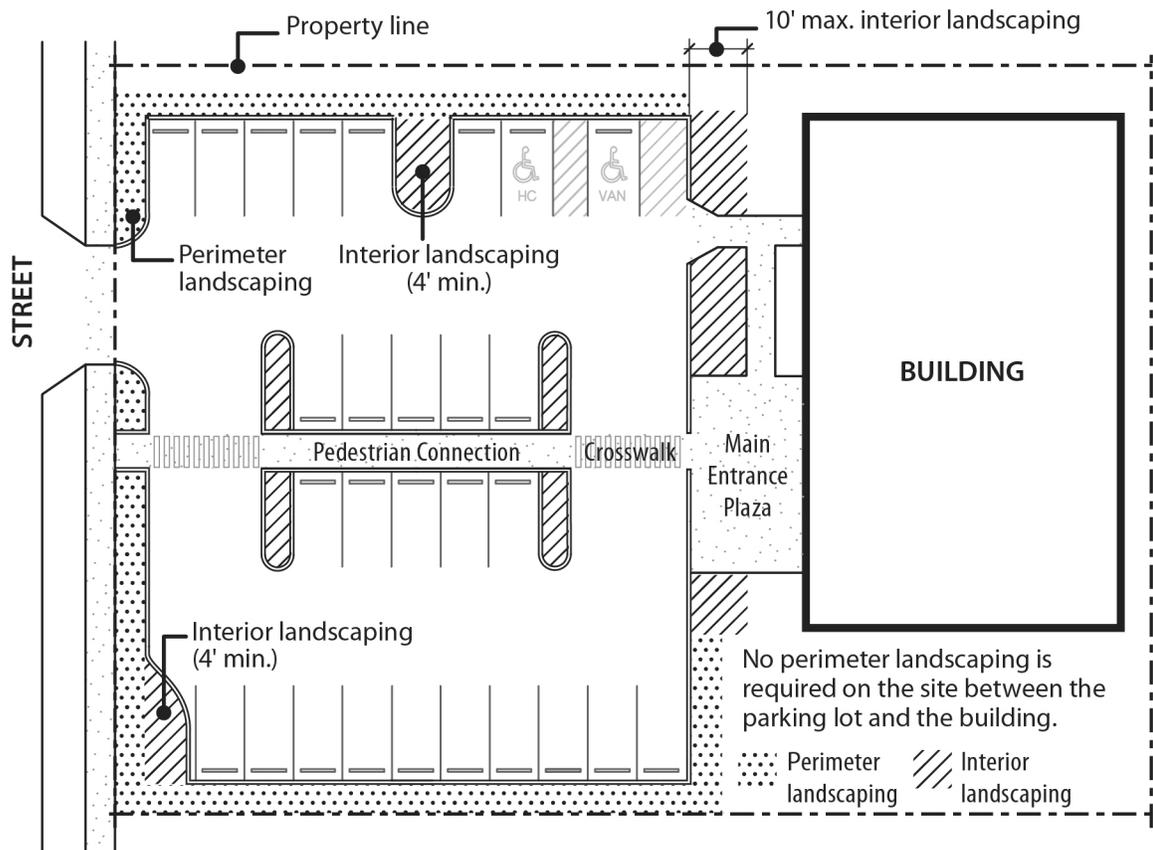
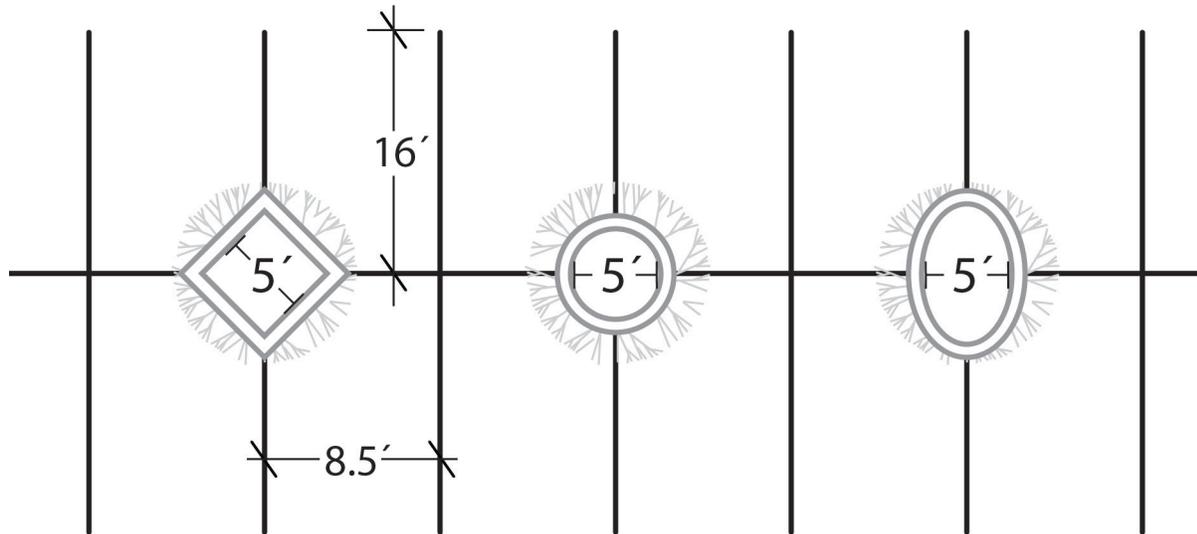


Figure 266-7
Individual Tree-Planting Spaces



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

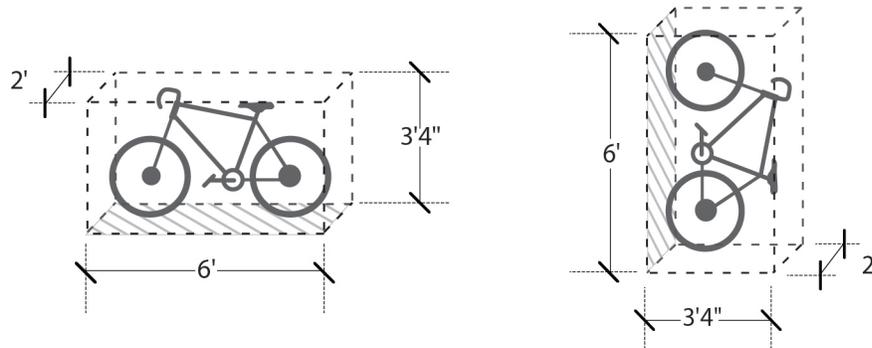


Figure 266-9
Horizontal Spaces: Side-by-Side

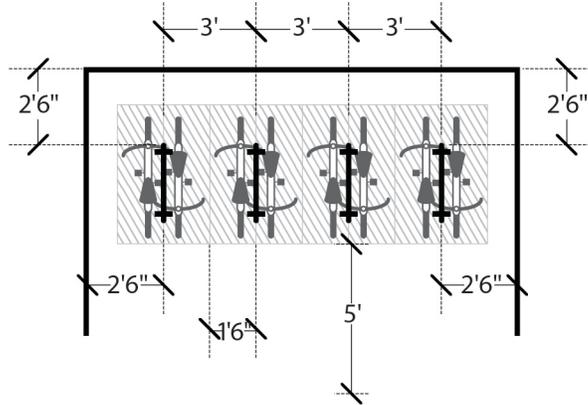


Figure 266-10
Horizontal Spaces: Wall Attached

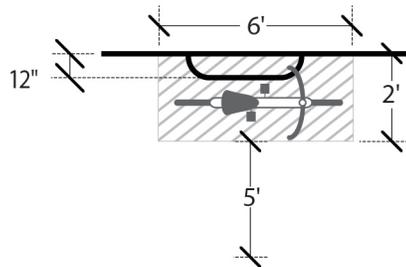


Figure 266-11
Horizontal Spaces: Diagonal (45-60 degree)

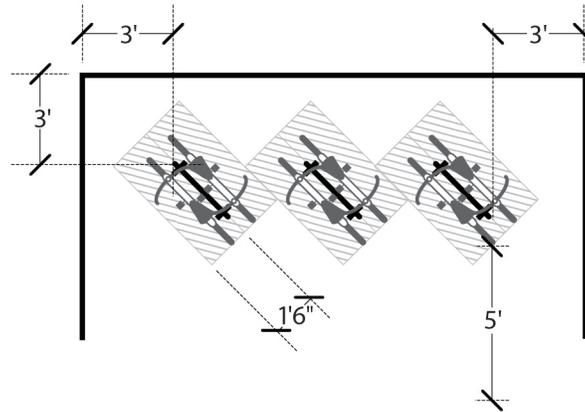
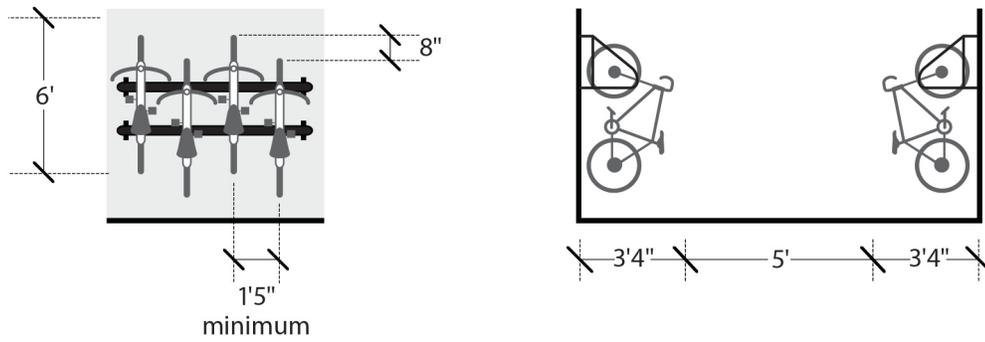
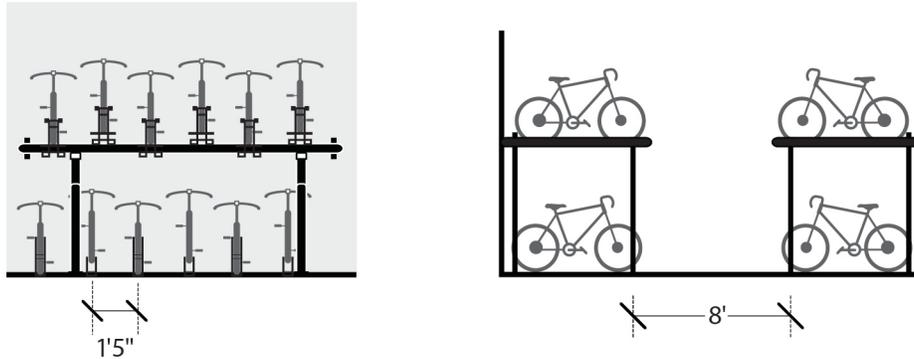


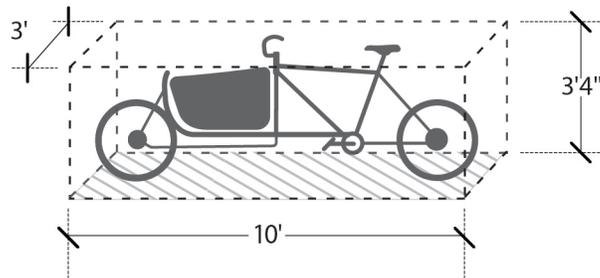
Figure 266-12
Vertical Spaces



**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 the following:
 - (1) The locker space has a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide.

- (2) A locker provided in a triangle locker layout for two bicycle parking spaces must have a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide on each end.

5. Signage

- a. Light rail stations and transit centers. If bicycle parking is not visible from the light rail station or transit center, a sign must be posted at the station or center indicating the location of the bicycle parking.
- b. Other uses. If bicycle parking is not visible from the streets or main building entrances, a sign must be permanently posted at the main entrance indicating the location of the bicycle parking.

6. Bicycle parking information in plans. The following information must be submitted with applications for a building permit or land-use review:

- a. Location, access route to long-term bicycle parking and number of bicycle parking spaces for short-term and long-term bicycle parking requirements;
- b. The model or design of the bicycle parking facilities to be installed;
- c. Dimensions of all aisles and maneuvering areas; and
- d. If applicable, information adequate to illustrate the racks and spaces that satisfy the minimum horizontal requirement, and the racks and spaces that accommodate a larger bicycle footprint.

D. Standards for Long-Term Bicycle Parking.

1. Development Standards. Long-term bicycle parking must be provided in lockers or racks that meet the following standards. Long-term bicycle parking for Schools may choose between (1) or (5) or a combination of those two locations:

- a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:
 - (1) Within a building, including on the ground floor or on individual building floors;
 - (2) On-site, including in parking areas and structured parking;
 - (3) In an area where the closest point is within 300 feet of the site; or
 - (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
 - The bicycle parking 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

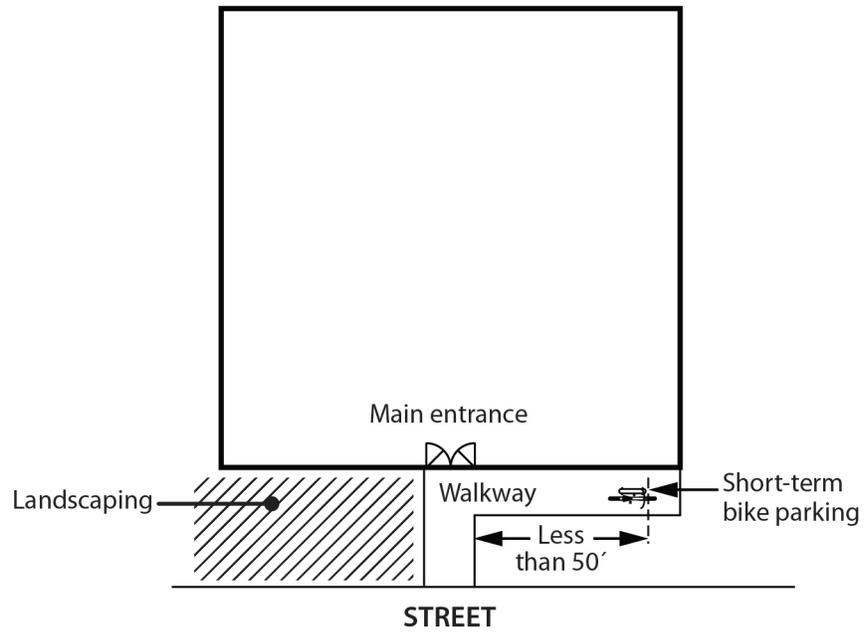


Figure 266-16
Short-term bike parking – one building, multiple entrances

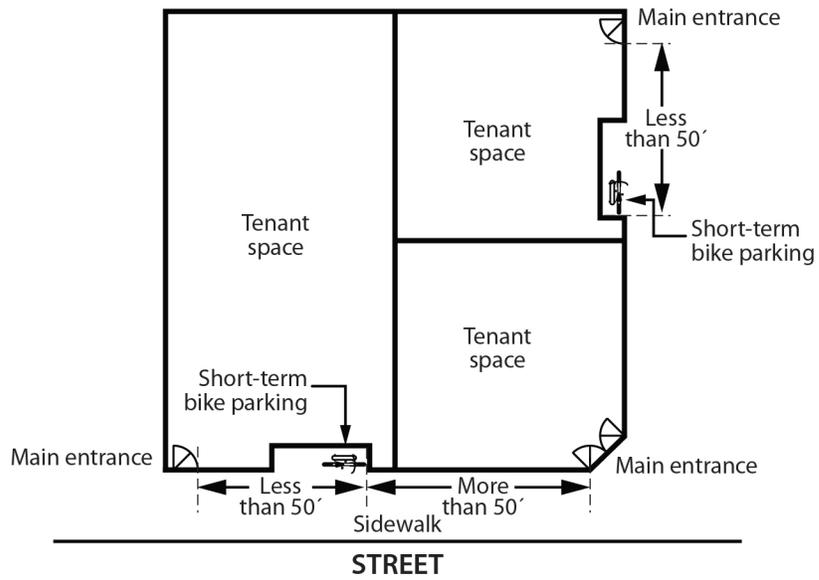
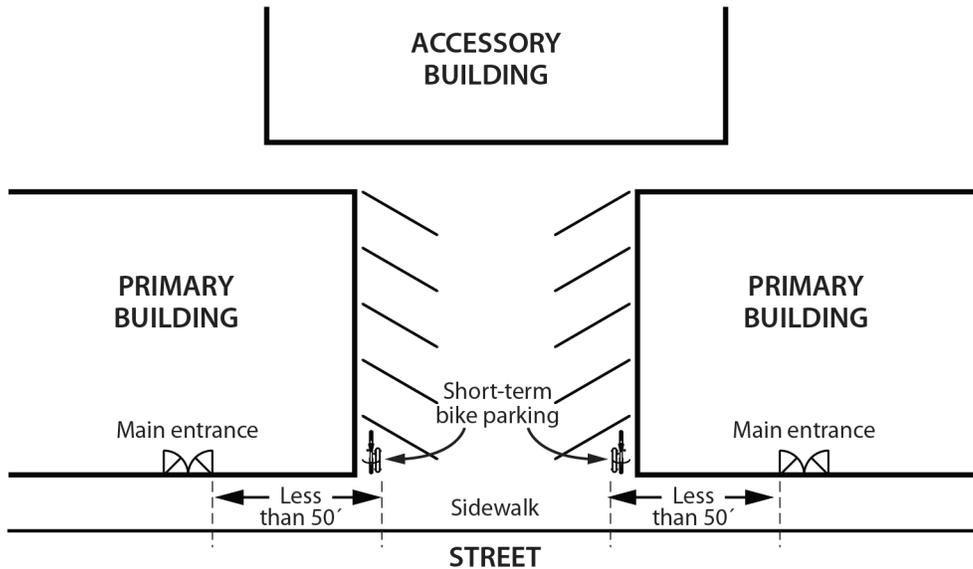


Figure 266-17
Short-term bike parking – multiple buildings, multiple entrances



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; Ord. No. 190687, effective 3/1/22.)

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 33.610.100 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.

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 boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District.

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.

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, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)

1. A minimum of one tree for every 20 feet of river frontage.
 2. A minimum of one shrub for every two feet of river frontage. However, if the greenway trail is proposed to be wider than 12 feet, the shrub calculations will be based on a minimum of one shrub per 25 square feet of area within and riverward of the greenway setback that is not paved or reveted. Areas of high human use which provide public access to the river, such as a beach, are exempt from the shrub calculations.
 3. Remaining areas which are not paved or reveted surfaces must have living ground cover.
 4. All trees and shrubs are to be planted generally within and riverward of the greenway setback.
 5. The standards are for calculation purposes only, and do not require or imply linear planting. Grouping of trees and shrubs is encouraged, particularly on the riverbank.
- C. Native plants.** All landscaping must comply with the native plant requirement of the Willamette Greenway Plan.
- D. Exception for sites with an existing nonconforming use, allowed use, limited use, or conditional use.** The regulations of this subsection apply to sites with an existing nonconforming use, an allowed use, a limited use, or a conditional use. When alterations are made to a site that does not meet the standards of this section, and the alterations are over the threshold of Paragraph D.1, below, the site must be brought into conformance with the development standards listed in Subsections A, B, and C, above. The value of the alterations is based on the entire project, not individual building permits. The cost of the upgrades required by this chapter may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the upgrades required by this chapter must be completed first.
1. **Thresholds triggering compliance.** The standards of Subsections A, B, and C must be met when the value of the proposed alterations on the site, as determined by BDS, is more than \$330,800. Alterations and improvements stated in 33.258.070.D.2.a do not count toward the threshold.
 2. **Area of required improvements.** Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 3. **Timing and cost of required improvements.** The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in Subparagraph 33.258.070.D.2.b, the standards of Subsections A, B, and C, above, are also included.

33.440.240 Major Public Trails

- A. Purpose.** Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- B. Major public trail requirements.** All sites with a major public trail symbol shown on the Official Zoning Maps must comply with the requirements of Chapter 33.272, Major Public Trails, provide and install the official Greenway Trail signs as required by the Parks Bureau, and meet the trail design guidelines contained in the Willamette Greenway Plan.
- C. Major public trails in the River Natural and River Water Quality zones.** Major public trails must be designed to minimize disturbances on the natural environment of the River Natural and River Water Quality zoned lands.

33.440.250 Public Viewpoints

- A. Purpose.** Public viewpoints provide stopping places along the Greenway trail and the Willamette River where the public can view and enjoy the natural, scenic, recreational, and economic qualities of the Greenway. Public viewpoints are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Viewpoint requirements.** All sites designated with a viewpoint symbol on the Willamette Greenway Plan are required to provide a public viewpoint. The viewpoint must meet the viewpoint design guidelines contained in the Willamette Greenway Plan. In addition, the viewpoint must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Public Recreational Trails. In order to qualify for the maintenance and liability provisions, the viewpoint must be located along the physically continuous trail segment.

33.440.260 View Corridors

- A. Purpose.** View corridors provide visual access and connections to the river for neighborhoods and business districts who might otherwise be visually cut-off from the river. View corridors are generally extensions of existing public rights-of-way through to the river. View corridors are one tool used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan.
- B. Provision of corridors.** All view corridors identified in the Willamette Greenway Plan must meet the view corridor design guidelines contained in the Willamette Greenway Plan.

33.440.270 Nonconforming Uses and Development

Nonconforming uses and development in the greenway zones are subject to the regulations and reviews of Chapter 33.258, Nonconforming Situations. The additional regulations stated below apply to development within or riverward of the greenway setback that is not river-dependent or river-related.

- A.** The development may continue.
- B.** The development may be changed to an allowed river-dependent or river-related development by right.
- C.** The development may be changed to another nonconforming development if within a building. If it is outdoors, it may not be changed to another nonconforming development.
- D.** The development may be expanded, but not within or riverward of the greenway setback except in the River Water Quality zone. In the River Water Quality zone, development may

33.445 Historic Resource Overlay Zone

445

Sections:

General

- 33.445.010 Purpose
- 33.445.020 Historic Resource Inventory
- 33.445.030 Where These Regulations Apply
- 33.445.040 Types of Historic Resources and Map Symbols
- 33.445.050 Adoption of Design Guidelines
- 33.445.060 Notice of Building and Housing Code Violations

Landmarks

- 33.445.100 Historic Landmark
- 33.445.110 Conservation Landmark
- 33.445.120 National Register Landmark

Districts

- 33.445.200 Historic District
- 33.445.210 Conservation District
- 33.445.220 National Register District

Significant Resources

- 33.445.300 Identifying a Significant Resource
- 33.445.310 Removal of a Significant Resource
- 33.445.320 Relocation of a Significant Resource
- 33.445.330 Demolition of a Significant Resource
- 33.445.340 120-Day Delay

Historic Preservation Incentives

- 33.445.400 Historic Preservation Incentives

Community Design Standards

- 33.445.500 Purpose
- 33.445.510 When Community Design Standards May be Used

General

33.445.010 Purpose

The historic resource overlay zone protects historic resources that have been identified as significant to the history of the city and region. The regulations implement Portland's Comprehensive Plan policies that address historic preservation. These policies recognize the role historic resources have in promoting education and enjoyment for those living in and visiting the region. The regulations foster awareness, memory, and pride among the region's current and future residents in their city and its diverse architecture, culture, and history. Historic preservation recognizes social and cultural history, retains significant architecture, promotes economic and environmental health, and stewards important resources for the use, education, and enjoyment of future generations.

33.445.020 Historic Resource Inventory

Portland’s Historic Resource Inventory is a record of the buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having architectural, historical, or cultural significance. Historic resources addressed by this chapter are included in the Historic Resource Inventory.

33.445.030 Where These Regulations Apply

- A. Sections 33.445.010 through .060 and .400 through .500 apply to all historic resources.
- B. Sections 33.445.100 through .340 apply as shown in Table 445-1.

Table 445-1 Where These Regulations Apply				
	In Historic District	In Conservation District	In National Register District	Not in a district
Historic Landmark	33.445.100	33.445.100	33.445.100	33.445.100
Conservation Landmark	33.445.200	33.445.110	33.445.110	33.445.110
National Register Landmark	33.445.200	33.445.210	33.445.120	33.445.120
Significant Resource	33.445.200	33.445.210	33.445.220	33.445.300 through 33.445.340
Not a Landmark or Significant Resource	33.445.200	33.445.210	33.445.220	N/A

33.445.040 Types of Historic Resources and Map Symbols

- A. **Types of historic resources.** The following types of historic resources are regulated by this chapter. Each type of historic resource may contain contributing resources. The definition of each type of historic resource can be found in Chapter 33.910.
 1. Historic Landmarks;
 2. Conservation Landmarks;
 3. National Register Landmarks;
 4. Historic Districts;
 5. Conservation Districts;
 6. National Register Districts; and
 7. Significant Resources.

- B. Map symbols.** Boundaries of Historic Landmarks, Conservation Landmarks, National Register Landmarks, Historic Districts, Conservation Districts, and National Register Districts are shown on the Official Zoning Maps.

33.445.050 Adoption of Design Guidelines

Design guidelines for Historic Districts and Conservation Districts are recommended by the Historic Landmarks Commission and adopted by City Council. These guidelines are used for historic resource review, which is required for some alterations and new development proposals affecting certain historic resources. Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources.

33.445.060 Notice of Building and Housing Code Violations

When the Bureau of Development Services declares a Historic Landmark, Conservation Landmark, National Register Landmark, or contributing resource in a Historic District, Conservation District, or National Register District to be a dangerous building or posts a landmark to remain vacant, the Bureau of Development Services will notify the Historic Landmarks Commission of such action and of the specific code violations. The notice must be sent within ten working days of the action. The notice provides the Historic Landmarks Commission and the community the opportunity to inform the owner of potential rehabilitation programs and benefits or to pursue public or private acquisition and restoration of the historic resource.

Landmarks

33.445.100 Historic Landmark

A. Designation of a Historic Landmark

1. National Register listing. Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 are automatically identified as Historic Landmarks on the Official Zoning Maps. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic Landmark may be established through a legislative or quasi-judicial procedure. Designating a City Historic Landmark includes establishing a new Historic Landmark, expanding the boundaries of an existing Historic Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Historic Landmark:
 - a. Legislative designation. Historic Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 - b. Quasi-judicial designation. Historic Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.

B. Removal of a Historic Landmark designation

1. Removal of a resource's City designation as a Historic Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.3. and B.4. Removing a resource's City designation includes removing an existing Historic Landmark designation, changing a Historic Landmark designation to Conservation Landmark designation, reducing the boundaries of an existing Historic Landmark, and reclassifying a contributing resource as noncontributing within the boundary of an existing Historic Landmark.
2. For Historic Landmarks that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, the following is required:
 - a. Removal by the federal Keeper of the National Register of Historic Places automatically removes Historic Landmark designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 - b. Removing a resource's designation as Historic Landmark or changing the resource's designation from Historic Landmark to Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C.
3. If the Historic Landmark is destroyed by causes beyond the control of the owner, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
4. If the Historic Landmark is demolished, after approval of demolition through demolition review, its Historic Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

C. Relocation of a Historic Landmark. Relocating a Historic Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation. When a Historic Landmark or contributing resource is relocated after approval of relocation through historic resource review, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

D. Development within a Historic Landmark boundary. Certain development within the boundary of a Historic Landmark requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Historic Landmark are subject to historic resource review:
 - a. Exterior alterations;

- b. Building a new structure within the boundary of a Historic Landmark;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review;
 - e. Painting an unpainted exterior surface; and
 - f. Alteration of an interior space when that interior space is specifically designated by the City as a Historic Landmark. Alteration of an interior space of a Historic Landmark that has been listed by the federal Keeper of the National Register of Historic Places but has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure does not require historic resource review.
2. Exempt from historic resource review.
- a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
 - h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;

- i. New or existing paths unless the path is specifically identified in the Historic Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;

- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
- (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
- (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.

- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1;
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
 - (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a detached accessory structure when the following are met:
 - (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line;
- y. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees.

Figure 445-1
Solar Energy System, Skylight and Roof Hatch Location on a Landmark Rooftop

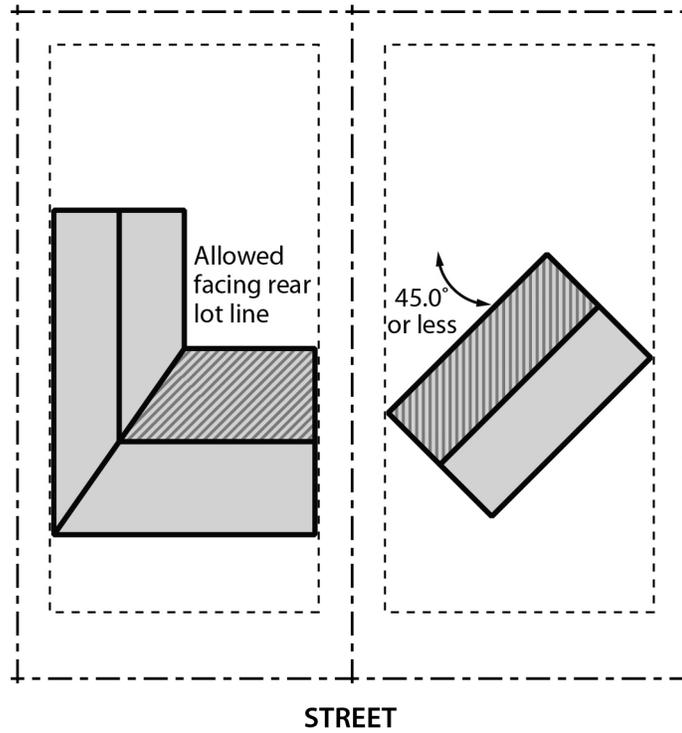
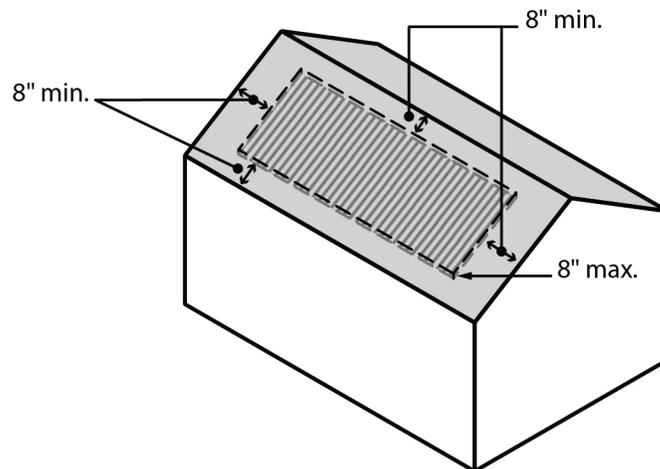


Figure 445-2
Solar Energy Systems on a Pitched Roof



- E. Demolition of a Historic Landmark.** Demolition of a Historic Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Historic Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of Historic Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Historic Landmark trees subject to Section 11.20.060 of Title 11, Heritage Trees;
 - d. Alterations to Historic Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and

- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.110 Conservation Landmark

- A. Designation of a Conservation Landmark.** A Conservation Landmark may be designated through a legislative or quasi-judicial procedure. Designating a Conservation Landmark includes establishing a new Conservation Landmark, expanding the boundaries of an existing Conservation Landmark, and reclassifying a noncontributing resource as contributing within the boundaries of an existing Conservation Landmark.
 1. Legislative designation. Conservation Landmark designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D; or
 2. Quasi-judicial designation. Conservation Landmark designation may be established through a quasi-judicial procedure; historic designation review is required.
- B. Removal of a Conservation Landmark designation**
 1. Removal of a resource's City designation as a Conservation Landmark requires historic designation removal review or a legislative procedure using the approval criteria of Section 33.846.040.C except when the resource is destroyed or demolished as specified in Paragraphs B.2. and B.3. Removing a resource's City designation includes removing an existing Conservation Landmark designation, reducing the boundary of an existing Conservation Landmark, and reclassifying a contributing resource as noncontributing within the boundaries of an existing Conservation Landmark.
 2. If the resource is destroyed by causes beyond the control of the owner, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
 3. If the resource is demolished, after approval of demolition through demolition review, its Conservation Landmark designation is automatically removed. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a Conservation Landmark.** Relocating a Conservation Landmark requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a Conservation Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a Conservation Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the Conservation Landmark; and

- c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
 3. When a Conservation Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a Conservation Landmark boundary.** Certain development within the boundary of a Conservation Landmark requires historic resource review to ensure the landmark's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.
 1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals within the boundaries of a Conservation Landmark are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure within the boundary of a Conservation Landmark;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation Landmark documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;

- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
- i. New or existing paths unless the path is specifically identified in the Conservation Landmark documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone, unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Rooftop vents on roofs if the vent and associated elements such as pipes, conduits and covers, when the following are met:
 - (1) The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - (2) The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - (3) The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of vent height above the roof surface or top of parapet; and
 - (4) The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back from the roof edges facing the street 4 feet for each foot of solar energy system height.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The roof surface must be clad in asphalt composite shingles or metal;
 - The roof must face a rear lot line or face within 45 degrees of the rear lot line. See Figure 445-1;

- The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 45 degrees of the rear lot line, see Figure 445-1.
- v. Replacement of vinyl, fiberglass, or aluminum windows with wood or metal-clad wood windows when the following are met:
- (1) The structure was built before 1940;
 - (2) The windows are on a non-street-facing facade;
 - (3) The replacement windows are installed exactly within the existing window openings; and
 - (4) The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape; and
- x. Construction of a detached accessory structure when the following are met:
- (1) The structure is not more than 200 square feet in total floor area; and
 - (2) The structure is at least 40 feet from a front property line and, if on a corner lot, at least 20 feet from a side street lot line.
- E. Demolition of a Conservation Landmark.** Demolition of a Conservation Landmark requires demolition review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a Conservation Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review.
- a. Demolition of noncontributing resources;
 - b. Demolition of Conservation Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
 - c. Alterations to Conservation Landmarks or contributing resources that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review;
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.120 National Register Landmark

- A. Listing of a National Register Landmark.** Structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Landmarks. Listing by the federal Keeper of the National Register of Historic Places also includes expanding the boundaries of

the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.

- B. Removal of a National Register Landmark listing.** A National Register Landmark that is removed by the federal Keeper of the National Register of Historic Places is automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a National Register Landmark.** Relocating a National Register Landmark requires historic resource review to ensure the landmark's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a National Register Landmark, including relocating a contributing resource, is subject to historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a National Register Landmark, including relocating contributing resources, 10 feet or less in any direction within the boundary of the National Register Landmark; and
 - c. Relocating a detached accessory structure including those that are identified as a contributing resource.
 3. When a National Register Landmark or contributing resource is relocated, the designation is automatically removed from the sending site and is automatically added to the receiving site. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- D. Development within a National Register Landmark boundary.** Historic resource review is not required for development within the boundary of a National Register Landmark. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.120.E.2.d.
- E. Demolition of a National Register Landmark.** Demolition of a National Register Landmark requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.
1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a National Register Landmark and demolition of a contributing resource is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;

- c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
 2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of National Register Landmarks, and demolition of contributing resources, when demolition is required because:
 - (1) The Bureau of Development Services requires the demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires the demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Alterations to National Register Landmarks, or contributing resources, that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations were approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
 3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Districts

33.445.200 Historic District

A. Designation of a Historic District

1. National Register listing. Districts listed by the federal Keeper of the National Register of Historic Places or before January 27, 2017 are automatically identified as Historic Districts on the Official Zoning Maps. For Historic Districts that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, any expansion of the boundary by the federal Keeper of the National Register of Historic Places is also automatically identified on the Official Zoning Maps. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
2. City designation. City designation of a Historic District may be established through a legislative or quasi-judicial procedure. City designation of Historic Districts includes establishing new Historic Districts, expanding the boundaries of existing Historic Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Historic Districts.
 - a. Legislative designation. New Historic Districts must be established through a legislative procedure. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done through a legislative procedure. When designation is done legislatively, the approval criteria of Section 33.846.030.D apply.
 - b. Quasi-judicial designation. Expanding the boundaries of an existing Historic District and reclassifying a noncontributing resource as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Historic District quasi-judicially is prohibited.

B. Removal of a Historic District designation

1. Removal of a resource's City designation as a Historic District or changing the City designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.
2. For Historic Districts that have not been listed by the federal Keeper of the National Register of Historic Places, reclassifying a contributing resource to noncontributing or reducing the boundary requires historic designation removal review.
3. For Historic Districts that have been listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 but have not been independently designated by the City as the result of a legislative or quasi-judicial procedure, removal by the federal Keeper of the National Register of Historic Places automatically removes the Historic District designation. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map

Amendments for Historic Resources. Removing a resource's designation as Historic District or changing the designation from Historic District to Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C.

- C. Relocation of a contributing resource in a Historic District.** Relocating a contributing resource in a Historic District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
- D. Development in a Historic District.** Certain development within a Historic District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process.
1. When historic resource review is required. Unless exempted by Paragraph D.2, the following proposals in a Historic District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs;
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review; and
 - e. Painting an unpainted exterior surface.
 2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Historic District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;

- f. Public Art as defined in Chapter 5.74;
- g. Landscaping unless the landscaping is identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
- i. New or existing paths unless the path is specifically identified in the Historic District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and

- (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;
- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
 - (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area., Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:

- An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.
 - (2) When the solar energy system is on a pitched roof the following must be met:
 - The system must be mounted flush with the plane of the system parallel to the roof surface; and
 - The system must not be more than 8 inches from the surface of the roof and must be set back at least 8 inches from the roof edge and ridgeline. See Figure 445-2.
- u. Skylights or roof hatches when the following are met:
 - (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
 - (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;

- On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;
 - Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;

- (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
 - The structure is not more than 200 square feet in total floor area; and
 - The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
- y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
 - (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
- z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
- aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
- ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
- ac. Fences and retaining walls that meet the standards of this Title;
- ad. Radon mitigation systems on non-street facing facades;
- ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
- af. Decks that are no more than 2-1/2 feet above the ground; and
- ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.

Figure 445-3
Skylight and Roof Hatch Location on a District Rooftop

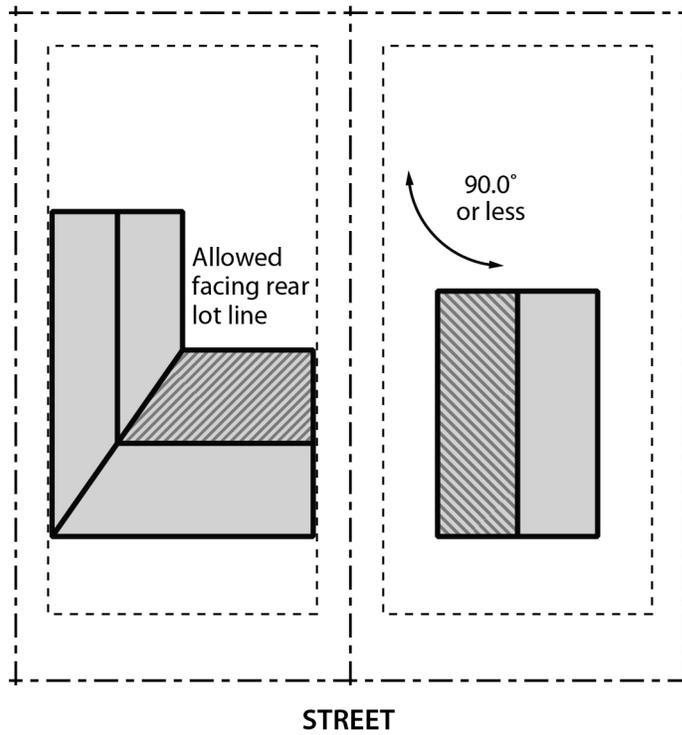
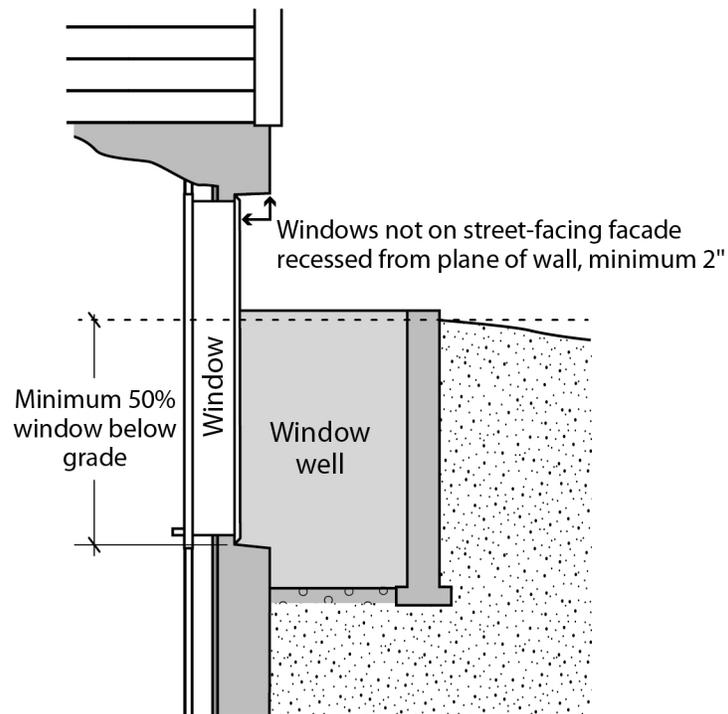


Figure 445-4
Basement Windows



E. Demolition of resources in a Historic District. Conservation Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Historic District that are not identified as contributing to the historic significance of the Historic District are subject to the regulations of Section 33.445.330. Demolition of contributing resources within a Historic District requires demolition review to ensure their historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Historic District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:

- (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
- a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.210 Conservation District

- A. Designation of a Conservation District.** Conservation Districts may be designated through a legislative or quasi-judicial procedure. Designating City Conservation Districts includes establishing new Conservation Districts, expanding the boundaries of existing Conservation Districts, and reclassifying noncontributing resources as contributing resources within the boundary of existing Conservation Districts.
1. Legislative designation. Conservation District designation may be established through a legislative procedure using the approval criteria of Section 33.846.030.D.
 2. Quasi-judicial designation. Expanding the boundaries of existing Conservation Districts and reclassifying noncontributing resources as contributing may be done quasi-judicially. Historic designation review is required. Establishing a new Conservation District quasi-judicially is prohibited.
- B. Removal of a Conservation District designation.** Removal of a resource's City designation as a Conservation District requires a legislative procedure using the approval criteria of Section 33.846.040.C. However, reclassifying a contributing resource to noncontributing or reducing the boundary of a Conservation District is allowed quasi-judicially through historic designation removal review.
- C. Relocation of a contributing resource in a Conservation District.** Relocating a contributing resource in a Conservation District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a Conservation District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;

- b. Relocating a contributing resource 10 feet or less in any direction; and
- c. Relocating a detached accessory structure, including those that are identified as a contributing resource.

D. Development in a Conservation District. Certain development within a Conservation District requires historic resource review to ensure the resource's historic value is considered prior to or during the development process. When historic resource review is required, the Community Design Standards may be used as an alternative for some proposals. See Section 33.445.500.

1. When historic resource review is required. Unless exempted by Paragraph D.2., the following proposals in a Conservation District are subject to historic resource review:
 - a. Exterior alterations;
 - b. Building a new structure;
 - c. Installation or alteration of exterior signs; and
 - d. Nonstandard improvements in the public right-of-way, such as street lights, street furniture, planters, public art, sidewalk and street paving materials, and landscaping. Nonstandard improvements in the public right-of-way must receive approval from the City Engineer prior to applying for historic resource review.
2. Exempt from historic resource review.
 - a. Alterations that do not require a building, site, zoning, or sign permit from the City, and will not alter the exterior features of a resource having such features specifically listed in the Conservation District documentation or National Register nomination as attributes that contribute to the resource's historic significance;
 - b. Repair;
 - c. Maintenance;
 - d. Alterations to a structure to meet the Americans With Disabilities Act's requirements or as specified in Section 1113 of the Oregon Structural Specialty Code when such alterations can be installed and removed without destroying existing materials;
 - e. Seismic improvements to the roof or parapet of existing structures when:
 - (1) The roof is flat or surrounded by a parapet; and
 - (2) The seismic improvements do not extend above the roof or parapet, whichever is higher; and
 - (3) The seismic improvements do not penetrate through the exterior walls;
 - f. Public Art as defined in Chapter 5.74;
 - g. Landscaping unless the landscaping is identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;

- h. Parking lot landscaping that meets the standards of this Title and does not include a wall or a fence;
- i. New or existing paths unless the path is specifically identified in the Conservation District documentation or National Register nomination as an attribute that contributes to the resource's historic significance;
- j. New signs and alterations to existing signs when the following are met:
 - (1) The sign projects perpendicularly from the facade of a structure;
 - (2) The sign and sign structure are no more than 3 square feet in area;
 - (3) The sign and sign structure are no more than 2 inches in depth;
 - (4) The sign and sign structure have no electrical components; and
 - (5) The sign and sign structure are not mounted to brick or stone unless the sign or sign structure is mounted through mortar joints on a masonry wall;
- k. Replacing or altering the fabric on existing fabric awnings and existing fabric awning signs when the area of the existing awning fabric is not increased;
- l. Plaques, boxes, and other objects that are no more than 18 inches in any dimension, contain no electrical components, and are attached to exterior finish material or mounted through mortar joints when on a masonry wall;
- m. Ground mounted mechanical equipment that is no more than 5 feet in width, length, or height, and is not located closer to a street than any street-facing facade;
- n. Rooftop mechanical equipment and associated ductwork, other than radio frequency transmission facilities, on the roof of an existing building when the following are met:
 - (1) The area where the equipment will be installed has a pitch of 1/12 or less;
 - (2) The proposed mechanical equipment is set back at least 4 feet from the edge of the roof for every 1 foot of equipment height above the roof surface or top of parapet; and
 - (3) The proposed equipment has a matte finish or is painted to match the roof;
- o. Hoses, conduits, tubes, or pipes when the following are met:
 - (1) The hose, conduit, tube, or pipe is not located on a street-facing facade;
 - (2) The hose, conduit, tube, or pipe is no more than 6 inches in diameter; and
 - (3) The hose, conduit, tube, or pipe is located no more than 5 feet above the adjacent grade;
- p. Electrical, gas, or water meters or outlets, including electric vehicle charging outlets, that are not located on a street-facing facade;

- q. Installation or removal of storm windows and doors and screen windows and doors;
- r. Light wells when fully surrounded by the existing walls of the building;
- s. Vents that meet the following:
 - (1) Wall vents. Vents installed on walls must meet the following. The regulations and measurements include elements associated with the vent, such as pipes and covers. The vent must:
 - Be on a non-street facing facade;
 - Project no more than 12 inches from the wall;
 - Be no more than 1 square foot in area. Area is width times height;
 - Be at least 1 foot away from architectural features such as windows, doors, window and door trim, cornices and other ornamental features, except when located at or below finish first floor framing; and
 - Be painted to match the adjacent surface.
 - (2) Rooftop vents. Vents installed on roofs, and associated elements such as pipes, conduit and covers, must meet the following:
 - The area where the proposed vent and associated elements will be installed has a pitch of 1/12 or less or faces within 90 degrees of the rear lot line;
 - The proposed vent and associated elements is not more than 30 inches high and no larger than 18 inches in width, depth, or diameter;
 - The proposed vent and associated elements are set back at least 4 feet from the edge of the rooftop for every 1 foot of height above the roof surface or top of parapet; and
 - The proposed vent and associated elements has a matte finish or is painted to match the roof.
- t. Solar energy systems when the following are met:
 - (1) When the solar energy system is on a flat roof, mansard roof, or a roof surrounded by a parapet that is at least 12 inches higher than the highest part of the roof surface the following must be met:
 - The solar energy system must be mounted flush or on racks with the system or rack extending no more than 5 feet above the top of the highest point of the roof;
 - If on a mansard roof the solar energy system must be mounted on the horizontal portion of the roof; and
 - The solar energy systems must also be screened from the street by:
 - An existing parapet along the street-facing facade that is as tall as the tallest part of the solar energy system, or
 - Setting the solar energy system back 3 feet from the roof edge.

- (2) When the solar energy system is on a pitched roof, the solar energy system must not increase the footprint of the structure, must not increase the peak height of the roof, and the system must be parallel to the slope of the roof;
 - (3) Photovoltaic roofing shingles or tiles may be directly applied to the roof surface;
 - (4) Photovoltaic glazing may be integrated into windows or skylights.
- u. Skylights or roof hatches when the following are met:
- (1) The skylight or hatch is installed on a flat roof, the horizontal portion of a mansard roof, or a roof surrounded by an existing parapet that is at least 12 inches higher than the highest part of the roof surface; or
 - (2) The skylight or hatch is installed on the portion of a pitched roof that faces a rear lot line or faces within 90 degrees of the rear lot line, see Figure 445-3.
- v. Replacement of windows as follows:
- (1) Replacement of vinyl, fiberglass, or aluminum windows is exempt on all resources in all zones when the following are met:
 - The structure was built before 1940;
 - The new windows are wood or metal-clad wood;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - (2) Replacement of windows in single-dwelling zones is also exempt when the following are met:
 - On contributing resources:
 - The existing windows face the rear lot line;
 - The new windows are wood, metal-clad wood, or fiberglass;
 - The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
 - On noncontributing resources:
 - The building is at least 5 years old;
 - The new windows are wood, metal-clad wood, or fiberglass;

- The replacement windows are installed exactly within the existing window openings; and
 - The window glass is recessed at least 2 inches from the outside edge of the exterior finish material;
- w. Changes to exterior fire escapes that meet the following:
 - (1) Removal of fire escapes when required by the Fire Marshal; or
 - (2) Removal of ladders between fire escapes, the closure of fire escape ladder openings with materials that match the adjacent fire escape surface, and structural changes to fire escapes using materials that match the adjacent fire escape;
- x. Construction of a new detached accessory structure as follows:
 - (1) In residential zones, construction of a new detached accessory structure is exempt when the structure is not more than 200 square feet in total floor area and the structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line. Construction of a new detached accessory structure that is greater than 200 square feet in total floor area is exempt when the following are met:
 - The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
 - The structure is at least 40 feet from a front lot line, and if on a corner, 20 feet from a side street lot line;
 - The structure is no more than 15 feet high, and the walls of the structure are not more than 10 feet high, excluding the portion of the wall within a gable;
 - Windows and doors are made of wood, metal clad wood, or fiberglass;
 - Window glass is recessed at least 2 inches from the outside edge of the exterior wall;
 - If there is a contributing resource on the site, the exterior finish material matches the primary exterior finish material of the contributing resource in type, thickness, and exposure; and
 - If there is no contributing resource on the site, the exterior finish material is made from wood or composite boards at least ½ inch in thickness and composed in a shingle, horizontal clapboard, or shiplap pattern that is 6 inches or less in exposure;
 - (2) In all other zones, construction of a detached accessory structure is exempt when the following are met:
 - The structure is not more than 200 square feet in total floor area; and

- The structure is at least 40 feet from a front lot line, and if on a corner, at least 20 feet from a side street lot line;
 - y. Alterations to existing basement windows and installation of new basement windows, when the following are met:
 - (1) New windows are wood, metal-clad wood, or fiberglass;
 - (2) The window glass is recessed at least 2 inches from the outside edge of the exterior wall; and
 - (3) At least 50 percent of the area of the new window opening is below grade. See Figure 445-4.
 - z. Permitted Original Art Murals as defined in Title 4 if the mural is proposed on a building that is not identified as a contributing resource;
 - aa. Removal of the exterior portion of an internal chimney if the only externally visible portion of the chimney is above the roof;
 - ab. Installation of seismic straps if the straps are placed no more than 4 feet above the adjacent grade and painted to match the adjacent surface;
 - ac. Fences and retaining walls that meet the standards of this Title;
 - ad. Radon mitigation systems on non-street facing facades;
 - ae. Eco-roofs installed on existing buildings when the roof is flat or surrounded by a parapet that is at least 12 inches higher than the highest part of the eco-roof surface. When eco-roofs are proposed as part of a project that includes elements subject to historic resource review, the eco-roofs are not exempt. Plants must be species that do not characteristically exceed 12 inches in height at mature growth;
 - af. Decks that are no more than 2-1/2 feet above the ground; and
 - ag. Alterations to noncontributing resources when the following are met:
 - (1) The alterations affect only non-street-facing facades; and
 - (2) The total combined area altered on all facades is not more than 150 square feet.
- E. Demolition of resources in a Conservation District.** Historic Landmarks in a Conservation District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.120.E. Significant Resources in a Conservation District that are not identified as contributing to the historic significance of the Conservation District are subject to the regulations of Section 33.445.330. Demolition of contributing resources in a Conservation District requires demolition review to ensure the resource's historic value is considered and

that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a Conservation District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.
3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:

- a. At least 120 days have passed since the application for demolition review was deemed complete;
- b. The demolition review decision is final, and all appeals have been resolved; and
- c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

33.445.220 National Register District

- A. Listing of a National Register District.** Districts listed by the federal Keeper of the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as National Register Districts. Listing by the federal Keeper of the National Register of Historic Places also includes expanding of the boundaries of the listed resource. 33.855.075, Automatic Map Amendments for Historic Resources.
- B. Removal of a National Register District listing.** National Register Districts that are removed by the federal Keeper of the National Register of Historic Places are automatically removed from the Official Zoning Maps. Removal by the federal Keeper of the National Register of Historic Places also includes reducing the boundaries of the listed resource. See Section 33.855.075, Automatic Map Amendments for Historic Resources.
- C. Relocation of a contributing resource in a National Register District.** Relocating a contributing resource in a National Register District requires historic resource review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to relocation.
 1. When historic resource review is required. Unless exempted by Paragraph C.2., relocating a contributing resource in a National Register District requires historic resource review.
 2. Exempt from historic resource review. The following are exempt from historic resource review:
 - a. Relocating a noncontributing resource;
 - b. Relocating a contributing resource 10 feet or less in any direction; and
 - c. Relocating a detached accessory structure, including those that are identified as a contributing resource.
- D. Development in a National Register District.** Historic resource review is not required for development within the boundary of a National Register District. However, an applicant may voluntarily apply for historic resource review to be exempt from demolition review. See Section 33.445.220.E.2.d.
- E. Demolition of resources in a National Register District.** Historic Landmarks in a National Register District are subject to the regulations of Section 33.445.100.E. Conservation Landmarks in a National Register District are subject to the regulations of Section 33.445.110.E. National Register Landmarks in a National Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.120.E. Significant Resources in a National

Register District that are not identified as contributing to the historic significance of the National Register District are subject to the regulations of Section 33.445.330. Demolition of a contributing resource in a National Register District requires demolition review to ensure the resource's historic value is considered and that there is an opportunity for the owner and community to consider alternatives to demolition.

1. When demolition review is required. Unless exempted by Paragraph E.2., demolition of a contributing resource in a National Register District is subject to demolition review. For the purposes of this Chapter, demolition is defined as:
 - a. Total demolition;
 - b. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 - c. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 - d. An alteration that results in:
 - (1) The removal of 50 percent or more of the total exterior wall area of a structure; and
 - (2) The removal of 50 percent or more of the total roof area of a structure; or
 - e. For structures that are not buildings, an alteration that results in the removal of 50 percent or more of the structure;
2. Exempt from demolition review. The following are exempt from demolition review:
 - a. Demolition of noncontributing resources;
 - b. Demolition of contributing resources in Historic Districts when demolition is required because:
 - (1) The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - (2) The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations;
 - c. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
 - d. Alterations to a contributing resource that meet the definition of demolition in Paragraph E.1.b.-e. when the following are met:
 - (1) The alterations are approved through historic resource review; and
 - (2) The historic resource review decision is final, and all appeals have been resolved.

3. Issuance of a demolition permit after demolition review. If the review body approves demolition of the resource, a permit for demolition will not be issued until the following are met:
 - a. At least 120 days have passed since the application for demolition review was deemed complete;
 - b. The demolition review decision is final, and all appeals have been resolved; and
 - c. A permit for a new structure, if required as a condition of the demolition review, has been issued. The demolition and building permits may be issued simultaneously.

Significant Resources

33.445.300 Identifying a Significant Resource

Identifying a Significant Resource in the Historic Resource Inventory requires a legislative procedure.

33.445.310 Removal of Significant Resource Identification

Removal of a resource's identification as a Significant Resource in the Historic Resource Inventory requires a legislative procedure except as follows:

- A. Removal after destruction.** If the Significant Resource is destroyed by causes beyond the control of the owner, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.
- B. Removal after demolition.** If the Significant Resource is demolished after approval through demolition review or after 120-day delay, its identification as a Significant Resource in the Historic Resource Inventory is automatically removed.

33.445.320 Relocation of a Significant Resource

When a Significant Resource is relocated, the Historic Resource Inventory is automatically amended to reflect the Significant Resource's new location.

33.445.330 Demolition of a Significant Resource

- A. Demolition of a Significant Resource.** Demolition of a Significant Resource requires 120-day delay. See 33.445.340. For the purposes of this Chapter, demolition is defined as:
 1. Total demolition;
 2. An alteration that requires a demolition permit except for a demolition permit to relocate a structure;
 3. An alteration that results in the removal of 50 percent or more of any street-facing wall of a structure;
 4. Alterations that result in:
 - a. The removal of 50 percent or more of the total exterior wall area of a structure; and

- b. The removal of 50 percent or more of the total roof area of a structure; or
5. For structures that are not buildings, an alteration that results in removal of 50 percent or more of the structure.

B. Exempt from 120-day delay. The following are exempt from 120-day delay:

1. Demolition of noncontributing resources;
2. Significant Resources that are required to be demolished because:
 - a. The Bureau of Development Services requires demolition due to an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public, as stated in Section 29.40.030 of Title 29, Property Maintenance Regulations; or
 - b. The Hearings Officer requires demolition, as provided for in Section 29.60.080 of Title 29, Property Maintenance Regulations.
3. Demolition of covered detached accessory structures in C and R zones that are identified as a contributing resource and are 800 square feet or less in total floor area; and
4. Significant Resources that are located in the public right-of-way and are less than 2 feet in height.

33.445.340 120-Day Delay

- A. Purpose.** 120-day delay allows time for consideration of alternatives to demolition, such as rehabilitation, reuse, relocation, or architectural salvage.
- B. Suspension of permit issuance.** During the 120-day delay period, no permit for the demolition or exterior alteration of a Significant Resource may be issued. This suspension of permit issuance does not apply to relocation of a Significant Resource during the 120-day delay period.
- C. Procedure for 120-Day Delay.** 120-day delay is a nondiscretionary administrative process with public notice but no hearing. Decisions are made by the Director of BDS and are final.
 1. Application. The applicant must submit an application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A. Current or historic photographs of the features of the resource that were included when the resource was identified as a Significant Resource must be included with the application for a demolition or other permit that qualifies as demolition as defined by Subsection 33.445.330.A.
 2. Notice of application.
 - a. Posting notice on the site. Within 14 days of applying for a demolition or other alteration that qualifies as demolition as defined by Subsection 33.445.330.A, the applicant must post a notice on the site of the historic resource proposed for demolition. The posting must meet the following requirements:

- (1) Number and location of posted notices. Notice must be placed on each frontage of the site occupied by the Significant Resource. Notices must be posted within 10 feet of the street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access;
 - (2) Content of the posted notice. The notice must include the following information:
 - The date of the posted notice.
 - The address of the resource proposed for demolition.
 - A statement specifying what action triggered the 120-day delay procedure and this notice.
 - A statement that during the 120-day delay period, no building permit for the demolition or exterior alteration of a Significant Resource requested to be demolished may be issued, other than a permit for relocation of the resource.
 - A statement that the purpose of the 120-day delay is to allow time for notice and consideration of alternatives to demolition, including restoration, relocation, or salvage of materials.
 - A statement that building permits may be issued after the date on which the 120-day delay has ended.
 - The name, address, and telephone number of the owner or the party acting as an agent for the owner.
 - (3) Removal of the posted notice. The posted notice must not be removed until the date on which the permit for demolition is issued. The posted notice must be removed within 30 days of that date.
- b. Mailed notice. Within 14 days of receiving the application for a demolition or other alteration that qualifies as demolition as defined by this Chapter, the Director of BDS will mail a notice of the proposed demolition to all properties within 150 feet of the site of the resource, all recognized organizations within 1,000 feet of the site of the resource, and to the State Historic Preservation Office. The notice will include the same information as in Subsubparagraph C.2.a.(2).
3. Decision. The Director of BDS will issue the permit 120 days after receiving the application if the applicant submits a letter stating that the applicant responded to all offers to relocate the resource, or to salvage elements of the resource during demolition. The letter must also identify those who submitted offers, and the applicant's response to those offers.

Historic Preservation Incentives

33.445.400 Historic Preservation Incentives

- A. Purpose.** Historic preservation incentives increase the potential for historic resources to be preserved, rehabilitated, and reused. Incentives make preservation and rehabilitation more attractive to tenants and owners of historic resources because they provide use flexibility

and economic opportunities. Some incentives also allow for broader public access to certain historic resources.

B. Eligibility for historic preservation incentives. The following are eligible for historic resource incentives:

1. Historic Landmarks and Conservation Landmarks are eligible to use all of the historic preservation incentives in Subsection C. The incentives only apply within the boundary of the Historic Landmark or Conservation Landmark;
2. Sites in Historic or Conservation Districts that have at least one contributing resource are eligible to use all of the incentives in Subsection C except for the incentives in Paragraphs C.9 and C.10;
3. Sites in Historic Districts that have no contributing resources are only eligible to use the incentives in Paragraph C.1 and C.2.

C. Incentives. The following incentives are allowed. Adjustments to the incentives are prohibited:

1. Residential infill. Except as stated in Subparagraph C.1.c., multi-dwelling structures and multi-dwelling development that meet the following standards are allowed on sites zoned R7, R5, R2.5, or CR within the boundary of a Historic Landmark, Conservation Landmark, or Historic District and are allowed on sites zoned R7, R5, R2.5, or CR within a Conservation District when the site contains at least one contributing resource:
 - a. Density. There is no limit on the number of dwelling units allowed on the site;
 - b. Maximum FAR.
 - (1) R7. Maximum FAR in R7 is 0.7 to 1;
 - (2) R5. Maximum FAR in R5 is 0.8 to 1;
 - (3) R2.5. Maximum FAR in R2.5 is 1 to 1;
 - (4) CR. Maximum FAR in CR is 1 to 1;
 - c. Exception. This incentive does not apply to any site where a historic resource was demolished after September 14, 2020 unless the resource demolished was exempt from demolition review or 120-day delay, or the resource demolished was an accessory structure.
2. Accessory dwelling units. Up to two accessory dwelling units are allowed on a site with a duplex, triplex, fourplex, or multi-dwelling structure in the R7, R5, R2.5, or CR zone.
3. Daycare use in residential and IR zones. Daycare is an allowed use in residential and IR zones.
4. Conditional uses in R, C, E, CI and IR zones. In R, C, E, CI and IR zones, applications for conditional uses are processed through a Type II procedure.

5. Exemption from minimum density. Minimum housing density regulations do not apply.
6. Retail Sales And Service and Office uses in residential zones. In residential zones, Retail Sales And Service and Office uses are allowed as follows:
 - a. The site contains a Historic or Conservation Landmark and the following are met:
 - (1) No more than two dwelling units that existed on September 14, 2020 are removed from the site;
 - (2) No more than 5,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
 - b. The site contains a contributing resource in a Historic or Conservation District that had a legally established nonresidential use in the historic resource in the past or the site contains a contributing resource in a Historic or Conservation District and it is located 1500 feet or less from a transit station or 500 feet or less from a transit street with 20-minute peak hour service. In both cases, the following must be met:
 - (1) There is no reduction in the total number of dwelling units on the site that existed on September 14, 2020;
 - (2) No more than 1,000 square feet of net building area is occupied by a Retail Sales And Service or Office use;
 - (3) Exterior activities associated with the Retail Sales And Service or Office use are prohibited except for outdoor seating and outdoor seating is prohibited between 10 p.m. and 8 a.m.; and
 - (4) Retail Sales And Service and Office uses are open to people under the age of 18 during all operating hours.
7. Manufacturing and Production and Industrial Service uses in multi-dwelling zones. In the RM1, RM2, RM3, RM4, and RX zones, if there was a legally established nonresidential use in the historic resource in the past, then Manufacturing and Production and Industrial Service uses are allowed uses when there is no reduction in the total number of dwelling units on the site.
8. Nonresidential uses in the RX zone. In the RX zone Retail Sales And Service, Office, Major Event Entertainment, and Manufacturing and Production uses may be approved through historic preservation incentive review. Sites that front on the Park Block frontages shown on Map 510-14 are not eligible for this incentive.

9. Major adaptive reuse. Except for the following primary uses, primary uses not otherwise allowed by the base zone may be approved through historic preservation review. Sites in industrial zones are not eligible for this incentive:
 - a. Self-Service Storage;
 - b. Bulk Fossil Fuel Terminal;
 - c. Basic Utilities;
 - d. Waste-Related; and
 - e. Detention Facility.
10. Major Event Entertainment and Retail Sales And Service uses in industrial zones. In industrial zones, Major Event Entertainment and Retail Sales And Service uses, excluding lodges, hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days, may be approved through historic preservation incentive review. Sites in the Prime Industrial overlay zone are not eligible for this incentive.

Community Design Standards

33.445.500 Purpose

The Community Design Standards provide a clear and objective alternative to historic resource review for some proposals affecting Conservation Landmarks and Conservation Districts. In this case, the applicant may choose to go through the historic resource review process set out in Chapter 33.846.060, Historic Resource Review, or meet the objective standards of Chapter 33.218, Community Design Standards. The standards for signs are stated in Title 32, Signs and Related Regulations. Proposals that do not meet the Community Design Standards—or where the applicant prefers more flexibility—must go through historic resource review. Allowing some proposals to be approved through the Community Design Standards provides Conservation Landmarks and Conservation Districts more options for physical changes than is generally acceptable for Historic Landmarks and Historic Districts.

33.445.510 When Community Design Standards May Be Used

The Community Design Standards may be used as an alternative to historic resource review for proposals within the boundary of a Conservation Landmark or Conservation District except as follows:

- A. Proposals affecting a Conservation Landmark or Conservation District in the Central City plan district are not eligible to use the Community Design Standards as an alternative to historic resource review;
- B. Alterations affecting more than 50 percent of the area of any street-facing façade of a Conservation Landmark or contributing resource within a Conservation District are not eligible to use the Community Design Standards as an alternative to historic resource review;
- C. Alterations that increase the height of a Conservation Landmark or contributing resource within a Conservation District by 15 feet or more are not eligible to use the Community Design Standards as an alternative to historic resource review;

- D. Proposals that meet the definition of demolition in this chapter are not eligible to use the Community Design Standards as an alternative to historic resource review;
- E. Proposals to relocate a Conservation Landmark or relocate a contributing resource in a Conservation District that is not a detached accessory structure are not eligible to use the Community Design Standards as an alternative to historic resource review;
- F. Alterations to a Conservation Landmark when the Conservation Landmark is not a building or alterations to a contributing resource within a Conservation District when the contributing resource is not a building are not eligible to use the Community Design Standards as an alternative to historic resource review.

(Added by Ord. No. 169987, effective 7/1/96. Amended by Ord. No. 171220, effective 6/27/97; Ord. No. 171589, effective 11/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176193, effective 2/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord. No. 178946, effective 1/7/05; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 3/6/13.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)

building area is more than 60,000 square feet or the square footage of the site area, whichever is less, are prohibited.

B. Historic Resources

1. The regulations of this subsection apply in the IG1 Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
2. Allowed uses.
 - a. Retail Sales And Service and Traditional Office. Up to 12,000 square feet on a site may be in Retail Sales And Service or Traditional Office use. The total amount of square footage includes net building area, exterior display, and exterior storage area of all Retail Sales And Service and Traditional Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
 - b. Industrial Office. Up to 100 percent of the gross building area on a site may be in an Industrial Office use including gross building area added inside of the building as it existed on July 9, 2018. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on July 9, 2018 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Traditional Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Traditional Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

C. Central Eastside Subdistrict

1. Purpose. The regulations of this subsection are intended to broaden the mix of employment uses in the Central Eastside Industrial District in a manner that increases the vitality of the district without negatively impacting the viability of industrial uses and development. The additional uses allowed by the regulations are uses that build on the economic strengths, locational advantages and urban character of the Central Eastside.
2. Where these regulations apply. The regulations of this subsection apply to sites zoned IG1 in the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
 - a. Retail And Service and Traditional Office uses.
 - (1) Sites up to 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are 40,000 square feet or less in size:
 - Up to 5,000 square feet of the net building area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More

- than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
- Up to 5,000 square feet of net building area on a site may be in Traditional Office use. More than 5,000 square feet in Traditional Office use on a site is prohibited.
- (2) Sites over 40,000 square feet in size. The following regulations apply to Retail Sales And Service and Traditional Office uses on sites that are more than 40,000 square feet in size:
- Retail Sales and Service uses on a site are allowed but net building area plus exterior display and storage is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Retail Sales And Service use is prohibited.
 - Traditional Office uses on a site are allowed but net building area is limited to an amount equal to 12.5 percent of the total site area. More than 12.5 percent in Traditional Office use is prohibited.
- b. Industrial Office.
- (1) Generally, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to up to an amount equal to three times the square footage of the site. Unless allowed by one of the exceptions below, Industrial Office use in excess of three times the square footage of the site is prohibited.
- (2) Exceptions.
- Exception 1. When the following four standards are met, Industrial Office uses are allowed but net building area plus exterior display and storage is limited to an amount equal to four times the total square footage of the site. Industrial Office use in excess of four times the square footage of the site is prohibited:
 - At least 33 percent or 5,000 square feet, whichever is more, of the total amount of ground-floor floor area on the site must be in a Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service use. The required industrial use can be consolidated in one building on the site or can be spread out through multiple buildings on the site;
 - Each space for the required industrial use must be on the ground floor and must be at least 5,000 square feet in area;
 - The minimum floor to ceiling height of each space for the required industrial use must be 20 feet; and
 - Each space for the required industrial use must include at least one loading door or entrance that serves the industrial space. If more than one industrial space is created then each space must have at least one loading door or entrance, or must have access to a shared loading door or entrance in a common area accessible from each industrial space located on the ground floor.

- Exception 2. If the site is 20,000 square feet or less in size, up to 60,000 square feet of net building area may be in an Industrial Office use. More than 60,000 square feet per site is prohibited.
 - Exception 3. Industrial Office uses are allowed in buildings that existed on December 21, 2016. In this case, 100 percent of the net building area may be in an Industrial Office use including floor area added inside of the building as it existed on December 21, 2016. In addition, up to 5,000 square feet of floor area added to the roof of the building as it existed on December 21, 2016 can be in Industrial Office use. Industrial Office use in more than 5,000 square feet of floor area added to the roof of the building is prohibited.
- c. Group Living, Daycare and Community Services uses. Group Living, Daycare and Community Services uses are allowed on sites that had Group Living, Daycare and Community Service uses operating at the same time on July 9, 2018. The total amount of net building area allowed for Group Living, Daycare and Community Service uses combined is an amount equal to 3 times the total site area. If the Group Living use allowed by this section is discontinued for 3 continuous years, Group Living uses are no longer allowed on the site. If the Daycare or Community Service uses allowed by this subparagraph are discontinued for 3 continuous years, new Daycare or Community Service uses are subject to the use provisions of the IG1 zone.

33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the IH Zones

- A. Where these regulations apply.** The regulations of this subsection apply in the IH Zone to Historic Landmarks, Conservation Landmarks, and contributing resources within Historic Districts and Conservation Districts.
- B. Allowed uses.** Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes net building area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
- C. Conditional uses.** More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes net building area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

33.510.121 Residential Uses in the EX Zone

- A. Purpose.** Residential uses are restricted in portions of the EX zone in the Lower Albina and Central Eastside subdistricts in order to avoid conflicts between residential and industrial activities.
- B. Residential use restrictions.**
1. Residential uses are prohibited in the areas shown on Map 510-6.

2. Residential uses are only allowed through a Central City Master Plan in the areas shown on Map 510-6.

Development Standards

33.510.200 Floor Area Ratios

- A. Purpose.** Floor area ratios (FARs) work with the height, setback, and building coverage standards to control the overall bulk of development. Generally, the highest FARs in Portland are applied in the Central City plan district to support its role as the region's premier center for jobs, health and human services, and urban living. The minimum FARs required in the Central City plan district are intended to ensure a minimum level of development on a vacant site, ensure that not all development potential is transferred off a site, and ensure redevelopment of under-utilized sites. The maximum FARs allowed in the Central City plan district balance multiple objectives of the Central City 2035 Plan including:
- Locating the largest floor area ratios along the Transit Mall and high-capacity transit lines;
 - Varying building bulk across the Central City;
 - Generally, stepping down allowed building bulk to the Willamette River and neighborhoods adjacent to the Central City; and
 - Ensuring that building bulk is compatible within historic districts.
- B. Adjustments.** Adjustments to floor area ratio regulations are prohibited.
- C. Floor area ratio.**
1. Generally, maximum floor area ratio (FAR) for sites in the Central City plan district are shown on Map 510-2. Maximum FAR can be increased on a site if FAR is transferred or earned through a bonus as allowed by 33.510.205, Floor Area Bonus and Transfer Options. Increases in FAR on a site are limited as described in Subsection D. Exemptions are in Subsection E.
 2. On the site shown on Map 510-2 as requiring residential use, the maximum FAR for the entire site is 9 to 1 if all floors above the ground floor on the western half of the block are in a residential use.
 3. Minimum floor area ratio. Minimum FAR is required as follows:
 - a. For sites where the maximum allowed FAR before bonuses and transfers is up to 4 to 1, the minimum FAR is 1 to 1;
 - b. For sites where the maximum allowed FAR before bonuses and transfers is between 5 to 1 and 8 to 1, the minimum FAR is 2 to 1; and
 - c. For sites where the maximum allowed FAR before bonuses and transfers is 9 to 1 or greater, the minimum FAR is 3 to 1.
- D. Limits on increased floor area.** Maximum FAR can be increased on a site if FAR is transferred or bonus FAR is earned as allowed by 33.510.205, Floor Area Bonus and Transfer Options. The following limits apply to increases in FAR:

1. Unless otherwise specified in Paragraphs D.2. and D.3, the maximum amount of FAR that can be earned on a site through use of bonus options is 3 to 1. There is no limit on the amount of FAR that can be transferred to a site.
2. South Park Blocks frontages. Transferring floor area to sites, or portions of sites, zoned RX is prohibited within the South Park Block frontage areas shown on Map 510-14.
3. South Waterfront subdistrict. In the South Waterfront subdistrict the following applies:
 - a. An FAR of more than 3 to 1 may be earned on a site through the use of bonuses if at least 1 to 1 FAR is earned on the site through the use of the open space bonus option, the open space fund bonus option, or the South Waterfront Willamette River Greenway bonus option. However, the total amount of floor area on a site, including bonus floor area and transferred floor area, must not be more than 9 to 1.
 - b. The total floor area on a site, including bonus floor area and transferred floor area, may be more than 9 to 1 if all of the following are met:
 - (1) The floor area above the 9 to 1 ratio is transferred from the South Waterfront Greenway Area shown on Figure 510-3; and
 - (2) The portion of the South Waterfront Greenway Area that floor area is being transferred from must have been dedicated to the City after September 1, 2002.

E. Exemptions. The following are exemptions from the regulations in Subsection C.:

1. Neighborhood facilities.
 - a. Purpose. This regulation encourages creation of facilities to serve those who live and work in the Central City. These facilities are necessary elements of a complete neighborhood.
 - b. Standards. Floor area used for specified neighborhood facilities is not counted towards maximum FAR for the site. The specified neighborhood facilities are public schools, public community centers, daycare facilities for children, and public libraries. To qualify for this provision, the following requirements must be met:
 - (1) Schools. Floor area to be used for public schools does not count towards maximum FAR for the site if the school will be operated by or for a public school district.
 - (2) Daycare. Floor area to be used for daycare facilities for children does not count towards maximum FAR for the site. The facility must be open at least five days each week and fifty weeks each calendar year.
 - (3) Libraries. Floor area to be used for public libraries does not count towards maximum FAR for the site if the library will be operated by the Multnomah County Library or does not charge membership fees.

- (4) Public community centers. Floor area to be used for community centers does not count towards maximum FAR for the site. Public community centers are not for exclusive use by residents of a site and their guests.
- (5) All facilities. All neighborhood facilities must meet the following:
 - The floor area of the facility must be reserved for the exclusive use of the neighborhood facility for at least 10 years from the date a certificate of occupancy is issued for the qualifying floor area. No uses other than those listed in this subsection are allowed;
 - The applicant must document that there is a binding agreement with an operator for each facility. This documentation must be submitted with the application for design review; and
 - The property owner must execute a covenant with the City which is attached to and recorded with the deed of the site. The covenant must ensure that the owner will reserve the floor area as specified above. The covenant must comply with the requirements of Section 33.700.060.
2. South Waterfront subdistrict. In South Waterfront subdistrict, floor area used for automated parking is not counted towards maximum FAR for the site. The automated parking facility must rely on a mechanical system instead of a vehicle operator to transport vehicles to a storage space within the facility.
3. Minimum FAR. Sites zoned Industrial or Open Space, and sites with a school that will be operated by or for a public school district are exempt from the minimum floor area ratio.

33.510.205 Floor Area Bonus and Transfer Options

- A. Purpose.** Floor area bonus and transfer options allow additional floor area as an incentive for certain uses and types of development that provide a public or community benefit. The bonus floor area can be gained in exchange for affordable housing or riverfront open space in new development. Transfer options can be used in exchange for historic preservation and transferring FAR within a subdistrict. In the South Waterfront subdistrict new development gains bonus floor area and height in exchange for creating open space and expanding the Willamette River Greenway within the subdistrict.
- B. Priorities for the use of bonus and transfer options.** When FAR will be increased using bonuses or transfers, the following regulations specify which bonus and transfer options must be used before other bonus or transfer options:
 1. Unless otherwise specified in Subparagraph B.2. the first 3 to 1 of any increase in FAR on a site must be earned or gained through use of one of the following options:
 - a. The inclusionary housing bonus option described in Subparagraph C.2.a;
 - b. The Affordable Housing Fund bonus option described in Subparagraph C.2.b.;
 - c. The historic resources transfer provisions described in Paragraph D.1. or
 - d. The riverfront open space bonus option described in Subparagraph C.2.c.

2. Exceptions. The following exceptions apply to the bonus and transfer option priorities specified in Paragraph B.1:
 - a. The South Waterfront subdistrict is exempt from the bonus and transfer options usage priorities specified in Paragraph B.1. However, if the site is within the Greenway bonus target area shown on Map 510-5, and the development does not trigger the requirements of 33.245, Inclusionary Housing, the South Waterfront Willamette River Greenway bonus option must be used before any other bonus. Bonus floor area of at least 7,500 square feet from the South Waterfront Willamette River Greenway bonus option must be earned before the project qualifies for other bonus options;
 - b. Floor area transferred legally through a covenant recorded prior to July 9, 2018 may be used to increase maximum FAR on a site before using one of the bonus or transfer options listed in Paragraph B.1. until July 9, 2020. For the purposes of this subparagraph, used means that the transferred floor area has been shown on an eligible receiving site in a complete application for design review; and
 - c. Unused floor area earned through a bonus that no longer exists in the zoning code can be utilized on the site where it was earned before using one of the bonus or transfer options listed in Paragraph B.1.
- C. Floor area bonus options.** Additional development potential in the form of floor area is earned for a project when the project includes any of the specified features listed below. The bonus floor area amounts are additions to the maximum floor area ratios shown on Map 510-2.
1. General regulations.
 - a. The bonus options are only allowed in situations where stated. Adjustments to the requirements or to the amount of bonus floor area earned are prohibited.
 - b. Bonus FAR is only available to sites zoned RM3, RM4, RX, CX, or EX, unless specifically stated otherwise.
 - c. Projects may use more than one bonus option unless specifically stated otherwise. Bonuses may be done in conjunction with allowed transfers of floor area, however in some cases, certain bonus options must be used before other bonus options can be used or transferring can occur. See Subsection B.
 - d. The maximum floor area increase that may be earned through the bonus options must be within the limits for overall floor area increases stated in 33.510.200.D.
 - e. Buildings using bonus floor area must not exceed the maximum height limits shown on Map 510-3 unless eligible for bonus height.
 2. Bonus floor area options.
 - a. Inclusionary housing bonus option. Projects that include buildings that trigger 33.245, Inclusionary Housing, receive bonus floor area. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245, up to a maximum increase of 3 to 1 FAR on the site.

- b. Affordable Housing Fund bonus option. Proposals that contribute to the Affordable Housing Fund (AHF) receive bonus floor area. Up to 3 to 1 FAR can be earned by paying into the fund. For each square foot purchased a fee must be paid to the Portland Housing Bureau (PHB). Until January 9, 2020 the applicant will receive 1.5 square feet of bonus floor area for each square foot purchased from PHB. After January 9, 2020 the applicant will receive 1 square foot of bonus floor area for each square foot purchased. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus option, the applicant must provide a letter from the PHB documenting the amount that has been contributed to the AHF. The letter is required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.
- c. Riverfront open space bonus option. The riverfront open space bonus provides an opportunity to expand publicly accessible open space along the Willamette River. Proposals that provide open space adjacent to the river setback area will receive bonus floor area. For each square foot of open space provided, a bonus of 3 square feet of additional floor area is earned. To qualify for this bonus, the following requirements must be met:
 - (1) Location. The open space must be located outside of but adjacent to the river or greenway setback. When the setback area is increased in conformance with 33.475.210.E., Encroachment into the setback, the open space must be located outside of but adjacent to the increased setback area;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area. Each area must be designed so that a 25 foot by 25 foot square will fit entirely within it;
 - (3) Ownership and use. A public access easement must be provided that allows for unrestricted public access from 5 am to 12 midnight unless otherwise specified by the terms of the easement; and
 - (4) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space.
- d. South Waterfront Willamette River Greenway bonus option. To complement and enhance the existing public corridor, projects along the Willamette River Greenway in the South Waterfront subdistrict that provide open space for public activity will receive bonus floor area. For each square foot of open space dedicated, a bonus of 3 square feet of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.e, Open Space bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:

- (1) Location. The open space must abut the South Waterfront Greenway Area, as shown on Figure 510-3;
 - (2) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area; the north-south dimension of the area must be at least twice as long as the east-west dimension of the area;
 - (3) Connection to the trail. A direct pedestrian connection must be provided between the open space and any required trail or trail easement on the site;
 - (4) Ownership and use. One of the following must be met:
 - The open space and pedestrian connection must be dedicated to the City; or
 - A public access easement must be provided that allows for public access to and use of all the open space and the pedestrian connection;
 - (5) Maintenance. The property owner must execute a covenant with the City that ensures the installation, preservation, maintenance, and replacement, if necessary, of the open space features. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;
 - (6) Landscaping. The open space must be landscaped to meet the requirements of Paragraphs 33.510.253.E. 5.a.(2) and E.5.f.(5) that apply to South Waterfront Greenway subarea 3;
 - (7) Open space features. Public seating such as benches must be provided at a ratio of at least 5 seats per 1,000 square feet of open space; and
 - (8) Timing. The requirements of this paragraph must be met before an occupancy permit for any building using the bonus floor area is issued.
- e. Open Space bonus option. In the South Waterfront subdistrict, proposals that provide open space that may be used by the public will receive bonus floor area. For each square foot of open space provided, a bonus of 1 square foot of additional floor area is earned. Open space that will earn bonus floor area under Subparagraph C.2.d., South Waterfront Willamette River Greenway bonus option, may not be used to earn additional floor area under this bonus. To qualify for this bonus, the following requirements must be met:
- (1) Size and dimensions. The open space must include at least 2,500 square feet of contiguous area;
 - (2) Ownership and use. One of the following must be met:
 - The open space must be dedicated to the City; or
 - The property owner must record a public access easement that has been attached to the deed for the open space and allows for public access to and use of all the open space;
 - (3) Maintenance. The property owner must execute a covenant with the City that ensures the preservation, maintenance and continued operation of the

open space by the property owner. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the open space;

- (4) Parks approval. The applicant must submit with the application for land use review a letter from Portland Parks and Recreation stating that the open space features meet the requirements of the bureau, and that the space is acceptable to the bureau; and
 - (5) The bonus floor area may be used only in the South Waterfront subdistrict.
- f. Open space fund bonus option. In the South Waterfront subdistrict, contributors to the South Waterfront Public Open Space Fund (SWPOSF) receive bonus floor area. For each \$13.20 contributed to the SWPOSF, one square foot of bonus floor area is earned. To qualify for this bonus, the following requirements must be met:
- (1) The applicant must submit with the application for land use review a letter from Portland Parks and Recreation documenting the amount that has been contributed to the SWPOSF;
 - (2) The bonus floor area may be used only in the South Waterfront subdistrict; and
 - (3) The SWPOSF is to be collected and administered by Portland Parks and Recreation. The funds collected may be used only within the South Waterfront, either for acquisition, improvement, or maintenance of public open space or for bank restoration or improvement projects along the Willamette River.

D. Floor area transfer options. Transferring floor area from one site to another is allowed as follows. The transferred floor area is in addition to the maximum floor area ratio shown on Map 510-2. There is no limit to the amount of floor area that can be transferred to a site. Transferring floor area is only allowed in situations where stated. Adjustments to the floor area transfer requirements are prohibited. When FAR is transferred from one site to another, the sending site must retain an amount equal to the minimum FAR required by 33.510.200.C., or an amount equal to the total surface parking area on the site multiplied by the maximum floor area ratio allowed shown on Map 510-2, whichever is more.

1. Transfer of floor area from a Historic Resource. The following regulations apply to transferring floor area from a Historic Resource:
 - a. Purpose. This transfer option improves public safety by encouraging seismic upgrades of historic resources, and encourages the preservation of historic resources by reducing redevelopment pressure.
 - b. Sites eligible to send floor area. In order to send floor area the site must meet the following requirements. Sites that are eligible to send floor area are allowed to transfer unused FAR up to the maximum FAR allowed on the site plus an additional 3 to 1:

- (1) Be in a RM3, RM4, RX, CX, EX, or OS zones, and
 - (2) Contain a Historic Landmark, Conservation Landmark, or a contributing resource in a Historic District or Conservation District for which the Bureau of Development Services verifies the following:
 - If the building is classified as Risk category I or II, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the American Society of Civil Engineers (ASCE) 41- BPOE improvement standard as defined in City of Portland Title 24.85;
 - If the building is classified as Risk category III or IV, as defined in the Oregon Structural Specialty Code, it has been shown to meet or exceed the ASCE41- 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.
 - c. Sites eligible to receive floor area:
 - (1) Must be zoned RM3, RM4, RX, CX or EX; and
 - (2) Must be within the Central City plan district outside of the South Waterfront subdistrict.
 - d. Covenants. The owners of both the sending and receiving sites must execute a covenant with the City. The covenant must meet the requirements of 33.700.060, and must be attached to and recorded with the deed. The covenants may not be revoked or rescinded. The covenant for each site must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.
 - e. Exceptions.
 - (1) Sites with eligible historic resources in a RM3, RM4, RX, CX or EX zone may elect to transfer floor area to a receiving site outside of the Central City plan district if they meet the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.
 - (2) Sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if they meet the standards of 33.120.210.D.
2. Transfer of floor area within a floor area transfer sector. In the RX, CX, EX, and OS zones, floor area, including bonus floor area and bonus floor area earned through a bonus that no longer exists in the zoning code, may be transferred between sites. The sites are not required to be abutting, however both the sending site and the receiving site must be located within the same floor area transfer sector shown on Map 510-23. In addition, floor area transfers are subject to the following requirements:
- a. The sending site must not be a Historic or Conservation landmark or a contributing resource in a historic or a conservation district;

- b. If bonus floor area is included in the transfer, the public benefit to be provided in exchange for the bonus floor area must be completed in advance or at the time of issuing any occupancy permit on the receiving site taking advantage of the bonus floor area; and
- c. The property owner(s) must execute a covenant for both sites. The covenants must comply with the regulations of 33.700.060, must be recorded with the deeds for each site, and must reflect the existing floor area on each site and the respective increase and decrease of potential floor area.

33.510.210 Height

A. Purpose. The building height standards are intended to implement and balance multiple objectives of the Central City 2035 Plan. Generally, the tallest heights in the Portland region are applied in the Central City to support its role as the region's premier center for jobs, services, and urban living. Other objectives include:

- Locating the tallest building heights along the Transit Mall and high-capacity transit lines;
- Protecting designated public views;
- Varying building height across the Central City;
- Generally, stepping down height to the Willamette River and neighborhoods adjacent to the Central City;
- Emphasizing bridgehead locations with taller buildings;
- Limiting shadows on public open spaces; and
- Ensuring building height compatibility within historic districts.

B. Base height.

1. Base heights are shown on Map 510-3. Heights greater than shown on Map 510-3 are allowed through the bonus height or height transfer options specified in Subsections D. and E. Adjustments to height limits shown on Map 510-3 are prohibited.
2. Exceptions to base height. Generally, the following minor projections are allowed to extend above the base heights shown on Map 510-3. However, in a view corridor shown on Map 510-20, if the site is not eligible for a height increase, projections above the height limit shown on Map 510-3 are prohibited. Eligibility for a height increase is shown on Map 510-3. In a view corridor shown on Map 510-20, if the site is eligible for a height increase, the following minor projections are allowed, but the projection must not extend above the height limit shown on Map 510-4. Small wind turbines are subject to the standards of Chapter 33.299:
 - a. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items that are attached to a building and have a width, depth or diameter of 5 feet or less may extend 10 feet above the base height limit, or 5 feet above the highest point of the roof, whichever is greater. If the item is more than 5 feet wide, deep, or tall, it is subject to the height limit;
 - b. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the base height limit;

- c. Walls or fences located between individual rooftop decks may extend 6 feet above the base height limit if the wall or fence is set back at least 4 feet from the edges of the roof;
 - d. Rooftop mechanical equipment and any required screening for the mechanical equipment, and stairwell enclosures that provide rooftop access may extend above the base height limit as follows. The equipment and enclosures must be set back at least 15 feet from roof edges on street facing facades:
 - (1) Elevator mechanical equipment may extend up to 16 feet above the base height limit; and
 - (2) Other mechanical equipment, required screening, and stairwell enclosures may extend up to 10 feet above the base height limit if the equipment or enclosures do not cumulatively cover more than 10 percent of the roof area;
 - e. Roof mounted solar panels may extend above the height limit as follows:
 - (1) On flat roofs and on the horizontal portion of mansard roofs, solar panels may extend up to 5 feet above the top of the highest point of the roof; and
 - (2) On pitched, shed, hipped or gambrel roofs, solar panels must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel; and
 - f. Antennas, power poles and public safety facilities.
- C. Shadow study.** Sites shown on Map 510-3 as requiring a shadow analysis must provide a shadow study that shows that the shadow cast by the proposed buildings or other structures does not cover more than 50 percent of the adjacent open space at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21. Adjacent includes open space across a right-of-way from the site subject to the shadow study standard.
- D. Bonus height options.** Bonus height can be achieved through the following options:
- 1. Bonus height in the South Waterfront subdistrict. Within the South Waterfront subdistrict, buildings that include any floor area achieved through bonuses or from transfers onto the site earn a height bonus as follows:
 - a. In the area located between 125 feet to 150 feet landward of the South Waterfront height reference line shown on Map 510-16, buildings may earn a height bonus of 25 feet if approved as a modification through design review. Projections above 150 feet are prohibited.
 - b. In the area located between 150 feet landward of the South Waterfront height reference line shown on Map 510-16 and the western boundary of the subdistrict, buildings earn a height bonus of 125', up to a maximum building height of 250 feet. Adjustments are prohibited.

2. South Waterfront height opportunity area.
 - a. Purpose. In the core of the South Waterfront subdistrict, additional building heights may be appropriate to support the goals of the South Waterfront Plan. The regulations of this subsection are intended to:
 - Support the growth of an Innovation Quadrant in the Central City;
 - Provide diverse housing opportunities;
 - Support the density goals of the subdistrict while ensuring quality design;
 - Create additional opportunities for visual access through the subdistrict;
 - Promote the development of slender towers with an east-west orientation;
 - Develop an exceptional and varied skyline enhancing the district's setting against the Tualatin Hills to the west and the Cascade Range to the east;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Contribute to the district's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the district;
 - Create an urban form that is visually permeable; and
 - Continue to maintain all protected public views and view corridors, on the east and west side of the Willamette River, as identified in adopted plans.
 - b. Additional building height may be requested as a modification through design review as follows:
 - (1) The site must be in the South Waterfront height opportunity area shown on Map 510-16;
 - (2) The maximum height that may be approved is 325 feet, including projections, roof top mechanical equipment, and any other structures that project above the roof of the building;
 - (3) One of the following must be met:
 - The average floor-to-floor height in the building must be at least 16 feet and floors of the building above 75 feet must be 25,000 square feet in area or less; or
 - Floors of the building above 75 feet must be 10,000 square feet in area or less;
 - Adjustments to the standards of this subsubparagraph are prohibited; however, modifications through design review may be requested as follows:
 - A modification to the 25,000 square foot limitation may be requested;
 - A modification to the 10,000 square foot limitation may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e. However, modifications to allow floors larger than 12,500 square feet are prohibited;
 - (4) The portion of the proposed building that is greater than 250 feet in height must be at least 200 feet from the portion of any other existing or approved building that is greater than 250 feet in height, and that used the provisions

of this subsection to achieve additional height. Approved buildings are those with an unexpired design review approval. Adjustments to this standard are prohibited; however, modifications to the 200 foot minimum distance requirement may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal;

- (5) Where a block is less than 80,000 square feet in area, only one building on the block may use the provisions of this subsection. Where a block is at least 80,000 square feet in area but less than 120,000, only two buildings on the block may use the provisions of this subsection. Where a block is at least 120,000, only three buildings on the block may use the provisions of this subsection.

Applications for land divisions of sites that include a building that has used the provisions of this subsection must show how the land division will not move the site out of conformance with this subsection;

- (6) The applicant must contribute \$26.10 to the South Waterfront Public Open Space Fund (SWPOSF) for every square foot of floor area over 250 feet in height. The contribution to the SWPOSF must be made before the building permit is issued for the building. Contributions to the fund used to earn bonus floor area under 33.510.205.C.2.f, Open space fund bonus option, do not count towards meeting this requirement. Adjustments to this standard are prohibited; and
- (7) The applicant must request advice from the Design Commission as described in 33.730.050.B. The design advice request must be submitted before the request for a pre-application conference. In providing their advice to the applicant, the Design Commission will consider protection and enhancement of public views from both the east and west, as identified in adopted plans; development of a diverse, varied and visually interesting skyline; and creation of a district that is visually permeable. These factors will be considered at different scales, including the site of the proposal, the site and adjacent blocks, and the subdistrict as a whole.

3. Bonus height earned through an FAR bonus or transfer. Except for sites in the South Waterfront height opportunity area, the bonus heights shown on Map 510-4, or allowed by Subparagraph D.3.e, are allowed when the following are met. Projections above the height limits shown on Map 510-4, or allowed by Subparagraph D.3.e are prohibited:
 - a. The site must be shown on Map 510-3 as eligible for a height increase;
 - b. The proposal must earn an additional FAR of at least 1 to 1 through use of one of the following FAR bonus or transfer options. The site shown on Map 510-4 as requiring residential is only allowed to earn the additional 1 to 1 through the bonus option listed in D.3.b (1):
 - (1) The inclusionary housing bonus option of Subparagraph 33.510.205.C.2.a;

- (2) The Affordable Housing Fund bonus option of Subparagraph 33.510.205.C.2.b; 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.
- d. North Pearl Height Opportunity Area. The following additional standards apply when bonus height will be used in the North Pearl Height Opportunity area shown on Map 510-16:
- (1) When bonus height will be used on sites located entirely between NW Naito Parkway and the Willamette River, building façades above 100 feet that face NW Naito Parkway or the Willamette River must not exceed 120 feet in length; and
 - (2) When bonus height will be used on sites that are not located between NW Naito Parkway and the Willamette River the following must be met:
 - The building must not be taller than 175 feet; or
 - If the building is taller than 175 feet, the floors of the building above 100 feet must not be more than 12,500 square feet each.
- e. RiverPlace Height Opportunity Area. Up to 325 feet of height is allowed in the RiverPlace height opportunity area shown on Map 510-16 when the following standard is met:
- (1) Purpose. In the RiverPlace height opportunity areas, additional building heights may be appropriate to meet density goals as well as:
 - Provide diverse housing opportunities;
 - Support high quality design;

- Create additional opportunities for visual access through the area;
 - Promote the development of slender towers with an east-west orientation;
 - Establish and maintain a pedestrian environment with access to sunlight;
 - Create open space amenities connecting to the riverfront;
 - Contribute to the area's urban variety, adding visual interest at the pedestrian level and from vantage points outside of the area;
 - Create an urban form that is visually permeable and maintains all protected public views and view corridors.
- (2) Standard. If the building is taller than 75 feet, the floors of the building above 100 feet must not be more than 10,000 square feet each. Adjustments are prohibited, however modification through design review may be requested if the north-south dimension of the building above 75 feet is 112 feet or less. The north-south dimension is measured as specified in 33.510.251.A.3.e.

E. Open space height transfers.

1. Purpose. These regulations provide an incentive for the creation and development of needed open space in the Central City plan district.
2. Requirements for open space areas eligible for the height transfer.
 - a. The proposed open space area must be in the Central City plan district outside of the South Waterfront subdistrict. The site is subject to the review requirements stated in Paragraph E.4.
 - b. The area designated for the open space must be dedicated to the City as a public park. The minimum size of the open space must be a full block at least 35,000 square feet in size. However, the open space may be 20,000 square feet in size if located along the alignment of the North Park Blocks.
 - c. All park improvements must be made by the applicant prior to dedication to the City. The improvements to the park are subject to a design review using the specific area's design guidelines.
3. Amount of height potential that can be transferred. The allowed height at the proposed open space site may be transferred within the Central City plan district consistent with the limits stated below.
 - a. The maximum amount of height that may be transferred is 100 feet. The transfer may only be to a site eligible for additional height as shown on Map 510-3. Increases in height that result in buildings greater than the maximum height shown on Map 510-4 are prohibited. The transferred height may not be used in addition to any bonus heights allowed by Paragraph D.3.
 - b. The open space site must be dedicated to the City before the issuance of building permits for the building receiving the increased height.

4. Design Review.
 - a. Procedure. The review is processed with a Type III procedure. The Parks Bureau will provide advice to the Design Commission.
 - b. Approval criteria. The proposed open space site will be approved for the height transfer if the review body finds that the applicant has shown that all of the following approval criteria are met:
 - (1) The proposed site will help to alleviate an area's identified projected future open space deficiency. This determination is based on such things as proximity to parks, proximity to people living or working in the Central City plan district, and how the site relates to the Central City 2035 Plan's park and open space policies;
 - (2) The proposed improvements on the open space site are consistent with the design guidelines for the area; and
 - (3) The Parks Bureau approves of the site.

33.510.211 Shadow Study Required

A shadow study is required for new structures that are 100 feet or more in height on sites shown on Map 510-11, and for major remodels to existing structures that increase the height of the existing structure to 100 feet or higher on sites that are shown on Map 510-11. The shadow study must show that the shadow cast by the new or remodeled structure does not cover more than 50 percent of the adjacent open space at 10 am on March 21. Adjacent includes open space located across a right-of-way from the site. Adjustments are prohibited.

33.510.215 Required Building Lines

- A. Purpose.** The required building line standards ensure that buildings in certain parts of the Central City are built to the sidewalk's edge unless landscaping or an extension of the sidewalk is provided. The standards support the street and development character objectives of the Central City 2035 Plan by creating diverse street character, promoting active uses, pedestrian movement, and opportunities for stopping and gathering. Extensions of the sidewalk may incorporate trees, landscape planters, groundcover, and areas for stormwater management between the building and the sidewalk.
- B. Required building line standards.**
 1. General Standards. Unless otherwise specified in Paragraphs B.2. through B.5., new development and major remodels in the RX, CX and EX zones must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be designed as an extension of the sidewalk and

- committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places."
2. Standards for sites with frontage on a street shown on Map 510-7. New development and major remodels on a site with frontage on a street shown on Map 510-7 must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:
 - a. The building must extend to the street lot line along at least 75 percent of the length of the street lot line; or
 - b. The building must set back at least 6 feet from the street lot line along at least 75 percent of the length of the street lot line. The space between the building and the street lot line must be landscaped as follows. All plants must be selected from the Portland Tree and Landscaping manual:
 - (1) When the setback area is at least 6 feet and less than 12 feet wide at least 50 percent of the setback must be landscaped with ground cover plants and shrubs;
 - (2) When the setback area is 12 feet wide or more, at least 80 percent of the setback area must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet of the setback area.
 3. Standards for the South Waterfront subdistrict. In the South Waterfront subdistrict, new development and major remodels must meet one of the following standards. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge:
 - a. The building must extend to the street lot line along at least 75 percent of the lot line; or
 - b. The building must extend to within 12 feet of the street lot line for 75 percent of the lot line, and the space between the building and the street lot line must meet one of the following:
 - (1) Be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places;" or
 - (2) Be landscaped in one of the following ways:
 - The proposed landscaping meets the L2 standard;
 - The proposed landscaping meets the landscaping regulations of 33.510.253.E.5.f(5) for subarea 3 of the South Waterfront Greenway Area except that trees are not required; or
 - The applicant submits with the application for a land use review a letter from the Bureau of Environmental Services stating that the landscaping meets the guidelines of the Stormwater Management Manual.
 4. Standards for West Burnside. On sites with frontage on West Burnside between 10th and 21st Avenues, buildings must be set back 10 feet from the street lot line. This

standard applies to new development and major remodels. The space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as sidewalk cafes, vendor's stands, or developed as "stopping places." Exterior walls of buildings designed to meet the requirements of this section must be at least 15 feet high measured from the finished sidewalk at the buildings edge.

5. Standards for the Park Blocks. On sites with frontage on a street shown on Map 510-22, and on sites that are adjacent to an open area shown on Map 510-22, buildings must be set back at least 12 feet from the street or adjacent lot line along at least 75 percent of the length of the lot line. At least 50 percent of the space between the building and the street or adjacent lot line must be landscaped with ground cover plants and shrubs, and contain one tree per 400 square feet. All plants must be selected from the Portland Tree and Landscaping Manual. This standard applies to new development. Exterior walls of buildings designed to meet the requirements of this Paragraph must be at least 15 feet high measured from the finished sidewalk at the building's edge.

33.510.220 Ground Floor Windows

- A. Purpose.** In the Central City plan district, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level;
 - Avoid a monotonous pedestrian environment; and
 - The plan district modifications to the base zone standards for ground floor windows are intended to promote ground floor windows in a larger number of situations than in the base zones and to provide additional flexibility in meeting the standard.
- B. Ground floor windows.** The following ground floor window standards apply in the RX, CX and EX zones. The standards of B.1 and B.2 apply to new development and major remodeling projects. B.3. only applies to major remodeling projects. To meet the standards, ground floor windows must be windows that allow views into work areas or lobbies, or be windows in pedestrian entrances. Windows into storage areas, vehicle parking areas, garbage and recycling areas, mechanical and utility areas and display cases attached to outside walls do not qualify. Windows into bicycle parking areas are allowed to qualify for up to 25 percent of the ground floor windows coverage requirement. The bottom of the windows of nonresidential spaces must be no more than 4 feet above the finished grade:
 1. Ground level facades that face a street or open area shown on Map 510-8 must have windows that cover at least 60 percent of the ground level wall area. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.

2. All other ground level facades that face a street lot line, sidewalk, plaza, or other publicly accessible open area or right-of-way must have windows that cover at least 40 percent of the ground level wall area. For street facing facades of dwelling units the regulations of 33.130.230.B.4 apply. For the purposes of this standard, ground level wall area includes all exterior wall area from 2 feet to 10 feet above the finished grade.
3. Optional artwork. Projects proposing to use artwork as an alternative to the ground floor window requirements may apply for this through the adjustment procedure. Projects may also apply for a modification through design review if they meet the following qualifications. Buildings having more than 50 percent of their ground level space in storage, parking, or loading areas, or in uses which by their nature are not conducive to windows (such as theaters), may be allowed to use the design review process. Artwork and displays relating to activities occurring within the building are encouraged. In these instances, the artwork will be allowed if it is found to be consistent with the purpose for the ground floor window standard.

33.510.221 Windows Above the Ground Floor

- A. Purpose.** Windows on building facades above the ground floor ensure opportunities for active uses, contribute to the skyline, and add interest to the built environment in the area near the streetcar alignment.
- B. Where this regulation applies.** The regulation of this section applies to sites near the streetcar alignment shown on Map 510-13 as follows:
 1. In the Central Eastside subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment, if the site is in the EX zone.
 2. In the South Waterfront Subdistrict, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment. The regulation also applies to the portion of a site within 200 feet of a proposed streetcar alignment, as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Office of Transportation.
 3. In all other subdistricts, the standard in Subsection C. applies to the portion of a site within 200 feet of a streetcar alignment.
- C. Standard.** Windows must cover at least 15 percent of the area of street-facing facades above the ground level wall areas. This requirement is in addition to any required ground floor windows. Ground level wall areas include all exterior wall areas up to 10 feet above the finished grade.

33.510.223 Bird-Safe Exterior Glazing

- A. Purpose.** The bird-safe glazing standards are intended to reduce the risk of bird-to-building collisions. The standards reduce the transparency, or reflectivity, of exterior windows and other glazed surfaces, thereby improving the visibility of exterior glazed surfaces to birds. The reduction in transparency applies to the portions of buildings that studies show are associated with the greatest occurrence of bird strikes.

- B. Development subject to the bird-safe exterior glazing standards.** The bird-safe glazing standards apply to new buildings and major remodeling projects. For new buildings, the standards apply per façade when the façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the façade. For major remodeling projects, the standards apply per facade when at least 75 percent of the façade is altered and the altered façade has 30 percent or more glazing within the first 60 feet measured from the grade adjacent to the facade. The standards also apply to glazing located directly adjacent to an ecoroof, roof garden, or other vegetated or landscaped roof area. The standards do not apply to houses, attached houses, manufactured homes, accessory dwelling units, duplexes, attached duplexes, triplexes, historic landmarks, and contributing resources in historic or conservation districts.
- C. Bird-safe exterior glazing standards.** At least 90 percent of the windows and glazing on the following portions of each façade must choose treatment patterns and application techniques from the *Portland Bird Safe Windows List*:
1. Windows and glazing, including glazed balcony railings, located within the first 60 feet of the building measured from the grade adjacent to the facade;
 2. Windows and glazing located within the first 15 feet of the building above an adjacent ecoroof, roof garden, or other vegetated or landscaped roof area; and
 3. The glazed portions of sky bridges or fences.

33.510.225 Ground Floor Active Uses

- A. Purpose.** The ground floor active use standards are intended to reinforce the continuity of pedestrian-active ground-level building uses. The standards help maintain a healthy urban district through the interrelationship of ground-floor building occupancy and street level accessible public uses and activities, and they encourage a transit-supportive, pedestrian-oriented environment that is safe, active with uses, and comfortable for residents, visitors, and others. Active uses include but are not limited to: lobbies, retail, commercial, and office uses, but do not include storage, vehicle parking, garbage, recycling, mechanical, or utility uses.
- B. Sites and development subject to the ground floor active use standard.** The ground floor active use standards apply to new development and major remodels on sites with frontage on a street shown on Map 510-9.
- C. Ground floor active use standards.**
1. Dwelling units are prohibited on the ground floor.
 2. Buildings must be designed and constructed to accommodate uses such as those listed in Subsection A. Areas designed to accommodate these uses must be developed at the time of construction. This standard must be met along at least 50 percent of the ground floor of walls that front onto a sidewalk, plaza, or other public open space.

Areas designed to accommodate active uses must meet the following standards:

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
 - b. The area must be at least 25 feet deep, measured from the street-facing facade;
 - c. The area may be designed to accommodate a single tenant or multiple tenants. In either case, the area must meet the standards of the Accessibility Chapter of the State of Oregon Structural Specialty Code. This code is administered by BDS; and
 - d. The street-facing facade must include windows and doors.
3. In the Pearl District and West End subdistricts, on the portion of a site within 100 feet of a streetcar alignment shown on Map 510-13, parking is not allowed in the portions of a building that meet the ground floor active use standard of Paragraph C.

33.510.230 Required Residential Development Areas

- A. Purpose.** The requirements of this section promote new housing in areas suitable and attractive for housing. The requirement is imposed as an alternative to the creation of exclusively residential zoning. This maintains development flexibility while still promoting the housing objectives of the Central City 2035 Plan.
- B. Sites and development subject to the required residential standard.** Sites subject to this standard are shown on Map 510-6. On identified sites, all new development must meet the standards below.
- C. Required residential standard for new development.** For this standard, net site area is the total site area minus land dedicated to public rights-of-way or public open spaces, or land used for a regional public attraction such as a museum or aquarium. New development must include at least 1 dwelling unit per 2,900 square feet of net site area (15 units per acre).
- D. Timing and location of the housing.** Required housing must be located on the site and if developed as part of a mixed-use project must receive an occupancy permit in advance of or at the same time as an occupancy permit for nonresidential portions of the project.

33.510.240 Drive-Through Facilities

Drive-through facilities are prohibited in the Central City plan district.

33.510.242 Demolitions

In R, C, and E zones, sites must be landscaped within 6 months of the demolition of buildings unless there is an approved development for the site. Approved development means a project approved through design review in design zones, and issuance of a building permit outside of design zones. The landscaping must meet at least the L1 standard of Chapter 33.248, Landscaping and Screening, except that no shrubs or trees are required.

33.510.243 Ecoroofs

- A.** Purpose. Ecoroofs provide multiple complementary benefits in urban areas, including stormwater management, reduction of air temperatures, mitigation of urban heat island impacts, air quality improvement, urban green spaces, and habitat for birds, plants and pollinators. The standards are intended to:
- Maximize the coverage of ecoroofs;
 - Allow for the placement of structures and other items that need to be located on roofs; and
 - Support the architectural variability of rooftops in the Central City.
- B.** Ecoroof standard. In the CX, EX, RX, and IG1 zones, new buildings with a net building area of 20,000 square feet or more must have an ecoroof that meets the following standards:
1. The ecoroofs, including required firebreaks between ecoroofs areas, must cover 100 percent of the building roof area, except that up to 40 percent of the building roof area can be covered with a combination of the following. Roof top parking does not count as roof area. Roof area that has a slope greater than 25% does not count as roof area:
 - a. Mechanical equipment, housing for mechanical equipment, and required access to, or clearance from, mechanical equipment;
 - b. Areas used for fire evacuation routes;
 - c. Stairwell and elevator enclosures;
 - d. Skylights;
 - e. Solar panels;
 - f. Wind turbines;
 - g. Equipment, such as pipes and pre-filtering equipment, used for capturing or directing rainwater to a rainwater harvesting system; or
 - h. Uncovered common outdoor areas. Common outdoor areas must be accessible through a shared entrance.
 2. The ecoroof must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual's *Ecoroof Facility Design Criteria*.

33.510.244 Low-Carbon Buildings

- A. Purpose.** The low-carbon building standard encourages development that achieves third party green building certification. Buildings that are third party certified tend to have a lower carbon footprint and increased energy efficiency as compared to buildings that do not have green building certifications. In addition, green buildings help to preserve natural resources and protect the health of occupants.
- B. Low-carbon building standard.** New development with a net building area of at least 50,000 square feet, and alterations to existing development that increase net building area by at least 50,000 square feet must provide a letter from the Bureau of Planning and Sustainability that verifies that the project has registered for a green building certification

program, approved by the Bureau of Planning and Sustainability, and has prepared a preliminary description of how the building can achieve the certification.

33.510.250 Additional Standards in the Pearl Subdistrict. Sites in the Pearl subdistrict south of the Fremont Bridge and north of NW Lovejoy Street must meet the following standards:

- A. Special building height.** A special building height corridor shown on Map 510-18 is designated along NW 13th Avenue. In this corridor the portion of a building that is within 20 feet of the property line along NW 13th Avenue may be no more than 75 feet in height. Adjustments to this requirement are prohibited.
- B. Pearl subdistrict waterfront development.**
1. Purpose. These standards are intended to ensure both physical and visual connections to the river and river-based activities.
 2. Where these standards apply. This section applies only to lands between NW Front Avenue and the Willamette River within the Pearl subdistrict.
 3. Development standards.
 - a. View corridors. At least 25 percent of the width of the site (as measured along NW Naito Parkway) must be maintained as a view corridor or corridors. Buildings and covered structures are not allowed in the view corridor.
 - b. Setbacks for all development from the Willamette River. The minimum setback for all development from the Willamette River is regulated by the River Overlay zones; see Chapter 33.475.
 - c. Maximum building dimension. The maximum building dimension is 200 feet. This standard applies to both building length and depth.
 - d. Public access. As part of each development, public access for pedestrians must be available and clearly posted between NW Naito Parkway and the major public trail.

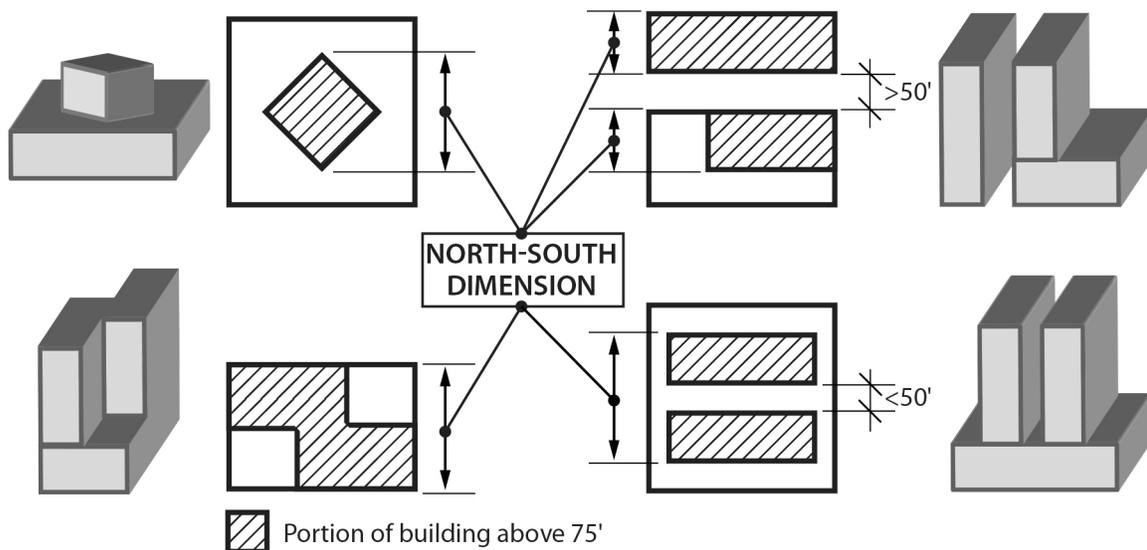
33.510.251 Additional Standards in the South Waterfront Subdistrict

Sites in the South Waterfront subdistrict must meet the following standards.

- A. Special building height corridors and tower orientation.**
1. Purpose. Special building heights along designated east-west corridors and tower orientation standards provide visual access to the Greenway from points west of the district, provide visual access to the Tualatin Hills from points east of the district, provide access to sunlight along designated streets, and encourage an urban form that is visually permeable and varied.
 2. Special building heights. The portion of a building that is within 50 feet of the centerline of a street or accessway designated as a special building height corridor on Map 510-15 may be no more than 50 feet in height.

3. Maximum north-south dimension. The north-south dimension is measured as specified in Subparagraph A.3.e. See Figure 510-1. Adjustments to this paragraph are prohibited; however, modifications to the standards of this paragraph may be requested through design review. In reviewing such a request, the review body will consider the results of the South Waterfront Public Views and Visual Permeability Assessment for the proposal. The north-south dimensions of buildings are limited as follows:
 - a. Less than 75 feet in height. For the portion of a building less than 75 feet in height, there is no limit on the north-south dimension, and no required space between buildings or portions of buildings;
 - b. 75 feet in height and above. The portion of a building that is at least 75 feet in height may have a north-south dimension up to 125 feet in width;
 - c. Where there is more than one building on a site there must be at least 50 feet between the portions of the buildings that are at least 75 feet in height. If there is less than 50 feet between these portions of the buildings, the north-south dimension is the total of the north-south dimension of each building and the north-south dimension of the space between them. The total may be up to 125 feet in width;
 - d. Where a building has more than one element that is at least 75 feet in height, the two elements are measured and regulated as two separate buildings;
 - e. Measurements for this paragraph. The measurements for the regulations of this paragraph are as follows. See Figure 510-1:
 - (1) The north-south dimension of a building is measured as follows:
 - From the northernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - From the southernmost point of the portion of a building that is at least 75 feet in height, a line is drawn running due east-west;
 - A line drawn at right angles between the two east-west lines is the north-south dimension;
 - (2) The space between buildings on a site is measured using the east-west lines created under A.3.e.(1). A line drawn at right angles between the northern east-west line of one building and the southern east-west line of the other is the distance between the buildings.

Figure 510-1
Measuring North-South Dimension



B. Accessways.

1. Purpose. Accessways provide physical access and connections to the Greenway for neighbors, visitors, and residents of South Waterfront who might otherwise be cut off from the Willamette River and the Greenway trail. Accessways are generally extensions of existing and planned east-west public rights-of-way, and may or may not provide vehicle access. Accessways provide safe and convenient bicycle and pedestrian connections to and from the Greenway trail. Accessways contribute to stormwater management in the subdistrict. They also provide a visual connection to the South Waterfront Greenway Area and provide a transition from the natural emphasis of the South Waterfront Greenway Area to the urban emphasis of the rest of the district.
2. Where these regulations apply. These regulations apply to development and landscaping on sites with frontage on accessways that are east of River Parkway;
3. Setback. If the accessway is 60 feet wide or less, buildings must be set back at least 30 feet from the centerline of the accessway. If the accessway is wider than 60 feet, the building must meet the building line requirements of Section 33.510.215 on the accessway frontage;
4. Landscaping. The area between the building and the accessway must meet the landscaping standards of 33.510.253.E.5.f(5) that apply to subarea 3 of the South Waterfront Greenway Area. However, along accessways that are designated as special building height corridors on Map 510-15, trees are not required.

C. Locker rooms and additional bicycle parking.

1. Purpose. These standards support the transportation strategy of the South Waterfront Subdistrict by requiring amenities that support the use of alternative modes of transportation, including bicycling and walking;

2. When these regulations apply. The regulations of this subsection apply to proposals that will add at least 100,000 square feet of nonresidential floor area to a site;
3. Locker rooms. At least one locker room facility must be included in the proposal. The facility must include showers, a dressing area, and lockers. The facility must be available for use by all tenants of the building; and
4. Exception for existing long-term bicycle parking.
 - a. Purpose. These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.
 - b. Where these standards apply. These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the South Waterfront subdistrict of the Central City plan district.
 - c. Existing Bicycle Parking. Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
 - (1) The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
 - (2) The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
 - (3) The bicycle parking area does not exceed 500 spaces;
 - (4) The bicycle parking must be within 100 feet of a suspended cable transportation system; and
 - (5) The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

33.510.252 Additional Standards in the Central Eastside Subdistrict

The following additional standards apply in the Central Eastside subdistrict.

A. Industrial impacts disclosure statement.

1. Purpose. This requirement is intended to ensure that people who choose to live or work in the Central Eastside subdistrict are aware of the potential impacts, such as noise, vibration, odors, glare, and heavy truck traffic that stem from industrial and employment uses.

2. Disclosure statement required. Prior to the issuance of a building permit for a new building that will contain a Household Living, Retail Sales And Service, or Office use, and for alterations to an existing building that contains a Household Living, Retail Sales And Service, or Office use, the owner of the property must sign and record a copy of the City's Industrial Impacts Disclosure Statement. The statement must be recorded in the records of Multnomah County. The statement acknowledges that the property is located near industrial and employment uses, and signifies the owner's awareness of the associated nuisance impacts including noise, odor and light levels. The statement is available in the Development Services Center. After the permit is finalized, the property owner must provide a copy of the disclosure statement to every tenant or buyer, and post a copy of the disclosure statement on the premises in a location that is accessible to all tenants.

B. Noise insulation.

1. Purpose. Noise insulation is required in order to protect homes located near industrial areas from potential noise impacts generated by industrial operations.
2. Where this standard applies. The noise insulation standard applies in the EX zone to sites that have a lot line that abuts or is across the street from an IG1 zone.
3. Noise insulation standard. All new dwelling units must be constructed with sound insulation or other means to achieve a day/night average noise level of 45 dBA. An engineer registered in Oregon who is knowledgeable in acoustical engineering must certify that the building plans comply with the standard for noise insulation prior to issuance of a building permit. Garages or other attached accessory structures that do not include living space are exempt from this standard.

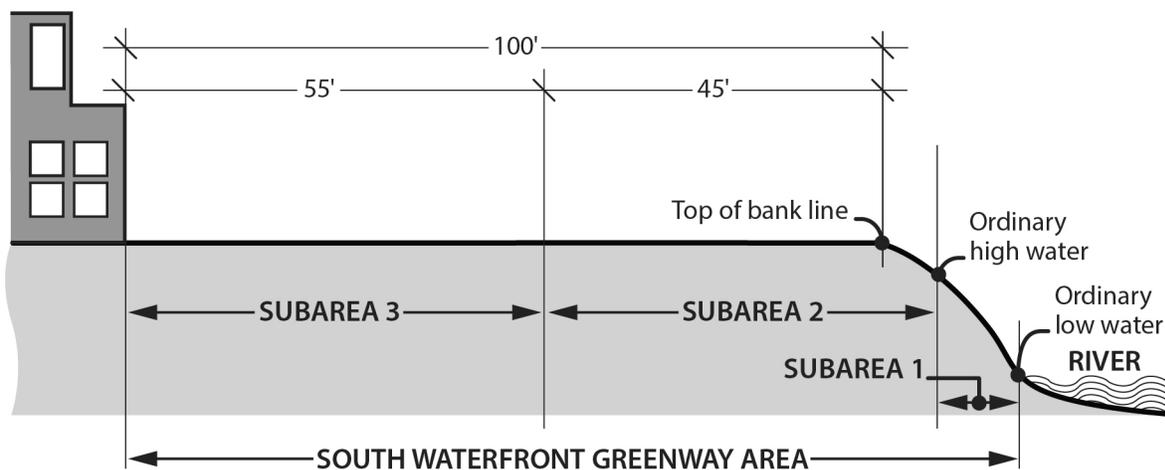
33.510.253 Greenway Overlay Zone in South Waterfront Subdistrict

A. Purpose. The regulations of this section:

1. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River within the South Waterfront Subdistrict of the Central City plan district;
2. Increase public access to and along the Willamette River for the purpose of increasing recreational and transportation opportunities;
3. Support the development of the South Waterfront Subdistrict as a vibrant mixed-use neighborhood within the Central City plan district;
4. Ensure a clean and healthy river for fish, wildlife, and people;
5. Embrace the river as Portland's front yard;
6. Enhance stormwater management in the South Waterfront Subdistrict;
7. Respond to the federal Endangered Species Act and Clean Water Act; and
8. Implement the Willamette Greenway Plan and State law.

- B. Relationship to other regulations.** Development within the Greenway Overlay Zone in the South Waterfront Subdistrict is also subject to other regulations of the Portland City Code. Development within the Greenway Overlay Zone may also be subject to the regulations and review procedures of state and federal agencies including the Oregon division of State Lands, the National Marine fisheries Service, the US Army Corps of Engineers, and the Oregon Department of Fish and Wildlife.
- C. Where these regulations apply.** The regulations of this section apply to sites within the South Waterfront Subdistrict where any portion of the site is in the Greenway Overlay Zone, shown on the Official Zoning Map.

Figure 510-2
South Waterfront Greenway Area and Subareas



Greenway Area = from ordinary low water to 100' from top of bank line
Subarea 1 = from ordinary low water to ordinary high water
Subarea 2 = from ordinary high water to 45' in from top of bank line
Subarea 3 = from 45' in from top of bank to 100' in from top of bank line

- D. Required South Waterfront Greenway improvements.** Adjustments and modifications to this subsection are prohibited.
 - 1. Required landscaping.
 - a. When development on the site, or alterations to structures, the site, or rights-of-way are made, and BDS determines that the value of the proposed alterations on the site is more than \$330,800, the site must be brought into conformance with the landscape requirements of Paragraph E.5.f. that apply to subareas 2 and 3 of the South Waterfront Greenway Area. The value of the alterations is based on the entire project, not individual building permits. It is the responsibility of the applicant to document the value of the required improvements.

The following alterations and improvements do not count toward the dollar threshold of this subsection:

- (1) Alterations required by approved fire/life safety agreements;

- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;
 - (3) Alterations required by Chapter 24.85, Interim Seismic Design Requirements for Existing Buildings;
 - (4) Improvements to on-site stormwater management facilities in conformance with Chapter 17.38, Drainage and Water Quality, and the Stormwater Management Manual; and
 - (5) Improvements made to sites in order to comply with Chapter 21.35, Wellfield Protection Program, requirements.
 - b. Caps on the cost of required landscaping. Required landscaping costing more than 10 percent of the value of the proposed alterations does not have to be installed. When all required landscaping is not being installed, the priority for which landscaping is to be installed is:
 - (1) Trees in subarea 2;
 - (2) Shrubs in subarea 2;
 - (3) Ground cover in subarea 2;
 - (4) Trees in subarea 3;
 - (5) Shrubs in subarea 3;
 - (6) Ground cover in subarea 3; and
 - (7) Other required landscaping;
 - c. Supplemental application requirement. Where landscaping is required by this paragraph, the applicant must submit a landscape plan to BDS that shows that the landscaping will grow to meet the landscape standards of Subparagraph E.5.f, below, within five years. The landscape plan must be certified by a licensed landscape architect, or by a qualified restoration specialist as part of a formal City revegetation project under authority of Portland Parks and Recreation or the Bureau of Environmental Services.
2. Bank improvements. In subarea 1, when there is any regrading, bank stabilization, or other activities affecting the contours and composition of soil, the requirements of Paragraph E.5.f for subarea 1 must be met.
3. Major public trail and pedestrian connections and public viewpoints. When development on a site, or alterations to structures, the site, or rights-of-way are made that add more than 50,000 square feet of floor area to the site, the applicant must provide public access easements for, and construct, the major public trail, pedestrian connections to the major public trail, and public viewpoints in accordance with Subparagraph E.5.d., and Subparagraph E.5.e. The requirement to provide an access

ement for, and construct, the major public trail, pedestrian connections, and public viewpoints applies only when the development described above will increase the use of the major public trail system or will contribute to the need for additional major public trail facilities, and application of the regulations is determined to be roughly proportional to the impacts of the proposed development. The square footage added to the site is calculated based on the total amount added, regardless of the amount demolished;

4. Timing of improvements. The applicant may choose one of the following options for making the improvements required by this subsection:
 - a. Option 1. Under Option 1, required improvements must be made as part of the development or alteration that triggers the required improvements;
 - b. Option 2. Under Option 2, the required improvements may be deferred if the following are met:
 - (1) The applicant must provide the BDS with a performance guarantee for the improvements. See 33.700.050, Performance guarantees; and
 - (2) The required improvements must be constructed or installed within 4 years of issuance of the Certificate of Occupancy or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.
5. Landscaping monitoring and reporting. Monitoring required landscaping is the ongoing responsibility of the property owners. If landscaping is required by the subsection, the owner must submit a report to BDS documenting that the landscape standards of Subparagraph E.5.f., below, have been met on the site. The report must be submitted within 1 year of the installation date, or within the timeline approved through a South Waterfront Greenway Review. See Chapter 33.851.

E. Development standards. Generally, proposals are subject to design review. In most instances, applicants may choose between meeting development standards or going through South Waterfront greenway review. In some instances South Waterfront greenway review is required.

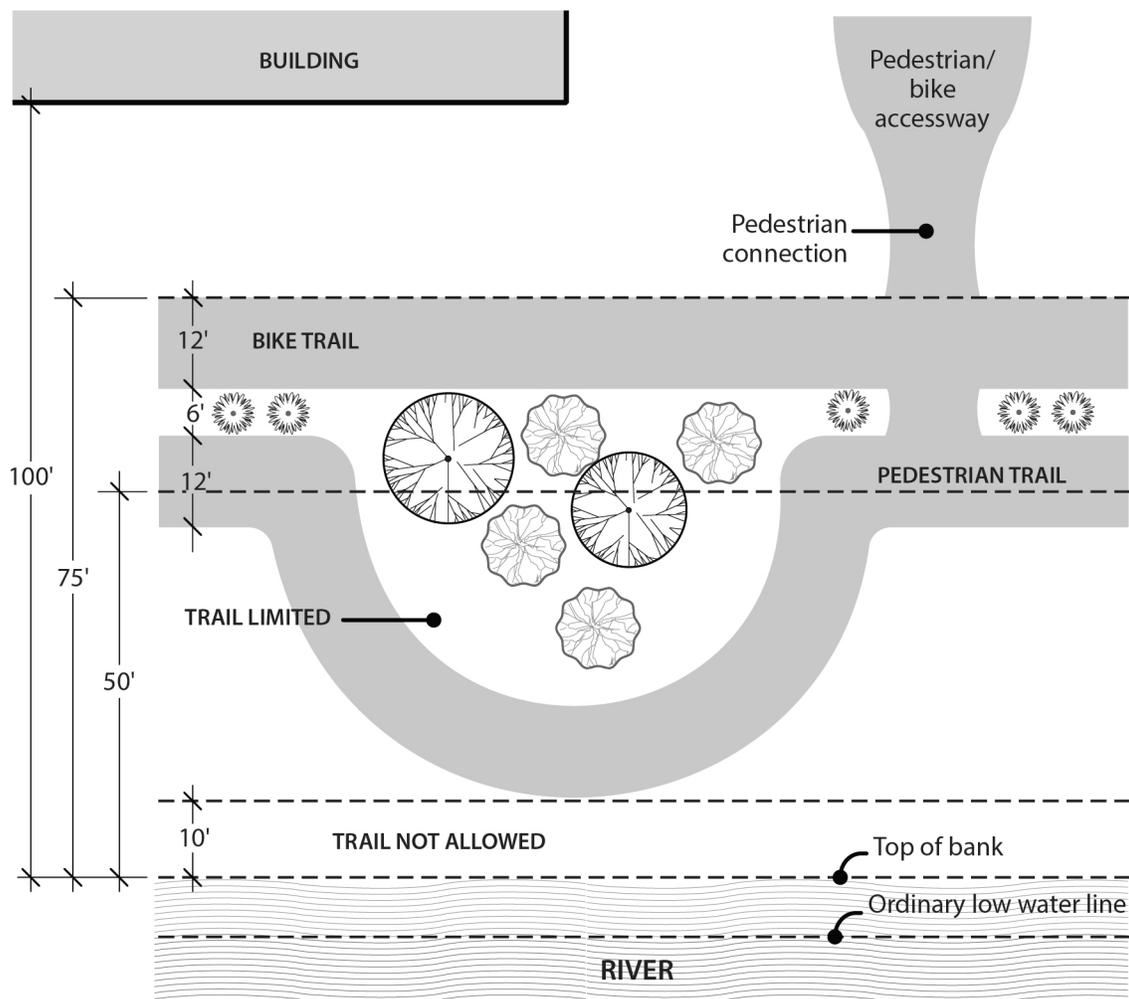
1. Where these regulations apply. The regulations of this subsection apply in the South Waterfront Greenway Area as shown on Figure 510-2. The regulations apply to development and alterations to structures, sites, and rights-of-way.
2. Design review. New development, and changes to the land or structures including excavations and fills, bridges, and docks are subject to design review, unless exempted by Paragraph E.4.
3. South Waterfront greenway review. South Waterfront greenway review is required for the following:
 - a. New development or exterior alterations that do not meet the standards of Paragraph E.5 and are not exempted by Paragraph E.4;
 - b. New development, or changes to the land or structures, riverward of top of bank, including excavations and fills, bridges, and docks, unless exempted by Paragraph E.4.

4. Exempt from design review and South Waterfront greenway review. The following are exempt from design review and South Waterfront greenway review;
 - a. Changes to the interior of a building where there are not exterior alterations;
 - b. Normal maintenance and repair;
 - c. Excavations and fills of less than 50 cubic yards;
 - d. Dredging, channel maintenance, and the removal of gravel from the river; and
 - e. Emergency procedures necessary for safety or the protection of property.
 - f. The placement of up to four single piles, or two multiple-pile dolphins for each 100 feet of shoreline for an existing river-dependent or river-related use.
 - g. Development of public streets identified in the adopted *South Waterfront District Street Plan, Criteria and Standards* are exempt from design review, but not greenway review.
5. Development standards. The following development standards must be met unless the applicant chooses South Waterfront greenway review. Adjustments and modifications to these standards are prohibited.
 - a. Non-landscaped area. Limiting the percentage of non-landscaped area allowed in the South Waterfront Greenway Area ensures that the area will be configured to accommodate a minimum percentage of living plant cover. Non-landscaped area includes all aboveground structures and paving materials, including permeable paving materials.
 - (1) Subareas 1 and 2. Up to 20 percent of the portion of the site in subareas 1 and 2 may be covered by non-landscaped area; however, paved surfaces that are required under the provisions of Paragraph E.5.e., Public viewpoints, are exempt from this limitation. Non-landscaped area may be no closer than 10 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line;
 - (2) Subarea 3. Up to 20 percent of the portion of the site in subarea 3 may be covered by non-landscaped area. However, required trail and pedestrian connection improvements are exempt from this limitation.
 - b. Buildings. Buildings are allowed within the South Waterfront Greenway Area if they meet E.5.b.(1) and (2) and either E.5.b.(3) or (4). Other buildings or portions of buildings are not allowed within the South Waterfront Greenway Area.
 - (1) The site meets the non-landscaped area requirements under E.5.a., above; and
 - (2) The building does not obstruct required pedestrian connections and trails; and
 - (3) The building is river-dependent or river related; or

- (4) All of the floor area of the building is in Retail Sales And Service uses and the following are met:
 - The building has less than 1,000 square feet of floor area;
 - The building is entirely within subarea 3; and
 - The building is located landward of the South Waterfront recreational trail.
- c. Fences and walls. Fences and walls are allowed in subarea 3 of the South Waterfront Greenway Area if they are no more than 3 feet in height and do not obstruct the required pedestrian connections and trails. Fences and walls are not allowed in subareas 1 and 2 of the South Waterfront Greenway Area.
- d. Major public trails and pedestrian connections.
 - (1) Purpose. Major public trails provide public access to and along both sides of the Willamette River. Major public trails are one of the tools used to comply with the public access requirements of the Comprehensive Plan and the Willamette Greenway Plan. Pedestrian connections ensure that there is adequate, safe, and direct pedestrian access from the adjacent development and from the district as a whole to the major public trails.
 - (2) Major public trails. Major public trails must meet the following standards. When required by Subsection D., sites with major public trail symbol shown on the Official Zoning Maps must provide easements that would accommodate construction, maintenance, and public use of a major public trail that meets the following standards. See Figure 510-3.
 - Location. The major public trail must be located in the South Waterfront Greenway Area shown on Figure 510-2. All portions of the major public trail must be at least 10 feet and no more than 75 feet from the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line; however, any portion of the major public trail that is within 45 feet of the top of bank line as shown on Map 510-21, South Waterfront 2002 Top of Bank Line, is subject to the maximum non-landscaped area limitations of Subparagraph E.5.a.;
 - Width. The major public trail must consist of two paths, each at least 12 feet in width;
 - Landscaped median. The two paths must be separated by a landscaped median at least 6 feet wide. Landscaping within this median must meet the requirements of Paragraph E.5.f. The landscaping may be interrupted by public access connections between the two paths;
 - Use. The path closest to the river must be designated for pedestrians only. The path farthest from the river must be designated for bicycles and other non-motorized transportation modes;
 - Connectivity.
 - The major public trail or major public trail easement must connect to the existing major public trails or trail easements on adjacent sites; and

- The major public trail or major public trail easement must connect to the required pedestrian circulation system on the site.
 - Additional standards. In addition to the standards of this subparagraph, the standards of Chapter 33.272, Major Public Trails, must also be met.
- (3) Pedestrian connections. When a major public trail or major public trail easement is required, at least one pedestrian connection must be provided between the trail easement and any accessway that terminates on the site.

Figure 510-3
South Waterfront Greenway Trail



e. Public viewpoints.

- (1) Purpose. Public viewpoints provide stopping places and clearings along the South Waterfront Greenway trail and the Willamette River where the public can view and enjoy the natural and scenic qualities of the Greenway and the river. Public viewpoints are one of the tools used to comply with the public

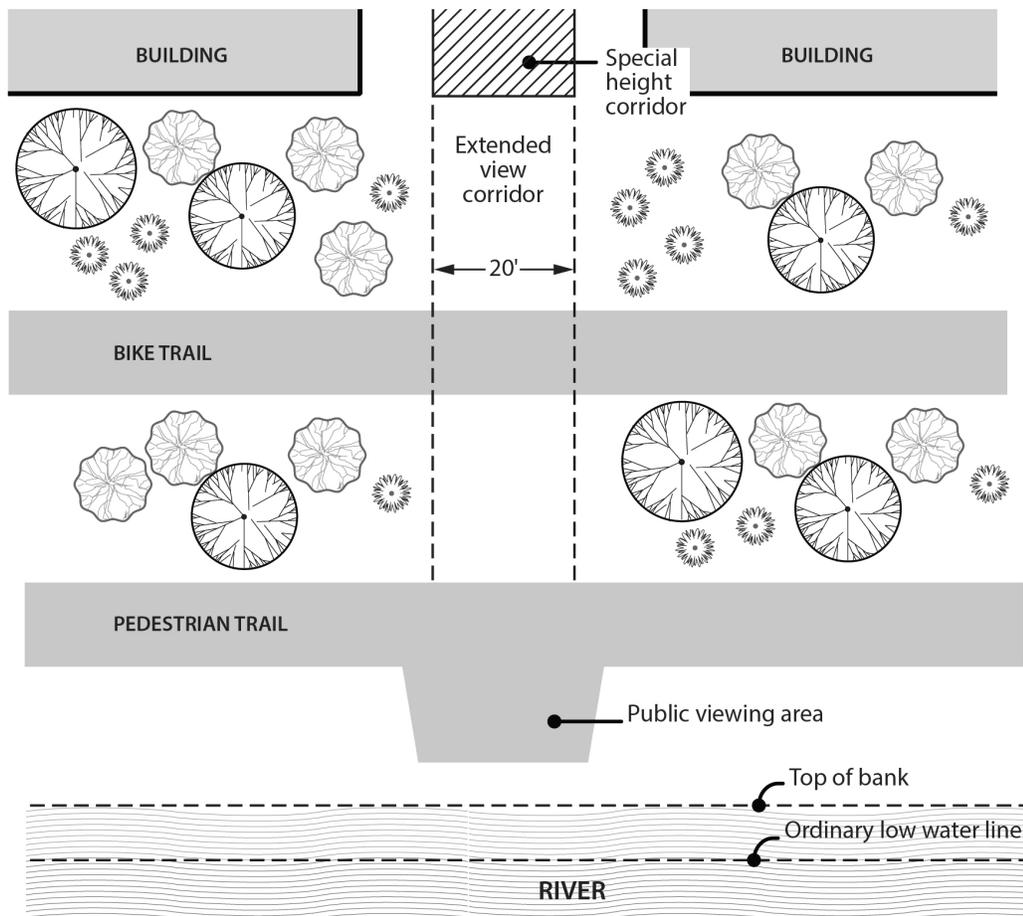
access requirements of the Comprehensive Plan and the Willamette Greenway Plan.

- (2) Viewpoint requirements. A public viewpoint must be provided on sites designated in the Central City Scenic Resources Protection Plan.
 - Sites with a viewpoint designation must provide a viewpoint area that meets the following standards:
 - The viewpoint area must be at least 500 square feet in area;
 - The viewpoint area must abut the Greenway trail or a public access connection must be provided from the Greenway trail to the viewpoint area;
 - The viewpoint area and any public access connection to the viewpoint area from the Greenway trail must comply with the Use of Trail, Hours of Use, Trespass, and Trail Maintenance and Liability sections of Chapter 33.272, Major Public Trails;
 - Materials, benches, and lighting used in the viewpoint area must meet the requirements of the Portland Bureau of Parks and Recreation; and
 - If an accessway or street that is mapped as a special building height corridor on Map 510-15 terminates on the site, the view corridor must continue the projected centerline of the accessway or street as shown in Figure 510-4.

f. Landscaping.

- (1) Coverage. Eighty (80) percent of the area that is not covered by buildings, trails, or other allowed non-landscaped area must be covered by shrubs or ground cover, and all trees required by this paragraph must be installed in the ground and healthy;
- (2) Existing landscaping. Existing plants may be used to meet the standards of this paragraph, if protected and maintained during construction as specified in Section 33.248.065. However, plants identified in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List* must be removed.

Figure 510-4
Public Viewpoint and View Corridor



- (3) Required landscaping in subarea 1. In subarea 1, the area beginning 3 feet above the ordinary low water line must meet the following requirements:
- Shrubs. At least 80 percent of the required landscaped area must be planted in shrubs;
 - Trees. Trees are not required, but are allowed;
 - Ground cover. All of the required landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 1 Plant list of the *Portland Plant List* may be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Restoration size plant material, including bare-root, is allowed and recommended. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials. Planting is not allowed during the summer.

- (4) Required landscaping in subarea 2. In subarea 2 the required landscaping is:
- Shrubs. At least 80 percent of the landscaped area must be planted in shrubs;
 - Trees. At least one tree must be planted for every 400 square feet of landscaped area. Trees may be clustered;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants;
 - Plant list. Only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. At least eight different species must be planted; and
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within 5 years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- (5) Required landscaping in subarea 3. In subarea 3, the required landscaping is:
- Shrubs. At least 60 percent of the landscaped area must be planted in shrubs. At least 50 percent of the shrubs used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Trees. At least 1 tree must be planted for every 1,000 square feet of landscaped area. At least 50 percent of the trees used to meet this requirement must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Ground cover. All of the landscaped area that is not planted with shrubs or trees must be fully covered with ground cover plants. At least 50 percent of the ground cover plants must be listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List*;
 - Plant list. Except as allowed by (1), (2) and (3), only plants listed in the South Waterfront Greenway Subarea 2 and 3 Plant List of the *Portland Plant List* may be planted. The following plants are prohibited:
 - Plants included on the Nuisance Plants List or Required Eradication List of the *Portland Plant List*;
 - Plants included in the South Waterfront Greenway Nuisance Plants List of the *Portland Plant List*.
 - Installation of landscaping. All planting must be of a sufficient size and number to meet the coverage standards within five years. Planting is not required to meet the size and spacing requirements of 33.248.030, Plant Materials.
- g. Other development. Other development is allowed within the South Waterfront Greenway Area if it meets Subparagraphs g.(1) and (2) and either g.(3) or (4).
- (1) The site meets the non-landscaped area requirements under E.5.a., above;
- (2) The development does not obstruct required pedestrian connections and trails; and

- (3) The development is located in subarea 3; or
- (4) The development is river-dependent or river-related.

h. Exterior lighting.

- (1) Purpose. The standards for exterior lighting are intended to:
 - Avoid or minimize light glare and light spill from artificial lighting and associated negative impacts on fish and wildlife and their habitats;
 - Reduce light pollution and glare impacts on residential developments;
 - Maintain public safety and security along the major public trail, pedestrian connections to the major public trail, in parks, along public streets, and on piers and gangways; and
 - Provide flexibility for river dependent operations associated with docks.
- (2) General standards. The following standards apply to all exterior lights located within the River General overlay zone.
 - Exterior lights must not project light upward or to the side of the fixture; and
 - The top and sides of all exterior light fixtures must be shielded with 100 percent opaque materials.
- (3) Additional standards for areas near the Willamette River. The following standards apply to all permanent exterior lights located within and riverward of the greenway setback, and all permanent exterior lights located within 25 feet landward of the greenway setback. Exterior lights within public streets are exempt from this Subsubparagraph.
 - Exterior lights are allowed only if the lights are for the following use or development:
 - Park and Open Area uses;
 - The major public trail or pedestrian connections to the major public trail;
 - Public viewing areas; or
 - River-dependent or river-related development.
 - Structures that support exterior light fixtures must be setback at least 5 feet from the top of bank of the Willamette River except for docks and gangways, and must be setback at least 30 feet from any other stream, drainageway, wetland or water body;
 - Structures that support exterior light fixtures must be spaced at least 25 feet apart;
 - Lamps must fall below 3000K or within an S/P ratio range of 1- 1.2; and
 - Exterior lights must not project directly into the Willamette River.

F. Greenway goal exception. Approval of an exception to Statewide Planning Goal 15, Willamette Greenway, is required to locate development or a right-of-way that is not river-dependent or river-related within 25 feet of the top of bank. A greenway goal exception is not required to add revetments to a riverbank. The approval criteria are in Section 33.840.200, Greenway Goal Exception.

33.510.255 Central City Master Plans

- A. Purpose.** A Central City Master Plan establishes a clear development strategy for significant redevelopment sites in the Central City. Central City Master Plan review is intended to ensure that development on the site will positively contribute to the existing and desired surrounding urban form. The review will result in an urban design framework and layout for the site as a whole, allowing subsequent reviews for individual buildings and other development to focus on materials and façade treatment. A Central City Master Plan is intended to result in the following urban design outcomes:
- A development site that has a strong orientation towards transit and multimodal transportation alternatives.
 - A safe and vibrant public realm, supported by active ground floor uses, open space areas and an internal circulation system that provides access to adjacent public rights-of-way and multimodal transportation options;
 - A development site that has adequate urban services such as water, stormwater, sewers, and fire-hydrants, and
 - Building bulk, height, orientation, and programming that protects public views and preserves light and air within the public realm, and is oriented to active and passive public gathering spaces, including public open spaces, transit stations, and the Willamette River.
- B. When a Central City Master Plan review is required.**
1. Central City Master Plan review is required for the following types of development in the areas shown on Map 510-19:
 - a. New development; and
 - b. Alterations to existing development that increase the floor area or exterior improvement on a site by more than 20,000 square feet.
 2. Exemption. The following are exempt from Central City Master Plan review:
 - a. Development associated with a School use; and
 - b. Development on a lot that is 40,000 square feet or less in total area. This exemption does not apply if the lot is part of a site that is more than 40,000 square feet in total area.
- C. Voluntary Central City Master Plan.** An applicant may voluntarily submit for a Central City Master Plan review. The minimum size threshold for a voluntary Central City Master Plan review is 160,000 square feet of lot area. There can be more than one lot and more than one site within the boundaries of a voluntary Central City Master Plan.
- D. Flexibility allowed.** An approved Central City Master Plan review allows additional flexibility in the following situations:
1. Floor area may be transferred among sites within the master plan boundary without having to meet the prioritization in 33.510.205.B;
 2. The minimum floor area ratio standard in 33.510.200.C.2 may be met for the master plan area as a whole rather than on a site-by-site basis;

3. The bonus height limits shown on Map 510-4 may be achieved without having to provide the bonuses or transfers required by 33.510.210.D.3; and
 4. Residential uses may be allowed on the sites shown on Map 510-6 as allowing residential uses through a Central City Master Plan.
- E. Review procedure.** A Central City Master Plan is processed through a Type III procedure.
- F. Design advice request.** A design advice request is required prior to submitting an application for a Central City Master Plan review.
- G. Components.** A Central City Master Plan must include the following components:
1. **Boundaries.** The boundaries of the master plan area must be shown on a site plan. For sites where a Central City Master Plan is required, the boundary must include all contiguous lots in common ownership within the area shown on Map 510-19. Contiguous includes lots across a shared right-of-way. Lots in separate ownership may be included, but are not required.
 2. **Proposed urban design and development framework.** The following materials must be included to provide clear visual information about the proposal:
 - a. A site plan showing the following:
 - (1) Location, size, and dimensions of all existing and proposed structures, and the location of all main entrances to existing and proposed buildings;
 - (2) Location, size and dimensions of the building coverage of all proposed structures;
 - (3) Description of existing and proposed land uses. The description must include information as to the general amount, type and location of all uses;
 - (4) Existing and proposed internal pedestrian, bicycle, and vehicle circulation system, including where each part of the proposed system connects to public rights-of-way adjacent to the master plan boundary, and transit service lines and stations within or adjacent to the master plan boundary;
 - (5) Existing and proposed location of public rights-of-way
 - (6) Location of bicycle and vehicle parking; and
 - (7) Location, size and shape of all open areas such as parks, plazas, landscaped and hardscaped areas and outdoor recreation amenities including those that are required in 33.510.255.K.
 - b. A three-dimensional massing diagram that identifies the maximum existing and proposed building envelopes, with proposed building dimensions and height for each building, including building massing where a tower will be setback from the edge of a podium; and
 - c. Sections, sectional elevations, and perspectives that illustrate the relationship of site redevelopment to the surrounding urban form in terms of building height and massing.

3. Project narrative. A narrative that describes the project, identifies how the Central City Master Plan is consistent with the applicable design guidelines. Specific information about the proposed range and density of land uses and the proposed phasing of development must also be included. If the proposed Central City Master Plan involves the transfer of floor area, information about the location of the receiving and sending sites, the ownership of the sites, and amount of floor area to be transferred and retained at each site must be included.
 4. Infrastructure capability. The adequacy of infrastructure must be addressed. The plan must identify and link the development of each phase of the project to the provision of services necessary to meet the infrastructure needs of the development associated with that phase.
 5. Design advice. A copy of the design advice request summary.
- H. Approval Criteria.** A Central City Master Plan review will be approved if the review body finds that the following approval criteria have been met. Criteria H.1 through H.11 apply to all Central City Master Plan reviews. Criteria H.12 through H.15 also apply to proposals within the area identified on Map 510-6 as requiring a Central City Master Plan review for residential uses.
1. The Central City Master Plan is consistent with applicable subdistrict goals and policies of the Central City 2035 Plan;
 2. The master plan demonstrates how development will comply with the Central City Fundamental Design Guidelines, as well as any applicable design guidelines specific to the subdistrict the master plan site is located within;
 3. Development on lots with river frontage incorporates elements that activate the riverfront, such as open areas, trails, accessways, and active land uses that encourage public use and enjoyment of the riverfront;
 4. The proposed uses will not have significant adverse effects on industrial firms or result in conflicts with industrial activities located within the plan boundary or within 500 feet of the plan boundary;
 5. The master plan demonstrates that development within the plan boundary will establish an overall building orientation through massing, the location of entrances, and the location of ground floor uses that result in an edge that embraces adjacent public park rather than creating an abrupt edge between the plan area and parks, and ensures that development within the plan boundary will not excessively shade the adjacent park;
 6. The master plan demonstrates that easy and safe access will be provided to transit stations located within or immediately adjacent to the master plan boundary, and any buildings located immediately adjacent to a transit station include ground floor uses that create an active and safe pedestrian environment throughout the day, evening, and week;
 7. Internal open areas are accessible within, and distributed throughout, the master plan area and have connections to the surrounding neighborhood and to any adjacent open space. Internal open areas enhance visual permeability through the site,

especially on sites near the Willamette River. The size and location of each open area must be adequate to accommodate the intended use of the space.

8. The transportation system is capable of supporting the proposed uses in addition to the existing uses in the plan area. Evaluation factors include street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation, and safety. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 9. The proposed street plan must provide multi-modal street connections to support the surrounding street grid pattern;
 10. The plan ensures that there will be adequate and timely infrastructure capacity for the proposed development; and
 11. The master plan demonstrates that, to the extent practical and feasible, inactive uses such as, but not limited to, parking and access, loading, and trash and recycling are shared or consolidated, with the goal of activating the pedestrian environment.
 12. The proposal will not have a significant adverse effect on truck and freight movement;
 13. City-designated scenic resources are preserved;
 14. Proposed residential uses are buffered from potential nuisance impacts from uses allowed by right in the zone; and
 15. The master plan includes a design, landscape, and transportation plan that will limit conflicts between residential, employment, and industrial uses.
- I. Amendments to a Central City Master Plan.** Unless specifically addressed in the approved Central City Master Plan review, an amendment to an approved master plan is required for the following changes. The amendment request must meet the applicable approval criteria in 33.510.255.H.
1. The following amendments are processed through a Type III review:
 - a. Changes to the boundary of the master plan area;
 - b. Removing or changing the location of a proposed public right-of-way, or to the location of a private vehicular accessway that connect to a public right-of-way; or
 - c. Removing or changing the location of an open area as required by 33.510.255.K.
 2. The following amendments are processed through a Type II review:
 - a. Changes to the location or number of buildings;
 - b. Change to the location of proposed the ground floor active uses; or
 - c. Increases or decreases of 15 percent or more to an approved massing envelop.

- J. Duration.** An approved Central City Master Plan remains in effect until development allowed by the plan has been completed, except that a Central City Master Plan expires 10 years from the date of the final decision if none of the development or activity allowed by the plan has commenced.
- K. Open area requirement.**
1. Purpose. The open area requirements promote a site design that provides access to light and air, opportunities for outdoor activities including active and passive recreation, public gathering spaces, and visual relief from the built environment. The standards are also intended to produce open areas at a scale compatible to what large sites would have if divided by the 200 foot street grid pattern common through the Central City.
 2. Amount of required open area. A minimum of 20 percent of the master plan area must be devoted to open area. Open areas may include parks, outdoor recreation amenities, plazas, public fountains, or landscaped areas. Areas used for parking, loading, and driveways do not count toward the 20 percent minimum open area requirement.
 3. Required open area development standards.
 - a. At least 20,000 square feet, or 50 percent, whichever is less, of the required open area must be designed as parks or plazas. At least one of the parks or plazas must have dimensions that allows a 50 foot by 50 foot square to fit entirely within it, and in Central City Master Plan Area 6, shown on Map 510-19, at least one park or plaza must be located directly adjacent to the OS zone.
 - b. Bike and pedestrian accessways may not constitute more than 25 percent of the required open space.
 - c. The open space must meet one of the following tree density standards. Tree canopy sizes are defined in 33.248.030.C.2:
 - (1) A minimum of one tree per 1,000 square feet of park or plaza area is required if all of the trees are small canopy trees; or
 - (2) A minimum of one tree per 2,000 square feet of park or plaza area is required if at least one medium or large canopy tree is provided.
 - d. Parks and plazas must be sited so that shadows from buildings cover no more than 50 percent of the park or plaza at noon on March 21, June 21 and September 21, and not more than 75 percent of the adjacent open space at noon on December 21, and 3:00 pm on March 21, June 21, and September 21.

33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

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

Parking and Access

33.510.261 Parking Built After July 9, 2018

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
1. **Growth Parking.** Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.

In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.

In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.

The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
 2. **Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
 3. **Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.
- C. Organization of parking regulations.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

Generally, Growth Parking and Preservation Parking are allocated based on net building area of buildings or dwelling units. Visitor Parking may be located where demand is shown.

Each type of parking is regulated differently. For some types of parking, there are no limits on who may park there, even though the parking may have been created in conjunction with a particular development.

Map 510-10 shows the Central City plan district parking sectors. There are maximums for parking in all of the parking sectors. In some cases, Central City Parking Review may be required, while other proposals may need adjustments.

- D. Where these regulations apply.** The regulations of Sections 33.510.261 apply to parking built after July 9, 2018. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.
- E. Sites split by parking sector boundaries.** If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.
- F. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.
 - 1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
 - 2. Minimum required parking. There are no minimum parking requirement for Growth Parking.
 - 3. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
 - 4. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.

Table 510-1 Maximum Parking Ratios [1]						
Uses	Parking Sectors					
	1 North Pearl	2 North/ Northeast	3 Goose Hollow	4 Core	5 Central Eastside	6 South Waterfront
Residential Uses	1.2	1.2	1.2	1.2	1.2	1.2
Office, Retail Sales And Service, Schools, Colleges, Daycare	1.5	1.35	1.5	1.0	2.0	2.0
Grocery Store	2.0	2.0	2.0	2.0	2.0	2.0
Anchor Retail [2]	1.5	1.5	1.5	1.5	1.5	1.5
Hotel/motel and meeting or conference rooms	1/room, plus 1/1,000 square feet of meeting/conference rooms.					
Manufacturing and Production, Warehouse and Freight Movement, Wholesale Sales, Industrial Service	1.0	2.0	1.0	1.0	2.0	1.0
Medical Center	1.5	1.35	1.5	1.5	2.0	2.0
Major Event Entertainment, Commercial Outdoor Recreation, Parks And Open Areas	Parking requires Central City Parking Review and must meet the Visitor parking approval criteria in 33.808.100.					
Community Service, Religious Institutions, Theaters, and all other uses	.5	.5	.5	.5	.5	.5

[1] Maximum ratios are per 1,000 square feet of net building area for non-residential/hotel uses; per dwelling unit or hotel room for residential/hotel uses

[2] Anchor retail is a single structure with more than 50,000 square feet of net building area in Retail Sales and Service uses.

G. Preservation Parking. The regulations of this subsection apply to Preservation Parking. Adjustments to this subsection are prohibited.

1. When Preservation Parking is allowed. Preservation Parking is allowed when approved through Central City Parking Review. Existing buildings with Residential or hotel uses that have 0.5 or fewer parking stalls per unit or room are eligible to apply for Preservation Parking. In the South Waterfront subdistrict, existing buildings with Medical Center or College uses are eligible to apply for Preservation parking. Other existing buildings that have fewer than 0.7 parking stalls per 1,000 square feet of net building area are eligible to apply for Preservation Parking. If the parking area is

created through internal conversion of a building, by excavating under the building, or by adding gross building area to the building, the parking is regulated the same as Growth Parking.

2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Minimum required parking. There are no minimum parking requirements for Preservation Parking.
4. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
5. Required covenants. Preservation Parking requires the following covenants:
 - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
 - (1) The owner must specify which buildings the parking is based on;
 - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.
 - b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
 - (1) Covenant:
 - There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
 - A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.
 - (2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.

- a. Parking on top of a structure is allowed.
 - b. Up to 100 parking spaces may be on a surface parking lot or in structured parking with no gross building area above it if the parking is for a public school use;
 - c. In the Central Eastside and Lower Albina subdistricts up to 20 of the maximum allowed number of parking spaces for a site may be on a surface parking lot if the following are met. Adjustments to these standards are prohibited:
 - (1) The parking is accessory to a Manufacturing and Production, Wholesale Sales, Industrial Service, or Warehouse and Freight Movement use;
 - (2) The parking is located in the IH or IG1 zones; and
 - (3) The surface parking lot is located directly adjacent to the building in which the use exists. In this case, the parking on the surface parking lot must operate as accessory parking only and is prohibited from operating as commercial parking.
 - d. In the South Waterfront subdistrict, surface parking that is operated by the City of Portland on a site that will be developed as a park in the future is allowed. The property owner must execute a covenant with the City reflecting that the future development and use of the site will be a park, and the covenant must be attached to and recorded with the deed of the site. The covenant must meet the requirements of 33.700.060.
4. Parking structures. Where parking occupies more than 50 percent of the gross building area of a structure the following must be met. Adjustments to the following standards are prohibited.
- a. The structure may not be on any block bounded by both Fifth and Sixth Avenues between NW Irving and SW Jackson Streets.
 - b. The structure must be at least 100 feet from Fifth and Sixth Avenues between NW Glisan and SW Jackson Streets.
 - c. The structure may not be on any block bounded by both SW Morrison and SW Yamhill Streets between SW First and SW Eighteenth Avenues.
 - d. If the site is within a historic district, the building coverage of the portion of the parking structure within the district may not be larger than 20,000 square feet.
 - e. Street-facing facades.
 - (1) Street-facing facades in Parking Sector 6. Within Parking Sector 6, 50 percent of facades that face and are within 50 feet of streets, accessways, or the South Waterfront Greenway Area must be designed to accommodate Retail Sales And Service or Office uses at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses.
 - (2) Street facing facades in all other Parking Sectors. In all other parking sectors, 50 percent of the street-facing facade must be designed to accommodate

Retail Sales And Service or Office uses. Areas designed to accommodate these uses must be developed at the time of construction. The area designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
 - a. The number of parking spaces and the amount of net building area on the site.
 - b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
 - (1) Short-term (less than 4 hours);
 - (2) Long-term daily (four or more hours);
 - (3) Average number of monthly permits issued (other than carpool), and
 - (4) Number of signed monthly Carpool stalls in the facility.
 - c. Rate schedule for:
 - (1) Hourly parking;
 - (2) Daily Maximum Rate;
 - (3) Evening Parking;
 - (4) Weekend Parking;
 - (5) Monthly parking; and
 - (6) Carpool parking
 - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
 - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.
 - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

33.510.262 Parking Built before July 9, 2018

- A. Purpose.** With adoption of the Central City 2035 Plan, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations

for parking that existed when the regulations changed, operation restrictions and reporting requirements have been reduced.

The new regulations do not supersede other types of approvals such as existing Preservation Parking covenants, design review and adjustments.

- B. Where these regulations apply.** These regulations apply to all parking that legally existed on July 9, 2018. The regulations also apply to all parking where a complete application was received before July 9, 2018, or parking that received either a land use or building permit before July 9, 2018.
- C. Assignment of parking types.** The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if not assigned below the parking is Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with a particular development.
1. If the parking was built as Growth Parking it continues to be Growth Parking.
 2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
 3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
 4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
 5. All other parking is Undedicated General Parking.
- D. Operation.**
1. If the parking is in a structure:
 - a. Growth and Preservation parking may operate as accessory or commercial parking.
 - b. Visitor Parking is operated as commercial parking except as follows:
 - (1) "Early Bird" discounts are prohibited on weekdays, and
 - (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
 - c. Undedicated General Parking is subject to all previous conditions of approval.
 2. If the parking is on a surface parking lot:
 - a. Growth Parking:
 - (1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:

- Monthly permits are only allowed for residents and employees of the subdistrict;
 - Hourly and daily parking is prohibited; and
- (2) Growth Parking that was operating as RX Zone Parking on July 9, 2018 must operate as accessory to a Residential use.
- b. Preservation Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, Preservation parking that operates as commercial parking is subject to the following limitations:
- (1) Monthly permits are only allowed for residents and employees of the subdistrict; and
- (2) Hourly and daily parking is prohibited.
- c. Undedicated General Parking. The operation of Undedicated General Parking is subject to all previous conditions of approval.
- E. Changes.** Changes to parking regulated by this Section are regulated as follows.
1. Changes that would be prohibited if requested for new parking are prohibited.
 2. Changes from one type of parking to Visitor Parking or changes from Visitor Parking to Preservation or Growth requires a Central City Parking Review.
 3. Changes in conditions of approval requires Central City Parking Review.
 4. An increase in the number of spaces for all other parking types is subject to the regulations of Section 33.510.261.
 5. An increase in the number of spaces for Undedicated General Parking is prohibited.
 6. An increase in site area devoted to surface parking is prohibited.

33.510.263 Parking and Loading Access

The regulations of this section apply to all parking and loading access.

- A. Purpose.** The purpose of the parking and loading access regulations is to ensure the safety of pedestrians, bicyclists, and motorists, to avoid significant adverse impact on transit operations, and to ensure that the transportation system functions efficiently. The regulations require that the access to parking and loading areas be designed so that motor vehicles can enter and exit the parking facility without being required to cross the tracks of a light rail or streetcar alignment. Parking access shall be designed to avoid adverse impacts on operation and safety of pedestrian, bicycle, or motor vehicle circulation, and shall not preclude the future construction of facilities such as protected bikeways. A driveway is not automatically considered such an impact. On blocks where transit stations are located, the pedestrian environment on both sides of the streets will be considered and protected.
- B. Parking and loading access standards.**

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
 - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
 - c. On SW Park between SW Jackson Street and SW Salmon Street;
 - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
 - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;
 - f. On 1st Ave between NW Davis Street and SW Stark Streets;
 - g. On 1st Ave between SW Washington and SW Yamhill Streets; and
 - h. Motor vehicle access to or from any parking area 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; Ord. No. 190687, effective 3/1/22.)

and shape requirements of Chapter 33.614 and Chapter 33.615, outside of land zoned environmental protection.

13. Location and design of any trail or recreation facilities must conform to standards of the Columbia South Shore plan district. All new trail easements must be in the outer 25 feet of the environmental zone, except as necessary to connect to existing easements or trails on adjacent sites.
14. Construction of the trail or recreation facilities cannot result in the removal of trees that are 6 or more inches in diameter, with the exception that trees listed on the Nuisance Plants List may be removed. The trail or recreation facility cannot be located within wetlands subject to state or federal regulations.
15. Staging areas for slough and drainageway maintenance may have up to 5,000 square feet of gravel, paving, structures, or other ground-disturbing uses or activities exclusive of an access road. Access roads within an environmental zone may be up to 300 feet in length.
16. Water levels in the slough will be maintained at an elevation of between 5 and 10 feet mean sea level in order to preserve wetlands that are protected by an Environmental zone. An exception to this standard is for maintenance or emergency situations when a lower level is necessary.
17. Nonconforming situations
 - a. Required improvements.
 - (1) Paved areas in Environmental Overlay Zones. When the value of proposed alterations on the site, as determined by BDS, is more than \$330,800, paved areas that do not meet plan district regulations must be removed from environmental zoned areas. The value of the alterations is based on the entire project, not individual building permits.
 - (2) Unpaved exterior areas. When development is proposed or alterations are made to a site, unpaved exterior improvements must comply fully with development standards.
 - (3) The cost of meeting the standards of B.17.a(1) and (2), above, may be counted toward the cost of upgrades required by Subsection 33.258.070.D. However, the requirements of B.17.a(1) and (2) must be met first.
 - b. Area of required improvements. Except as provided in 33.258.070.D.2.c(2), Exception for Sites With Ground Leases, required improvements must be made to the entire site.
 - c. Timing and cost of required improvements. The timing and cost of the required improvements is specified in 33.258.070.D.2.d. However, where 33.258.070.D.2.d refers to the standards listed in subparagraph 33.258.070.D.2.b, the standards of B.17.a(1) and (2), above, are also included.
 - d. Removal of existing bridges, utilities, or public improvements is not required.

18. Land divisions. The following standards apply to land divisions where at least half of the site is within an environmental zone:
 - a. In residential zones, at least 40 percent of the land division site not in streets must be devoted to open areas;
 - b. In nonresidential zones, at least 20 percent of the land division site not in streets must be devoted to open areas; and
 - c. In all zones, at least half of the open area must be in common ownership.

33.515.280 Columbia South Shore Environmental Review

- A. Purpose of the review.** Environmental review of uses and development in the Environmental zones is intended to provide adequate protection for the identified natural resources. The review provides for flexibility and reasonable development opportunities when development is sensitive to the special environmental concerns of the site. Within the plan district, the applicant should be aware that if an archaeological resource exists on an area to be removed from environmental zones, the protection measures of 33.515.262 still apply.
- B. Modifying Environmental Zone boundaries.** Environmental zone boundaries may be modified by the City as the result of and concurrent with approving development in a natural resource area. The boundaries may be modified for either of the two situations stated below. All other requests for boundary changes are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments.
 1. Creation of new resource areas. The environmental protection zone will be expanded as part of the environmental review to include areas identified for mitigation.
 2. Loss of existing resource areas. The environmental zone may be removed from an existing natural resource zoned environmental conservation where approved development will eliminate the natural resource. The zoning designation will not be removed until after all required mitigation measures have been completed.
- C. Procedures.** All required reviews are processed through a Type II procedure.
- D. Approval criteria.**
 1. Fill or destruction of a natural resource in an environmental conservation zone will be approved if the review body finds that:
 - a. All resource values listed in Figure 2-3 of the Natural Resources Protection Plan for the Columbia South Shore being altered or destroyed will be replaced through mitigation. If the mitigation site is within a protected resource, values that already exist do not count towards mitigation;
 - b. The mitigation area is in the Columbia South Shore plan district and abuts or is within a protected resource;
 - c. If the mitigation area abuts a protected resource, the mitigation area will be at least 110 percent of the size and values of the altered resource area;

33.560 North Cully Plan District

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Sections:

- 33.560.010 Purpose
- 33.560.020 Where the Regulations Apply
- 33.560.030 Procedures
- 33.560.040 Submittal Requirements
- 33.560.050 Approval Criteria
- 33.560.060 Amendments to an Approved Development Plan

Map 560-1 North Cully Plan District

33.560.010 Purpose

The regulations of the North Cully Plan District are intended to ensure compatible redevelopment of certain large parcels as set forth in the Cully Neighborhood Plan. These parcels are developed with gravel pits, a number of smaller, older single family dwellings and trailer parks with redevelopment probable in the next two decades. Properties should be developed in a cohesive pattern in order to encourage compatible development with the neighborhood to the south. North Cully Development review is a master plan review which will ensure compatibility and cohesive design.

33.560.020 Where the Regulations Apply

The regulations for North Cully Development review apply to development within the North Cully Plan District. The boundaries are shown on Map 560-1 at the end of this chapter and on the official zoning map. New construction, building additions and land divisions within the Plan District are regulated by this chapter. Sites under 5 acres and improvements with a value less than \$254,400 and modifications to existing single family dwellings and trailer park facilities are exempt from review.

33.560.030 Procedures

Requests for a North Cully Development review are processed through a Type III procedure.

33.560.040 Submittal Requirements

All North Cully Development review applications must comply with 33.730.060, Application Requirements, and the following:

- A. General statement.** Applications must include a narrative which describes the development plans for the duration of the development plan and an explanation of how the proposed plan meets the Cully Neighborhood Plan.
- B. Boundaries of the use.** All application submittals must show the current boundaries and possible future boundaries of the development for the duration of the development plan. The boundaries must show all the adjacent properties owned or under the control of the applicant.

- C. Uses and functions.** All applications must include a description of present and proposed uses.
- D. Site plan.** All applications must include a site plan, showing the existing and proposed temporary and permanent buildings and other structures, the pedestrian and vehicular circulation system, parking areas, open spaces, and other improvements required by the zoning regulations. All development plans must show the paved areas, landscaping, physical constraints including soil or geologic instability or anomalies. Conceptual plans for possible future uses will be included when possible, but will require an amendment to the approved plan if the location of facilities is changed or not included in the approval decision.
- E. Urban services.** All application submittals must show the location and size of urban services. Urban services include but are not limited to: water, stormwater, sewers, streets, fire hydrants and private utilities. Applicants should work with the affected service agency to resolve service concerns prior to application. Utilities should be underground wherever possible.
- F. Land divisions.** All application submittals must show how land divisions will not fragment the site or cause piecemeal development. A separate land division application will be required. Land divisions will not be approved prior to the North Cully Development review. A concurrent land division application is encouraged.
- G. Other reviews.** If other reviews are required, the North Cully Development review master plan must include information on any other discretionary reviews. If requested as part of the plan approval, all applicable criteria must be met.
- H. Area south of NE Killingsworth.** Excavation or mining and filling of sites located south of NE Killingsworth will terminate by December 2002. If excavation or filling activities are proposed to continue past this date, the site will be subject to North Cully Development review.

33.560.050 Approval Criteria

All North Cully Development review applications must meet the following approval criteria.

- A.** The applicable goals and objectives of the adopted neighborhood plan will be met.
- B.** The boundaries of the North Cully Development review application coincide with one of the subareas as shown in the adopted Cully Neighborhood Plan or adequate rationale is provided for any deviation.
- C.** The uses proposed are allowed in the base zone and overlay zones.
- D.** Public services for water supply, streets, police and fire protection are capable of serving the proposed development and sanitary waste disposal, stormwater disposal systems, streets and traffic circulation meet the requirements of Title 17.
- E.** The development plan shows a completely developed site which is compatible with the surrounding area. In a phased development, the code requirements will be met at each phase in development.

includes the square footage of any floor area plus the square footage of any exterior development. See Chapter 33.806, Airport Reviews.

Special Notification Requirements in the Airport Subdistrict

33.565.310 Mailed Public Notice for Proposed Development

When development is proposed within the Airport Subdistrict, all of the steps in this section must be completed before an application for a building or zoning permit is submitted.

- A. Purpose.** Mailed public notice informs interested neighborhood associations and district neighborhood coalitions of proposed airport development that is not subject to a land use review and provides them with an opportunity to attend a public meeting to get more information and discuss the proposed development.
- B. Where and when mailed public notice is required.** Proposals that were part of a land use review are exempt from the requirement of this subsection. Mailed public notice is required in the IG2 zone:
 - 1. When the proposed development will add more than 10,000 square feet of gross building area to the site; or
 - 2. When the value of the proposed development will exceed \$674,950.
- C. Requirements.** The requirements for mailed public notice are:
 - 1. The applicant must send a letter to the neighborhood associations and district neighborhood coalitions of the site or adjacent to the site, by registered or certified mail. The letter must contain, at a minimum, contact information for the applicant, the date, time and location that the project will be presented at a public meeting and a description of the proposed development, including the purpose of the project, total project square footage and project valuation. The letter must be sent at least 14 days before the public meeting where the project will be presented.
 - 2. Copies of letters required by this section, and registered or certified mail receipts, must be submitted with the application for building or zoning permit.

33.565.320 Posted Public Notice Requirements for Land Use Reviews

Posting of notice on the site is required for Type III land use reviews. The requirements for posting notices in Section 33.730.080 apply to sites in the plan district zoned IG2; however, the number and location on the site, specified in Subsection 33.730.080.A, are superseded by the requirements of this section.

- A. Outdoor notices.** Posted notices must be placed at the following outdoor locations:
 - 1. At each of the two main crosswalks in the arrivals roadway area; and
 - 2. At each of the two pedestrian bridges to the P1 parking garage.
- B. Indoor notices.** Posted notices must be placed at the following locations inside the terminal building and must be visible to passengers and others in the building:
 - 1. On the second floor of the terminal at each of the two main escalators;

2. On the second floor at each of the two circulation throats; and
 3. On the first floor of the terminal at each of the two main escalators.
- C. Roadway notice.** One posted notice must be placed along a roadway within 800 feet of the proposed structure or development activity. If the nearest roadway is more than 800 feet from the proposed structure or development activity, the notice must be placed at the intersection closest to the proposed structure or development activity.

Regulations in the Middle Columbia Slough Subdistrict

33.565.400 Zoning Map Amendments

The IG2 zone is the only zone that can be requested during a Zoning Map Amendment on the sites shown on Map 565-4. Requesting a zone other than IG2 is prohibited. In addition, the Prime Industrial overlay zone must be applied in conjunction with the zone change to IG2.

33.565.410 Additional Development Standards

- A. Purpose.** The following development standards promote ecologically beneficial design by requiring buffers and plantings that provide ecological function and contribute to ecosystem services such as multi-objective stormwater management, cleaning and cooling of air and water, wildlife habitat, biodiversity, and aesthetic values. The development standards help reduce future demands on infrastructure, and reduce adverse impacts from development both on and off-site. The standards also buffer industrial development from abutting residential development and open space uses, and provide a pleasant work environment for employees.
- B. Where the standards apply.** The standards in this Section apply to development in the IG2 zone in the Golf Course/IG2 Transition Area shown on Map 565-4.
- C. Development standards.**
1. Minimum landscaped area standard. At least 20 percent of site area must be landscaped. Area improved for active or passive recreational use, or for use by pedestrians, does not count toward the required landscaped area. Other required landscaping, such as setbacks and parking lot landscaping, applies toward the landscaped area standard. Area covered by an eco-roof also applies toward the landscaped area standard.
 2. Native plants. At least 75 percent of all plants planted to meet Title 33 landscaping requirements must be native plants from the *Portland Plant List*.
 3. Vegetated setback.
 - a. All development must be set back 25 feet from a residential zone or open space zone. The area within the vegetated setback may be applied toward the required landscaped area standards;
 - b. Required plants and planting densities. One of the following standards must be met:

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. All members must have demonstrated interest, competence, or knowledge of historic preservation. At least two members must have professional experience in historic preservation, local history, architectural history, or architecture. At least three of the additional members must have professional experience or working knowledge of historic preservation, local history, architectural history, architecture, landscape architecture, real estate, economics, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, cultural resources management, or related disciplines. The Commission may have up to two members at-large. No more than two members of the Commission may be in the business of buying, selling, leasing, or developing real estate for profit, or be officers of such a business. The members are appointed by the Mayor and confirmed by the City Council.
- C. Meetings, officers, and subcommittees.**
1. The Historic Landmarks Commission meets at least once a month and as necessary to act on reviews assigned to them by this Title. Meetings are conducted in accordance with adopted rules of procedure. Four members constitute a quorum at a meeting. The election of officers takes place at the first meeting of each calendar year.
 2. The Historic Landmarks Commission may divide its membership into special subcommittees which are authorized to act on behalf of the Commission for an assigned purpose. Three members of the Commission constitute a quorum on such

subcommittees. Subcommittee actions require the affirmative vote of at least three members.

- D. Powers and duties.** The Historic Landmarks Commission has all of the powers and duties which are assigned to it by this Title or by City Council. The Commission powers and duties include:
1. Establishing, amending, or removing Historic Landmark and Conservation Landmark designations and amending Historic District and Conservation District designations in quasi-judicial reviews;
 2. Recommending the establishment, amendment, or removal of Historic Landmark and Conservation Landmark designations and Significant Resource identification to the City Council in legislative actions;
 3. Providing advice on the establishment, amendment, or removal of Historic Districts and Conservation Districts to the Planning and Sustainability Commission in legislative actions;
 4. Recommending design guidelines for Historic Districts and Conservation Districts to the City Council in legislative actions;
 5. Reviewing development proposals for Historic Landmarks and Conservation Landmarks and in Historic Districts and Conservation Districts in quasi-judicial reviews;
 6. Reviewing demolition and relocation requests for certain Historic Landmarks, Conservation Landmarks, and resources in Historic Districts and Conservation Districts in quasi-judicial reviews;
 7. Providing advice on historic preservation matters to the Hearings Officer, Design Commission, Planning 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 making recommendations on National Register of Historic Places nominations and making recommendations to other governmental agencies regarding historic preservation programs and issues.
- E. Annual report.** The Commission must make an annual report of its actions and accomplishments for each calendar year. The report must be filed with the Director of BDS by the first working day of April. The Director of BDS may combine the report with annual reports of other bodies for transmission to City Council.

33.710.070 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; Ord. No. 190687, effective 3/1/22.)

33.720 Assignment of Review Bodies

720

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;

2. Historic resource review of Historic, Conservation, and National Register Landmarks and resources in Historic, Conservation, and National Register Districts;
 3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
 4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.
- E. 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 through D, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.
- B. Design guidelines for Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- C. Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council. In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.
- D. Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- E. Final action on all legislative land use reviews is by the City Council.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. 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.

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; Ord. No. 190687, effective 3/1/22.)

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

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.
3. When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District, at least one joint public hearing with the Planning and Sustainability Commission and the Historic Landmarks Commission is required before the Planning and Sustainability Commission recommends action on the designation or removal.

B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
2. Notice time frame. The notice must be provided 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; Ord. No. 190687, effective 3/1/22.)

33.805 Adjustments

805

Sections:

- 33.805.010 Purpose
- 33.805.020 Procedure
- 33.805.030 Regulations Which May and May Not Be Adjusted
- 33.805.040 Approval Criteria

33.805.010 Purpose

The regulations of the zoning code are designed to implement the goals and policies of the Comprehensive Plan. These regulations apply city-wide, but because of the city's diversity, some sites are difficult to develop in compliance with the regulations. The adjustment review process provides a mechanism by which the regulations in the zoning code may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustments may also be used when strict application of the zoning code's regulations would preclude all use of a site. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the code, while allowing the zoning code to continue to provide certainty and rapid processing for land use applications.

33.805.020 Procedure

Requests for an adjustment are processed through a Type II procedure.

33.805.030 Regulations Which May and May Not Be Adjusted

- A. Eligible regulations.** Unless listed in Subsection B. below, all regulations in this Title and in Chapters 32.32 and 32.34 of the Sign Code may be modified using the adjustment review process.
- B. Ineligible regulations.** Adjustments are prohibited for the following items:
 1. To allow a primary or accessory use that is not allowed by the regulations;
 2. As an exception to any restrictions on uses or development which contain the word "prohibited";
 3. As an exception to a threshold for a review. An example is 33.140.100.B.4 in the Employment and Industrial Zones chapter. It states that a single Office use 3,000 square feet or less is allowed by right, but larger ones require a conditional use review. An adjustment could not be granted to allow an Office use of 3,200 square feet; the conditional use review is mandatory;
 4. As an exception to a qualifying situation for a regulation, such as zones allowed or items being limited to new development. An example of this is 33.251.030.C, which says that manufactured dwelling parks are allowed only in the RM1 zone. An adjustment could not be granted to allow a manufactured dwelling park in any other R zone;
 5. As an exception to a definition or classification. An example is a convenience store, which is defined as being under 4,000 square feet in area, requiring a package store

liquor license, and being open more than 15 hours a day. An adjustment could not be granted to change the amount of square feet, the package store liquor license, or the hours a convenience store is open;

6. As an exception to the procedural steps of a procedure or to change assigned procedures;
7. To allow an increase in density in the RF through RM2 or RMP zones.

33.805.040 Approval Criteria

The approval criteria for signs are stated in Title 32. All other adjustment requests will be approved if the review body finds that the applicant has shown that either approval criteria A. through F. or approval criteria G. through I., below, have been met.

- A. Granting the adjustment will equally or better meet the purpose of the regulation to be modified; and
- B. If in a residential, CI1, or IR zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, I, or CI2 zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and
- C. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project which is still consistent with the overall purpose of the zone; and
- D. City-designated scenic resources and historic resources in Historic, Conservation and National Register Districts and within the boundaries of Historic, Conservation and National Register Landmarks are preserved; and
- E. Any impacts resulting from the adjustment are mitigated to the extent practical; and
- F. If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; or
- G. Application of the regulation in question would preclude all reasonable economic use of the site; and
- H. Granting the adjustment is the minimum necessary to allow the use of the site; and
- I. Any impacts resulting from the adjustment are mitigated to the extent practical.

(Amended by: Ord. No. 167127, effective 12/17/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190687, effective 3/1/22.)

in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- D. The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- E. City-designated scenic resources are preserved.

33.815.126 Office Uses in the IG1 Zone in the Lower Albina Subdistrict

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in Historic Landmarks, Conservation Landmarks, and contributing resources in a Historic District or a Conservation District in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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;
- D. At least 33 percent of the net building area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- E. The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District

These approval criteria allow accessory and headquarters offices that operate in conjunction with the primary activities of allowed uses, while ensuring that these offices will not have a detrimental impact on industrial operations in the plan district. These criteria also recognize that normal industrial activities may have negative impacts on office uses; those impacts can result in complaints that interfere with industrial operations.

- A. The proposed offices will not have significant adverse effects on nearby industrial firms or result in conflicts with industrial activities. Evaluation factors include:

1. The impact of traffic generated by the proposed offices on industrial use of the transportation system, considering the access, maneuvering, loading, truck and freight movement needs of industrial uses; and
 2. The extent to which the proposed offices are designed to minimize and mitigate negative impacts from industrial activities on those working in the offices. Impacts include noise, fumes, and dust.
- B. Transportation system:**
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. Industrial uses will be maintained as the primary use of the site and the proposed office use will not compromise the ability of the site to continue to be used for industrial operations.**

33.815.128 Retail Sales And Service Uses in the EG Zone

These approval criteria apply to Retail Sales And Service uses in order to allow commercial development that serves the immediate employment area while ensuring that the development will not have a detrimental impact on the character of the employment zone. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on neighboring employment uses;
- B. Transportation system:**
 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The proposed use will not significantly alter the overall desired character of the area, based on the existing mixture of uses and the effects of incremental change; and
- D. City-designated scenic resources are preserved.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote the preservation of historic resources that are Historic Landmarks, Conservation Landmarks, or contributing resources in a Historic District or a Conservation District. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B. Transportation system:
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes.

33.815.130 Residential Uses in the IG1, IG2, and IH Zones

These approval criteria promote the preservation of land for industrial uses while allowing residential uses in limited situations where they will not interfere with industry. Residential uses in these zones are only protected from nuisance impacts, including noise, to the same standard as uses allowed by right. The approval criteria are as follows:

- A. The proposed use will not have a significant adverse effect on truck and freight movement.
- B. Transportation system:
1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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 may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
 - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and

improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

33.815.210 Helicopter Landing Facilities

- A. The following approval criteria apply to all helicopter landing facilities reviewed through a Type III procedure.
 1. The facility meets the safety standards required by state or federal agencies. The facility must be approved by State Aeronautics and the FAA;
 2. The facility is located so that the flights may take advantage of existing natural flight corridors. Locations close to natural flight corridors such as freeways are preferred;
 3. Consolidating the HLF with other existing nearby HLFs is not possible or feasible;
 4. In C, E, I, or CI zones, the facility will not have a greater impact than allowed uses. If the facility will have significantly greater impacts, then it must be found that the public benefits of the HLF outweigh the harm of the impacts. Locations more than 500 feet from land with residential zoning will be viewed more favorably by the review body;
 5. In OS, R, CR, CM1, CM2, CM3, and IR zones, the facility will not have a significant negative impact on the livability of the area or a significant detrimental environmental impact;
 6. The facility meets all development standards contained in 33.243.040; and
 7. The facility meets all noise regulations of the State of Oregon Department of Environmental Quality and Title 18 of the City Code.
- B. The following criterion applies to helicopter landing facilities reviewed through a Type II procedure: The proposal will not result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, or changes in required distances from other uses.

33.815.215 Major Event Entertainment

These approval criteria ensure that the potentially large size and impacts of these uses are not harmful to surrounding areas and that transportation services are or will be sufficient to serve the use. The approval criteria are:

A. Public services.

1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
2. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
3. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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.
4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

B. Appearance. The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;

C. Benefit. Public benefits of the proposed use outweigh any impacts that cannot be mitigated;

D. In the campus institutional zones. These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:

1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;

3. In the IR zone the facility is listed in the mission statement as part of the institution's impact mitigation plan;
4. In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and
5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building area including portions of parking structures associated with these uses. If the institutional campus includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space required for the facility. Size exceptions are prohibited.

33.815.220 Mining and Waste Related

These approval criteria allow these uses in locations where their large size and potential nuisance and environmental impacts will not harm surrounding land uses. The approval criteria are as follows:

- A.** There are adequate nearby lands available for the development of more intense industrial uses;
- B.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;
- C.** There will be no significant health or safety risk to nearby uses;
- D.** There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;
- E.** The proposed use adequately addresses potential nuisance-related impacts such as litter;
- F.** Public services.
 1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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.
- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;
- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and
- I. Public benefits of the use outweigh any impacts that cannot be mitigated.

33.815.222 Park-and-Ride Facilities for Mass Transit

Park-and-ride facilities improve access to transit for some people who live beyond walking or bicycling distance of bus or light rail lines. Park-and-ride facilities can create significant peak-hour traffic and conflict with traffic, pedestrian, and bicycle movement. The approval criteria are:

- A. The proposal will not by itself, or in combination with other on-site parking areas, significantly detract from the overall desired character of the area, including existing or planned transit-supportive, high-density residential or mixed-use development;
- B. The park-and-ride facility is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- C. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- D. Transportation system:
 - 1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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 facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic

management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- E. Transit ridership is increased and vehicle miles traveled per capita is reduced;
 - F. The facility will have adequate separation, landscaping, and screening between the sidewalk and parking areas to reduce the impact on adjacent public and private spaces; and
 - G. The facility is necessary because bus service is not adequate to serve those in the surrounding area who live or work beyond walking or bicycling distance of transit.

33.815.223 Public Safety Facilities

These approval criteria allow Public Safety Facilities where it is necessary to the health and safety of the public that a facility be at a particular site. The criteria also ensure that impacts resulting from the facility will be mitigated to the extent practicable. The approval criteria are:

- A. **Health and safety.** The health and safety of the public is dependent on the facility being at this location.
- B. **Location.** There is no feasible alternative location where the facility is an allowed use, or would have less impact on residential character or identified scenic and environmental resources.
 1. Proof of a location-specific need must include:
 - a. A broad review of other, similar or nearby, areas;
 - b. A review of specific alternative sites is not required; and
 - c. The review of other areas must show that those areas cannot reasonably accommodate the proposed use.
 2. A challenge to the proposed site includes identification of a specific alternative site and sufficient facts to support the assertion that the alternative site can reasonably accommodate the proposed use.
- C. **Public services.**
 1. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.
 2. Transportation system:
 - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and

bicycle networks, 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. Livability.

1. Detrimental impacts are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Hours of operation;
 - b. Vehicle trips to the site and impact on surrounding on-street parking;
 - c. Noise, vibration, dust, odor, fumes, glare, and smoke;
 - d. Potential for increased litter
 - e. The amount, location, and nature of any outside displays, storage, or activities;
 - f. Height of structures; and
2. If the facility is in an OS or R zone, detrimental impacts to the residential or open space character of the area caused by the appearance of the new use or development are mitigated to the extent feasible, taking into consideration such factors as:
 - a. Structure scale, placement, and facade;
 - b. Parking area placement;
 - c. Buffering and the potential loss of privacy to abutting residential uses; and
 - d. Lighting and signs; and
3. If the facility is in an OS zone, adequate open space is being maintained so that detrimental impacts to the open or natural character of the area are minimized.

- E. Radio Frequency Transmission Facilities.** Unless exempted or allowed by Sections 33.274.030 or 33.274.035, Radio Frequency Transmission Facilities must also comply with the regulations of Sections 33.274.040 through .070.

33.815.225 Radio Frequency Transmission Facilities

These approval criteria allow Radio Frequency Transmission Facilities in locations where there are few impacts on nearby properties. The approval criteria are:

- A.** Approval criteria for personal wireless service facilities proposing to locate on an existing building or other non-broadcast structure in an OS or R zone or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
1. The visual impact of an antenna must be minimized. For instance, it can be hidden behind a compatible building feature such as a dormer, mounted flush to the facade of the building and painted to match, mounted on a structure designed with minimal bulk and painted to fade into the background, or mounted by other technique that equally minimizes the visual impact of the antenna;
 2. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area and be adequately screened; and
 3. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- B.** Approval criteria for personal wireless service facilities proposing to locate on a tower in an OS or R zone, or in a C, E, I, or campus institutional zone within 50 feet of an R zone:
1. The applicant must prove that a tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean, and uncluttered;
 3. The visual impact of the tower on the surrounding area must be minimized. This can be accomplished by one or more of the following methods:
 - a. Limiting the tower height as much as possible given the technical requirements for providing service and other factors such as whether the tower will provide co-location opportunities;
 - b. Planting or preserving trees around the tower as a way to soften its appearance. The variety and spacing of the trees will be determined based on the site characteristics, tower height, and other co-location factors;
 - c. Shielding the tower and antennas from view by enclosing or concealing them within another structure that has less visual impact.
 - d. Placing the tower away from land uses that are more sensitive to the visual impacts, such as adjoining residences or open spaces; or
 - e. Other methods that adequately minimize visual impact;

4. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- C.** Approval criteria for personal wireless service facilities, proposing to locate on a tower in a C, CI2, or EX zone more than 50 feet from an R zone:
1. The applicant must prove that a tower that is taller than the base zone height standard allows or is within 2,000 feet of another tower is the only feasible way to provide the service, including documentation as to why the proposed facility cannot feasibly be located in a right-of-way;
 2. The tower, including mounting technique, must be sleek, clean and uncluttered;
 3. Accessory equipment associated with the facility must be adequately screened. If a new structure will be built to store the accessory equipment, the new structure must be designed to be compatible with the desired character of the surrounding area;
 4. The visual impact of the tower on the surrounding area must be minimized;
 5. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 6. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.
- D.** Approval criteria for all other Radio Frequency Transmission Facilities:
1. Based on the number and proximity of other facilities in the area, the proposal will not significantly lessen the desired character and appearance of the area;
 2. The facility will be located so that impacts on mature trees and tree groves are minimized;
 3. Public benefits of the use outweigh any impacts which cannot be mitigated; and
 4. The regulations of Chapter 33.274, Radio Frequency Transmission Facilities are met.

33.815.230 Rail Lines And Utility Corridors

These approval criteria allow Rail Line And Utility Corridor uses where their location will not unduly interfere with other land uses and with the street system. The approval criteria are as follows:

- A.** The proposed rail line or utility corridor is sufficiently separated from nearby land uses so as to allow for buffering of the uses, especially in residential areas. In the case of railroad lines, separation distances should consider the expected number, speed, size, types, and times of trains; and
- B.** The rail line or utility corridor will not substantially impact the existing or planned street system, or traffic, transit, pedestrian, and bicycle movement and safety.

33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District

These approval criteria serve to control Commercial Parking Facilities in the Entryway subarea of the Columbia South Shore plan district to promote the City's development objectives for the area. The approval criteria are:

- A.** The proposed facility is consistent with the City's adopted renewal plan for the area;
- B.** The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;
- C.** There are adequate nearby lands available for the development of more intense uses;
- D.** The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- E.** If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- F.** Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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.

33.815.301 Industrial Businesses in the Columbia South Shore Plan District

These approval criteria apply to industrially oriented office uses specified in 33.515.110 of the Columbia South Shore Plan District. The approval criterion allows these uses in the Industrial Business Opportunity subdistrict when there is excess capacity available in the transportation system. The application must include a traffic impact analysis acceptable to the Office of Transportation. The approval criteria are:

- A.** There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the

district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement.

33.815.302 Professional/Technical Facilities in the Columbia South Shore Plan District

These approval criteria provide for professional/technical facilities which directly involve firms in Columbia Corridor and which show effective transportation demand management. The approval criteria are:

- A. The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
- E. The proposed transportation demand management (TDM) program is acceptable to the Office of Transportation. Examples of TDM program measures may include vanpooling,

carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and

- F. City-designated scenic resources are preserved.

33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District

For Retail Sales and Service Uses that directly support industrial firms in the Columbia South Shore but require space in excess of the limits provided in 33.515, only approval criteria A through D apply. For the minor alteration of Retail Sales and Service Uses in excess of 25,000 square feet which existed on September 1, 1996, or for which a complete application was received under Section 33.700.080 by September 1, 1996, only approval criterion D applies:

- A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and
- E. The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

33.815.304 Retail Sales And Service Uses on Specified Sites in the CX and EX Zones in the Central City Plan District

Approval criteria A, B and D apply to Retail Sales And Service uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are outside the South Waterfront Subdistrict. Approval criteria A, B, C and D apply to Retail Sales And Service Uses with more than 50,000 square feet of net building area on sites shown on Map 510-12 that are within the South Waterfront Subdistrict.

- A. The use needs to be located in the subdistrict because it primarily serves those who live or work in the subdistrict;
- B. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the South Waterfront Plan; and
- D. City-designated scenic resources are preserved.

33.815.305 Replacement Parking Facilities in the Central City Plan District

These approval criteria provide for parking facilities that replace on- and off-street parking spaces lost to development of a light rail line. It is not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired commercial, mixed use, employment, or residential character of the zones. It is intended to allow parking facilities that primarily serve users who have destinations in the neighborhood, and to provide replacement, as opposed to additional, parking. The approval criteria are:

- A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking

by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Involvement, and do not include boundaries of business associations, industrial associations, or other recognized organizations.

- B. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
- C. Transportation system:
 - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, 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. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;
- E. The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and
- F. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District

This review provides for Commercial Parking that supports the diverse mix of uses and urban scale of development in the Northwest plan district. The review allows for a limited amount of

Commercial Parking for community use in a high-density residential area in close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street, while ensuring that the transportation system is capable of supporting the proposed parking. The criterion is: The transportation system is capable of supporting the proposed used in addition to the existing uses in the area. Evaluation findings must demonstrate that:

- A. Signalized intersections within 600 feet of the site will operate at an acceptable level of service or will not be significantly degraded by the proposed use;
- B. The proposed use does not create a significant adverse impact on the availability of existing on-street parking along streets within one block of the site. Adverse impacts to on-street parking could include removal of a significant portion of the existing on-street parking in the area;
- C. The design of the site, and in particular the locations of vehicular ingress and egress, minimizes the impact of traffic circulation on local service streets; and
- D. The design of the site provides for safe operation of motor vehicle access and does not significantly degrade the safety of pedestrians, or other modes, using the streets near the site.

33.815.310 Industrial Uses in the IR Zone

These approval criteria providing for Manufacturing and Production and Industrial Service Uses in IR zones are intended to allow industrial activities that support the mission of the City's major educational and medical institutions. The approval criteria are:

- A. The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;
- B. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;
- C. Industrial service and manufacturing and production uses are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;
- D. All Industrial Service and Manufacturing And Production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking will be associated with the Industrial Service and Manufacturing And Production uses for each parking space 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; Ord. No. 190687, effective 3/1/22.)

33.825 Design Review

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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.** Phased design plans.
 - 1. For multi-phased projects. Applicants may submit design plans for multi-phased projects, provided the application includes adequate information to allow review of the immediate and later phases of the project, including anticipated timelines.
 - 2. Benefits of a phased design plan. Development in conformance with an approved phased design plan does not have to go through a separate design review for each phase.
 - 3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a design review for a specific development.

- C. Models of proposals in the Central City plan district. For proposals located in the Central City plan district shown on Map 510-1, a three dimensional digital model of the proposal is required with an application for Design Review. This requirement applies only to new developments or changes in the bulk of existing buildings.

Before a building permit is issued, a three dimensional digital model of the proposal as approved must be submitted to the Bureau of Planning and Sustainability. The model requirements will be waived if the application does not involve a change in the bulk of buildings on a site for which the City possesses an accurate digital model.

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 facade or roof area	Type I
		All other exterior alterations	Type II
	Changes to an approved design review [3]	Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II
	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 facade or roof area	Type I
		All other exterior alteration	Type II
Changes to an approved design review [3]		Rooftop mechanical equipment	Type I
		Alteration to ground floor facade	Type I
		All other changes [4]	Type II
Exterior development not listed above			Type II

[1] The height threshold does not include additional height allowed through a height exception in the 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 family income or an affordability level established by Title 30. If a Type II review procedure is chosen, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau and a design advice request is required. See 33.730.050.B. The application for design review may not be submitted before the required design advice request is held.

[3] Changes to an approved design review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original design review has not expired;
2. The building permit for the project has not received final approval;
3. The change will not modify any condition of approval. Changes to an approved exhibit are allowed; and
4. The change alters no more than 30 percent of any façade and does not increase the approved floor area.

[4] If the original design review was processed through a Type I procedure, then review of a change is processed through the same procedure as the original review.

33.825.035 Factors Reviewed During Design Review.

The review may evaluate the architectural style; structure placement, dimensions, height, and bulk; lot coverage by structures; and exterior alterations of the proposal, including building materials, color, off-street parking areas, open areas, landscaping, and tree preservation.

While the review may evaluate the distribution of massing and placement of structures on the site, the review may not require the applicant to reduce or increase the total floor area or height, except when the height being proposed includes bonus height, and the bonus requires approval through design review or a modification through design review.

The review body is not obligated to approve modifications or adjustments that are requested in order to achieve the proposed development intensity.

33.825.040 Modifications That Will Better Meet Design Review Requirements

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

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

- C. **Mitigation of impacts.** Any impacts resulting from the modifications are mitigated to the extent practical.

33.825.055 Approval Criteria

A design review application will be approved if the review body finds the applicant to have shown that the proposal complies with the design guidelines for the area.

33.825.065 Design Guidelines

- A. **Purpose.** Design guidelines are the approval criteria used to review new development and alterations to existing development. They ensure 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; Ord. No. 190687, effective 3/1/22.)

33.846 Historic Resource Reviews

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Sections:

General

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General

33.846.010 Purpose

This chapter provides procedures and establishes the approval criteria for all historic resource reviews. The approval criteria protect the region's significant historic resources and preserve important parts of the region's heritage. The reviews recognize and protect the region's archaeological, cultural, historic, and architectural resources, ensure that changes to historic resources preserve physical integrity and historic significance, and provide incentives for historic preservation and adaptive reuse. The reviews also allow for community involvement and the potential for denial when demolition, relocation, new development, or alteration is proposed for certain historic resources.

33.846.020 Review Procedures

The review procedures in this chapter supersede procedural and threshold statements in the City's adopted design guidelines documents for Historic and Conservation Districts.

33.846.025 Additional Notification Required

In addition to the notifications provided for by Chapter 33.730, Quasi-Judicial Procedures, when a Conservation District or Historic District has a Historic District Advisory Committee that is recognized by a Neighborhood Association, notice of all historic resource reviews will also be sent to the District's advisory committee.

33.846.030 Historic Designation Review

- A. Purpose.** Historic designation review allows the City of Portland to designate Historic Landmarks or Conservation Landmarks, expand the boundaries of Historic Landmarks, Conservation Landmarks, Historic Districts, or Conservation Districts, and to designate resources as contributing resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a resource's listing on the National Register of Historic Places. These provisions promote the protection of historic resources by:

- Enhancing the city's identity through the protection of the region's significant historic resources;
- Ensuring underrepresented histories are recognized and protected;
- Fostering preservation and reuse of historic artifacts, structures, sites, objects, places, and districts as important parts of the region's fabric;
- Encouraging new development to sensitively incorporate historic resources and artifacts; and
- Applying an appropriate level of protection to historic resources at the time of City designation.

B. Review procedure. Historic designation reviews are processed as follows:

1. Designating a Historic Landmark or Conservation Landmark when the resource is a structure, site, or object that has been listed on the National Register of Historic Places is processed through a Type I procedure.
2. Expanding the boundary of a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
3. Designating a resource as a contributing resource within a City-designated Historic Landmark, Conservation Landmark, Historic District, or Conservation District is processed through a Type II procedure.
4. All other historic designation reviews are processed through a Type III procedure. A pre-application conference is not required.

C. Supplemental application requirements. In addition to the application requirements of Section 33.730.060.D, the following information is required for an application for historic designation review:

1. Two copies of a map and narrative description of the proposed boundary for the designated resource, including identification of which resources within the boundary are contributing resources. At least one copy of the map must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction;
2. Two copies of a narrative description of the resource's significance and integrity, including identification of the year or years proposed as the resource's period of historic significance;
3. Five or more current photos of the resource;
4. One or more historic photos of the resource, if available;
5. For resources listed on the National Register of Historic Places, two copies of the National Register nomination; and
6. Two copies of a signed statement from the property owner providing consent for the designation. For the purposes of this application requirement, property owner is defined as:

- a. The owner of fee title to the property as shown in the deed records of the county where the property is located;
- b. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
- c. If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

D. Approval criteria. Proposals to designate a historic resource as a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or as a contributing resource within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District, or expand the boundary of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District will be approved if the review body finds that all of the following approval criteria are met:

1. **Significance.** The resource has significant archaeological, cultural, historical, or architectural value. For proposals to designate a Historic Landmark or Conservation Landmark, designate a resource as a contributing resource in an existing Historic District or Conservation District, or expand the boundary of an existing Historic Landmark, Conservation Landmark, Historic District or Conservation District, at least one of the following must be met. For proposals to designate an entire Historic District or Conservation District, the district must either meet D.1.f or two of D.1.a-e:
 - a. The resource is associated with at least one event that has made a significant contribution to one or more broad patterns of local, regional, state, or national history;
 - b. The resource is associated with the life of at least one person significant to local, regional, state, or national history;
 - c. The resource possesses at least one distinctive characteristic of a type, period, or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - d. There is a high likelihood that, if preserved, the resource would yield information important in local, regional, state, or national history;
 - e. If the proposal is to designate a Conservation Landmark or Conservation District, the resource is associated with at least one event or pattern that is architecturally, culturally, or historically significant to the neighborhood or community with which the resource is associated; or
 - f. The resource has a significant association with at least one underrepresented community, cultural, or ethnic group.

2. Integrity. The resource has retained physical and associative features from the period of historic significance. For proposals to designate a Conservation Landmark or Conservation District, at least three of the following must be met. For proposals to designate a resource as a contributing resource in a Historic District or Conservation District, at least three of the following must be met. For proposals to designate a Historic Landmark or Historic District, at least four of the following must be met:
 - a. The resource remains in the exact location as during the period of historic significance;
 - b. The resource retains sufficient design elements to convey an association with the period of historic significance;
 - c. The overall configuration of the resource and its surroundings is generally unchanged since the period of historic significance;
 - d. The resource's materials are generally unchanged since the period of historic significance or, if changed, have been replaced in kind;
 - e. The resource retains expressions of craft from the period of historic significance;
 - f. Sufficient artistic, spatial, or intangible elements from the period of historic significance remain to convey the significance of the resource; or
 - g. The cumulative features of the resource, as described by D.2.a through f, are together sufficient to convey an association with the resource's significance.
3. Appropriate level of protection. The proposed City designation is appropriate considering the following. Levels of protection for City designation are Historic Landmark designation, Conservation Landmark designation, Historic District designation, Conservation District designation, contributing resource in a Historic District, contributing resource in a Conservation District, and no City designation:
 - a. The significance and integrity of the resource proposed for designation;
 - b. The regulatory effects of the proposed level of protection; and
 - c. Other values, such as relevant goals and policies in the Comprehensive Plan.

33.846.040 Historic Designation Removal Review

- A. Purpose.** These provisions allow for the removal of City landmark designation when it is no longer appropriate. The provisions also allow for the level of protection to be changed from Historic Landmark to Conservation Landmark, and for the boundaries of a Historic Landmark, Conservation Landmark, Historic District, or Conservation District to be reduced. And these provisions allow for removing the contributing status of resources within a Historic Landmark, Conservation Landmark, Historic District, or Conservation District. This review does not affect a resource's listing on the National Register of Historic Places.
- B. Review procedure.** Historic designation removal reviews are processed as follows:
 1. Historic designation removal review to reduce the boundary of or identify a resource as noncontributing within a City-designated Historic Landmark, Conservation

Landmark, Historic District, or Conservation District is processed through a Type II procedure.

2. All other historic resource designation removal reviews are processed through a Type III procedure. A pre-application conference is not required.

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

1. Loss of historic value. Information shows that the resource does not meet the applicable criteria for historic designation review in Sections 33.846.030.D.1. and D.2;
2. Change in level of protection. The goals and polices of the Comprehensive Plan are equally or better met by changing the level of protection of the entire landmark or district from Historic Landmark to Conservation Landmark, from Historic District to Conservation District, or, if the resource is listed in the National Register of Historic Places, by changing the level of protection to National Register Landmark or National Register District; or
3. Owner consent.
 - a. For Historic Landmarks or Conservation Landmarks. The property owner at the time of designation must have objected, on the record, to the historic designation and must have retained ownership since the time of designation.
 - b. For Historic Districts or Conservation Districts. Fifty percent plus one of the property owners at the time of designation must have objected, on the record, to inclusion in the district.
 - c. For the purposes of this criterion, property owner is defined as the following:
 - (1) The owner of fee title to the property as shown in the deed records of the county where the property is located;
 - (2) The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or
 - (3) If the property is owned by the trustee of a revocable trust, the settlor of a revocable trust, except that when the trust becomes irrevocable only the trustee is the owner.

Property owner does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests, including leaseholds, of any nature.

33.846.050 Historic Preservation Incentive Review

A. Purpose. These provisions increase the potential for Historic Landmarks, Conservation Landmarks, and contributing resources in Historic Districts and Conservation Districts to be reused, rehabilitated, and preserved.

- B. Review procedure.** Historic preservation incentive reviews for sites in the RX zone are processed through a Type II procedure. Historic preservation incentive reviews for sites in all other zones are processed through a Type III procedure.
- C. Approval criteria.** The use of a historic preservation incentive for a Historic Landmark, Conservation Landmark, or contributing resource in a Historic District or a Conservation District will be approved if the review body finds that all of the following approval criteria are met:
 1. Establishment of the use will not conflict with adopted provisions of neighborhood plans for the site and surrounding area;
 2. If the site is in an R zone, the approval criteria of Section 33.815.105, Institutional and Other Uses in R Zones, are met.
 3. If the site is in an industrial zone, the approval criteria of 33.815.129 A through D are met; and
 4. The regulations of 33.445.400, Historic Preservation Incentives are met.

33.846.060 Historic Resource Review

- A. Purpose.** Historic resource review ensures the conservation and enhancement of the special characteristics of historic resources. Historic resource review also ensures that proposals to relocate historic resources do not result in the loss of historic significance and integrity.
- B. Review procedure.** For National Register Landmarks that are not located in a Historic or Conservation District, and for contributing resources in National Register Districts that are not a Historic or Conservation Landmark, the review procedure is Type III. Procedures for all other historic resource reviews are shown in Tables 846-1 through 846-4. When determining procedure type for exterior alterations based on project valuation, the dollar amount refers to the value of the exterior changes and any new floor area only. It does not include interior or subgrade alterations.
 1. For Historic Landmarks, including those in Historic Districts or Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.100.D.2, the review procedure is determined by Table 846-1, below:

Table 846-1			
Procedure Types for proposals affecting Historic Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Historic Landmark	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix

Alterations of a landmark-designated interior public space	All	Project value > \$521,850	Type III
		Project value ≤ \$521,850	Type II
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$521,850	Type III [1]
		Project value ≤ \$521,850	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, 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 historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource 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.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

2. For Conservation Landmarks, including those in Conservation Districts, when proposals are not exempt from review as specified in Subsection 33.445.110.D.2, the review procedure is determined by Table 846-2, below:

Table 846-2 Procedure Types for proposals affecting Conservation Landmarks			
Proposal	Zone	Threshold	Procedure
Relocation	All	Conservation Landmark	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
	C, E, I, RX, CI	Affected facade or roof area > 50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, 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 historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource 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.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

3. For Historic Districts, excluding Historic Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.200.D.2, the review procedure is determined by Table 846-3, below:

Table 846-3			
Review procedures for proposals within Historic Districts			
Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$521,850	Type III [1]
		Project value ≤ \$521,850	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, 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 historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource 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.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

4. For Conservation Districts, excluding Historic Landmarks or Conservation Landmarks, when proposals are not exempt from review as specified in Subsection 33.445.210.D.2, the review procedure is determined by Table 846-4, below:

Table 846-4			
Review procedures for proposals within Conservation Districts			
Proposal	Zone	Threshold	Review Type
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type Ix
New structure	All	Floor area > 800 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type Ix
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I

Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All		Type II [1]

[1] Affordable housing projects may choose a Type Ix review procedure if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for this alternate procedure type, 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 historic resource review may not be submitted before the required design advice request is held.

[2] Changes to an approved historic resource review are reviewed as stated in this table when all of the following are met. Changes to an approved review that do not meet these thresholds are processed through the same procedure as the original review:

1. The original historic resource 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.

[3] If the original historic resource review was processed through a Type I or Ix procedure, then review of a change is processed through the same procedure as the original review.

C. Phased proposals.

1. For phased proposals. Applicants may submit design plans for a phase proposal, provided the application includes adequate information to allow review of all phases of the proposal, 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 historic resource review for each phase.
3. Procedure. A phased design plan application is reviewed using the same procedure and with the same guidelines as a historic resource review for a specific development.

D. Models of proposals in the Central City plan district. For proposals located in the area of the Central City plan district shown on Map 510-1, a three dimensional digital model of a proposal located in a Historic District or Conservation District is required with an application for historic resource 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.

E. Approval criteria for outside the Central City plan district. Outside the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph E.5. The approval criteria for historic resource review outside the Central City plan district are as follows:

1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the King's Hill Historic District Guidelines. When historic resource review is required in such districts, the approval criteria are:
 - (1) The guidelines specific to the district;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Historic Districts without district-specific guidelines. Where there are no guidelines that are specific to the Historic District, the approval criteria are:
 - (1) The criteria in Subsection G;
 - (2) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
 - c. Alphabet Historic District. In the Alphabet Historic District, the approval criteria are:
 - (1) The Community Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
2. Conservation Districts. When historic resource review is required for any resource in a Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Conservation Districts with district-specific guidelines. Conservation Districts may have guidelines that are specific to the district. When historic resource review is required in such districts, the approval criteria are:

- (1) The guidelines specific to the district;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I; or
 - b. Conservation Districts without district-specific guidelines. Where there are no guidelines that are specific to the Conservation District, the approval criteria are:
 - (1) The Community Design Guidelines;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts or Conservation Districts. When historic resource review is required for a Historic Landmark or Conservation Landmark located outside of a Historic District or Conservation District, the approval criteria are:
 - a. If the resource is a Historic Landmark, the criteria in Subsection G;
 - b. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - c. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
 - a. The criteria in Subsection H; and
 - b. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
5. Conflicts among guidelines and criteria.
 - a. When guidelines and the criteria in Subsection G apply, if a criterion in Subsection G conflicts with any guideline, the criterion in Subsection G supersedes the guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any guideline, the guideline supersedes the criterion in Subsection H.

- c. When a guideline that is specific to a Historic District or Conservation District conflicts with one of the Community Design Guidelines or with a subdistrict design guideline, the guideline specific to the Historic District supersedes the Community Design Guideline or subdistrict design guideline.
 - d. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guidelines.
 - e. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.
- F. Approval criteria for inside the Central City plan district.** In the Central City plan district, requests for historic resource review will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met. Conflicts among guidelines and criteria are resolved as specified in Paragraph F.6, below. The approval criteria for historic resource review in the Central City plan district are as follows:
1. Historic Districts. When historic resource review is required for any resource in a Historic District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
 - a. Historic Districts with district-specific guidelines. Historic Districts may have guidelines that are specific to the district, such as the NW 13th Avenue Historic District Design Guidelines. When historic resource review is required in such districts, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines and the guidelines specific to the Historic District;
 - (2) If the resource is a Historic Landmark the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
 - b. Historic Districts without district-specific guidelines.
 - (1) Where there are no guidelines that are specific to the Historic District and the site is also in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - The Central City Fundamental Design Guidelines and the subdistrict design guidelines;
 - If the resource is a Historic Landmark, the criteria in Subsection G;
 - If the resource is a Conservation Landmark, the criteria in Subsection H; and

- If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
- (2) Where there are no guidelines that are specific to the Historic District and the site is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
- The Central City Fundamental Design Guidelines and the criteria in Subsection G; and
 - If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
- c. Alphabet Historic District. In the portion of the Alphabet Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines and the Historic Alphabet District Community Design Guidelines Addendum;
 - (2) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
- d. Irvington Historic District. In the portion of the Irvington Historic District within the Central City plan district, when historic resource review is required for any resource, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- (1) The Central City Fundamental Design Guidelines;
 - (2) The design guidelines for the Lloyd District subdistrict of the Central City plan district;
 - (3) The criteria in Subsection G; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
2. Russell Street Conservation District. When historic resource review is required for any resource in the Russell Street Conservation District, including Historic Landmarks and Conservation Landmarks, the approval criteria are:
- a. The Community Design Guidelines;
 - b. If the resource is a Historic Landmark, the criteria in Subsection G;
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.

3. Historic Landmarks and Conservation Landmarks located outside of Historic Districts and Conservation Districts. When historic resource review of a Historic Landmark or Conservation Landmark located outside of Historic Districts and Conservation Districts is required, the approval criteria are:
 - a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) The subdistrict design guidelines;
 - (3) If the resource is a Historic Landmark, the criteria in Subsection G;
 - (4) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (5) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) If the resource is a Historic Landmark, the criteria the criteria in Subsection G;
 - (3) If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - (4) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
4. National Register Landmarks located outside of Historic Districts and Conservation Districts and contributing resources in National Register Districts. When historic resource review is required for a National Register Landmark located outside of a Historic District or Conservation District or a contributing resource in a National Register District, the approval criteria are:
 - a. Subdistricts with design guidelines. If the resource is in a subdistrict of the Central City plan district that has subdistrict design guidelines, the approval criteria are:
 - (1) The Central City Fundamental Design Guidelines;
 - (2) The subdistrict design guidelines; and
 - (3) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I.
 - b. Subdistricts without design guidelines. If the resource is in a subdistrict of the Central City plan district that does not have subdistrict design guidelines, the approval criteria are:

- (1) The Central City Fundamental Design Guidelines; and
 - (2) If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection; and
5. Specified sites along N. Broadway. When historic resource review is required for a historic resource on a site in the CXd zone, and the site fronts on and is within 300 feet of N. Broadway between N. Interstate and N. Wheeler streets, the approval criteria are:
 - a. The Central City Fundamental Design Guidelines and the Special Design Guidelines for the Design Zone of the Lloyd District of the Central City Plan District;
 - b. If the resource is a Historic Landmark, the criteria in Subsection G;
 - c. If the resource is a Conservation Landmark, the criteria in Subsection H; and
 - d. If the proposal includes relocating a landmark or contributing resource, the criteria of Subsection I;
6. Conflicts among guidelines and criteria. Conflicts among guidelines and criteria are resolved as specified in this paragraph.
 - a. When guidelines and the criteria in Subsection G apply, if a criterion in Subsection G conflicts with any other guideline, the criterion in Subsection G supersedes the other guideline.
 - b. When guidelines and the criteria in Subsection H apply, if a criterion in Subsection H conflicts with any other guideline, the guideline supersedes the criterion in Subsection H.
 - c. When a guideline that is specific to a Historic District, such as one of the NW 13th Avenue Historic District Design Guidelines, conflicts with one of the Central City Fundamental Guidelines or with a subdistrict design guideline, such as one of the River District Design Guidelines, the guideline specific to the Historic District supersedes the Central City Fundamental Guideline and the subdistrict guideline.
 - d. When a subdistrict design guideline, such as one of the Goose Hollow District Design Guidelines, conflicts with one of the Central City Fundamental Design Guidelines, the subdistrict guideline supersedes the Central City Fundamental Guideline.
 - e. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Central City Fundamental Design Guidelines, the Alphabet District Guideline supersedes the Central City Fundamental Guideline. When a guideline from the Historic Alphabet District Addendum to the Community Design Guidelines conflicts with one of the Community Design Guidelines, the Alphabet District Addendum supersedes the Community Design Guideline.

- f. When a Lloyd District Design Guideline conflicts with a Central City Fundamental Design Guideline, the Lloyd District Guideline supersedes the Central City Fundamental Guideline.
 - g. When a criterion in Subsection I conflicts with any guideline or criterion, the criterion in Subsection I supersedes the guideline or criterion.
- G. Other historic approval criteria.** When required by Paragraphs E. or F., the following approval criteria must be met:
1. Historic character. The historic character of the landmark or contributing resource will be retained and preserved. Removal of historic materials or alteration of features and spaces that contribute to the historic significance of the landmark or contributing resource will be avoided;
 2. Record of its time. The landmark or contributing resource will remain a physical record of its time, place, and use. Changes that create a false sense of historic development, such as adding conjectural features or architectural elements from other buildings will be avoided;
 3. Historic changes. Most resources change over time. Those changes that have acquired historic significance will be preserved;
 4. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
 5. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
 6. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken;
 7. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the character, features, materials, form, or integrity of the landmark or contributing resource and, if in a Historic District, the district as a whole;
 8. Architectural compatibility. New additions, exterior alterations, or new construction will be compatible with the massing, size, scale, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole. When retrofitting to improve accessibility for persons with disabilities or accommodate seismic improvements, design solutions will not compromise the architectural integrity of the landmark or contributing resource;
 9. Preserve the form and integrity of historic resources. New additions, exterior alterations, or new construction will be undertaken in such a manner that if removed

in the future, the essential form and integrity of the landmark or contributing resource and, if in a district, the district as a whole would be unimpaired; and

10. Hierarchy of compatibility. New additions, exterior alterations, or new construction will be designed to be compatible primarily with the landmark or contributing resource and, if located within a district, secondarily with contributing resources located within 200 feet and, finally, with the rest of the district. Where practical, compatibility in districts will be pursued on all three levels.

H. Other conservation approval criteria. When required by Paragraphs E. or F., the following approval criteria must be met:

1. Historic features. Generally, deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement, the new feature will match the historic feature in design, color, texture, and other visual qualities and, where practical, in materials. Replacement of missing features must be substantiated by documentary, physical, or pictorial evidence;
2. Historic materials. Historic materials will be protected. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials will not be used;
3. Differentiate new from old. New additions, exterior alterations, or new construction will not destroy historic materials that characterize a landmark or contributing resource. New work may be differentiated from the old if the differentiation does not diminish the features or materials of the landmark or contributing resource and, if in a district, the district as a whole;
4. Architectural coherency. New additions, exterior alterations, or new construction will relate to the massing, materials, and architectural features of the landmark or contributing resource and, if in a district, the district as a whole even if the new work is differentiated or of a larger scale than the old;
5. Archaeological resources. Significant archaeological resources affected by a proposal will be protected and preserved to the extent practical. When such resources are disturbed, mitigation measures will be undertaken; and
6. Cultural character. For landmarks or contributing resources in districts primarily significant for an area of history other than architecture or design, new additions, exterior alterations, or new construction will maintain the cultural significance of the resource. New additions, exterior alterations, or new construction may alter, replace, or remove historic features and materials if such features or materials are not integral to the resource's cultural significance.

I. Other relocation approval criteria. When required by Paragraphs E. or F., one of the following approval criteria must be met:

1. Maintaining the resource in its current location would effectively deprive the owner of all reasonable economic use of the site. The evaluation must consider the historic

- resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
2. Relocation of the resource has been evaluated against the goals and policies of the Comprehensive Plan and any relevant area plans and, on balance, relocation has been found to be more supportive of the goals and policies than preservation, rehabilitation, or reuse of the resource on its current site.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.
 3. Relocation of the resource and related alterations will not substantially harm the historic significance and physical integrity of the resource.
 - a. The evaluation must consider the historic resource's age, historic significance, historic integrity, condition, value to the community, and design or construction rarity.
 - b. The evaluation must consider the merits of relocation, the merits of preserving the resource on site, and the economic consequences of relocation.
 - c. The evaluation may consider the following additional factors:
 - (1) The merits of the proposed development on the site after relocation;
 - (2) For contributing resources in a district with district-specific design guidelines, the design guidelines for the district; and
 - (3) Any proposed mitigation for relocation.

33.846.070 Modifications Considered During Historic Resource Review

The approval criteria for modifications considered during historic resource review are:

- A. Better meets historic resource review approval criteria.** The resulting development will better meet the approval criteria for historic resource review than would a design that meets the standard being modified; and
- B. Purpose of the standard.**
 1. The resulting development will meet the purpose of the standard being modified; or

2. The preservation of the character of the historic resource is more important than meeting the purpose of the standard for which a modification has been requested.

33.846.080 Demolition Review

- A. Purpose.** Demolition review protects landmarks and contributing resources in districts. Demolition review recognizes that historic resources are irreplaceable assets significant to the region's architectural, cultural, and historical identity and their preservation promotes economic and community vitality, resilience, and memory. In the event that demolition of a historic resource is approved, demolition review also addresses the potential for mitigation of the loss.
- B. Review procedure.** Demolition reviews are processed as follows:
1. Proposals to demolish an accessory structure are processed through a Type II procedure;
 2. Proposals to demolish a Conservation Landmark, National Register Landmark, contributing resource in a Conservation District, or contributing resource in a National Register District are processed through a Type III procedure;
 3. All other proposals to demolish a historic resource are processed through a Type IV procedure.
- C. Approval criteria.** Proposals to demolish a historic resource will be approved if the review body finds that one of the following approval criteria is met:
1. Demolition of the resource has been evaluated against and, on balance, demolition has been found to be equally or more supportive of relevant goals and policies of the Comprehensive Plan, and any relevant area plans, than preservation, rehabilitation, or reuse of the resource. The evaluation must consider:
 - a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. The merits of demolition;
 - d. The merits of development that could replace the demolished resource, either as specifically proposed for the site or as allowed under the existing zoning;
 - e. The merits of preserving the resource, taking into consideration the purposes described in Subsection A; and
 - f. Any proposed mitigation for the demolition.
 2. The proposal is to demolish a contributing resource in a Conservation District or National Register District, and demolition of the resource will be mitigated to enhance, preserve, or restore the archaeological, architectural, cultural, or historic significance or integrity of the district. The mitigation must be responsive to the

significance and integrity of the resource proposed for demolition. The evaluation must consider:

- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
3. The proposal is to demolish a contributing resource in a single-dwelling zone in a National Register District, and demolition of the resource will facilitate the creation of more deeply affordable dwelling units than could practicably result from preservation, rehabilitation, or reuse of the resource. In this case, deeply affordable means permanently affordable to those earning no more than 60 percent of the area median family income. The evaluation must consider:
- a. The resource's age, condition, historic integrity, historic significance, design or construction rarity, value to the community, and association with historically marginalized individuals or communities;
 - b. The economic consequences for the owner and the community;
 - c. Relevant goals and policies of the Comprehensive Plan.
4. The proposal is to demolish an accessory structure, and demolition of the resource will not significantly diminish the architectural, cultural, or historic significance or integrity of the associated landmark or district.

(Added by: Ord. No. 169987, effective 7/1/96. Amended by: Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190687, effective 3/1/22.)

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 Design Commission may initiate amendments concerning design 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 on the National Register of Historic Places.**
 - 1. When a historic resource is listed on the National Register of Historic Places, it is automatically identified on the Official Zoning Maps as follows:
 - a. Historic resources listed on the National Register of Historic Places on or before January 27, 2017 are 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 on the National Register; and
 - b. Historic resources listed on the National Register of Historic Places after January 27, 2017 are automatically identified on the Official Zoning Maps as a National Register Landmark or National Register District on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the listing of the resource on the National Register.
 - 2. When a historic resource is removed from the National Register of Historic Places and it has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, it is automatically removed from the Official Zoning Maps as a Historic Landmark, Historic District, National Register Landmark, or National

Register 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.

3. When the federal Keeper of the National Register of Historic Places approves a change to the boundary of a historic resource listed on the National Register of Historic Places that has not also been independently designated by the City as the result of a legislative or quasi-judicial procedure, the change is automatically identified on the Official Zoning Map on the date the Bureau of Planning and Sustainability receives notification from the State Historic Preservation Office of the change.
- B. Removal after destruction.** If a Historic Landmark, Conservation Landmark, or National Register 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, Conservation Landmark, or National Register Landmark is demolished after approval of demolition through demolition review, the Landmark designation for the resource is automatically removed from the Official Zoning Maps.
- D. Removal after relocation.** If a Historic Landmark, Conservation Landmark, or National Register 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
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; Ord. No. 190687, effective 3/1/22.)

- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height, for 75 percent or more of their perimeter.

Groundwater Sensitive Areas. Areas from which groundwater is replenished and the flow enables contaminants to be carried into aquifers (aquifer recharge areas), or areas of an aquifer in which the groundwater level and flow characteristics are influenced by the withdrawal of groundwater (areas of influence).

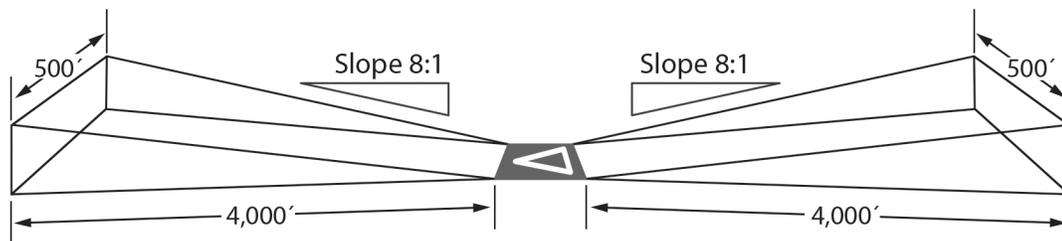
Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste;
- Chemicals listed in the List of Lists: Chemicals Subject to the Emergency Planning and Community Right-To-Know Act (EPCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 112(r) of the Clean Air Act, published March 15, 2015, U.S. Environmental Protection Agency, or as subsequently updated or amended; and
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101, or as subsequently updated or amended.

Heavy Truck. See Truck under Vehicle Types.

Helicopter Approach-Departure Flight Path. The approved route used by helicopters when approaching or departing from a helicopter landing facility. In general, the helicopter approach-departure flight path has dimensions as follows: 1) It is a trapezoid-shaped plane; 2) its inner width is the same as the width of the landing pad and its outer width is 500 feet at a distance of 4,000 feet from the landing pad; and 3) it has a slope of 1 (vertical) to 8 (horizontal). See Figure 910-3. See also, FAA Heliport Design Guide for more detailed flight path standards and requirements.

Figure 910-3
Helicopter Approach-Departure Flight Paths



Helicopter Landing Facility (HLF). Any area used for the landing and take off of helicopters including heliports, helipads, and helistops. Peripheral areas, hangars, parking pads, passenger terminals, and helicopter service areas are also part of such facilities.

- **Private Helicopter Landing Facility.** A helicopter landing facility which is restricted to use by the owner or by persons authorized by the owner. Such facilities cannot be used by the general public and are restricted to specific users and purposes.
- **Public Helicopter Landing Facility.** A helicopter landing facility which is open to use by the general public, and where helicopter landings do not require prior permission of the owner. It may be owned by a public agency, an individual, or other legal entity as long as it is open

for public use.

Helicopter Trip. Each landing or take-off of a helicopter. A landing and a take-off is counted as two trips.

Heritage Tree. See Tree Types.

Historic Landmark. See Historic Resource.

Historic Landmark Tree. A tree designated by the Historic Landmarks Commission because of its historical or cultural significance.

Historic Resource. A building, portion of a building, structure, object, landscape, tree, site, place, or district that has a significant relationship to events or conditions of the human past. Historic Resources may be important for archaeological, architectural, cultural, or historical reasons. Historic Resources include:

- **Historic Landmark.** A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;
- **Conservation Landmark.** A Conservation Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation Landmark's significance and integrity is found in the documentation done in support of the City designation. Conservation Landmarks have boundaries that are described in the documentation provided in support of the resource's City designation. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Conservation Landmark's contributing resources;
- **National Register Landmark.** A National Register Landmark is a building, structure, object, or site that has been listed by the federal Keeper of the National Register of Historic Places and has not been designated or identified by the City as a Historic Landmark or Conservation Landmark. National Register Landmark includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic Landmark or Conservation Landmark and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic Landmark or Conservation Landmark designation removed. Information supporting a specific National Register Landmark's significance and integrity is found in its National Register nomination. National Register Landmarks have boundaries that are described in the nomination provided in support of the federal listing;
- **Historic District.** A Historic District is a geographic area that has been designated for its archaeological, architectural, cultural, or historical merit. Historic District includes districts listed by the federal Keeper of the National Register of Historic Places on or before January

- 27, 2017, that have not had their Historic District designation removed. Information supporting a specific Historic District's significance and integrity is found in its National Register nomination or the documentation done in support of the City designation. Historic Districts have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing;
- **Conservation District.** A Conservation District is a geographic area that the City has designated for its special archaeological, architectural, cultural, or historical merit. Information supporting a specific Conservation District's significance and integrity is found in the documentation done in support of the City designation. Conservation Districts have boundaries that are described in the documentation provided in support of the resource's City designation;
 - **National Register District.** A National Register District is a district that has been listed by the federal Keeper of the National Register of Historic and has not been designated or identified by the City as a Historic District or Conservation District. National Register District includes resources listed by the federal Keeper of the National Register of Historic Places after January 27, 2017, that have not been designated by the City as a Historic District or Conservation District and resources that were listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017 that have had their Historic District or Conservation District designation removed. Information supporting a specific National Register District's significance and integrity is found in its National Register nomination. National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;
 - **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
 - **Contributing Resource.** A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource.

Historic Resources Inventory. Buildings, portions of buildings, structures, objects, landscapes, trees, sites, places, and districts that have been documented as having or potentially having archaeological, architectural, cultural, or historical significance. The Historic Resource Inventory includes all resources defined as Historic Resources. See Historic Resource.

Historic Restoration. Actions undertaken to accurately depict the form, features, and character of a historic resource as it appeared at a particular period of time. This is done by removing features not from that particular period, and reconstructing missing features from that particular period.

Historic Value. A physical, aesthetic, scenic, educational, or other characteristic which is a reminder of important events or developments in Portland's past.

Home Occupation. A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the Household Living use on the site.

House. See Residential Structure Types.

Houseboat Moorage. See Residential Structure Types.

Identified Wetlands, Identified Streams Identified Waterbodies. Those streams, wetlands, and waterbodies that are identified in the resource inventory or maps as being significant and in need of protection.

Institutional Campus. A medical or educational institution and associated uses, on a site at least 5 acres in area. Medical institutional campuses include medical centers and hospitals. Educational institutional campuses include universities, colleges, high schools, and other similar institutions offering course of study leading to a high school diploma or degree certified by a recognized accreditation body. Associated uses on institutional campuses may include some commercial and light industrial uses, major event entertainment, residential, and other uses.

Intensity. The amount or magnitude of a use on a site or allowed in a zone. Generally, it is measured by floor area. It may also be measured by such things as number of employees, amount of production, trip generation, or hours of operation. See also Density.

Kennel. Any location where 5 or more dogs or cats aged 6 months or older are boarded or bred. The sale of these animals may be a part of the kennel use. Establishments where animals are offered for sale as the primary use, such as pet stores, are not classified as kennels.

Land Division. The act of dividing land to create new lots or tracts, or to reconfigure lots or tracts within a recorded land division. The result of a land division is a subdivision plat or partition plat. Actions that are exempt from the State law definitions of partition or subdivision (i.e., property line adjustment) are not considered land divisions. See also, 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).

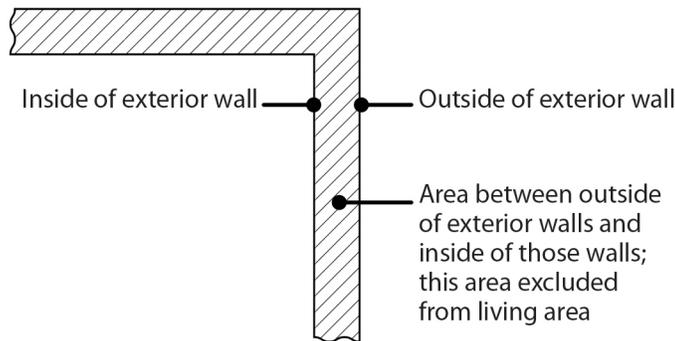
Light Truck. See Truck under Vehicle Types.

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.

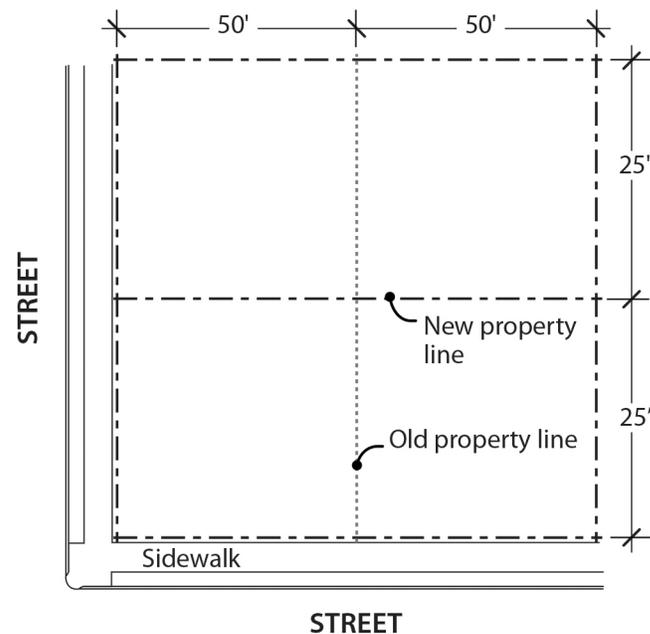
Longest Street-Facing Wall. The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, 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

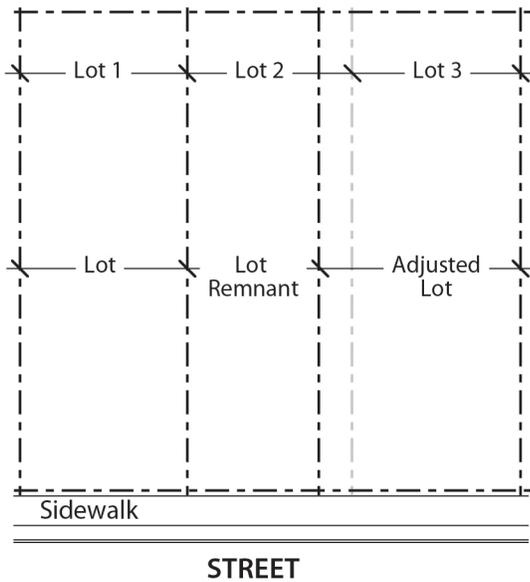


- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting 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

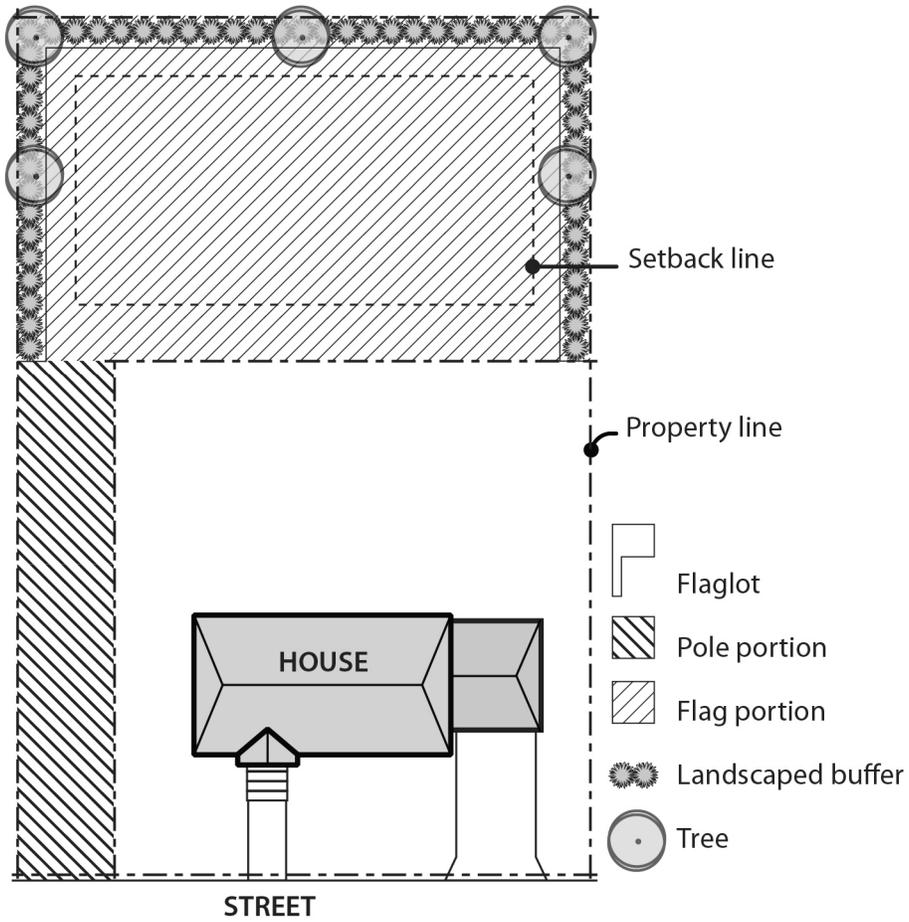
does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **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.

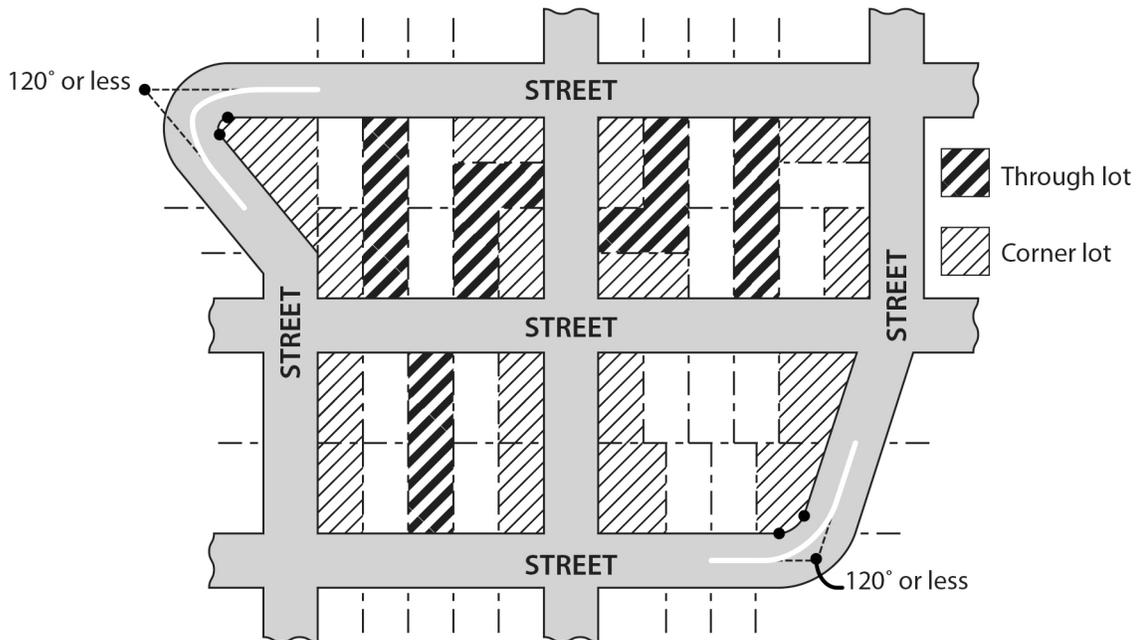
Figure 910-17
Adjusted Lot and Lot Remnant



**Figure 910-5
Flag Lot**



**Figure 910-4
Corner and Through Lots**



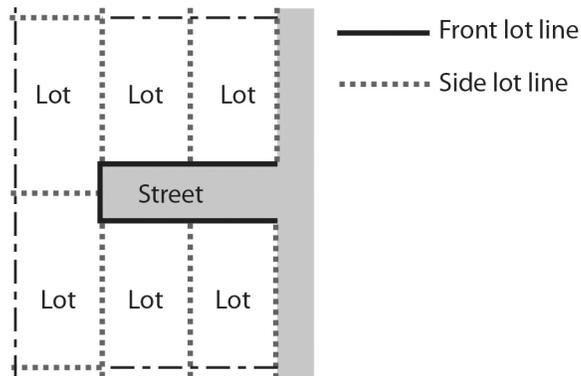
Lot Lines. The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **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.

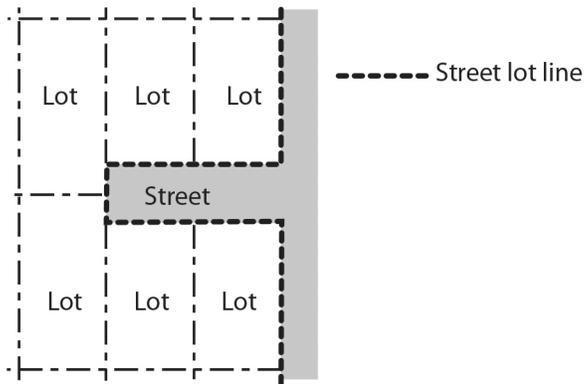
Lot of Record. See Lot-Related Definitions.

Lot Remnant. See Lot-Related Definitions.

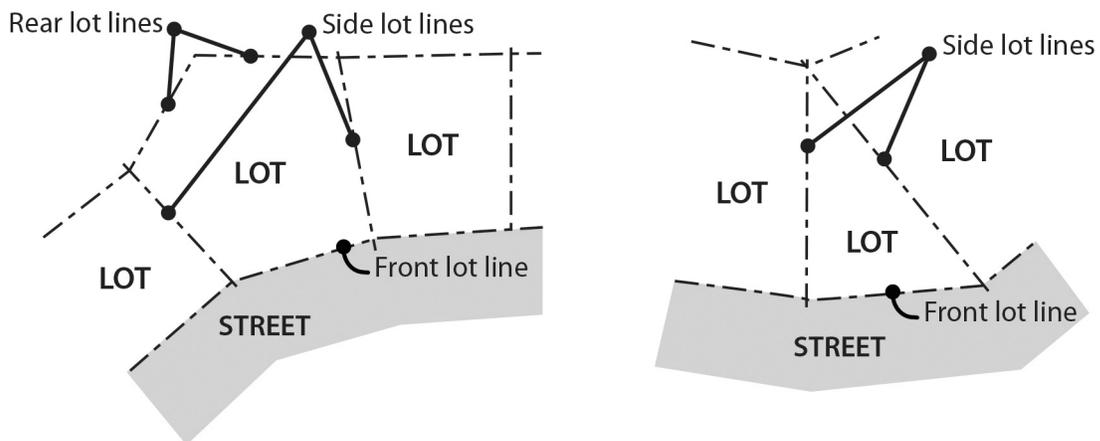
**Figure 910-6
Front and Side Lot Lines**



**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.

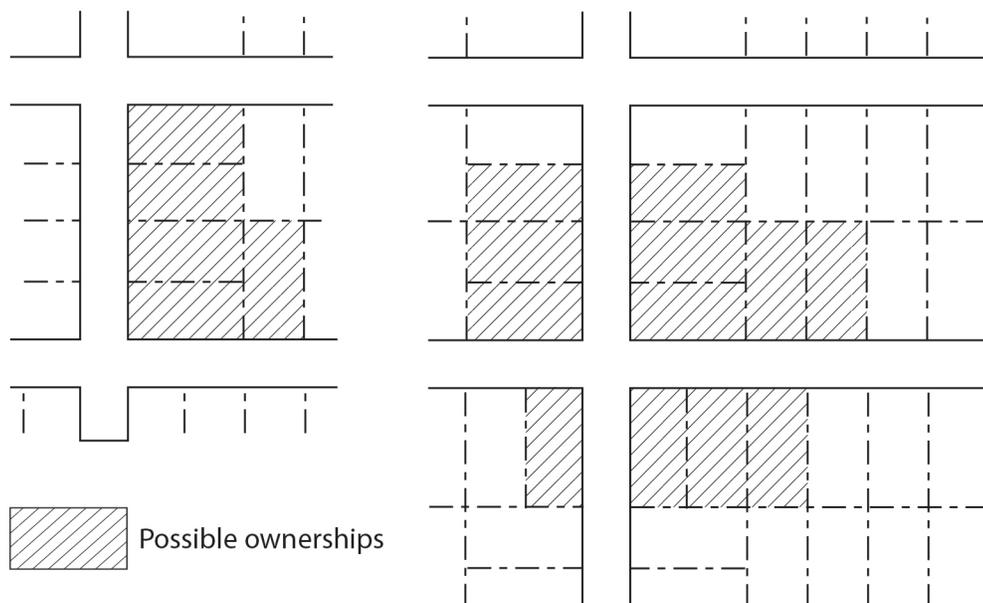
Outdoor Shelter. Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. 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.

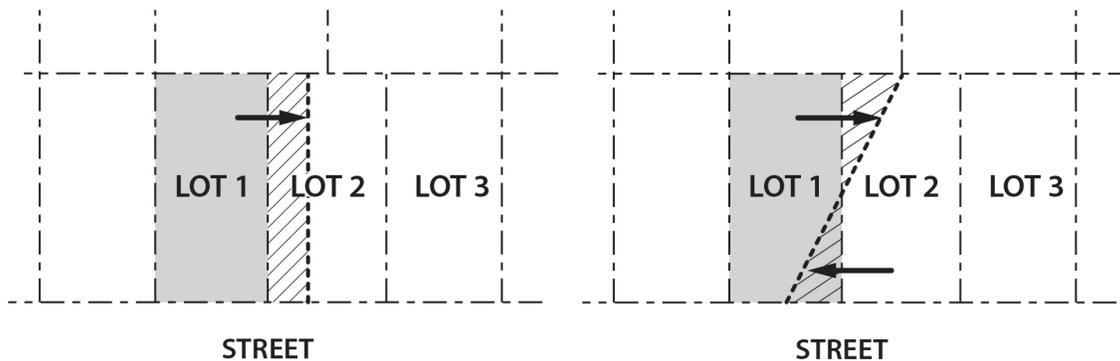
Primary Use. An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

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



Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

 Exchange parcel

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.

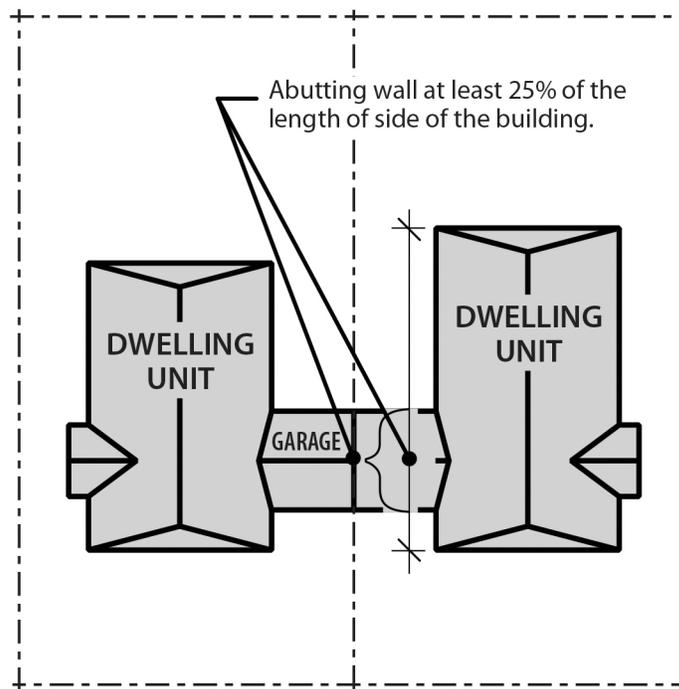
Residential Facility. A residence for 6 to 15 physically or mentally disabled persons, and for staff persons. The facility may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Facility.

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.

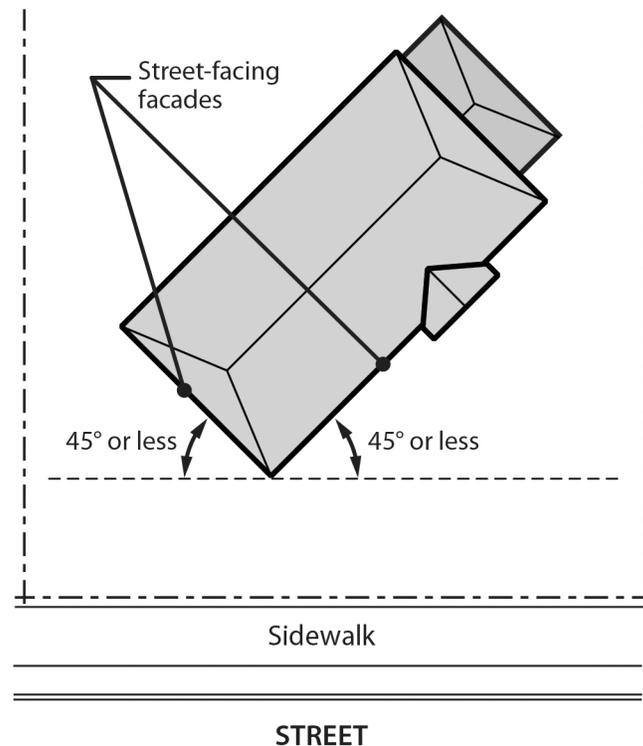
Street. See Street Types.

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. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22.)