



Regulatory Improvement Code Amendment Package 10 (RICAP 10)

Proposed Draft

February 2024

portland.gov/ricap10



THE BUREAU OF
**PLANNING &
SUSTAINABILITY**

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How can I participate?

1. **Watch the public hearing** (live stream and recorded) at portland.gov/bps/planning/planning-commission
2. **Testify at the Planning Commission hearing.** The hearing on February 27, 2024, at 5:00 p.m. will be a hybrid format with options to participate either in-person or virtually using a computer, mobile device, or telephone. You must sign up to testify in advance. To testify before the Commission in person or virtually:
 - Use the QR code to the right to sign up on your mobile device; or
 - Visit the project website at portland.gov/ricap10



After registering, you will receive a confirmation email containing information about joining or attending the hearing. **The deadline to sign up for the February 27 hearing is Monday, February 26 at 5:00 p.m.** Individuals have three minutes to testify, unless stated otherwise at the hearing.

3. **Submit written testimony.** We strongly encourage electronic written testimony. Written testimony must be received by the time of the hearing and must include your name and address.

<p>portlandmaps.com/bps/mapapp Click on "RICAP 10" then click the "Testify" button. Testifying in the Map App is as easy as sending an email.</p>	<p>Portland Planning Commission RICAP 10 Testimony 1810 SW 5th Ave, Suite 710 Portland, OR 97201</p>
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Section I: Staff Report

Staff Proposal

Bureau of Planning and Sustainability staff proposes that the Planning Commission recommends that City Council:

- Adopt this report.
- Amend Title 33, Planning and Zoning, as listed in the Proposed Draft. The amendments include minor policy changes and technical clarifications to land use regulations.
- Amend Policy 2.20 of the 2035 Comprehensive Plan.
- Amend the Zoning Map to remove the Special Street Setbacks along the six streets identified on the map included with Item #75.
- Repeal six ordinances related to Special Street Setbacks (Ordinances 148846, 152147, 95283 148449, 110507, and 151240). This action is related to Item #75.

Project Summary

The last few years have been a challenging time for Portland residents as well as the development and business communities. City leaders have directed staff to find ways to encourage the economic development of downtown, to simplify processes for developing housing, and to improve the regulatory environment. The City Council established a Permit Improvement Task Force, whose recommendations consider both the regulatory environment and the development review process times. It is within this context that the Regulatory Improvement Code Amendment Packages (RICAP) program was reinstated after a five year pause.

The Regulatory Improvement Code Amendment Packages (RICAP) are an ongoing series of technical and minor policy improvements to the City's land use regulations. RICAP addresses simpler technical matters, clarifications, and refinements to the zoning code. Issues that require major policy changes are not addressed through RICAP; rather, they are evaluated through separate legislative projects.

This document is the Proposed Draft of RICAP 10. This draft is the staff proposal to the Planning Commission and has been made available for public review and comment. A public hearing will be held on this draft on February 27, 2024, at which time community members can provide testimony to the Commission. Following the hearing, a work session will be held to discuss any potential changes to the Proposed Draft. The Planning Commission will then vote to forward a Recommended Draft to the City Council for review.

There are approximately 80 zoning code amendment items being addressed through RICAP 10. The amendments are organized into topic areas: Housing Production, Economic Development and Regulatory Reduction. Within each of these topic areas are bundles of amendments that revise different parts of the zoning code, but are related.

The summary table of RICAP 10 amendments below lists the items by topic area and bundle. Some amendments are minor policy changes, while others are technical amendments or clarifications with little policy impact. Minor policy changes are shown in **bold** in the table to differentiate them from technical clarifications. In Section II, the code amendments are organized in zoning code chapter order.

These are the amendment topic areas:

Housing Production

There are 31 amendments in the housing production topic area that generally affect development in the single dwelling, multi-dwelling, and mixed-use zones. The Housing Production topic also includes code amendments that address implementation issues with recently-adopted projects for historic resources and the design overlay zone. The Housing Production amendments are divided into three bundles:

- Ground floor and ground floor façade (1 policy + 10 technical items)
- Design Overlay Zone (4 policy + 9 technical items)
- Historic Resources Overlay Zone (2 policy + 5 technical items)

Economic Development

There are 25 amendments in the economic development topic area, which focus on items that support business recovery and growth in Portland. The Economic Development amendments are divided into three bundles:

- Central City (3 policy + 12 technical items)
- Home occupations (5 policy + 0 technical items)
- Temporary activities (4 policy + 1 technical items)

The Central City items generally aim to clarify confusing code in the Central City Plan District.

The Home Occupations bundle relaxes the rules for home-based businesses by increasing the number of customers and employees that can come to the site, allowing a home occupation on a site with an accessory dwelling unit, and aligning the zoning code with recent state legislation and rule changes regarding home childcare. It also addresses some inconsistencies and hard to implement rules in the Accessory Short Term Rentals chapter.

The Temporary Activities bundle adds more flexibility for temporary construction activities at a development site.

Regulatory Reduction

These 27 amendments focus on eliminating obsolete and unnecessary regulations and clarifying rules to make the permitting process easier. The Regulatory Reduction amendments are divided into three bundles:

- State and local compliance (0 policy + 4 technical items)

- Land use review process (2 policy + 0 technical items)
- Miscellaneous items (8 policy + 13 technical items)

The State and Local Compliance bundle brings the zoning code into conformance with recent legislation and rules adopted by the Oregon Legislature and Multnomah County for the conversion of hotels and motels to shelters or affordable housing, shortening the land use review timeline for affordable housing, and syncing up rules for childcare and preschools in the home.

The Land Use Review Process bundle clarifies the procedures for land use reviews to streamline the process for applicants and creates a new land use review process to extend land use approvals beyond the expiration date.

The Miscellaneous bundle includes the remaining code updates that did not clearly fit into another bundle. These items include deleting expired sunset clauses, removing regulations for convenience stores operators, eliminating language with a racist history, and allowing public agencies to use land more efficiently in the greenway overlay zone.

Background

Portland’s current Zoning Code was adopted in 1990. Over time, changing needs, new laws and court rulings, new technology and innovations, and shifting perceptions necessitate that the City’s regulations be updated and improved. This document contains zoning code amendments to address requests received by the Bureau of Planning and Sustainability.

The Regulatory Improvement program began in 2002 to “update and improve City building and land use regulations that hinder desirable development.” One component of the program, the Regulatory Improvement Code Amendment Packages (RICAP) was designed to provide an ongoing vehicle for technical and minor policy amendments to the City’s regulations. From 2003 to 2010, the City Council adopted eight packages of amendments (Policy Packages 1-3 and RICAP 1 through 5), which resulted in many amendments to city regulations. Most of the changes were to Zoning Code regulations. Following a suspension of the program from 2010 to 2013 due to budget limitations, the program was reinstated with RICAP 6 through 8. Another suspension of the program occurred from 2016 to 2022, again due to budget constraints.

In 2022, there was a renewed focus on providing opportunities for continuous improvement of the City’s zoning regulations through discussions of the Permitting Improvement Task Force. The goals of the Task Force spanned bureaus, regulations, and processes, but this work resulted in identifying the value of the RICAP program. The City Council approved the budget to reinstate the program starting in fiscal year 2022-2023. Resolution No. 37593 further directed the Bureau of Planning and Sustainability to address zoning issues related to affordable housing with this regulatory improvement package. The first package under this reinstatement is labeled RICAP 10.

General Workplan Selection Process

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

Items that involve a higher level of complexity are ranked using the following criteria:

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

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

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

RICAP 10 Workplan Selection Process

A group of staff from BPS and BDS collaborated to select from the more than 300 eligible technical and minor policy workplan items with a focus on the following themes:

- Increase housing production
- Improve economic development opportunities
- Regulatory reduction

While smaller technical items were generally automatically added to the workplan for past RICAPs, the suspension of the program over several years resulted in a backlog of items. For RICAP 10, technical items were added only if they fit within some of the subject bundles or if they were of higher priority. State legislation approved over the past few years also necessitated a review of some of the City’s regulations to ensure that they comply with these mandates. Lastly, issues have arisen during the implementation of recently adopted zoning code projects, including Central City 2035, the Design Overlay Zone Amendments (DOZA), and the Historic Resource Code Project (HRCP), which has generated requests to clarify and clean up zoning code language to clarify the new regulations.

Stakeholder and Community Outreach

Community engagement for this project began with the release of the RICAP 10 Discussion Draft in November of 2023, which was made available to the public and shared with all of the district coalitions and neighborhood associations, a broad spectrum of community groups and nonprofits that focus on land use, housing, equity and environmental concerns, as well as to the BPS email newsletter network. Comments on the draft were accepted through the MapApp, the BPS public comment and testimony database, in November and December of 2023.

Project staff offered to meet with neighborhood and community groups to present the project and discuss the proposals in more detail. Several groups accepted the offer, including the land use groups for North Portland Neighborhood Services, Southeast Uplift, and the Southwest Land Use and Transportation Forum. Stakeholder engagement prior to the release of the Discussion Draft included sharing the workplan with the items proposed for amendment with interested stakeholders.

RICAP 10 Timeline

July 2023

Summer 2023

November 2023



February 27, 2024

Summer 2024

October 2024

RICAP 10 workplan released

Project staff drafted RICAP 10 zoning code amendment package

RICAP 10 Discussion Draft released for public review / comment

Planning Commission public hearing

City Council public hearing and adoption

Effective

Summary Table of RICAP 10 Amendments

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
Housing Production Topic Area				
Ground floor, ground floor façade, and windows items				
1	Street-facing facade window requirement	Exempt the side walls of dormers from the street-facing window requirement	33.110.235 33.120.232.B	32-33 42-43
2	Raised ground floor setback exception	Clarify the ground floor residential unit option in order to apply the residential unit setback exception.	33.120.220.B.3	38-41
3	Ground floor height exception	Clarify when the commercial zone height limit exception for tall ground floors can be used on a sloping site.	33.130.210.C.8	48-49
4	Windows in street-facing facades	Exempt accessory structures from the street-facing facade window requirement.	33.130.230.A.4	52-53
5	Ground floor windows in stairwells	Clarify that glass stairwells are a qualifying window feature for meeting ground floor window standards.	33.130.230.B.3	54-55
6	Ground floor window requirements on sites with multiple frontages	Clarify how window requirements apply on corners sites where both streets are of equal classification and a parking structure is proposed on one frontage.	33.130.230.B.2.a.(2)	52-53
7	Ground floor window area for dwelling units	Clarify what is considered a dwelling unit's ground floor wall area.	33.130.230.B.4	56-57
8	Windows in the EX Zone	Rename to "Windows in the EX Zone" and add standard for 15% glazing on the entire façade.	33.140.230	64-65
9	IR zone development standards	Clarify how ground floor window and maximum setbacks apply in the IR zone now that the IR zone is part of the campus institutional zones chapter.	Table 150-2 33.150.215.C 33.150.250	70-71 74-77
10	Self-service storage ground floor active use	Clarify that the self-service storage ground floor active use standard applies only to sites with frontage on a transit street.	33.284.020.B	114-115
11	Gateway plan district pedestrian standards	Clarify how much area needs to be landscaped or hardscaped along enhanced pedestrian streets in Gateway.	33.526.260.B	200-201
Design Overlay Zone items				
12	Design Overlay Zone TOC	Update title of Map 420-1 in the Table of Contents to match new map title.	Table of contents	124-125
13	Fence and retaining wall exemption	Exempt fences and retaining walls from the design overlay zone chapter.	33.420.045.B.	124-125
14	Design Review exemptions in the IR zone	Clarify that design standards can be used on sites in the IR zone.	33.420 Table 420-1	126-127
15	Design standards applicability	Clarify that if there are no applicable design standards for a project, design review is not required.	33.420.050.C	128-129

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
16	Design Standard C2	Clarify applicability of the “Building Façade on Local Service Street” standard.	33.420.050 Table 420-2	130-131
17	Design Standard PR9	Change title to "Nonresidential Main Entrance Location".	33.420.050 Table 420-2	132-133
18	Design Standard QR 6 & QR7	Clarify titles to better match standards.	33.420.050 Table 420-2	134-135
19	Design Standard QR10	Clarify applicability of the “Street-Facing Balconies” standard.	33.420.050 Table 420-2	134-135
20	Design Standard QR 11	Clarify that the standard must be met on both the south and west-facing walls to gain the points.	33.420.050 Table 420-2	134-135
21	Design standards - materials	Revise the design standards to be more flexible when certain size or type of required product is not available.	33.420.050 Table 420-3	136-137
22	Map 420-1	Clarify Map 420-1 to add Russell Street design districts (conservation district), which are currently not indicated, and distinguish between Central City subdistricts and design districts.	33.420 Map 420-1	124-125 138-141
23	Design review thresholds related to signs	Clarify the procedure thresholds for signs that are subject to design review.	33.825 Table 825-1	238-241
24	Design review thresholds for the Central City	Add a design review threshold for “all other development not listed above” for the Central City.	33.825 Table 825-1	238-241
Historic Resource Overlay Zone items				
25	CM2 height bonus	Delete 33.130.212.B.5.b because it conflicts with 130-3 footnote 1, which allows the height bonus to be used in historic and conservation districts..	33.130.212.B.5.b	50-51
26	Historic resources overlay exemption—ADA	Clarify that alterations to meet ADA requirements in districts are allowed in districts when “historic” rather than “existing” materials are not destroyed.	33.445.100/110 33.445.200/210	150-151 154-155
27	Historic resources overlay exemption—parking lot landscaping	Delete the words “and the landscaping does not include a wall or fence” from the parking lot landscaping exemption.	33.445.100/110 33.445.200/210	146-151 154-155
28	Historic resources overlay exemption—rooftop equipment	Clarify that ductwork associated with rooftop mechanical equipment is exempt From historic resource review.	33.445.100/110 33.445.200/210	146-151 154-155
29	Historic resources overlay exemption—hose and conduit	Revise the exemption for hoses and conduits so that hoses and conduits located higher up on the rear facade are also exempt and must be painted to match.	33.445.100/110 33.445.200/210	146-151 154-155

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
30	Historic resources overlay exemption —window replacement in districts	Expand the window replacement exemption for historic and conservation districts to noncontributing buildings 5 or more years old and allow the replacement windows to be fiberglass.	33.445.200.D.2.v.(1) 33.445.210.D.2.v.(1)	150-157
31	Modifications as part of a review	Ensure that the “modifications considered during review” language is consistent between the design review and historic review chapters.	33.846.070	246-247
Economic Development Related Topic Area				
Central City items				
32	Exterior display in the EX zone	Correct Table 140-4 to indicate that exterior display is allowed with the appropriate setbacks and landscaping in the EX zone.	Table 140-4	68-69
33	Minimum FAR exemption for Basic Utilities	Exempt Basic Utilities from the minimum FAR requirements in the Central City Plan District.	33.510.200.E.3	164-165
34	Floor area bonus and transfer options	Delete an expired exception to the floor area bonus and transfer option priorities.	33.510.205.B.2.b	166-167
35	Floor area transfer from a historic resource	Clarify that FAR transfers from sending sites inside the Central City to receiving sites outside the Central City must meet the applicable transfer standards, including any seismic upgrades for historic resources.	33.510.205.D.1.e.	170-171
36	Base height exceptions	Clarify that projections above the height limits are only prohibited within the view corridor itself as opposed to on the whole site.	33.510.210.B.2	172-175
37	Height projections in view corridors	Allow minor projections in historic districts where a view corridor exists, but the minor projection does not interfere with the view corridor.	33.510.210.B.2	172-175
38	Bonus height	Add “The riverfront open space bonus option” of Subparagraph 33.510.205.C.2.c to the prioritization list in the bonus height section.	33.510.210.D.3.b	176-177
39	Riverplace height bonus	Correct the second height limit in the sentence from 100 feet to 75 feet.	33.510.210.D.3.e.(2)	176-177
40	Windows above the ground floor	Delete the Central City standard in favor of the base zone standard, which is being updated to be consistent with the CX zone.	Table of contents 33.510.221	160-161 178-179
41	Parking built after July 9, 2018	Clarify when preservation parking is regulated the same as growth parking. Require operation reporting upon request, rather than submitted annually.	33.510.261.G.1 33.510.261.I	182-183
42	Operation reports— Parking built before July 9, 2018	Require operation reporting for parking built before July 2018.	33.510.262	184-185
43	Parking and loading access	Clarify that parking and loading access rules apply to loading areas and parking structures.	33.510.263.B	186-187

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
44	Maximum parking ratios	Establish a maximum parking ratio for Group Living uses and clarify maximum parking ratios for household living and hotel/motel uses.	Table 510-1	180-181
45	Base height map	Amend Map 510-4 to delete the shadow study requirement on O'Bryant Park.	Map 510-4	188-191
46	Base and bonus height maps	Amend Maps 510-3 and 510-4 to indicate a maximum base height and bonus height of 350 feet for the south half of the block where the Cosmopolitan Building is located.	Map 510-3 Map 510-4	192-199
Home occupation items				
47	Type B home occupation and ADU	Allow Type B home occupations (employees/customers) on a site with an accessory dwelling unit (ADU) and vice versa.	33.203.030.B.3 33.205.030	84-85 88-89
48	Type B home occupation	Allow Type B home occupations to have up to 15 customers per day and 1 employee. Remove employee shifts rule.	33.203.030.C	86-87
49	Registered and certified childcare facilities / preschool programs	Update references to state regulated childcare facilities and clarify that they are not subject to home occupation regulations.	33.203.020.D 33.920.100, 110	82-83 250-253
50	Type B accessory short-term rentals in C, E, and I zones	Reclassify short term rentals with 3 to 5 bedrooms in C, E, and I zones as Retail Sales and Service uses.	33.207.030 33.207.050.A	90-91 94-95
51	Accessory short-term rental implementation and enforcement	Clarify the limitations, expectations, and enforcement mechanisms for accessory short-term rentals.	33.207.040 33.207.060	92-93 94-95
Temporary activities items				
52	Construction activities - staging areas zones allowed	Add RM4 zone to the list of zones that are eligible to have temporary off-site construction staging.	33.296.030.F.4.a	120-121
53	Construction activities - staging areas distance	Remove the 500-foot distance limit for temporary construction staging areas.	33.296.030.F.4.a	120-121
54	Construction activities - staging areas duration	Remove the time limit for temporary construction staging areas.	33.296.030.F.4.c(2)	122-123
55	Construction activities - parking	Allow temporary construction parking to be established up to 30 days before construction starts.	33.296.030.F.3	120-121
56	Construction activities - staging area permits	Clarify permit requirements for temporary construction staging areas.	33.296.030.F.4.c.(5)	122-123

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
Regulatory Reduction Related Topic Area				
State/Local compliance items				
57	Conversions of hotels to shelters or affordable housing (HB 3261)	Comply with HB 3261 by allowing hotels to convert to shelters or affordable housing in Employment zones.	33.140.100.B 33.285.040.B	58-63 116-117
58	Childcare facilities (HB 3109)	Comply with HB3109 by allowing registered and certified childcare facilities as a residential use.	33.203.020.D 33.920.100, 110, 430	82-83 250-255
59	Manufactured home development standards (HB 4064)	Comply with HB 4064 by deleting requirements for manufactured homes to have a foundation and the hauling mechanisms removed.	33.251.020.D	108-109
60	100-day timeline for affordable housing LURs (ORS 197.311)	Comply with ORS 197.311 by clarifying that qualifying affordable housing land use review decisions must be made in 100 days, instead of 120 days.	33.730.010 33.730.060.A.3 33.730.080.B	224-227
Land Use Review Items				
61	Extensions of approved land use reviews	Add a new land use review process to allow extensions for two years beyond expiration date.	Table of contents 33.830	24-25 28-29 230-231 242-245
62	Posting for a land use review	Clarify the maximum number and location of signs that must be posted on sites going through a Type III and IV land use review.	33.730.080.A	226-227
Miscellaneous regulatory clean-up items				
63	Preserving existing dwelling units FAR bonus	Clarify that an additional unit must be added to the site to qualify for bonus FAR.	33.110.210.D.2	32-33
64	Trim on detached accessory structures	Insert missing word to standard for clarity and consistency.	33.110.245.C.4.c.(1)	34-35
65	Projections into cottage cluster common outdoor areas	Clarify that projections into cottage cluster common areas are not allowed.	33.110.265.G 33.120.270.G	36-37 44-45
66	Cottage cluster setback exemption in the Eastern Pattern Area	Exempt cottage clusters from Eastern Pattern Area special setbacks.	33.120.220	38-39
67	Building coverage for accessory structures in common greens or shared courts	Change building coverage from 15% to 20% to match the building coverage in single dwelling zones as updated with the Residential Infill Project.	33.120.270.E.6 33.120.280.C.3	44-47

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
68	RACC Changes	Remove references to the Regional Arts and Culture Council and replace with “City Arts Program or its designee”.	33.130.230.B.5 33.140.230.D 33.150.250.E 33.218.140.M.2 33.218.150.J.2 33.420 -PR21 33.710.050.B	56-57 66-67 76-77 96-97 132-133 218-219
69	Sunset dates	Remove sunset dates that have passed.	33.150.050 33.510.205.B.2.b. 33.510.205.C.2.b. 33.663.110.A.2./B.1. 33.700.110.B.1.b.(1) 33.820.060	70-73 166-169 208-213 236-237
70	Convenience stores	Discontinue regulating convenience stores differently than other Retail Sales and Service uses.	Table of contents 33.219 33.805.030.B 33.910.030	22-23 26-27 78-79 98-105 232-233 248-249
71	Off-site affordable dwelling units with IH	Consolidate language regarding inclusionary housing being provided by off-site affordable units.	33.245.040	106-107
72	“Grandfather rights”	Remove the references to the term “grandfather rights” from the zoning code.	33.258.035	110-111
73	Changes to nonconforming development	Clarify that changes that bring nonconforming development closer to conformance are allowed.	33.258.070.C	110-111
74	Required parking reference	Remove reference to required parking.	33.266.150.E	112-113
75	Special street setbacks	Remove special street setbacks from Powell Boulevard and other streets where the setback is no longer aligned with city policy.	33.10.050 Table of contents 33.288 Zoning Map	22-23 26-27 30-31 80-81 118-119
76	River Industrial Uses	Allow non-river dependent uses in the River Industrial zone on lots within a site that do not have river frontage if owned by a public agency .	33.440.100.B.2 33.440.350.B	142-143 144-145
77	River Environmental overlay zone ROW exemption	Allow any type of improvement within a developed public right-of-way to be exempt from the river environmental overlay zone regulations. Currently, only street and sidewalk improvements are exempt.	33.475.405.N	158-159
78	Northwest Hills plan district prohibitions	Revise the prohibitions on soil-exposing activities in the Balch Creek and Forest Park subdistricts to clarify where they apply and amend the exception to allow for emergency procedures, like landslide repair.	33.563.100 33.563.200	202-203
79	Powell Boulevard plan district	Allow housing in the Powell Boulevard Plan District.	33.567	204-207

Item #	Item Name	Proposed Amendment	Code Section(s)	Page #
80	Adjustment committee	Dissolve the Adjustment Committee and reassign its duties, which only entails appeals of adjustment reviews, to the Hearings Officer.	33.710.030.G & H 33.710.070 33.720.020 33.910.030	214-217 220-223 248-249
81	Public notice for hearings	Clarify that legislative notice can be emailed or delivered by means other than USPS.	33.740.020.B.3 33.740.030.B	228-229
82	Conditional Use review triggers with allowed uses	Clarify when Conditional Use review is required on sites with both allowed uses and conditional uses.	33.815.040.B.1	234-235
83	Reference to Adjustment Committee in the Comprehensive Plan	Remove the reference to the Adjustment Committee in the Comprehensive Plan.	Policy 2.20	258-259

Section II: Zoning Code Amendments

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

How to read these amendments:

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

Commentary

Table of Contents

The table of contents is being amended because Chapters 33.219 and 33.288 are being deleted from the zoning code. See the commentary for items # 70 and # 75 on pages 98 and 118 for an explanation. In addition, Chapter 33.830 is a new chapter that is being added to the zoning code. See Item # 61 on page 242.

[Amendments are only being made within the Additional Use and Development Standards section and the Land Use Review section of the List of Chapters. There are no amendments to the other sections of the list.]

List of Chapters

Additional Use & Development Regulations

- 203 Accessory Home Occupations
- 205 Accessory Dwelling Units
- 207 Accessory Short-Term Rentals
- 209 Aviation
- 218 Community Design Standards
- ~~219 Convenience Stores~~
- 224 Drive-Through Facilities
- 229 Elderly and Disabled High Density Housing
- 236 Floating Structures
- 237 Food Production and Distribution
- 243 Helicopter Landing Facilities
- 245 Inclusionary Housing
- 248 Landscaping and Screening
- 251 Manufactured Housing and Manufactured Dwelling Parks
- 253 Middle Housing Land Division Sites
- 254 Mining and Waste-Related
- 258 Nonconforming Situations
- 260 Occupied Recreational Vehicle
- 262 Off-Site Impacts
- 266 Parking and Loading
- 270 Planned Developments
- 272 Major Public Trail
- 274 Radio Frequency Transmission Facilities
- 279 Recreational Fields for Organized Sports
- 281 Schools and School Sites
- 284 Self-Service Storage
- 285 Short Term, Mass, and Outdoor Shelters
- ~~288 Special Street Setbacks~~
- 293 Superblocks
- 296 Temporary Activities
- 299 Wind Turbines

Commentary

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

Land Use Reviews

- 800 General Information on Land Use Reviews
- 805 Adjustments
- 806 Airport Reviews
- 808 Central City Parking Review
- 809 Comprehensive Natural Resource Plans
- 810 Comprehensive Plan Map Amendments
- 815 Conditional Uses
- 820 Conditional Use Master Plans
- 825 Design Review
- 830 Extensions to Approved Land Use Reviews
- 833 Gateway Master Plan Review
- 835 Goal, Policy, and Regulation Amendments
- 846 Historic Resource Reviews
- 848 Impact Mitigation Plans
- 849 Marquam Hill Parking Review
- 850 Statewide Planning Goal Exceptions
- 852 Transportation Impact Review
- 851 South Waterfront Greenway Review
- 853 Tree Review
- 854 Planned Development Review
- 855 Zoning Map Amendments

Commentary

Table of Contents

[Amendments are only being made within the Additional Use and Development Standards section and the Land Use Review section of the Table of Contents. There are no amendments to the other sections of the TOC]

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Commentary

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

Land Use Reviews

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Commentary

Item # 75 Special street setbacks

33.10.050.A. Content of official zoning maps

This amendment removes the reference to special street setbacks from the examples of zoning information shown on the Official Zoning Maps. The Special Street Setbacks chapter is being deleted from the zoning code. See related commentary on page 118.

33.10 Legal Framework and Relationships

10

33.10.050 Official Zoning Maps

- A. Content of Official Zoning Maps.** The boundaries of the base zones, overlay zones, and plan districts are shown on the Official Zoning Maps of the City of Portland. The maps also show the location of historical landmarks, ~~special street setbacks,~~ and existing and planned major public trails. The Official Zoning Maps are a part of the zoning code, but are published separately. Maps that delineate areas subject to additional zoning regulations may be included in the zoning code, attached to the adopting ordinance, or adopted by reference. The Bureau of Planning and Sustainability maintains the Official Zoning Maps.
- B. Changes to Official Zoning Maps.** A proposed change to the Official Zoning maps is subject to the amendment process described in Chapter 33.855, Zoning Map Amendments.
- C. Boundary lines.**
1. Where a zoning line is shown on the Official Zoning Maps as being within an existing or vacated right-of-way, utility corridor, railroad line, or a water course, the line is in the center unless specifically indicated otherwise.
 2. The location of a zoning line is determined with a scale when a zoning line does not follow a lot line or identifiable landmark and its location is not specifically indicated.

Commentary

Item # 63 Preserving existing dwelling units FAR bonus

33.110.210.D.2 Maximum FAR with bonus

This amendment clarifies that in order to qualify for the FAR bonus described in 33.110.210.D.2 (preserving an existing dwelling unit bonus), an additional unit must be added to the site. This bonus was added to the zoning code as a part of the Residential Infill Project—Part 1. The commentary adopted in support of the FAR bonus states:

33.110.210.D Maximum FAR with Bonus

Bonus FAR (up to 0.1 total) may be gained when either:

- one unit is made available to those earning up to 80% of the area median income; or*
- additional units (up to a maximum of four) are added to a site with an existing residential structure. The existing residential structure can be converted to add units or ADUs can be added to the site.*

As described in the commentary, the bonus was intended to encourage the construction of an ADU or conversion of an existing house to a duplex or triplex. It was not intended to allow an existing house to add extra floor area without adding an additional dwelling unit. This amendment makes that clear.

Item # 1 Street-facing façade window requirement

33.110.235.B Where the standards apply

This amendment provides an exception to the 15% window standard for dormers. When a dormer faces a side lot line it still has a small, triangular shaped wall that faces the street and is considered to be part of the street-facing facade. The 15% window requirement forces a very small window on the side of such a dormer. It is structurally and architecturally difficult to place a window in the side wall of a dormer. The only way to avoid this outcome currently is to apply for an adjustment, which is costly and time intensive.

33.110 Single-Dwelling Zones

110

33.110.210 Floor Area Ratios

A-C. [No change]

D. Maximum FAR with bonus.

1. [No change]
2. Preserving existing dwelling units bonus option. The maximum FAR for lotsites that contain a primary residential structure that received final inspection at least 5 years ago is stated in Table 110-4. To qualify for this maximum FAR with bonus, an additional dwelling unit must be added to the site, and no more than 25 percent of the existing street-facing façade of the existing primary residential structure may be altered to add additional floor area.

33.110.235 Street-Facing Facades

A. Purpose. The standards:

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

B. Where the standards apply.

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

C-D. [No change]

Commentary

Item # 64 Development standards for larger detached and covered accessory structures

33.110.245 Detached and connected accessory structures

33.110.245.C.4 contains additional standards for detached and covered accessory structures that are more than 15 feet high. The standards require the accessory structure to match the primary structure in several ways. However, the standard requiring the trim to match the primary structure (33.110.245.C.4.c.(1)) inadvertently omitted the word "primary." For clarity and consistency, this amendment adds "primary" to the standard.

33.110.245 Detached and Connected Accessory Structures

A-B. [No change]

C. **Detached and connected covered accessory structures.** The following standards apply to all detached covered accessory structures and connected covered accessory structures. Detached covered accessory structures are items such as garages, carports, greenhouses, artist's studios, guest houses, accessory dwelling units, storage buildings, wood sheds, water collection cisterns, and covered decks or patios that are not connected to the primary structure. Connected covered accessory structures include accessory structures that are connected to a primary structure via a roofed structure such as a breezeway. The standards of this subsection do not apply to the portion of the structure that connects the accessory structure to the primary structure. Garages are also subject to the standards of 33.110.250.

1-3. [No change]

4. Additional development standards. The following additional standards apply to detached covered accessory structures and connected covered accessory structures that are more than 15 feet high. Additions to existing structures that do not meet a standard are exempt from that standard.

a-b. [No change]

c. Trim. The trim must meet one of the following:

- (1) The trim must be the same in type, size, and location as the trim used on a primary structure; or
- (2) The trim around all windows and doors must be at least 3 ½ inches wide.

d-e. [No change]

D-F. [No change]

Commentary

Item # 65 Projections into cottage cluster common outdoor areas

33.110.265.G Cottage clusters

Cottage cluster developments are required to provide common outdoor area. The common outdoor space is intended to be an open and continuous space shared by all residents of the cottage cluster. Recently, some developers have been proposing eaves and other types of projections from cottage dwelling unit structures in the common outdoor area to maximize the amount of building coverage and floor area per cottage.

The common outdoor area is intended as a shared resource for all residents to enjoy, are relatively small in size, and can contain pedestrian facilities and shared amenities such as benches, planters, gardens, or spas. Allowing the projection from private structures does not align with the intent of these common outdoor areas as shared space. Also, allowing projections into these small areas that contain other elements could lead to the space feeling overcrowded. To clarify the issue, this amendment ensures that projections into the common outdoor area will not be allowed.

33.110.265 Residential infill options

A-F. [No change]

- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.

1-8. [No change]

9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:

a-b. [No change]

- c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.
- d. 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, picnic areas, and open recreational facilities.

Commentary

Item # 66 Eastern Pattern Area special setback exception for cottage clusters

33.120.220.B.2 Eastern pattern area minimum rear building setback

The Eastern Pattern Area has a special minimum rear setback that applies to lots that are more than 100 feet deep in the pattern area. The deeper rear setback encourages a site design that can accommodate a larger shared outdoor area or tree preservation.

Cottage clusters are definitionally clustered around a common outdoor area and the site design is often similar to what is allowed under the exemption from the Eastern Pattern Area special setbacks for sites with common outdoor areas. To allow for more flexibility in site design for cottage clusters, while still requiring shared outdoor areas, this amendment will exempt cottage clusters from the Eastern Pattern Area special setback requirements.

Item # 2 Raised ground floor setback exception

33.120.220.B.3 Exceptions to minimum setbacks

In the multi-dwelling zones, the minimum front setback can be reduced when the finished floor of a ground floor residential unit is raised 2 feet above the sidewalk (33.120.220.B.3.c). It is unclear how to determine which is the ground floor unit. In order to clarify, this amendment adds an elevation range for when this setback exception applies. The intent is that the ground floor units are raised above the adjacent grade by an amount that affords a distinction between public/private space while not making the grade separation so great that it removes visual access or creates a dead space along the sidewalk.

33.120 Multi-Dwelling Zones

120

33.120.220 Setbacks

- A. [No change]
- B. **Minimum building setbacks.** The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Setbacks for parking areas are in Chapter 33.266.
1. [No change]
 2. Eastern Pattern Area minimum rear building setback.
 - a. Minimum rear building setback. In the RM1, RM2, RM3 and RM4 zones in the Eastern Pattern Area the required minimum rear building setback is an amount equal to 25 percent of the total depth of the site. No more than 50 percent of the Eastern Pattern Area rear setback can be vehicle area. The Eastern Pattern Area is shown on Map 120-3.
 - b. Exemptions. The following are exempt from the Eastern Pattern Area minimum rear building setback. When a site is exempt from the Eastern Pattern Area minimum rear building setback, the base zone required minimum rear building setback stated in Table 120-3 applies:
 - (1) Corner lots and lots that are up to 100 feet deep are exempt from the Eastern Pattern Area minimum rear building setback; and
 - (2) Sites where at least 10 percent of the total site area is outdoor common area and the common areas measure at least 30 feet in all directions are exempt from the Eastern Pattern Area minimum rear setback.
 - (3) Cottage clusters allowed under section 33.120.270.G.
 3. Exceptions to the required building setbacks.
 - a. Setback matching. The minimum front and side street building setbacks and the setback of decks, balconies, and porches may be reduced to match the setback on an abutting lot.
 - b. Raised ground floor. In the RM2 and RM3 zones the minimum front building setback may be reduced to 5 feet, and in the RM4 zone the minimum front and side street building setbacks may be reduced to zero feet, for buildings where the finished floor of ground floor residential units is between at least 2 feet and 5 feet above the grade of the closest adjoining sidewalk. This exception does not apply in the Eastern Pattern Area shown on Map 120-3.

Commentary

- c. Courtyard. Except in the Eastern Pattern Area shown on Map 120-3, the required minimum front or side street setback may be reduced to zero in the RM2 and RM3 zones, and may be reduced to 5 feet in the RM1 zone when:
- (1) At least 20 feet or 25 percent of the length of the street-facing building facade, whichever is greater, is setback at least 40 feet from the street lot line;
 - (2) At least half of the area between the setback portion of the building and the street lot line is landscaped to at least the L1 standard and the setback includes no vehicle area; and
 - (3) The finished floor of the ground floor is between at least 2 feet and 5 feet above the grade of the closest abutting sidewalk.
- d-j. [No change]

Commentary

Item # 1 Street-facing façade window requirement

33.120.232.B Where these standards apply

See commentary for 33.110.235, see page 34. This provides the same amendment for smaller residential development in multi-dwelling zones that may have dormers.

33.120.232 Street-Facing Facades

A. [No change]

B. Where these standards apply.

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

C-D. [No change]

Commentary

Item # 67 Building coverage for accessory structures in common greens or shared courts

33.120.270.E.6

The code currently limits the building coverage for detached covered accessory structures in common greens and shared courts to 15% of the site area, which aligns with the 15% building coverage limitation for other accessory structures in the multidwelling zones. This amendment also increases building coverage for accessory structures in the multi dwelling zones from 15% to 20% (see commentary for Section 33.120.208.C.3 below). For consistency, this amendment increases the building coverage for detached covered accessory structures in common greens and shared courts to match what is allowed in the multi dwelling zones.

Item # 65 Projections into cottage cluster common outdoor areas

33.120.270.G Cottage clusters

Cottage cluster developments are required to provide common outdoor area. The common outdoor space is intended to be an open and continuous space shared by all residents of the cottage cluster. Recently, some developers have been proposing eaves and other types of projections from cottage dwelling unit structures in the common outdoor area to maximize the amount of building coverage and floor area per cottage.

The common outdoor area is intended as a shared resource for all residents to enjoy, are relatively small in size, and can contain pedestrian facilities and shared amenities such as benches, planters, gardens, or spas. Allowing the projection from private structures does not align with the intent of these common outdoor areas as shared space. Also, allowing projections into these small areas that contain other elements could lead to the space feeling overcrowded. To clarify the issue, this amendment ensures that projections into the common outdoor area will not be allowed.

33.120.270 Alternative Development Options

A-D. [No change]

E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys. These standards promote courtyard-oriented housing by facilitating the use of common greens and shared courts as part of housing projects on small sites. Standards within this section also promote pedestrian-oriented street frontages by facilitating the creation of rear alleys and allowing more efficient use of space above rear vehicle areas.

1-5. [No change]

6. Building coverage.

a. When a land division proposal includes common greens, shared courts, or private alleys, maximum building coverage is calculated based on the entire land division site, rather than for each lot.

(1) [No change]

(2) The combined building coverage of all buildings and structures in common greens or shared courts may not exceed ~~15~~20 percent of the total area of the common greens or shared courts.

(3) [No change]

b. [No change]

7. [No change]

F. [No change]

G. Cottage cluster. Cottage clusters that meet the following standards are allowed on sites in the R10 through R2.5 zones. Cottage clusters are prohibited on sites that do not have frontage on a maintained street, except sites that have frontage on a private street that connects to a maintained street, and sites that have frontage on a self-contained pedestrian connection created solely for pedestrians and bicycles that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement. Adjustments to the following standards are prohibited.

1-8. [No change]

9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:

a-b. [No change]

c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the shared area to be used for active or passive recreational use. No more than 50 percent of the total common outdoor area can be in an impervious surface. Common outdoor area may not be used as vehicle area. No feature of a dwelling unit may extend into the common outdoor area, and the common outdoor area may not contain structures that are not specifically an amenity for the user of the common outdoor area including bike storage lockers and trash enclosures.

d. [No change]

Commentary

Item # 67 Building coverage for accessory structures

33.120.280.C.3 Building coverage

The code currently limits the building coverage for detached covered accessory structures in the multi-dwelling zones to 15% of the site area. The Residential Infill Project, which went into effect in August of 2021, increased the building coverage for accessory structures in the single dwelling zones from 15% to 20%. For consistency between zones, this amendment increases the building coverage for detached covered accessory structures in multi-dwelling zones to match what is allowed in the single dwelling zones.

33.120.280 Detached Accessory Structures

A-B. [No change]

C. Detached covered accessory structures. Detached covered accessory structures are items such as garages, greenhouse, artist's studios, guest houses, accessory dwelling units, laundry or community buildings, storage buildings, covered bicycle parking, wood sheds, water collection cisterns, and covered decks or patios. The following standards apply to all detached covered accessory buildings. Garages are also subject to the standards of 33.120.283.

1-2. [No change]

3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.

- a. The combined building coverage of all detached covered accessory structures may not exceed 1520 percent of the total area of the site.
- b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.

4. [No change]

D-F. [No change]

Commentary

Item # 3 Ground Floor Height Exception

33.130.210.C.8

The purpose of the high ceiling height exception is to encourage commercial activity on the ground floor. An extra 5 ft of height is allowed when 75% of the ground floor has a 15-foot-tall ceiling. The extra height accommodates the taller ground floor without eliminating an upper floor.

However, on a sloping site, or in situations where the ground floor is considerably raised above the street sidewalk, the connection between the sidewalk and the ground floor commercial space can be lost.

This amendment sets an upper limit for how high the ground floor can be above the sidewalk in order for the height exception to be used.

33.130 Commercial/Mixed Use Zones

130

33.130.210 Height

A-B. [No change]

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

1-7. [No change]

8. High ceilings. In the CM1, CM2, CM3, CE and CX zones outside the Central City plan district, base height, step-down height, and bonus height may be increased by 5 feet when at least 75 percent of the ground floor has at least 15 feet between the floor and the bottom of the structure above. The bottom of the structure above includes supporting beams. This exception does not apply if any portion of the ground floor is more than 2 feet above the existing or proposed sidewalk.

Commentary

Item # 25 CM2 Height and PD FAR and height bonuses

33.130.212 Floor area and height bonus options

The commercial/mixed use zone bonus height standard contains an internal conflict. The standard limits the bonus height option to sites in the Design overlay zone, but footnote 1 under Table 130-3 allows the bonus height on sites within historic districts, conservation districts, or the Design overlay zone. The footnote was recently updated with Historic Resources Code Project (HRCP) to allow the height bonus in historic and conservation districts in addition to the design overlay zone; however, the code language in 33.130.212.B.5.b was inadvertently missed during the HRCP project. This amendment reconciles the code.

The amendment also expands the height bonus allowed through Planned Development bonus option to the CE zone. The amendment expands the option so that development in the CE zone can also take advantage of it.

33.130.212 Floor Area and Height Bonus Options

A. Purpose. The bonus options allow additional floor area and an increase in height as an incentive for development that provides a public or community benefit. The bonus can be gained in exchange for providing affordable housing or affordable commercial space in conjunction with new development.

B. General floor area and height bonus option regulations.

1-4. [No change]

5. The increment of additional height allowed per bonus is stated in Table 130-3, except ~~that 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. <u>75 ft. [2]</u>	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.

Commentary

Item # 4 Windows in street-facing facades

33.130.230.A.4 Windows in street-facing facades

In the commercial/mixed use zones, the window standards requires that 15% of the area of the street-facing façade be window area. Detached accessory structures are not currently exempt. However, detached accessory structures are exempt from the maximum setback and are typically located far from the street. This amendment exempts detached accessory structures from the window requirement.

Item # 6 Ground floor window requirements on sites with multiple frontages

33.130.230.B.2.a(2)

The commercial/mixed use zones ground floor window standard can be confusing in terms of how exemptions are applied when structured parking is involved and the site has frontage on more than one street of equal classification. The confusion appears to be about when one can apply the alternative setback/landscaping standard to a parking garage. The amendment clarifies that this alternate standard can only be used when the garage is subject to the lower window standard. If the streets have equal transit classification, one frontage could use this alternate standard, but not both.

33.130.230 Windows

A. Windows in street-facing facades.

1-3. [No change]

4. Exemptions:-

- a. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
- b. Detached accessory structures located more than 20 feet from a street lot line are exempt from this standard.

B. Ground floor windows.

1. [No change]

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 following apply:

- ~~€~~ The ground floor window standard in Subsubparagraph 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. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.
- If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard in Subsubparagraph B.2.a(1).
- The walls of structured parking that are part of a street-facing facade that is not required to meet the higher standard in Subsubparagraph B.2.a(1) along these facades may be set back at least 5 feet and landscaped to the L2 standard instead of providing 25 percent windows. ~~If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet the higher standard. Transit street classifications are identified in the Transportation Element of the Comprehensive Plan.~~

b. [No change]

Commentary

Item # 5 Ground floor windows in stairwells

33.130.230.B.3. Qualifying window features

The amendment adds stairwells to the list of areas that qualify toward a common/active area. A stairwell with glass facing the exterior or an open stairwell as part of a lobby would be working areas in the same sense that people must pass through the lobby to access the interior of the building.

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

3. Qualifying window features. Required ground floor window areas must be windows that allow views into working areas, lobbies, stairwells, 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.

Commentary

Item # 7 Ground floor window area for dwelling units

33.130.230.B.4 Ground floor windows

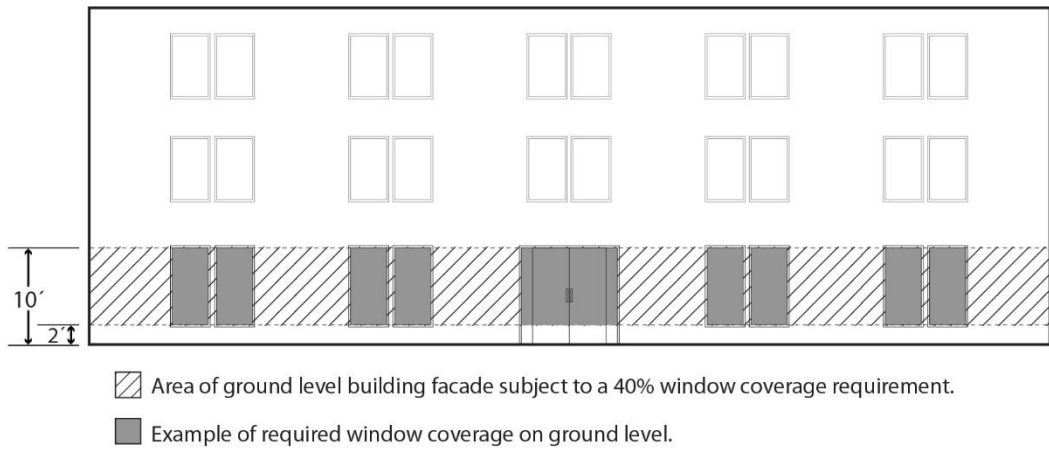
This amendment clarifies which portion of a street-facing façade is considered "ground floor wall area" for the purposes of the ground floor window standards. It uses the same language to describe ground floor wall area as is found elsewhere in the code.

Item # 68 RACC references

33.130.230.B.5 Ground floor windows

For many years, the Regional Arts and Culture Council (RACC) has been involved in the approval of public art. This exception allows public art to be count toward the ground floor standard if with the approval of RACC. The City's contract with RACC is expected to end as of July 1, 2024 and the responsibility of public art approval will be transferred to the City Arts Program or a designee of that program. This amendment changes the reference from RACC to the new City Arts Program designee.

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. For the purpose of these standards, 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:
 - a-c. [No change]
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~~ City Arts Program or its designee must be provided prior to approval of the building permit.

Commentary

Item # 57 Conversions of hotels to shelter/affordable housing

33.140.100.B Limited Uses

This amendment brings the general employment zones into compliance with House Bill 3261. HB3261 limits restrictions on the conversion of a hotel or motel to an emergency shelter or to affordable housing. The limited oversight also applies when the existing hotel/motel is a nonconforming use.

The single-dwelling, multi-dwelling, commercial/mixed use, and EX zones, currently allow household living, group living, and emergency shelters, and are therefore in compliance with HB 3261. The bill does not apply in areas designed specifically for heavy industrial use. The employment zones are the only zones that prohibit household and group living and therefore need to be amended to comply with HB 3261.

33.140 Employment and Industrial Zones

140

Use Regulations

33.140.100 Primary Uses

- A. Allowed uses.** Uses allowed in the employment and industrial zones are listed in Table 140-1 with a "Y". These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed development will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed that are subject to limitations are listed in Table 140-1 with an "L". These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 140-1.
1. Household Living and Group Living uses in EGI and EG2 zones. This regulation applies to all parts of Table 140-1 that have a [1].
 - a. Limited use. Household Living and Group Living are allowed uses when an existing hotel or motel is converted to dwelling units and all of the converted dwelling units are affordable to those earning no more than 60 percent of the area median family income. The property owner must execute a covenant with the City that meets the requirements of Section 33.700.060. The covenant must reflect that all dwelling units will be affordable at the specified income level for a minimum of 30 years.
 - b. Prohibited use. Except as specified in Subparagraph B.1.a, Household Living and Group Living use are prohibited.
- 1-15. [Renumber to be 2. through 16.]

Commentary

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

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Residential Categories						
Household Living	N <u>L[1]</u>	N <u>L[1]</u>	Y	CU <u>[12]</u>	CU <u>[12]</u>	CU <u>[12]</u>
Group Living	N <u>L[1]</u>	N <u>L[1]</u>	Y	CU <u>[12]</u>	CU <u>[12]</u>	CU <u>[12]</u>
Commercial Categories						
Retail Sales And Service	L/CU <u>[23]</u>	L/CU <u>[23]</u>	Y	L/CU <u>[34]</u>	L/CU <u>[45]</u>	L/CU <u>[56]</u>
Office	Y	Y	Y	L/CU <u>[34]</u>	L/CU <u>[45]</u>	L/CU <u>[56]</u>
Quick Vehicle Servicing	Y	Y	N	Y	Y	Y
Vehicle Repair	Y	Y	Y	Y	Y	Y
Commercial Parking	CU <u>[143]</u>	CU <u>[143]</u>	CU <u>[143]</u>	CU <u>[143]</u>	CU <u>[143]</u>	CU <u>[143]</u>
Self-Service Storage	L <u>[78]</u>	L <u>[78]</u>	L <u>[67]</u>	Y	Y	Y
Commercial Outdoor Recreation	Y	Y	Y	CU	CU	CU
Major Event Entertainment	CU	CU	CU	CU	CU	CU
Industrial Categories						
Manufacturing And Production	Y	Y	Y	Y	Y	Y
Warehouse And Freight Movement	Y	Y	Y	Y	Y	Y
Wholesale Sales	Y	Y	Y	Y	Y	Y
Industrial Service	Y	Y	Y	Y	Y	Y
Bulk Fossil Fuel Terminal	L <u>[165]</u>	L <u>[165]</u>	N	L <u>[165]</u>	L <u>[165]</u>	L <u>[165]</u>
Railroad Yards	N	N	N	Y	Y	Y
Waste-Related	N	N	N	L/CU <u>[78]</u>	L/CU <u>[78]</u>	L/CU <u>[78]</u>

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.

Commentary

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

Table 140-1 Employment and Industrial Zone Primary Uses						
Use Categories	EG1	EG2	EX	IG1	IG2	IH
Institutional Categories						
Basic Utilities	Y/CU <u>[110]</u>	Y/CU <u>[110]</u>	Y/CU <u>[110]</u>	Y/CU <u>[110]</u>	Y/CU <u>[110]</u>	Y/CU <u>[110]</u>
Community Service	L/CU [89]	L/CU [89]	L/CU [89]	L/CU <u>[910]</u>	L/CU <u>[910]</u>	L/CU <u>[910]</u>
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 <u>[910]</u>	L/CU <u>[910]</u>	L/CU <u>[910]</u>
Other Categories						
Agriculture	L [154]	L [154]	L [154]	L [154]	L [154]	L [154]
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 <u>[132]</u>	L/CU <u>[132]</u>	L/CU <u>[132]</u>	L/CU <u>[132]</u>	L/CU <u>[132]</u>	L/CU <u>[132]</u>
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.

Commentary

Item # 8 Windows in the EX Zone

33.140.230 Windows in the EX Zone

Currently, 33.140.230 only regulates ground floor windows in the EX zone. Over the past few years, the window standards in the commercial/mixed use and multi-dwelling residential zones have been updated and include both ground floor and street-facing façade window standards. In addition, the Central City plan district contains a regulation for street-facing façade windows in the EX zone that is slightly different than the C and RM zone façade window standard--the differences can be confusing and unnecessarily complex.

To resolve this issue and provide consistency among base zone window regulations, this amendment adds the street-facing façade window standard to the EX base zone. There is a related amendment that deletes the windows above the ground floor standard from the Central City plan district (33.510.221), in favor of this simpler base zone standard. See Item # 40 on pages 179-180 for the Central City plan district amendment.

33.140.230 ~~Ground Floor~~ Windows in the EX Zone

A. Windows in street-facing facades.

1. Purpose. In the EX zone, this standard:
 - Ensures that there is a visual connection between activities occurring within a structure and the street;
 - Enhances public safety by allowing people to survey their neighborhood from inside a structure; 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 in the EX zone. 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.

- 1A. Purpose. In the EX zone, blank walls on the ground level of buildings are limited in order to:
 - Provide a pleasant, rich, and diverse pedestrian experience by connecting activities occurring within a structure to adjacent sidewalk areas, or allowing public art at the ground level;
 - Encourage continuity of retail and service uses;
 - Encourage surveillance opportunities by restricting fortress-like facades at street level; and
 - Avoid a monotonous pedestrian environment.
- 2B. Required amounts of window area. In the EX zone, all exterior walls on the ground level which are 20 feet or closer to a street lot line, sidewalk, plaza, or other public open space or right-of-way must have windows. The windows must be at least 50 percent of the length and 25 percent of the ground level wall area. Ground level wall areas include all exterior wall areas up to 9 feet above the finished grade. The requirement does not apply to the walls of residential units, and does not apply to the walls of parking structures when set back at least 5 feet and landscaped to at least the L2 standard.

Commentary

Item # 68 RACC references

33.140.230.D Ground floor windows in the EX Zone

For many years, the Regional Arts and Culture Council (RACC) has been involved in the approval of public art. This exception allows public art to be count toward the ground floor standard if with the approval of RACC. The City's contract with RACC is expected to end as of July 1, 2024 and the responsibility of public art approval will be transferred to the City Arts Program or a designee of that program. This amendment changes the reference from RACC to the new City Arts Program designee.

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

- 3C. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 4 feet above the adjacent exterior grade.
- 4D. Exceptions for Public Arts. Outside of the Central City plan district, public art is allowed instead of meeting 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~~ City Arts Program or its designee must be provided prior to approval of the building permit.

Commentary

Item # 32 Exterior display in the EX zone

Table 140-4 Exterior Development Setbacks and Landscaping

The Central City 2035 Plan removed some exterior display standards in the Central City Plan District and amended the exterior display standards in the EX base zone to allow some exterior display. Per 33.140.245.B.1.c, exterior display of goods is allowed in the EX zone except for the display of motor vehicles, recreational vehicles, motor vehicle parts and supplies, building materials, and goods associated with an industrial use. However, Table 140-4, the corresponding exterior development setbacks and landscaping table, was not updated and incorrectly states that display is not allowed in the EX zone. This amendment fixes that error. The amendment also reformats the table for easier reading.

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

Table 140-4				
Exterior Development Setbacks and Landscaping [1]				
	EG1, IG1	EG2, IG2	EX	IH
<u>Exterior Display</u>				
Exterior Display Abutting a street	5 ft. / L1	10 ft. / L1	Not Allowed <u>0</u>	5 ft. / L1
Abutting a C, E, I, CI or IR zone lot	0	0	Not Allowed <u>0</u>	0
Abutting an R or OS zone lot	5 ft. / L3	10 ft. / L3	Not Allowed <u>5 ft. / L3</u>	10 ft. / L3
<u>Exterior Storage</u>				
Exterior Storage Abutting a street [2, 3]	5 ft. / L3, or 5 ft./ F2 + L2	25 ft. / L3, or 25 ft. / F2 + L2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	0 / F1	0 / F1	Not Allowed	0
Abutting an R or OS zone lot	5 ft. / L4, or 10 ft. / L3	10 ft. / L4, or 25 ft. / L3	Not Allowed	10 ft. / L4, or 25 ft. / L3
<u>Exterior Work Activities</u>				
Exterior Work Activities Abutting a street [2, 3]	Not allowed in EG1; 5 ft. / L3, or 5 ft./ F2 + L2 in IG1	Not allowed in EG2; 25 ft. / L3, or 25 ft. / F2 + L2 in IG2	Not Allowed	5 ft. / L3, or 5 ft./ F2 + L2
Abutting a C, E, I, CI or IR zone lot	Not allowed in EG1; 0 / F1 in IG1	Not allowed in EG2; 0 / F1 in IG2	Not Allowed	0
Abutting an R zone lot	Not allowed in EG1; 5 ft. / L4, or 10 ft. / L3 in IG1	Not allowed in EG2; 25 ft. / L3 or 25 ft. / F2 + L2 in IG2	Not Allowed	25 ft. / L3

Notes:

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

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

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

Commentary

Item # 69 Sunset dates

33.150 Campus Institutional Zones

Section 33.150.050, *Where This Chapter Does Not Apply*, is proposed to be deleted, which would necessitate removing the section from the table of contents.

See the amendments to 33.150.050 (page 74) for the additional commentary.

Item # 9 Maximum setbacks and Ground floor windows in the IR zone

Also, the section 33.150.250 text and title are being updated to correspond with Table 150-2 and clarify that the ground floor window standards apply in both the CI2 and IR zones. The table of contents is being updated to reflect this change

See the amendments for 33.150.250 on page 75-78 for additional commentary.

33.150 Campus Institutional Zones

150

Sections:

General

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

Use Regulations

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

Development Standards

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

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

Commentary

Item # 69 Sunset dates - additional dates

33.150.050 Where This Chapter Does Not Apply

The zoning code contains multiple regulations with sunset dates that have already expired or will expire before RICAP 10 goes into effect. The regulations no longer apply, but the regulation remains in the zoning code. As part of RICAP 10, expired, or soon to expire, sunset dates are being removed. This is one of those sunset dates to be removed.

When the Campus Institutional zones were added to the zoning code in 2018 as part of the update of the Comprehensive Plan, new zoning allowed a transition period, which ended on December 31, 2023. During the transition period, institutions could elect to continue development under the entitlements and obligations described in their approved conditional use, conditional use master plan, or impact mitigation plan. At the end of this transition period, development proposals will be reviewed against the requirements of the campus institutional base zone.

Because the transition period expired before RICAP 10 goes into effect (expected to be October 2024), Section 33.150.050 will be deleted.

See related amendments to 33.700.110.B.2.b.(1) and 33.820.060 on pages 210 and 236.

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

~~33.150.050 Where This Chapter Does Not Apply~~

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

Commentary

Item # 9 Maximum Setback and Ground Floor Standards in the IR zone

Table 150-2 Summary of Development Standards in Campus Institutional Zones

The table is not changing but is shown here for reference because the text and titles for setbacks and ground floor windows are being amended to correspond with what is shown in the table.

See pages 71-78 for more information.

Table 150-2
Summary of Development Standards in Campus Institutional Zones

Standard	CI1	CI2	IR
Maximum FAR [1] (see 33.150.205)	0.5 to 1	3 to 1 [2] [3]	2 to 1
Maximum FAR with Inclusionary Housing Bonus [1] (see 33.150.205.C)	NA	3.75 to 1 [2] [3]	NA
Maximum Height (see 33.150.210)	75 ft. [4]	150 ft. [4]	75 ft.
Minimum Building Setbacks [1] (see 33.150.215)			
- Lot line abutting or across the street from an OS, RF-R2.5 zoned lot	15 ft.	10 ft.	1 ft. for every 2 ft. of building height but not less than 10 ft.
- Lot line abutting or across the street from an RM1-RMP, IR zoned lot	10 ft.	10 ft.	
- Lot line abutting or across the street from a C, CI, E, or I zoned lot	0 ft.	0 ft.	
Maximum Building Setbacks Street Lot Line, Transit Street or Pedestrian District [5] (See 33.150.215)	None	10 ft.	10 ft.
Maximum Building Coverage [1] (see 33.150.225)	50% of site area	85% of site area	70% of site area
Maximum Building Length [1] (see 33.150.235 and 33.150.255)	200 ft.	200 ft.	None
Minimum Landscaped Area (see 33.150.240)	25% of site area	15% of site area	20% of site area
Landscaping Abutting an R zoned lot (see 33.150.240.C)	10 ft. @ L3	5 ft. @ L3	10 ft. @L3
Landscaping across the street from an R zoned lot (see 33.150.240.C)	10 ft. @ L1	5 ft. @ L1	10 ft. @L1
Building Facade Articulation [1] (see 33.150.255)	No	Yes	No
Ground Floor Window Standards [1] (see 33.150.250)	No	Yes	Yes
Transit Street Main Entrance [1] (See 33.150.265)	No	Yes	No

Notes:

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

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

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

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

[5] For frontages where the maximum building setback applies, there is no minimum setback.

Commentary

Item # 9 IR Zone Development Standards

33.150.215.C Maximum building setbacks in the CI2 and IR zones

33.150.250 Ground Floor Windows in the CI2 and IR Zones

These amendments clarify that the maximum street setback and ground floor window standards apply in the IR zone. Table 150-2, which lists development standards in the campus institutional zones, indicates that those two standards apply in the IR zone; however, the titles and some of the text describing the standards do not say that. This amendment corrects an omission that occurred with the adoption of the campus institutional zones code in 2018 and ensures that the maximum setback and ground floor windows apply in IR.

Item # 68 RACC references

33.150.250.E Ground floor windows in the CI2 and IR zones

For many years, the Regional Arts and Culture Council (RACC) has been involved in the approval of public art. This exception allows public art to be count toward the ground floor standard if with the approval of RACC. The City's contract with RACC is expected to end as of July 1, 2024 and the responsibility of public art approval will be transferred to the City Arts Program or a designee of that program. This amendment changes the reference from RACC to the new City Arts Program designee.

33.150.215 Setbacks

A-B. [No change]

C. Maximum building setbacks in the CI2 and IR zones.

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

D. [No change]

33.150.250 Ground Floor Windows in the CI2 and IR Zones.

A. Purpose. In the CI2 and IR 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 active street level uses;
- Encourage surveillance opportunities by restricting fortress-like facades at street level; and
- Avoid a monotonous pedestrian environment.

B. Ground floor window standard. The following standards apply in the CI2 and IR zones:

1-2. [No change]

C-D. [No change]

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

Commentary

Item # 70 Convenience stores

Table of Contents

Chapter 33.219 is being eliminated. As a result, the table of contents for the 200's chapters is being amended to delete the reference from the list.

See the commentary for Item # 70 on page 98.

Additional Use & Development Regulations

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

Commentary

Item # 75 Special street setbacks

Table of Contents

Chapter 33.288 is being eliminated. As a result, the table of contents for the 200's chapters is being amended to delete the chapter from the list.

See the commentary for items # 75 on page 118.

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

33.281 Schools and School Sites

33.284 Self-Service Storage

33.285 Short Term, Mass, and Outdoor Shelters

~~33.288 Special Street Setbacks~~

33.293 Superblocks

33.296 Temporary Activities

33.299 Wind Turbines

Commentary

Item # 49 Registered and certified childcare facilities/preschool programs
Item # 58 HB 3109 and childcare homes

33.203.020.D Family childcare homes

Recent changes to state rules dictate that registered or certified childcare facilities, defined as family childcare homes in ORS329A.440, should be treated as a residential use of property. These language changes were adopted in 2021 as part of HB 3109. This amendment brings the zoning code into conformance with HB 3109.

HB 3109 states that family childcare is childcare that takes place in a dwelling, but it does not state that the dwelling must be the provider's dwelling. In some situations, the changes to the state rules related to how the provider's own children count toward the maximum number, depending on whether the family childcare home is "registered" or "certified". Since this distinction is subject to state rules, the zoning code should not distinguish between the provider's children and other children. As a result, this amendment deletes the code related to counting the childcare providers children.

33.203 Accessory Home Occupations

203

33.203.020 Description of Type A and Type B Accessory Home Occupations

There are two types of home occupations, Type A and Type B. Uses are allowed as home occupations only if they comply with all of the requirements of this chapter.

- A. Type A.** A Type A home occupation is one where the residents use their home as a place of work; however, no employees or customers come to the site. Examples include artists, crafts people, writers, and consultants. Type A home occupations also provide an opportunity for a home to be used as a business address but not as a place of work.
- B. Type B.** A Type B home occupation is one where the residents use their home as a place of work, and either one employee or customers come to the site. Examples are counseling, tutoring, and hair cutting and styling.
- C. Accessory short-term rentals.** The regulations for accessory short-term rentals are stated in Chapter 33.207.
- D. Family child care homes.** Registered or certified family child care homes for up to 16 children, ~~including the children of the provider~~ that also meet the State's requirements of ORS 329A, are exempt from the regulations of this chapter.

Commentary

Item # 47 Type B home occupation and ADU

33.203.030.B.3 Prohibited uses in Accessory Home Occupations

Chapter 33.203, Accessory Home Occupations, prohibits Type B home occupations in a residence with an ADU. City Council found in 2021 that this prohibition places an unfair burden on small business owners. [Ordinance No. 190498](#), passed by City Council on July 14, 2021, waived this prohibition as a relief measure in response to the COVID-19 pandemic. The following findings and directives were stated in the ordinance:

"Currently, PCC 33.203.030 and 33.205.030 restrict Type B home occupations to one non-resident employee or 8 customers per day and prohibit a Type B home occupation on a site with an accessory dwelling unit. Other cities in the United States have expanded home occupation allowances in response to the COVID-19 pandemic and resulting economic consequences, including increases in the number of non-resident employees and customer allowances. The number of businesses owned by women of color increased by 58% between 2007 and 2018. Minority owned small businesses have suffered disproportionately due to the COVID-19 pandemic ([New city council bill would temporarily loosen restrictions on home-based businesses in Seattle \(seattlepi.com\)](#) and ([www.businessnewsdaily.com/15749-tips-for-black-female-business-owners.html](#)) and [www.washingtonpost.com/business/2020/05/25/black-minority-business-owners-coronavirus/](#)).

The ordinance waived PCC 33.203.030.B.3 until March 31, 2023, or the expiration of the Home Occupation permit, whichever is later.

This amendment makes the waiver permanent.

33.203.030 Use-Related Regulations

- A. Allowed uses.** The intent of the regulations of this chapter is to establish performance standards for all accessory home occupations rather than to limit the allowed uses to a specific list. Uses which comply with the standards of this chapter are allowed by right unless specifically listed in Subsection B. below.
- B. Prohibited uses.**
1. Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
 2. Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
 - ~~3. A Type B accessory home occupation is prohibited in a residence with an accessory dwelling unit.~~
 - 4.3. A Type B accessory home occupation is prohibited in a dwelling unit with any accessory short-term rental.

Commentary

Item # 48 Type B home occupation

33.203.030.C Additional Type B home occupation regulations

The Type B accessory home occupation regulations currently allow up to 8 customers per day or 1 nonresident employee. In 2021, City Council found that this limitation places an unfair burden on small business owners. [Ordinance No, 190498](#), passed by City Council on July 14, 2021, waived this limitation, and increased the number of customers allowed per day to 15, as an emergency relief measured in response to the COVID-19 pandemic. The following findings and directives were stated in the ordinance:

"Currently, PCC 33.203.030 and 33.205.030 restrict Type B home occupations to one non-resident employee or 8 customers per day and prohibit a Type B home occupation on a site with an accessory dwelling unit. Other cities in the United States have expanded home occupation allowances in response to the COVID-19 pandemic and resulting economic consequences, including increases in the number of non-resident employees and customer allowances. The number of businesses owned by women of color increased by 58% between 2007 and 2018. Minority owned small businesses have suffered disproportionately due to the COVID-19 pandemic ([New city council bill would temporarily loosen restrictions on home-based businesses in Seattle \(seattlepi.com\)](#) and ([www.businessnewsdaily.com/15749-tips-for-black-female-business-owners.html](#)) and [www.washingtonpost.com/business/2020/05/25/black-minority-business-owners-coronavirus/](#))."

The ordinance was in effect until March 31, 2023 at which point, the current limitations went back into effect. This amendment makes the waiver permanent, and add additional relief by also deleting the employee shifts limitation in 33.203.030.C.2.

- C. Additional Type B home occupation regulations.** The following additional regulations apply to Type B home occupations.
1. Hours. Customers may visit the site only during the hours of 7 am to 9 pm.
 2. Nonresident employees. One nonresident employee is allowed with a Type B home occupation ~~provided no customers come to the site at any time. Home occupations that have customers coming to the site at any time are not allowed to have nonresident employees.~~ For the purpose of this Chapter, the term “one nonresident employee” includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who visits the site as part of the home occupation. ~~The term “one nonresident employee” does not allow employee shifts, with each shift staffed by a different employee, even when only one nonresident employee is at the site at any one time.~~
 3. Customers. ~~Only eight~~Up to 15 customers or clients may visit the site in a day.
 4. Retail sales. Retail sales of goods must be entirely accessory to any services provided on the site (such as hair care products sold as an accessory to hair cutting).
 5. Number of Type B home occupations. More than one Type B home occupation per dwelling unit is prohibited.

Commentary

Item # 47 Type B home occupation and ADU

33.205.030 General Requirements

33.205, Accessory Dwelling Units, prohibits Type B home occupations in a residence with an ADU. In 2021, City Council found that this places an unfair burden on small business owners. [Ordinance No. 190498](#), passed by City Council on July 14, 2021, waived this prohibition as an emergency relief measured in response to the COVID-19 pandemic. The following findings and directives were stated in the ordinance:

"Currently, PCC 33.203.030 and 33.205.030 restrict Type B home occupations to one non-resident employee or 8 customers per day and prohibit a Type B home occupation on a site with an accessory dwelling unit. Other cities in the United States have expanded home occupation allowances in response to the COVID-19 pandemic and resulting economic consequences, including increases in the number of non-resident employees and customer allowances. The number of businesses owned by women of color increased by 58% between 2007 and 2018. Minority owned small businesses have suffered disproportionately due to the COVID-19 pandemic ([New city council bill would temporarily loosen restrictions on home-based businesses in Seattle \(seattlepi.com\)](#) and (<https://www.businessnewsdaily.com/15749-tips-for-black-female-business-owners.html>) and <https://www.washingtonpost.com/business/2020/05/25/black-minority-business-owners-coronavirus/>)."

The ordinance waived 33.205.030.A until March 31, 2023, or the expiration of the Home Occupation permit, whichever is later.

This amendment makes the waiver permanent.

33.205 Accessory Dwelling Units

205

33.205.030 General Requirements

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

Commentary

Item # 50 Type B accessory short-term rentals in C, E, and I zones

33.207.030 Where These Regulations Apply

Currently, Type B accessory short-term rentals (ASTRs) in commercial/mixed use zones require a conditional use review. The approval criteria that apply to the review are 33.815.105, which relate to institutional and other uses in residential and campus institutional zones. The criteria address potential impacts associated with institutions and other non-Household Living uses in residential and campus institutional zones. As such, the approval criteria, and the required conditional use review, are not appropriate for essentially a commercial use (short-term rental of up to 5 rental rooms) in a commercial mixed use zone.

Since a 3-5 bedroom ASTR could be permitted as a transient lodging or hotel Retail Sales and Service use, this amendment removes the confusion of also providing a Conditional Use option for those seeking approval for transient rentals with more than 3 bedrooms in commercial, employment and industrial zones. This does not change what is allowed on the site, instead it allows the same development and use as a Retail Sales And Service use rather than as an accessory short-term rental.

33.207 Accessory Short-Term Rentals

33.207

33.207.030 Where These Regulations Apply

- A.** Except as follows, ~~the~~ regulations of this chapter apply to accessory short-term rentals in all zones.
- B.** In zones where Retail Sales And Service uses are allowed, limited or conditional uses, the following applies:
1. In multi-dwelling and campus institutional zones, accessory short-term rentals may be regulated either as a Retail Sales And Service use, or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 2. In commercial/mixed use, employment, and industrial zones the following applies:
 - a. Type A accessory short-term rentals. Type A accessory short-term rentals may be regulated as either a Retail Sales and Service use or as an accessory short-term rental under the regulations of this chapter. The decision is up to the applicant.
 - b. Type B accessory short-term rentals. The Type B accessory short-term rental regulations do not apply in the commercial, employment and industrial zones. Accessory short-term rentals where 3 or more bedrooms are rented to overnight guests are regulated as a Retail Sales and Service use.

Commentary

Item # 51 Accessory short-term rental implementation and enforcement

33.207.040 Type A Accessory Short-Term Rentals

The BDS Property Compliance Division has requested several zoning code amendments that will help facilitate the implementation and enforcement of the regulations for accessory short-term rentals. The changes are meant to reduce some of the more cumbersome requirements to streamline the process for applicants and recognize limited resources BDS has for implementation. The changes also clarify the limitations and expectations for Type A ASTRs.

The first amendment relates to advertising. The compliance division recommends that the zoning code regulate how ASTRs can be advertised. If the code prohibits someone from advertising more than the approved number of bedrooms or guests, then the compliance division can follow up and require that the advertising stop. Worst case, the ASTR permit can be revoked.

The second amendment to 33.207.040.C.2.a. deletes the requirement for signatures to be notarized. Deleting the notary requirement helps streamline the permitting process and brings ASTR applications in line with how other application types are processed. Notarized signatures are not required for building permit applications or home occupation permit applications.

The third amendment to 33.207.040.C.2.b. simplifies the permit application submittal requirements for the notification letter required in 33.207.040.C.1.

The fourth amendment to 33.207.040.D. clarifies that when a Type A ASTR permit is revoked, a new permit will not be issued to the property where the permit was revoked rather than to the resident who was living in the dwelling with the revoked ASTR.

33.207.040 Type A Accessory Short-Term Rentals

- A. [No change]
- B. **Standards.** The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:
- 1.-9. [No change]
10. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type A accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.
- 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. [No change]
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.~~
- [No change to Figure 207-1]
- 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 the dwelling unit for 2 years.

Commentary

Item # 50 Type B accessory short-term rentals in C, E, and I zones

33.207.050.A Type B ASTR use-related regulations

This is a continuation of Item # 50. See commentary on page 90.

Item # 51 Accessory short-term rental implementation and enforcement

The BDS Property Compliance Division requested several zoning code amendments that would improve the implementation and enforcement of the regulations for accessory short-term rentals.

33.207.050.B Type B ASTR standards

The compliance division recommends that the zoning code regulate how ASTRs can be advertised. If the code prohibits someone from advertising more than the approved number of bedrooms or guests, then the compliance division can follow up and require that the advertising stop. Worst case, the ASTR permit can be revoked. The advertising rule is regularly made a condition of approval for Type B ASTRs, but is not currently a zoning code standard.

33.207.060 Monitoring

To help improve the enforcement of ASTRs, the proposed amendment to 33.207.060 would revise the monitoring requirements, clarifying what guest information is required, when the information is required, and the penalty for failing to provide the information.

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. In residential and campus institutional zones, 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, triplex, fourplex, or cottage cluster 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 or on the site, whichever is greater.
5. Prohibition.
 - a. Type B accessory short-term rentals are prohibited in commercial/mixed use, employment, and industrial zones.
 - b. 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.

1-10. [No change]

11. Advertisements. No advertisement can state more than the approved number of bedrooms or guests for a Type B accessory short-term rental. This includes any wording, images, or descriptions that indicate a higher capacity available for the approved number of bedrooms or guests allowed.

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. All accessory short-term rental permit holders must provide transactional data of guest stays upon City request. Transactional data is data provided directly from the listing platform and must include guest names, guest home addresses, guest phone numbers, dates of stay, and number of guests. Failure to provide transactional data within 30 days of City request is a violation and subject to enforcement or permit revocation.~~

Commentary

Item # 68 RACC

33.218.140.M.2 - Standards for All Structures in the RM3, RM4, RX, C, CI, and E Zones - Ground Floor Windows

33.218.150.J.2 - Standards for I Zones - Ground Floor Windows

For many years, the Regional Arts and Culture Council (RACC) has been involved in the approval of public art. This exception allows public art to be count toward the ground floor standard if with the approval of RACC. The City's contract with RACC is expected to end as of July 1, 2024 and the responsibility of public art approval will be transferred to the City Arts Program or a designee of that program. These amendments change the reference from RACC to the new City Arts Program designee.

33.218 Community Design Standards

218

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

A.-L. [No change]

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

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
2. The artist and the specific work or works of art must be approved by the ~~Portland Regional Arts and Cultural Council~~ City Arts Program or its designee; and
3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

N.-Q. [No change]

33.218.150 Standards for I Zones

A.-I. [No change]

J. Ground floor windows. All street-facing elevations of a development must meet the Ground Floor Windows Standards of the EX zone. As an alternative to providing ground floor windows, a project may provide public art if the following conditions are met:

1. The area of the ground level wall that is covered by the art must be equal to the area of window that would have been required;
2. The artist and the specific work or works of art must be approved by the ~~Portland Regional Arts and Cultural Council~~ City Arts Program or its designee; and
3. The art must be composed of permanent materials permanently affixed to the building. Acceptable permanent materials include metal, glass, stone and fired ceramics.

K.-L. [No change]

Commentary

Item # 70 Convenience stores

33.219 Convenience Stores

This amendment deletes the convenience store chapter from the zoning code. These regulations target a single group of retail establishments, often including those managed or owned by underrepresented groups. From a zoning equity perspective, convenience stores should be regulated the same as other retail businesses that sell similar products and/or hold similar hours.

33.219 Convenience Stores

219

Sections:

- ~~33.219.010 Purpose~~
- ~~33.219.020 Where the Regulations Apply~~
- ~~33.219.025 Procedure~~
- ~~33.219.030 Preliminary Steps Before Submitting an Application~~
- ~~33.219.060 Implementation Program Requirements~~
- ~~33.219.070 Record of Good Faith~~

33.219.010 Purpose

~~The convenience store requirements provide regulations and procedures to allow convenience stores while reducing the negative impacts on nearby residents and businesses. This chapter provides a method for identifying and addressing issues and concerns that neighbors and the convenience store owner or operator may have regarding the operations and potential impacts of the convenience store. The outcome will be a written Implementation Program.~~

33.219.020 Where the Regulations Apply

~~All convenience stores proposing to locate in a new or existing building are subject to the regulations of this chapter. The regulations also apply when the operator of a convenience store changes.~~

33.219.025 Procedure

~~Compliance with standards of this chapter is determined as part of a building permit application or zoning approval. When the operator of a convenience store changes, the operator must adhere to the existing Implementation Program or must follow the requirements of this chapter to create a new Implementation Program.~~

33.219.030 Preliminary Steps Before Submitting an Application

~~Prior to submitting a building permit application or requesting zoning approval for a convenience store, the operator must complete all of the steps listed below.~~

- ~~**A. — Develop an Implementation Program and site plan.** The operator must develop a draft Implementation Program and site plan that meet the requirements of 33.219.060 below.~~
- ~~**B. — Contact neighborhood association.** Upon completion of the draft Implementation Program and site plan the operator must contact the neighborhood association to request a meeting. The operator must also send a copy of the neighborhood association meeting request to the affected district neighborhood coalition; however, the operator is not required to offer to meet with the district neighborhood coalition.
The meeting request must be sent by registered mail and must contain the draft Implementation Program, the draft site plan, and a description of any permits, land use reviews, or licenses that will be requested. The request letter must also summarize the purpose of the meeting and describe the following timelines.~~

Commentary

- ~~— The neighborhood association should reply to the operator within 14 days and hold a meeting within 45 days of the date the letter was mailed. If the neighborhood association does not reply to the operator’s letter within 14 days, or hold a meeting within 45 days, the operator may request a building permit or zoning approval without further delay. If the neighborhood holds the meeting within the time frame, the operator must attend the meeting. The operator may attend additional meetings on a voluntary basis. The neighborhood may schedule the meeting with its board, the general membership, or a committee.~~
- C. Neighborhood notice.** In addition to contacting the neighborhood association, the operator must send notice by registered or certified mail to all property owners within 150 feet of the store site and to all recognized organizations within 400 feet of the store site. The notice must include the contact information required by paragraph 33.219.060.G, and the date, time and place of the neighborhood meeting where the convenience store will be discussed. If the neighborhood association did not respond to the operator's request for a meeting within 14 days, then the information about the date, time, and location of a meeting is not required.
- D. Convenience store meeting.** The purpose of the meeting is to provide the opportunity for all interested parties to voice their concerns regarding the proposed convenience store. The anticipated outcome of the meeting is an agreement among the local residents, businesses, and the applicant as to the content of the Implementation Program and the site plan. However, a consensus is not required. The meeting may be continued at a later date if all parties agree.
- E. Application for a building permit/zoning approval.** The next step is the application for a building permit or zoning approval. The application must be accompanied by the site plan, the final version of the Implementation Program and the record of good faith as described in 33.219.070 below.

33.219.060 Implementation Program Requirements

An application for proposals to locate a convenience store in a new or existing building must be accompanied by a written Implementation Program. The Program must be signed by the operator and contain all of the items listed below:

- A. Crime prevention and awareness training program.** Written verification from the Police Bureau that a crime prevention and crime awareness training program has been approved.
- B. Alcohol awareness and employee training program.** Written verification from the Oregon Liquor Control Commission that an alcohol awareness and employee training program has been approved. At a minimum, the program must be directed at identifying and handling situations involving minors or intoxicated customers, and identify which displays and marketing techniques will be used to discourage drunk driving.
- C. Litter control program.** Litter control program. The operator must provide a litter control program that includes:
1. The installation of at least two trash receptacles on site for customer use. The trash receptacles must be located next to the on-site pedestrian circulation system.

Commentary

~~2. The operator must ensure that litter is picked up at least once a day from the site and from the sidewalks adjacent to the site.~~

~~**D. Loitering control program.** The operator must provide a loitering control program that, at a minimum, limits the hours of operation of electronic video games, and locates telephone booths, benches, tables, and other customer activity areas where they can be viewed by store employees.~~

~~**E. Landscape maintenance awareness.** The operator must provide written verification that he or she understands the provisions of Chapter 33.248, Landscaping and Screening, and in particular 33.248.030, Plant Materials and 33.248.040, Installation and Maintenance.~~

~~**F. Lighting Certification.** The operator must document that the proposed lighting will meet the glare standards of Chapter 33.262, Off-Site Impacts. In addition to meeting the requirements of 33.262.100, Documentation in Advance, the operator must identify on the site plan the location of all exterior lighting.~~

~~**G. Communication agreement.** The operator must designate and include contact information for a person responsible for on-going communication with the local recognized organizations and other concerned individuals regarding any problems they may have with current business practices or impacts on the neighborhood. All responses to concerns raised by recognized organizations or concerned individuals should be written within 30 days of receiving the initial letter, and be from the designated contact person. A file of all letters received and written is to be maintained by the operator and be available to the public upon request. The operator should notify the local recognized organizations and property owners within 150 feet of the store site of changes to the designated contact person or contact information within 30 days of the change.~~

~~**H. Participation in Neighborhood Mediation Program.** The operator must agree to participate in a Neighborhood Mediation Program should that process be initiated.~~

33.219.070 Record of good faith.

The operator must document that he or she met with or attempted in good faith to meet with the neighborhood association in advance of submitting the building permit application or request for zoning approval. The documentation must include all of the following:

~~**A.** A copy of the neighborhood meeting request and registered or certified mail receipts;~~

~~**B.** The names and addresses of property owners and organizations that received notice of the Implementation Program contact information as required by Subsection 33.219.030.C.~~

~~**C.** The time, date, and location of any neighborhood meeting, and the names, addresses, and phone numbers of those who attended;~~

~~**D.** A copy of the draft Implementation Program and site plan sent to the neighborhood association;~~

Commentary

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

- ~~E. A copy of the final Implementation Program and site plan if different from the draft plan. The final Implementation Program must identify those components of the Implementation Program that were agreed upon and those that were unresolved, plus any additional items discussed during the meeting(s); and~~
 - ~~F. Documentation that the operator has sent the neighborhood association both a mailed and electronic copy of the final Implementation Program.~~
-

(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 186639, effective 7/11/14.)

Commentary

Item # 71 Inclusionary housing off-site affordable units clarification

33.245.040.B. Off-site affordable dwelling units

This amendment is a technical amendment to clean-up the wording of B.1 and B.2. The current wording in B.1 refers to new buildings and alterations, however a new building is not an alteration. The words "or the alteration" are being deleted to avoid confusion. In B.2. the current wording refers to new buildings, however the B.2. standard is related to dedicating existing dwelling units as affordable units—existing dwelling units are not new buildings. The words "new building or alteration" are being replaced with "existing building" for clarity purposes.

33.245 Inclusionary Housing

245

33.245.040 Inclusionary Housing Standards

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

- A. [No change]
- B. **Off-site affordable dwelling units.** Off-site affordable dwelling units can be provided by constructing new dwelling units or by dedicating existing dwelling units as affordable. When the affordable dwelling units will be located off-site, 20 percent of the total number of dwelling units must be affordable to those earning no more than 60 percent of the area median family income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter. ~~affordable dwelling units must be provided at one of the following rates:~~
 - 1. ~~New dwelling units. When the affordable dwelling units will be provided by constructing new dwelling units off-site, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:~~
 - 2. ~~Existing dwelling units. When the affordable dwelling units will be provided by dedicating existing dwelling units as affordable, 20 percent of the total number of dwelling units in the new building or the alteration must be affordable to those earning no more than 60 percent of the area median family income. The number of affordable dwelling units required is calculated based on the development that triggers the regulations of this chapter:~~
- C. [No change]

Commentary

Item # 59 Manufactured homes development standards

33.251.020 Manufactured Homes on Individual Lots

HB 4064, enacted with the 2022 legislative, amended ORS 197.314 to bar cities from subjecting manufactured homes to additional standards that did not apply to site-built homes, with the exception of those necessary to comply with statewide land use goals protective measures or those related to the manufacturer's certification.

Section 33.252.020.D includes standards that require manufactured homes to be placed on a foundation and to remove the hauling mechanisms. These are standards that would not apply to a site-built home and therefore are being removed from the code to comply with state law

33.251 Manufactured Homes and Manufactured Dwelling Parks

251

33.251.020 Manufactured Homes on Individual Lots

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

Commentary

Item # 72 "Grandfather rights" (nonconforming situations)

33.258.035 Where These Regulations Apply

This section includes the term "grandfather rights". The phrase "grandfather rights" has racist roots, and is being removed from the zoning code. The term originated in late nineteenth-century legislation and constitutional amendments passed by several Southern U.S. states, which created new requirements for literacy tests, payment of poll taxes and residency and property restrictions to register to vote. States in some cases exempted those whose ancestors (i.e., grandfathers) had the right to vote before the American Civil War or as of a particular date from such requirements. The intent and effect of such rules was to prevent former African American enslaved persons and their descendants from voting but without denying poor and illiterate whites the right to vote. Although these original grandfather clauses were eventually ruled unconstitutional, the terms *grandfather clause* and *grandfathered* have been adapted to other uses.

Item # 73 Changes to nonconforming development

33.258.070.C Changes

This section describes the types of changes that are allowed with alterations to existing nonconforming development. The amendment clarifies that changes that either bring the site closer to conformance and those that have no effect on the conformance of the development are allowed provided they meet all other standards.

33.258 Nonconforming Situations

258

33.258.035 Where These Regulations Apply

The nonconforming situation regulations apply only to those nonconforming situations which were allowed when established or which were approved through a land use review. Additionally, they must have been maintained over time. These situations have legal nonconforming status. Nonconforming situations which were not allowed when established or have not been maintained over time have no legal right to continue (~~often referred to as "grandfather rights"~~) and must be removed.

33.258.070 Nonconforming Development

A-B. [No change]

C. **Changes.**

1. Changes may be made to the site that do not alter are in conformance with the nonconforming development are allowed standards of the base zone, overlay zone, plan district or other development standards that apply to the site.
2. Changes to the nonconforming development are allowed as follows:
 - a. Changes that bring the site nonconforming development closer to conformance are allowed; and
 - b. Proposed eChanges to the nonconforming development that are not in conformance ~~or do not move it~~ closer to conformance, are subject to the adjustment process unless prohibited.

D-G. [No change]

Commentary

Item # 74 Required parking reference

33.266.150.E Utility trailers and accessory recreational vehicles

This amendment removes the reference to "required parking spaces" from the standards for parking utility trailers and accessory recreational vehicles in residential zones. The Parking Compliance Amendments Project, adopted in June of 2023, removed required parking standards citywide, and therefore, there are no longer any "required" parking spaces. This reference to required parking was inadvertently overlooked.

33.266 Parking, Loading, And Transportation And Parking Demand Management

266

33.266.150 Vehicles in Residential Zones

A-D. [No change]

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 but may not be parked or stored between the front lot line and the building line.

F-G. [No change]

Commentary

Item # 10 Self-service storage ground floor active use

33.284.020.B Required Ground Floor Active Use

The required ground floor active use regulation requires that At least 50 percent of the ground-level floor area located within 100 feet of a neighborhood corridor, civic corridor or streetcar line must be in one or more of the listed ground floor active uses. However, B.1 is not very clear that the requirement applies to sites **with frontage** on a neighborhood corridor, civic corridor or streetcar line. The standard implies this but does not state it clearly. The result has been application of the requirement to sites without frontage on one of these streets.

The amendment clarifies when the standard applies.

33.284 Self-Service Storage

284

33.284.020 Use Regulations

- A. [No change]
- B. **Required Ground Floor Active Use.** The following ground floor active use regulations apply outside of the Central City Plan District in the CM3, CE, CX, EG1, EG2 and EX zones on the following sites:
1. When ground floor active use is required. The ground floor active use standard applies when a site with a Self-Service Storage use is located within 100 feet of has frontage on a neighborhood corridor, civic corridor or streetcar line.
 2. Ground floor active use standard. At least 50 percent of the ground-level floor area located within 100 feet of a neighborhood corridor, civic corridor or streetcar line must be in one or more of the ground floor active uses listed in Paragraph B.3, where allowed by the base zone. Parking areas do not count toward the required amount of ground floor active use. Areas shared among the active uses listed below are included in active floor area. Areas shared by a use not listed below are not included in active floor area.
 3. Ground floor active uses:
 - a. Retail Sales and Service;
 - b. Office;
 - c. Vehicle Repair;
 - d. Industrial Service;
 - e. Manufacturing and Production;
 - f. Wholesale Sales;
 - g. Daycare;
 - h. Community Service;
 - i. Religious Institutions.

Commentary

Item # 57 Conversions of hotels to shelter/affordable housing

33.285.040.B. Mass shelters

This amendment brings the regulations for mass shelters into compliance with House Bill 3261. HB3261 limits restrictions on the conversion of a hotel or motel to an emergency shelter or to affordable housing.

This amendment allows a hotel or motel in an EG zone to be converted to a mass shelter. This chapter already allows short-term shelters by right in EG zones if they meet the general development standards for shelters (see below), so no additional amendment is needed for short-term shelters.

33.285.040.A.2 Use Regulations - Short term shelters

2. *C, E, and CI2 zones. A short term shelter is allowed in C, E, and CI2 zones when the standards of Section 33.285.050 are met. Expansion of net building area or increase in the number of occupants in an existing short term shelter is allowed if it meets the standards in Section 33.285.050.*

33.285 Short Term, Mass, and Outdoor Shelters

285

33.285.040 Use Regulations

- A. [No change]
- B. **Mass shelters.**
 - 1.-5. [No change]
 - 6. Exemptions:-
 - a. A mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right in RM1 – RMP, C, E, CI, and IR zones. In RF-R2.5 zones, a mass shelter that exclusively serves victims of sexual or domestic violence is allowed by right but is limited to a net building area of 3,500 square feet.
 - b. The conversion of an existing hotel or motel to a mass shelter is allowed by right in the EG1 and EG2 zones if done in conjunction with converting the rooms to a short-term shelter. There is no limit to the number of beds allowed with a hotel/motel conversion.

Commentary

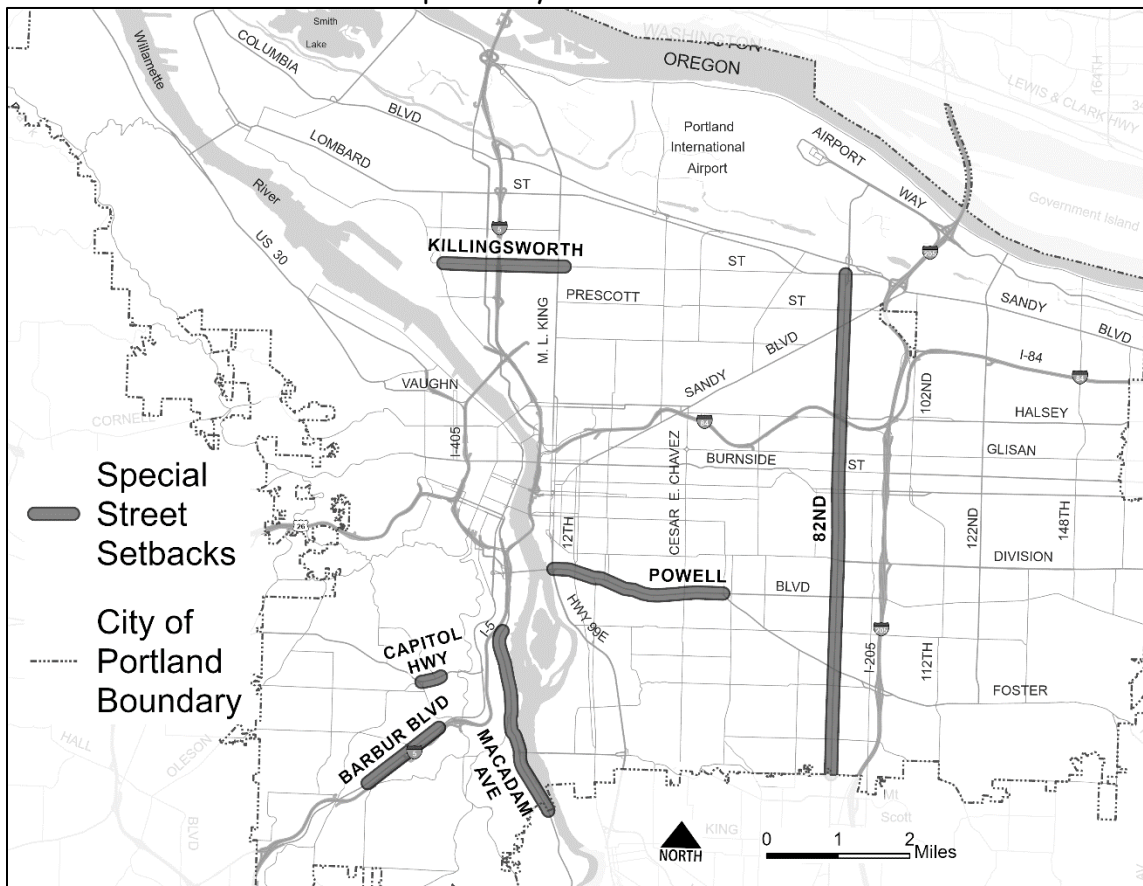
Item # 75 Special street setbacks

33.288 Special Street Setbacks

This amendment deletes the Special Street Setbacks chapter of the zoning code. These setbacks currently apply to portions of six streets, as shown in the map below. The special setback standards were established by ordinances adopted between 1950 and 1981. Generally, these setbacks were a mechanism to give PBOT opportunities to ask for future dedication. However, other opportunities for PBOT to require street dedications with new development have been created since 1981, and these special setbacks are obsolete.

Removing these special setbacks is not just a zoning code amendment, it is also a zoning map amendment that requires updating the quarter section maps and rescinding or partially rescinding the following ordinances that established the most current set of special street setbacks:

- Ord No. 95283 for SW Barbur Blvd (rescind Section 4 of SW Rezone ordinance)
- Ord No. 110507 for NE/SE 82nd Ave
- Ord No. 148449 for SE Powell Blvd
- Ord No. 148846 for S Macadam Ave
- Ord No. 151740 for N/NE Killingsworth St
- Ord No. 152147 for SW Capitol Hwy



33.288 Special Street Setbacks

288

Sections:

- 33.288.010 Purpose
- 33.288.020 Requirements
- 33.288.030 Procedures

33.288.010 Purpose

Special street setbacks may be established on City streets to regulate the location of structures and for maintaining appropriate open areas, and for adequate separation from the street. These regulations:

- Increase visibility and safety for pedestrians and drivers;
- Provide a pleasant pedestrian environment and human scale;
- Improve the appearance of the corridor and reduce visual clutter;
- Maintain adequate space for the growth of large street trees; and
- Maintain adequate light and air.

33.288.020 Requirements

- A. Where the regulations apply.** Special street setbacks apply to all buildings, structures, signs, off-street parking areas, and exterior display, storage, and activities fronting a street with a special street setback designation on the Official Zoning Maps.
- B. Projections into setback.** Projections of up to 3 feet are allowed by right into the special street setbacks. Projections include items such as sign faces, eaves, overhangs, and building cornices.
- C. Landscaping.** Where landscaping is allowed or required, special street setbacks must be landscaped to at least the L1 standard, as stated in Chapter 33.248, Landscaping and Screening.
- D. Base zone requirements.** The base zone requirements apply in all areas with special street setbacks. In the event that the requirements of this chapter and the base zone differ, the more restrictive applies.

33.288.030 Procedures

- A. Adding or removing special street setbacks.** Adding or removing special street setbacks is processed through a Type III procedure, following the approval criteria stated in 33.855.060, Approval Criteria for Other Changes.
- B. Adjustments to special street setbacks.** Individual property owners may request an adjustment to a special street setback.

(Amended by: Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

Commentary

Item # 55 Construction activities - parking

33.296.030.F.3 Temporary construction parking

Temporary construction parking is not currently allowed to be established before a project begins. However, both staging and parking often begins prior to the official start of a construction project. In order to support construction in Portland, this amendment allows temporary construction parking to begin 30 days before the start of construction. See the related amendment to allow temporary construction staging up to 30 days prior to the start of construction, below.

Item # 52 and # 53 Construction activities - staging areas

33.296.030.F.4.a Temporary construction staging areas

Off-site construction staging is necessary when the development being built will take up most if not all of the site area leaving not enough room for staging. In this case, off-site construction staging is allowed temporarily. Currently, the zoning code does not allow temporary construction staging for projects in the RM4 zone, however development in the RM4 zone is often as intense as development in the RX, C, E, and CI2 zones taking up just as much space on a site. The amendment allows temporary staging for projects in the RM4 zone.

In addition, the current code limits how far away the temporary staging can be from the construction site to 500 feet. In some parts of the city, like the Central City, it can be difficult to find a vacant site for staging within 500 feet of a construction site. This amendment eliminates the distance restriction, but retains the prohibition on locating construction staging areas within an OS or single-dwelling zone.

33.296 Temporary Activities

296

33.296.030 Temporary Activities Allowed

A-E. [No change]

F. Construction activities

1.-2. [No change]

3. Construction parking. In all zones, temporary parking areas are allowed ~~only~~ 30 days prior to and during construction on the site. They must be removed within 1 month of issuance of a certificate of occupancy for the construction. The land must be restored to the condition it was in before the development of the temporary parking area unless an alternative development has been approved for the location. A performance bond or other surety must be posted in conformance with 33.700.050, Performance Guarantees, to ensure removal.
4. Construction staging areas
 - a. General construction projects. Staging areas for construction projects in the RM4, RX, C, E, and CI2 zones are allowed 30 days prior to and during construction on the site subject to subparagraph .030.F.4.c. The staging area ~~must be located within 500 feet of the construction site~~ may be located off-site, however in no case can the staging area be located within an OS or single-dwelling zone.
 - b. [No change]

Commentary

Item # 54 Construction activities - staging areas duration

33.296.030.F.4.c.(2) Temporary construction staging areas

Temporary construction staging areas are currently only allowed for up to 3 years. Recent large-scale developments have taken more than 3 years to complete, including larger public infrastructure projects. To address this issue, the amendment removes the time limit for staging areas except for staging areas in Environmental, River Environmental, and River Natural overlay zones, which will continue to be subject to the regulations for a permanent use. For consistency, the Pleasant Valley Natural Resource overlay zone is being added to the list of overlay zones where staging area are subject to regulations for permanent uses.

Item # 56 Construction activities - permits for staging areas

33.296.030.F.4.c.(5) Permits for temporary construction staging areas

The requirement for a "building permit," causes confusion for customers and staff because many times there are no structures proposed in staging areas that trigger the requirement for a building permit. This amendment clarifies that the required permit can be either a building or zoning permit.

- c. Staging area standards. Adjustments to the following standards are prohibited.
- (1) Staging areas that last more than one year require that a community relations representative is designated for the project. The community relations representative must be available to respond to neighbors related to the operation of the staging area. The community relations representative must also be available to meet on at least a quarterly basis with the affected neighborhood association and business association until the staging area is removed.
 - (2) Staging areas ~~that last longer than 3 years are subject to the regulations for permanent uses, except for staging areas~~ located within an Environmental, River Environmental, ~~or~~ River Natural, or Pleasant Valley Natural Resource overlay zone, ~~in which case the staging area is~~ are subject to the regulations for a permanent use regardless of the length of time the staging area will be in place.
 - (3) Dust, mud and erosion control. During the construction project, erosion control measures must be maintained in order to reduce dust on the site and to reduce dust and mud on adjacent streets from vehicles entering and leaving the site. During the length of the project, the site must be enclosed or protected in a manner to prevent on-site erosion and to prevent sediment from leaving the site.
 - (4) Final condition. When the construction project is final, the staging area must be prepared and seeded with a mixture of 100 percent perennial rye grass to create a low maintenance vegetative ground cover. This requirement does not apply to portions of the staging area that were paved before the project started. In the RX, C, E, I, and CI2 zones the staging area may be graveled instead of seeded; however gravel is not allowed within 5 feet of lot lines. Seeding is required within 5 feet of the lot lines.
 - (5) ~~Building p~~Permit. Prior to the start of the construction project, a building or zoning permit must be obtained from the City. The application for the ~~building~~ permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

G.-J. [No change]

Commentary

Item # 12 DOZA Map 420-1

Design Overlay Zone - Table of Contents

As part of the amendment for Item # 22, Map 420-1 is being revised and renamed. See commentary on page 138. This amendment amends the title of the maps in the Chapter 33.420 table of contents.

Item # 13 Design Review exemptions for fences and retaining walls

33.420.045 Item Exempt From This Chapter

The list of exterior alterations that are exempt from the Design overlay zone chapter includes development that does not require a permit; which exempts most fences and retaining walls because fences under 7-feet tall and retaining walls under 4-feet tall do not require a permit. However, taller fences and retaining walls do require a permit. This amendment exempts all fences and retaining walls from the requirements of Chapter 33.420, mirroring similar exemptions in Chapter 33.445, Historic Resource Overlay Zone.

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

33.420.045 Items Exempt From This Chapter

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

- A. [No change]
- B. **Exterior alterations**
 - 1-5. [No change]
 - 6. Fences and retaining walls that meet the standards of this Title;
 - 6-12. [Renumber 6 through 11 to be 7 through 12]

Commentary

Item # 14 Design Standard exemptions in the IR Zone

Table 420-1

DOZA removed a prior exemption from design review for IR-zoned sites and, as a result, Table 420-1 can now be read to require design review for all IR-zoned sites that don't have Impact Mitigation Plans (IMP) or Conditional Use Master Plans (CUMP), or when these plans don't specify review triggers. The BDS practice since the DOZA amendments were implemented has been to continue to allow IR zoned sites to use design standards. This amendment codifies that practice

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

Table 420-1	
Maximum Limits for Use of the design standards [1]	
Zones	Maximum Limit—New Floor Area
RM2, RM3, RM4, C, E, I, & CI Zones	40,000 sq. ft. of floor area
IR Zone	<u>No limit unless stated in the</u> See institution's Impact Mitigation Plan or Conditional Use Master Plan.
Zones	Maximum Limit—Exterior Alterations
All except IR	<ul style="list-style-type: none"> • For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the facade. • For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.
IR Zone	<u>No limit unless stated in the</u> See institution's Impact Mitigation Plan or Conditional Use Master Plan.

Notes:

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

Commentary

Item # 15 Design standards applicability

33.420.050.C. Design standards.

The Design Overlay Zone Amendments created a new set of objective design standards to apply as an alternative to going through design review. While these standards are intended to address a variety of situations, some alteration projects may be simple enough that there are no standards that directly apply to the proposal. A proposal with no applicable standards could be considered to have met the objective standard track. There has been some confusion in this interpretation and whether the lack of applicable standards would trigger a discretionary review. This amendment clarifies that a project that has no applicable standards can be approved through the objective design standards track and doesn't trigger a design review. The intent is not to have every alteration/development have an applicable design standard. If an alteration does not trigger any of the required standards, then it has met the standards.

C. Design standards

1. New development.
 - a. Required design standards. New development must meet all the design standards identified in Table 420-2 as required standards. Only the standards applicable to the development apply; and
 - b. Optional design standards. New development must meet the optional design standards as follows. Unless otherwise stated, if a standard is required, no optional points are earned:
 - (1) Buildings up to 55 feet tall. New development with buildings that are 55 feet tall or less must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or one point for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories;
 - (2) Building more than 55 feet tall. New development with buildings that are more than 55 feet tall must meet enough of the standards identified in Table 420-2 as providing optional points to total 20 points, or two points for every 1,000 square feet of site area, whichever is less. For sites that are required to earn 20 points, at least one point must be earned in each of the context, public realm, and quality and resilience categories.
2. Alterations to existing development must meet all the design standards identified in Table 420-2 as required. Only the standards applicable to the alteration apply. In addition, major remodels must meet enough of the standards identified in Table 420-2 as optional to total 5 points, or one point for every 1,000 square feet of site area, whichever is less. If the proposal is not a major remodel and there are no applicable required standards, design review is not required.

Commentary

Item # 16 DOZA: Design Standard C2

33.420.050

Table 420-2

This amendment clarifies that optional Design Standard C2 only applies to facades that are larger than 1,500 sf in area.

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

Table 420-2			
Design Standards			
CONTEXT (C1 – C18)			
The standards for context provide an opportunity for development to respond to the surrounding natural and built environment and build on the opportunities provided by the site itself. The context standards are split into the following categories: Building Massing and Corners, Older Buildings/History, Landscaping, and Adjacent Natural Areas.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
C1 – No Change			
	C2	Building Facade on Local Service Streets.	
	New building with at least one street-facing <u>façade of 1,500 square feet or more</u> facing a local service street	Divide the building elevation on the facade facing a local service street into distinct wall planes measuring 1,500 square feet or less. To qualify, the façade <u>wall</u> plane must be offset in depth by at least 2-feet from adjacent facades. Facades may also be separated by balconies or architectural projections that project at least 2 feet from adjacent facades for a minimum distance of 8 feet. Projections into street right-of-way do not count toward meeting this standard.	3
C2-C18 – No Change			

Commentary

33.420.050

Table 420-2

Item # 17 DOZA

Design Standard PR9

This amendment changes the title of this optional standard to make it clearer that this standard only applies to nonresidential main entrances.

Item # 68 RACC references

Design Standard PR 21

For many years, the Regional Arts and Culture Council (RACC) has been involved in the approval of public art. This exception allows public art to be count for optional points with the approval of RACC. The City's contract with RACC is expected to end as of July 1, 2024 and the responsibility of public art approval will be transferred to the City Arts Program or a designee of that program. This amendment changes the reference from RACC to the new City Arts Program designee.

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

PUBLIC REALM (PR1 – PR22)			
<p>The standards for public realm provide an opportunity for development to contribute positively to the adjoining sidewalks, streets and trails. They encourage spaces on the ground floor that support a range of uses and create environments that offer people a welcoming and comfortable experience. The public realm standards are split into the following categories: Ground Floors, Entries/Entry Plazas, Weather Protection, Utilities, Vehicle Areas, and Art and Special Features.</p>			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
PR1 – PR8 – No change			
ENTRIES / ENTRY PLAZAS			
X	PR9 <u>Nonresidential Main Entrance Location</u>	<p>Locate the main entrances at least 25-feet from a lot line that abuts an RF through R2.5 zone.</p> <p>For alterations that impact the location of an existing main entrance, the applicant must either meet the standard or move the existing entrance further from the single dwelling zone lot line.</p>	
PR10 – PR20 – No change			
ART AND SPECIAL FEATURES			
	PR21 <u>City Approved Public Art Installation</u>	<p>Provide an art feature or mural on the site that has been approved by the Regional Arts and Culture Commission (RACC) <u>City Arts Program or its designee.</u></p> <p>The feature must be set back a maximum of 15 feet from the street lot line with the highest street classification.</p> <p>To meet this option, the applicant must provide the following prior to the issuance of the building permit:</p> <ul style="list-style-type: none"> • A letter from the RACC indicating the approval of the art. • A covenant in conformance with 33.700.060, Covenants with the City. The covenant must state the steps to be taken by the property owner and RACC to ensure the installation, preservation, maintenance, and replacement of the public art. 	2
PR22 – No change			

Commentary

Item # 18 DOZA: Design Standard QR6/QR7

Item # 19 DOZA: Design Standard QR10

Item # 20 DOZA: Design Standard QR11

Table 420-2

QR6/QR7: The titles for these two standards are being amended to clarify how they are understood. QR6 applies to facades while QR7 applies to walls generally, so the amendments update the titles to make that clearer. The word "surrounding" in QR7 caused confusion by suggesting that the walls had to completely surround the outdoor common area. This amendment clarifies that by more clearly indicating that it applies to walls that are adjacent to an outdoor common area.

QR10: This amendment clarifies that this optional standard can only be used by buildings with 6 or more units above the ground floor that face a street lot line.

QR11: The intent of this optional standard was for south and west facing windows to receive some form of sun protection to help with cooling. However, the standard as written allows an either/or situation. The amendment clarifies that to earn the points, the window protection must be provided on windows on both façades.

Table 420-2 Design Standards			
QUALITY AND RESILIENCE (QR1 – QR23)			
The standards for Quality and Resilience provide an opportunity for development of quality buildings that provide benefits to current users and can adapt to future changes. They also provide an opportunity for successful site designs that enhance the livability of those who live, work and shop at the site. The quality and resilience standards are split into the following categories: Site Planning and Pedestrian Circulation, On-site Common Areas, Windows and Balconies, Building Materials, and Roofs.			
Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
QR 1 – 5 [No Change]			
X	QR6	Building Walls Facades Adjacent to Outdoor Common Area	
	New building with facade facing and within 10 feet of an outdoor common area	Meet the following standards:	
	QR7	Building Walls Surrounding Adjacent to Outdoor Common Area	
	New building with walls located within 10 feet of an outdoor common area meeting QR5	Walls located within 10 feet of an outdoor common area meeting QR5 must not be taller than two-times the shortest width of the outdoor area. As an example, if the outdoor area is 20-feet by 30-feet, the building walls within 10-feet of this open area may be up to 40-feet above the grade of the open area.	2
QR 8 – 9 [No Change]			
	QR10	Street-Facing Balconies	
	New building <u>with six or more dwelling units located above the ground floor that have facades that face a street lot line</u>	Provide balconies for at least 50 percent, or six whichever is greater, of the dwelling units with facades that face a street lot line and are located above the ground floor. The balconies must be designed so that a 4-foot by 6-foot dimension will fit entirely within it. If the balcony has glazed railings, they must have a treatment pattern that is applied using techniques from the <i>Portland Bird Safe Windows</i> list.	3
	QR11	Sunshades for Windows	
	New windows above the ground floor on <u>south facing and west facing facades that face south or west</u>	Provide awnings or eaves directly above 50 percent of the window openings on facades that are facing within 45 degrees of south <u>and facades facing within 45 degrees of or west</u> . The awning or eave must project out at least 2 feet.	2
QR 12 – 23 [No Change]			

Commentary

Item # 21 Design standards - materials

Table 420-3

As a result of the pandemic and supply chain issue, it has become more difficult to obtain some types of materials that meet the exterior finish materials standards in Table 420-3. This amendment provides greater flexibility by allowing for a variety of fiber cement boards with a narrower reveal and a thinner width. In addition, the standard for fiber cement shake- or shingle-style cladding has also been reduced to a thinner amount. Generally, shakes/shingle in the thickness that was originally approved through DOZA are no longer available.

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

Table 420-3 Approved Exterior Finish Materials		
Material Category and Approved Usage by Material Category	Material Type	Additional Approved Usage by Material Type
Brick [No change]		
Stucco [No change]		
Wood [No change]		
Metal Wall Cladding [No change]		
Fiber Cement Wall Cladding		
In Town Centers and on Civic Corridors, fiber cement wall cladding cannot be used on the ground floor except on the portion of the ground floor containing residential uses;	Fiber Cement: planks	If the product has a vertical or horizontal dimension <u>or reveal</u> of 6 inches or less, it must have a thickness of at least 5/16 <u>5/8</u> inch. If the product has a vertical or horizontal dimension or reveal more than 6 inches and less than 12 inches, it must have a thickness of at least 5/8 inch.
	Fiber cement: shake/shingles	If the product is composed of shingles or shakes, the installation of the shingles or shakes must contain a reveal of 10 inches or less and have a thickness of at least 5/16 <u>5/8</u> inch.
	Fiber cement: panels	If the product has a vertical or horizontal dimension greater than 12 <u>12</u> inches, the panel must have a density greater than 80 pounds per cubic foot.
Concrete [No change]		

Commentary

Item # 22 DOZA Map 420-1

Map 420-1

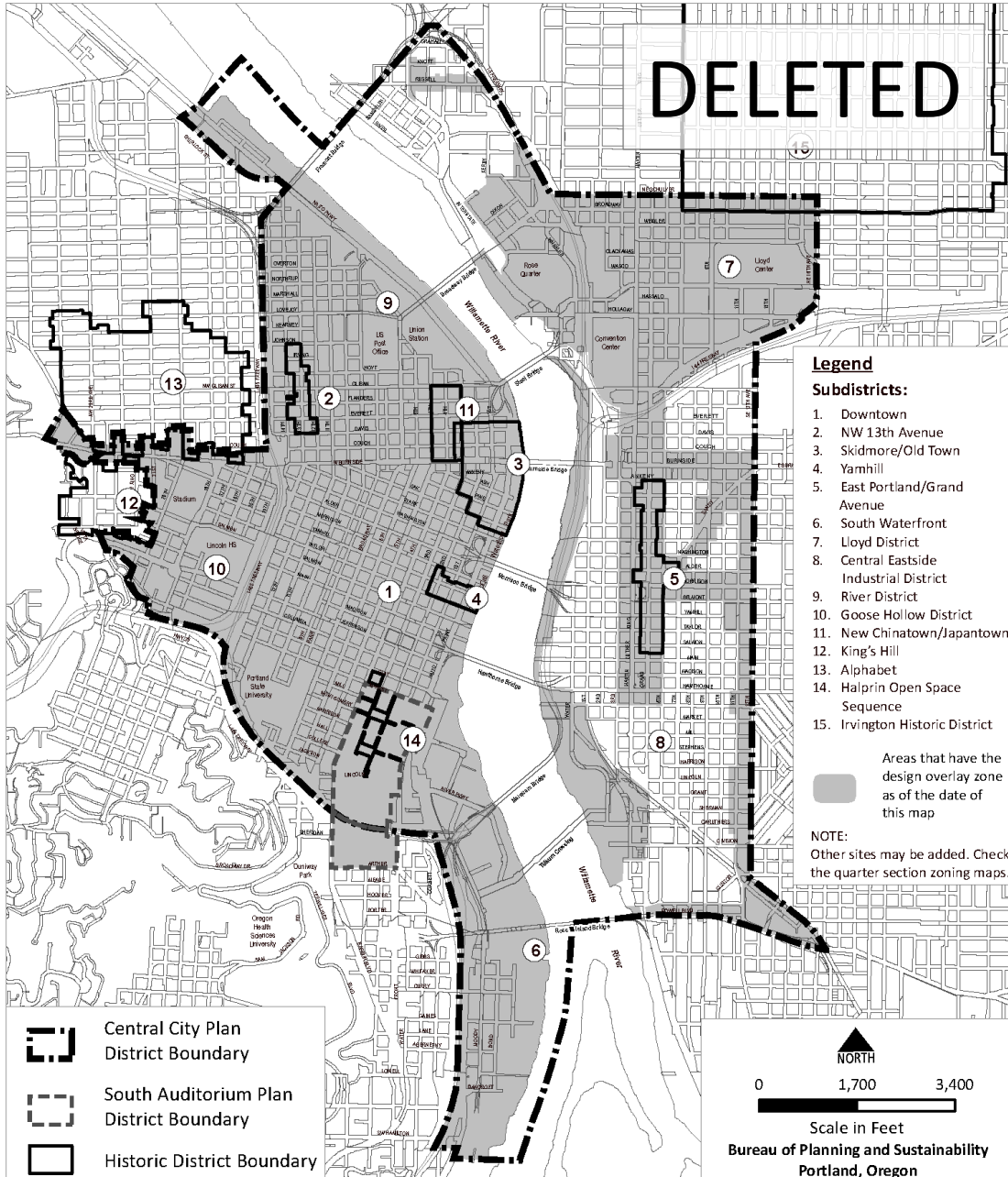
Map 420-1 is being amended to identify the borders of design subdistricts, include the Russell Conservation district, and add a note in the legend indicating that the entire Central City plan district is subject to the Central City Fundamentals. In addition, boundaries of the design subdistricts and the historic districts have been amended or expanded to show these areas. This includes incorporating the Clinton Triangle, which is now part of the Central Eastside, as well as adjusting the boundary north of Broadway by the Moda Center to reflect the Lloyd District boundary.

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

Design Districts and Subdistricts in the Central City and South Auditorium Plan Districts

Map 420-1

Map Revised August 10, 2020



Commentary

Design Districts in the Central City and South Auditorium Plan Districts

Map 420-1

Map Revised Xxxxx XX, 202X



Commentary

Item # 76 River Industrial uses

33.440.100.B.2. River Industrial zone use restrictions

Currently, non-river dependent uses are not allowed by right on riverfront sites in the River Industrial overlay zone without a greenway review, and the review must find that the site is unsuitable for river-dependent uses. The amendment will allow non-river dependent uses on an upland lot owned by a public agency if the lot is adjacent to a riverfront lot owned by a public agency. This change will allow the Port of Portland to maintain maritime uses on the river frontage lot at Terminal 2 and develop a new a housing manufacturing campus that will provide local manufacturing jobs on an adjacent upland lot.

33.440 Greenway Overlay Zones

440

33.440.100 Use-Related Restrictions

- A. Generally.** In most cases, the greenway zones do not restrict primary uses that are allowed in the base zones by right, with limitations, or as a conditional use. Exceptions to this are in the River Recreational, River Industrial, and River Water Quality zones. The restrictions on uses are stated in Subsection B. below. The location of development for an allowed use is regulated by the development standards below. Any changes to the land associated with the use are subject to greenway review unless exempted. See 33.440.310 and 33.440.320 below.
- B. Use restrictions.**
1. River Recreational zone. Primary uses in the River Recreational zone are limited to recreational uses which are river-dependent or river-related.
 2. River Industrial zone.
 - a. In the River Industrial zone, river-dependent and river-related primary uses are allowed by right on sites that front the river.
 - b. Primary uses that are not river-dependent or river-related are allowed by right on sites that front the river when:
 - (1) The non-river-dependent or non-river-related use is located entirely on lots within the site that do not have river frontage; and
 - (2) The site is owned by a public agency.
 - c. Primary uses that are not river-dependent or river-related may be allowed on sites that front the river if they are approved through greenway review. They must comply with the approval criteria of 33.440.350.B. below.
 - d. There are no special use restrictions on sites that do not have river frontage.
 - 3.-4. [No change]

Commentary

Item # 76 River Industrial uses

33.440.350.B. River frontage lots in the River Industrial zone

This is a technical amendment for consistent language in the River Industrial zone use restrictions in 33.440.100.B.2 and the *Greenway Review* approval criteria in the River Industrial zone found here. The existing language uses the terms "sites" and "lots" interchangeably. Since a "site" can be made up of multiple "lots" and the amendment above makes it clear that non-river dependent uses are allowed on non-riverfront "lots" within a riverfront "site", using consistent language that differentiates the two terms is necessary for clarity.

33.440.350 Approval Criteria

The approval criteria for a greenway review have been divided by location or situation. The divisions are not exclusive; a proposal must comply with all of the approval criteria that apply to the site. A greenway review application will be approved if the review body finds that the applicant has shown that all of the approval criteria are met.

A. [No change]

B. **River frontage ~~lots~~sites in the River Industrial zone.** In the River Industrial zone, uses that are not river-dependent or river-related may locate on ~~river frontage lots~~a site that fronts the river when the site is found to be unsuitable for river-dependent or river-related uses. Considerations include such constraints as the size or dimensions of the site, distance or isolation from other river-dependent or river-related uses, and inadequate river access for river-dependent uses.

C.-H. [No change]

Commentary

Items # 27-29 HRCP Code Exemption cleanup for Landmarks and Districts

33.445.100.D Development within a Historic Landmark boundary

The Historic Resources Code Project (HRCP) was adopted in January of 2022 (Ordinance 190687) to update and improve the processes, regulations, and incentives that apply to the city's most significant historic places. As the HRCP code amendments have been implemented over the last year, several clarifications have been identified to better meet the intent of the HRCP project goals.

Item # 27 HRCP: Historic code exemption—parking lot landscaping

This amendment clarifies that parking lot landscaping that meets the standards of Title 33 does not need historic resource review.

Item # 28 HRCP: Historic code exemption—rooftop equipment

The wording of Historic Resource overlay zone rooftop mechanical equipment exemption does not repeat the words "and associated ductwork" throughout the exemption, which makes it unclear if "associated ductwork" is always exempt. This amendment clarifies that it is.

Item # 29 Historic code exemption—hose and conduit

The Historic Resources overlay zone exemptions for ground-mounted equipment and hoses/conduit specify that the exemptions apply to equipment, hose or conduit that is located on a non-street-facing faced and is no more than 5' above grade. This results in historic resource reviews for the remainder of the equipment, hose or conduit going up a building. The amendment exempts the hose and conduit above 5' and also adds a provision that it must be painted with a matte finish or to match the façade.

33.445 Historic Resource Overlay Zone

445

33.445.100 Historic Landmark

A-C. [No change]

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

1. [No change]

2. Exempt from historic resource review.

a-c. [No change]

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

e-g. [No change]

h. Parking lot landscaping that meets the standards of this Title ~~and does not include a wall or a fence;~~

i-m. [No change]

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 and associated ductwork will be installed has a pitch of 1/12 or less;

(2) The ~~proposed~~ mechanical equipment and associated ductwork 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 and associated ductwork 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 façade;

(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~~ has a matte finish or is painted to match the facade;

p-y. [No change]

Commentary

Items # 27-29 continued

33.445.110.D Development within a Conservation Landmark boundary

Same amendments as previous page.

33.445.110 Conservation Landmark

A-C. [No change]

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. [No change]

2. Exempt from historic resource review.

a-c. [No change]

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

e-g. [No change]

h. Parking lot landscaping that meets the standards of this Title ~~and does not include a wall or a fence;~~

i-m. [No change]

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 and associated ductwork will be installed has a pitch of 1/12 or less;

(2) The ~~proposed~~ mechanical equipment and associated ductwork 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 and associated ductwork and 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~~ has a matte finish or is painted to match the facade;

p-x. [No change]

Commentary

Item # 26 HRCP: Historic code exemption in a Historic District—ADA

The Historic Resource overlay zone exemption for alterations to address ADA requirements refers to "existing" materials, however, other exemptions in the Historic Resource overlay zone prioritize "historic" features. The wording can cause an accessibility alteration that affects a non-historic material to go through historic resource review. The amendment allows resources in districts to prioritize historic features affected by alterations, while keeping the more stringent standard for landmarks.

Items # 27-29 continued

33.445.200.D Development in a Historic District

See commentary for related amendments to landmarks on page 146.

Item # 30 HRCP code exemption cleanup for window replacement in districts

33.445.210.D Development in a Conservation District

Same amendments as previous page.

33.445.200 Historic District

A-C. [No change]

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. [No change]

2. Exempt from historic resource review.

a-c. [No change]

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

e-g. [No change]

h. Parking lot landscaping that meets the standards of this Title ~~and does not include a wall or a fence;~~

i-m. [No change]

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 and associated ductwork will be installed has a pitch of 1/12 or less;

(2) The ~~proposed~~ mechanical equipment and associated ductwork 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 and associated ductwork 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~~has a matte finish or is painted to match the facade;

p-u. [No change]

Commentary

Item # 30 HRCP code exemption cleanup for window replacement in districts

33.445.200.D Development in a Historic District

This amendment provides consistency between the different exemptions for window replacements between single-dwelling zones and other zones. This allows for noncontribution buildings to use the exemption in other zones and for the replacement to be fiberglass.

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:

- On contributing resources:
 - 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;
- On noncontributing resources:
 - The building received final inspection at least five years ago;
 - The new windows are wood, ~~or~~ 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;

(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-ag. [No change]

Commentary

Item # 26 HRCP: Historic code exemption in Conservation District—ADA

The Historic Resource overlay zone exemption for alterations to address ADA requirements refers to "existing" materials, however, other exemptions in the Historic Resource overlay zone prioritize "historic" features. The wording can cause an accessibility alteration that affects a non-historic material to go through historic resource review. The amendment allows resources in districts to prioritize historic features affected by alterations, while keeping the more stringent standard for landmarks.

Items # 27-29 continued

33.445.110.D Development within a Conservation Landmark boundary

Same amendments as previous page.

Item # 30 HRCP code exemption cleanup for window replacement in districts

33.445.210.D Development in a Conservation District

Same amendments as previous page.

33.445.210 Conservation District

A-C. [No change]

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. [No change]

2. Exempt from historic resource review.

a-c. [No change]

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

e-g. [No change]

h. Parking lot landscaping that meets the standards of this Title ~~and does not include a wall or a fence;~~

i-m. [No change]

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 and associated ductwork will be installed has a pitch of 1/12 or less;

(2) The ~~proposed~~ mechanical equipment and associated ductwork 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 and associated ductwork 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~~has a matte finish or is painted to match the facade;

p-u. [No change]

Commentary

Item # 30 HRCP Code exemption cleanup for window replacement in districts

33.445.210.D Development in a Conservation District

This amendment provides consistency between the different exemptions for window replacements between single-dwelling zones and other zones. This allows for noncontribution buildings to use the exemption in other zones and for the replacement to be fiberglass.

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:

- On contributing resources:
 - 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;
- On noncontributing resources:
 - The building received final inspection at least five years ago;
 - 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;

(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-ag. [No change]

Commentary

Item # 77 River Environmental overlay zone right-of-way exemption

33.475.405. Items Exempt From These Regulations

Currently, Subsection 33.475.405.N. exempts public street and sidewalk improvements from the River Environmental overlay zone when the improvement is located within the developed portion of a right-of-way. Because the exemption is limited to the already developed portions of the right-of-way, the exemption can be broadened to include other improvements without the need for additional environmental review. This will allow other improvements, such roadway and bike lane improvements, to be added within the developed portion of a ROW. Development within an undeveloped ROW is not exempt from the regulations.

33.475 River Overlay Zones

475

33.475.405 Items Exempt From These Regulations

The following items are exempt from the River Environmental overlay zone regulations:

A.-M. [No change]

N. ~~Public street and sidewalk i~~ Public street and sidewalk improvements that are located within the developed portion of a public right-of-way.

O.-V. [No change]

Commentary

Item # 40 Windows above the ground floor

Section 33.510.221 is proposed to be deleted. See page 180 for the full commentary.

33.510 Central City Plan District

510

Sections:

General

- 33.510.010 Purpose
- 33.510.020 Where the Regulations Apply
- 33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Use Regulations

- 33.510.100 Vehicle Repair and Vehicle Sales or Leasing
- 33.510.110 Mixed Use Waterfront Development
- 33.510.112 Commercial Parking
- 33.510.114 Exemptions for Portland State University
- 33.510.115 Additional Uses Allowed in the Open Space Zone
- 33.510.116 Retail Sales And Service Uses for Specified Sites in the CX and EX Zones
- 33.510.117 Retail Sales And Service and Office Uses in the RX Zone
- 33.510.119 Retail Sales And Service and Office Use in the IG1 Zone
- 33.510.120 Retail Sales And Service and Office Uses in Specified Historic Resources in the
IH Zones
- 33.510.121 Residential Uses in the EX Zone

Development Standards

- 33.510.200 Floor Area Ratios
- 33.510.205 Floor Area Bonus and Transfer Options
- 33.510.210 Height
- 33.510.211 Shadow Study Required
- 33.510.215 Required Building Lines
- 33.510.220 Ground Floor Windows
- ~~33.510.221 Windows Above the Ground Floor~~
- 33.510.223 Bird-Safe Exterior Glazing
- 33.510.225 Ground Floor Active Uses
- 33.510.230 Required Residential Development Areas
- 33.510.240 Drive-Through Facilities
- 33.510.242 Demolitions
- 33.510.243 Ecoroofs
- 33.510.244 Low Carbon Buildings
- 33.510.250 Additional Standards in the North Pearl Subarea
- 33.510.251 Additional Standards in the South Waterfront Subdistrict
- 33.510.252 Additional Standard in the Central Eastside Subdistrict
- 33.510.253 Greenway Overlay Zone in the South Waterfront Subdistrict
- 33.510.255 Central City Master Plan
- 33.510.257 Signs for Additional Uses Allowed in the Open Space Zone

Commentary

Parking and Access

33.510.261 Parking Built After July 9, 2018

33.510.262 Parking Built Before July 9, 2018

33.510.263 Parking and Loading Access

Map 510-1 Central City Plan District and Subdistricts

Map 510-2 Maximum Floor Area Ratios

Map 510-3 Base Heights

Map 510-4 Bonus Heights

Map 510-5 Greenway Bonus Target Areas

Map 510-6 Special Residential Use Areas

Map 510-7 Required Building Lines

Map 510-8 Ground Floor Windows

Map 510-9 Ground Floor Active Use Areas

Map 510-10 Parking Sectors

Map 510-11 Shadow Study Required

Map 510-12 Retail Sales and Services Limited

Map 510-13 Streetcar Alignment

Map 510-14 South Park Blocks Frontages

Map 510-15 South Waterfront Greenway Public Access

Map 510-16 North Pearl Height Opportunity Area / South Waterfront Height Opportunity Area /
RiverPlace Height Opportunity Area

Map 510-17 Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted

Map 510-18 North Pearl Subarea Special Building Height Corridor

Map 510-19 Required Central City Master Plan

Map 510-20 View Corridor Areas

Map 510-21 South Waterfront 2002 Top of Bank Line

Map 510-22 Park Blocks Required Building Line

Map 510-23 Floor Area Transfer Sectors

Commentary

Item # 33 Central City Plan District - Floor Area Ratios for Basic Utility Use

33.510.200.E.3. Exemptions - Minimum FAR

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. There are currently exemptions to minimum FAR for sites where meeting the minimum FAR are not practical, such as those with Open Space zoning or where a school is located. This amendment recognizes that sites with a basic utility use, which includes such things as mass transit stops and turnarounds or stormwater conveyance systems may also be unable to meet the minimum FAR requirements by exempting basic utility uses from that standard.

33.510.200 Floor Area Ratios

A.-D. [No change]

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

1.-2. [No change]

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, and sites with a basic utility use are exempt from the minimum floor area ratio.

Commentary

Item # 34 Floor area bonus and transfer options

Item # 69 Sunset dates

33.510.205.B.2.b. Exceptions to the use of floor area bonus and transfer options

The zoning code contains multiple regulations with sunset dates that have already expired or will expire before RICAP 10 goes into effect. As part of RICAP 10, expired sunset dates are being removed.

When the Central City 2035 (CC2035) project went into effect, the new floor area bonus and transfer standards included a provision allowing already transferred FAR to be used prior to triggering the new requirement that the first 3 to 1 FAR increase on any site be from one of the priority bonuses or transfers. The provision allowed already transferred FAR to be used for two years. The provision expired on July 9, 2020.

This amendment deletes 33.510.205.B.2.b. because the provision has expired.

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~~
 - e.b. 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.

Commentary

Item # 69 Sunset dates - additional dates

33.510.205.C.2.b. Affordable Housing Fund bonus floor area bonus option

The zoning code contains multiple regulations with sunset dates that have already expired or will expire before RICAP 10 goes into effect. The regulations no longer apply, but the regulation remains in the zoning code. As part of RICAP 10, expired sunset dates are being removed.

When the Central City 2035 project went into effect, the affordable housing fund bonus option contained a provision allowing projects to earn 1.5 square feet of floor area for every one square foot purchased from the affordable housing fund. The intent was to encourage commercial development. The special provision expired on January 9, 2020.

This amendment deletes the special provision because it has expired.

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. [No change]
2. Bonus floor area options.
 - a. [No change]
 - 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.-f. [No change]

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:

Commentary

Item # 35 Floor area transfer from a historic resource

33.510.205.D.1.e. Exceptions to floor area transfer options from a historic resource

This subsection offers an exception that allows sites zoned RM3, RM4, RX, CX, or EX in the Central City Plan District to transfer floor area to sites outside the plan district. The standard transfer option in 33.510.205.D.1.c. requires receiving sites to be within the plan district, but outside of the South Waterfront subdistrict. The seismic upgrades required by the transfer option from historic resources are still required, along with the other standards in 33.510.205.D.1, even if the receiving site is outside of the plan district.

The amendment clarifies that the receiving sites must meet the base zone transfer standards.

- (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) Sending 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~~the receiving site meets the standards of 33.120.210.D, 33.130.205.C or 33.140.205.D.
 - (2) Sending sites with eligible historic resources in the RM1 and RM2 zones may transfer floor area if ~~they~~the receiving site meets the standards of 33.120.210.D.
2. [No change]

Commentary

Item # 37 Height projections in view corridors

33.510.210.B.2 Exceptions to base height

Currently, minor projections (such as parapets and rooftop mechanical equipment) are allowed to extend above the base height limits in all areas of the Central City except in view corridors. Within view corridors, the minor projections are allowed only if the site is eligible for bonus height.

Bonus height is not allowed in historic and conservation districts. The result is that within a district outside of a view corridor, minor projections are allowed. But, where a view corridor crosses a historic or conservation district, minor projections are prohibited. This has been problematic for some developments in the Central City and runs counter to the recommendations of the adopted Central City 2035 Scenic Resources Protection Plan.

In response to this RICAP request, staff reviewed the view corridor height restriction recommendations in the Central City 2035 Scenic Resources Protection Plan, which became effective on August 10, 2020, and verified that the identified recommended height limits for view corridors that intersect with historic districts are much higher in all cases than the base height limits for the districts. (See Map A "View Corridors with Height Restrictions" in [Volume 3A, Part 1: Summary, Results and Implementation](#).) Therefore, allowing the minor projections within a view corridor inside of a historic or conservation district will not interfere with the view, and will provide added flexibility for development in a district. This amendment clarifies that minor projections are allowed within view corridors in historic and conservation districts.

This amendment also reformats 33.510.210.B.2. to better distinguish the exceptions to base height for sites in a view corridor that are also in a historic or conservation district.

Item # 36 Central City base height exceptions

33.510.210.B.2 Exceptions to base height

Generally, projections are allowed above the base height limits, except in view corridors. However, the code is not clear that the intent of the limitation is to only impose the height restriction within the view corridor itself on a site. The amendment to 33.510.210.B.2.b. clarifies that the limitations for minor projections only apply to portions of a site within the view corridor itself, as opposed to the whole site, unless the whole site is within the view corridor.

33.510.210 Height

A. [No change]

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.
 - a. Generally, the following minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3. Small wind turbines are subject to the standards of Chapter 33.299.
 - b. However, on portions of a site in a view corridor shown on Map 510-20, minor projections are allowed as follows:
 - (1) If the site is located within a historic or conservation district, the minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3;
 - (2) If the site is located outside of a historic or conservation district:
 - The minor projections listed in Paragraph B.3. are allowed to extend above the base heights shown on Map 510-3 when the site is eligible for a height increase. Eligibility for a height increase is shown on Map 510-3. The projection must not extend above the height limit shown on Map 510-4.
 - ~~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:~~

Commentary

3. Minor projections.

- 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. [No change]

Commentary

Item # 38 Bonus height

33.510.210.D.3.b. Bonus height earned through an FAR bonus or transfer

Bonus height earned through an FAR bonus or transfer contains a prioritization requirement tied to the FAR bonus prioritizations listed in the FAR bonus section (33.510.205.B.1). Reference to the riverfront open space FAR bonus option was inadvertently left off the prioritization list in the bonus height section. This amendment adds that reference.

Item # 39 Riverplace height bonus

33.510.210.D.3.e RiverPlace Height Opportunity Area

33.510.210.D.3.e(2) contains a mistake. The bonus height standard allows a height increase when buildings over 75 feet tall are configured in a certain way. However, one of the references to height in the standard inadvertently states 100 feet rather than 75 feet. This amendment corrects that mistake.

D. Bonus height options. Bonus height can be achieved through the following options:

1.-2. [no change]

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 riverfront open space bonus option of Subparagraph 33.510.205.C.2.c.; or

~~(4)~~ The historic resource transfer of Paragraph 33.510.205.D.1.

c.-d. [No change]

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) [no change]

(2) Standard. If the building is taller than 75 feet, the floors of the building above ~~100~~75 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. [No change]

Commentary

Item # 40 Windows above the ground floor

33.510.221 Windows Above the Ground Floor

This section is being deleted from the Central City plan district in favor of adding a standard to the EX base zone regulating windows above the ground floor. Over the past few years, the window standards in the commercial/mixed use and multi-dwelling residential zones have been updated and include both ground floor and street-facing façade window standards. Adding the standard to the EX zone makes all of the base zone window standard consistent in relation to windows above the ground floor. The current Central City standard applies slightly differently and not as broadly within the EX zone in the Central City. With the addition of the standard to 33.140.230, the Central City standard become redundant. Therefore, Section 33.510.221 is being deleted here.

See related Item # 8, Windows in the EX Zone, on pages 64-65.

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.~~

Commentary

Item # 44 Central City maximum parking ratios

Table 510-1, Maximum Parking Ratios

The maximum parking ratio table in the Central City plan district currently provides a ratio for residential uses. Residential uses includes both Household Living and Group Living uses. The ratio is expressed as per dwelling unit. However, Group Living uses are often large buildings with only one or a few dwelling units or sometimes, as in the case of congregate housing facilities, not a dwelling unit at all. As such, Group Living uses need the ratio to be based on bedrooms rather than dwelling units to be workable.

This amendment revises the table to include a maximum parking ratio for Household Living and Group Living separately. The Group Living ratio is based on the maximum parking ratio for Group Living stated in Table 266-2—the maximum ratio that applies outside the Central City plan district.

33.510.261 Parking Built After July 9, 2018

A.-F. [No change]

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 Household Living	<u>1.2 per dwelling unit</u>	<u>1.2 per dwelling unit</u>	<u>1.2 per dwelling unit</u>	<u>1.2 per dwelling unit</u>	<u>1.2 per dwelling unit</u>	<u>1.2 per dwelling unit</u>
Group Living	<u>1 per 4 bedrooms</u>	<u>1 per 4 bedrooms</u>	<u>1 per 4 bedrooms</u>	<u>1 per 4 bedrooms</u>	<u>1 per 4 bedrooms</u>	<u>1 per 4 bedrooms</u>
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	<u>1 per hotel/motel room, plus 1 per 1,000 square feet of meeting/or conference rooms.</u>					
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] Unless stated otherwise in the table, 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.

Commentary

Item # 41 Parking built after July 9, 2018

33.510.261.G.1 Parking Built After July 9, 2018

The last sentence of Paragraph G.1 says that under certain circumstances, preservation parking is regulated the same as growth parking. This sentence is being deleted. Preservation parking and growth parking use the same maximum parking ratio table and operate the same, but that is where the similarities end. Growth parking, by definition, is when new floor area is being added. If a development does not add new floor area and the site is under maximum parking ratios, they should be able to add more parking to the building. In addition, by stating that preservation parking is regulated the same as growth parking, the requirement for parking review is eliminated. This was an unintended consequence when the Central City 2035 project updated the Central City plan district.

This amendment also changes 33.510.261.I.5. to require operation reports upon request of the PBOT Director, rather than being due by the end of every year. This change makes the operation report requirements the same for parking built before and after July 9, 2018. This was the original intent with the zoning code amendments from the Central City 2035 Plan and is consistent with the broader City efforts to reduce regulatory burdens. Additionally, the requirement to report on the number of parking spaces with EV charging capability is being clarified to require reporting on both the number of spaces with Level 2 chargers and the number of spaces that are EV-ready for Level 2 chargers.

- 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.-5. [no change]
- H.** [No change]
- I. All parking built after July 9, 2018.** The regulations of this subsection apply to all new parking regardless of type.
- 1.-4. [No change]
 5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation upon request~~no later than December 31 each year~~. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
 - a. [No change]
 - 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);
 - (4) Number of signed monthly Carpool stalls in the facility; and
 - (5) Number of spaces that ~~either~~ include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, or and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
 - c.-d. [No change]
 6. [No change]

Commentary

Item # 42 Operation reports—Parking built before July 9, 2018

33.510.262 Parking Built before July 9, 2018

The requirement to provide parking operational reports was inadvertently left out of the regulations for parking built before July 9, 2018 section of the Central City plan district when the CC2035 Plan was adopted. This amendment corrects that omission. The report requirements here are the same as for parking built after July 9, 2018 in 33.510.261.

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.-E. [No change]

- F. 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:

1. The number of parking spaces and the amount of net building area on the site.
2. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
 - a. Short-term (less than 4 hours);
 - b. Long-term daily (four or more hours);
 - c. Average number of monthly permits issued (other than carpool),
 - d. Number of signed monthly Carpool stalls in the facility; and
 - e. Number of spaces that include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, and the number of spaces that currently provide at least a Level 2 electric vehicle charger.
3. Rate schedule for:
 - a. Hourly parking;
 - b. Daily Maximum Rate;
 - c. Evening Parking;
 - d. Weekend Parking;
 - e. Monthly parking;
 - f. Carpool parking; and
 - g. Electric vehicle parking if different from above rates.
4. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.

Commentary

Item # 43 Parking and loading access

33.510.263 Parking and loading access standards

The words "loading area" were inadvertently left out of the first sentence of subparagraphs B.1.h and B.2.b in the parking and loading access standards. The words need to be added to be consistent with the other paragraphs in the subsection.

33.510.263 Parking and Loading Access

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

A. [No change]

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.-g. [No change]
 - h. Motor vehicle access to or from any parking area, loading area, or parking 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, loading area, or parking 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. [No change]
 - b. To or from any parking area, loading area, or parking 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 or loading access measured from the property line.
3. [No change]

Commentary

Item # 45 Base height map

Map 510-4 Bonus Heights

Map 510-4 contains an error—the symbol indicating where a shadow study is required is inaccurately shown on O'Bryant Square, a city park. A shadow study is required for development adjacent to city parks and other open spaces. Development within a city park or other open space is not required to provide a shadow study.

O'Bryant Square is located between SW 9th Ave, SW Park Ave, SW Washington St, and SW Harvey Milk St (former Stark St).

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

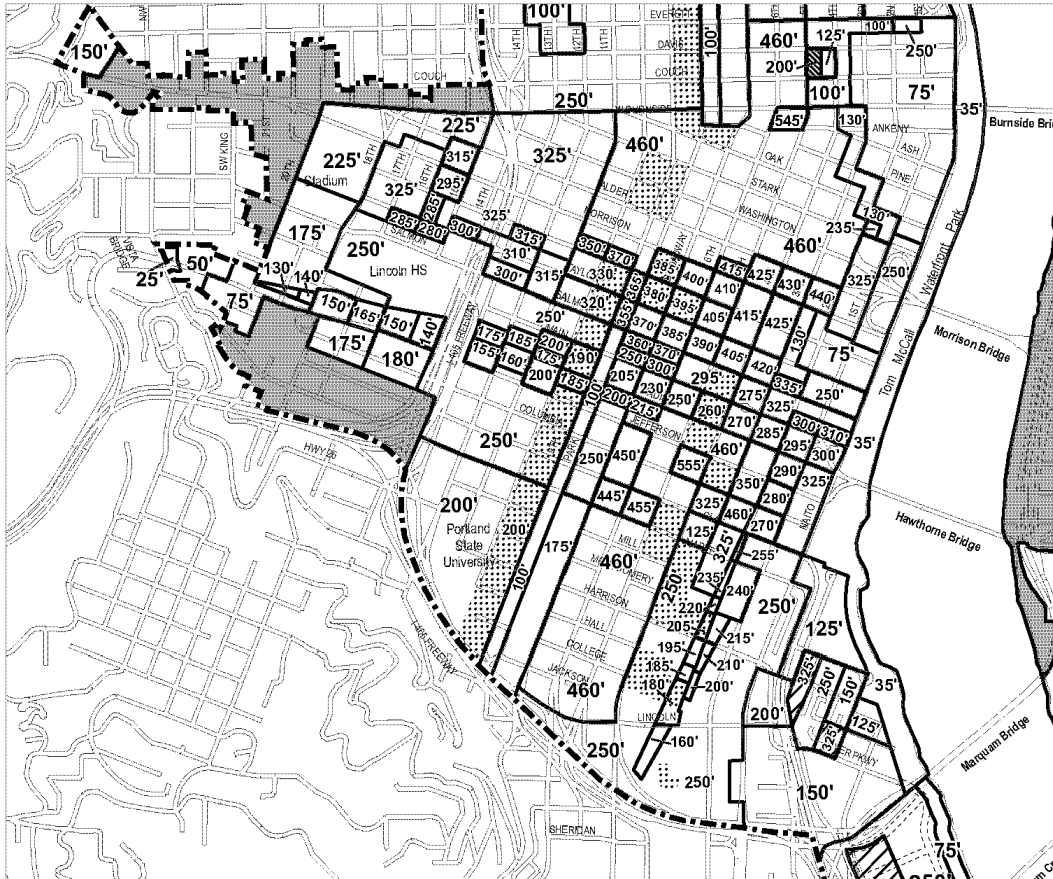
Bonus Heights

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







Map 510-4

Map 3 of 3

Map Revised August 10, 2020



Legend

- | | | | |
|---|---|---|---|
|  | Central City Plan District boundary |  | Unlimited height allowed |
|  | Maximum bonus height |  | Areas where a shadow analysis is required |
|  | Areas where height is determined by base zone |  | Area eligible for additional height under 33.510.210.D.2 and 33.510.210.D.3.e |
|  | Area where residential required | | |
|  | Proposed right-of-way | | |
|  | Proposed accessways | | |
- 

0 1,000 2,000

Scale in Feet

Bureau of Planning and Sustainability
Portland, Oregon

Commentary

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

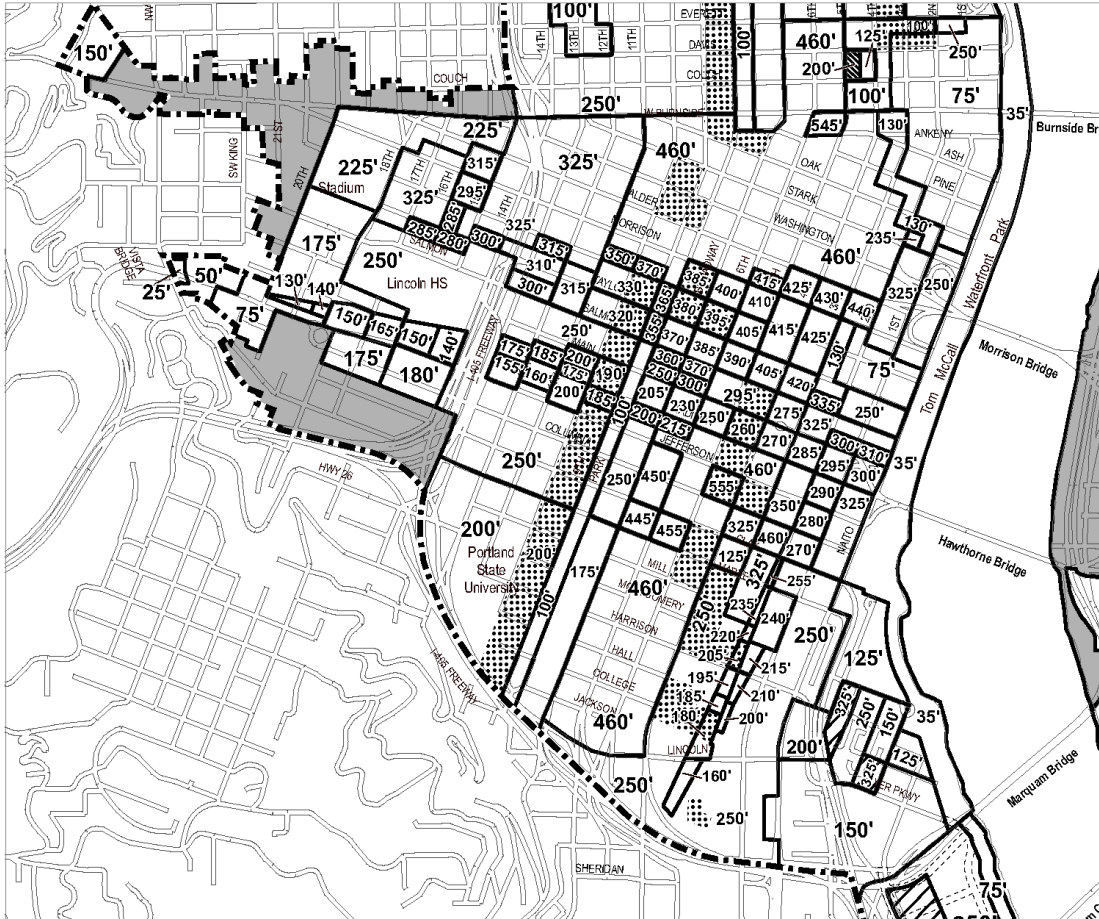
Bonus Heights

PROPOSED

Map 510-4

Map 3 of 3

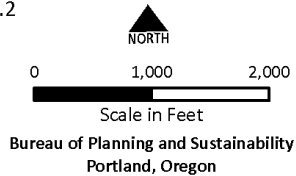
Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Maximum bonus height
- Areas where height is determined by base zone
- Area where residential required
- Proposed right-of-way
- Proposed accessways

- Unlimited height allowed
- Areas where a shadow analysis is required
- Area eligible for additional height under 33.510.210.D.2 and 33.510.210.D.3.e



Commentary

Item # 46 Base and bonus height maps

Map 510-3 Base Heights and Map 510-4 Bonus Heights

The base height map (Map 510-3) and the bonus height map (Map 510-4) are being amended to show a maximum base height and a maximum bonus height of 350 feet for the southern half of the block where the *Cosmopolitan Building* is located on NW 10th and 11th Avenues between NW Northrup and Overton Streets. The building sits on the southwest corner of the full block site. The actual height of the building is 341 feet rather than the 225 feet shown on Map 510-3. The bonus height map is also being updated as it only reflects a bonus height limit of 300 feet.

When the *Cosmopolitan Building* was permitted, a few years prior to the adoption of the *Central City 2035 Plan*, older height maps applied that had a bonus options target area in the northern part of the Pearl District. When the height maps were updated with *C2035*, the height limit was erroneously set too low. The height should have been set to at least match the height of the existing building in order to not create a nonconforming situation. This amendment fixes that situation.

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

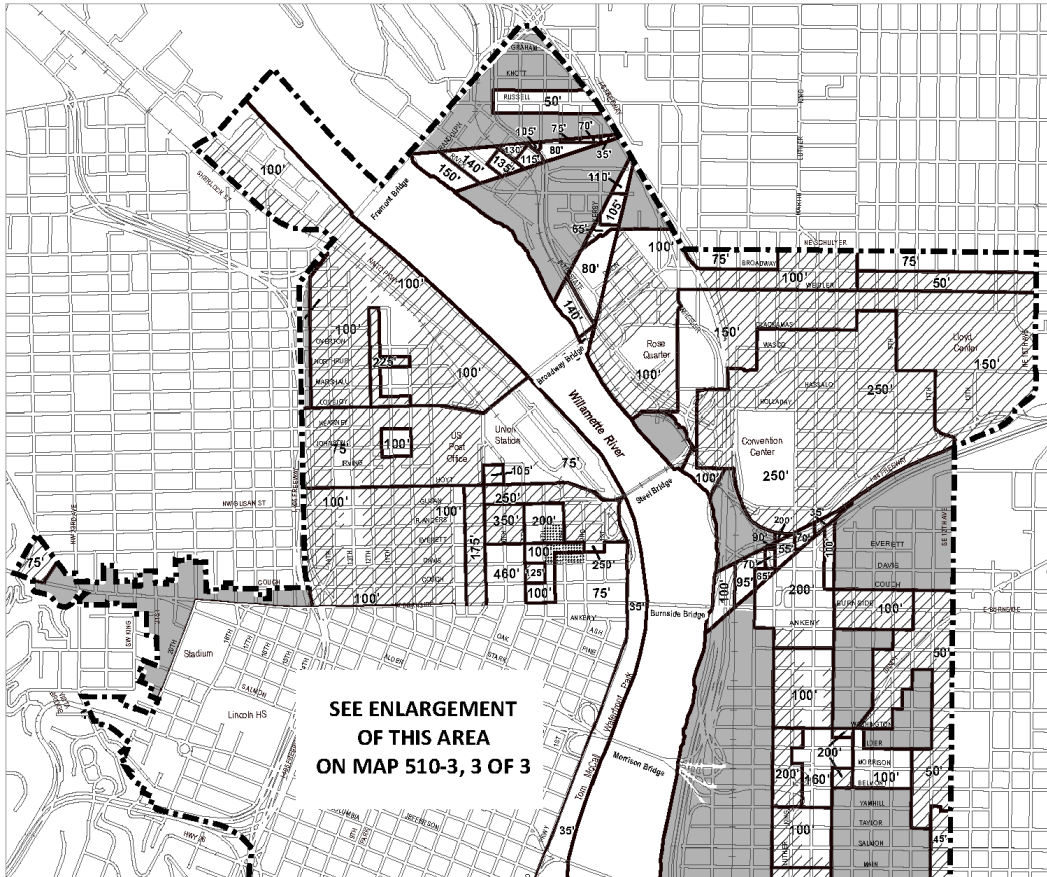
Base Heights

DELETED

Map 510-3

Map 1 of 3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
 - Base building height
 - Areas where height is determined by base zone
 - Proposed right-of-way
 - Proposed accessways
 - Area eligible for height increase
 - Base height limit of 75' for first 125 feet from top of bank
 - Areas where a shadow analysis is required
- Scale in Feet

 Bureau of Planning and Sustainability

 Portland, Oregon

Commentary

Item # 46 Base and bonus height maps

The proposed Map 510-3.

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

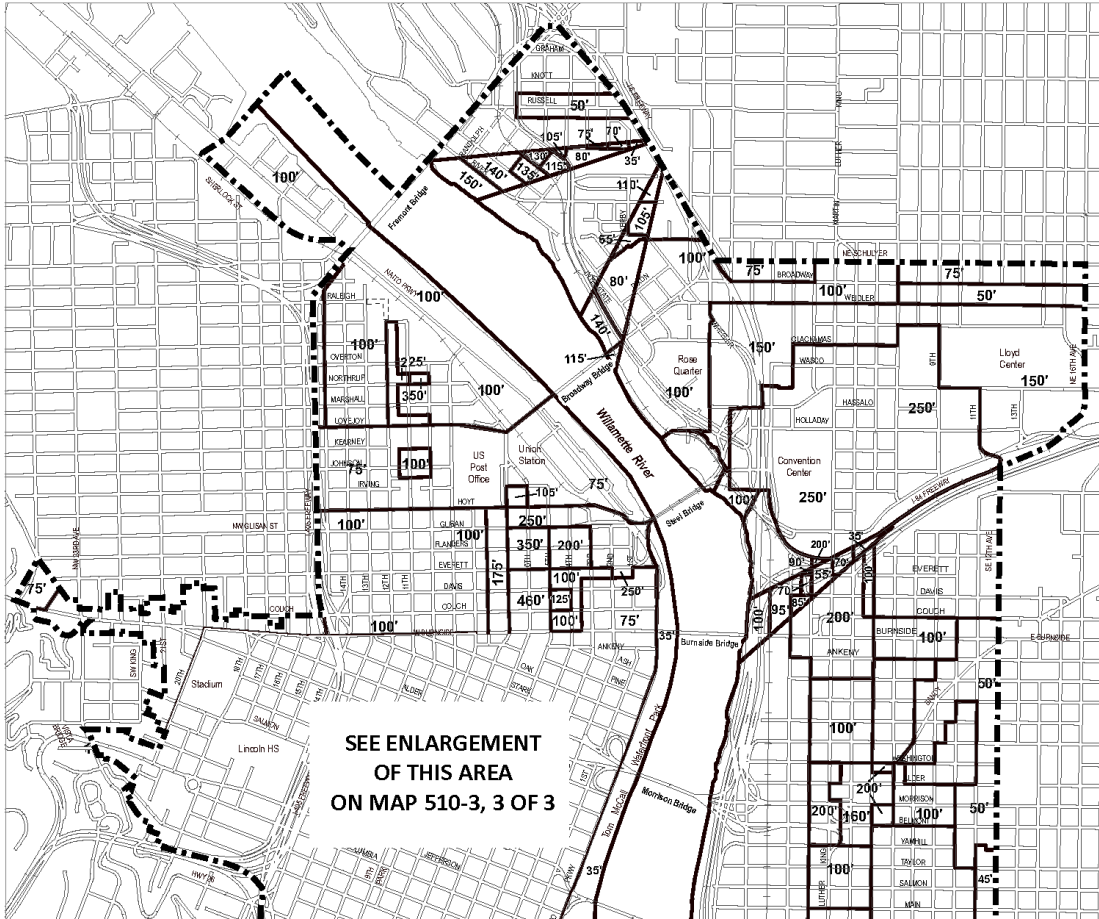
Base Heights

PROPOSED

Map 510-3

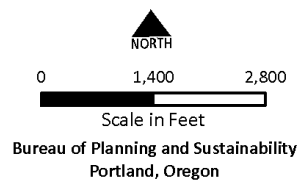
Map 1 of 3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Base building height
- Areas where height is determined by base zone
- Proposed right-of-way
- Proposed accessways



Commentary

Item # 46 Base and bonus height maps

The current Map 510-4.

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

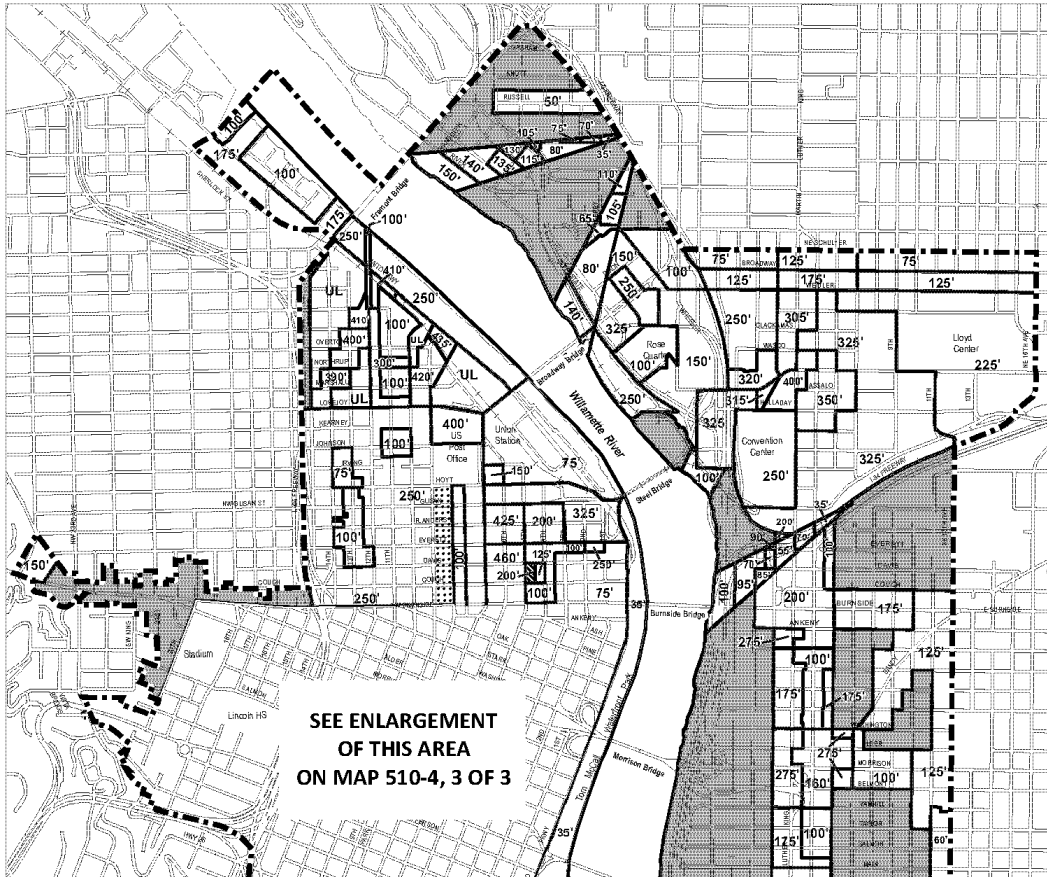
Bonus Heights

DELETED

Map 510-4

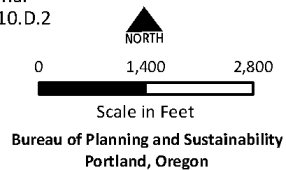
Map 1 of 3

Map Revised August 10, 2020



Legend

- Central City Plan District boundary
- Maximum bonus height
- Areas where height is determined by base zone
- Area where residential required
- Proposed right-of-way
- Proposed accessways
- Unlimited height allowed
- Areas where a shadow analysis is required
- Area eligible for additional height under 33.510.210.D.2



Commentary

Item # 46 Base and bonus height maps

The proposed Map 510-4.

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

Bonus Heights

PROPOSED










Map 510-4

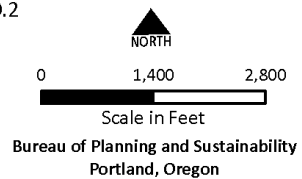
Map 1 of 3

Map Revised August 10, 2020



Legend

-  Central City Plan District boundary
-  Maximum bonus height
-  Areas where height is determined by base zone
-  Area where residential is required
-  Proposed right-of-way
-  Proposed accessways
-  Unlimited height allowed
-  Areas where a shadow analysis is required
-  Area eligible for additional height under 33.510.210.D.2



Commentary

Item # 11 Gateway plan district pedestrian standards

33.526.260.B Standards

The Gateway plan district pedestrian standards require either landscaping or hardscaping between the building or exterior improvement and the street, however no minimum depth of landscaping or hardscaping is specified. In some cases, the zoning allows a zero or very shallow front setback. It is unclear how a site with no or a very shallow setback can realistically accommodate L1 landscaping or hardscaped amenities.

This amendment clarifies the situations when the specific pedestrian standards apply. The more specific only applies along the frontage of the Enhanced Pedestrian Street.

The second clarification establishes a minimum width to the landscaped area option, in situations where that option is chosen. Generally, 5-feet is often considered the regulatory minimum for providing enough area for landscaping strips, such as those in perimeter parking. A narrower strip often results in the suffering or death of the plants placed in the strip, and having a hardscape in that situation would be preferable.

33.526 Gateway Plan District

526

33.526.260 Pedestrian Standards

- A. Purpose.** These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.
- B. Standards.**
1. All sites in the plan district are subject to the Pedestrian Standards of Paragraph 33.130.240.B.1. through 3.
 2. Improvements between buildings and the street. ~~Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4 must meet Standard B.2.b. Generally, development on all other sites must meet the standards of either B.2.a. or B.2.b. On sites with frontage on an Enhanced Pedestrian Street shown on Map 526-4, standard B.2.b. must be met along the Enhanced Pedestrian Street frontage, except where there has been a school use on the site since 2004, in which case either B.2.a. or B.2.b. can be met. Development where there has been a school use on the site since June 18, 2004, must meet the standards of either B.2.a. or b.~~
 - a. Landscaped. A landscape buffer must be provided when a building or exterior improvement is setback at least 5 feet from a street lot line. The entire area between the building or exterior improvement and the street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;
 - b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. If the area is greater than three feet deep, then the area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one of these amenities must be provided for each 100 square feet of pedestrian use area in the setback.
 3. Bicycle parking may be located in the area between a building and a street lot line.

Commentary

Item # 78 Northwest Hills plan district prohibitions

33.563.100 and 33.563.200 Prohibited activities in the Northwest Hills Plan District

The current prohibitions on soil-exposing activities in the Balch Creek and Forest Park subdistricts of the Northwest Hills plan district have unintended consequences that are not in line with the intent of the code. The prohibitions apply inside and outside of environmental zones regardless of whether sites are developed or are relatively flat. The current exception to the prohibitions does not include landslide mitigation; only the emergency repair of existing structures.

Sections 33.563.100 and 33.563.200 will be amended to restore “in environmental zones” verbiage that was previously deleted by a code maintenance project in 2003, so that the prohibitions only apply in areas of the Balch Creek and Forest Park subdistricts located in environmental zones. The exception will be revised to allow for emergency procedures necessary for the protection of life, health, safety, or property—which would include landslide repair. The proposed language for the exception is similar to language used elsewhere in the zoning code, such as the exemptions in Subsection 33.430.080.B. of the Environmental Zones.

33.563 Northwest Hills Plan District

563

33.563.100 Prohibitions

The following items are prohibited in environmental zones within the Balch Creek Subdistrict:

- A. Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. Exceptions to this prohibition are planting of native plants with hand-held equipment, and emergency repair of existing structures, and emergency procedures necessary for the protection of life, health, safety, or property; and
- B. In commercial zones with an environmental overlay zone, residential uses are prohibited.

33.563.200 Prohibition

Within environmental zones in the Forest Park subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. Exceptions to this prohibition are planting of native plants with hand-held equipment, and emergency repair of existing structures, and emergency procedures necessary for the protection of life, health, safety, or property.

Commentary

Item # 79 Powell Boulevard plan district

33.567 Powell Boulevard Plan District

This plan district, adopted in 1981, prohibits residential uses on some commercially-zoned sites. Circumstances were very different in 1981 and this type of prohibition is no longer compatible with the City's Comprehensive Plan and is counter to City Council priorities to meet housing production goals. [City Council Resolution No. 37593](#) established key actions to increase affordable housing construction. It will allow for more housing to be built in the district.

The amendment deletes most of the remaining plan district provisions, with the main exception being the noise-buffering wall standards.

33.567 Powell Boulevard Plan District

567

Sections:

33.567.010 Purpose

33.567.020 Where the Regulations Apply

~~33.567.030 Prohibited Uses~~

33.567.040 ~~Additional Development Standards~~ Construction of Noise-Buffering Walls

Map 567-1 Powell Boulevard Plan District

33.567.010 Purpose

The regulations of the Powell Boulevard plan district are intended to buffer residences from the noise and traffic of Powell Boulevard, ~~to promote commercial redevelopment opportunities, and to ensure the smooth flow of traffic on Powell Boulevard.~~ The regulations of this chapter support the intent of the highway improvements which widened Powell Boulevard and created public off-street parking. The Powell Boulevard Environmental Impact Statement required noise protection for the adjacent residential neighborhood, ~~the encouragement of commercial opportunities and the preservation of highway traffic flows.~~

~~33.567.030 Prohibited Uses~~

~~New residential uses are prohibited in commercial/mixed use zones within the Powell Boulevard plan district area.~~

33.567.040 ~~Additional Development Standards~~ Construction of Noise-Buffering Walls

~~A. Construction of noise buffering walls.~~ The construction of a noise-buffering wall is required for new development as follows:

- ~~A1.~~ **A1. Location.** A wall is required along any lot line parallel to Powell Boulevard that abuts an R zone. A wall is also required on street lot lines that are across a local service street from an R zone. This regulation only applies to local service streets that are south of and parallel to Powell Boulevard. See Figure 567-1.
- ~~B2.~~ **B2. Standards.** The wall must be solid, continuous, a minimum of 8 feet high, and extend the entire length of the lot line. The design of the wall must be compatible with the existing walls constructed by the State.
- ~~C3.~~ **C3. Landscaping.** For walls along a street lot line, a 5 foot area landscaped to the L3 standard must be provided on the street side of the wall. The landscape standards are stated in Chapter 33.248, Landscaping and Screening. The landscaped area is intended to screen the wall from the residential area. See Figure 567-1.

Commentary

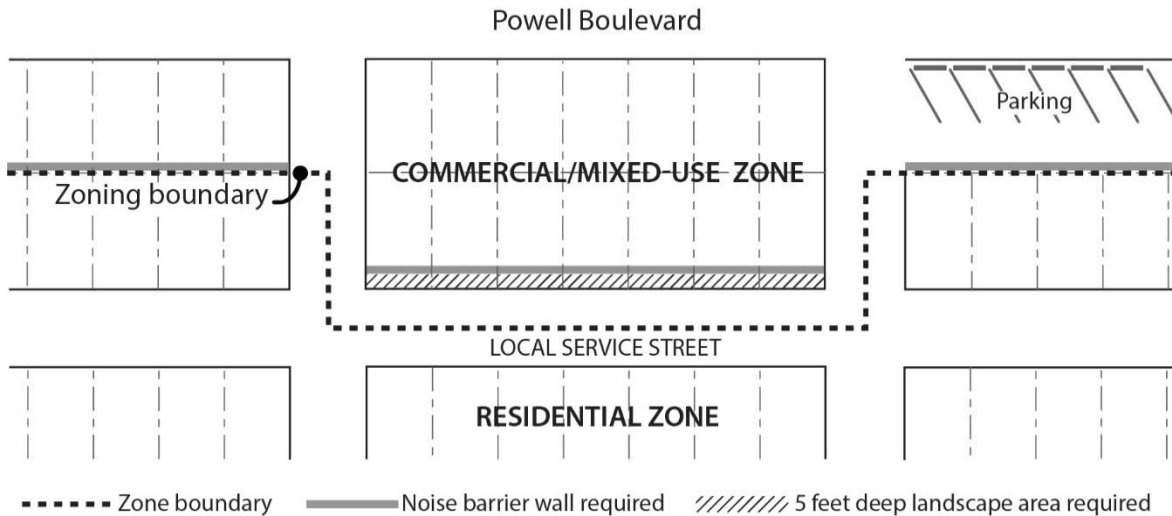
Item # 79 Powell Boulevard plan district

Subsection 33.567.040.B. is being deleted because it is not actually a regulation and is unnecessary. The requirement simply communicates information about how PBOT regulates curb cuts and access points along the frontage road and SE Powell Blvd. This information is regularly communicated to applicants as part of the development review process.

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

D4. Buildings integrated into the wall. Where a rear lot line abuts the rear lot line of a residential zone, a building with a height of no more than 10 feet may be integrated into the design of the wall.

Figure 567-1
Buffer for C Zones



~~**B. Curb cuts and traffic access points.** The Office of Transportation encourages the consolidation of curb cuts where possible, taking into account safe traffic flow and access points needed for the proper functioning of the development. Traffic access points from the frontage roads immediately south of Powell Boulevard are given preference over new access points directly onto Powell Boulevard.~~

Commentary

Item # 69 Sunset dates - expiration date extension project

The zoning code contains multiple regulations that have expired or will expire before RICAP 10 goes into effect. RICAP 10 is deleting expired or soon to expire regulations.

33.663.110.A.2. Voiding of Final Plat Application

Existing code language in Paragraph A.2. does not apply to applications for final plat review submitted on or before May 16, 2012. All applications are now subject to Paragraph A.1. The language in Paragraph A.2. was added in 2012 to deal with old applications that had been on hold for years. It was not retroactive. This amendment deletes the 2012 date that is no longer applicable because there are no final plat applications under review that were submitted before 2012.

33.663.110.B.1. Exception to Voiding of Final Plat Application

In 2020, the Expiration Date Extension Project approved a package of zoning code amendments intended to provide relief during the COVID-19 pandemic. One of the amendments granted a temporary reprieve that only applied to plats submitted before January 1, 2021, that had not expired or been voided prior to the effective date of the ordinance. Normally, final plat applicants must respond to requests for additional information regarding the final plat within 180 days, otherwise the City can void the final plat application. The 2020 code change allowed for 365 days of inactivity before the final plat is voided as an exception in B.1. This amendment deletes this exception because it is more than 365 days since January 1, 2021 and this exception has expired.

33.663 Final Plats

663

33.663.110 Voiding of Final Plat Application

- A. Generally.** An application for Final Plat review will be voided when:
1. The Director of BDS has sent written comments to the applicant, requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided any of the requested information or completed any steps toward meeting the outstanding requirements within 180 days. If the applicant provides some information or completes some steps toward meeting the outstanding requirements within 180 days, the application of final plat review will not be voided; or
 2. It has been more than 3 years since the Director of BDS has sent the initial set of written comments requesting additional information or identifying outstanding requirements that must be completed prior to final plat approval and the applicant has not provided all of the requested information and completed all of the steps necessary to meet the outstanding requirements. ~~This paragraph does not apply to applications for final plat review submitted on or before May 16, 2012.~~
- B. Exceptions.** ~~1. For final plat applications that were submitted before January 1, 2021, the 180-day period identified in A.1, above, is extended to 365 days. This exception applies only to applications that have not expired or been voided as of August 10, 2020.~~ 2. For middle housing land divisions, the Final Plat application is voided if within 3 years of the date of final decision on the preliminary plan the Final Plat has not been approved.

Commentary

Item # 69 Sunset dates - additional dates

33.700.110.B.2.b.(1) Colleges and Medical Centers in the CI1 and CI2 zones

The zoning code contains multiple regulations that have expiration dates that have passed or will pass before RICAP 10 goes into effect. RICAP 10 is deleting these expired, or soon to expire, regulations.

The Campus Institutional Zoning project (approved in 2016 and effective in 2018 along with the 2035 Comprehensive Plan) created the Campus Institutional zones and Chapter 33.150 of the zoning code. The CI zone regulations included a transition period during which the affected institutions were allowed to continue development under the entitlements and obligations described in their approved, and still effective, conditional use, conditional use master plan, or impact mitigation plan. At the end of the transition period, or sooner if proposed by the institution, development is subject to the requirements of the new campus institution base zone code. If the institution chooses to develop under the new campus institution zone regulations, then the old CU, CUMP, or IMP expires. The transition period expired on December 31, 2023.

The amendment deletes the language related to the transition period and clarifies when this chapter does and does not apply.

33.700 Administration and Enforcement

700

33.700.110 Prior Conditions of Land Use Approvals

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

- A.** [No change]
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
1. [no change]
 2. Conditional uses.
 - a. An allowed conditional use. If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
 - b. Use allowed by right. If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
 - (1) Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue on a site with a College or Medical Center in a CI1 or CI2 zone continue to apply until superseded by an approved Transportation Impact review; Colleges and Medical Centers in the CI1 and CI2 zones.
 - ~~Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;~~

Commentary

Item # 69 Sunset dates - additional dates (continued)

See commentary on previous page.

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

- ~~If a College or Medical Center in a CI1 or CI2 zone was approved through a conditional use, conditional use master plan, or impact mitigation plan under the prior regulations, and the conditional use, conditional use master plan, or impact mitigation plan has not expired, the applicant can continue to develop under the approved conditional use review, the conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.~~
- (2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.
- c. [No change]
- 3-5. [No change]

Commentary

Item # 80 Adjustment Committee

33.710 Review Bodies

Section 33.710.070, Adjustment Committee, will be deleted. See commentary on page 216.

33.710 Review Bodies

710

Sections:

- 33.710.010 Purpose
- 33.710.020 Delegation of Authority
- 33.710.030 Commissions, Committees, and Boards Generally
- 33.710.040 Planning Commission
- 33.710.050 Design Commission
- 33.710.060 Historic Landmarks Commission
- ~~33.710.070 Adjustment Committee~~
- 33.710.080 Land Use Hearings Officer
- 33.710.090 Director of the Bureau of Development Services
- 33.710.100 City Council
- 33.710.120 Healy Heights Radiofrequency Advisory Board

Commentary

Item # 80 Adjustment Committee

33.710.030 Commissions, Committees, and Boards Generally

The Adjustment Committee reviews appeals of Type II adjustments when no other land use review is involved. As a result, the committee rarely meets. As of July 2023, the Adjustment Committee has met 14 times since 2018 to review nine appeals, with no more than three cases in a single year. The Adjustment Committee heard no appeals in 2022. To reduce staff time and the cost of managing a committee that does not meet regularly, this amendment dissolves the Adjustment Committee and deletes references to the committee from the zoning code. A related amendment to 33.720, Assignment of Review Bodies, reassigns the appeals currently assigned to the Adjustment Committee to the Hearings Officer.

33.710.030 Commissions, Committees, and Boards Generally

A.-F. [No change]

G. Staff.

1. Planning Commission. The Director of the Bureau of Planning and Sustainability must provide the Planning Commission with staff assistance necessary to enable it to discharge its duties.
2. Design Commission, and Historic Landmarks Commission, ~~Adjustment Committee~~. The Director of the Bureau of Development Services must provide the Design Commission, and Historic Landmarks Commission, ~~and Adjustment Committee~~ with staff assistance necessary to enable them to discharge their duties.

H. Records.

1. Planning Commission. The Director of the Bureau of Planning and Sustainability keeps an accurate record or minutes of all proceedings of the Planning Commission.
2. Design Commission, and Historic Landmarks Commission, ~~Adjustment Committee~~. The Director of the Bureau of Development Services keeps an accurate record or minutes of all proceedings of the Design Commission, and Historic Landmarks Commission, ~~and Adjustment Committee~~.

I.-J. [No change]

Commentary

Item # 68 RACC references

33.710.050 Design Commission - Membership

Currently, most of the Design Commission members are drawn from a variety of professions related to design along with one member the Regional Arts and Culture Council (RACC) and one at-large member. The City's contract with RACC is expected to end as of July 1, 2024; therefore a selection of future commissioners will not include a RACC member. In order to maintain the inclusion of a commissioner with a background in the arts, this amendment adds an appointee that is nominated by the City Arts Program or its designee. The nomination is forwarded to the Mayor, who appoints all Design Commissioners. The appointment is then approved by the City Council

33.710.050 Design Commission

- A. [No change]
- B. **Membership.** The Design Commission consists of seven members, none of whom may hold public elective office. The Commission must include:
1. One person with public art experience~~representative of the Regional Arts and Culture Council;~~
 2. One person representing the public at-large. The public-at-large member must not be employed in one of the areas of expertise listed in Paragraph B.3; and
 3. Five members experienced in either urban planning, design, architecture, landscape architecture, natural resource management, sustainable building practices, engineering, financing, construction or management of buildings, or land development. No more than two members may be appointed from any one of these areas of expertise.

The person with the public art experience~~Regional Arts and Culture Council member~~ is nominated by the City Arts Program ~~Regional Arts and Culture Council chair~~ and approved by ~~the Mayor.~~ The other All members are appointed by the Mayor and confirmed by the City Council.

Commentary

Item # 80 Adjustment Committee (continued)

33.710.070 Adjustment Committee

Section 33.710.070, Adjustment Committee, is being deleted. See commentary on page 216 for further discussion related to eliminating the Adjustment Committee.

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 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.

Commentary

Item # 80 Adjustment Committee (continued)

33.720.020 Assignment of Review Bodies

This amendment reassigns the appeals currently heard by the Adjustment Committee to the Hearings Officer. See commentary on page 216 for further discussion related to eliminating the Adjustment Committee.

33.720 Assignment of Review Bodies

720

33.720.020 Quasi-Judicial Land Use Reviews

Quasi-judicial land use reviews are assigned to the review bodies stated below.

- A. [No change]
- B. **Hearings Officer.** All appeals of land use reviews that were processed as an Expedited Land Division, 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.-D. [No change]
- ~~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.-G. [re-letter to be E and F]

Commentary

Item # 60 100 day timeline for affordable housing LUR's

33.730.010 Purpose

Recent changes in state statutes (ORS 197.311) mandates an alternate 100-day timeline for processing land use reviews for affordable housing projects defined in ORS 197.311. The statute reduces the processing timeline from 120 days to 100 days.

This amendment adds language referring to the alternative timeline wherever the 120-day timeline is referenced. There are three places where the 120-day timeline is referenced in our code. All three are in 33.730. BDS has process standards to outside of the code for guidance to meet this shorter timeline.

33.730.060.A

See commentary under 33.730.010 for proposed change to 33.730.060.A.3.

33.730 Quasi-Judicial Procedures

730

33.730.010 Purpose

This chapter states the procedures and requirements for quasi-judicial reviews. It contains the step-by-step processing requirements. The chapter also describes the rules of conduct for all people involved in the quasi-judicial review process. The assignment of procedures to specific reviews is done in the chapter that establishes the review. The assignment of the review body is done in Chapter 33.720, Assignment of Review Bodies.

The regulations provide standardized methods for processing quasi-judicial land use reviews. The requirements provide clear and consistent rules to ensure that the legal rights of individual property owners and the public are protected. The rules implement state law, including the requirement that most quasi-judicial reviews must be completed within 120 days of filing a complete application, or 100 days if the project qualifies as an affordable housing project under ORS 197.311, or as required by state law. The Type II, Type IIx, Type III, and Type IV procedures, with their varying levels of review, provide the City with options when assigning procedures to each quasi-judicial review in this Title. The Type I and Type IX procedures are administrative procedures.

The Type I and IX procedures, or limited land use review, allows local decisions to be made administratively for such reviews as minor design and historic resource cases. The Type II procedure is the shortest and simplest of the other three quasi-judicial reviews. It is intended for reviews which involve lesser amounts of discretion, lower potential impacts, or both. The Type IIx procedure is used primarily for land divisions. It provides more time to make the administrative decision than the Type II procedure. The Type III procedure is a longer and more in-depth review. It is intended for reviews which involve substantial discretion or high impacts. The Type IV procedure is used to review proposals to demolish certain significant historic resources.

33.730.060 Application Requirements

A. Check for complete application.

1-2. [No change]

3. The 120 day limit. The 120 day processing time limit, or 100 day time limit for a project that qualifies as an affordable housing project under ORS 197.311, required by ORS 227.178 will begin on the day the application is determined to be complete.

B.-D. [No change]

Commentary

Item # 62 Posting for a land use review

33.730.080.A. Number and location of posting signs on the site

Posted notice is required for land use reviews processed through a Type III or IV procedure. The zoning code requires posting on each street frontage of the site, and when the frontage is over 600 feet long, posting is required for each 600 feet of frontage. This can be very burdensome on a large site, especially when the review is for a small area of development within a large site. In some cases, hundreds of notices are required to be posted in locations that are very far from the actual development (e.g., Washington Park, Mount Tabor Park). In other cases, notices are required to be placed where they are not visible to pedestrians or motorists, lack sidewalks, or are along high speed traffic.

This amendment caps the total number of required signs to four notices on each street frontage of the site, and clarifies that notices are not required along street frontages that do not have sidewalk improvements, unless it is a Local Service Street—which typically have slower traffic speeds. The amendment also adds an exception for large Parks And Open Areas, where posted notices will be required at each pedestrian entrance, instead of along street frontages.

Item # 60 100 day timeline for affordable housing LUR's

33.730.080.B. Placing notice

See commentary under 33.730.010 on page 224.

33.730.080 Posting Requirements

Posting of notice on the site is required for land use applications processed through a Type III or Type IV procedure. The requirements for the posting of notice are stated below.

A. Number and location on the site.

1. Generally, Aa posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. No more than 4 total notices are required to be posted on each street frontage of the site. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians ~~and motorists~~. Notices may not be posted in a public right-of-way. Notices are not required along street frontages ~~that are not improved and allow no motor vehicle access~~ without sidewalk improvements, unless the street is classified as a Local Service Street.
2. Exception. For sites 50 acres or more in total site area with a Parks And Open Area use, posted notices are required at existing and proposed pedestrian entrances instead of along street frontages.

B. Placing notice. When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:

- The message that must be placed on the notice;
- The number of notices required;
- The latest date that the notice may be posted; and
- A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, or a 100 day limit for a project that qualifies as an affordable housing project under ORS 197.311, or as required by state law, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.

C-E. [No change]

Commentary

Item # 81 Public notice for hearings

33.740.020.B.2. and 33.740.030.B.

This amendment removes the requirement that notice of a City Council hearing be mailed to all persons that are required to receive such notice and broadens the method of notice. This aligns the City Council notice requirements with those for other city commissions and recognizes that electronic mail is often a preferred method of communication, while still allowing for the option of using USPS mail.

33.740 Legislative Procedure

740

33.740.020 Commission Review

- A. [No change]
- 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 electronically or via US mail, or otherwise delivered, at least 35 days prior to the first public hearing.
 - 3. [No change]
- C-E. [No change]

33.740.030 City Council Consideration

- A. [No change]
- B. **Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will ~~mail~~ provide notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice. Notice must be provide electronically or via US mail, or otherwise delivered.
- C. [No change]

Commentary

Item # 61 Extension to Approved Land Use Reviews

Chapter 33.830, Extensions to Approved Land Use Applications is being added to the zoning code. See commentary on page 242.

Land Use Reviews

33.800 General Information on Land Use Reviews

33.805 Adjustments

33.806 Airport Reviews

33.808 Central City Parking Review

33.809 Comprehensive Natural Resource Plans

33.810 Comprehensive Plan Map Amendments

33.815 Conditional Uses

33.820 Conditional Use Master Plans

33.825 Design Review

33.830 Extensions to Approved Land Use Reviews

33.833 Gateway Master Plan Review

33.835 Goal, Policy, and Regulation Amendments

33.840 Greenway Goal Exception

33.846 Historic Resource Reviews

33.848 Impact Mitigation Plans

33.849 Marquam Hill Parking Review

33.850 Statewide Planning Goal Exceptions

33.851 South Waterfront Greenway Review

33.852 Transportation Impact Review

33.853 Tree Review

33.854 Planned Development Review

33.855 Zoning Map Amendments

33.865 River Review

Commentary

Item # 70 Convenience Stores

33.805.030.B. Ineligible regulations

Because the extra regulations for convenience stores are being deleted from the zoning code (see related commentary on page 98), this example of when an adjustment is not allowed needs to be updated. The amendment refers to the definition of basement, which also includes some quantitative thresholds to illustrate that those definitional thresholds can't be adjusted.

33.805 Adjustments

805

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 the definition of basement, which specifies that at least 50 percent of the total combined area of the basement walls must be below grade to be considered a basement.~~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 area of the basement walls that must be below grade~~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.

Commentary

Item # 82 Conditional use review procedures

33.815.040.B.1

Several years ago, in an attempt to encourage and streamline the development and redevelopment of parks and colleges, the City changed the conditional use review requirements in the OS and CI base zones to allow Parks and Open Areas and College uses outright, but to require a conditional use review for certain aspects of the park or college development. The amended review triggers were intended to only require conditional use review for specific aspects of the park or college development that could have off-site impacts, such as sports fields with lots of seating, parking, and swimming pools.

However, this change in approach was not fully integrated into the conditional use review procedures in 33.815.040, and the result has been that once the one aspect of development on a park or college site has gone through a conditional use review, all future development on the site has the potential to trigger a new conditional use review even when the development is part of the allowed use on the site.

This amendment clarifies that if the proposed development is part of the allowed use on the site (i.e., is not related to the development that triggered the conditional use to begin with), then a new conditional use review is not required.

33.815 Conditional Uses

815

33.815.040 Review Procedures

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development or reduce the conditional use site boundary. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

- A. [No change]
- B. **Proposals that alter the development of an existing conditional use.** Alterations to the development on a site with an existing conditional use and reducing the boundary of a conditional use site may be allowed, require an adjustment, modification, or require a conditional use review, as follows:
 - 1. Conditional use review not required. A conditional use review is not required for alterations to the site and reductions to the conditional use site boundary that comply with Subparagraphs a through h. In cases where the use on the site is allowed but a particular development or facility requires a conditional use, a conditional use review is not required for alterations to allowed development unless the development was specifically conditioned or required to support the development or facility that requires the conditional use. All other alterations and boundary changes are subject to Paragraph 2, below. Alterations to development and reductions to the site boundary are allowed by right provided the proposal:
 - a-h. [No change]
 - 2. [No change]

Commentary

Item # 69 Sunset dates - additional dates

33.820.060 Duration of Conditional Use Master Plans

The zoning code contains multiple regulations that have expired or will expire before RICAP 10 goes into effect. RICAP 10 is deleting already, or soon to, expire regulations.

The Campus Institutional Zoning project (approved in 2016 and effective in 2018 along with the 2035 Comprehensive Plan) created the campus institutional zones and Chapter 33.150 of the Zoning Code. The CI zone regulations include a transition period that ended December 31, 2023, during which an institution can elect to continue development under an existing conditional use, conditional use master plans, or impact mitigation plan. During this transition period, institutions could elect to continue development under the entitlements and obligations described in their approved plan. At the end of the transition period, or sooner if proposed by the institution, development proposals are subject to the regulations of the campus institution base zone. The transition period ended on December 31, 2023 before the RICAP 10 project becomes effective (expected to be October 2024).

This amendment deletes the references to the transition period.

33.820 Conditional Use Master Plans

820

33.820.060 Duration of the Master Plan

The master plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. Generally, an approved master plan remains in effect until development allowed by the plan has been completed or the plan is amended or superseded, ~~however if an approved master plan for a site in a C11 or C12 zone has an expiration date later than December 31, 2023, the master plan expires on December 31, 2023.~~

Commentary

Item # 23 Design review thresholds related to signs

Item # 24 Design review thresholds for the Central City (all other)

Table 825-1

These amendments fix two issues with the assignment of review procedures for design review:

1. The first amendment adds a specific threshold for signs. The amendment allows signs up to 100 square feet to be a Type I Design Review, both within the Central City and outside the Central City. Signs less than 32 square feet in area are generally exempt from design standards and review. The 100 square foot threshold to distinguish between a Type I and Type II review aligns with other the sign code (Title 32), which contains an upper limit of 100 square feet for permanent signs. As such, a sign larger than 100 square feet will likely need an adjustment, which is also Type II review.
2. The second amendment adds a threshold for design review within the Central City that assigns a review type to alterations/exterior development that are not captured by other categories in the table. The catch-all category was inadvertently left out of the table when it was revised as part of the Design Overlay Zone Amendments project.

33.825 Design Review

825

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 <u>or sign up to 100 s.f.</u>	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
	<u>Exterior development not listed above</u>		<u>Type II</u>
	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 <u>or sign up to 100 s.f.</u>	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

Commentary

The notes related to Table 825-1 are not being amended; they are shown for illustrative purposes only.

[1] The height threshold does not include additional height allowed through a height exception in the base 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.

Commentary

Item # 61 Extensions of Approved Land Use Reviews

This amendment creates a new land use review for extending the expiration of an approved land use review for up to two years. The review includes general provisions, as well as a procedure type, and approval criteria. The LUR extension land use review does not allow modifications to the original proposal and cannot be used retroactively on expired approvals.

The review is being created to provide applicants more flexibility for completing development under changing market and construction condition and is similar to extension review options in other Portland area jurisdictions. It is not intended to resuscitate expired approvals. An application for an extension must be submitted and deemed complete prior to the expiration of the original approval. For land use reviews that included more than one approval e.g., a land division with an environmental review, the applicant can choose to apply for an extension to all of the approvals or may opt to extend just one of the approvals.

33.830 Extensions to Approved Land Use Reviews

830

Sections:

33.830.010 Purpose

33.830.020 When this Chapter May Be Used

33.830.030 General

33.830.040 Procedure

33.830.050 Approval Criteria

33.830.010 Purpose

The land use review extension process provides flexibility for applicants who have received land use approval but have not commenced development prior to expiration. It is intended to be an efficient review process to extend the time period during which land use approvals are valid and may be utilized.

33.830.020 When this Chapter May Be Used

This review is allowed for approved land use reviews that are subject to expiration, as described in Subsection 33.730.130.B, that have not yet expired. This chapter does not apply to approved land use reviews that have expired.

33.830.030 General Regulations

- A. Number of extensions.** An approved land use review is eligible to apply for one extension.
- B. Submission timing.** An application for an extension review must be deemed complete prior to the expiration date of the original approval, but no earlier than 6 months in advance of the expiration date.
- C. Length of extension.** If an extension is approved, the expiration date for the original approval is extended an additional 2 years from the effective date of the original approval.
- D. Revisions to original approval.** An application for an extension review may not include a proposal to revise the original application or any conditions of approval.
- E. Multiple approvals.** If the original approval included multiple applications, a single extension application may include one or all approved reviews associated with the original approval.

Commentary

33.830.040 Procedure

Requests for an extension to an approved land use review are processed through a Type Ix procedure.

33.830.050 Approval Criteria

The request for an extension to an approved land use review will be approved if the review body finds that the applicant has shown that all of the following criteria are met.

- A. There has been no change in circumstances or the applicable regulations that would necessitate revision of the decision or conditions of approval since the effective date of the decision for which the extension is sought.
- B. The previously approved land use decision is not being revised and there are no changes to conditions of approval.

Commentary

Item # 31 Historic resources: modifications as part of a review

33.846.070 Modifications Considered During Historic Resource Review

This amendment language describes the parameters around the review of modifications to site-related development standards that are included with a historic resource review. The language mirrors language what is in the regulations for environmental review and design review—the other two reviews that allow modifications to be coupled with the larger review. The language was inadvertently left out when the Historic Resources Code Project was adopted in 2020. The language is being added for consistency and to avoid implication that use-related standards can be adjusted as part of a historic resources review.

33.846 Historic Resource Reviews

846

33.846.070 Modifications Considered During Historic Resource Review

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 historic resource review process. The review body may not consider modifications to standards for which adjustments are prohibited. Modifications are done as part of historic resource 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 historic resource 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.~~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.

Commentary

Item # 70 Convenience Stores

33.910.030 Definitions

Convenience Store:

The special regulations related to convenience stores in Chapter 33.219 are being deleted. See commentary on page 98. Because the zoning code will no longer regulate convenience stores differently than other retail establishments, there is no need for a specific definition of a convenience store in the code. This amendment removes the definition of convenience store from 33.910.

Item # 80 Adjustment Committee

Review Body

The Adjustment Committee is being eliminated as a review body in the zoning code. As such, the reference to the Adjustment Committee needs to be deleted from the definition of "Review Body" in Chapter 33.910. See commentary on page 216 for further discussion related to deleting the Adjustment Committee.

33.910 Definitions

910

33.910.030 Definitions

The definition of words with specific meaning in the zoning code are as follows:

~~**Convenience Store.** Any retail grocery store that has all of the following characteristics:~~

- ~~• Is under 4,000 square feet in area;~~
- ~~• Requires a package store liquor license; and~~
- ~~• Is open more than 15 hours a day.~~

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.

Commentary

Item # 49 Registered and certified childcare facilities/preschool programs
Item # 58 HB 3109 and childcare homes

33.920.100 and .110 Residential Use Categories

Recent changes to state rules dictate that registered or certified child care facilities, defined as family child care homes in ORS 329A.440, are a residential use of property. This language change was adopted as part of HB 3109 in 2021. This amendment brings the zoning code into compliance with the updated state statute.

The updated statute states that these facilities take place in a dwelling. To provide clarity, the Household Living and Group Living use categories are being amended to state that a registered or certified child care home is an accessory use to the primary residential use, ensuring that the dwelling unit continues to have someone, not necessarily the owner, occupying it.

33.920 Description of Use Categories

920

33.920.100 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a dwelling unit that contains more than eight bedrooms. Group Living is also the residential occupancy of a congregate housing facility. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). Generally, Group Living uses often include a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, parking of vehicles for the facility, ~~and~~ food membership distribution, and registered or certified family child care homes, for up to 16 children, that meet the State's requirements of ORS 329A.
- C. Examples.** Examples include houses and other dwelling units with nine or more bedrooms; dormitories; fraternities and sororities; nursing and convalescent homes; single room occupancy housing or SROs, rooming houses, residential hotels and other congregate housing facilities; some group homes for persons with disabling conditions; and some residential programs for drug and alcohol treatment.
- D. Exceptions.**
1. Lodging where the length of stay may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category. However, in certain situations, lodging where the length of stay may be arranged for periods less than one month may be classified as a Community Service use such as short term, mass or outdoor shelters.
 2. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period in a dwelling unit with eight or fewer bedrooms is classified as Household Living.
 3. Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category.

Commentary

33.920.110 Household Living

- A. Characteristics.** Household Living is the residential occupancy of a dwelling unit that contains eight or fewer bedrooms. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where the length of stay may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see the Retail Sales And Service and Community Service categories). In addition, residential homes as defined by the State of Oregon are included in the Household Living category (see Chapter 33.910, Definitions).
- B. Accessory Uses.** Accessory uses commonly found are recreational activities, raising of pets, hobbies, ~~and parking of the occupants' vehicles,~~ and registered or certified child care homes, for up to 16 children, that meet the State's requirements of ORS 329A. Home occupations, accessory dwelling units, accessory short-term rentals, and food membership distribution are accessory uses that are subject to additional regulations.
- C. Examples.** Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, and other dwellings with eight or fewer bedrooms.
- D. Exceptions.**
1. Situations where the length of stay may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales And Service category.
 2. In certain situations, lodging where length of stay may be arranged for periods less than one month may be classified as a Community Service use, such as short term, mass, or outdoor shelter.
 3. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, in a dwelling unit with more than eight bedrooms is classified as Group Living.

Commentary

Item # 58 HB 3109 and child care homes

33.920.430 Daycare Use Category

This amendment brings the zoning code into compliance with HB 3109. Language referring to "the children of the provider" is being deleted because this is reviewed as part of the state licensing process.

33.920.430 Daycare

- A. **Characteristics.** Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
- B. **Accessory Uses.** Accessory uses include offices, food membership distribution, play areas, and parking.
- C. **Examples.** Examples include preschools, nursery schools, latch key programs, and adult daycare programs.
- D. **Exceptions.** Daycare use does not include care given by the parents, guardians, or relatives of the children, or by babysitters. Daycare use also does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, ~~including the children of the provider~~ that also meet the State's requirements are Household Living or Group Living uses.

Section III: Comprehensive Plan Amendment

This section presents the one amendment to the Comprehensive Plan. The section is formatted to facilitate readability by showing plan amendments on the right-hand (odd) pages and related commentary on the facing left-hand (even) pages.

How to read these amendments:

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

Commentary

Item # 83 Reference to Adjustment Committee in the Comprehensive Plan

Chapter 2: Community Involvement

Item # 80 dissolves the Adjustment Committee and deletes references to it from the zoning code. A related amendment to 33.720, Assignment of Review Bodies, reassigns the appeals currently assigned to the Adjustment Committee to the Hearings Officer.

This amendment removes reference to the Adjustment Committee from Chapter 2 of the Comprehensive Plan.

Chapter 2: Community Involvement

Community involvement program

Much has changed in Portland in the 35 years since the adoption of the 1980 Comprehensive Plan. Much more will likely change between the adoption of this Plan and the next one. The following policies challenge City staff and elected officials to assess current practices and develop new tools through ongoing process evaluation and improvement, and direct the City to develop, maintain, and update a manual that details current best practices for community involvement.

Policy 2.16-2.19 **[No change]**

Policy 2.20 **Review bodies.** Maintain review bodies, such as the Planning Commission (PC), Design Commission, and Historic Landmarks Commission, ~~and Adjustment Committee,~~ to provide an opportunity for community involvement and provide leadership and expertise for specialized topic areas.

Policy 2.21-2.23 **[No change]**

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