

**DATE:** June 30, 2022  
**FROM:** Julie Ocken  
**RE:** **Update Packet #201 – Residential Infill Project Part 2**

*The attached Code Update Pages are the result of the Residential Infill Project Part 2 Code Project (Ord. No. 190851), effective at 11:59 p.m. on June 30, 2022.*

Contact [Morgan Tracy](#) with any questions.

**Update Packet #201 – Residential Infill Project Part 2**

<b>Chapter</b>	<b>Remove Pages</b>	<b>Insert Pages</b>	<b>Changed because of</b>
List of Chapters	All	All	RIP2
Table of Contents	All	All	RIP2
33.110	All	All	RIP2
33.120	9-62	9-64	RIP2; Typos
33.130	17-18, 29-30, 47-48	17-18, 29-30, 47-48	Typos
33.140	5-6	5-6	Typo
200s contents sheet	All	All	RIP2
33.205	All	All	RIP2
33.207	All	All	RIP2
33.218	3-4, 33-34	3-4, 33-34	RIP2
33.251	All	All	RIP2
33.253	[new chapter]	All	RIP2
33.260	All	All	Typo
33.266	15-18, 43-44	15-18, 43-44	RIP2
33.270	All	All	RIP2
33.418	All	All	RIP2
33.430	5-42	5-42	RIP2
33.445	43-44	43-44	Typo
33.465	3-8, 25-26	3-8, 25-26	RIP2
33.475	21-22, 47-48	21-22, 47-48	RIP2
33.505	1-2	1-2	RIP2
33.521	1-4, 15-16	1-4, 15-16	RIP2
33.530	1-2	1-2	RIP2
33.561	1-8	1-8	RIP2
33.562	3-4	3-4	Typo
33.563	1-6	1-6	RIP2
33.564	1-6	1-6	RIP2
600s contents sheet	All	All	RIP2
33.610	All	All	RIP2
33.611	All	All	RIP2
33.612	All	All	RIP2
33.638	All	All	[showing this chapter is deleted]
33.644	[new chapter]	All	RIP2
33.663	All	All	RIP2

<b>Chapter</b>	<b>Remove Pages</b>	<b>Insert Pages</b>	<b>Changed because of</b>
33.671	[new chapter]	All	RIP2
33.675	All	All	RIP2
33.677	All	All	RIP2
33.720	All	All	RIP2
33.730	All	All	RIP2
33.810	1-2	1-2	Typo
33.854	3-4	3-4	Typo
33.900	All	All	RIP2
33.910	3-42	3-42	RIP2

## Title 33, Planning and Zoning

### List of Chapters

#### Introduction

How to Use This Document

10 Legal Framework and Relationships

**300s Reserved**

#### Base Zones

100 Open Space Zone  
110 Single-Dwelling Residential Zones  
120 Multi-Dwelling Residential Zones  
130 Commercial/Mixed Use Zones  
140 Employment and Industrial Zones  
150 Campus Institutional Zones

#### 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

#### Overlay Zones

400 Aircraft Landing Overlay Zone  
410 Buffer Zone  
415 Centers Main Street Overlay Zone  
418 Constrained Sites Overlay Zone – z  
420 Design Overlay Zone  
430 Environmental Zone  
435 Future Urban Zone  
440 Greenway Overlay Zones  
445 Historic Resource Overlay Zone  
465 Pleasant Valley Natural Resources Overlay Zone  
470 Portland International Airport Noise Impact Zone  
471 Prime Industrial Overlay Zone  
480 Scenic Resource Zone

#### Plan Districts

500 Plan Districts In General  
505 Albina Community Plan District  
508 Cascade Station/Portland International Center (CS/PIC) Plan District  
510 Central City Plan District  
515 Columbia South Shore Plan District  
520 Division Street Plan District  
521 East Corridor Plan District  
526 Gateway Plan District  
530 Glendoveer Plan District  
531 Guild’s Lake Industrial Sanctuary Plan District  
532 Hayden Island Plan District  
533 Healy Heights Plan District  
534 Hillsdale Plan District  
536 Hollywood Plan District  
537 Johnson Creek Basin Plan District  
538 Kenton Plan District  
540 Laurelhurst-Eastmoreland Plan District  
545 Lombard Street Plan District  
550 Macadam Plan District  
555 Marquam Hill Plan District  
560 North Cully Plan District

- 561 North Interstate Plan District
- 562 Northwest Plan District
- 563 Northwest Hills Plan District
- 564 Pleasant Valley Plan District
- 565 Portland International Airport Plan District
- 566 Portland International Raceway  
Plan District
- 567 Powell Boulevard Plan District
- 570 Rocky Butte Plan District
- 575 Sandy Boulevard Plan District
- 580 South Auditorium Plan District
- 583 St. Johns Plan District
- 585 Swan Island Plan District

**Land Divisions and Planned Developments**

- 605 Lots in the Open Space Zone
- 610 Lots in RF through R5 Zones
- 611 Lots in the R2.5 Zone
- 612 Lots in Multi-Dwelling Zones
- 613 Lots in Commercial/Mixed Use Zones
- 614 Lots in Employment Zones
- 615 Lots in Industrial Zones
- 630 Tree Preservation
- 631 Sites in Special Flood Hazard Areas
- 632 Sites in Potential Landslide Hazard Areas
- 633 Phased Plans and Staged Final Plats
- 634 Required Recreation Area
- 635 Clearing and Grading and Land Suitability
- 636 Tracts and Easements
- 639 Solar Access
- 640 Streams, Springs, and Seeps
- 641 Transportation Impact
- 642 Land Divisions of Manufactured  
Dwelling Parks
- 643 Middle Housing Land Divisions
- 651 Water Service
- 652 Sanitary Sewer Disposal Service
- 653 Stormwater Management
- 654 Rights-of-Way
- 655 School District Enrollment Capacity
- 660 Review in OS, R, & IR Zones
- 662 Review of Land Divisions in CI,  
Commercial/Mixed Use, Employment, and  
Industrial Zones
- 663 Final Plats
- 664 Review on Large Sites in I Zones
- 668 Review of Changes to an Approved  
Planned Unit Development

- 669 Review of Changes to an Approved  
Industrial Park
- 670 Review of Land Divisions of Manufactured  
Dwelling Parks
- 671 Review of Middle Housing Land Divisions
- 675 Replat
- 676 Lot Confirmation
- 677 Property Line Adjustments

**Administration and Procedures**

- 700 Administration and Enforcement
- 705 Neighborhood Contact
- 710 Review Bodies
- 720 Assignment of Review Bodies
- 730 Quasi-Judicial Procedures
- 740 Legislative Procedure
- 750 Fees

**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
- 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

**General Terms**

- 900 List of Terms
- 910 Definitions
- 920 Descriptions of the Use Categories
- 930 Measurements

# Table of Contents

Chapter Number		Page Number
<b>Introduction</b>		
	How to Use This Document	i
10	Legal Framework and Relationships	10-1
<b>Base Zones</b>		
100	Open Space Zone	100-1
110	Single-Dwelling Residential Zones	110-1
120	Multi-Dwelling Residential Zones	120-1
130	Commercial/Mixed Use Zones	130-1
140	Employment and Industrial Zones	140-1
150	Campus Institutional Zones	150-1
<b>Additional Use and Development Regulations</b>		
203	Accessory Home Occupations	203-1
205	Accessory Dwelling Units	205-1
207	Accessory Short-Term Rentals	207-1
209	Aviation	209-1
218	Community Design Standards	218-1
219	Convenience Stores	219-1
224	Drive-Through Facilities	224-1
229	Elderly and Disabled High Density Housing	229-1
236	Floating Structures	236-1
237	Food Production and Distribution	237-1
243	Helicopter Landing Facilities	243-1
245	Inclusionary Housing	245-1
248	Landscaping and Screening	248-1
251	Manufactured Housing and Manufactured Dwelling Parks	251-1
253	Middle Housing Land Division Sites	253-1
254	Mining and Waste-Related	254-1
258	Nonconforming Situations	258-1
260	Occupied Recreational Vehicle	260-1
262	Off-Site Impacts	262-1
266	Parking and Loading	266-1
270	Planned Developments	270-1

272	Major Public Trails	272-1
274	Radio Frequency Transmission Facilities	274-1
279	Recreational Fields for Organized Sports	279-1
281	Schools and School Sites	281-1
284	Self-Service Storage	284-1
285	Short Term, Mass, and Outdoor Shelters	285-1
288	Special Street Setbacks	288-1
293	Superblocks	293-1
296	Temporary Activities	296-1
299	Wind Turbines	299-1

### **Overlay Zones**

400	Aircraft Landing Overlay Zone	400-1
410	Buffer Zone	410-1
415	Centers Main Street Overlay Zone	415-1
418	Constrained Sites Overlay Zone	418-1
420	Design Overlay Zone	420-1
430	Environmental Zones	430-1
435	Future Urban Zone	435-1
440	Greenway Overlay Zones	440-1
445	Historic Resource Overlay Zone	445-1
465	Pleasant Valley Natural Resources Overlay Zone	465-1
470	Portland International Airport Noise Impact Zone	470-1
471	Prime Industrial Overlay Zone	471-1
475	River Overlay Zones	475-1
480	Scenic Resource Zone	480-1

### **Plan Districts**

500	Plan Districts In General	500-1
505	Albina Community Plan District	505-1
508	Cascade Station/Portland International Center (CS/PIC) Plan District	508-1
510	Central City Plan District	510-1
515	Columbia South Shore Plan District	515-1
520	Division Street Plan District	520-1
521	East Corridor Plan District	521-1
526	Gateway Plan District	525-1
530	Glendoveer Plan District	530-1

531	Guild's Lake Industrial Sanctuary Plan District	531-1
532	Hayden Island Plan District	532-1
533	Healy Heights Plan District	533-1
534	Hillsdale Plan District	534-1
536	Hollywood Plan District	536-1
537	Johnson Creek Basin Plan District	537-1
538	Kenton Plan District	538-1
540	Laurelhurst-Eastmoreland Plan District	540-1
545	Lombard Street Plan District	545-1
550	Macadam Plan District	550-1
555	Marquam Hill Plan District	555-1
560	North Cully Plan District	560-1
561	North Interstate Plan District	561-1
562	Northwest Plan District	562-1
563	Northwest Hills Plan District	563-1
564	Pleasant Valley Plan District	564-1
565	Portland International Airport Plan District	565-1
566	Portland International Raceway Plan District	566-1
567	Powell Boulevard Plan District	567-1
570	Rocky Butte Plan District	570-1
575	Sandy Boulevard Plan District	575-1
580	South Auditorium Plan District	580-1
583	St. Johns Plan District	583-1
585	Swan Island Plan District	585-1

**Land Divisions and Planned Developments**








605	Lots in the Open Space Zone	605-1
610	Lots in RF through R5 Zones	610-1
611	Lots in the R2.5 Zone	611-1
612	Lots in Multi-Dwelling Zones	612-1
613	Lots in Commercial/Mixed Use Zones	613-1
614	Lots in Employment Zones	614-1
615	Lots in Industrial Zones	615-1
630	Tree Preservation	630-1
631	Sites in Special Flood Hazard Areas	631-1
632	Sites in Potential Landslide Hazard Areas	632-1

633	Phased Plans and Staged Final Plats	633-1
634	Required Recreation Area	634-1
635	Clearing and Grading and Land Suitability	635-1
636	Tracts and Easements	636-1
639	Solar Access	639-1
640	Streams, Springs, and Seeps	640-1
641	Transportation Impact	641-1
642	Land Divisions of Manufactured Dwelling Parks	642-1
643	Middle Housing Land Division	643-1
651	Water Service	651-1
652	Sanitary Sewer Disposal Service	652-1
653	Stormwater Management	653-1
654	Rights-of-Way	654-1
655	School District Enrollment Capacity	655-1
660	Review in OS, R, & IR Zones	660-1
662	Review of Land Divisions in CI, Commercial/Mixed Use, Employment, and Industrial Zones	662-1
663	Final Plats	663-1
664	Review on Large Sites in I Zones	664-1
668	Review of Changes to an Approved Planned Unit Development	668-1
669	Review of Changes to an Approved Industrial Park	669-1
670	Review of Land Divisions of Manufactured Dwelling Parks	670-1
671	Review of Middle Housing Land Divisions	671-1
675	Replat	675-1
676	Lot Confirmation	676-1
677	Property Line Adjustments	677-1
<b>Administration and Procedures</b>		
700	Administration and Enforcement	700-1
710	Review Bodies	710-1
720	Assignment of Review Bodies	720-1
730	Quasi-Judicial Procedures	730-1
740	Legislative Procedure	740-1
750	Fees	750-1
<b>Land Use Reviews</b>		
800	General Information on Land Use Reviews	800-1
805	Adjustments	805-1



806	Airport Reviews	806-1
808	Central City Parking Review	808-1
809	Comprehensive Natural Resource Plans	809-1
810	Comprehensive Plan Map Amendments	810-1
815	Conditional Uses	815-1
820	Conditional Use Master Plans	820-1
825	Design Review	825-1
833	Gateway Master Plan Review	833-1
835	Goal, Policy, and Regulation Amendments	835-1
846	Historic Resource Reviews	846-1
848	Impact Mitigation Plans	848-1
849	Marquam Hill Parking Review	849-1
850	Statewide Planning Goal Exceptions	850-1
851	South Waterfront Greenway Review	851-1
852	Transportation Impact Review	852-1
853	Tree Review	853-1
854	Planned Development Review	854-1
855	Zoning Map Amendments	855-1
865	River Review	865-1
<b>General Terms</b>		
900	List of Terms	900-1
910	Definitions	910-1
920	Descriptions of the Use Categories	920-1
930	Measurements	930-1

## Index of Symbols on the Official Zoning Maps

	Symbol	Full Name	Chapter
<b>Base Zones</b>	CE	Commercial Employment	33.130
	CI1	Campus Institutional 1	33.150
	CI2	Campus Institutional 2	33.150
	CR	Commercial Residential	33.130
	CM1	Commercial/Mixed Use 1	33.130
	CM2	Commercial/Mixed Use 2	33.130
	CM3	Commercial/Mixed Use 3	33.130
	CX	Central Commercial	33.130
	EG1	General Employment 1	33.140
	EG2	General Employment 2	33.140
	EX	Central Employment	33.140
	IG1	General Industrial 1	33.140
	IG2	General Industrial 2	33.140
	IH	Heavy Industrial	33.140
	IR	Institutional Residential	33.150
	OS	Open Space	33.100
	R1	Residential 1,000	33.120
	R2	Residential 2,000	33.120
	R2.5	Residential 2,500	33.110
	R3	Residential 3,000	33.120
	R5	Residential 5,000	33.110
	R7	Residential 7,000	33.110
	R10	Residential 10,000	33.110
	R20	Residential 20,000	33.110
	RF	Residential Farm/Forest	33.110
	RH	High Density Residential	33.120
RMP	Residential Manufactured Dwelling Park	33.120	
RX	Central Residential	33.120	
<b>Overlay Zones</b>	b	Buffer Overlay Zone	33.410
	c	Environmental Conservation Overlay Zone	33.430
	d	Design Overlay Zone	33.420
	e	River Environmental Overlay Zone	33.475
	f	Future Urban Overlay Zone	33.435
	g	River General Overlay Zone	33.440
	g*	River General Overlay Zone	33.475
	h	Aircraft Landing Overlay Zone	33.400
	i	River Industrial Overlay Zone	33.440
	k	Prime Industrial Overlay Zone	33.471
	m	Centers Main Street Overlay Zone	33.415
	n	River Natural Overlay Zone	33.440
	p	Environmental Protection Overlay Zone	33.430
	q	River Water Quality Overlay Zone	33.440
	r	River Recreational Overlay Zone	33.440
	s	Scenic Resource Overlay Zone	33.480
	v	Pleasant Valley Natural Resources Overlay Zone	33.465
	x	Portland International Airport Noise Impact Overlay Zone	33.470
z	Constrained Sites Overlay Zone	33.418	
<b>Special</b>	(XX)	Comprehensive Plan Map Designation	Comp. Plan
		Areas of difference between current zoning and Comprehensive Plan Map Designation	All
		Plan Districts	33.500s
		Historic and Conservation Districts	33.445
		Natural Resource Management Plans	NRMP documents
		Major Public Trails	33.272
		Historic Landmarks	33.445
	Conservation Landmarks	33.445	

## 33.110 Single-Dwelling Zones

# 110

---

### Sections:

#### General

- 33.110.010 Purpose
- 33.110.020 List of the Single-Dwelling Zones
- 33.110.030 Other Zoning Regulations
- 33.110.050 Neighborhood Contact

#### Use Regulations

- 33.110.100 Primary Uses
- 33.110.110 Accessory Uses

#### Development Standards

- 33.110.200 Housing Types Allowed
- 33.110.202 When Primary Structures are Allowed
- 33.110.205 Minimum Dwelling Unit Density
- 33.110.210 Floor Area Ratio
- 33.110.215 Height
- 33.110.220 Setbacks
- 33.110.225 Building Coverage
- 33.110.227 Trees
- 33.110.230 Main Entrances
- 33.110.235 Street-Facing Facades
- 33.110.240 Required Outdoor Areas
- 33.110.245 Detached and Connected Accessory Structures
- 33.110.250 Additional Development Standards for Garages
- 33.110.255 Additional Development Standards for Flag Lots
- 33.110.260 Additional Development Standards for Narrow Lots
- 33.110.265 Residential Infill Options
- 33.110.270 Institutional Development Standards
- 33.110.275 Fences
- 33.110.280 Retaining Walls
- 33.110.285 Demolitions
- 33.110.290 Nonconforming Situations
- 33.110.292 Parking and Loading
- 33.110.295 Signs
- 33.110.296 Recycling Areas

### General

#### **33.110.010 Purpose**

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

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

**33.110.020 List of the Single-Dwelling Zones**

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

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

**33.110.030 Other Zoning Regulations**

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

**33.110.050 Neighborhood Contact**

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

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

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

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

**B. Neighborhood contact II.**

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

## Use Regulations

### 33.110.100 Primary Uses

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

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

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

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

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

**33.110.110 Accessory Uses**

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

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

<b>Table 110-1 Single-Dwelling Zone Primary Uses</b>						
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]	L/CU [4]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Parks And Open Areas	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [6]
Schools	CU	CU	CU	CU	CU	CU
Colleges	CU	CU	CU	CU	CU	CU
Medical Centers	CU	CU	CU	CU	CU	CU
Religious Institutions	CU	CU	CU	CU	CU	CU
Daycare	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]	L/CU [7]
<b>Other Categories</b>						
Agriculture	L [8]	L [8]	L/CU [9]	L/CU [9]	L [10]	L [10]
Aviation And Surface Passenger Terminals	CU	N	N	N	N	N
Detention Facilities	N	N	N	N	N	N
Mining	CU	N	N	N	N	N
Radio Frequency Transmission Facilities	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]	L/CU [11]
Railroad Lines And Utility Corridors	CU	CU	CU	CU	CU	CU

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

### Development Standards

#### 33.110.200 Housing Types Allowed

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



<b>Table 110-2 Housing Types Allowed In The Single-Dwelling Zones</b>						
Housing Type	RF	R20	R10	R7	R5	R2.5
House	Yes	Yes	Yes	Yes	Yes	Yes
Attached house (See 33.110.260.C and 33.110.265.C)	No	Yes	Yes	Yes	Yes	Yes
Accessory dwelling unit (See Chapter 33.205)	Yes	Yes	Yes	Yes	Yes	Yes
Duplex	No	Yes	Yes	Yes	Yes	Yes
Triplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Fourplex (See 33.110.265.E)	No	Yes	Yes	Yes	Yes	Yes
Multi-dwelling Structure (See 33.110.265.F)	No	Yes	Yes	Yes	Yes	Yes
Cottage Cluster (See 33.110.265.G)	No	No	Yes	Yes	Yes	Yes
Manufactured home (See Chapter 33.251)	Yes	Yes	Yes	Yes	Yes	Yes
Manufactured Dwelling park	No	No	No	No	No	No
Houseboat (See Chapter 33.236)	Yes	Yes	Yes	Yes	Yes	Yes
Congregate Housing Facility (See 33.110.100.B.1)	Yes	Yes	Yes	Yes	Yes	Yes
Attached Duplex	Only in Planned Developments, See Chapter 33.270.					
Multi-dwelling Development	Only in Planned Developments, See Chapter 33.270.					

Yes = allowed; No = prohibited.

### 33.110.202 When Primary Structures are Allowed

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

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

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

<b>Table 110-3 Minimum Lot Size Requirements</b>	
<b>RF through R5 Zones</b>	
Lot	36 feet wide and meets the minimum lot area requirement for all other lots stated in Table 610-2. [1, 2, 3, 4, 5]
Adjusted Lot	
Lot Remnant	
Lot of Record	
<b>R2.5 Zone</b>	
Lot	1500 sq. ft. [1, 4]
Adjusted Lot	
Lot Remnants	
Lots of Record	

Notes:

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

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

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

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

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

### **33.110.205 Minimum Dwelling Unit Density**

- A. Purpose.** This standard promotes additional housing opportunities in areas of the city where services are available and restricts larger sites from being utilized for a single house.
- B. When this standard applies.** The minimum dwelling unit density standard applies to new development when at least one dwelling unit is proposed. Sites in the Constrained Sites overlay zone are exempt from this standard.
- C. Minimum dwelling unit density.**
  - 1. R7. In the R7 zone, a minimum of two dwelling units are required on sites that are 14,000 square feet or larger in total site area.
  - 2. R5. In the R5 zone, a minimum of two dwelling units are required on sites that are 10,000 square feet or larger in total site area.
  - 3. R2.5. In the R2.5 zone, a minimum of two dwelling units are required on sites that are 5,000 square feet or larger in total site area.

<b>Table 110-4 Summary of Development Standards In Single-Dwelling Zones</b>						
<b>Standard</b>	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
Maximum FAR - 1 total dwelling unit [1] - 2 total dwelling units [2] - 3 total dwelling units [2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	no limit	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.4 to 1 0.5 to 1 0.6 to 1 [3] 0.7 to 1 [3]	0.5 to 1 0.6 to 1 0.7 to 1 [3] 0.8 to 1 [3]	0.7 to 1 0.8 to 1 0.9 to 1 [3] 1 to 1 [3]
Maximum FAR with Bonus - 1 total dwelling unit - 2 total dwelling units [2] - 3 total dwelling units [2] - 4 or more total dwelling units (See 33.110.210 and 33.110.265)	NA	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.4 to 1 0.6 to 1 0.7 to 1 0.8 to 1 [3]	0.5 to 1 0.7 to 1 0.8 to 1 0.9 to 1 [3]	0.7 to 1 0.9 to 1 1 to 1 1.1 to 1 [3]
Maximum Height (See 33.110.215 and 33.110.260)	30 ft.	30 ft. [3]	30 ft. [3]	30 ft. [3]	30 ft. [3]	35 ft.
Minimum Setbacks - Front building setback - Side building setback - Rear building setback - Garage entrance setback (See 33.110.220)	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	20 ft. 10 ft. 10 ft. 18 ft.	15 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.	10 ft. 5 ft. 5 ft. 18 ft.
Maximum Building Coverage (See 33.110.225)	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5	See Table 110-5
Required Outdoor Area - Minimum area - Minimum dimension (See 33.110.240)	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	250 sq. ft. 12 ft. x 12 ft.	200 sq. ft. 10 ft. x 10 ft.

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

[2] Including accessory dwelling units.

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

### 33.110.210 Floor Area Ratios

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

- Define the character of each zone by establishing greater FAR allowances in the higher intensity zones;
  - Encourage the provision of additional dwelling units within existing neighborhoods by relating the allowed amount of FAR to the total number of units on a site; and
  - Ensure that the bulk of buildings on one lot does not overwhelm development on adjacent lots.
- B. Maximum FAR.** Maximum floor area ratios are stated in Table 110-4. Maximum FAR applies to all buildings on the site, however the maximum allowed is based on the total number of dwelling units on the site and whether a bonus option is chosen. In the R10 and R20 zones, the maximum FAR only applies to sites that are less than 10,000 square feet in area. The maximum FAR for a site with a congregate housing facility is the same as shown in Table 110-4 for a site with 1 total dwelling unit. The maximum FAR for institutional uses is stated in 33.110.270. Adjustments to the maximum FAR ratios, including bonus ratios, are prohibited.
- C. Exceptions.**
1. Maximum FAR does not apply to one alteration or addition of up to 250 square feet when the alteration or addition is to a primary structure that received final inspection at least 5 years ago. This exception is allowed once every 5 years.
  2. Stairwells are only counted as floor area on one level.
- D. Maximum FAR with bonus.**
1. Affordable housing bonus option. The maximum FAR for sites that provide at least one dwelling unit that is affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30 is stated in Table 110-4. To qualify for this maximum FAR with bonus:
    - a. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability standard stated above. The letter is required to be submitted before a building permit can be issued but is not required in order to apply for a land use review; and
    - b. The property owner must execute a covenant with the City that complies with the requirements of 33.700.060. The covenant must ensure that the affordable dwelling unit will remain affordable to households meeting the income restriction and any administrative requirements of the Portland Housing Bureau.
  2. Preserving existing dwelling units bonus option. The maximum FAR for sites that contain a primary residential structure that received final inspection at least 5 years ago is stated in Table 110-4. To qualify for this maximum FAR with bonus, no more than 25 percent of the existing street-facing façade of the primary residential structure may be altered to add additional floor area.

### 33.110.215 Height

- A. Purpose.** The height standards serve several purposes:

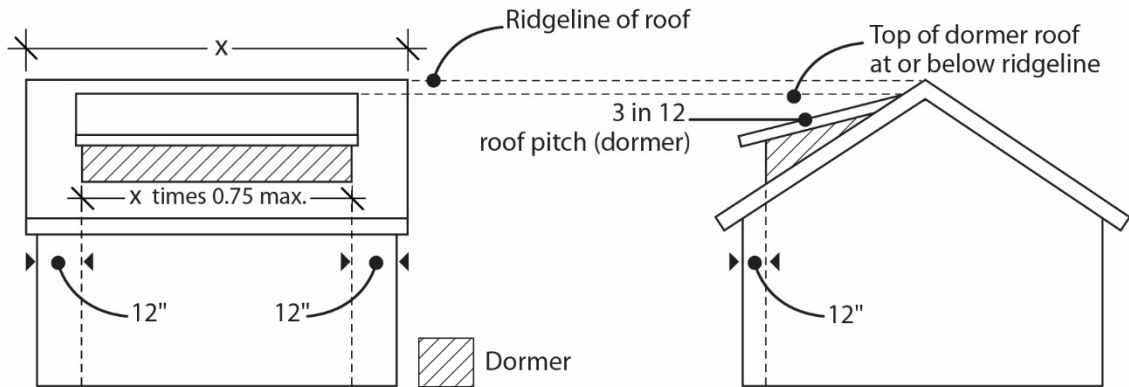
- They foster a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale and placement of houses in the city's single-dwelling neighborhoods.

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

**C. Exceptions to the maximum height.**

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

**Figure 110-1**  
**Dormers**



**D. Alternative height limits for steeply sloping lots.**

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

**33.110.220 Setbacks**

- A. Purpose.** The setback regulations for buildings and garage entrances serve several purposes:
- They maintain light, air, separation for fire protection, and access for fire fighting;
  - They reflect the general building scale and placement of residences in the city's single-dwelling neighborhoods;
  - They foster a reasonable physical relationship between residences;
  - They promote options for privacy for neighboring properties;
  - They require larger front setbacks than side and rear setbacks to promote open, visually pleasing front yards;

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

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

**C. Extensions into required building setbacks.**

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



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

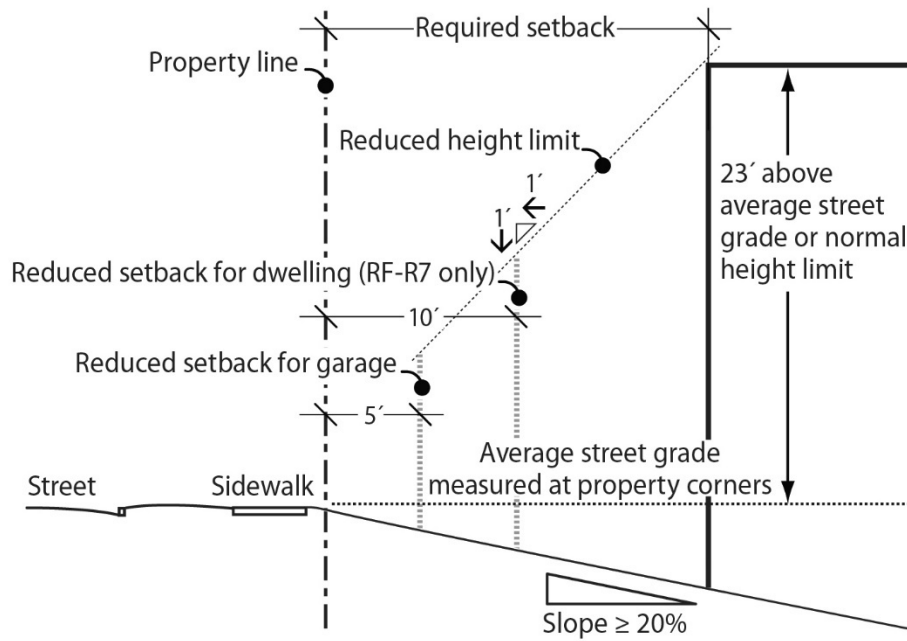
**D. Exceptions to the required setbacks.**

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

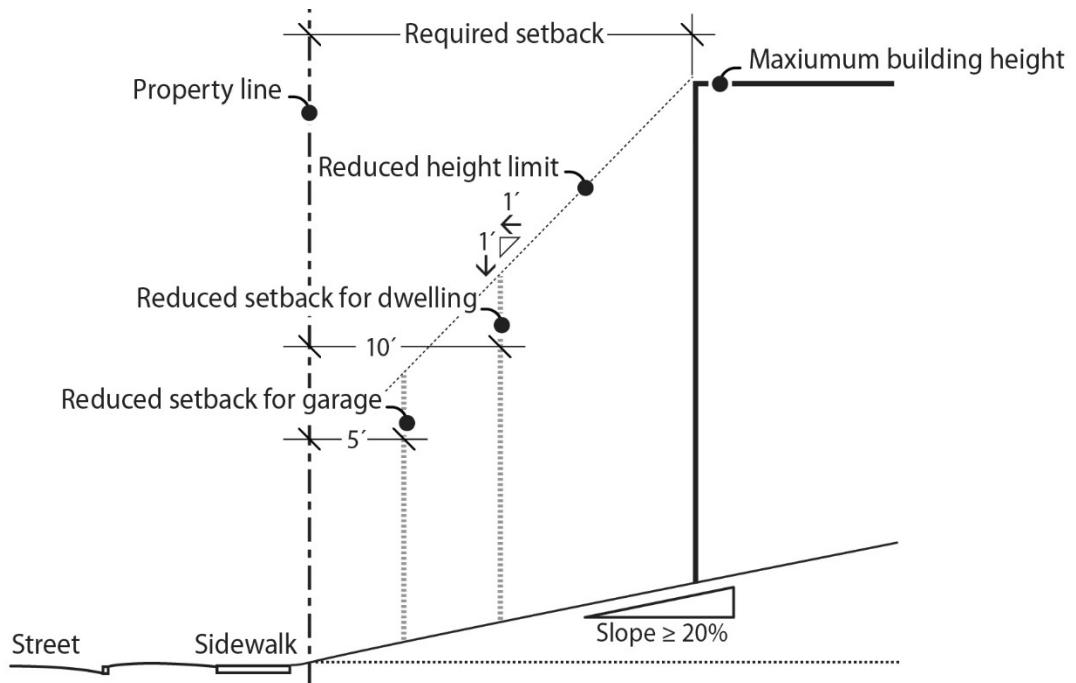
the side or rear property line. See Figure 110-4. This reduced setback applies to alterations that are no higher than the existing nonconforming wall. For example, a second story could not be placed up to the reduced setback line if the existing nonconforming wall is only one story high.

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

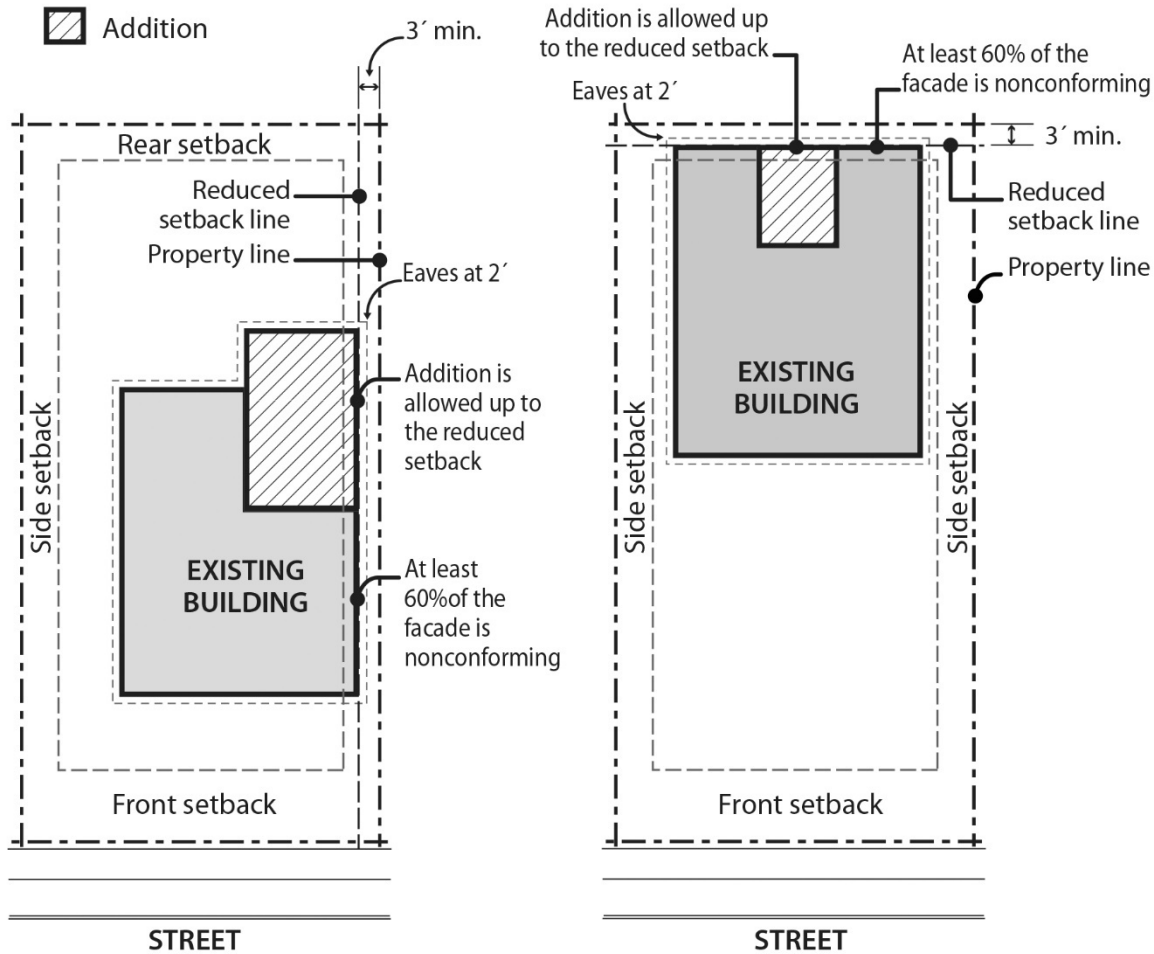
**Figure 110-2**  
**Exceptions To Front Building Setback And Garage Entrance Setback—Downhill**



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



**Figure 110-4**  
**Established Building Lines**



**33.110.225 Building Coverage**

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

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

**33.110.227 Trees**

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

**33.110.230 Main Entrances**

**A. Purpose.** These standards:

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

**B. Where these standards apply.**

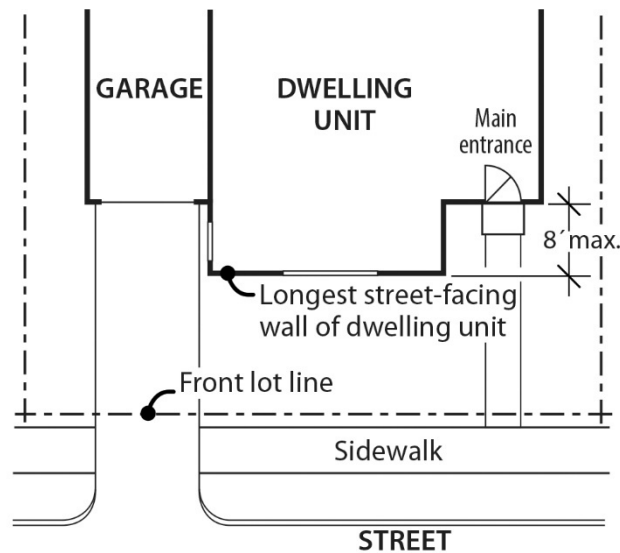
1. The standards of this section apply to all residential structure types in the R10 through R2.5 zones except accessory dwelling units-in;
2. Where a proposal is for an alteration or addition to existing development, the standards of this section apply only to the portion being altered or added;
3.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

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

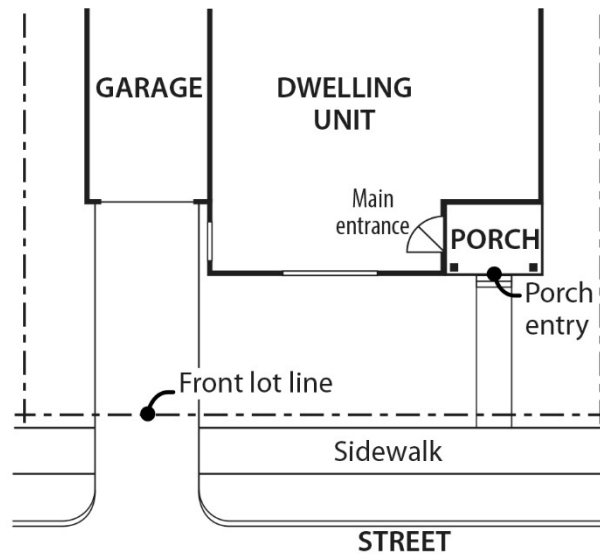
1. Be within 8 feet of the longest street-facing wall of the dwelling unit; and

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

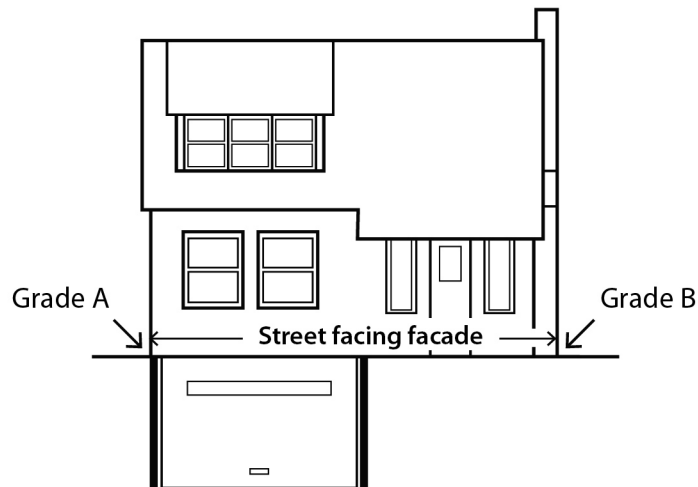
**Figure 110-5**  
**Main Entrance Facing the Street**



**Figure 110-6**  
**Main Entrance Opening onto a Porch**



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



### 33.110.235 Street-Facing Facades

**A. Purpose.** The standards:

- Work with the main entrance and garage standards to ensure that there is a visual connection between the living area of the residence and the street;
- Enhance public safety by allowing people to survey their neighborhood from inside their residences; and
- Provide a pleasant pedestrian environment along the street by preventing large expanses of blank facades and 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 facade;
3. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from this standard; and
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from these standards.

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

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

**33.110.240 Required Outdoor Areas**

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

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

**C. Requirements.**

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



### **33.110.245 Detached and Connected Accessory Structures**

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

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

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

coverage of the smallest primary structure, or 900 square feet, whichever is greater.

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

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

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

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

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

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

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

### **33.110.250 Additional Development Standards for Garages**

**A. Purpose. These standards:**

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

**B. Existing detached garages.**

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

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

2. Additions. An addition may be made to an existing or rebuilt detached garage that is nonconforming due to its location in a setback as follows:

- a. The expanded garage complies with all other standards of this chapter; or
- b. The combined size of the existing foundation and the addition is no larger than 12 feet wide by 20 feet deep. In this case, the garage may be no more than 15 feet high, and the walls of the addition may be no more than 10 feet high, excluding the portion of the wall within a gable. Decks are not allowed on the roof of the garage. The expanded garage is not required to comply with other standards of this chapter.

**C. Length of street-facing garage wall.**

1. Where these regulations apply. Unless exempted by Paragraph C.2, the regulations of this subsection apply to garages in the R10 through R2.5 zones.

2. Exemptions.

- a. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more-are exempt from the standards of this subsection.
- b. Subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.
- c. On corner lots, only the street-facing garage wall that contains the garage door must meet the standards of this subsection.

3. Standards.

- a. Garages that are accessory to houses. For garages that are accessory to houses and manufactured homes, the length of the-garage wall facing the street may be up to 50 percent of the length of the-street-facing building-façade. See Figure 110-8. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that façade.
- b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses:
  - (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. See Figure 110-8. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies to the total length of the street-facing facades; and
  - (2) When the attached house structure is made up of more than three attached houses and at least one attached house is less than 22 feet wide, at least 50 percent of the total length of the street-facing facades must be without

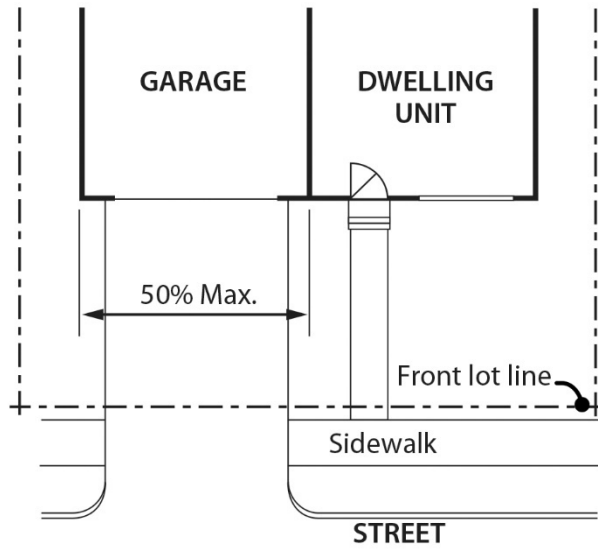
garage, and the 50 percent length without garage must be contiguous. See Figure 110-9.

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

**D. Street lot line setbacks.**

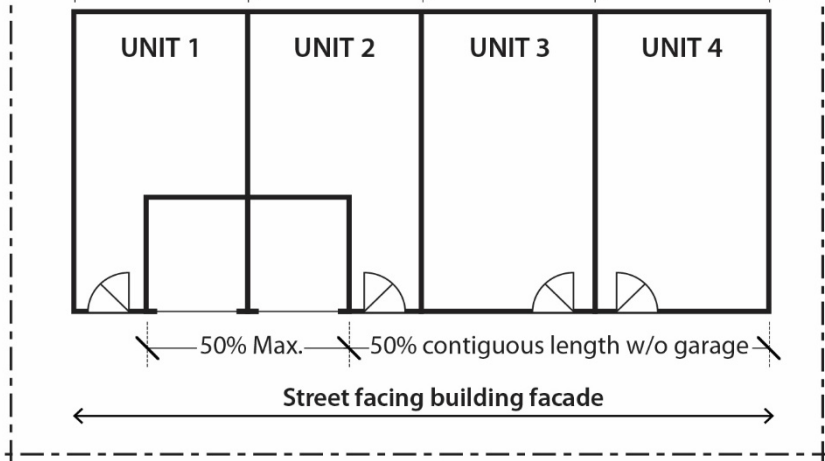
1. Where this standard applies. The standard of this paragraph applies to garages in the R10 through R2.5 zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
  - a. Development on flag lots or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

**Figure 110-8**  
**Length of Street-Facing Garage Wall**

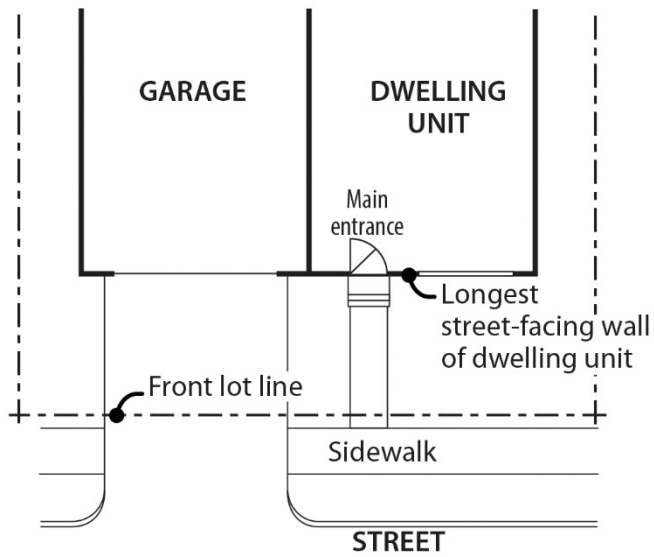




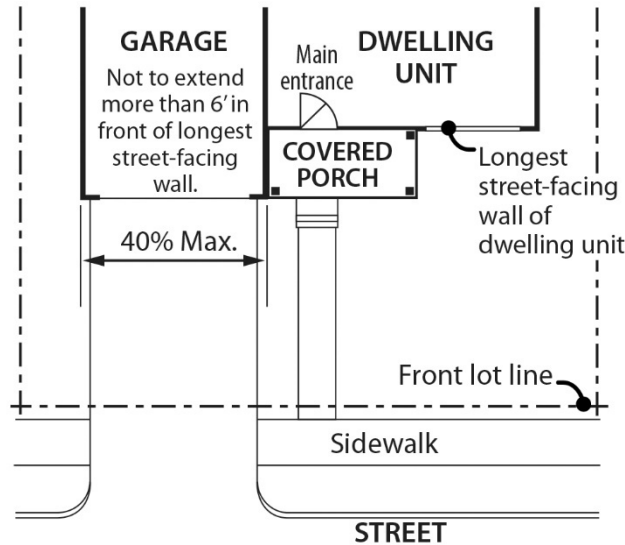
**Figure 110-9**  
**Combined Length of Street-Facing Garage Wall**



**Figure 110-10**  
**Street Lot Line Setback**



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



**33.110.255 Additional Development Standards for Flag Lots**

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

**B. Flag lot standards.**

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

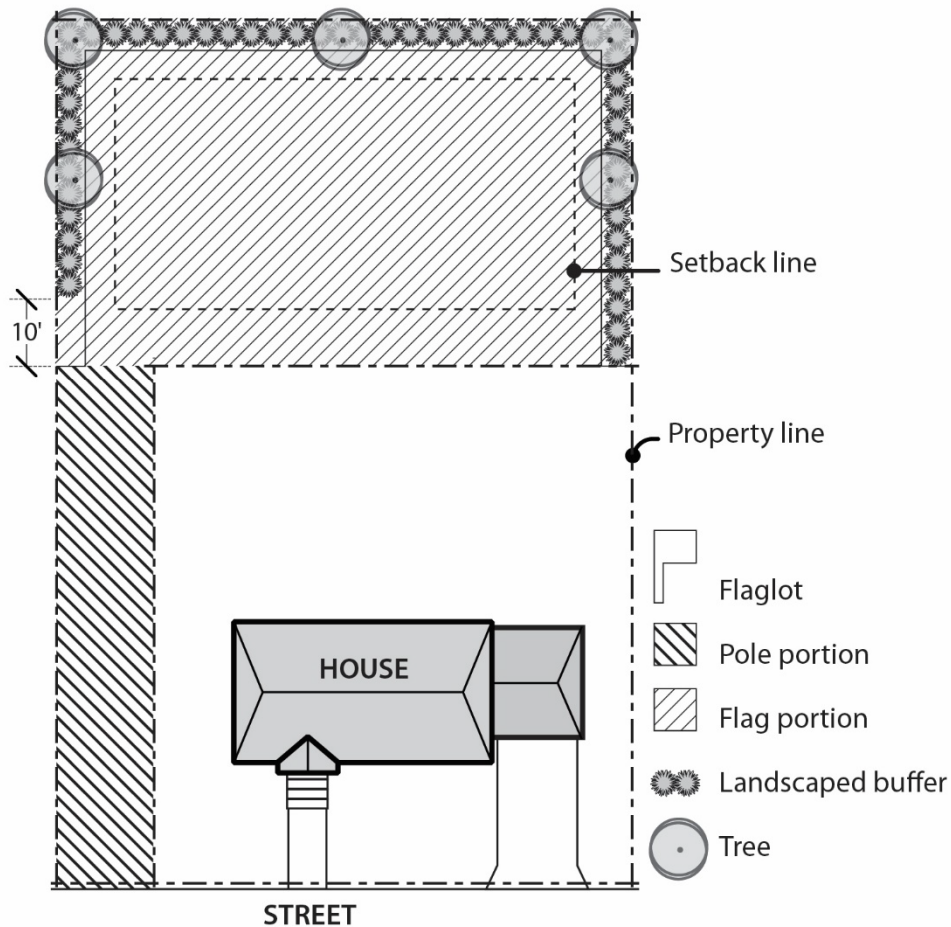
- a. Setbacks. Large flag lots have required building setbacks that are the same along all lot lines. The required setbacks are:

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

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

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

**Figure 110-12**  
**Flag Lot Description and Buffer**



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

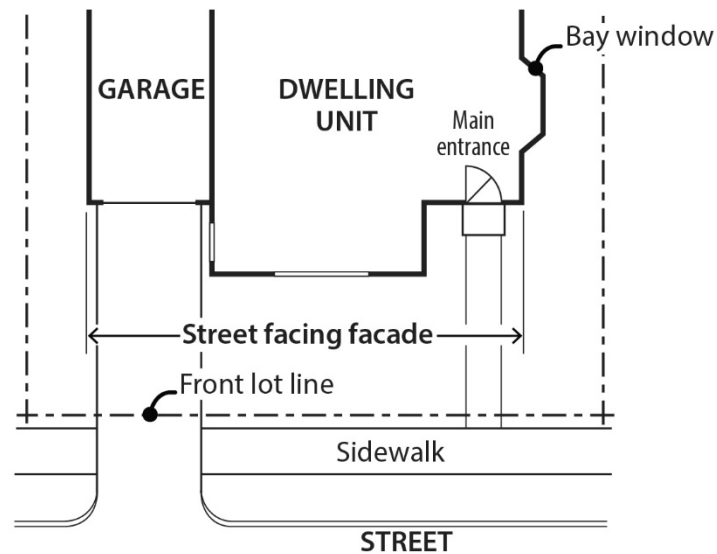
### **33.110.260 Additional Development Standards for Narrow Lots**

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

**C. Standards.**

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

**Figure 110-13  
Width of Street-Facing Facade**



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

### 33.110.265 Residential infill options

- A. Purpose.** The residential infill options allow for a variety of residential housing types in a manner that maintains the overall character of single-dwelling neighborhoods. These options have several public benefits:
- They promote housing types that accommodate households of varying sizes and income levels;
  - They promote energy-efficient development;
  - They provide for a more efficient use of residential land; and
  - They promote better site layout and opportunities for private recreational areas.
- B. General requirements for all residential infill options.** The residential infill options listed in this section are allowed by right unless specifically stated otherwise. The project must comply with the applicable development standards of this section. The project must also conform with all other development standards of the base zone unless those standards are superseded by the standards in this section.
- C. Attached housing.** Attached housing allows for more efficient use of land and for energy-conserving housing. Attached houses are allowed in the R20 through R2.5 zones as follows:
1. Lot dimensions. Attached houses are allowed on lots that comply with 33.110.202, When Primary Structures are Allowed.
  2. Number of attached houses.
    - a. In the R20 through R5 zones up to four attached houses may have a common wall. Structures made up of five or more attached houses are prohibited unless approved as a Planned Development.
    - b. In the R2.5 zones, up to eight attached houses may have common walls. Structures made up of nine or more attached houses are prohibited.
  3. Building setbacks. The required building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
  4. Alternative building coverage calculation. For attached houses, the maximum building coverage of the base zone may be calculated, combined, and shared among the attached house lots. However, no lot can exceed 5 percent more than the base zone maximum allows for that lot.
  5. Floor area. The maximum floor area ratio allowed may be based on the total number of dwelling units in the attached house project. The maximum floor area ratio may be calculated, combined, and shared among the attached house lots. However, no lot can exceed .05 more than the base zone maximum allows for the site.
- D. Duplexes.**
1. Duplexes consisting of two primary dwelling units in one structure are allowed on lots in the R20 through R2.5 zones.

2. Duplexes consisting of two detached primary dwelling units are allowed on lots in the R20 through R2.5 zones, and must meet the following standards. Adjustments are prohibited:
  - a. Existing dwelling unit. The lot must contain a primary dwelling unit that received final inspection at least 5 years ago.
  - b. Maximum height. The maximum height allowed for the dwelling unit that is not the existing primary dwelling unit is 25 feet.

**E. Triplexes and fourplexes.** Triplexes and fourplexes that meet the following standards are allowed in the R20 through R2.5 zones. Triplexes and fourplexes are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots 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.

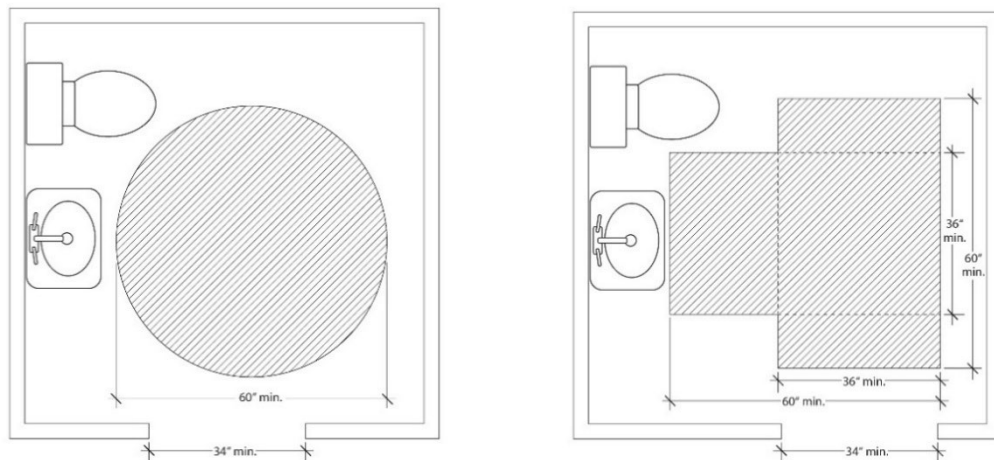
1. Density. Up to a maximum of four dwelling units are allowed.
2. Minimum lot area. Lots for triplexes and fourplexes must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.

<b>Table 110-7 Triplex and Fourplex Minimum Lot Area Standard</b>	
<b>Zone</b>	<b>Minimum Lot Area</b>
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,500 sq. ft.

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

- (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
  - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
  - (3) Conversion of an existing residential structure to a triplex or fourplex.

**Figure 110-14**  
**Visitable Bathroom Clearances**



- F. Affordable fourplexes and multi-dwelling structures.** Fourplexes and multi-dwelling structures with no more than six dwelling units are allowed in the R20 through R2.5 zones when the following standards are met. Fourplexes and multi-dwelling structures are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots 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.



1. Density. A maximum of six dwelling units are allowed. More than six dwelling units are prohibited.
2. Affordability. 50 percent of the total number of dwelling units on the site must be affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. The applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement of this option and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development but is not required in order to apply for a land use review. Adjustments are prohibited.
3. Minimum lot area. Lots for affordable fourplexes and multi-dwelling structures must meet the minimum lot area requirement shown in Table 110-7. Adjustments are prohibited.
4. Maximum FAR. The maximum FAR is 1.2 to 1. Adjustments are prohibited.
5. Maximum Height. The maximum height is 35 feet. Adjustments are prohibited.
6. Building Coverage.
  - a. Generally. The maximum building coverage allowed is stated in 33.110.225.
  - b. Exception. The maximum building coverage allowed per lot is 60 percent. In this case, the maximum height allowed is reduced to 25 feet. Adjustments are prohibited.
7. Required outdoor area.
  - a. Generally. Outdoor area is required as stated in 33.110.240.
  - b. Exception. At least 48 square feet of outdoor area must be provided per dwelling unit. Each outdoor area must be designed so that a 4-foot x 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard. If the area is at ground level, it may extend into the entire required side and rear setback. The requirements of 33.110.240.C continue to apply. Adjustments are prohibited.
8. Visitability.
  - a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
    - Promote a diverse supply of more physically accessible housing;
    - Allow people of all ages and abilities to easily enter and visit the residence;
    - Foster community interaction by reducing barriers that can lead to social isolation; and
    - Enhance public safety for all residents and visitors.

- b. Visitable unit standard. Unless exempted by Subparagraph F.6.c., at least two dwelling units on the lot must meet all of the following visitability standards:
  - (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- c. Exemptions. The following are exempt from the standards of this Paragraph:
  - (1) Lots with an average slope of 20 percent or greater;
  - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
  - (3) Conversion of an existing residential structure to a fourplex or multi-dwelling structure.
- 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. Minimum site dimensions.
    - a. Minimum site area.
      - (1) R10 and R7. In the R10 and R7 zones, cottage cluster sites must be at least 7,000 square feet in area.
      - (2) R5 and R2.5. In the R5 and R2.5 zones, cottages clusters sites must be at least 5,000 square feet in area.

- b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
- 2. Maximum area. Cottage cluster sites must not be greater than one acre.
- 3. Minimum density. The minimum number of dwelling units required is 3 or the minimum number stated in Table 110-8 whichever is greater.

<b>Table 110-8 Cottage Cluster Minimum Density</b>				
	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>R2.5</b>
Minimum density	1 unit per 12,500 sq. ft. of site area	1 unit per 8,750 sq. ft. of site area	1 unit per 6,250 sq. ft. of site area	1 unit per 3,125 sq. ft. of site area

- 4. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16.
- 5. Floor area. Cottage clusters are exempt from 33.110.210, Floor Area Ratio. However, the maximum average floor area for the cottage cluster site is 1,400 square feet per dwelling unit, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached or connected accessory structure is 400 square feet.
- 6. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that received final inspection at least 5 years ago that exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached and connected accessory structures are stated in 33.110.245, Detached and Connected Accessory Structures.
- 7. Separation. Dwelling units within the cottage cluster site must be separated by at least 6 feet.
- 8. Building coverage. Cottage clusters are exempt from 33.110.225. Building Coverage. The following building coverage standards apply:
  - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
  - b. The building coverage of a detached or connected covered accessory structure may not be greater than the building coverage of the smallest primary structure.
- 9. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.110.240:
  - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet, or 200

- square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet.
- b. Each common outdoor area:
    - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
    - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
    - (3) Must be located outside the required front setback.
  - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the 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.
  - 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.
10. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.110.230. All other dwellings units are exempt from 33.110.230 but must meet the following dwelling unit orientation standards:
- a. At least 50 percent of the dwelling units that are exempt from 33.110.230 must:
    - (1) Have at least one main entrance facing a common outdoor area; and
    - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.
  - b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.
11. Windows. Cottage clusters are exempt from 33.110.235.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street, pedestrian connection or common outdoor area. 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.

12. Pedestrian connections.

- a. A pedestrian connection system is required that connects the main entrances of all of the dwelling units on the site to the street and to common outdoor areas. Sidewalks within the right-of-way can be included as part of the pedestrian connection system.
- b. The pedestrian connection system must be hard surfaced and must be at least 3 feet wide for sites with 3 or 4 dwelling units and 4 feet wide for sites with 5 or more dwelling units.

13. Visitability.

- a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
  - Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standard. Unless exempted by Subparagraph G.13.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
  - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift;
  - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift; and
  - (4) VISIBLE doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide.
- c. Exemption. The following are exempt from this Paragraph:
  - (1) Lots with an average slope of 20 percent or greater are exempt; and

- (2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

**H. Planned development.** See Chapter 33.270, Planned Developments.

### **33.110.270 Institutional Development Standards**

**A. Purpose.** The general base zone development standards are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in single-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

**B. Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**C. The standards.**

1. The development standards are stated in Table 110-9. If not addressed in this section, the regular base zone development standards apply.
2. Setbacks on a transit street or in a Pedestrian District.
  - a. Purpose. The purpose of these regulations is to reduce reliance on the automobile and encourage pedestrians and transit riders by ensuring safe and convenient pedestrian access to buildings.
  - b. Building setbacks on a transit street or in a Pedestrian District. Buildings on a transit street or in a Pedestrian District must meet the provisions of 33.120.220.C.
  - c. Conflicts.
    - (1) If the depth of the minimum building setback or buffering standards conflicts with the maximum building setback standard, the depth of the maximum building setback standard supersedes the depth of the minimum building setback and buffering standards.
    - (2) If the depth of the minimum setback standard for detached accessory structures conflicts with the depth of the minimum buffering standard, the depth of the minimum buffering standard supersedes the depth of the minimum setback standard for detached accessory structures.
  - d. Exception. Development that is not subject to conditional use review under Section 33.815.040 is exempt from the maximum transit street setback requirement.

3. Exterior storage. Exterior storage of materials or equipment is prohibited.
4. Outdoor activity facilities. Except as specified in paragraph C.5. below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.
5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
6. Mechanical equipment. Mechanical equipment located on the ground, such as heating or cooling equipment, pumps, or generators must be screened from the street and any abutting residential zones by walls, fences, or vegetation. Screening must comply with at least the L2 or F2 standards of Chapter 33.248, Landscaping and Screening, and be tall enough to screen the equipment. Mechanical equipment placed on roofs must be screened in one of the following ways, if the equipment is within 50 feet of an abutting R zoned lot:
  - a. A parapet along facades facing the R zone that is as tall as the tallest part of the equipment;
  - b. A screen around the equipment that is as tall as the tallest part of the equipment; or
  - c. The equipment is set back from roof edges facing the R zone 3 feet for each foot of height of the equipment.
7. Electrical substations. In addition to the standards in Table 110-9, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
8. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the L3 landscaping standard of Table 110-9 and are exempt from the setback standard of Paragraph 4, above.
9. Garbage and recycling collection areas. All exterior garbage cans. Garbage collection areas, and recycling collection areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with at least the L3 or F2 standards of Chapter 33.248, Landscaping and Screening. See Section 17.102.270, Business and Multifamily Complexes Required to Recycle, of the Portland City Code for additional requirements for recycling areas.
10. Pedestrian standards. The on-site pedestrian circulation system must meet the standards of Section 33.120.255, Pedestrian Standards.

<b>Table 110-9 Institutional Development Standards [1]</b>	
Minimum Site Area for New Uses	10,000 sq. ft.
Maximum Floor Area Ratio [2]	0.5 to 1
Maximum Height [3]	50 ft.
Minimum Building Setbacks [2]	1 ft. back for every 2 ft. of bldg. height, but in no case less than 15 ft.
Maximum Building Setback Transit Street or Pedestrian District [7]	20 ft. or per CU/IMP review
Maximum Building Coverage [2]	50% of site area
Minimum Landscaped Area [2,4]	25% of site area to the L1 standard
Buffering from Abutting Residential Zone [5]	15 ft. to L3 standard
Buffering Across a Street from a Residential Zone [5]	15 ft. to L1 standard
Setbacks for All Detached Accessory Structures Except Fences [6]	10 ft.
Parking and Loading	See Chapter 33.266
Signs	See Title 32, Signs and Related Regulations

Notes:

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

[2] For campus-type developments, the entire campus is treated as one site. Setbacks are only measured from the perimeter of the site. The setbacks in this table only supersede the setbacks required in Table 110-4

3. The normal regulations for projections into setbacks and for detached accessory structures still apply.

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

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

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

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

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

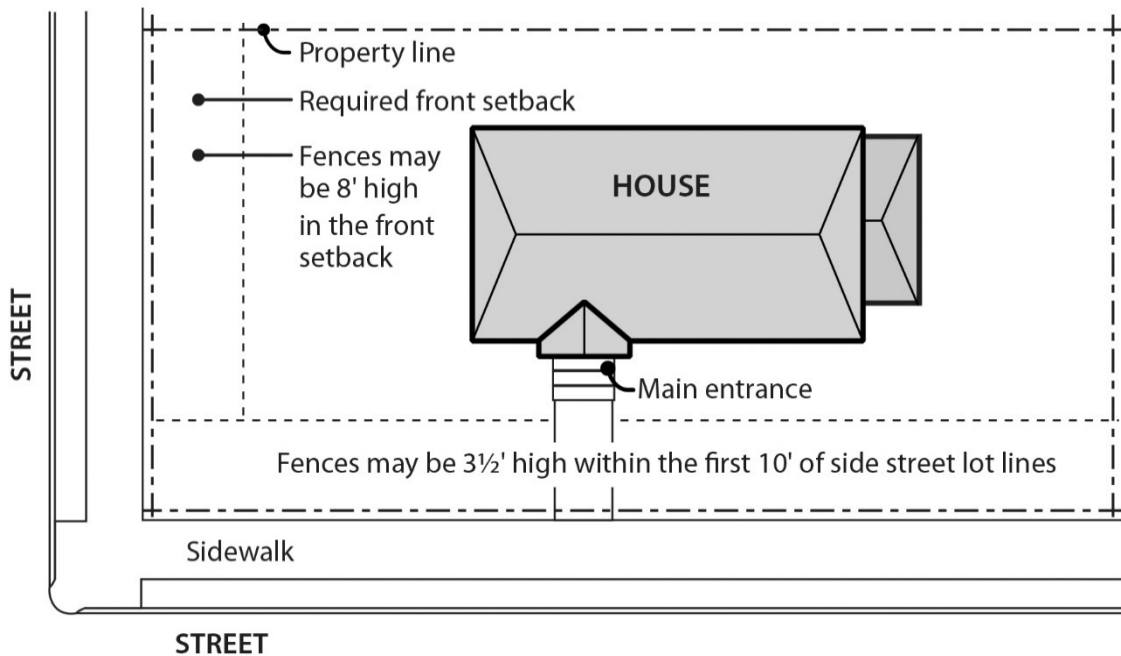
**33.110.275 Fences**

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.



- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and height.**
1. Front building setbacks. Fences up to 3-1/2 feet high are allowed in required front building setbacks, or between the front lot line and the front building line of the primary structure, whichever is less.
  2. Side and rear building setbacks.
    - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
    - b. Fences abutting a pedestrian connection.
      - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
      - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
  3. Exceptions for corner lots. On corner lots, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1 and C.2. See Figure 110-15.
    - a. Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.
    - b. Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;
    - c. Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3\_a.
    - d. Fences up to 8 feet high are allowed in all other side or rear building setbacks.
  4. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

**Figure 110-15**  
**Fence Height Option on Corner Lots**



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

### 33.110.280 Retaining Walls

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

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

**C. Standards.**

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

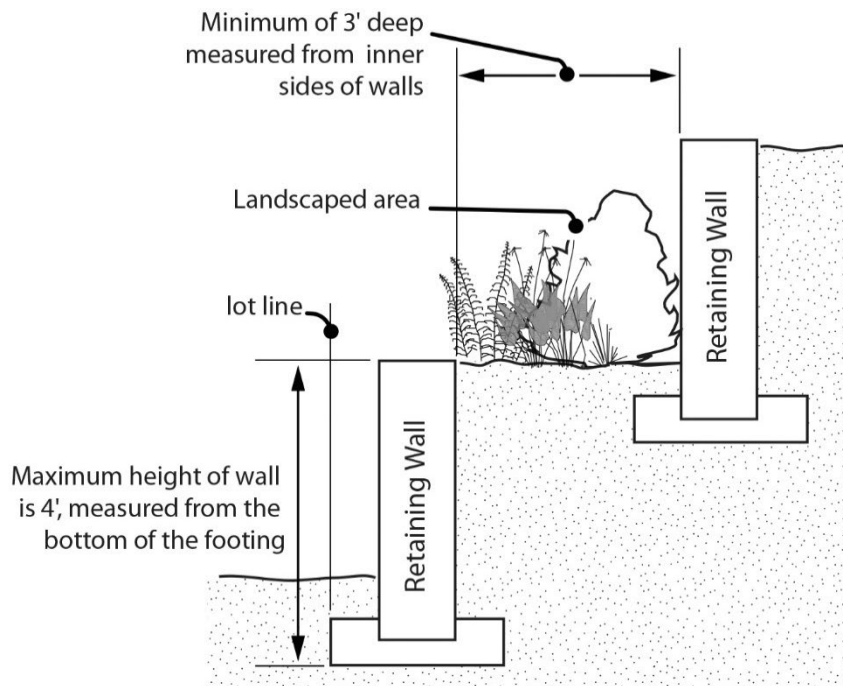
**33.110.285 Demolitions**

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

**33.110.290 Nonconforming Development**

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

**Figure 110-16  
Retaining Walls**



### **33.110.292 Parking and Loading**

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

### **33.110.295 Signs**

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

### **33.110.296 Recycling Areas**

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

---

*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/9/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177643, effective 7/10/03; Ord. No. 177701, effective 8/30/03; Ord. No. 177975, effective 11/14/03; Ord. No. 178045, effective 12/10/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179092, effective 4/1/05; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15. Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190093, effective 9/11/20 and 8/1/2021; Ord. No. 190380, effective 4/30/21 and 8/1/2021; Ord. No. 190851, effective 6/30/22.)*

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

### **Development Standards**

#### **33.120.200 Housing Types Allowed**

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

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

Yes = allowed; No = prohibited.

Notes:

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

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

### 33.120.205 Development on Lots and Lots of Record

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

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

### **33.120.206 Minimum Required Site Frontage for Development**

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

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

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



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

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

Notes:

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

### 33.120.210 Floor Area Ratio

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

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

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

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

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

### **33.120.211 Floor Area Bonus Options**

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

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

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

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

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

**C. Bonus options.**

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

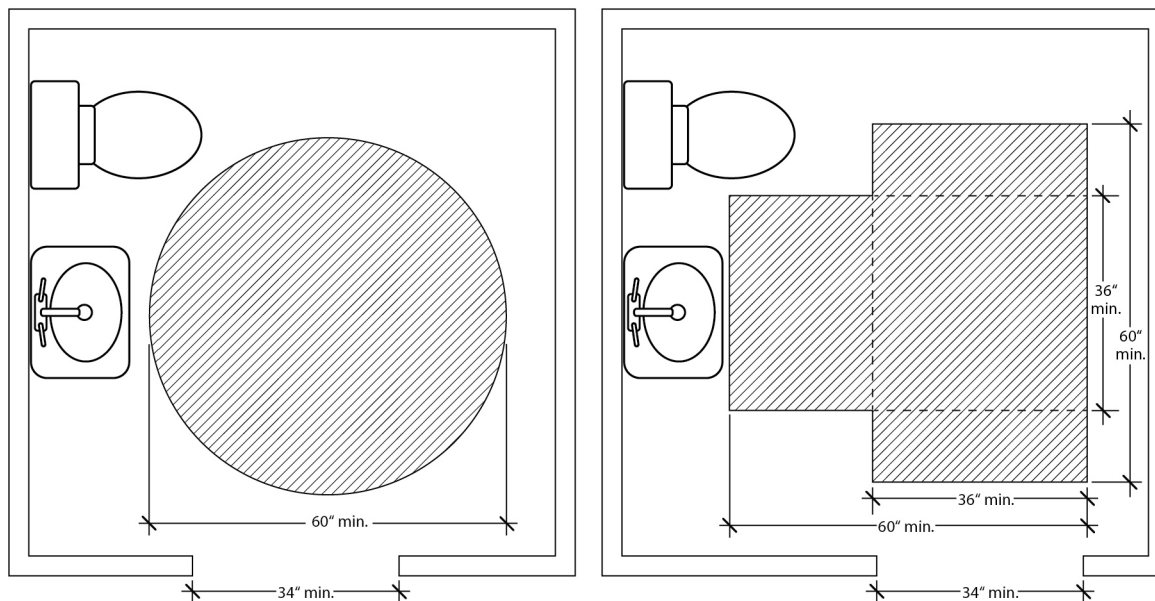
- (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund and determines the fee. PHB determines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

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

### 33.120.212 Maximum Density

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

**Figure 120-1**  
**Visitable Bathroom Clearances**



### 33.120.213 Minimum Density

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



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

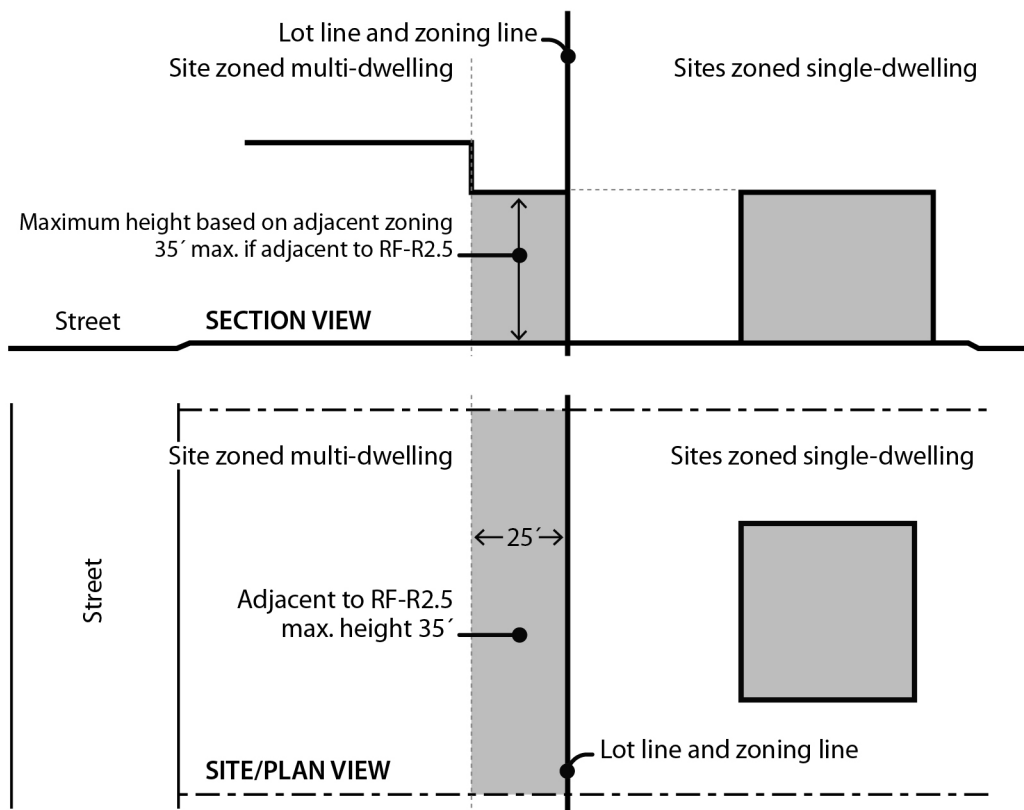
<b>Table 120-6 Reduction in Minimum Residential Density from Tree Preservation</b>		
<b>Required Minimum Residential Density</b>	<b>No. of 12-Inch Trees To Be Preserved</b>	<b>Reduction of Minimum Residential Density</b>
Up to 7 units	1	1
8-12 units	1	1
	2 or more	2
13-17 units	1	1
	2	2
	3 or more	3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

**33.120.215 Height**

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

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

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



**C. Exceptions to the maximum height.**

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

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

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

### **33.120.220 Setbacks**

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

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

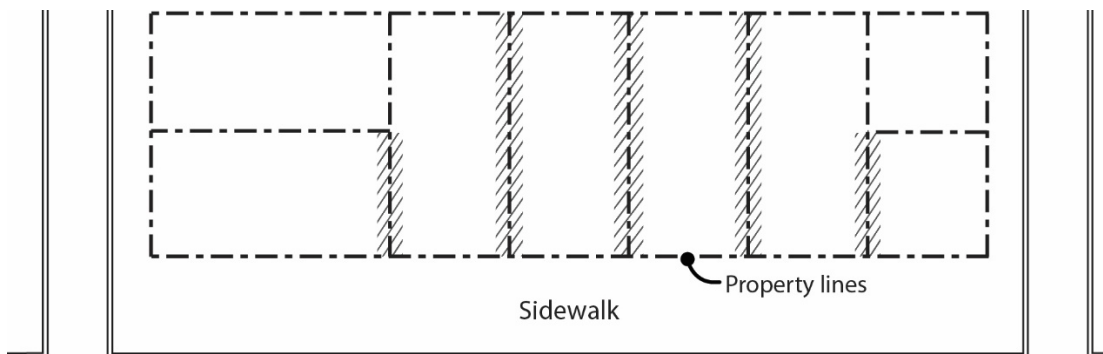
**B. Minimum building setbacks.** The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Setbacks for parking areas are in Chapter 33.266.

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


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

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

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



**CIVIC OR NEIGHBORHOOD CORRIDOR**

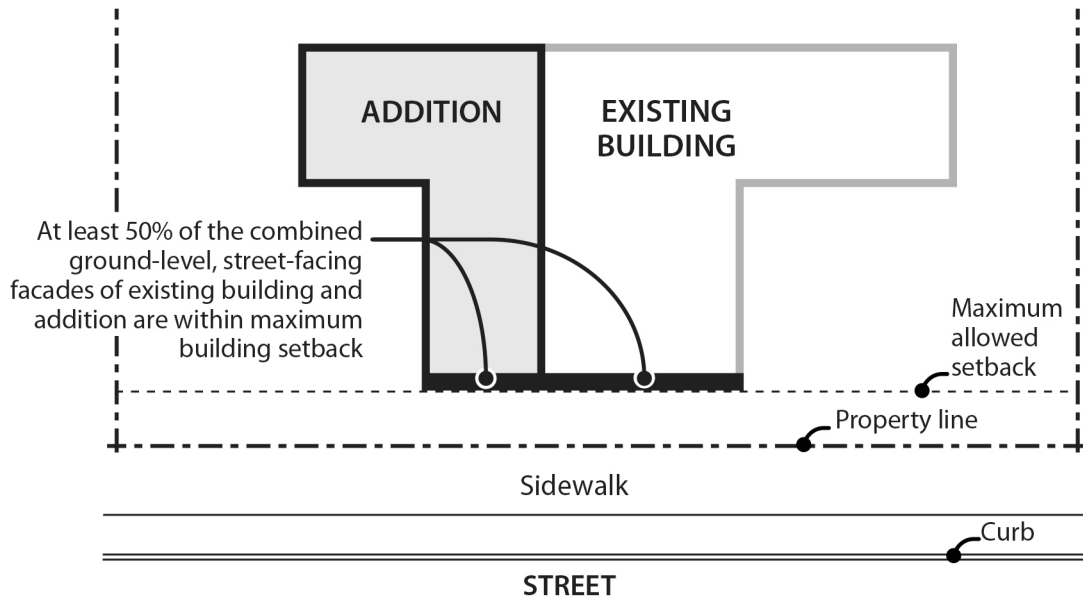
 Locations where no setbacks are required.

**C. Maximum building setbacks.**

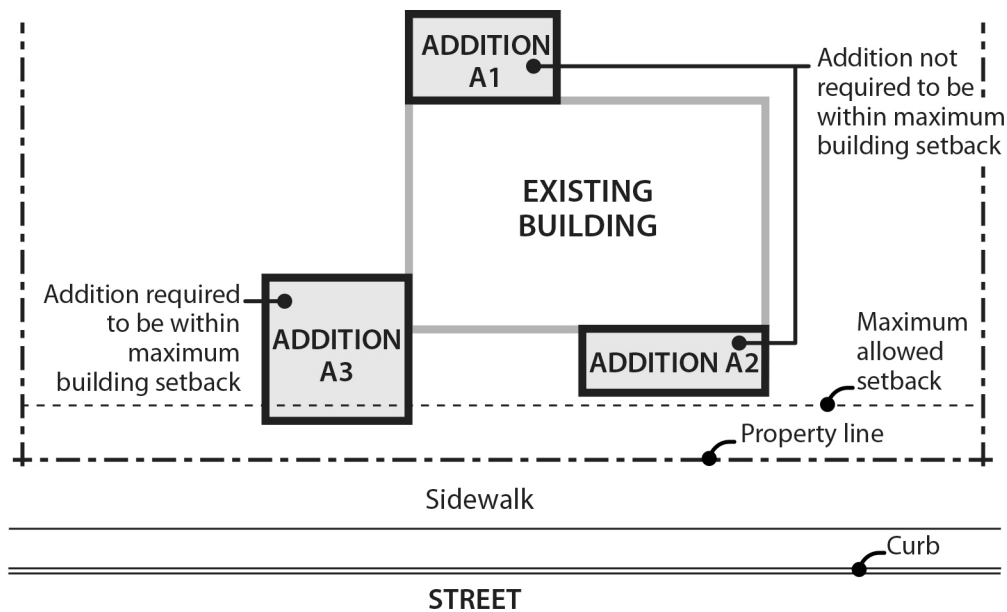
1. Maximum building setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Table 120-3, and apply only to buildings that are enclosed on all sides. The maximum building setbacks on a transit street or in a Pedestrian District are as follows.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

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

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



**Figure 120-5**  
**Alterations to Existing Building**



**Notes:**

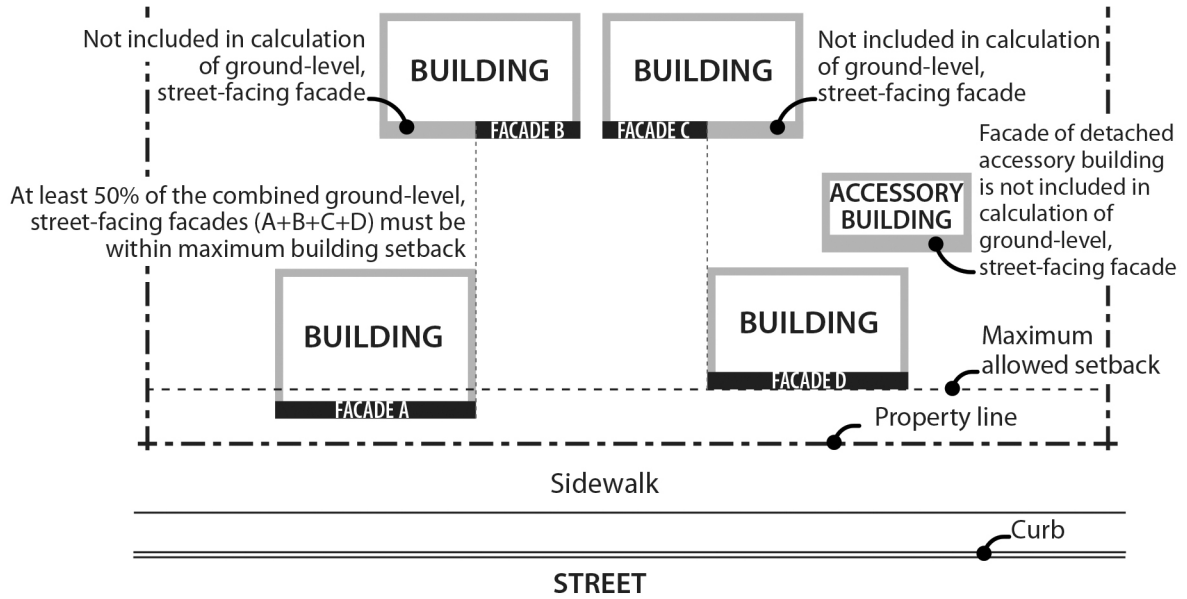
Addition A1. Not subject to maximum setback standard because addition has no street-facing facade.

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

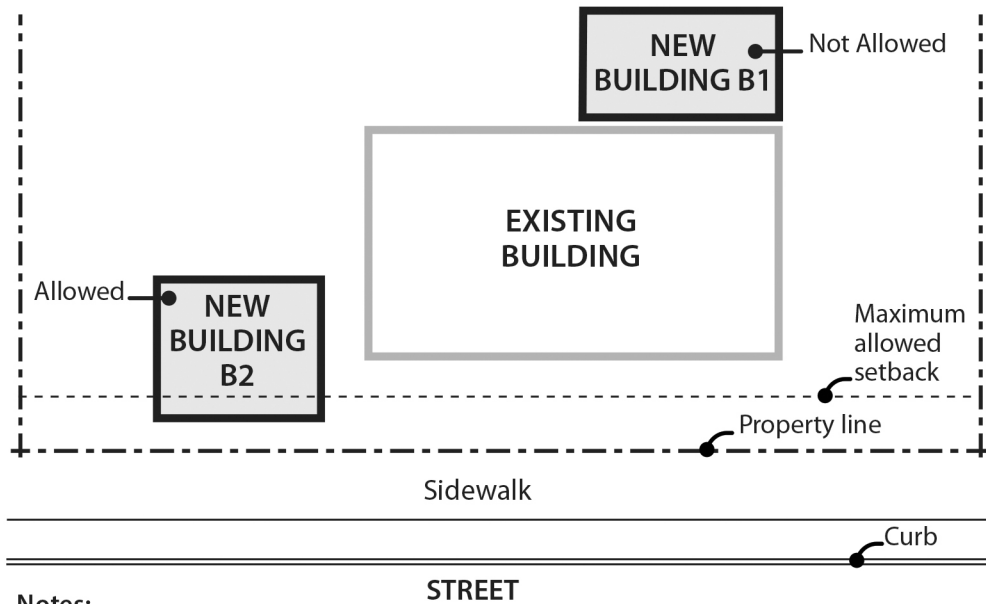
Addition A3. Because addition increases length of street facing facade, 100% of addition facade must be within maximum setback until maximum setback standard for entire building is met.



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



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



**Notes:**

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

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

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

**D. Extensions into required building setbacks.**

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

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

**E. Garage entrance and structured parking setback.**

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

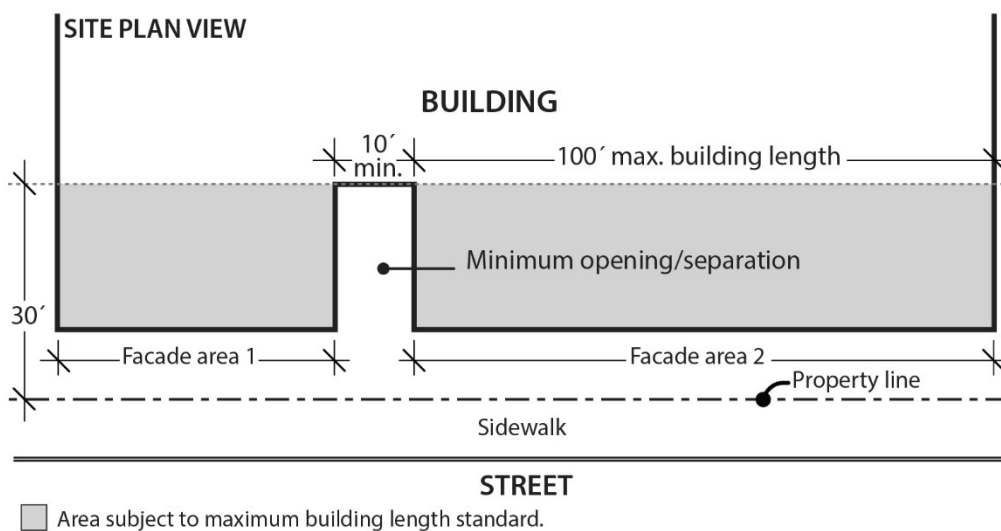
**33.120.225 Building Coverage**

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

### 33.120.230 Building Length and Façade Articulation

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

**Figure 120-8**  
**Maximum Building Length**

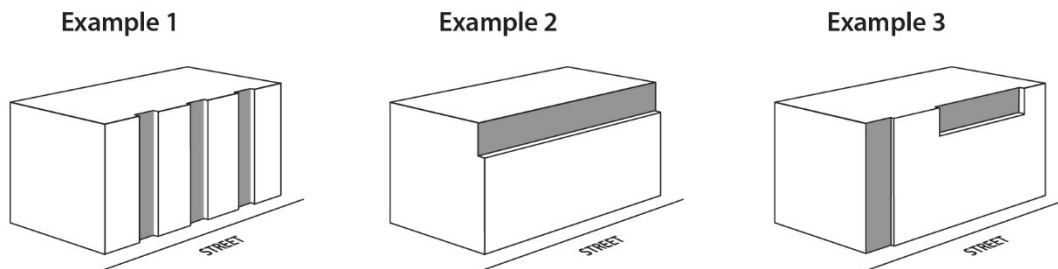


### C. Façade articulation

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

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

**Figure 120-9**  
**Facade Articulation**



### 33.120.231 Main Entrances

**A. Purpose.** The main entrance standards:

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

**B. Where these standards apply.**

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

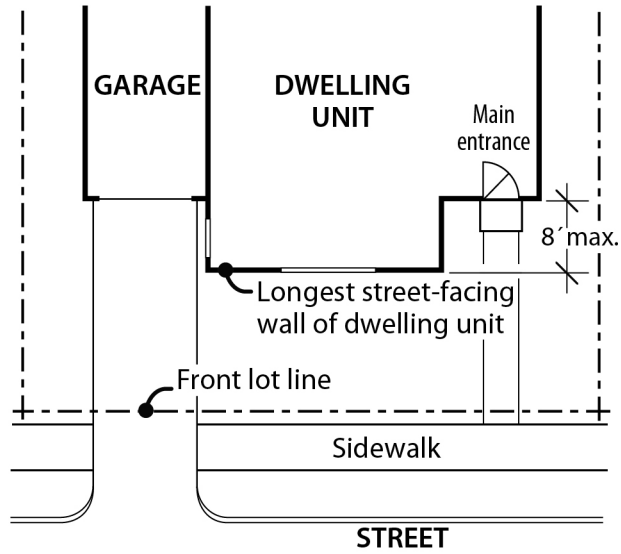
4. Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
6.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

**C. Main entrance.**

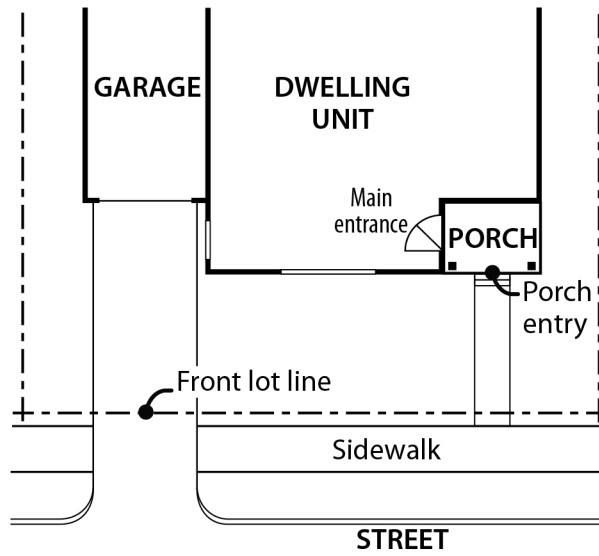
1. Standard. At least one main entrance for each structure must:
  - a. Be within 8 feet of the longest street-facing wall of the structure; and
  - b. Either:
    - (1) Face the street. See Figure 120-10;
    - (2) Be at an angle of up to 45 degrees from the street; or
    - (3) Open onto a porch. See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

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

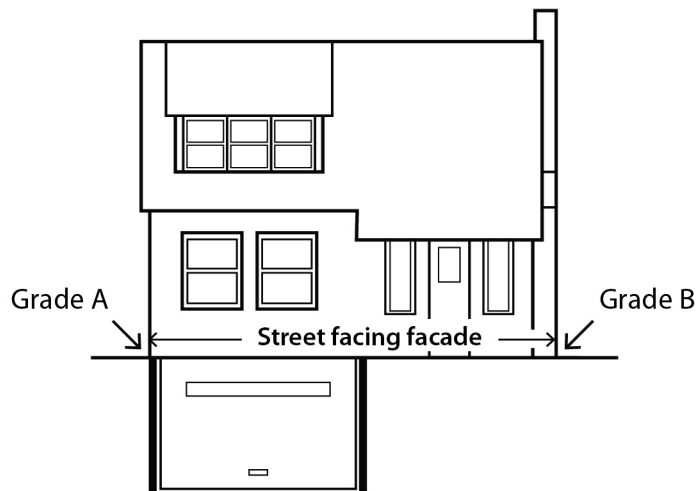
**Figure 120-10**  
**Main Entrance Facing the Street**



**Figure 120-11**  
**Main Entrance Opening Onto a Porch**



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



### 33.120.232 Street-Facing Facades

**A. Purpose.** The standards:

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

**B. Where these standards apply.**

1. The standards of this section apply to the street-facing facades of 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.
3. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more, is exempt from these standards.
4. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Subsection C.
5. For structures subject to ground floor window standard in Subsection D, windows used to meet the ground floor window standard may also be used to meet the requirements of Subsection C.



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

### 33.120.235 Landscaped Areas

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

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

**C. Additional landscaping standards.**

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

**33.120.237 Trees**

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

**33.120.240 Required Outdoor and Common Areas**

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

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

**C. Size, location and configuration.**

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

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

### 33.120.250 Screening

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

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

### **33.120.255 Pedestrian Standards**

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

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

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

### **33.120.260 Recycling Areas**

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

### 33.120.270 Alternative Development Options

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

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



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

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

- G. Cottage cluster.** Cottage clusters that meet the following standards are allowed in the RM1 zone. 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. Minimum site dimensions.
    - a. Minimum site area. Cottages cluster sites must be at least 5,000 square feet in area.
    - b. Minimum site width. Cottage cluster sites must be at least 36 feet wide. Site width for a cottage cluster is measured as lot width is measured. See 33.930.100.
  2. Maximum area. Cottage cluster sites must not be greater than 40,000 square feet.
  3. Maximum dwelling units. The maximum number of dwelling units allowed on a cottage cluster site is 16.
  4. Floor area. Cottage clusters are exempt from 33.120.210, Floor Area Ratio. However, the maximum average floor area for all dwelling units on the cottage cluster site is 1,400 square feet, including the floor area for attached accessory structures. The applicant may choose to exclude the floor area of any existing dwelling units that received final inspection at least 5 years ago from the average. The maximum floor area allowed for a detached accessory structure is 400 square feet.
  5. Maximum height. The maximum height allowed is 25 feet. Existing dwelling units that that received final inspection at least 5 years ago exceed this maximum height are allowed but the height cannot be increased. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.
  6. Separation. Dwelling units within the cottage cluster site must be separated by 6 feet.
  7. Building coverage. Cottage clusters are exempt from 33.120.225. Building Coverage. The following building coverage standards apply:
    - a. The maximum building coverage allowed for each dwelling unit is 900 square feet and includes attached accessory structures. Existing dwelling units that received final inspection at least 5 years ago that exceed this limit are allowed but the building coverage cannot be increased; and
    - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the smallest primary structure.
  8. Common outdoor area. The following common outdoor area standards apply to cottage clusters. Cottage clusters are exempt from 33.120.240:
    - a. The total amount of common outdoor area required is 150 square feet per dwelling unit if all the dwelling units are separated by at least 10 feet or 200

- square feet per dwelling unit if any of the dwelling units are separated by less than 10 feet.
- b. Each common outdoor area:
    - (1) Must be at least 450 square feet in area. Required pedestrian connections located adjacent to or within a common outdoor area count toward this minimum size;
    - (2) Must measure at least 15 feet in all directions. Required pedestrian connections located adjacent to or within a common outdoor area are included in this minimum width; and
    - (3) Must be located outside the required front setback.
  - c. Each required common outdoor area must be surfaced with landscaping, pavers, decking, or sport court paving to allow the 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.
  - d. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, picnic areas, and open recreational facilities.
9. Dwelling unit orientation. Dwelling units located within 25 feet of a street property line must meet the base zone main entrance standards of 33.120.231, Main Entrances. All other dwellings units are exempt from 33.120.231 but must meet the following dwelling unit orientation standards:
- a. At least 50 percent of the dwelling units that are exempt from 33.120.231 must:
    - (1) Have at least one main entrance facing a common outdoor area; and
    - (2) Be located within 10 feet of the common outdoor area, measured from the closest point of the façade with the main entrance to the nearest edge of the common outdoor area.
  - b. Dwelling units that do not have a main entrance facing the common outdoor area or street must have at least one main entrance facing a pedestrian connection that is connected to the common outdoor area.
10. Windows. Cottage clusters are exempt from 33.120.232.C. However, 15 percent of the area of the façade with the required main entrance must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street, pedestrian connection, or common outdoor area. 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.

11. Visitability.

- a. Purpose. The visitability standard ensures that a baseline of accessible features is provided to accommodate people living in or visiting the residence regardless of age or ability. The standards:
  - Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. VISIBLE unit standard. Unless exempted by Subparagraph G.11.c., at least 33 percent of the dwelling units on the cottage cluster site must meet all of the following visitability standards:
  - (1) VISIBLE entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - (2) VISIBLE bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 110-14. The visible bathroom must be on the same floor as the visible entrance or be accessible from the visible entrance via a ramp, elevator or lift;
  - (3) VISIBLE living area. There must be at least 200 square feet of living area on the same floor as the visible entrance or 200 square feet of living area must be accessible from the visible entrance via a ramp, elevator or lift; and
  - (4) VISIBLE doors. All door openings between and including the visible entrance, visible living area, and the visible bathroom must be at least 34 inches wide.
- c. Exemption. The following are exempt from this Paragraph:
  - (1) Lots with an average slope of 20 percent or greater are exempt; and
  - (2) Lots that are less than 7,000 square feet in area when there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.

**H. Planned Development.** See Chapter 33.270, Planned Development.

**33.120.275 Development Standards for Institutions**

- A. Purpose.** The general base zone development standards in the multi-dwelling zones are designed for residential buildings. Different development standards are needed for

institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.

**B. Use categories to which these standards apply.** Except for Daycare uses, the standards of this section apply to uses in the institutional group of use categories in the multi-dwelling zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

**C. The standards.**

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

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

Notes:

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

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

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

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

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

### 33.120.280 Detached Accessory Structures

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

**B. General standards.**

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

- a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
- b. For a property line adjustment or a lot confirmation, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS approving the property line adjustment or lot confirmation is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
- c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.

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

1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.
  - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
  - b. Detached covered accessory structures are allowed in the side and rear building setbacks, if all of the following are met:
    - (1) The structure is at least 10 feet from a street lot line or no closer to a street line than the closest primary building, whichever distance is greater;
    - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
    - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;

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



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

- d. Detached uncovered vertical structures that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:
  - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
  - (2) The structure's footprint has dimensions that do not exceed 24 feet by 24 feet; and
  - (3) The structure is no more than 10 feet high;
  - (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and
  - (5) The structure does not have a rooftop deck.
- E. **Detached uncovered horizontal structures.** Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures:
  1. Height. In general, the maximum height allowed for detached uncovered horizontal structures is the maximum height of the base zone. The maximum height allowed for detached uncovered horizontal structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.
  2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to the required building setbacks:
    - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
    - b. Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks.
- F. **Detached mechanical equipment.** Mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to the building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:
  1. Height. In general, the maximum height allowed for detached mechanical equipment is the maximum height of the base zone. The maximum height allowed for detached mechanical equipment that is accessory to a house, attached house, duplex, attached duplex or manufactured home on an individual lot is 20 feet.

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

### **33.120.283 Additional Development Standards for Structured Parking and Garages**

#### **A. Purpose.** These standards:

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

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

#### **C. Existing detached garages.**

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

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

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

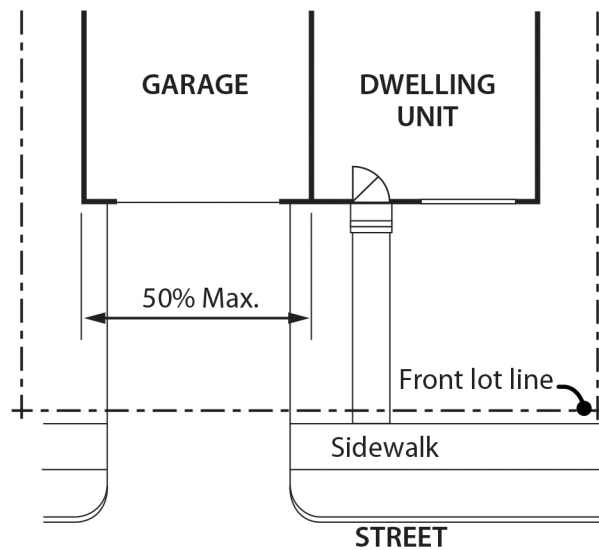
- (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building façade. See Figure 120-12. When all the units are 22 feet wide or wider, the standard applies to the street-facing façade of each unit. In all other situations, the standard applies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

**E. Street lot line setbacks.**

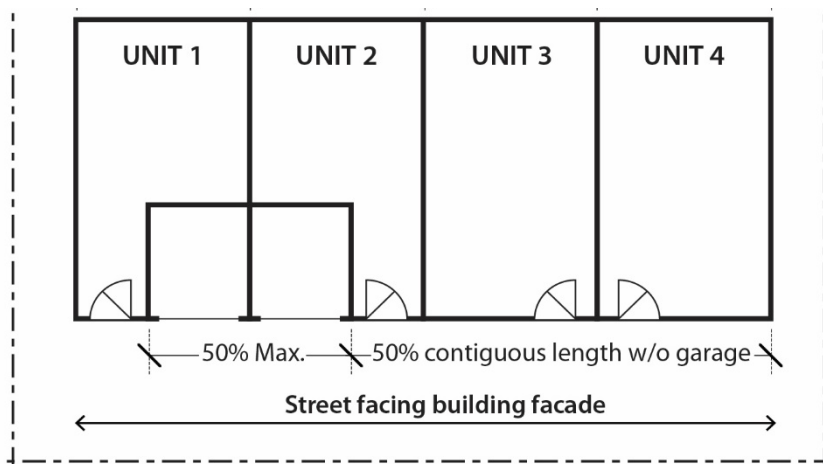
1. Where this standard applies. The standard of this paragraph applies to structured parking and garages in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
  - a. Development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

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

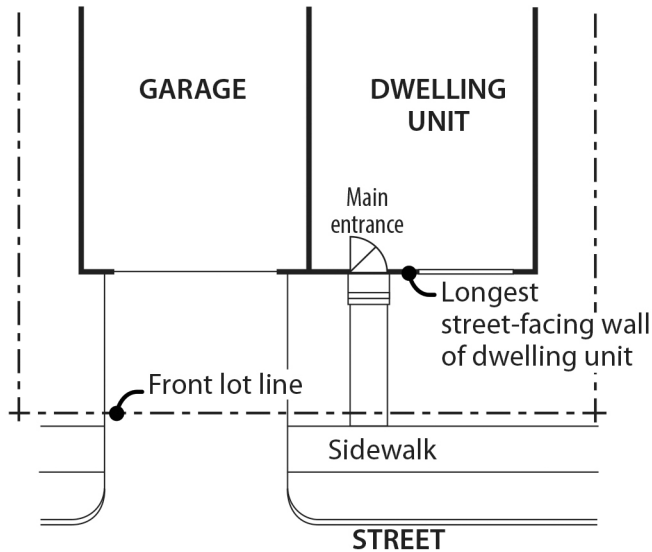
**Figure 120-13**  
**Length of Street-Facing Garage Wall**



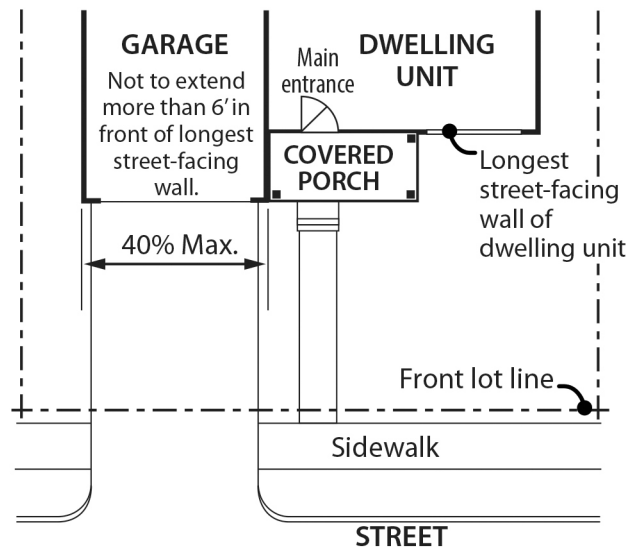
**Figure 120-14**  
**Combined Length of Street-Facing Garage Wall**



**Figure 120-15**  
**Street Lot Line Setback**



**Figure 120-16**  
**Garage Front Setback Exception**



**33.120.284 Additional Development Standards for Flag Lots**

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

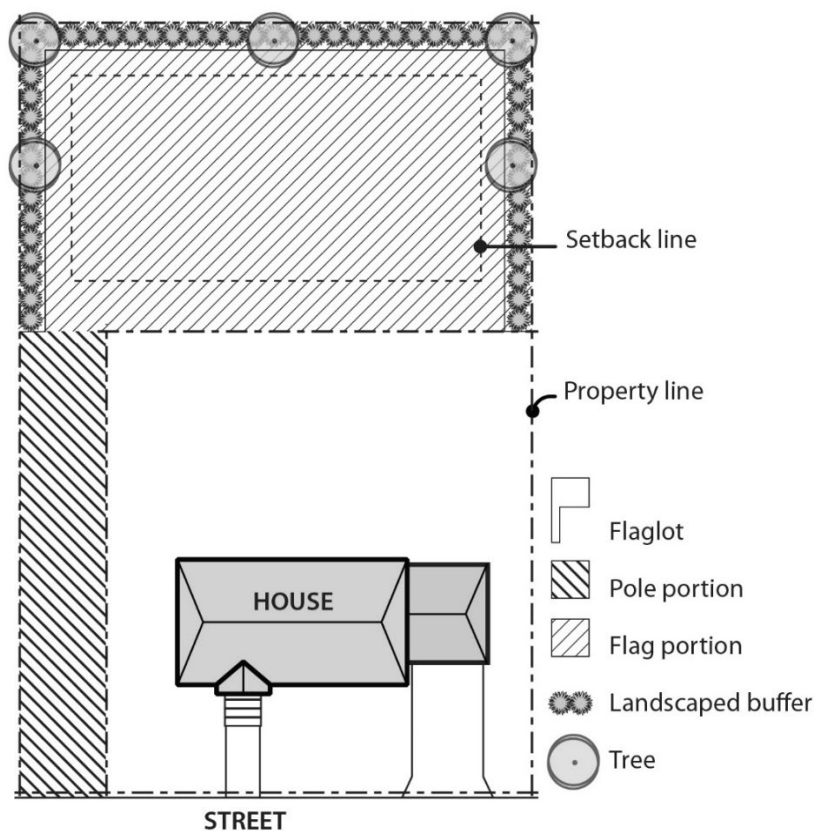
**C. Standards.**

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

Zone	Setback
RM1, RM2, RM3, RM4	10 feet

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

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



**33.120.285 Fences**

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



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

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

**C. Location and height.**

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

2. All other development. The following fence location and height standards apply to development that is not a house, attached house, manufactured home, duplex or attached duplex:
  - a. Front building setbacks. Fences up to 3-1/2 feet high are allowed in a required front building setback, or within the first 5 feet of the front lot line, whichever is greater.
  - b. Side and rear building setbacks.
    - (1) Fences up to 3-1/2 feet high are allowed in required side building setbacks that abut a street.
    - (2) Fences abutting a pedestrian connection.
      - Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
      - Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
    - (3) Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a street or a pedestrian connection.
  - c. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

### **33.120.290 Demolitions**

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

### **33.120.300 Nonconforming Development**

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

### **33.120.305 Parking and Loading**

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

### **33.120.310 Signs**

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

### **33.120.320 Inclusionary Housing**

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

### **33.120.330 Street and Pedestrian Connections**

#### **A. Large site pedestrian connectivity.**

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

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

---

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

*effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176193, effective 2/1/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178423, effective 6/18/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 08/28/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*

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

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

[1] Bonus height in the CM2 zone is only allowed on sites that are within a Historic District, Conservation District, or the Design Overlay Zone and that have a Comprehensive Plan Map designation of Mixed Use–Urban Center or Mixed Use–Civic Corridor. Bonus height on a site where a Historic or Conservation Landmark or a contributing structure in a Historic or Conservation District has been demolished within the past ten years is prohibited unless the landmark or contributing structure was destroyed by fire or other causes beyond the control of the owner or the only structure on the site that was demolished was an accessory structure.

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

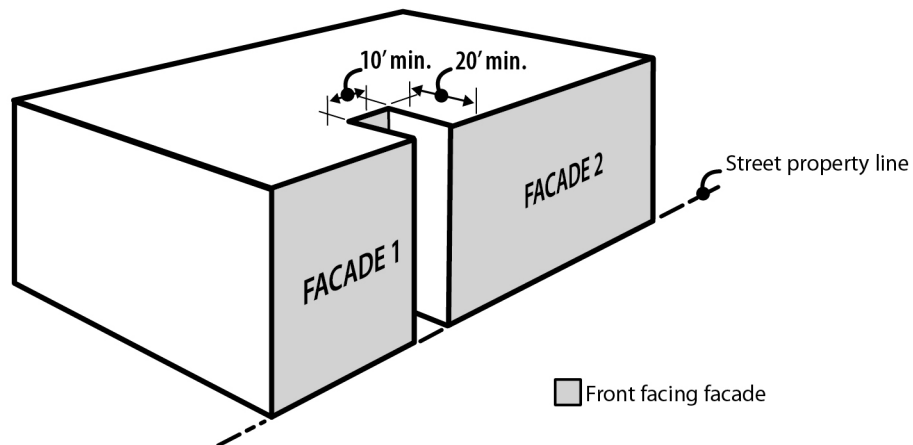
**C. Inclusionary housing bonus.** Maximum height and FAR may be increased as stated in Table 130-3 if one of the following is met:

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

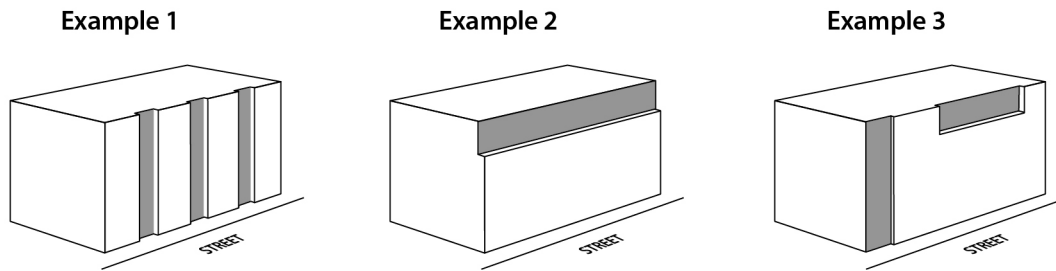
2. Voluntary inclusionary housing. Maximum height and FAR may be increased as stated in Table 130-3 when one of the following voluntary bonus options is met:
    - a. Bonus height and FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. The amount of bonus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

- a. In the CM2 and CE zones, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
  - b. In the CM3 zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
  - c. Portions of building facades that are vertically separated by a gap of at least 10 feet in width extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 130-9.
2. The standard. At least 25 percent of the area of a street-facing facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind or project out from the primary facade plane, but projections into street right-of-way do not count toward meeting this standard. See Figure 130-10.

**Figure 130-9  
Facade Articulation**



**Figure 130-10  
Facade Articulation**



### 33.130.225 Landscaped Areas

- A. Purpose.** Landscaping is required in some zones because it is attractive and it helps to soften the effects of built and paved areas. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater runoff by providing unpaved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife. As an alternative to conventional landscaping, a range of urban green options are provided in the CM2 and CM3 zones in the Inner Neighborhoods pattern area to reflect this area's more urban development patterns and historic storefront commercial characteristics. Landscaping is required for all commercial/mixed use-zoned lands abutting R zoned lands and as screening for parking lots (see Chapter 33.266) to provide buffering and promote livability.
- B. Minimum landscaped area.** The minimum amount of required landscaped area is stated in Table 130-2. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Sites developed with a house, attached house or duplex are exempt from the required minimum landscaped area standard. The required landscape area must meet one of the following:
1. Unless allowed by Paragraph B.2., required landscaped areas must:
    - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
    - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
  2. Urban green alternative landscaped area. In the CM2 and CM3 zones in the Inner pattern area shown on Map 130-2, one or more of the following may be used to meet the required landscape area:
    - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau



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

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

### **33.130.265 Detached Accessory Structures**

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

Detached garages are also subject to the standards of 33.130.250, General Requirements for Small Housing Types.

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

**C. Setbacks.**

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

**33.130.270 Fences**

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

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

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

## 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

33.281 Schools and School Sites

33.284 Self-Service Storage

33.285 Short Term, Mass, and Outdoor Shelters

33.288 Special Street Setbacks

33.293 Superblocks

33.296 Temporary Activities

33.299 Wind Turbines

## 33.205 Accessory Dwelling Units

# 205

### Sections:

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

### 33.205.010 Purpose

Accessory dwelling units are allowed in certain situations to:

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

### 33.205.020 Where Accessory Dwelling Units are Allowed

- A. RF.** One accessory dwelling unit is allowed on a site with a house, attached house or manufactured home in the RF zone.
- B. R20 through R2.5.**
  - 1. One accessory dwelling unit is allowed as follows:
    - a. On a site with a house or manufactured home in the R20 through R2.5 zones when the lot complies with Section 33.110.202, When Primary Structures are Allowed.
    - b. On a site with an attached house when the lot meets the minimum lot area stated in Table 205-1.

<b>Zone</b>	<b>Minimum Lot Area</b>
R20	10,000 sq. ft.
R10	5,000 sq. ft.
R7	3,500 sq. ft.
R5	2,500 sq. ft.
R2.5	1,500 sq. ft.

- c. On a site with a duplex:

- (1) When allowed. Except as prohibited by Subsubparagraph B.1.c.(2), one accessory dwelling unit is allowed on a site with a duplex when the lot meets the minimum lot area requirements stated in Table 205-2. The accessory dwelling unit must be detached from the duplex.
- (2) When prohibited. An accessory dwelling unit is prohibited on lots that contain a duplex made up of two detached primary dwelling units, and on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street. Payment in lieu of street improvements does not satisfy this requirement.

<b>Zone</b>	<b>Minimum Lot Area</b>
R20	12,000 sq. ft.
R10	6,000 sq. ft.
R7	4,200 sq. ft.
R5	3,000 sq. ft.
R2.5	1,500 sq. ft.

2. Two accessory dwelling units are allowed as follows:
  - a. When allowed. Except as prohibited by Subparagraph B.2.b., two accessory dwelling units are allowed on a site with a house, attached house or manufactured home in the R20 through R2.5 zones when the lot meets the minimum lot area requirement stated in Table 205-2. If there are two accessory dwelling units on the site, at least one must be detached from the primary structure.
  - b. When prohibited. Two accessory dwelling units are prohibited on lots that do not have frontage on a maintained street, except lots that have frontage on a private street that connects to a maintained street, and lots 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.

**C. Multi-dwelling, C and EX.**

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

**33.205.030 General Requirements**

- A. Type B home occupation. An accessory dwelling unit is prohibited on a site with a Type B home occupation.



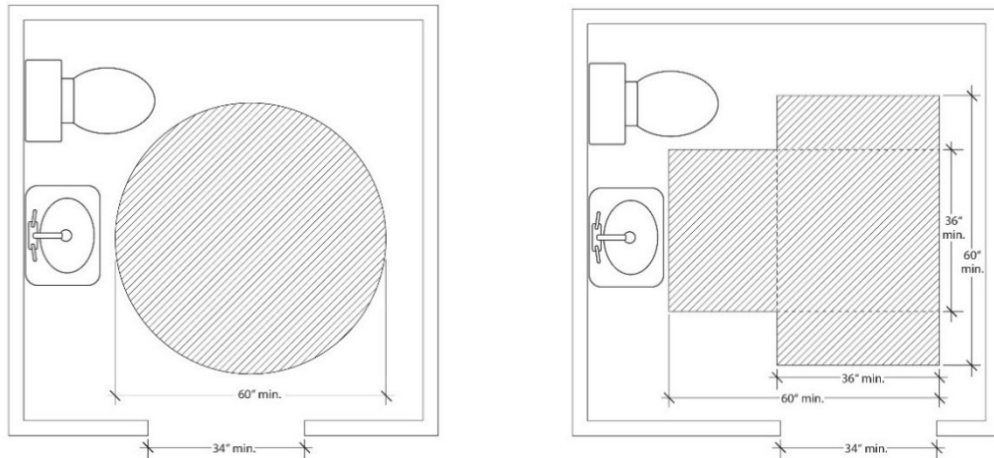
- B. Type A accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type A accessory short-term rental.
- C. Type B accessory short-term rental. An accessory dwelling unit is allowed on a site with a Type B accessory short-term rental if the accessory dwelling unit meets the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

### **33.205.040 Development Standards**

- A. **Purpose.** Standards for creating accessory dwelling units address the following purposes:
  - Ensure that accessory dwelling units are compatible with the desired character and livability of Portland’s residential zones;
  - Respect the general building scale and placement of structures to allow sharing of common space on the lot, such as driveways and yards;
  - Ensure that accessory dwelling units are smaller in size than primary dwelling units; and
  - Provide adequate flexibility to site buildings so that they fit the topography of sites.
- B. **Generally.** The development standards for accessory dwelling units are stated in this section. If not addressed in this section, the base zone development standards apply.
- C. **Requirements for accessory dwelling units.** Accessory dwelling units must meet the following:
  1. **Parking.** No additional parking is required for the accessory dwelling unit. Existing required parking must be maintained or replaced on-site.
  2. **Maximum size.** The living area of the accessory dwelling unit may be no more than 75 percent of the living area of the primary dwelling unit or 800 square feet of living area, whichever is less. This maximum size standard does not apply when the basement of a primary dwelling unit is converted to an accessory dwelling unit and the primary dwelling unit has been on the site for at least 5 years. The size measurements are based on what the square footage of the primary dwelling unit and accessory dwelling unit will be after the accessory dwelling unit is created. When the primary dwelling unit is a duplex, the size of the accessory dwelling unit may be no more than 75 percent of the living area of the larger of the two primary units or 800 square feet of living area, whichever is less.
  3. **Setbacks.** Detached and connected accessory dwelling units must be:
    - a. Set back 40 feet from the front lot line; or
    - b. Located behind the rear building wall of the primary dwelling. For the purpose of this regulation, the rear wall of the primary dwelling unit is the wall furthest from the wall with the main entrance to the street.
  4. Detached and connected accessory dwelling units must meet the development standards for covered accessory structures in the base zone.
  5. **Visitability.**

- a. Purpose. Visitability standards ensure that a baseline of accessible features is provided to accommodate people living in or visiting a residence regardless of age or ability. The standards:
  - Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation; and
  - Enhance public safety for all residents and visitors.
- b. When the visitable unit standards apply. Unless exempted by Subparagraph C.5.c, the visitable unit standards apply to the following situations:
  - (1) When there are two accessory dwelling units on a site with a house, attached house or manufactured home; and
  - (2) When there is one accessory dwelling unit on a site with a duplex.
- c. Visitability standard. Unless exempted by Subparagraph C.5.d., at least one dwelling unit on the lot must meet the following visitability standards:
  - (1) Visitable entrance. At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - (2) Visitable bathroom. At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 205-1 The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - (3) Visitable living area. There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - (4) Visitable doors. All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.

**Figure 205-1**  
**Visitable Bathroom Clearances**



- d. Exemptions. The following are exempt from the visitable unit standards of this Paragraph:
- (1) Lots with an average slope of 20 percent or greater;
  - (2) Lots where there is more than a 3-foot rise between the highest elevation along the street lot line and the lowest grade measured at the front setback.
  - (3) Conversion of an existing accessory structure that is at least 5 years old or converting space in a house that is at least 5 years old to an accessory dwelling unit.

**33.205.050 Density**

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

---

*(Amended by: Ord. No. 171879, effective 2/2/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178927, effective 12/31/04; Ord. No. 179845, effective 1/20/06; Ord. No. 183598, effective 4/24/10; Ord. No. , effective 8/29/14; Ord. No. 186736, effective 8/29/14; Ord. No. 187471, effective 1/1/16; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.207 Accessory Short-Term Rentals

# 33.207

---

### Sections:

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

### 33.207.010 Purpose

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

### 33.207.020 Description and Definitions

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

### 33.207.030 Where These Regulations Apply

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

### 33.207.040 Type A Accessory Short-Term Rentals

#### A. Use-related regulations.

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

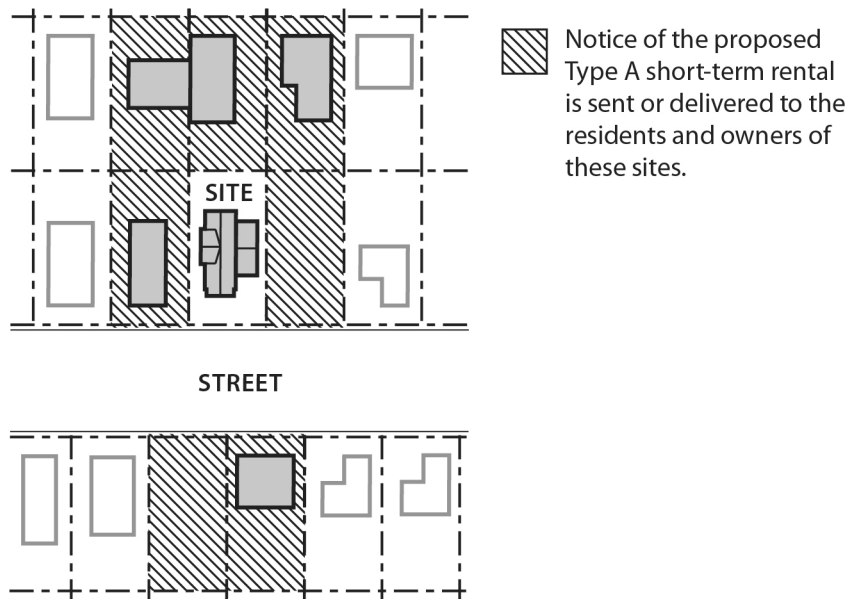
#### B. Standards. The following standards apply to Type A accessory short-term rentals. Adjustments are prohibited:

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

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

- (2) Multi-dwelling structures. If the Type A accessory short-term rental is in a dwelling unit in a multi-dwelling structure, then the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the accessory short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the accessory short-term rental.
2. Required information for permit. In order to apply for a Type A accessory short-term rental permit, the resident or operator must submit to the Bureau of Development Services:
    - a. Two copies of the completed application form bearing the address of the property, and the name, notarized signature, address, and telephone number of the following:
      - (1) Resident;
      - (2) Operator; and
      - (3) Property owner or their authorized agent.
    - b. A copy of the notification letter and a list with the names and addresses of all the property owners, residents, and recognized organizations that received the notification.

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





- D. Revoking a Type A accessory short-term rental permit.** A Type A accessory short-term rental permit can be revoked according to the procedures in City Code Section 3.30.040 for failure to comply with the regulations of this Chapter. When a Type A accessory short-term rental permit has been revoked, a new Type A accessory short-term rental permit will not be issued to that resident at that site for 2 years.

### **33.207.050 Type B Accessory Short-Term Rentals**

#### **A. Use-related regulations.**

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

#### **B. Standards.**

1. Maximum size. Type B accessory short-term rental is limited to renting a maximum of 5 bedrooms to overnight guests. In the single-dwelling zones, a Type B accessory short-term rental over this size limit is prohibited.
2. Accessory dwelling units. On sites with an accessory dwelling unit, the resident can live in the primary or accessory dwelling unit and rent bedrooms in either dwelling unit.
3. Detached accessory structures. A bedroom in a detached accessory structure can be rented to overnight guests, and counts toward the maximum size limit.
4. Bedroom requirements. The Bureau of Development Services must verify that each bedroom to be rented to overnight guests:

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

not allowed. Examples of such alterations include installation of more than three parking spaces, paving of required setbacks, and commercial-type exterior lighting.

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

### **33.207.060 Monitoring**

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

### **33.207.070 Pre-Established Bed and Breakfast Facilities**

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

---

*(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 169324, effective 10/12/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 178657, effective 9/3/04; Ord. No. 186736, effective 8/29/14; Ord. No. 186976, effective 2/13/15; Ord. No. 188259, effective 3/31/17; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*



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

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

**F. Vehicle areas.**

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

parapet, or roofline when there is no parapet, the system must be set back 4 feet.

- b. On a pitched roof. The plane of the system must be parallel with the roof surface, with the system no more than 12 inches from the surface of the roof at any point, and set back 3 feet from the roof edge and ridgeline.
  2. Photovoltaic roofing shingles or tiles may be directly applied to the roof surface.
  3. Photovoltaic glazing may be integrated into windows or skylights.
  4. Ground or pole mounted solar energy systems are subject to the following additional standards:
    - a. On sites that abut an RF through R2 zone, the system must be set back one foot for every one foot of height, from the lot line abutting the RF through R2 zone;
    - b. The system may not be located closer to the street than the portion of the street-facing facade that is closest to the street.
- 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; 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. Large building elevations divided into smaller areas.** When the front elevation of a structure is more than 1,500 square feet in area, the elevation must be divided into distinct planes of 750 square feet or less. For the purpose of this standard, areas of wall that are entirely separated from other wall areas by a projection, such as the porch or a roof over a porch, are also individual building wall planes. This division can be done by:
  1. Incorporating fascias, canopies, arcades, or other multidimensional design features to break up large wall surfaces on their street facing elevations; or
  2. Setting part of the facade back at least three feet from the rest of the facade.
- L. Additional standards for historic resources.** The following standards are additional requirements for conservation districts and conservation landmarks.
  1. Zero setbacks. No setback is permitted from the street lot line. Sites that have more than one street lot line must meet this standard along two street lot lines.
  2. Distinct ground floor. The ground level of the primary structure must be visually distinct from upper stories. This separation is provided by:
    - a. A cornice above the ground level;

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

*(Added by Ord. No. 171589, effective 11/1/97. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 174325, effective 5/5/00; Ord. No. 175210, effective 1/26/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178452, effective 7/10/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 1/2/11; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.251 Manufactured Homes and Manufactured Dwelling Parks

# 251

### Sections:

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

### 33.251.010 Purpose

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

### 33.251.020 Manufactured Homes on Individual Lots

- A. Purpose.** The purpose of this section is to allow affordable housing opportunities in structures whose appearance is similar to housing built to the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State.)
- B. Zones and types of manufactured homes allowed.** Manufactured homes are allowed on individual lots as follows:
  - 1. In all zones where houses are an allowed housing type;
  - 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.

### 33.251.025 More Than One Manufactured Home on a Site

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

- A. Two or three manufactured homes.**

1. Two or three manufactured homes on a site may be regulated as primary and accessory dwelling units in zones that allow up to two accessory dwelling units, as a cottage cluster in zones that allow cottage clusters, or multi-dwelling development in zones that allow multi-dwelling development.
  2. The manufactured homes are subject to the density and development standards that would apply to primary and accessory dwelling units, cottage clusters, or multi-dwelling development on the site.
  3. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site.
  4. The manufactured homes must also meet the standards of 33.251.020.D, above.
- B. Four to six manufactured homes.** Four to six manufactured homes on a site must meet one of the following standards:
1. Four to six manufactured homes on a site may be regulated as a cottage cluster in zones that allow cottage clusters or as multi-dwelling development in zones that allow multi-dwelling development. They are subject to the density and development standards that would apply to cottage clusters or multi-dwelling development on the site. On sites with a cottage cluster, the manufactured homes must be detached. On all other sites, the manufactured homes may be detached or may share common walls or ceilings with other manufactured homes on the site. The manufactured homes must also meet the standards of 33.251.020.D, above; or
  2. Four to six manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.
- C. Seven or more manufactured homes.** Seven or more manufactured homes on a site must meet the regulations of Section 33.251.030, Manufactured Dwelling Park Regulations.

### **33.251.030 Manufactured Dwelling Park Regulations**

- A. Purpose.** Manufactured dwelling parks are allowed in certain multi-dwelling residential zones to provide locational opportunities for manufactured dwellings. The manufactured dwelling park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping.
- B. Where these regulations apply.** These regulations apply to all manufactured dwelling parks. For sites with four to six manufactured homes, an applicant may choose to meet the regulations of this section or the regulations of 33.251.025.B, above.
- C. Zones allowed.** Manufactured dwelling parks are allowed only in the RM1 and RMP zones. An exception is Historic Districts and Conservation Districts, where they are prohibited.
- D. Uses allowed.** In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Household Living is an allowed use. All other uses are prohibited.
- E. Density.** The maximum density allowed in a manufactured dwelling park is that allowed by the base zone. In calculating density, the area of the whole park is included except public or

private streets or driveways which serve four or more manufactured dwelling spaces.

- F. Development Standards.** Manufactured dwelling parks must meet the development standards of the base zone in addition to the standards of this section. Development standards are measured related to the property lines of the site, not the boundaries or dimensions of the individual manufactured dwelling space.
- G. Types of structures allowed.**
1. All types of manufactured dwellings are allowed in manufactured dwelling parks. Recreational vehicles, if owned by a manufactured dwelling park resident, may be parked on the required parking space but may not be used for residential purposes.
  2. In manufactured dwelling parks that have been divided under the provisions of Chapter 33.642, Land divisions of Manufactured Dwelling Parks, residential structure types other than manufactured dwellings are prohibited.
- H. General park requirements.**
1. Perimeter landscape area. A 10-foot deep area landscaped to at least the L1 standard must be provided around the perimeter of the manufactured dwelling park. Vehicle areas, including driveways and parking areas, must meet the perimeter landscaping requirements in Section 33.266.130.G.
  2. Individual outdoor areas. An individual area landscaped to at least the L1 standard or surfaced with pavers or decking is required for each manufactured dwelling space. The minimum size is 48 square feet. The minimum dimension is 6 feet. The individual outdoor area must be placed on or adjacent to each manufactured dwelling space. Common outdoor areas, as required by Paragraph 3, below, may not be counted towards meeting this requirement.
  3. Common outdoor areas.
    - a. Generally. A common outdoor area of 2,500 square feet in area or 100 square feet per unit, whichever is greater, is required. There may be more than one outdoor area and each must be at least 2,500 square feet. Required common open areas must be available for the use of all park residents. The open area(s) must be landscaped to at least the L1 standard or be developed as a playground for children, or a combination of both options.
    - b. Exemption. A manufactured dwelling park that does not accommodate children who are under 14 years of age does not have to meet this requirement if the property owner executes a covenant with the City of Portland specifying that the manufactured dwellings will not accommodate children under 14 years of age. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
  4. Trees. The City Forester may require trees along all public or private streets and driveways which serve two or more manufactured dwelling spaces, within a manufactured dwelling park as provided in 20.40, Street Tree and Other Public Tree Regulations.

5. Other structures. Other structures within the manufactured dwelling park for uses accessory to the operation of the manufactured dwelling park, such as laundries, storage, garages, park offices, and recreational facilities are allowed and are subject to the site development regulations of the base zone. Any accessory use that draws its trade from outside the park is prohibited. These structures may not be located within common outdoor areas.

**I. Vehicle and pedestrian circulation and parking.**

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

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

**K. Nonconforming manufactured dwelling parks.** Existing manufactured dwelling parks may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

Listed below are situations where the manufactured dwelling park is given nonconforming status.

1. Existing manufactured dwelling parks in E and I zones, except the EX zone, are nonconforming uses because residential uses are not allowed.
2. Existing manufactured dwelling parks may have nonconforming densities and development depending on the standards of the base zone. In a manufactured dwelling park that is nonconforming in minimum residential density, there may be a net decrease in the number of manufactured dwelling units, but there may not be a net decrease in the number of manufactured dwelling spaces, unless the decrease in spaces is the result of meeting the Oregon Manufactured Dwelling and Park Specialty Code for Manufactured Dwelling Parks.
3. Existing manufactured dwelling parks in the RM1 and RMP zones may have nonconforming densities and/or development depending on individual situations.

---

*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 182429, effective 1/16/09; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.253 Development on a Middle Housing Land Division Site

# 253

### Sections:

- 33.253.010 Purpose
- 33.253.020 Where These Regulations Apply
- 33.253.030 Applying Title 33 to Development on a Middle Housing Land Division Site
- 33.253.040 Number of Dwelling Units
- 33.253.050 Allowed Use
- 33.253.060 Future Land Division

### 33.253.010 Purpose

These middle housing land division standards carry out certain key aspects of ORS 92.031 that ensure that:

- The residential structure type developed on the middle housing land division site remains the same structure type after the land division is approved;
- No more than one dwelling unit is allowed per lot; and
- The middle housing land division lots cannot be further divided.

### 33.253.020 Where These Regulations Apply

The standards of this chapter apply to lots resulting from a middle housing land division.

### 33.253.030 Applying Title 33 to Development on a Middle Housing Land Division Site

- A. For the purposes of development, the regulations of Title 33 apply to the lots and tracts resulting from a middle housing land division collectively and not to each lot individually. For example, the building setback standards of the base zone apply to the property lines of the original site prior to the land division and not to the property lines of each individual lot created through the land division.
- B. The residential structure type on a site that has been divided through a middle housing land division remains the residential structure type that was proposed with the middle housing land division. For example, if the middle housing land division was approved for a site with a fourplex, the residential structure type on the site remains a fourplex following the middle housing land division.

### 33.253.040 Number of Dwelling Units

More than one dwelling unit is prohibited on a lot that has been created through a middle housing land division. Accessory dwelling units are prohibited on lots that have been divided through middle housing land divisions.

### 33.253.050 Allowed Use

All the primary uses on a middle housing land division site must be residential uses. Accessory home occupations are allowed.

### 33.253.060 Future Land Division

The further division of a lot created through a middle housing land division is prohibited.

*(Added by: Ord. No. 190851, effective 6/30/22.)*



## Chapter 33.260 Occupied Recreational Vehicle

# 260

---

Sections:

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

### 33.260.010 Purpose

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

### 33.260.020 When This Chapter Applies

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

### 33.260.030 Occupied Recreational Vehicles

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

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

---

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



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

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

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

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

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

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3. Additionally, on sites in single dwelling zones or multi-dwelling zones that abut an alley and are 10,000 square feet or less in total site area, vehicle area may only be accessed from the alley.
2. Building setbacks for structures that contain vehicle areas.
  - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
  - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
  - c. Structured parking that does not allow exiting in a forward motion in C, E, I, CI, or IR zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
  - a. The standard of this Subparagraph applies outside the Central City plan district in the R20 through R2.5, RM1, RM2, RM3, RM4, and RMP zones. No more than 40 percent of the frontage on a street may be used for vehicle areas. On sites with

more than one street frontage, this standard applies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standard. Sites where there is less than 100 square feet of net building area are exempt from this standard.

- b. The standard of this Paragraph applies outside the Central City plan district in the RX, CR, CM1, CM2, CM3, CE, CX, EG1, EX, CI, and IR zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.
4. Surface parking and driveway paving limitations. In the RM1 through RM4 zones, the following parking area and driveway size and paving material limitations apply:
    - a. No more than 30 percent of total site area may be paved or used for surface parking and driveways; and
    - b. Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.

**D. Improvements.**

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

<b>Table 266-3 Location of Vehicle Areas [1], [2]</b>			
<b>Zone</b>	<b>General Standard</b>	<b>Exception for Through Lots and Sites with Three Frontages</b>	<b>Exception for Full-Block Sites</b>
<b>OS, RF, EG2, I</b>	No restrictions.		
<b>RMP, IR, CE, EG1, CI; sites in RM1, RM2, and RM3 that are more than 10,000 square feet in total area; sites in CM1, CM2, and CM3 that are more than 2 acres in total area</b>	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
<b>R20-R2.5, RM4, RX, CX, CR, EX; sites in RM1, RM2, and RM3 that are 10,000 square feet or less in total area; sites in CM1, CM2, and CM3 that are 2 acres or less in total area</b>	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

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

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

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

**F. Parking area layouts.**

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

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

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

Notes:

[1] See Figure 266-4.

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

*1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*





## 33.270 Planned Development

# 270

### Sections:

- 33.270.010 Purpose
- 33.270.020 Relationship to Other Regulations
- 33.270.100 Additional Allowed Uses and Development in Single Dwelling Zones
- 33.270.110 Limitations on Residential Uses and Development
- 33.270.200 Additional Requirements for Planned Developments in R20 through R5 zones
- 33.270.210 Additional Requirements for Planned Developments  
in Commercial/Mixed Use Zones

### 33.270.010 Purpose

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

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

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

### 33.270.020 Relationship to Other Regulations

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

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

1. Density

a. Maximum dwelling unit density.

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

(2) R20 through R5. In the R20 through R5 zones, maximum density is calculated as follows:

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

Maximum number of lots allowed as specified for maximum density B in 33.610.100 for;

x 2

= Maximum number of dwelling units allowed.

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

Maximum number of lots allowed as specified for maximum density B in 33.610.100 for;

x 4

= Maximum number of dwelling units allowed.

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

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

Maximum number of lots allowed as specified for maximum density B in 33.610.100

x 2

= Maximum number of dwelling units allowed.

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

Maximum number of lots allowed as specified for maximum density B in 33.611.100;

x 4

= Maximum number of dwelling units allowed.

b. Minimum density. Minimum density must be met in the Planned Development. Minimum density for single-dwelling zones is expressed as a number of lots. Minimum density can be met in a Planned Development by providing the same number of dwelling units. Minimum density for single-dwelling zones is stated in

33.610.100 and 33.611.100. Minimum density for all other zones is stated in the base zone chapters.

2. FAR

a. Maximum FAR

- (1) R20 through R2.5. The maximum FAR in the R20 through R2.5 zones is specified in 33.110.210.
- (2) Multi-dwelling zones. The maximum FAR in the multi-dwelling zones is specified in 33.120.210.
- (3) Commercial/mixed use zones. The maximum FAR in the commercial/mixed use zones is specified in 33.130.205.

b. Minimum FAR. Where the base zone requires a minimum FAR, the standard must be met in a Planned Development

- C. Land Divisions.** A Planned Development may be the only land use review requested for a site, or may be part of a proposal for a Land Division. Certain site conditions or aspects of a proposal require a Land Division, including situations where a tract is required (such as when there is floodway on the site), or where rights-of-way are requested or required. Maximum dwelling unit density in a Planned Development does not equate to maximum lot density in a Land Division.

**33.270.100 Additional Allowed Uses and Development**

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

- A. Attached houses.** Attached houses may be requested in the RF through R5 zones;
- B. Duplexes.** Duplexes may be requested in the RF through R2.5 zones;
- C. Attached duplexes.** Attached duplexes may be requested in the RF through R2.5 zones;
- D. Triplexes.** Triplexes may be requested in the RF through R2.5 zones;
- E. Fourplexes.** Fourplexes may be requested in the RF through R2.5 zones;
- F. Multi-dwelling structures.** Multi-dwelling structures may be requested in the RF through R2.5 zones;
- G. Multi-dwelling development.** Proposals to allow multi-dwelling development on a lot may be requested in RF through R2.5 zones;
- H. Modification of site-related development standards.** Modification of site-related development standards that are not prohibited from being adjusted may be requested through a Planned Development.
- I. Alternative residential dimensions.** Proposals for lots that do not meet the minimum lot dimension regulations for land divisions may be requested in the RF through RM4 zones.

- J. Commercial uses.** Commercial uses that are allowed in the CM1 zone may be requested in the RF through RM2 zones;
- K. Additional height and FAR.** For sites in the CM2, CM3, CE, and CX zones outside of the Central City and Gateway plan districts that are greater than 2 acres in size, additional height and FAR may be requested through a Planned Development as specified in 33.130.212.E, Planned Development Bonus, and Table 130-3;
- L. New dwelling units.** New dwelling units may be requested on lots that are zoned multi-dwelling and are less than 90 feet wide;
- M. Transfer of development within a site.** Transfer of development rights across zoning lines within the site may be proposed as follows:
1. RF through R2.5 zones. If the site is located in more than one zone, and all the zones are RF through R2.5, the total number of units allowed on the site is calculated by adding up the number of units allowed by each zone. The dwelling units may be placed without regard to zone boundaries. In addition, if all the zones are R7 through R2.5, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
  2. RM1 through RX zones. If the site is located in more than one zone, and the zones are RM1 through RX, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
  3. C, E, I, CI, and IR zones. If the site is located in more than one zone, and all the zones are C, E, I, CI, and IR zones, the total amount of floor area allowed on the site is calculated by adding up the amount of floor area allowed by each zone. The floor area may be placed without regard to zone boundaries.
  4. All zones. If the site is located in more than one zone, and at least one of the zones is RF through R2.5, and at least one of the zones is RM1 through RX, C, or EX, then the total number of dwelling units allowed on the site is calculated as follows:
    - a. The number of units allowed on the RF through R2.5 portion of the site is calculated in terms of dwelling units;
    - b. The number of units allowed on the other portion of the site is calculated in terms of floor area; The floor area calculation is converted to dwelling units at the rate of 1 dwelling unit per 1,000 square feet of floor area;
    - c. The two dwelling unit numbers are added together, and may be placed without regard to zone boundaries.
- N. Transfer of development between sites.** Sites that are eligible to transfer development rights to another site are designated in other chapters of this Title. Where such transfers require a Planned Development, both the sending and receiving sites must be part of a Planned Development.

### **33.270.110 Limitations on Residential Uses and Development**

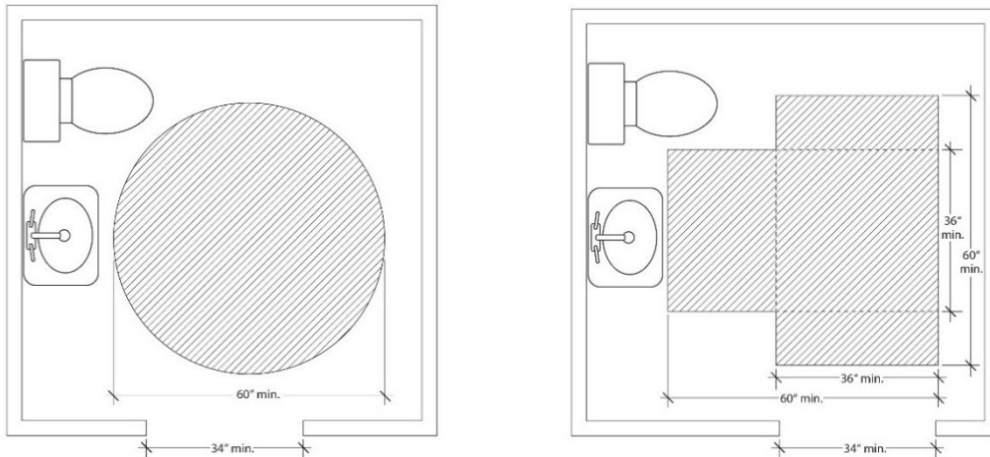
The following limitations apply to Planned Developments proposed in EG or I Zones:

- A. Industrial zones.** Residential uses and development are prohibited in industrial zones. Using floor area transferred from industrial zones for residential uses is prohibited in all zones.
- B. EG1 and EG2 zones.** Residential uses and development are prohibited in EG1 and EG2 zones. Using floor area transferred from EG1 or EG2 zones for residential uses is prohibited in all zones.

### **33.270.200 Additional requirements for Planned Developments in the R20 through R5 Zones**

- A. Where this standard applies.** In the R20 through R5 zones, unless exempted by Subsection C., the standards of this section apply when the total number of proposed dwelling units is at least 75 percent of the maximum number of dwelling units allowed through the Planned Development,
- B. Visitability.** At least 33 percent of the dwelling units on the Planned Development site must meet the following standards:
  - 1. **Visitable entrance.** At least one entrance must be accessible via a route that does not have any stairs between it and the street lot line or an on-site parking space. The slope of the route may not exceed 1:8.
  - 2. **Visitable bathroom.** At least one bathroom with a sink and toilet must be designed to accommodate an unobstructed circle that is at least 60-inches in diameter. As an alternative, the bathroom may be designed to accommodate an unobstructed area that is comprised of two rectangles that are at least 36 inches by 60 inches, and oriented at right angles to each other. See Figure 270-1. The visitable bathroom must be on the same floor as the visitable entrance or be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited;
  - 3. **Visitable living area.** There must be at least 200 square feet of living area on the same floor as the visitable entrance or 200 square feet of living area must be accessible from the visitable entrance via a ramp, elevator or lift. Adjustments are prohibited; and
  - 4. **Visitable doors.** All door openings between and including the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide. Adjustments are prohibited.
- C. Exemptions.** The following are exempt from the standards of Subsection B:
  - 1. Sites with an average slope of 20 percent or greater
  - 2. Sites where fewer than 3 units are proposed.
  - 3. Sites with a concurrent land division where no multi-dwelling development or multi dwelling structures are proposed. For these sites, the visitability standards are applied to each lot according to 33.110.265.E.3. at the time of development.

**Figure 270-1**  
**Visitable Bathroom Clearances**



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

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

- A. Affordable housing.** The applicant must provide a letter from the Portland Housing Bureau certifying that the requirements of Paragraph 33.130.212.C.1. or C.2. have been met.
- B. Plaza or park.** At least 15 percent of the total Planned Development site area must be developed as a publicly accessible plaza or park. The proposed plaza or park must meet the following standards:
  - 1. The plaza or park must be:
    - a. Located outside on the site;
    - b. Located adjacent to a public street; and
    - c. Open and accessible to the public from 7am to 9pm. The property owner must record an easement for the plaza or park that provides for unrestricted public access from 7am to 9pm;
  - 2. The plaza must have a minimum dimension of 50 feet by 50 feet;
  - 3. Open space used to meet required residential outdoor area standards cannot be used to meet this requirement;
  - 4. Building walls abutting the plaza or park must meet the ground floor window standard in 33.130.230.B.2.a, and there must be at least one building entrance facing the plaza or park; and
  - 5. The property owner must execute a covenant with the City ensuring the preservation, maintenance, and continued operation of the plaza or park. The covenant must comply with the requirements of Section 33.700.060.

- C. Energy efficient buildings.** All buildings, except for accessory structures, within the Planned Development site, must meet the energy efficiency requirements of the Bureau of Planning and Sustainability.
- D. Design Review.** All development within the Planned Development site must be approved through design review or meet the design standards in 33.420.050 as follows. Development associated with a plaza or park required by Subsection B must go through design review and is not eligible to use the design standards:
1. The Design overlay zone design standards provide an alternative process to design review for some proposals. Proposals that are within the maximum limits stated in Table 270-1 are allowed to use the objective standards of Section 33.420.050. The applicant may choose to go through the design review process set out in Chapter 33.825, Design Review, if more flexibility than provided by the standards is desired.

	<b>Maximum Limit</b>
<b>New Floor Area</b>	20,000 sq. ft. of floor area
<b>Exterior Alterations</b>	<ul style="list-style-type: none"><li>• For street facing facades less than 3,000 square feet, alterations affecting less than 1,500 square feet of the façade.</li><li>• For street facing facades 3,000 square feet and larger, alterations affecting less than 50% of the facade area.</li></ul>

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

2. Proposals that are not allowed to use the Design overlay zone design standards, or do not meet the design standards, must go through the design review process.

---

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*





## Chapter 33.418 Constrained Sites Overlay Zone

# 418

---

### Sections:

- 33.418.010 Purpose
- 33.418.020 Map Symbol
- 33.418.030 Applying the Constrained Sites Overlay Zone
- 33.418.040 Housing Type Limitations

### **33.418.010 Purpose**

Under some circumstances, more than two dwelling units are allowed on lots in the R20 through R2.5 zones. The Constrained Sites overlay zone reduces development potential to comply with protective measures adopted and acknowledged pursuant to statewide land use planning goals. This overlay zone reduces risk to life or property from certain natural hazards.

### **33. 418.020 Map Symbol**

The Constrained Sites overlay zone is shown on the Official Zoning Maps with the letter “z” map symbol.

### **33. 418.030 Applying the Constrained Sites Overlay Zone**

The Constrained Sites overlay zone is applied to lots in the R20, R10, R7, R5 and R2.5 zones when any portion of the lot has one of the following constraints. When property is rezoned out of an R20, R10, R7, R5, or R2.5 zone, the Constrained Sites overlay zone is automatically removed from the zoning map:

- A.** Environmental Conservation overlay zone, Environmental Protection overlay zone, or Pleasant Valley Natural Resource overlay;
- B.** Special flood hazard area;
- C.** Floodway;
- D.** 1996 Flood Inundation area;
- E.** Potential Rapidly Moving Landslide Hazard Zones as shown in the DOGAMI IMS-22 publication;
- F.** Deep landslide—High Susceptibility or Landslide Deposit or Scarp as shown in the DOGAMI IMS-57 publication.
- G.** Sites in the R10 and R20 zones with a cumulative hazard value of 5 or more as shown on the 1998 City of Portland Wildfire Hazard Zone map;
- H.** Sites in the R10 and R20 zones with a high or extreme risk rating as shown on the 2001 Multnomah County Community Wildfire Protection Plan map 13B that are not also included in the 1998 City of Portland Wildfire Hazard Zone map;
- I.** Land within an industrial sanctuary comprehensive plan designation;
- J.** Land within the Portland International Airport Noise Impact overlay zone with a 68DNL or higher noise contour.

### **33.418.040 Housing Type Limitations**

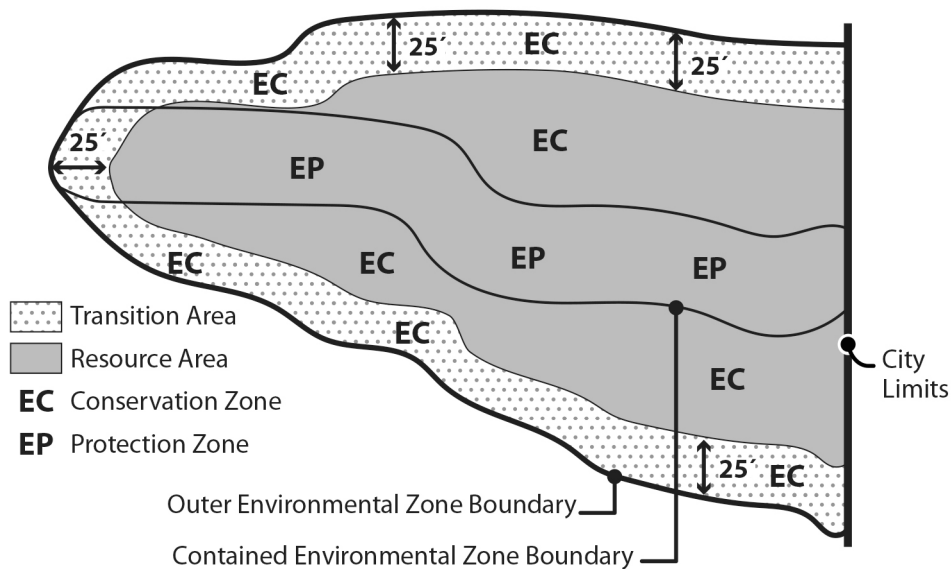
The following residential infill and accessory dwelling unit options do not apply in the Constrained Sites overlay zone:

- A.** 33.110.265.D.2 which allows duplexes consisting of two detached primary dwelling units in the R20 through R2.5 zones;
- B.** 33.110.265.E which allows triplexes and fourplexes in the R20 through R2.5 zones;
- C.** 33.110.265.F which allows fourplexes and multi-dwelling structures with up to six dwelling units in the R20 through R2.5 zones;
- D.** 33.110.265.G which allows cottage clusters in the R10 through R2.5 zones;
- E.** 33.205.020.B.1.c which allows an accessory dwelling unit on a site with a duplex in the R20 through R.25 zones; and
- F.** 33.205.020.B.2 which allows two accessory dwelling units on a site with a house, attached house, or manufactured home in the R20 through R2.5 zones.

---

*(Added by: Ord. No. 190093, effective 8/1/21; Amended: Ord. No. 190851, effective 6/30/22.)*

**Figure 430-1**  
**Environmental Zone Subareas**



**33.430.060 Where These Regulations Apply**

These regulations apply to all environmental zones, except those in the Columbia South Shore Plan District that are south of NE Marine Drive, those in the Cascade Station/Portland International Center Plan District, City-owned land within the Forest Park Natural Resources Management Plan area, and the Peninsula Drainage District No. 1 Natural Resources Management Plan area. See also Section 33.430.030, Relationship to Other Environmental Regulations.

**33.430.070 When These Regulations Apply**

Unless exempted by Section 33.430.080, below, the regulations of this chapter apply to the following:

- A. Development;
- B. All land divisions and property line adjustments except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site;
- C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;
- D. Planting or removing trees and plants listed on the Nuisance Plants List, and planting or removing non-native non-nuisance trees and plants;
- E. Changing topography, grading, excavating, and filling;
- F. Resource enhancement; and
- G. Dedication and expansions of rights-of-way.

### **33.430.080 Items Exempt From These Regulations**

The following items, unless prohibited by Section 33.430.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal or pruning allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

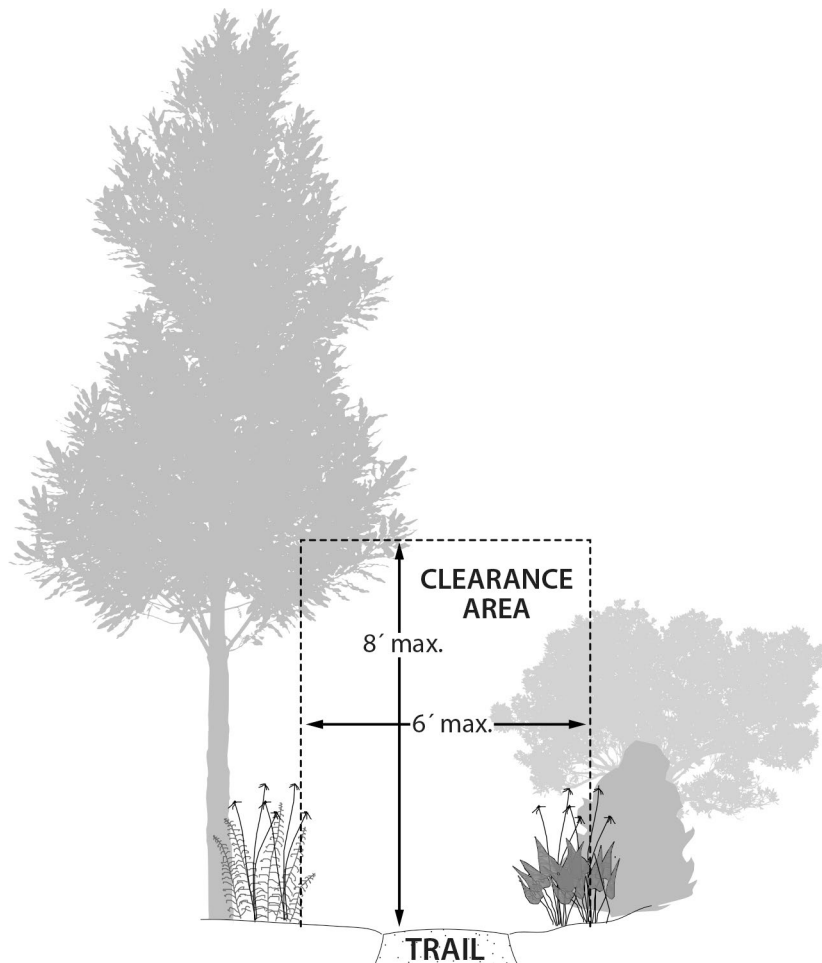
- A.** Change of ownership;
- B.** Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C.** Existing development, operations, and improvements, including the following activities:
  - 1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, public trails, public rest points, public viewing areas, public interpretative facilities, and utilities. Replacement is not exempt whenever coverage or utility size is increased;
  - 2. Continued maintenance of existing gardens, pastures, lawns, and other planted areas, including the installation of new irrigation and drainage facilities, new erosion control features, and the installation of plants except those listed on the Nuisance Plants List. Change of crop type or farming technique on land currently in agricultural use. Pruning trees and shrubs within 10 feet of buildings and structures attached to buildings, such as decks, stairs, and carports;
  - 3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;
  - 4. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
  - 5. Operation, maintenance, and repair of the following:
    - a. Irrigation systems;
    - b. Stormwater management systems;
    - c. Pumping stations; and
    - d. Erosion control and soil stabilization features;
  - 6. Operation, maintenance, and repair of drainage facilities, flood control structures, and conveyance channels that are managed by Drainage Districts as defined in ORS 547, and where the activity is conducted or authorized by the Drainage District. This exemption does not apply if dredge spoils are placed onto the top of banks of the drainageway, or onto portions of the environmental overlay zone above the ordinary high water mark. Operation, maintenance, and repair of drainage facilities include:
    - a. Dredging and channel cleaning below the ordinary high water mark and vegetative maintenance within the minimum floodway cross-section of drainageways;

- b. Operation, maintenance, and repair of drainage district pump stations, water control structures, or levees;
  - c. Reconfiguring the cross-section of drainage channels below the ordinary high water mark, or changing the location of the low flow channel within a wider drainage channel; and
  - d. Stabilizing banks and restoring levees back to original condition and footprint;
7. Removal or trimming of vegetation when no development or other activities subject to the development standards or review requirements of this chapter are proposed, if the following are met:
- a. All vegetation removal or trimming activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.
  - b. The vegetation proposed for removal or trimming is one of the following:
    - (1) Trees or plants listed on the Nuisance Plants List;
    - (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
      - Remain, or are placed, in the resource area of the same ownership on which they are cut; or
      - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
    - (3) Non-native non-nuisance trees and plants;
    - (4) Trees or tree limbs that are within 10 feet of an existing building and structures attached to buildings, such as decks, stairs, and carports;
    - (5) Trees or plants that exceed the height restriction of a view corridor with special height restrictions designated in the *Scenic Resources Protection Plan* or *Central City Scenic Resources Protection Plan*; or
    - (6) Within the Scenic Resource zone, tree limbs may be trimmed to maintain a view. Tree removal is not exempt.
8. Pruning trees in accordance with Title 11 permit requirements;
9. Alterations to existing houseboats or replacing houseboats in existing slips;
10. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and
11. Land divisions or Property Line Adjustments where all properties are developed, no additional building sites are created and no additional development is proposed.

- D.** The following new development and improvements:
1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
  2. Public street and sidewalk improvements meeting all of the following:
    - a. Improvements must be within an existing public right-of-way used by truck or automobile traffic; and
    - b. Streets and sidewalks must not exceed the minimum width standards of the Bureau of Transportation Engineering.
  3. Groundwater monitoring wells constructed to the standards of the Oregon Water Resources Department and water quality monitoring stations, where access is by foot only;
  4. Utilities installed above or below developed portions of public rights-of-way;
  5. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top of bank of water bodies and where the disturbed area is restored to the pre-construction conditions;
  6. Temporary site investigative work including soil tests, land surveys, groundwater and water quality monitoring stations when all of the following are met:
    - a. The work is conducted using hand-held equipment only;
    - b. The disturbance is temporary;
    - c. Disturbance areas are restored to pre-existing conditions; and
    - d. No native trees are removed.
  7. Installation of temporary fencing to protect resource enhancement project planting areas, or to close off or control the use of illegal trails. The fence must be removed within 5 years;
  8. Installation of signage as part of public recreational trail and resource enhancement projects;
  9. Additional disturbance for outdoor uses such as gardens and play areas where the added disturbance area meets all of the following:
    - a. The added disturbance area does not exceed 500 square feet;
    - b. The total disturbance area on the site does not exceed standards in Table 430-1;
    - c. No native trees 6 or more inches in diameter are removed; and
    - d. The disturbance area is located at least 30 feet from the top of bank of a stream or drainage and at least 50 feet from the edge of a wetland.
  10. Trails meeting all of the following:
    - a. Trails must be confined to a single ownership or be within a public trail easement;

- b. Trail widths must not exceed 30 inches, stair width must not exceed 50 inches, and trail grade must not exceed 20 percent except for the portion of the trail containing stairs;
- c. Plant trimming must not exceed a height of 8 feet and a width of 6 feet as shown in Figure 430-2;
- d. No native trees 6 or more inches in diameter and no native shrubs larger than 5 feet tall may be removed;
- e. Trails must not be paved; and
- f. Trails must be at least 15 feet from the top of bank of all water bodies.

**Figure 430-2**  
**Trail Vegetation Pruning and Maintenance Area**



- 11. All land divisions with tentative plans, final plans, and recorded plats showing all of the following for every lot created or adjusted; and Property Line Adjustments with plans showing all of the following for each lot adjusted:

- a. Building sites at least five feet from all resource areas. For the purpose of this subsection, "building site" means an area of any shape in which a square 40 feet by 40 feet will fit;
  - b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities are in a resource area; and
  - c. Streets, driveways, and parking areas where all pavement is at least ten feet from a resource area.
- E. Hand removal of trash, provided that native vegetation is not removed or damaged.

### **33.430.090 Prohibitions**

The following items are prohibited in all environmental zones. Prohibitions apply to both transition areas and resource areas:

- A. The use, packaging, transportation, or storage of hazardous substances, except as follows:
  - 1. Transportation of hazardous substances through environmental zones by rail or on designated truck routes is allowed; and
  - 2. Use of consumer quantities of hazardous substances within environmental zones is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.
- B. The planting or propagation of any plant listed on the Nuisance Plants List;
- C. Exterior work activities, unless in conjunction with a river-related or river-dependent use. See Chapter 33.910, Definitions; and
- D. Dumping of yard debris or trash.

### **Development Standards**

#### **33.430.110 Purpose**

These development standards are intended to:

- A. Encourage sensitive development while minimizing impact on resources;
- B. Provide clear limitations on disturbance within resource areas;
- C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the environmental zones;
- D. Provide clear planting and erosion control requirements within resource areas;
- E. Buffer the resource area from the noise, fumes, lights, and motion of vehicular traffic associated with industrial, commercial, and multi-dwelling residential uses; and



- F. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

### **33.430.120 Procedure**

- A. **Generally.** Compliance with the development standards of this chapter is required for all development in the environmental zones and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Environmental Review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary environmental review process, or to meet the objective standards of this chapter.

The development standards are Sections 33.430.140 through .190; Sections 33.430.150 through .190 address specific types or aspects of development, while 33.430.140 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, construction of a house may be subject to the General Development Standards of 33.430.140, the standards of 33.430.150, Utilities, and the standards of 33.430.180, Stormwater Outfalls. If the proposal can meet the general standards and standards for utilities, but not those for a stormwater outfall, environmental review is required only for the stormwater outfall. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

- B. **Adjustments prohibited.** Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through environmental review described in Sections 33.430.210 through .280.

### **33.430.130 Permit Application Requirements**

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions. The information in Subsections A and B must be submitted with permit application plans. Submission of the information in Subsection C is optional.

- A. An existing conditions site plan including:
  1. Location of all Environmental Zone lines on the site;
  2. Outline of any existing disturbance area, including existing utility locations;
  3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top of bank, centerline of stream, or wetland boundary as appropriate;
  4. Within the disturbance area, all trees that are 6 or more inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and
  5. Topography shown by contour lines at 2 foot vertical contours in areas of slopes less than 10 percent and at 5 foot vertical contours in areas of slopes 10 percent or greater.

- B.** Proposed development plan including:
1. Outline of the proposed disturbance area, including all areas of proposed utility work;
  2. Location and description of all proposed erosion control devices;
  3. A stormwater management plan;
  4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone;
  5. Trees proposed to be preserved and trees proposed to be removed. For trees to be preserved, tree protection, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with Chapter 11.50, Trees in Development Situations; and
  6. Where applicable, the location and specifications of the site enhancement option with dimensions, a list of plants on the Nuisance Plants List to be removed, and a landscape plan indicating the size, species, and location of all vegetation to be planted.
- C.** Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

#### **33.430.140 General Development Standards**

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

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

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

- A.** The maximum disturbance area allowed within the resource area on the site is determined by subtracting all portions of the site outside the resource area from the number listed in Table 430-1.

<b>Table 430-1 Maximum Disturbance Area Allowed</b>						
	<b>OS and RF Zone</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>	<b>All Other Zones</b>
Maximum Disturbance Area	5,000 sq. ft. [1]	5,000 sq. ft. [1]	5,000 sq. ft. [1]	3,500 sq. ft. [1]	2,500 sq. ft. [1]	50% of the base zone building coverage or 1 acre, whichever is less [1]

Note:

[1] Subtract the amount of area on the site outside the resource area from the number given in the table.

- B.** The disturbance area is set back at least 5 feet from the resource area of any environmental protection zone;
- C.** The disturbance area must be set back at least:
  1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the disturbance area must be set back at least 5 feet from the new top of bank line;
  2. Thirty feet from the top of bank of any identified water body within a protection zone on all lots except those zoned R10, R20 or RF; and
  3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.
- D.** For alterations to existing development, one of the following must be met:
  1. The disturbance area does not exceed the limitations of Table 430-1 and the disturbance area is not expanded into or within five feet of the resource area of an environmental protection zone; or
  2. If the existing disturbance area now exceeds the limitations of Table 430-1, alterations are allowed within the existing disturbance area if the following are met:
    - a. The existing disturbance area may not be expanded; and
    - b. Increases in building coverage and exterior improvement area are allowed if a site enhancement option is completed on the site. Applicants must show that an area equivalent in size to at least 50 percent of the area proposed for development will be enhanced following one or more of the options described in Table 430-2. If the proposed development is less than 100 square feet, the minimum enhanced area will be 50 square feet.
- E.** The proposed development is set back at least 5 feet from the resource area of any environmental protection zone;

- F.** The proposed development must be set back at least:
1. Fifty feet from the edge of any identified wetland, from the top of bank of any identified water body within the Columbia Corridor, or any identified water body within a protection zone on lots zoned R10, R20, or RF. When reconfiguration of the bank is carried out in accordance with subsection .170.A, below, results in the top of bank shifting landward, the applicant may choose to measure the setback from the original top of bank. When this occurs, a survey of the original top of bank line and the new top of bank line must be submitted for verification and then recorded with the County recorder. In all cases the proposed development must be set back at least 5 feet from the new top of bank line;
  2. Thirty feet from the top of bank of any identified water body within a protection zone on lots zoned R7 through IR; and
  3. Thirty feet from the centerline of any identified water bodies within a conservation zone except those within the Columbia Corridor.
- G.** The proposed buildings must be set back at least 5 feet from the edge of the disturbance area;
- H.** Where the distance between a building and the edge of the disturbance area is less than 10 feet, additional temporary disturbance area is allowed. The edge of the additional temporary disturbance area may extend no more than 10 feet from the building. The temporary disturbance area must be replanted with three different native shrub species at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet with the remaining area planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- I.** Temporary disturbance areas and portions of the resource area where removal of non-native vegetation occurs must be replanted so that the area achieves a 90 percent vegetation cover within one year;
- J.** Tree removal and replacement standards.
1. Removal of native trees is allowed as follows:
    - a. Trees removed from resource and transition areas must be replaced as shown in Table 430-3. Trees less than 6 inches in diameter do not have to be replaced.
    - b. In resource and transition areas, the combined total diameter of all trees removed may not exceed 225 inches, counting only native trees that are at least 6 inches in diameter;
    - c. In resource areas, trees may be removed only if one of the following is met:
      - (1) Within 10 feet of existing or proposed buildings and structures attached to buildings, such as decks, stairs, and carports;
      - (2) Within 10 feet of proposed driveways or right-of-way improvements; or
      - (3) To create up to 500 square feet of permanent disturbance area for uses such as gardens and play area.

2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 430-3;
3. Trees listed on the Nuisance Plants List may be removed, if each tree at least 6 inches in diameter is replaced with one native tree; and
4. For replacement of non-native trees and trees in transition areas, applicants may pay a revegetation fee as described in Table 430-2 in lieu of planting on the site. The fee is based on the number of trees required under Table 430-3, Option A.

<b>Table 430-2 Minimum Site Enhancement Options</b>	
<b>Option</b>	<b>Action</b>
Option 1 Restoration Planting	Remove plants listed on the Nuisance Plants List. Plant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 2 Impervious Surface Reduction	Remove impervious surface to improve stormwater management, and replant the area with native plants at the following minimum planting density: 10 plants per 50 square feet at a ratio of one tree, two shrubs, and 7 groundcover plants. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants must be a minimum pot size of 4 inches. The remaining area may be seeded with native grass seed.
Option 3 Parking Lot Retrofit	Replace existing interior parking lot landscaping with a vegetated infiltration basin using native plants. The minimum planting ratio for this option is one tree and two shrubs for every 50 square feet of planting area, and groundcover plants to cover the remaining area, planted on 12-inch centers. Trees must be at least one-half inch in diameter, shrubs must be at least 1 gallon, and groundcover plants a minimum pot size of 4 inches. Enhancements must be approved by the Bureau of Environmental Services as meeting the Stormwater Management Manual, and must also comply with parking lot landscape requirements of this Title.
Option 4 Revegetation Fee	<p>Pay a revegetation fee.</p> <ol style="list-style-type: none"> <li>1. Fee use and administration. The revegetation fee is collected by BDS and is administered by the Bureau of Environmental Services. The fees collected are used for revegetation projects on public or private property within the same watershed as the site.</li> <li>2. Calculation of required fee contributions. Applicants must contribute the cost to purchase and plant trees, shrubs, and groundcover plants as set out in 3. below. The cost to purchase and plant trees and plants will be adjusted annually as determined by the Director of BES based on current market prices for materials, labor, and maintenance.</li> <li>3. Required fee contribution. The applicant must contribute the following revegetation fee before a building permit will be issued: <ul style="list-style-type: none"> <li>- The cost to purchase, plant, and maintain one tree, two shrubs, and 7 groundcover plants for every 50 square feet of planting area;</li> <li>- The fee calculation will be rounded up to the next multiple of \$10; and</li> <li>- The minimum area to be used in this calculation is 50 square feet. Calculations that are not a multiple of 50 will be rounded up to the next multiple of 50.</li> </ul> </li> </ol>

- K.** Replacement trees must be at least one-half inch in diameter; shrubs must be in at least a 1-gallon container or the equivalent in ball and burlap. All trees and shrubs must be selected from the *Portland Plant List* and planted on the site within the environmental zone. Conifers must be replaced with conifers and shrubs must consist of at least two different species;
- L. Nuisance plants.**
  - 1. Remove plants on the Nuisance Plants List in an area on the site that is equal to 50 percent of the size of the proposed permanent disturbance area, or from the entire site, whichever is less.
  - 2. Plant removal must occur outside of the permanent and temporary disturbance areas.
  - 3. Nuisance plant removal entails actions such as the removal of: roots, the above ground portion of the plant, and the seeds of the plant such that existing non-nuisance or newly installed plants are able to grow and survive. The non-nuisance plants are maintained free of nuisance plants.
  - 4. The cleared area must be replanted as follows:
    - a. Seed the entire area of removal with a native grass seed.
    - b. Install seven groundcover plants and two shrubs per 50 square feet. Groundcover plants must be a minimum size of four inch pots and the shrubs a minimum size of one gallon pots.
    - c. Removed native and non-native non-nuisance trees are replanted in accordance with Section 33.430.140.M.
    - d. Planting native species listed on the *Portland Plant List* is required.
- M.** All vegetation planted in a resource area is native and listed on the *Portland Plant List*. Plants listed on the Nuisance Plants List are prohibited;

<b>Table 430-3 Tree Replacement in Environmental Overlay Zone</b>		
<b>Size of tree to be removed (inches in diameter)</b>	<b>Option A (no. of native trees to be planted)</b>	<b>Option B (combination of native trees and shrubs)</b>
At least 6 and up to 12	2	not applicable
More than 12 and up to 20	3	1 tree and 3 shrubs
More than 20 and up to 25	5	3 trees and 6 shrubs
More than 25 and up to 30	7	5 trees and 9 shrubs
More than 30	10	7 trees and 12 shrubs

- N.** The minimum front and street building setback and garage entrance setback of the base zone may be reduced to any distance between the base zone minimum and zero. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to any distance between the base zone minimum and zero. Parking spaces may be allowed within the first 10 feet from a front lot line, and within a minimum side street setback;

- O.** Maximum front or street setbacks are as follows:
  - 1. The front building or street setback of the base zone is the maximum building setback for primary structures.
  - 2. On a lot with more than one street lot line the maximum setback standard applies to the street lot line that is farthest from the resource area.
  - 3. In zones with no minimum front or street setback, the maximum setback is 10 feet.
- P.** Fences are allowed only within the disturbance area;
- Q.** Parking and truck area buffers:
  - 1. Auto and light truck areas. For commercial, industrial, and multi-dwelling residential uses, parking areas for autos and light trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L2 standard, as stated in Chapter 33.248, Landscaping and Screening;
  - 2. Medium and heavy truck areas. Where allowed by the base zone, the parking, loading, and maneuvering areas for medium and heavy trucks include a ten foot perimeter buffer from the resource area. The buffer is landscaped with plants listed on the *Portland Plant List* to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening;
- R.** Exterior lights must be spaced at least 25 feet apart. Incandescent lights exceeding 200 watts (or other light types exceeding the brightness of a 200-watt incandescent light) must be placed so they do not shine directly into resource areas; and
- S.** Exterior storage and display areas include a ten-foot perimeter buffer from the resource area. The buffer is landscaped to at least the L3 standard, as stated in Chapter 33.248, Landscaping and Screening.

### **33.430.150 Standards for Utility Lines**

The following standards apply to private connections to existing utility lines and the upgrade of existing public utility lines in resource areas. All of the standards must be met unless exempted by Subsection F.

- A.** The disturbance area for private connections to existing utility lines is no greater than 10 feet wide;
- B.** The disturbance area for the upgrade of existing public utility lines is no greater than 15 feet wide;
- C.** The utility construction does not occur within a stream channel, identified wetland, or water body;
- D.** Disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet;

2. The remaining area must be planted with native groundcover using a minimum of four inch pots at a density of 8 plants per ten square feet; and
  3. Below the top of bank on slopes greater than 30 percent or in riprap areas, live stakes, 2 to 12 inches in diameter, may be substituted for the requirements of D.1 and D.2 above. Stakes must be installed at a density of 2 to 4 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.
- E.** Tree removal and replacement standards are as follows:
1. Native trees more than 12 inches in diameter may not be removed. Each native tree more than 6 but less than 12 inches in diameter that is cut must be replaced as shown in Table 430-3;
  2. Non-native non-nuisance trees may be removed, if each tree 6 or more inches in diameter is replaced as shown in Table 430-3;
  3. Trees listed on the Nuisance Plants List may be removed if each tree 6 or more inches in diameter is replaced with one tree;
  4. Replacement trees and shrubs must meet the planting standards in 33.430.140.K; and
  5. Where a utility line is approximately parallel with the stream channel at least half of the replacement trees must be planted between the utility line and the stream channel, except where a utility easement precludes tree planting.
- F.** Exemption. If a proposed utility line or upgrade to a utility line runs through an area that has already been approved as a disturbance area, or allowed by the standards of this chapter, it is exempt from Subsections A, B and D.

### **33.430.160 Standards for Land Divisions and Planned Developments**

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

- A.** All development is outside the resource area of the environmental protection zone;
- B.** Where there is a house on the site that is in the environmental protection zone, it may remain if a new lot is created that meets the following:
1. The existing house will remain; and
  2. A new lot is created that is no larger than required to contain the existing house, garage, minimum required setbacks, a 12-foot wide driveway, and an open area of 20 feet by 20 feet.
- C.** Resource areas of the environmental protection zone that are outside of lots being created under the provisions of Subsection B., above, are located entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization; and



- D.** The total amount of disturbance area allowed within the resource area of the environmental conservation zone is either the amount listed in Table 430-4 or 1 acre, whichever is less, minus the amount of area outside the resource area;

<b>Table 430-4 Maximum Disturbance Area for a Land Division and PD Allowed Within the Resource Area[1]</b>						
	OS and RF Zone	R20 Zone	R10 Zone	R7 Zone	R5 Zone	All Other Zones
Maximum Disturbance Area	5% of site area	12% of site area	15% of site area	17% of site area	22% of site area	50% of the base zone building coverage

Notes:

[1] Disturbance area includes utility construction.

- E.** Resource areas outside designated disturbance areas must be placed entirely within environmental resource tracts. The tracts must be owned in common by all of the owners of the land division site, by a Homeowners' Association, by a public agency, or by a non-profit organization;
- F.** Tree removal is allowed as follows:
1. Native trees. In residential zones, the combined total diameter of native trees cut may not exceed 225 inches per lot, counting only native trees that are at least 6 inches in diameter. In all other zones, native tree removal is limited to the boundaries of the approved disturbance area. Native trees must be replaced as shown in Table 430-3;
  2. Non-native non-nuisance trees. Non-native non-nuisance trees may be removed, but must be replaced as shown in Table 430-3; and
  3. Nuisance trees. Trees listed on the Nuisance Plants List may be removed, but must be replaced. Each tree 6 or more inches in diameter must be replaced with one native tree.
- G.** The standards of Subsections 33.430.140.B, C, and K through R must be met.
- H.** Streets, alleys, walkways, and stormwater facilities are not created within 50 feet of an identified wetland or water body. The standard does not apply to recreational trails identified by the Comprehensive Plan;
- I.** New right-of-way and roadway widths do not exceed the maximums listed in Table 430-5; and
- J.** Utility construction must meet the applicable standards of Section 33.430.150. Private utility lines on a lot where the entire area of the lot is approved to be disturbed and where the private utility line provides connecting service directly to the lot from a public system are exempt from this standard.

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

**33.430.165 Standards for Property Line Adjustments**

The following standards apply to Property Line Adjustments (PLAs) in the environmental overlay zones that do not meet one of the exemptions in 33.430.080.C.11 or 33.430.080.D.11. For purposes of this section, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. All of the standards must be met.

- A. A Property Line Adjustment may not result in any property being entirely in the environmental protection zone, unless that property is entirely in the environmental protection zone before the PLA, or the property will be dedicated or limited by deed restriction to the uses allowed in the OS zone.
- B. The amount of area on each property that is outside of the resource area of the environmental overlay zone may not be reduced below the square footage in Table 430-6. A property that contains less than the area listed in Table 430-6 outside of the resource area of the environmental overlay zone may not move further out of conformance with Table 430-6.

<b>Table 430-6 Minimum Area Required Outside of Resource Area</b>				
	<b>OS through R10 Zones</b>	<b>R7 Zone</b>	<b>R5 Zone</b>	<b>All Other Zones</b>
Minimum Area Required	5,000 sq. ft.	3,500 sq. ft.	2,500 sq. ft.	50% of the base zone building coverage or 1 acre, whichever is less

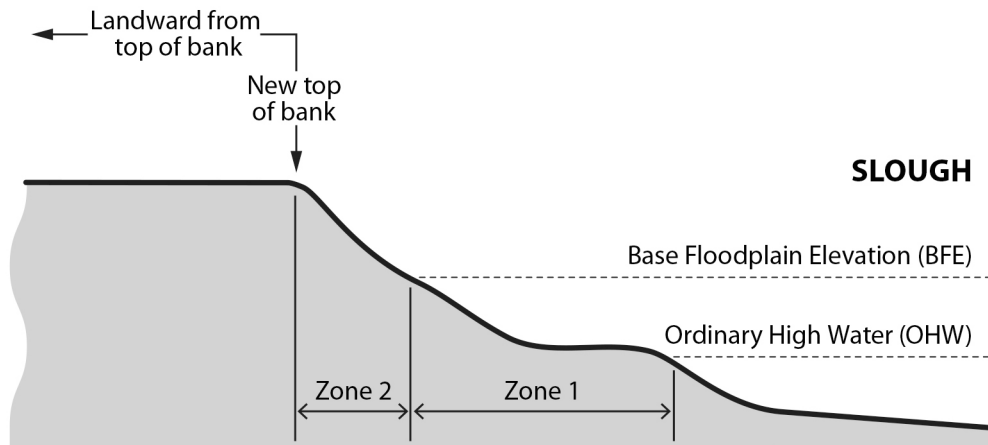
**33.430.170 Standards for Resource Enhancement Projects**

The following standards apply to resource enhancement projects in the environmental zones. The applicant for projects that will take place within the area shown on Map 430-14 may choose to meet all of the standards of subsection A, all of the standards of subsection B, or all of the standards of subsection C. Applicants for projects that will take place outside the area shown on Map 430-14 must meet all of the standards in subsection C.

- A. **Bank reconfiguration.** The following standards apply to bank reconfiguration projects that take place in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. Slough and drainageway banks, which are the area between the ordinary high water mark and the top of bank, may be regraded when all of the following are met:
  1. The activity is conducted or authorized by the Multnomah County Drainage District #1 or Peninsula Drainage District #2;

2. The final slope above ordinary high water after grading is 33 percent or less (33 percent slope represents a rise to run ratio equal to 1:3);
3. Rock armoring may not be used except surrounding outfalls, inlets, culverts and bridge crossings, the rock armoring cannot exceed a distance of 5 feet from those features, and must be planted with live stakes of native plant stock, one half inch in diameter. Stakes must be used at a density of 2 to 3 stakes per 9 square feet. If the armoring is located on a levee, live stakes are not required;
4. The placement of large wood on the bank is allowed to improve bank stabilization if installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
5. Trees or snags, 6 inches or greater in diameter, that are removed landward of the new top-of-bank must be replaced and meet the following:
  - a. Each tree or snag, 6 inches or greater in diameter, removed must be replaced as specified in Table 430-3, Tree Replacement;
  - b. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
  - c. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
  - d. Replacement trees must:
    - (1) Be at least one-half inch in diameter and have a maximum height-at-maturity that will not project above the height limit of the h overlay zone; and
    - (2) Be planted within a transition area or resource area on a property owned by the applicant; or for which the applicant possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure success of the mitigation; or can demonstrate legal authority to acquire the site through eminent domain;
  - e. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the trees must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.
6. The area between the ordinary high water mark and the new top of bank must be revegetated as specified in Figure 430-3 and Table 430-7, Bank Revegetation.

**Figure 430-3  
Bank Revegetation**



<b>Table 430-7 Bank Revegetation</b>		
<b>Water Body</b>	<b>Zone (See Figure 565-2)</b>	<b>Planting Requirements</b>
Sloughs and drainageways; except on levees	Zone 1	A mix of native emergent wetland vegetation planted at a rate of 50 plugs of vegetation per 100 square feet of area, ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 30 pounds per acre. No trees may be planted in Zone 1.
	Zone 2	A. Outside of the Airport Subdistrict of the Portland International Airport plan district, one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered. B. Within the Airport Subdistrict of the Portland International Airport plan district, Option A or ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a rate of 20 pounds per acre.
On levees	Zone 1 and 2	A native grass and forb seed mix at a rate of 50 pounds per acre or a grass seed mix approved by the US Army Corps of Engineers for use on levees applied at a rate of 50 pounds per acre.

7. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
8. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
  - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
  - b. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland, or other water body;

- c. The viewing area is not in the floodway;
  - d. Native trees more than 10 inches in diameter are not removed; and
  - e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and
9. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.
- B. Basking features.** The following standards apply to the placement of large wood or large rocks as basking features for wildlife in the Bank Reconfiguration and Basking Features Area shown on Map 430-14. The placement of large wood or large rocks as basking features for wildlife within the Columbia Slough, Whitaker Slough, Buffalo Slough, Peninsula Canal, or other drainageways or identified wetlands is allowed when all of the following are met:
1. The activity is conducted or authorized by the Multnomah County Drainage District #1, Peninsula Drainage District #2 or the City of Portland Bureau of Environmental Services;
  2. No native trees are removed;
  3. The basking feature is installed above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps;
  4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
  5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
    - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
    - b. The viewing area is at least 30 feet from the top of bank;
    - c. The viewing area is not in the floodway;
    - d. Native trees more than 10 inches in diameter are not removed; and
    - e. Each 6 to 10-inch diameter native tree removed is replaced at a rate of three trees for each one removed. The replacement trees must be a minimum one-half inch diameter or 3 to 5-gallon conifers and be native trees listed on the *Portland Plant List*. All trees must be planted on the site; and
  6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

- C. All other resource enhancement projects.** The following standards apply to all other resource enhancement projects not addressed by subsections 170.A or B. All of the following standards must be met:
1. There is no excavation or fill of, or construction activity within any wetland or water body;
  2. There is no net fill, or increase in the amount of soil on the site;
  3. No native vegetation listed on the *Portland Plant List* is removed except as allowed by C.5. below. Non-native trees and vegetation may be removed;
  4. Disturbance areas related to structure removal must be replanted with native plants to achieve a 90 percent vegetative cover within one year. Disturbance area that is related to the removal of structures from the water is exempt from this standard;
  5. No structures are proposed except for public viewing areas developed as part of the project. The public viewing areas must meet the following:
    - a. The viewing area contains no more than 500 square feet of permanent disturbance area;
    - b. The viewing area is at least 30 feet from the top of bank;
    - c. The viewing area is not in the floodway;
    - d. Native trees more than 12 inches in diameter are not removed;
    - e. Each 6 to 12-inch diameter native tree removed is replaced as shown in Table 430-3. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
  6. Temporary disturbance areas may be seeded with non-native seed that is sterile and is certified as 100 percent weed-free for erosion control purposes until replanting occurs.

### **33.430.175 Standards for Right-of-Way Improvements**

The following standards apply to unimproved and partially improved rights-of-way. All of the standards must be met. New rights-of-way that are part of a proposed land division or planned development must be reviewed under the Standards for Land Divisions and Planned Developments in Section 33.430.160.

- A.** The proposed paved roadway portion of the right-of-way must not be more than 26 feet wide and 2600 square feet in area;
- B.** The proposed disturbance area for the right-of-way improvement must;
  1. Be at least 50 feet from the edge of any wetland or waterbody;
  2. Be at least 5 feet from the resource area of any environmental protection zone; and
  3. Be no larger than 3300 square feet in area;
- C.** Planted areas, including stormwater swales, must be planted with native plants from the *Portland Plant List*;

- D. Trees within the right-of-way may be removed within the improvement area and within 10 feet of the edge of the improvement. In no case may the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees other than native trees are exempt from this standard and may be removed without being counted as part of the 225 inches; and
- E. The right-of-way improvements meet the development requirements of the City Engineer or the Permanent Rule for Private Rights-of-Way.

#### **33.430.180 Standards for Stormwater Outfalls**

The following standards apply to the installation of stormwater outfalls. All of the standards must be met.

- A. The temporary disturbance area for the stormwater outfall is no greater than 10 feet wide;
- B. Native trees 12 or more inches in diameter may not be removed. Each native tree at least 6 inches but less than 12 inches in diameter that is removed must be replaced as shown in Table 430-3;
- C. Non-native non-nuisance trees may be removed. Each tree at least 6 inches in diameter must be replaced as shown in Table 430-3;
- D. Trees listed on the Nuisances Plant List may be removed. Each tree at least 6 inches in diameter must be replaced with one tree.
- E. Replacement trees and shrubs must comply with the planting standards of Subsection 33.430.140.K; and
- F. Temporary disturbance areas must be planted with native species listed in the *Portland Plant List* according to the following densities:
  - 1. Three different native shrub species are required at a minimum 1-gallon size or bare root, planted at a density of 3 plants per 10 square feet; and
  - 2. The remaining area must be planted with native groundcover using a minimum of 4-inch pots at a density of 8 plants per 10 square feet;
- G. When constructed open channels or vegetated swales are proposed, the slope between the stormwater source and the waterbody does not exceed 15 percent at any point;
- H. Only one outfall pipe may be used on a site. The outfall pipe size may not exceed 4 inches in diameter; and
- I. If an outfall riprap pad is used it must be planted with live stakes of native plant stock, one-half inch in diameter. Stakes must be installed at a density of 2 to 3 stakes per square yard. Detailed specifications for installing live stakes are found in the Erosion Control Manual.

#### **33.430.190 Standards for Public Trails**

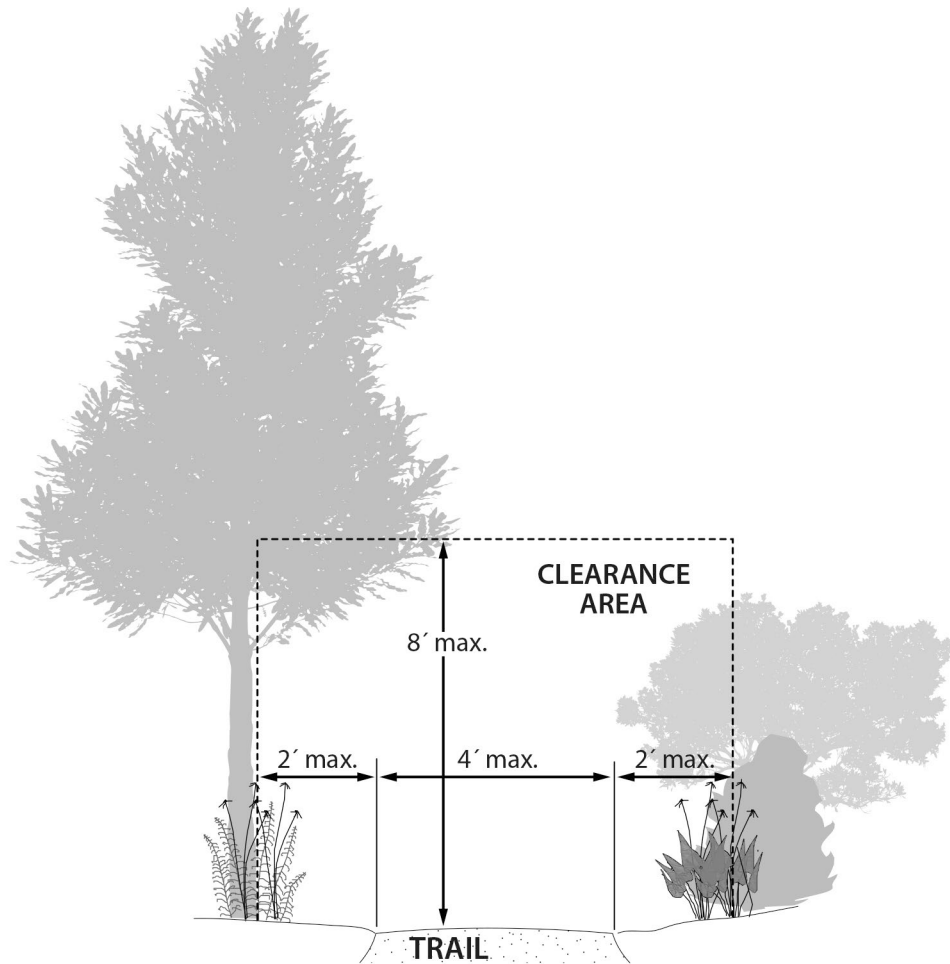
The following standards apply to public trails and viewing areas developed in conjunction with the public trail. All of the standards must be met.

- A. The trail is located on public property or within a public trail easement;

- B.** The trail is no longer than 5,000 feet and no wider than 4 feet with a maximum vegetation clearance of 8 feet high and 2 feet on either side of the trail (see Figure 430-4);
- C.** If the trail crosses a waterbody it is constructed above the top of bank;
- D.** If a public viewing area is proposed, the following must be met:
  - 1. The viewing area may create up to 500 square feet of permanent disturbance area;
  - 2. The viewing area is at least 30 feet from the top of bank of a stream, drainageway, wetland or other water body; and
  - 3. The viewing area is not in the floodway;
- E.** Tree removal and replacement standards:
  - 1. Native trees up to 12 inches in diameter and non-native trees of any size may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
  - 2. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3; and
  - 3. Replacement trees must meet the planting standards in 33.430.140.K.



**Figure 430-4**  
**Trail Vegetation Pruning and Maintenance Area**



**33.430.195 Standards for Tree Removal in the Scenic Resources Zone**

The following standards apply to removal of native trees up to 12 inches in diameter and non-native trees of any size that are located within an Environmental overlay zone and the Scenic Resource zone:

- A. Trees may be removed with hand-held equipment or equipment with a wheel/surface-to-ground pressure of no more than 7.5 psi;
- B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;
- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
  - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or

2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

### **Environmental Review**

#### **33.430.210 Purpose**

Environmental review is intended to:

- A. Prevent harm to identified resources and functional values, compensate for unavoidable harm, and ensure the success of mitigation and enhancement activities;
- B. Provide a mechanism to modify the development standards of this Chapter if the proposed development can meet the purpose of these regulations;
- C. Provide flexibility for unusual situations. The review provides for consideration of alternative designs for development that have the least impact on protected resources in the environmental conservation zone and more exacting control over development in the environmental protection zone;
- D. Allow for more accurate maps and more certainty for property owners by allowing for the location of the environmental zone boundary to be modified when permitted changes to a resource occur or when the boundary location is determined more precisely on a specific site through a more detailed environmental study; and
- E. Provide for the replacement of resources and functional values that are lost through violations of this Chapter.

#### **33.430.220 When Environmental Review is Required**

Environmental review is required for all development in an environmental zone that does not meet the development standards of Sections 33.430.140 through .190 and for violations of this chapter. Environmental review is also required when an applicant wishes to fine-tune the zone boundary location based on a detailed environmental study. The City Council, Planning and Sustainability Commission, or Director of BDS may initiate an environmental review for environmental zone boundary amendments to reflect permitted changes in the location or quality of resources or functional values. Removal of environmental zone boundaries are processed as a change of an overlay zone, as stated in Chapter 33.855, Zoning Map Amendments. The zone boundary change procedure does not apply to changes caused by violations of this chapter. The procedure for violations of this chapter is described in Section 33.430.400.

#### **33.430.230 Procedure**

Environmental reviews are processed through the following procedures:

- A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.

- B.** The following are processed through the Type II procedure:
1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
  2. Public safety facilities;
  3. Environmental zone boundary modifications;
  4. All other uses and development in resource areas of Environmental Conservation zones; and
  5. Development within the Transition Area only.
- C.** All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

### **33.430.240 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060, the following information is required for an environmental review application:

- A. Supplemental site plans required.** One copy of each plan must be at a scale of at least one inch to 100 feet. The following supplemental site plans are required:
- Existing conditions;
  - Conditions existing prior to a violation (if applicable);
  - Proposed development;
  - Construction management; and
  - Mitigation or remediation.

A mitigation site plan is required whenever the proposed development will result in unavoidable significant detrimental impact on the identified resources and functional values. A remediation site plan is required whenever significant detrimental impacts occur in violation of the Code and no permit was applied for. The Director of BDS may waive items listed in this Subsection if they are not applicable to the specific review; otherwise they must be included. Additional information such as wetland characteristics or soil type may be requested through the review process.

1. The existing conditions site plan must show the following for the entire site:
  - a. Special flood hazard area and floodway boundaries;
  - b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;
  - c. Topography shown by contour lines at two foot vertical contours in areas of slopes less than ten percent and at five foot vertical contours in areas of slopes ten percent or greater;
  - d. Drainage patterns, using arrows to indicate the direction of major drainage flow; and
  - e. Existing improvements such as structures, or buildings, utility lines, fences, etc.

2. The proposed development site plan must show the following:
  - a. In areas of the site that have been or will be part of the permanent disturbance area, distribution outline of shrubs and groundcovers, with a list of most abundant species;
  - b. In areas of the site that are and will remain undisturbed: Tree crown cover outline, and generalized species composition;
  - c. A grading plan showing proposed alteration of the ground at two-foot vertical contours in areas of slopes less than ten percent and at five-foot vertical contours in areas of slopes ten percent or greater;
  - d. Trees six or more inches in diameter, identified by species, with trees proposed to be preserved and removed indicated. In the case of violations, also indicate those that were cut or damaged by stump diameter and species;
  - e. Proposed development, including proposed buildings, walkways, decks, retaining walls, bridges, garages, utility lines, stormwater management systems; and
  - f. Proposed planting areas.
3. A construction management site plan must show the following:
  - a. Areas that will be temporarily or permanently disturbed, including equipment maneuvering areas, and perimeter controls;
  - b. Areas where existing topography and vegetation will be left undisturbed;
  - c. Location of site access and egress;
  - d. Equipment and material staging and stockpile areas;
  - e. Erosion control measures; and
  - f. Measures to protect trees and vegetation. Tree protection must meet the requirements of Chapter 11.60, Technical Specifications.
4. A mitigation or remediation site plan must show the following:
  - a. Dams, weirs, or other in-water structures;
  - b. Distribution outline, species composition, number, and percent cover of groundcovers to be seeded or planted;
  - c. Distribution outline, species composition, size, number, and spacing of shrubs to be planted;
  - d. Location, species, number, and size of each tree to be planted;
  - e. Stormwater management features, including retention, infiltration, detention, discharges, and outfalls;
  - f. Water bodies to be created, including depth;
  - g. Water sources to be used, including volumes; and

- h. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

**B. Supplemental narrative.** The following is required:

1. Impact evaluation. An impact evaluation is required to determine compliance with the approval criteria and to evaluate development alternatives for a particular site. The alternatives must be evaluated on the basis of their impact on the resources and functional values of the site. In the case of a violation, the impact evaluation is used to determine the nature and scope of the significant detrimental impacts. To the extent that the site resources and functional values are part of a larger natural system such as a watershed, the evaluation must also consider the cumulative impacts on that system. The impact evaluation is based on the resources and functional values identified as significant in the reports listed in section 33.430.020;
  - a. An impact evaluation includes:
    - (1) Identification, by characteristics and quantity, of the resources and their functional values found on the site;
    - (2) Evaluation of alternative locations, design modifications, or alternative methods of development to determine which options reduce the significant detrimental impacts on the identified resources and functional values of the site; and
    - (3) Determination of the alternative that best meets the applicable approval criteria and identify significant detrimental impacts that are unavoidable.
  - b. An impact evaluation for a violation includes:
    - (1) Description, by characteristics and quantity, of the resources and functional values on the site prior to the violation; and
    - (2) Determination of the impact of the violation on the resources and functional values.
2. Construction management plan. Identify measures that will be taken during construction or remediation to protect the remaining resources and functional values at and near the construction site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, construction equipment controlled, and the timing of construction; and
3. Mitigation or remediation plan. The purpose of a mitigation or remediation plan is to compensate for unavoidable significant detrimental impacts that result from the chosen development alternative or violation as identified in the impact evaluation. A mitigation or remediation plan includes:
  - a. Resources and functional values to be restored, created, or enhanced on the mitigation or remediation site;
  - b. Documentation of coordination with appropriate local, regional, special district, state, and federal regulatory agencies;
  - c. Construction timetables;

- d. Operations and maintenance practices;
- e. Monitoring and evaluation procedures;
- f. Remedial actions for unsuccessful mitigation; and
- g. Information showing compliance with Section 33.248.090, Mitigation and Restoration Plantings.

### **33.430.250 Approval Criteria**

An environmental review application will be approved if the review body finds that the applicant has shown that all of the applicable approval criteria are met. When environmental review is required because a proposal does not meet one or more of the development standards of Section 33.430.140 through .190, then the approval criteria will only be applied to the aspect of the proposal that does not meet the development standard or standards.

- A. Public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments.** Within the resource areas of environmental zones, the applicant's impact evaluation must demonstrate that all of the general criteria in Paragraph A.1 and the applicable specific criteria of Paragraphs A.2, 3, or 4, below, have been met:
1. General criteria for public safety facilities, rights-of-way, driveways, walkways, outfalls, utilities, land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments;
    - a. Proposed development locations, designs, and construction methods have the least significant detrimental impact to identified resources and functional values of other practicable and significantly different alternatives including alternatives outside the resource area of the environmental zone;
    - b. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
    - c. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
    - d. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
    - e. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.
  2. Public safety facilities. The public benefits of the proposal outweigh all significant detrimental impacts;
  3. Rights-of-way, driveways, walkways, outfalls, and utilities;
    - a. The location, design, and construction method of any outfall or utility proposed within the resource area of an environmental protection zone has the least

significant detrimental impact to the identified resources and functional values of other practicable alternatives including alternatives outside the resource area of the environmental protection zone;

- b. There will be no significant detrimental impact on water bodies for the migration, rearing, feeding, or spawning of fish; and
  - c. Water bodies are crossed only when there are no practicable alternatives with fewer significant detrimental impacts.
4. Land divisions, Property Line Adjustments, Planned Developments, and Planned Unit Developments:
- a. Proposed uses and development must be outside the resource area of the Environmental Protection zone except as provided under Paragraph A.3 above. Other resource areas of Environmental Protection zones must be in environmental resource tracts;
  - b. There are no practicable arrangements for the proposed lots, tracts, roads, or parcels within the same site, that would allow for the provision of significantly more of the building sites, vehicular access, utility service areas, and other development on lands outside resource areas of a conservation zone; and
  - c. Development, including building sites, vehicular access and utilities, within the resource area of a conservation zone must have the least amount of detrimental impact on identified resources and functional values as is practicable. Significantly different but practicable development alternatives, including alternative housing types or a reduction in the number of proposed or required units or lots, may be required if the alternative will have less impact on the identified resources and functional values than the proposed development.

**B. Resource enhancement projects.** In resource areas of environmental zones, resource enhancement projects will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. There will be no loss of total resource area;
2. There will be no significant detrimental impact on any resources and functional values; and
3. There will be a significant improvement of at least one functional value.

**C. Public recreational facilities.** In resource areas of environmental zones, public trails, rest points, public viewing areas, and interpretative facilities will be approved if the applicant's impact evaluation demonstrates that all of the following are met:

1. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
2. The public benefits of the proposal outweigh all significant detrimental impacts;

3. Areas disturbed during construction, that do not contain permanent development, will be restored with native vegetation that is similar to the vegetation existing on the site and found on the *Portland Plant List*; and
  4. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed.
- D. Modification of zone boundaries.** Modifications of environmental zone boundaries that reflect permitted changes in the location or quality of resource areas will be approved upon finding that the applicant's statement demonstrates that either Paragraph D.1 or D.2 below are met. For the minor modification of environmental zone boundaries based on a more detailed site specific environmental study, the applicant's impact evaluation must demonstrate that Paragraph D.3 below is met:
1. Successful mitigation. An approved mitigation plan has been successful and a new, restored, or enhanced resource exists which, depending on its degree of significance, should be included in either the resource area of an Environmental Conservation zone or the resource area of an Environmental Protection zone; or
  2. Approved loss of resource area. All of the following must be met:
    - a. All approved development in a resource area has been completed;
    - b. All mitigation required of this development has been successful; and
    - c. The identified resources and functional values at the developed site no longer exist, or have been subject to a significant detrimental impact.
  3. The proposed environmental zone line location accurately reflects the location of the significant or highly significant resources and functional values on the site, plus 25 feet of transition area. The significant or highly significant resources are identified in the Resource Site Inventory of the relevant Environmental Study Report, see 33.430.020.
- E. Other development in the Environmental Conservation zone or within the Transition Area only.** In Environmental Conservation zones or for development within the Transition Area only, the applicant's impact evaluation must demonstrate that all of the following are met:
1. Proposed development minimizes the loss of resources and functional values, consistent with allowing those uses generally permitted or allowed in the base zone without a land use review;
  2. Proposed development locations, designs, and construction methods are less detrimental to identified resources and functional values than other practicable and significantly different alternatives;
  3. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
  4. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;



5. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
6. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

**F. Other development in the Environmental Protection zone.** In Environmental Protection zones the applicant's impact evaluation must demonstrate that all of the following are met:

1. All sites within the Portland city limits, in which the proposed use or development is possible, are also in the resource areas of Environmental Protection zones;
2. Of these sites, development on the proposed site would have the least significant detrimental environmental impact;
3. There is a public need for the proposed use or development;
4. The public benefits of the proposed use or development outweigh all significant detrimental impacts;
5. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;
6. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
7. Mitigation will occur within the same watershed as the proposed use or development and within the Portland city limits except when the purpose of the mitigation could be better provided elsewhere; and
8. The applicant owns the mitigation site; possesses a legal instrument that is approved by the City (such as an easement or deed restriction) sufficient to carry out and ensure the success of the mitigation program; or can demonstrate legal authority to acquire property through eminent domain.

**G. Corrections to violations.** For corrections to violations of this Chapter the application must meet all applicable approval criteria stated in subsections A through F above, and paragraphs 1, 2.b and 2.c, below. If these criteria cannot be met, then the applicant's remediation plan must demonstrate that all of the following are met:

1. The remediation is done in the same area as the violation; and
2. The remediation plan demonstrates that after its implementation there will be:
  - a. No permanent loss of any type of resource or functional value;
  - b. A significant improvement of a least one functional value; and
  - c. There will be minimal loss of resources and functional values during remediation until the full remediation program is established.

### **33.430.260 Performance Guarantees**

The Director of BDS may require performance guarantees as a condition of approval to ensure mitigation or remediation. See Section 33.700.050, Performance Guarantees.

### **33.430.270 Special Evaluation by a Professional**

A professional consultant may be hired to evaluate proposals and make recommendations if the Director of BDS finds that outside expertise is needed due to exceptional circumstances. The professional will have expertise in the specific resource or functional value or in the potential adverse impacts on the resource or functional value. A fee for these services will be charged to the applicant in addition to the application fee.

### **33.430.280 Modifications That Will Better Meet Environmental Review Requirements**

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

## **Natural Resource Management Plans**

### **33.430.310 Purpose**

Natural resource management plans provide an alternative to case-by-case environmental reviews. These plans provide the means to evaluate the cumulative effects of development and mitigation proposed at different times and in different places within the same large ecosystem. These plans are of particular value in areas of multiple ownership. These plans also provide opportunities for coordination with, or joint adoption by, other local governments; special districts; and regional state, and federal agencies.

### **33.430.320 Scope**

Natural resource management plans must cover large ecosystems such as a forests, creeks, sloughs, or watersheds. These plans must address all resources and functional values conserved and protected by environmental zones within the plan boundaries. The plan must also address all significant detrimental impacts of uses allowed by the plan.

### **33.430.330 Procedure**

Adoption and amendment of natural resource management plans is a legislative procedure. Whenever natural resource management plan provisions conflict with other provisions of this chapter, the natural resource management plan provisions supersede. Non-conflicting provisions supplement the provisions of this chapter.

### **33.430.340 Components**

The applicant must submit a natural resource management plan with the following components:

- A. Management objectives to maintain or enhance resources and functional values;
- B. Lists of allowed and prohibited uses;
- C. Maps of areas where these uses are allowed and prohibited;
- D. Types of mitigation or enhancement required;
- E. Maps of areas reserved for these mitigation or enhancement actions;
- F. Timetables for development, mitigation, and enhancement; and
- G. Procedures and criteria for approving uses.

### **33.430.350 Approval Criteria for Adoption and Amendment.**

A natural resource management plan, or an amendment to a natural resource management plan, will be approved if it meets the following approval criteria:

- A. Compliance with Sections 33.430.310 through 350;
- B. Compliance with Statewide Planning Goals and the Portland Comprehensive Plan; and
- C. If the natural resource management plan is approved as part of a plan district, the criteria for adoption of plan districts that are in Section 33.500.050 are met.

## **Corrections to Violations of This Chapter**

### **33.430.400 Purpose**

The purpose of Sections 33.430.400 and .405 is to ensure the timely restoration and remediation of natural resources and functional values that have been degraded due to a violation of this chapter.

These sections establish a process to determine which review requirements will be applied to remedy a violation that takes place in the environmental overlay zone. The type of review required depends on the circumstances of the violation. Section 33.430.405 details methods for correcting such violations and Title 3 of the City Code details the enforcement penalties.

### **33.430.405 Correction Options**

Applicants must choose one of the following options to correct environmental code violations.

#### **A. When these options may be used.**

1. If all of the following are met, the applicant may choose Option One, Option Two, or Option Three:
  - a. Tree removal:
    - (1) Only non-native trees have been removed;
    - (2) No more than 12 diameter inches of native trees have been removed; or
    - (3) No more than one of the following has been removed:

- A Madrone 4 inches or less;
  - A Garry Oak 4 inches or less; or
  - A Pacific Yew 2 inches or less;
- b. The proposal will remove all illegal development; and
  - c. The proposal will replant illegal clearing.
2. If any of the following apply, the applicant may not use Option One, but may choose either Option Two or Option Three:
    - a. Tree removal. More than 12 diameter inches of native trees have been removed;
    - b. More than one of the following has been removed:
      - (1) A Madrone 4 inches or less;
      - (2) A Garry Oak 4 inches or less;
      - (3) A Pacific Yew 2 inches or less;
    - c. Any of the following has been removed:
      - (1) A Madrone larger than 4 inches;
      - (2) A Garry Oak larger than 4 inches; or
      - (3) A Pacific Yew larger than 2 inches.
  3. If the applicant cannot meet Options One or Two, Option Three must be used.
  4. If the violation also violates a condition of approval of a land use review and no trees have been removed, the applicant may choose Option One or the process described in Section 33.730.140. The applicant may not choose Options Two or Three.
  5. If the violation also violates a condition of approval of a land use review, and trees have been removed, the applicant must use the process described in Section 33.730.140. The applicant may not choose one of the options in this section.
- B. Option One, Remove and Repair.** This option results in removal of illegal development and replanting and repair of any damage. All of the requirements of this subsection must be met, and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these requirements are prohibited.
1. All items and materials placed in the area of violation are removed using hand-held equipment and no new disturbance area is created;
  2. Any soil compaction resulting from the violation is tilled or otherwise broken up to a depth of 6 inches prior to planting; and
  3. Violation remediation planting. The area to be planted is the area disturbed by the violation. All of the following must be met:
    - a. The area disturbed by the violation activity must be replanted;

- b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*;
  - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in B.3.b. must be planted on the site for every 50 square feet disturbed;
  - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
  - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and
  - f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
4. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.
- C. Option Two, Retain and Mitigate.** This option results in legalizing the illegal development and mitigating for any damage. All of the requirements of this subsection must be met and the notice and review procedure described in Sections 33.430.410 through 33.430.430 must be followed. Adjustments and modifications to these standards are prohibited.
1. The applicable standards of Section 33.430.140 through .190 must be met; and
  2. Violation remediation planting. The area to be planted is the area disturbed by the violation. Where development is approved for the area disturbed by the violation, an area of the same size elsewhere on the site must be planted. All of the following must be met:
    - a. The area disturbed by the violation activity must be replanted;
    - b. One tree, 1 shrub, and 5 groundcover plants are required to be planted for every 50 square feet of planting area. Plants must be native and selected from the *Portland Plant List*.
    - c. A second area, equal in size to the area disturbed by the violation activity, must also be replanted as remediation, or 7 additional plants as described in C.2.b must be planted on the site for every 50 square feet disturbed;
    - d. Any plants on the Nuisance Plants List on the *Portland Plant List* must be removed from the planting area and within 10 feet of the planting area;
    - e. Trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size. No more than 10 percent of

the trees may be oak or madrone. Shrubs must be a minimum of 1-gallon size. All other species must be a minimum of 4-inch pots; and

- f. The requirements of Section 33.248.090, Mitigation and Restoration Planting, must be met.
3. For violations involving the removal of trees, three native trees must be planted on the site for each tree removed, in addition to other remediation vegetation planted. If any tree removed was a Garry Oak, Madrone, or Pacific Yew, the replacement trees must be of the same species. Planted trees must be a minimum one-half inch in diameter unless they are oak, madrone, or conifer, which may be 3 to 5-gallon size.
- D. Option Three, Environmental Review.** This option requires Environmental Review, using the approval criteria and procedures below:
1. Approval criteria. The approval criteria of Subsection 33.430.250.G must be met.
  2. Review procedures. Reviews are processed as follows:
    - a. Type III. The following situations require a Type III review:
      - (1) The removal of trees that exceeds the quantity of environmental standard 33.430.140.J.
      - (2) Any development, exterior alteration, or exterior improvement within a wetland, stream channel, drainageway, or waterbody.
    - b. Type II. All other environmental reviews to correct environmental code violations are processed through a Type II procedure.
    - c. All environmental reviews must provide the information required in Section 33.430.240, Supplemental Application Requirements.

### **33.430.407 Recurring Violations of This Chapter**

- A. Recurring violations on a site.** Sites where there have been more than one environmental violation while in the same ownership may be subject to fines under Title 3.
- B. Recurring violations by an individual or business.** Individuals or businesses who have committed more than one environmental violation may be subject to fines under Title 3.

### **Notice and Review Procedure**

#### **33.430.410 Purpose**

The purpose of this notice and review procedure is to notify the public of the permit review process for development proposed in areas having identified significant resources and functional values.

#### **33.430.420 When These Regulations Apply**

These regulations apply when a building permit or development permit application is requested within the resource area of the environmental conservation zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

### **33.430.430 Procedure**

Applications for building permits or development permits as specified in Section 33.430.420 will be processed according to the following procedures:

**A. Application.** The applicant must submit a site plan with an application for a permit. The site plan must contain all information required by 33.430.130, Permit Application Requirements, and any additional information required for a building permit or development permit review.

**B. Notice of an application.**

1. Notice on website. Upon receipt of a complete application for a building or development permit, the Director of BDS will post a notice of the application on the BDS website and mail a notice of the request to all recognized organizations within 400 feet of the site. The posted notice of the application will contain at least the following information:

- A statement that a building or development permit has been applied for that is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, or 33.430.405.C.
- The legal description and address of the site;
- A copy of the site plan;
- The place where information on the matter may be examined and a telephone number to call; and
- A statement that copies of information on the matter may be obtained for a fee equal to the City's cost for providing the copies.

The notice will remain on the website until the permit is issued and administrative decision is made, or until the application is withdrawn.

2. E-mailed notice to recognized neighborhood associations. At the time a notice is posted on the BDS website, the Director of BDS will e-mail information about the internet posting to all recognized neighborhood associations and neighborhood coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

**C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.

1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. The posted notice will contain the same information as the notice posted on the internet.

2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building

and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material.

- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will provide the Director of BDS with one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
  2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through environmental review as described in Sections 33.430.210 through 33.430.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.430.140 through .190. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

---

*(Amended by: Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169375, effective 10/4/95; Ord. No. 171219, effective 7/1/97; Ord. No. 171260, effective 7/12/97; Ord. No. 171740, effective 11/14/97; Ord. No. 173015, effective 2/12/99; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178961, effective 6/13/05; Ord. No. 179540, effective 9/26/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534 and Ord. No. 184524, effective 7/1/11; Ord. No. 184944, effective 11/18/11; Ord. No. 185915, effective 5/1/13; Ord. No. 184944, effective 12/31/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189002, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22.)*



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

### **Community Design Standards**

#### **33.445.500 Purpose**

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

#### **33.445.510 When Community Design Standards May Be Used**

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

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

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

---

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

### **33.465.070 When These Regulations Apply**

Unless exempted by Section 33.465.080, below, the regulations of this chapter apply to the following:

- A. Development;
- B. All land divisions except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site;
- C. Removing, cutting, mowing, clearing, burning, or poisoning native trees and plants listed in the *Portland Plant List*;
- D. Planting or removing trees and plants listed on the Nuisance Plant List and removing non-native non-nuisance trees and plants;
- D. Changing topography, grading, excavating, and filling;
- F. Resource enhancement; and
- G. Dedication and expansions of rights-of-way.

### **33.465.080 Items Exempt From These Regulations**

The following items, unless prohibited by Section 33.465.090, below, are exempt from the regulations of this chapter. Other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met. When no development or other activities are proposed that are subject to the development standards or review requirements of this chapter, tree removal allowed under the exemptions below is subject to the tree permit requirements of Title 11, Trees.

- A. Change of ownership;
- B. Temporary emergency procedures necessary for the protection of life, health, safety, or property.
- C. Existing development, operations, and improvements, including the following activities:
  1. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities. Replacement is not exempt whenever coverage or utility size is increased.
  2. Continued maintenance of existing gardens, pastures, lawns, and landscape perimeters; including the installation of new irrigation and drainage facilities and new erosion control features. Change of crop type or farming technique on land currently in agricultural use.
  3. Changes to existing disturbance areas to accommodate outdoor activities such as gardens and play areas so long as plantings do not include plants on the Nuisance Plants List and no trees 6 or more inches in diameter are removed;
  4. Alterations to buildings which do not change the building footprint and do not require adjustments to site-related development standards.
  5. Operation, maintenance, and repair of the following: irrigation systems; drainage facilities and conveyance channels; stormwater detention areas; pumping stations;

erosion control and soil stabilization features; and pollution reduction facilities. Maintenance of drainage facilities includes the dredging and channel cleaning of existing drainage facilities and vegetative maintenance within the minimum floodway cross section of drainageways. This exemption applies only if all spoils are placed outside the Pleasant Valley Natural Resources overlay zone.

6. Removal of vegetation when no other activities subject to the development standards of this chapter are proposed, if the following are met:
    - a. All vegetation removal activities must be surrounded or protected to prevent erosion and sediment from leaving the site or negatively impacting resources on the site. Permanent erosion control, such as replanting areas of bare soil, must be installed.
    - b. The vegetation proposed for removal is one of the following:
      - (1) Trees or plants listed on the Nuisance Plants List;
      - (2) Dead, dying, or dangerous trees or portions of trees when they pose an immediate danger, as determined by the City Forester or an arborist. Removing these portions is exempt only if all sections of wood more than 12 inches in diameter either:
        - Remain, or are placed, in the Pleasant Valley Natural Resources overlay zone on the same ownership on which they are cut; or
        - Are removed, if the City Forester authorizes removal of diseased wood because it will threaten the health of other trees;
      - (3) Non-native non-nuisance trees and plants; and
      - (4) Trees that are within 10 feet of a building and structures attached to buildings, such as decks, stairs, and carports.
  7. Pruning trees in accordance with Title 11 permit requirements;
  8. Development over existing paved surfaces that are over 50 feet from any identified wetland or water body; and
  9. Land division and partitions of developed properties where no additional building sites are created and no additional development is proposed.
- D.** The following new development and improvements:
1. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
  2. Water quality monitoring stations constructed to the standards of the Bureau of Environmental Services and groundwater monitoring wells constructed to the standards of the Bureau of Water Works, where access is by foot only;
  3. Utility service using a single utility pole or where no more than 100 square feet of ground surface is disturbed outside of the top-of-bank water bodies and where the disturbed area is restored to the pre-construction conditions;

4. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed on the *Portland Plant List*;
5. Soil tests performed with hand-held equipment, provided that excavations do not exceed a depth of five feet, combined diameters of all excavations do not exceed five feet, and all excavations are refilled with native soil, except as necessary for Pleasant Valley resource review;
6. Trails meeting all of the following:
  - a. Construction must take place between May 1 and October 30 with hand-held equipment;
  - b. Trail widths must not exceed 30 inches and trail grade must not exceed 20 percent;
  - c. Trail construction must leave no scars greater than three inches in diameter on live parts of native plants;
  - d. Trails must not be within 25 feet of a wetland or the top-of-bank of a water body;
  - e. No impervious surface is allowed; and
  - f. No native trees greater than 1 inch in diameter may be removed or cut.
7. All land divisions with tentative plans, final plans, and recorded plats showing all of the following:
  - a. All building sites are at least five feet from the Pleasant Valley Natural Resources overlay zone. For the purpose of this paragraph, "building site" means an area of at least 3,500 square feet with minimum dimensions of 40 feet by 40 feet.
  - b. Public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) where none of these utilities is in the Pleasant Valley Natural Resources overlay zone.
  - c. Streets, driveways, and parking areas where all pavement is at least ten feet from the Pleasant Valley Natural Resources overlay zone.

### **33.465.090 Prohibitions**

The following items are prohibited in the Pleasant Valley Natural Resources overlay zone:

- A. The use, packaging, transportation, or storage of hazardous substances, except as follows:
  1. Transportation of hazardous substances through the Pleasant Valley Natural Resources overlay zone on designated truck routes is allowed; and
  2. Use of consumer quantities of hazardous substances within the Pleasant Valley Natural Resources overlay zone is allowed subject to the regulations of this Title. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

- B. The planting or propagation of any plant identified on the Nuisance Plants List in the *Portland Plant List*; and
- C. Exterior work activities.

### Development Standards

#### 33.465.110 Purpose

These development standards are intended to:

- A. Encourage sensitive development while minimizing impact on resources;
- B. Provide clear limitations on disturbance within resource areas;
- C. Ensure that new development and alterations to existing development are compatible with and preserve the resources and functional values protected by the Pleasant Valley Natural Resources overlay zone;
- D. Provide clear planting and erosion control requirements within resource areas;
- E. Limit the impacts on resources and functional values resulting from construction of certain types of utilities.

#### 33.465.120 Procedure

- A. **Generally.** Compliance with the development standards of this chapter is required for all development in the Pleasant Valley Natural Resource Overlay zone and is determined as part of the building permit or development permit application process. For proposals that cannot meet all of the standards, Pleasant Valley resource review is required. Where a proposal can meet all the standards, the applicant may choose to go through the discretionary resource review process, or to meet this objective standards of this chapter.

The development standards are Sections 33.465.150 through .180; Sections 33.465.155 through .180 address specific types or aspects of development, while 33.465.150 applies to proposals not covered by the more specific sections. A proposal may be subject to several sections. For example, constructions of a house may be subject to the General Development Standards of 33.465.150, General Standards, the standards of 33.465.155, Utility Lines, and 33.465.160, Rights of Way. If the proposal can meet the general standards and standards for the right of way dedication, but not those for utilities, Pleasant Valley resource review is required only for the utilities. To be eligible to use the development standards for an aspect of a proposal, all of the standards within the relevant section must be met.

- B. **Adjustments prohibited.** Adjustments to these standards are prohibited. Proposals that do not meet all the standards within each relevant section require approval through Pleasant Valley resource review described in Sections 33.465.210 through .280.

#### 33.465.130 Permit Application Requirements

A building permit or development permit application that is reviewed for compliance with the standards of this chapter requires more information than a permit not affected by these provisions.

The information in Subsections A. through C. must be submitted with permit application plans. Submission of the information in Subsection D. is optional.

- A.** An existing conditions site plan including:
  - 1. Location of all Pleasant Valley Natural Resources overlay zone lines on the site;
  - 2. Outline of any existing disturbance area, including existing utility locations;
  - 3. Location of any wetlands or water bodies on the site or within 50 feet of the site. Indicate the location of the top-of-bank, centerline of stream, or wetland boundary as appropriate;
  - 4. Within the disturbance area, all trees that are at least 6 inches in diameter must be indicated by size and species. Trees outside of the disturbance area must be shown as crown cover with an indication of species composition; and
  - 5. Topography shown by contour lines at 2-foot vertical contours in areas of slopes less than 10 percent and at 5-foot vertical contours in areas of slopes 10 percent or greater.
- B.** Proposed development plan including:
  - 1. Outline of the proposed disturbance area, including all areas of proposed utility work;
  - 2. Location and description of all proposed erosion control devices;
  - 3. A stormwater management plan;
  - 4. A landscape plan indicating the size, species, and location of all vegetation to be planted in the environmental zone showing that 90 percent vegetative cover will be achieved within one year; and
  - 5. Trees proposed to be preserved and trees proposed to be removed. For trees preserved, tree protection measures, meeting the requirements of Chapter 11.60, Technical Specifications, must be shown. A tree plan may also be required to comply with the requirements of Chapter 11.50, Trees in Development Situations.
- C.** A mitigation plan that addresses the elements of Section 33.465.180, Mitigation.
- D.** Photographs of the site are not required but are encouraged to supplement the existing conditions site plan.

### **33.465.150 General Development Standards**

The standards of this section apply to all development in the Pleasant Valley Natural Resources overlay zone except utilities subject to Section 33.465.155, rights-of-way subject to 33.465.160, land divisions and planned developments subject to Section 33.465.165, resource enhancement projects subject to Section 33.465.170, trails subject to Section 33.465.175, and mitigation subject to 33.465.180.

Standards A, B and E through N apply to new development. Standards C, D and E through N apply to alterations to existing development. All of the applicable standards must be met.

- A. The maximum disturbance area allowed within the Pleasant Valley Natural Resources overlay zone on the site is determined by subtracting all portions of the site outside the Pleasant Valley Natural Resources overlay zone from the number listed in Table 465-1.

<b>Table 465-1</b>		
<b>Maximum Disturbance Area Allowed</b>		
	<b>RF Zone</b>	<b>R7 Zone</b>
Maximum Disturbance Area	5,000 sq. ft. (1)	3,500 sq. ft. (1)
(1) Subtract the amount of area on the site outside the Pleasant Valley Natural Resources overlay zone from the number given in the table.		

- B. The disturbance area must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within Pleasant Valley Natural Resources overlay zone;
- C. For alterations to existing development, one of the following must be met:
  1. The disturbance area does not exceed the limitations of Table 465-1; or
  2. If the existing disturbance area exceeds the limitations of paragraph 1 above, then the existing disturbance area may not be expanded;
- D. The proposed development must be set back at least 50 feet from the edge of any identified wetland or from the top-of-bank of any identified stream or water body within the Pleasant Valley Natural Resources overlay zone;
- E. Tree removal and replacement standards are:
  1. Native trees may only be removed as follows. In no case will the combined total diameter of all trees removed exceed 225 inches, counting only native trees that are at least 6 inches. Trees removed must be replaced as shown in Table 465-2.
    - a. Within 10 feet of any existing or proposed buildings and structures, attached to buildings, such as decks, stairs, and carports; or
    - b. Within 10 feet of proposed driveways or right-of way improvements; and
  2. Non-native non-nuisance trees may be removed if each tree at least 6 inches in diameter is replaced as shown in Table 465-2;
  3. Trees listed on the Nuisance Plants List may be removed, if each tree is replaced with one native tree; and
  4. Replacement trees and shrubs required by this subsection must meet the requirements for plantings in Section 33.465.180.



coalition offices within 400 feet of the site. When an e-mail address is not available, the notice will be mailed to the neighborhood association and coalition office.

- C. Posting the site and marking development.** The applicant must post notice information on the site and identify disturbance areas as specified below.
1. Posting notice on the site. The applicant must place a public notice about the request on the site when the application is deemed complete by the Bureau of Development Services. A posted notice must be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way. Notices are not required along street frontages that are not improved and allow no motor vehicle access. The posted notice will contain the same information as the notice posted on the internet.
  2. Marking proposed development on site. Prior to inspection of the site, the applicant will mark all trees over six inches diameter to be removed on the site and the building and pavement outlines with high visibility tape. The extent of the disturbance area must be marked with orange construction fencing or similar highly visible material. For corrections to violations, the disturbance area and remediation area to be planted must be identified with high visibility tape or similar high visibility material area to be planted must be identified with high visibility tape or similar high visibility material.
- D. Site inspection.** A BDS inspector will inspect the site prior to issuance of the permit and will complete one of the following:
1. An inspection report that confirms the accuracy of the site plan and conformance with the applicable development standards; or
  2. A check sheet identifying the deficiencies in the plan. Deficiencies must be corrected before a building permit is approved, or they may be addressed through Pleasant Valley resource review as described in Sections 33.465.210 through 33.465.280.
- E. Comments.** Any interested person may comment on the permit application by writing and specifically identifying errors or non-compliance with development standards.
- F. Response to comments.** If a comment is received, the Director of BDS will respond in writing or in a manner suitable to the comment. The response will specifically address each comment that concerns compliance with the development standards of Section 33.465.150 through .180. The Director of BDS will recheck permits for compliance with development standards and approve the permit if compliance is reaffirmed or when identified deficiencies are corrected, and when all applicable standards and regulations of the Zoning Code are met.

---

*(Added by: Ord. No. 178961, effective 6/13/05. Amended by: Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184235, effective 11/26/10; Ord. No. 183534, effective 7/1/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190851, effective 6/30/22.)*



- D. The development may be expanded, but, except as allowed below, not within or riverward of the river setback. Expansion includes adding additional floor area;
  - 1. An existing house located in the river setback may be expanded vertically within the existing building footprint. For the purpose of this standard, building footprint is the perimeter of the building established by the exterior faces of the building foundation. Building footprint does not include porches, decks or eaves. Existing exterior building walls that project beyond the building foundation may be expanded vertically, provided the area of the building foundation is not increased; and
  - 2. An existing seawall located in the river setback may be expanded for structural reinforcement only, and when the following are met:
    - a. The thickness of the seawall may be increased up to 1 foot. The thickness is measured from the riverward face of the seawall to the landward face of the seawall. Tiebacks may be added in addition to the allowed increase in thickness if no permanent disturbance area associated with the tiebacks is proposed;
    - b. The height and length of the seawall may not be increased;
    - c. Temporary disturbance area located within and riverward of the river setback must be replanted to meet the relevant subarea standards of Table 475-1, and temporary disturbance located landward of the river setback is replanted to meet the subarea 3 standard of Table 475-1;
    - d. Vegetation removal is allowed as specified in 33.475.440.K.; and
    - e. Mitigation is required as specified in 33.475.440.L.

### **33.475.260 Property Line Adjustments**

Property line adjustments may not result in a property that is in more than one river overlay zone except as follows:

- A. The second overlay zone is the River Environmental overlay zone;
- B. The property line adjustment involves at least one property owned by Portland Parks and Recreation.

## **River Environmental Overlay Zone**

### **33.475.400 Use Regulation**

There are no special use restrictions associated specifically with the River Environmental overlay zone. However, any use restrictions that apply as a result of an accompanying River overlay zone also apply within the River Environmental overlay zone.

### **33.475.403 When These Regulations Apply**

Unless exempted by 33.475.405, the regulations apply to:

- A. Development;
- B. Planting, removing, pruning, mowing, clearing, burning or poisoning trees or vegetation;

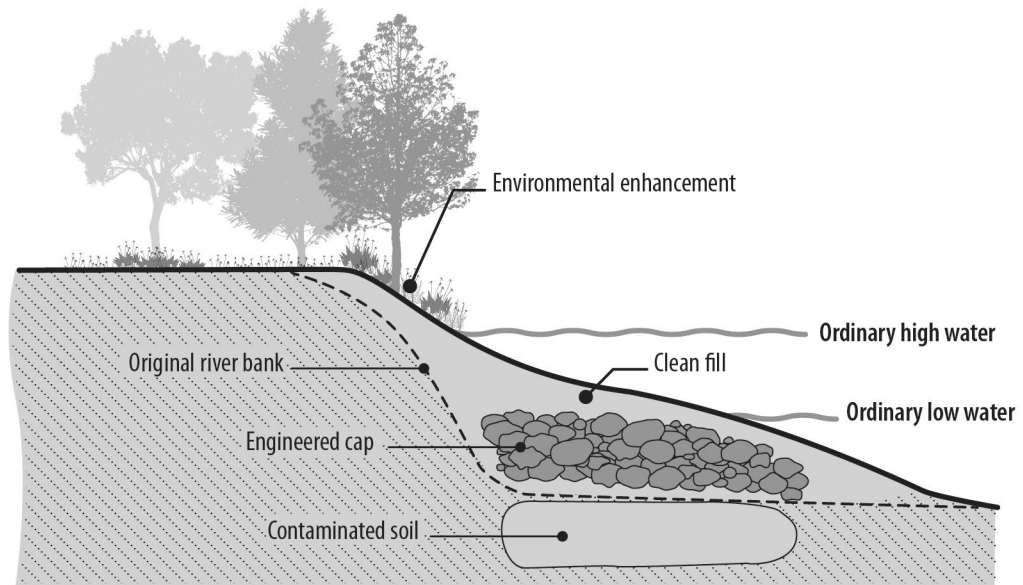
- C. Changing topography, grading, excavation or filling;
- D. Resource enhancement; and
- E. All land divisions and property line adjustments except for middle housing land divisions. The regulations of this chapter do apply to development proposed on a middle housing land division site.

### **33.475.405 Items Exempt From These Regulations**

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

- A. Change of ownership;
- B. Temporary emergency procedures necessary for the protection of life, health, safety, or property;
- C. Changes to the interior of a building;
- D. Operation, maintenance, alterations, repair, and replacement of existing structures, exterior improvements, irrigation systems, stormwater facilities, non-potable water systems, roads, utilities, public trails and paths, public viewpoints, public interpretive facilities, and erosion control measures. Alterations, repair and replacement is not exempt whenever total square footage, building coverage or utility size is increased. Replacement of an existing floating boat dock structure located in a residential zone and alteration or repair of more than 50 percent of the combined constituent systems of an existing floating boat dock structure located in a residential zone is not exempt;
- E. Dredging, channel maintenance, and the removal of materials from the river as follows:
  - 1. Dredging, channel maintenance, and the removal of material within the federal navigation channel.
  - 2. Dredging, channel maintenance, and the removal of materials outside the federal navigation channel as follows:
    - a. Dredging and the removal of materials in waters that are 35 feet deep or deeper, measured from the ordinary high water mark; or
    - b. Channel, slip and berth maintenance that has been approved by the U.S. Army Corps of Engineers.
  - 3. The placement of dredged materials within the River Environmental overlay zone is not exempt.
- F. Removal of structures and debris located landward of the ordinary high water mark of the Willamette River, streams or drainageways, or more than 30 feet from a wetland;
- G. Installation of temporary erosion control measures;
- H. Alterations to buildings that do not change the building footprint and do not require adjustments to site-related development standards;
- I. Continued maintenance of existing gardens, lawns, and other planted areas, including the installation of new plants except those listed on the Nuisance Plants List;

**Figure 475-8**  
**Example 2: In-Water Contamination Cleanup**



---

*(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.505 Albina Community Plan District

# 505

---

### Sections:

#### General

33.505.010 Purpose

33.505.020 Where These Regulations Apply

#### Development Standards

33.505.230 Attached Houses on Vacant Lots in R5 Zoned Areas

Map 505-1 Albina Community Plan District

### General

#### 33.505.010 Purpose

The Albina Community plan district implements the Albina Community Plan. The plan district's provisions are intended to provide additional opportunities for owner-occupied housing that can serve as less expensive alternatives to lower-density houses and that do not involve demolition of existing sound housing.

#### 33.505.020 Where These Regulations Apply

The regulations of this chapter apply to the Albina Community plan district. The boundaries of the plan district are shown on Map 505-1 at the end of this chapter, and on the Official Zoning Maps.

### Development Standards

#### 33.505.230 Attached Houses on Vacant Lots in R5 Zoned Areas

- A. Purpose.** The increased density permitted by this section encourages infill development in areas that are generally well served by existing public services. The increase allows the area to absorb additional growth without creating market pressure that might lead to the early removal of existing sound housing. The increased density will lower the cost of housing while increasing opportunities for owner-occupied housing. Required design review of new development ensures that the new housing will make a positive contribution to the neighborhood's character.
- B. Attached houses.** Attached houses are allowed in the R5 zone s stated in 33.110.265, Residential Infill Options.

*(Added by Ord. No. 167054, effective 10/25/93. Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 170916, effective 2/19/97; Ord. No. 171589, effective 11/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22.)*



## 33.521 East Corridor Plan District

# 521

### Sections:

#### General

- 33.521.010 Purpose
- 33.521.020 Where These Regulations Apply

#### Use Regulations

- 33.521.100 Purpose
- 33.521.110 Prohibited Uses

#### Development Standards

- 33.521.200 Purpose
- 33.521.210 Building Height
- 33.521.220 Floor Area Ratios
- 33.521.230 Connectivity
- 33.521.240 Pedestrian Standards
- 33.521.250 Entrances
- 33.521.260 Building Design
- 33.521.270 Exterior Display and Storage
- 33.521.280 Drive-Through Facilities
- 33.521.290 Parking
- 33.521.300 Additional Standards in the 122nd Avenue Subdistrict

Map 521-1 East Corridor Plan District

Map 521-2 Maximum Building Heights

Map 521-3 Floor Area Ratios

Map 521-4 Areas Where Exterior Display and Storage are Allowed

### General

#### 33.521.010 Purpose

The East Corridor plan district includes three light rail stations and three Pedestrian Districts. The area is targeted to receive a significant share of the city's growth. It is envisioned that future development will transform the areas surrounding the light rail stations into vibrant mixed-use areas of retail, office, and housing with a high level of pedestrian amenities. Lower density residential and commercial development will continue to surround the Pedestrian Districts.

These regulations:

- Encourage new housing and mixed use development and expansions of existing development to promote the corridor's growth and light rail transit ridership;
- Promote compatibility between private and public investments along the light rail system through enhanced building design and site layout standards;
- Implement the objectives of the City's Pedestrian Districts to enhance the pedestrian experience and access to and from light rail service; and
- Encourage connectivity for vehicles, bicycles, and pedestrians on large sites.

### **33.521.020 Where These Regulations Apply**

The regulations of this chapter apply to development in the East Corridor plan district. The boundaries of the plan district are shown on Map 521-1 at the end of this chapter, and on the Official Zoning Maps.

## **Use Regulations**

### **33.521.100 Purpose**

Use regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and enhances the pedestrian environment along the transit corridor and near the light rail stations by encouraging uses that support transit patrons and pedestrians.

### **33.521.110 Prohibited Uses**

The following uses are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment:

- A. Vehicle Repair that is not on the same site as auto sales in the Retail Sales And Service category;
- B. Quick Vehicle Servicing;
- C. Commercial Parking; and
- D. Self-Service Storage.

## **Development Standards**

### **33.521.200 Purpose**

Development regulations in the East Corridor plan district ensure that development maximizes the public's investment in transit and fosters intense mixed-use development with a high level of pedestrian amenities in Pedestrian Districts near light rail stations. The development regulations do this by:

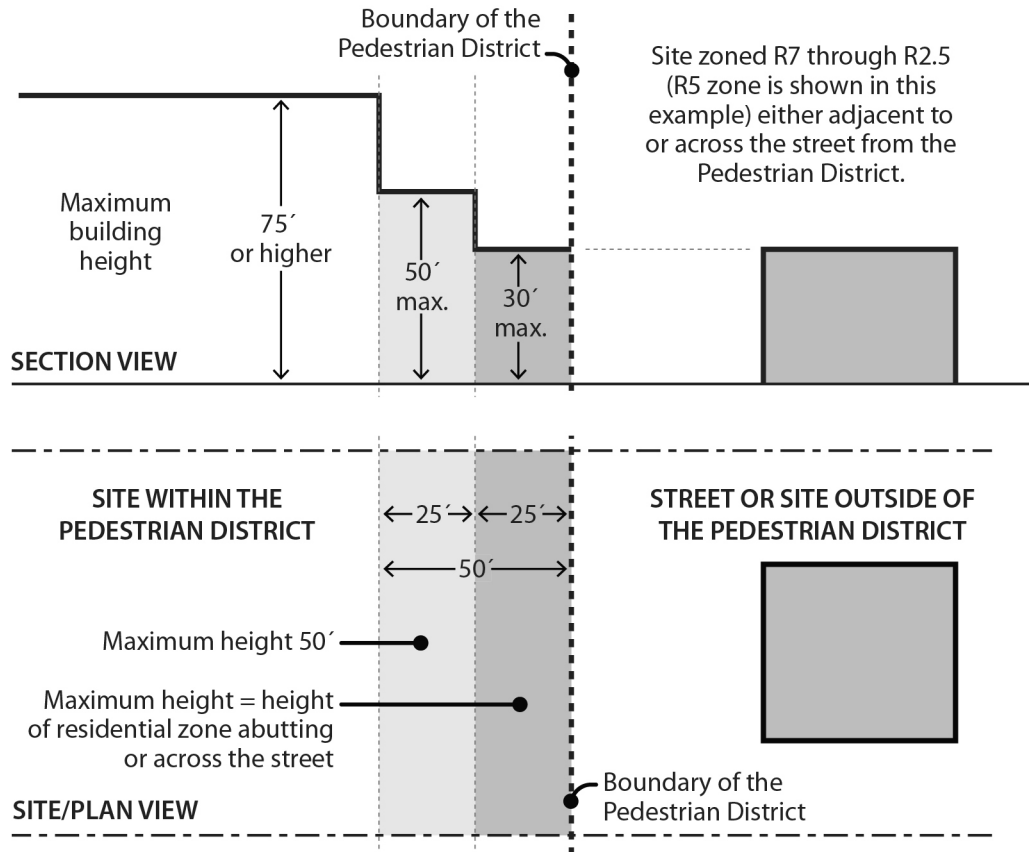
- Enhancing the pedestrian experience throughout the plan district, but focusing more active, intense pedestrian activities around the light rail stations;
- Increasing the development potential around the light rail stations;
- Creating a street pattern that is oriented to pedestrians with the most urban streets around the light rail stations; and
- Limiting development that adversely affects the pedestrian environment such as exterior display and storage and drive-throughs along the light rail alignment and in pedestrian Districts.
- Encouraging the design of exterior display areas, where allowed, that are attractive and safe for pedestrians.

### **33.521.210 Building Height**

- A. **Purpose.** These regulations encourage high density development within Pedestrian Districts while ensuring that single-dwelling zones outside Pedestrian Districts are not adversely affected by the higher density development.

- B. Maximum building height.** Maximum building heights are shown on Map 521-2 at the end of this chapter.
- C. Transition height at edges of Pedestrian Districts.**
1. Where these regulations apply. The regulations of this subsection apply to sites in a Pedestrian District that have a maximum building height of 75 feet or more and either:
    - a. Abut a site zoned R7 through R2.5 that is not in the Pedestrian District; or
    - b. Are across a Local Service Traffic Street from a site zoned R7 through R2.5 that is not in the Pedestrian District.
  2. Abutting. Sites that abut a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:
    - a. On the portion of the site within 25 feet of a site zoned R7 through R2.5, the maximum building height is the same as the abutting residential zone; and
    - b. On the portion of the site that is more than 25 feet but within 50 feet of a site zoned R7 through R2.5, the maximum building height is 50 feet.
  3. Across a street. Sites that are across a Local Service Traffic Street from a site zoned R7 through R2.5 have height limits that decrease in two steps, as follows. See Figure 521-1:
    - a. On the portion of the site within 25 feet of the street lot line, maximum building height is the same as the residential zone across the street; and
    - b. On the portion of the site that is more than 25 feet but within 50 feet of the street lot line, the maximum building height is 50 feet.

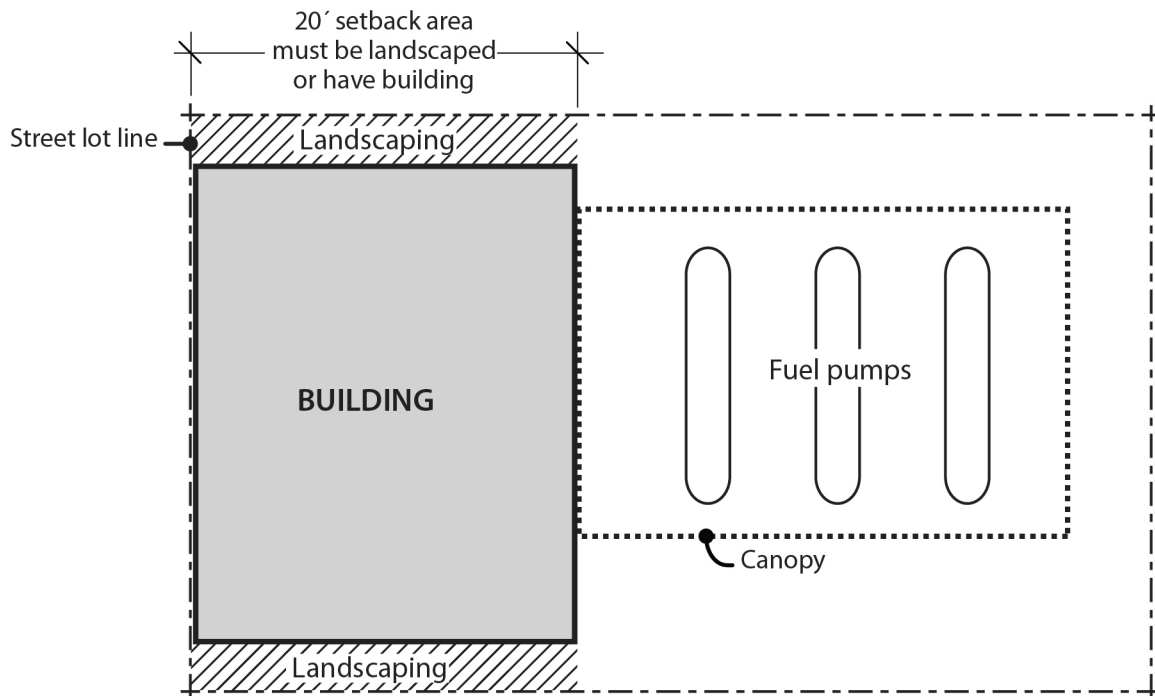
**Figure 521-1**  
**Height Limits on Sites Abutting or Across a Local Service Traffic Street from R7 – R2.5 zones**



### 33.521.220 Floor Area Ratios

- A. Purpose.** These regulations encourage more intense development near light rail stations. This increased development opportunity promotes higher density development at the station communities along the East Burnside light rail alignment. In addition, the standards also include a minimum density on some sites in order to ensure a minimum level of development.
- B. Maximum floor area ratio.** The maximum floor area ratios (FAR) are shown on Map 521-3 at the end of this chapter.
- C. Minimum floor area ratio.** The minimum floor area ratios (FAR) for all new development are shown on Map 521-3 at the end of this chapter.
- D. FAR bonus.** The following FAR bonus options apply to sites shown on Map 521-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
  1. Maximum increase in FAR. On sites located outside of the Ventura Park Pedestrian District, an increase in FAR through the use of bonuses of more than 1 to 1 is

**Figure 521-4**  
**Setbacks for Motor Vehicle Fuel Sales**



*(Added by: Ord. No. 178423, effective 6/18/04. Amended by: Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180372, effective 9/30/06 and 7/1/07; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.530 Glendoveer Plan District

# 530

### Sections:

33.530.010 Purpose

33.530.020 Where the Regulations Apply

33.530.030 Minimum Lot Size

33.530.040 Building Setbacks

33.530.050 Additional Standards for Flag Lots

Map 530-1 Glendoveer Plan District

### 33.530.010 Purpose

The regulations of the Glendoveer plan district are intended to ensure that the special development patterns fostered by Ascot zoning and succeeding zoning provisions established by Multnomah County are protected and continued under City zoning regulations following annexation.

### 33.530.020 Where the Regulations Apply

The standards of this chapter apply only to areas zoned R7 and which were zoned LR7.5 by Multnomah County prior to the establishment of City zoning. Glendoveer plan district boundaries and areas that were formerly zoned LR7.5 and are now zoned R7 are shown on Map 530-1, located at the end of this chapter, and on the Official Zoning Maps.

### 33.530.030 Minimum Lot Size and Maximum Density

For land divisions within the Glendoveer plan district, the following maximum density and minimum lot size standards replace the respective standards in 33.610:

- A. Maximum density B in Table 610-1 is 7,500 square feet;
- B. Minimum lot area for all other lots in Table 610-2 is 7,500 square feet; and
- C. Minimum lot width for all other lots in Table 610-2 is 70 feet.

### 33.530.040 Building Setbacks

- A. **Building setback standards.** The minimum building setbacks are:

Setback	Distance
Front setback	30 feet
Side setback	10 feet [1]
Rear setback	15 feet

[1] For sites with attached houses, the required building setback on the side containing the common wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.

- B. **Setback standards for detached garages.** Detached garages are allowed in side and rear building setbacks that do not abut a street if all of the following are met:

1. The garage entrance is at least 50 feet from a front lot line, and if on a corner lot, 25 feet from a side street lot line;
2. The garage has dimensions that do not exceed 24 feet by 24 feet;
3. The garage is no more than 15 feet high and the garage walls are no more than 10 feet high, excluding the portion of the wall within a gable;
4. The structure in which the garage is located contains no space for living, sleeping, eating, cooking or sanitation; and
5. Dormers meet the setback standards of Subsection A, above.

### **33.530.050 Additional Standards for Flag Lots**

- A. Minimum lot dimensions.** Flag lots are exempt from the minimum front lot line standard. The minimum lot width and minimum lot depth required for each flag lot is 70 feet. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the “flag” portion of the lot. All other lot dimension standards must be met.
- B. Setbacks.** Flag lots have required building setbacks that are the same along all lot lines. The required setbacks are 15 feet.
- C. Maximum Height.** The maximum height for all structures on flag lots is 25 feet.

---

*(Amended by: Ord. No. 167650, effective 6/10/94; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 182429, effective 1/16/09; Ord. No. 190851, effective 6/30/22.)*



## 33.561 North Interstate Plan District

# 561

### Sections:

#### General

- 33.561.010 Purpose
- 33.561.020 Where These Regulations Apply

#### Development Standards

- 33.561.210 Maximum Building Height
- 33.561.220 Floor Area Ratios
- 33.561.230 Transition Between Zones
- 33.561.250 Exterior Display and Storage
- 33.561.260 Off-Site Impacts of Industrial Uses in the CM3 Zone
- 33.561.270 Required Building Lines
- 33.561.280 Active Building Use Areas
- 33.561.300 Motor Vehicle Access
- 33.561.310 Compatibility Standards in the RM1 Zone

Map 561-1 North Interstate Plan District

Map 561-2 North Interstate Plan District: Maximum Building Heights

Map 561-3 North Interstate Plan District: Floor Area Ratios

Map 561-4 North Interstate Plan District: Required Building Lines/Active Building Use Areas

### **33.561.010 Purpose**

The North Interstate plan district provides for an urban level of mixed-use development to support the MAX line and the surrounding neighborhoods by encouraging development that increases neighborhood economic vitality, amenities, and services and successfully accommodates additional density. These standards:

- Implement urban design concepts of the North Interstate Corridor Plan;
- Help ease transitions between new high-density development and the existing, low-density neighborhoods; and
- Enhance the pedestrian experience.

### **33.561.020 Where These Regulations Apply**

The regulations of this chapter apply in the North Interstate plan district. The boundaries of the plan district are shown on Map 561-1 at the end of this chapter, and on the Official Zoning Maps.

## **Development Standards**

### **33.561.210 Maximum Building Height**

#### **A. Purpose.** The maximum building height standards:

- Allow taller buildings to provide visual prominence and intense activity near station platforms and at identified focal points;
- Allow taller buildings along Interstate 5 to achieve a defined edge within the larger neighborhood context and allow buildings to take greater advantage of views to the east over the freeway; and

- Increase opportunities for creative design, encourage quality construction, and foster provision of neighborhood amenities such as underground parking and ground level open space by allowing additional height in special areas with additional design requirements.

**B. Maximum building heights.**

1. Generally. The maximum building heights are shown on Map 561-2, except as specified in Section 33.561.230. Adjustments to maximum heights are prohibited, but modifications through Design Review may be requested.
2. In the height opportunity areas shown on Map 561-2, buildings may be up to 125 feet high if:
  - a. The applicant meets with the Design Commission to discuss the proposal before applying for Design Review. As specified in 33.730.050.B, the applicant must submit a design advice request to schedule this meeting; and
  - b. The applicant requests design review, rather than using the Design overlay zone design standards in 33.420.050.

**33.561.220 Floor Area Ratios**

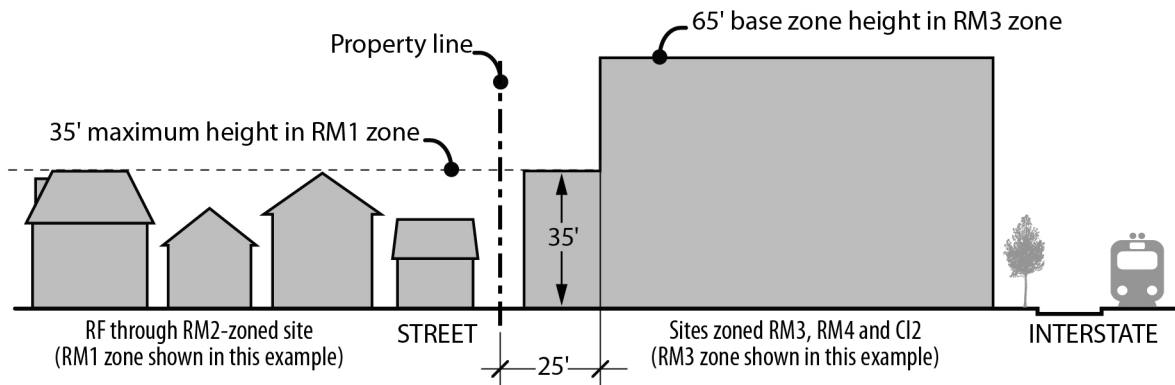
- A. Purpose.** The floor area ratio standards work with the maximum building height standards to:
- Increase intensity near the light rail stations at the most intensive station areas: Lombard, Killingsworth, and Prescott; and
  - Allow design flexibility for taller buildings that create opportunities for increased open space on the site and visually prominent architecture.
- B. Where these regulations apply.** These regulations apply to new development and additions of floor area to the site.
- C. Regulation.** Maximum floor area ratios are shown on Map 561-3.
- D. FAR bonus.** The following FAR bonus options apply to sites shown on Map 561-3 as having a maximum FAR of 4 to 1. The regulations of this Subsection do not apply where Map 521-3 indicates that maximum FAR for the site is the base zone maximum; on those sites, the base zone bonus regulations apply. Adjustments to this Subsection, or to the amount of maximum floor area allowed through the bonuses in this Subsection, are prohibited:
1. Maximum increase in FAR. An increase in FAR through the use of bonuses of more than 1 to 1 is prohibited.
  2. FAR bonus options:
    - a. Mandatory inclusionary housing bonus option. Bonus FAR is allowed for development that triggers 33.245, Inclusionary Housing. The amount of bonus floor area earned is an amount equal to the net building area of the building that triggers 33.245. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.

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

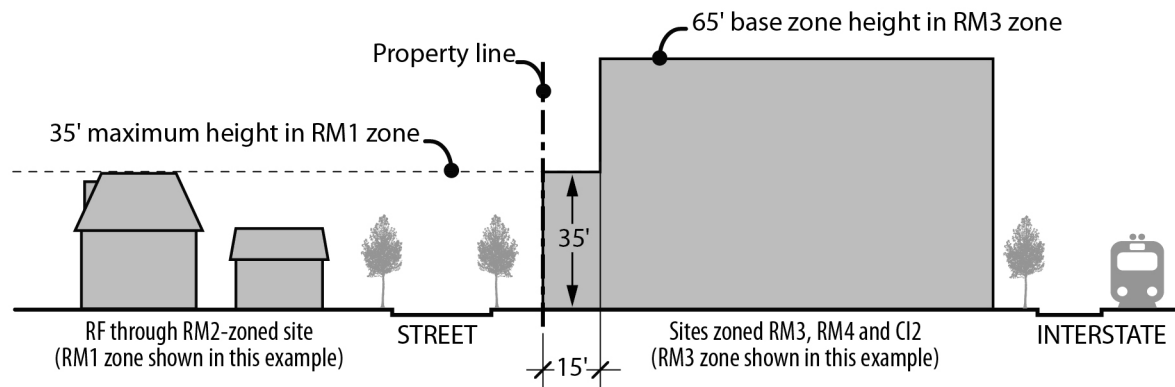
### **33.561.230 Transition Between Zones**

- A. Purpose.** These regulations ensure that there is a transition in height when high intensity zones abut or are across the street from low and medium density residential zones.
- B. Where these regulations apply.** The regulations of this section apply to sites in RM3, RM4, CX, and CI2 zones that abut or are across a street from an RF through RM2 zone.
- C. Maximum building height.**
  - 1. Sites abutting RF-RM2 zones. On sites abutting RF-RM2 zones, on the portion of the site within 25 feet of a site zoned RF-RM2, the maximum building height is the same as the abutting residential zone. See Figure 561-1.
  - 2. Sites across a street from RF-RM2 zones. On sites across a street from RF-RM2 zones, on the portion of the site within 15 feet of the lot line across the street from a site zoned RF-RM2, the maximum building height is the same as the residential zone across the street. See Figure 561-2.

**Figure 561-1**  
**Height limits on sites abutting RF – RM2 zones**



**Figure 561-2**  
**Height limits on sites across a street from RF – RM2 zones**



### 33.561.250 Exterior Display and Storage

In the RM3, RM4, and CM3 zones, exterior display and storage are prohibited except for outdoor seating for restaurants and pedestrian-oriented accessory uses, including flower, food, or drink stands. Temporary open-air markets and carnivals are also allowed.

### 33.561.260 Off-Site Impacts of Industrial Uses in the CM3 Zone

- A. Purpose.** Because there are residential and commercial uses in, and adjacent to, areas zoned CM3, and there may be additional residential and commercial uses in the future, the off-site impacts of industrial uses must be limited. These limitations protect the economic viability and residential livability of the area.
- B. Industrial uses in the CM3 zone.** Industrial uses must meet the standards of Chapter 33.262, Off-Site Impacts. These standards must be met at the property line of the site.

### 33.561.270 Required Building Lines

- A. Purpose.** The Required Building line standard works together with the Active Building Use Areas, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and

attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). They ensure that buildings are built near the sidewalk and the area between the building and the sidewalk includes pedestrian amenities.

- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Alterations or exterior improvements to existing development are exempt from these regulations.
- C. Building line standards.** Exterior walls of buildings designed to meet these requirements must be at least 25 feet high.
  - 1. The building must extend to the street lot line along at least 75 percent of the lot line; or
  - 2. The building must extend to within 10 feet of the street lot line for 75 percent of the lot line and the space between the building and the street lot line must be designed as an extension of the sidewalk and committed to active uses such as seating areas, sidewalk cafes or vendor's stands.

### **33.561.280 Active Building Use Areas**

- A. Purpose.** The Active Building Uses standard works together with the Required Building Line, Ground Floor Windows, and Motor Vehicle Access standards to ensure a vibrant and attractive pedestrian environment at the station platforms and along key east-west streets (Killingsworth and Lombard). These regulations ensure the continuity of active ground uses which reinforce the relationship of uses within a building and the sidewalk. Active uses include but are not limited to lobbies, retail, residential, commercial, and office.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the streets shown on Map 561-4. Alterations or exterior improvements to existing development are exempt from these regulations.
- C. Active building use area required.** Buildings must be designed and constructed to accommodate active uses, such as lobbies, residential, retail, commercial, or office. This standard must be met along at least 50 percent of the ground floor of walls fronting the streets shown on Map 561-4.

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

- 1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
- 2. The area must be at least 25 feet deep, measured from the street-facing façade;
- 3. The area may be designed to accommodate a single tenant or multiple tenants;
- 4. The street-facing façade must include windows and doors; and
- 5. Parking is not allowed in the active building use areas.

### 33.561.300 Motor Vehicle Access

- A. **Purpose.** To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along Interstate Avenue, motor vehicle access should be limited when possible.
- B. **Parking access restricted.** Motor vehicle access to a vehicle area or structure is not allowed from Interstate Avenue unless the site has no other street frontage.

### 33.561.310 Compatibility Standards in the RM1 Zone

- A. **Purpose.** These standards ensure that development of sites with the potential for medium density development:
  - improves the transition between high density mixed-use development along Interstate and single-dwelling zone areas;
  - contributes positively to established neighborhoods; and
  - creates a strong physical and visual connection between the living area and the street.
- B. **Where these standards apply.** The standards of this section apply to multi-dwelling structures in the RM1 zone.
- C. **Standards.**
  1. Building setback. Primary buildings must not be set back from the front lot line more than 20 feet.
  2. Main entrances.
    - a. Covered area at main entrance. There must be a covered area at all main entrances that face the street. If the main entrance is to a single dwelling, the covered area must be at least 6 feet wide and 4 feet deep. If the main entrance is to more than one dwelling unit, the covered area must be at least 9 feet wide and 7 feet deep.
    - b. Covered balcony. As an alternative to C.2.a, attached houses have the option of providing a covered balcony on the same façade as the main entrance. The covered area provided by the balcony must be at least 48 square feet, a minimum of 8 feet wide and no more than 15 feet above grade. The covered balcony must be accessible from the interior living space of the house.
  3. Parking areas in the front setback. Parking areas are not allowed in the front setback.
  4. Exterior finish materials. The standards of this subsection must be met on all building facades:
    - a. Plain concrete block, plain concrete, corrugated metal, plywood, composite materials manufactured from wood or other products, and sheet pressboard may not be used as exterior finish material, except as secondary finishes if they cover no more than 10 percent of each facade.

- b. Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the board product is less than 6 inches wide.
- c. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
- d. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards with a reveal of 6 inches or less, or vinyl or aluminum siding that is in a clapboard or shiplap pattern where the boards in the pattern are 6 inches or less in width.

---

*(Added by: Ord. No. 182072, effective 8/22/08; Amended by: Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*





- B. Where these regulations apply.** The regulations of this Section apply to type A, B and C parking sites shown on Map 562-3.
1. Type A and B sites. Applicants for Commercial Parking on a Type A or Type B parking site may choose to meet the standards of Subsection E, or apply for a Conditional Use, as specified in Subsection F.
  2. Type C sites. Applicants for Commercial Parking on a Type C site must apply for a Conditional Use as specified in Subsection F.
- C. Maximum number of commercial parking spaces allowed under the provisions of this Section.**
1. Accessory parking.
    - a. Except as specified in C.1.b, the maximums of this subsection include any accessory parking on the site.
    - b. Exception. If the Commercial Parking is approved through a Conditional Use, and the approval includes a parking management plan that specifies how all the parking on the site will be managed to comply with the requirements of this Chapter, then accessory parking on the site does not count towards these maximums.
  2. The maximum number of parking spaces that may be allowed on Type A, B, and C parking sites combined is 650. Of that 650, no more than 450 spaces may be approved through a conditional use review.
  3. Adjustments to this subsection are prohibited.
- D. Setbacks.** The minimum setbacks from side and rear lot lines of abutting lots for structures containing Commercial Parking are stated in Table 562-1. These minimums may not be increased as part of a land use review except as specified in Subsection F, but may be reduced through an adjustment or modification. The site numbers refer to numbers on Map 562-3.

<b>Table 562-1</b>		
<b>Parking Structure Setbacks From Lot Lines Abutting an R Zone</b>		
Site No.	Setback from the side lot line of an R-zoned lot	Setback from the rear lot line of an R-zoned lot
2, 3	Regulations of the RM3 and RM4 zones apply	
4	Regulations of the CM2 Zone apply; See Table 130-4	
5, 6, 1	None	None

- E. Allowed use.** Commercial Parking on Type A and B sites that meets the following standards is allowed. The entire site must meet the following standards including any portion of the site that is in a C zone. Adjustments to this subsection are prohibited.
1. All of the parking must be structured parking except as allowed by Sub-section G;

2. Maximum number of parking spaces allowed per site.
    - a. Type A parking sites. A maximum of 75 parking spaces, including accessory parking, are allowed on each Type A parking site; and
    - b. Type B parking sites. A maximum of 110 parking spaces, including accessory parking, are allowed on each Type B parking site;
  3. Maximum height. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height allowed is 45 feet;
  4. Minimum density requirements do not apply.
- F. Conditional Use.** Commercial Parking may be requested as a Conditional Use if all of the following standards are met. The entire site must meet the standards including any portion of the site that is in a C zone. Adjustments to paragraphs F.1 through F.4 are prohibited.
1. The site must be a type A, B, or C parking site;
  2. All of the parking must be structured parking except as allowed in Subsection G;
  3. Maximum height.
    - a. Generally. On the portion of a site within an R zone, the maximum height allowed is 30 feet. On the portion of a site within a C zone, the maximum height is 45 feet;
    - b. Exception. If at least 50 percent of the floor area of the structure containing the Commercial Parking is in residential use, then the maximum height allowed on the portion of the site in the RM3 and RM4 zones is 75 feet;
  4. Minimum density requirements do not apply; and
  5. Setbacks. The minimum setbacks from side and rear lot lines of abutting lots for structures containing Commercial Parking are stated in Table 562-1. These minimums may be changed as part of the land use review process.
- G. Surface parking.** All Commercial Parking must be in a structure except on sites 3 and 5 as shown on Map 562-3. Existing surface parking lots used for accessory parking may be converted to Commercial Parking. The conversion is allowed without a land use review. Landscaping must be in compliance with current regulations for perimeter landscaping. No new Commercial Parking spaces may be added to the surface lots. Additional Commercial Parking spaces may be added to these sites if the requirements of 562.130 are met.
- H. Split zoned sites.** When the zoning of a Type A, B, or C parking site is split between a Multi-Dwelling zone and the CM2 zone, the development standards of the CM2 zone apply to the whole site, except as specified in this chapter.

## 33.563 Northwest Hills Plan District

# 563

### Sections:

#### General

- 33.563.010 Purpose
- 33.563.020 Where the Regulations Apply
- 33.563.030 Transfer of Development Rights

#### Balch Creek Subdistrict

- 33.563.100 Prohibitions
- 33.563.110 Additional Development Standards
- 33.563.120 Additional Approval Criterion

#### Forest Park Subdistrict

- 33.563.200 Prohibition
- 33.563.210 Additional Approval Criteria
- 33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea

#### Skyline Subdistrict

- 33.563.400 Zoning Map Amendments
- 33.563.410 Land Divisions and Planned Developments

#### Map 563-1 Northwest Hills Plan District

### **33.563.010 Purpose**

The Northwest Hills plan district protects sites with sensitive and highly valued resources and functional values. The portions of the plan district that include the Balch Creek Watershed and the Forest Park Subdistrict contain unique, high quality resources and functional values that require additional protection beyond that of the Environmental overlay zone. The Linnton Hillside subarea within the Forest Park subdistrict contains a residential area that is constrained by natural conditions and limited existing infrastructure. The development standards for this subarea are intended to protect the public health and safety by limiting the potential number of new housing units consistent with these constraints. The plan district also promotes the orderly development of the Skyline subdistrict while assuring that adequate services are available to support development. These regulations provide the higher level of protection necessary for the plan district area. The transfer of development rights option reduces development pressure on protected sites while containing safeguards to protect receiving sites.

### **33.563.020 Where the Regulations Apply**

The regulations of this chapter apply to the Northwest Hills plan district and subdistricts as shown on Map 563-1 at the end of this chapter, and on the Official Zoning Maps. The regulations of section 33.563.030 apply to the entire plan district. The regulations of Sections 33.563.100 through .120 apply only to the Balch Creek subdistrict. The regulations of Sections 33.563.200 through .210 apply only to the Forest Park subdistrict. The regulations of Sections 33.563.220 and .225 apply only to the Linnton Hillside subarea of the Forest Park subdistrict. The regulations of Sections 33.563.400 through .410 apply only to the Skyline subdistrict.

### **33.563.030 Transfer of Development Rights**

Transfer of development rights between sites in the Northwest Hills plan district is allowed as follows. Development rights are the number of potential dwelling units that would be allowed on the site. Adjustments to the provisions of this Section are prohibited.

- A. Sending sites.** Sites in the single-dwelling zones that are entirely within the Environmental Protection overlay zone may transfer development rights.
- B. Receiving sites.** Sites in the RF zone inside the Urban Growth Boundary may receive development rights from sending sites. Dwelling units resulting from the transfer may not be placed within an environmental zone.
- C. Maximum density.** The density of the receiving site may not exceed 0.75 units per acre, except that when the following standards are met, total density may be increased to 1 unit per acre:
  - 1. For every unit transferred to the receiving site, there is one acre of land with slopes of less than 10 percent; and
  - 2. Approval for on-site septic disposal has been granted by the Bureau of Development Services or sanitary sewer is available to all lots proposed as part of a land division.
- D. Procedure.** Transfer of development rights is allowed as follows:
  - 1. Planned Development required. The receiving site must be approved for development as a Planned Development. The purpose of the Planned Development Review is to ensure that the extra density is developed appropriately on the receiving site according to the requirements and approval criteria in Chapter 33.638 Planned Development.
  - 2. Sending site included. The sending site must be a part of the application for Planned Development Review on the receiving site. The purpose of this requirement is to allow the City to track the reduced development potential on sending sites.
  - 3. Covenant required. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060. The covenant must be recorded before approval of the Planned Development or if the Planned Development includes a land division, before the approval of the Final Plat.
- E. Adjustments prohibited.** Adjustments to the provisions of this section are prohibited.

### **Balch Creek Subdistrict**

#### **33.563.100 Prohibitions**

The following items are prohibited in the Balch Creek Subdistrict:

- A.** Activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment and emergency repair of existing structures; and
- B.** In commercial zones with an environmental overlay zone, residential uses are prohibited.

#### **33.563.110 Additional Development Standards**

All development must meet the following standards. Adjustment of these standards or modification of these standards through environmental review is prohibited. The development standards of this Section apply in addition to the standards of Sections 33.430.110 through .190.

- A. Stormwater runoff.** Post-development stormwater flows from a site must not exceed pre-development stormwater flows from that site. Stormwater systems shall meet Bureau of Environmental Services and BDS design and construction standards.
- B. Soil erosion.**
  - 1. All cleared areas which are not within a building footprint or a graveled entranceway must be covered with mulch, matting, or other effective erosion control features within 15 days of the initial clearing.
  - 2. Temporary erosion control features must be removed by October 1 of the same year the development was begun; and
  - 3. All permanent vegetation must be seeded or planted by October 1 of the same year the development was begun, and all soil not covered by buildings or other impervious surfaces must be completely vegetated by December 1 of the same year the development was begun.
- C. Forest cover.** Ninety percent of the portion of the site in the environmental zones must be retained or established in closed canopy forest with the following exceptions:
  - 1. Sites less than 30,000 square feet in area may have up to 3,000 square feet of unforested area.
  - 2. Parks and Open Areas and Agriculture uses are exempt from this standard.
- D. Land divisions.** All required closed canopy forest areas in land divisions and Planned Developments must be within an environmental resource tract.

**33.563.120 Additional Approval Criterion.** In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that the location, quantity, and quality of forest and contiguous forest cover will be sufficient to provide habitat for deer and elk and to provide for the passage of deer and elk between Forest Park and Pittock Acres Park.

### **Forest Park Subdistrict**

#### **33.563.200 Prohibition**

In the Forest Park subdistrict, activities which expose soil to direct contact with stormwater between October 1 and April 30 are prohibited. An exception to this prohibition is planting of native plants with hand-held equipment, and emergency repair of existing structures.

#### **33.563.210 Additional Approval Criteria**

In addition to the applicable approval criteria of Section 33.430.250, an environmental review application will be approved if the review body finds that all of the following approval criteria are met:

- A. Wildlife.** The location, quantity, quality and structural characteristics of forest vegetation will be sufficient to provide habitat and maintain travel corridors for the following indicator species: pileated woodpecker, sharp-shinned hawk, Roosevelt elk, white-footed vole, and red-legged frog. Standards to meet this criteria are in the applicable Habitat Evaluation Procedure developed by the United States Fish and Wildlife Service;

- B. Parks and Open Space.** Overall scenic, recreational, educational and open space values of Forest Park will not be diminished as a result of development activities; and
- C. Miller Creek Subarea.** Within the Miller Creek Subarea, shown on Map 563-1, development activities will not degrade natural water quality, quantity, and seasonal flow conditions, and will not increase water temperatures above 68°F. In addition, development activities will not decrease opportunities for fish and amphibian passage.

**33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea**

The regulations of Section 33.110.202 do not apply to lots of record and lot remnants in the Linnton Hillside Subarea. In this subarea, primary structures are allowed on lots of record and lot remnants in single-dwelling residential zones as specified in this section. The regulations of 33.110.202 apply to lots and adjusted lots in the Linnton Hillside Subarea. Adjustments to the standards of this section are prohibited. Primary structures are only allowed if one of the requirements in A. through D. are met:

- A.** The lot of record, lot remnant, or combination thereof:
  - 1. Is at least 36 feet wide; and
  - 2. Meets the minimum area standard of Table 563-1;
- B.** The lot of record, lot remnant, or combination thereof:
  - 1. Is at least 36 feet wide;
  - 2. Meets the minimum area standard of Table 610-2 or Chapter 33.611, but does not meet the minimum area standard of Table 563-1; and
  - 3. Did not abut any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;
- C.** The lot of record, lot remnant, or combination thereof:
  - 1. Does not meet the minimum area standard of Table 610-2 or Chapter 33.611; and
  - 2. Did not abut any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;
- D.** On a lot of record, lot remnant, or combination thereof that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;
- E.** Additional regulations for property line adjustments.
  - 1. The lot of record, lot remnant, or combination thereof described in Subsection A may not be reduced in area below the standards of Table 563-1;
  - 2. The lot of record, lot remnant, or combination thereof described in Subsections B and C may not be reduced in area;
  - 3. There are no minimum lot area or width standards for the lot of record, lot remnant, or combination thereof described in Subsection C;

<b>Table 563-1 Minimum Area Standards</b>	
<b>Zone</b>	<b>Minimum Area</b>
RF	87,120 square feet
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

### **Skyline Subdistrict**

#### **33.563.400 Zoning Map Amendments**

All requests for quasi-judicial Zoning Map Amendments within the Skyline subdistrict must meet the following:

- A. Zoning Map Amendments may only be requested in conjunction with a land division or Planned Development. Application and review of the Zoning Map Amendment and the land division or Planned Development may be concurrent; and
- B. The entire site must be included in the request for a Zoning Map Amendment except when there is more than one Comprehensive Plan Map designation on the site.

#### **33.563.410 Land Divisions and Planned Developments**

The following regulations apply to land divisions that will create four or more lots and to all Planned Developments within the Skyline subdistrict. Adjustments are prohibited.

- A. Supplemental application requirements. The following supplemental application requirements apply to proposals for land divisions or Planned Developments on sites of 5 acres or larger:
  - 1. Sites of 5 acres or larger. Applications for a land division or Planned Development on sites of 5 acres or larger must include a transportation analysis with the following information:
    - a. The potential daily and peak hour traffic volumes that will be generated by the site;
    - b. Distribution on the street system of the traffic that will be generated by the site;
    - c. The extent to which ridesharing and transit incentive programs might reduce the vehicle trips generated by the site; and,
    - d. Current traffic volumes on the principal roadways relative to the site; and
  - 2. Sites of more than 20 acres. Applications for a land division or Planned Development on sites of more than 20 acres must expand the transportation analysis required in Paragraph A.1, above, to include the projected traffic volumes on the principal roadways relative to the site should the proposed development and other approved, but undeveloped proposals, be fully developed.
- B. Additional requirements for approval. In order to be approved, proposed land divisions and Planned Developments must meet the following requirements:
  - 1. Public sewer and water service must be available to the site; and
  - 2. The applicant must either:

- a. Show that the existing public transportation is adequate; or
- b. Participate in or subsidize a private transportation service.

---

*(Added by Ord. No. 164517, effective 7/31/91. Amended by: Ord. No. 168698, effective 4/17/95; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 180095, effective 5/26/06; Ord. No. 187216, effective 7/24/15; Ord. No. 190093, effective 9/11/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## **33.564 Pleasant Valley Plan District**

# **564**

---

In order to maintain an alphabetical structure of the Plan Districts within the 500s series of chapters, the former Chapter 33.564 has been renumbered. See Chapter 33.566, Portland International Raceway Plan.

### Sections:

#### General

33.564.010 Purpose

33.564.020 Where These Regulations Apply

#### Development Standards

33.564.060 When Primary Structures Are Allowed

33.564.070 Transfer of Development Rights

#### Land Divisions and Planned Developments

33.564.300 Minimum Site Size for a Land Division or Planned Development

33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

33.564.330 Maximum Density

33.564.340 Lot Dimensions

33.564.350 When a Flag Lot is Allowed

33.564.360 Planned Development

33.564.370 Housing Variety

33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone

### **General**

#### **33.564.010 Purpose**

The Pleasant Valley plan district implements the Comprehensive Plan's goals, policies and action measures for Pleasant Valley; creates an urban community as defined by the Comprehensive Plan; and, furthers the Pleasant Valley vision to integrate land use, transportation, and natural resources. Pleasant Valley as a whole is intended to be a community made up of neighborhoods, a town center, neighborhood centers, employment districts, parks and schools, open spaces and trails, a range of transportation choices, and extensive protection, restoration and enhancement of the natural resources. Portions of the Pleasant Valley area will be in the City of Portland and portions will be in the City of Gresham. The purpose of the Pleasant Valley plan district includes integrating the significant natural resources into a new, urban community.

#### **33.564.020 Where These Regulations Apply**

The regulations of this chapter apply in the Pleasant Valley plan district. The boundaries of the plan district are shown on Map 564-1 and on the Official Zoning Maps.

## Development Standards

### 33.564.060 When Primary Structures are Allowed

Primary structures are allowed as specified in 33.110.202 using Table 33.610-2. The lot dimension standards in this chapter do not supersede the lot dimension standards of Table 33.610-2 for the purposes of implementing Section 33.110.202.

### 33.564.070 Transfer of Development Rights

- A. Purpose.** The transfer of development rights preserves development opportunities for new housing and reduces development pressure in environmentally sensitive sites. The regulations allow development rights to be transferred from areas within the Pleasant Valley Natural Resources overlay zone to areas that can accommodate the additional density without environmental conflict.
- B. Regulations.** Transfer of development rights between sites is allowed as follows:
1. Development rights. Development rights are the number of potential dwelling units that would be allowed on the site.
  2. Sending sites. Sites where at least 50 percent of the site is within the Pleasant Valley Natural Resources overlay zone may transfer development rights.
  3. Receiving sites. Development rights may be transferred to any site in the Pleasant Valley plan district or the Johnson Creek Basin plan district except:
    - a. Portions of a receiving site that are within a Pleasant Valley Natural Resources overlay zone;
    - b. Sites where any portion of the site is within the 100-year floodplain as currently defined by the Federal Emergency Management Agency; or
    - c. Portions of a receiving site that are Land Class I or II within the South Subdistrict of the Johnson Creek Basin plan district.
  4. Maximum density. The density of the receiving site may not exceed 150 percent of the allowable density.
  5. Transfer procedure. The procedure for a transfer of development rights must meet the following:
    - a. The transfer must take place as part of a Planned Development;
    - b. The sending and receiving sites must be included in the Planned Development;
    - c. The owner of the sending site must execute a covenant with the City that reflects the reduced development potential on the sending site. The covenant must meet the requirements of 33.700.060 and must be recorded before final approval of the Planned Development.
  6. All other applicable development standards, including setbacks and building heights, shall continue to apply when a density transfer occurs.
  7. Adjustments to the provisions of this section are prohibited.

## Land Division and Planned Development

### 33.564.300 Minimum Site Size for a Land Division or Planned Development

In the R7 zone, land divisions or Planned Developments are allowed only on sites that are at least 20 acres in size.

### 33.564.310 Relationship to other Land Division and Planned Development Regulations

Land divisions and Planned Developments in the Pleasant Valley plan district are subject to the regulations and procedures of the 600 series of chapters of this Title unless superseded by regulations of this plan district. The following do not apply:

- A. Chapter 33.631, Sites in Special Flood Hazard Area; and
- B. Chapter 33.634, Required Recreation Area.

### 33.564.320 Supplemental Application Requirements for Land Divisions and Planned Developments

In addition to the information required by Section 33.730.060, Application Requirements, a land division or planned development application must include information that addresses the requirements of Section 33.564.370 and .380.

### 33.564.330 Maximum Density

- A. **RF zone.** In the RF zone, maximum density is one lot per 20 acres.
- B. **R7 zone.** In the R7 zone, maximum density within the Pleasant Valley Natural Resources overlay zone is one lot per acre.

### 33.564.340 Lot Dimensions

- A. **RF zone.** In the RF zone, new lots must be at least 20 acres in area. There are no minimum width or depth requirements, and no maximum lot area.
- B. **R7 zone.** In the R7 zone, there is no minimum lot area, maximum lot area, minimum width or minimum depth requirement for new lots. New lots must meet the minimum front lot line standard.

### 33.564.350 When a Flag Lot is Allowed

- A. **When a flag lot is allowed.** Flag lots are prohibited in the Pleasant Valley plan district except as follows:
  - 1. A new lot is being created for an existing house;
  - 2. The existing house is entirely within the Pleasant Valley Natural Resources overlay zone; and
  - 3. The existing house will remain.
- B. **Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
  - 1. The pole must connect to a street;

2. The pole must be at least 12 feet wide for its entire length; and
  3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- C. Minimum lot dimensions.** Flag lots must meet the minimum lot dimension requirements of Subparagraph 33.465.165.A.2.c.

### **33.564.360 Planned Development**

The following uses and development are prohibited through a planned development in the RF zone:

- A. Attached houses;
- B. Attached duplexes;
- C. Triplexes;
- D. Fourplexes;
- E. Multi-dwelling structures; and
- F. Commercial uses.

### **33.564.370 Housing Variety**

- A. Purpose.** The purpose of the housing variety criterion is:
- To encourage the mix of housing intended for the Pleasant Valley plan district as described in the Comprehensive Plan
  - To avoid over-repetition of the same building type or lot size
  - To promote housing choice
- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the design and layout of the land division ensures that a range of housing choices will be provided within the land division site. Some methods to provide this range of housing choices are:
1. Thirty percent of the proposed lots are larger than 7,500 square feet in area, and the remaining lots are less than 7,500 square feet in area;
  2. Twenty percent of the dwelling units are duplexes, triplexes, or fourplexes;
  3. Thirty percent of the lots have accessory dwelling units; or
  4. Other techniques which are consistent with the purpose of this criterion.

### **33.564.380 Transition at the Edge of the Pleasant Valley Natural Resources Overlay Zone**

- A. Purpose.** The purpose of this criterion is to provide a visual and physical transition or connection between the Pleasant Valley Natural Resources overlay zone and the adjoining developed land. The criterion is intended to encourage careful design of the land division layout so that uses and development at the edges of the environmental zone have reduced impact on, and benefit from, the adjacent natural resources area.

- B. When this criterion applies.** This criterion applies to land divisions and Planned Developments in the R7 zone.
- C. Approval criterion.** To the extent practicable, the land division should be designed so that development adjacent to or across the street from the environmental resource areas is oriented to enhance the connection between the developed area and the environmental resource area. This connection can be provided by one or more of the following:
1. Local streets are located along the outside edge of the Pleasant Valley Natural Resources overlay zone;
  2. Where lots are adjacent to the Pleasant Valley Natural Resources overlay zone, pedestrian access to the Pleasant Valley Natural Resources overlay zone is provided at sufficient intervals, such as every 400 to 500 feet; or
  3. Other techniques which are consistent with the purpose of this criterion.

---

*(Added by: Ord. No. 178961, effective 6/13/05. Amended by Ord. No. 184235, effective 11/26/10; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22.)*



## Land Divisions and Planned Developments

---

### **Lots**

- 33.605 Lots in the Open Space Zone
- 33.610 Lots in RF through R5 Zones
- 33.611 Lots in the R2.5 Zone
- 33.612 Lots in Multi-Dwelling and IR Zones
- 33.613 Lots in Commercial Lots in Commercial/Mixed Use and CI Zones
- 33.614 Lots in Employment Zones
- 33.615 Lots in Industrial Zones

### **Additional Regulations**

- 33.630 Tree Preservation
- 33.631 Sites in Special Flood Hazard Areas
- 33.632 Sites in Potential Landslide Hazard Areas
- 33.633 Phased Plans and Staged Final Plats
- 33.634 Required Recreation Area
- 33.635 Clearing and Grading and Land Suitability
- 33.636 Tracts and Easements
- 33.639 Solar Access
- 33.640 Streams, Springs, and Seeps
- 33.641 Transportation Impact
- 33.642 Land Divisions of Manufactured Dwelling Parks
- 33.644 Middle Housing Land Divisions

### **Services and Utilities**

- 33.651 Water Service
- 33.652 Sanitary Sewer Disposal Service
- 33.653 Stormwater Management
- 33.654 Rights-of-Way
- 33.655 School District Enrollment Capacity

**Reviews**

33.660 Review in OS, R, & IR Zones

33.662 Review of Land Divisions in CI, Commercial/Mixed Use, Employment, & Industrial Zones

33.663 Final Plats

33.664 Review on Large Sites in I Zones

33.668 Review of Changes to an Approved Planned Unit Development

33.669 Review of Changes to an Approved Industrial Park

33.670 Review of Land Divisions of Manufactured Dwelling Parks

33.671 Review of Middle Housing Land Divisions

33.675 Replat

33.676 Lot Confirmation

33.677 Property Line Adjustments



## 33.610 Lots in RF Through R5 Zones

# 610

### Sections:

- 33.610.010 Purpose
- 33.610.020 Where These Regulations Apply
- 33.610.100 Density Standards
- 33.610.200 Lot Dimension Regulations
- 33.610.300 Through Lots
- 33.610.400 Flag Lots
- 33.610.500 Split Zoned Lots

### 33.610.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the RF through R5 zones. These requirements ensure that lots are consistent with the desired character of each zone while allowing lots to vary in size and shape provided the planned intensity of each zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate uses and development.

### 33.610.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the RF through R5 zones.

### 33.610.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the benefits to the public from investment in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given the base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
  1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
  2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
  3. When lots will be created using both maximum density A and maximum density B, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

**C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A or B from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and size of the site, and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, potential landslide hazard area, or special flood hazard area;} \\ & \quad \times 0.80; \\ & \quad \div \text{Maximum density B from Table 610-1;} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

**D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited:

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A or B from Table 610-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints, and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of Subsection 33.610.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, potential landslide hazard area, or special flood hazard area;} \\ & \quad \times 0.68 \\ & \quad \div \text{Maximum density B from Table 610-1} \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

**E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations. Adjustments to this subsection are prohibited:

1. If the minimum required density is equal to the maximum allowed density, then the minimum is automatically reduced by one;
2. If the minimum required density is larger than the maximum allowed density, then the minimum density is automatically reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

<b>Table 610-1 Maximum Density Standards</b>					
	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>
<b>Maximum Density A:</b> Maximum density for lots that <ul style="list-style-type: none"> <li>• Will be developed with attached houses;</li> <li>• Will be located entirely outside the Constrained Sites overlay zone; and</li> <li>• Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles.</li> </ul>	NA	1 lot per 5,000 sq. ft.	1 lot per 2,500 sq. ft.	1 lot per 1,750 sq. ft.	1 lot per 1,500 sq. ft.
<b>Maximum Density B:</b> Maximum density for all other lots	1 lot per 87,120 sq. ft.	1 lot per 20,000 sq. ft.	1 lot per 10,000 sq. ft.	1 lot per 7,000 sq. ft.	1 lot per 5,000 sq. ft.

**33.610.200 Lot Dimension Regulations**

Lots in the RF through R5 zones must meet the lot dimension regulations of this section.

- A. Purpose.** The lot dimension regulations ensure that:
- Each lot has enough room for a reasonably-sized house and garage;
  - Lots are of a size and shape that development on each lot can meet the development standards of the zoning code;
  - Lots are not so large that they seem to be able to be further divided to exceed the maximum allowed density of the site in the future;
  - Each lot has room for at least a small, private outdoor area;
  - Lots are compatible with existing lots;
  - Lots are wide enough to allow development to orient toward the street;
  - Lots don't narrow to an unbuildable width close to the street
  - Each lot has adequate access from the street;
  - Each lot has access for utilities and services;
  - Lots are not landlocked; and
  - Lots are regularly shaped.

<b>Table 610-2 Lot Dimension Standards</b>					
	<b>RF</b>	<b>R20</b>	<b>R10</b>	<b>R7</b>	<b>R5</b>
<b>Minimum Lot Area</b>					
Attached house lots [1]	NA	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.	1,500 sq. ft.
All other lots	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
<b>Maximum Lot Area</b>	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
<b>Minimum Lot Width [2]</b>					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	60 ft.	60 ft.	50 ft.	40 ft.	36 ft.
<b>Minimum Front Lot Line</b>					
Attached house lots [1]	NA	15 ft.	15 ft.	15 ft.	15 ft.
All other lots	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
<b>Minimum Lot Depth</b>	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

Notes:

[1] This dimensional standard is only allowed for lots that are located entirely outside the Constrained Sites overlay zone, have frontage on a maintained street or a private street that connects to a maintained street or a self-contained pedestrian connection created solely for pedestrians and bicycles, and will be developed with attached houses.

[2] See 33.930.100.A for how lot width is measured.

- B. Minimum lot area.** Each lot must meet the minimum lot area standard stated in Table 610-2. Lots that do not meet the minimum lot area standard may be requested through Planned Development Review. Adjustments are prohibited.
- C. Maximum lot area.** Lots larger than the maximum lot area standards stated in Table 610-2 are not allowed. Lots with a conditional use or Conditional Use Master Plan are exempt from this standard.
- D. Minimum lot width.** Each lot must meet one of the following regulations. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.
  1. Each lot must meet the minimum lot width standard stated in Table 610-2; or
  2. Minimum lot width may be reduced below the dimensions stated in Table 610-2, if all of the following are met:
    - a. On balance, the proposed lots will have dimensions that are consistent with the purpose of the Lot Dimension Regulations;
    - b. The minimum lot width for lots that will be developed with attached houses may not be reduced below 15 feet, and the minimum width for all other lots may not be reduced below 26 feet;
    - c. If the lot abuts a public alley, then vehicle access must be from the alley;
    - d. Lots must be configured so that development on the site will be able to meet the garage limitation standard of Subsection 33.110.250.C at the time of development;

- e. Lots that are less than 32 feet wide must be configured so that 60 percent of the area between the front lot line and the front building line can be landscaped at the time of development; and
  - f. In areas where parking is not required by this Title, lots may be proposed that will not accommodate on-site vehicle access and parking. Such lots do not have to meet the requirements of Subparagraph D.2.d. As a condition of approval of the land division, the property owner must execute a covenant with the city. The covenant must:
    - (1) State that the owner will develop the property without parking, and that a driveway for access to on-site parking may not be created in the future, unless it is in conformance with regulations in effect at the time;
    - (2) Meet the requirements of Section 33.700.060, Covenants with the City; and
    - (3) Be attached to, and recorded with the deed for the new lot.
- E. Minimum front lot line.** Each lot must have a front lot line that meets the minimum front lot line standard stated in Table 610-2. Lots that are created under the provisions of Paragraph D.2 above, may reduce the front lot line to equal the width of the lot. Lots that do not meet the minimum front lot line standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.
- F. Minimum lot depth.** Each lot must meet the minimum lot depth standard stated in Table 610-2. Lots that do not meet the minimum lot depth standard may be requested through Planned Development Review. Adjustments to this standard are prohibited.
- G. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

### 33.610.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not “turn its back” on a collector or major city traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

### 33.610.400 Flag Lots

The following regulations apply to flag lots in the RF through R5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:

1. One of the following are met:
    - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1. The dwelling unit and attached garage must have been on the site for at least five years; or
    - b. The site has dimensions that preclude a land division that meets the minimum lot width standard of Paragraph 33.610.200.D.1;
  2. Up to three lots are proposed, only one of which is a flag lot; and
  3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
1. The pole must connect to a street;
  2. The pole must be at least 12 feet wide for its entire length; and
  3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Minimum lot dimensions.**
1. Flag lots are exempt from the minimum front lot line standard.
  2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
  3. For the purposes of this subsection width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

### **33.610.500 Split Zoned Lots**

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

---

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994,*

*effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*





## 33.611 Lots in the R2.5 Zone

# 611

### Sections:

- 33.611.010 Purpose
- 33.611.020 Where These Regulations Apply
- 33.611.100 Density Standards
- 33.611.200 Lot Dimension Regulations
- 33.611.300 Through Lots
- 33.611.400 Flag Lots
- 33.611.500 Split Zoned Lots

### 33.611.010 Purpose

This chapter contains the density and lot dimension requirements for approval of a Preliminary Plan for a land division in the R2.5 zone. These requirements ensure that lots are consistent with the desired character of the zone while allowing lots to vary in size and shape provided the planned intensity of the zone is respected. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate structures in accordance with the planned intensity of the R2.5 zone.

### 33.611.020 Where These Regulations Apply

The regulations of this chapter apply to land divisions in the R2.5 zone.

### 33.611.100 Density Standards

- A. Purpose.** Density standards match housing density with the availability of public services and with the carrying capacity of the land in order to promote efficient use of land, and maximize the return on public investments in infrastructure and services. These standards promote development opportunities for housing and promote urban densities in less developed areas. Maximum densities ensure that the number of lots created does not exceed the intensity planned for the area, given applicable base zone, overlay zone, and plan district regulations. Minimum densities ensure that enough dwelling units can be developed to accommodate the projected need for housing.
- B. Generally.**
  1. The method used to calculate density depends on whether a street is created as part of the land division. As used in this chapter, creation of a street means a full street on the site, creating the first stage of a partial width street on the site, or extending an existing street onto the site. It does not include additional stages of a partial width street, or dedicating right-of-way to widen an existing right-of-way.
  2. To be eligible for maximum density A, the site being divided must qualify for a primary structure in conformance with 33.110.202, When Primary Structures are Allowed.
  3. When lots will be created using both maximum density A and maximum density B, maximum density is calculated separately for the area being divided under each maximum density. When streets are created, density is calculated separately after deducting for streets.

**C. No street created.** Where no street will be created as part of the land division, the following maximum and minimum density standards apply. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone and the size of the site. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \div \text{Maximum density A or B from Table 611-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone and the size of the site and whether there are physical constraints. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.80; \\ & \quad \quad \div 5,000; \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

**D. Street created.** Where a street will be created as part of the land division, the following maximum and minimum density standards apply. Pedestrian connections that are self-contained streets created solely for the use of pedestrians and bicyclists are not considered streets for the purposes of calculating density under this subsection. Adjustments to this subsection are prohibited.

1. Maximum density. Maximum density is based on the zone, the size of the site and whether a street is being created. The following formula is used to determine the maximum number of lots allowed on the site:

$$\begin{aligned} & \text{Square footage of site;} \\ & \quad \times 0.85; \\ & \quad \div \text{Maximum density A or B from Table 611-1;} \\ & \quad = \text{Maximum number of lots allowed.} \end{aligned}$$

2. Minimum density. Minimum density is based on the zone, the size of the site, whether there are physical constraints and whether a street is being created. The following formula is used to determine the minimum number of lots required on the site. Exceptions to minimum density are allowed under the provisions of 33.611.100.E:

$$\begin{aligned} & \text{Square footage of site} \\ & \quad - \text{Square footage of site within an environmental or River Environmental overlay} \\ & \quad \quad \text{zone, landslide hazard area, or special flood hazard area;} \\ & \quad \quad \times 0.68 \\ & \quad \quad \div 5,000; \\ & \quad = \text{Minimum number of lots required.} \end{aligned}$$

<b>Table 611-1 Maximum Density Standards</b>	
	<b>R2.5</b>
<b>Maximum Density A:</b> Maximum density for lots that: <ul style="list-style-type: none"> <li>• Will be developed with attached houses;</li> <li>• Will be located outside the Constrained Sites overlay zone; and</li> <li>• Will have frontage on a maintained street, a private street that connects to a maintained street, or a self-contained pedestrian connection created solely for pedestrians and bicycles.</li> </ul>	1 lot per 1,500 sq. ft.
<b>Maximum Density B:</b> Maximum density for all other lots	1 lot per 2,500 sq. ft.

**E. Exceptions to minimum density.** Exceptions to minimum density standards are allowed in the following situations:

1. If minimum density is equal to maximum density, then the minimum is automatically reduced by one;
2. If minimum density is larger than maximum density then the minimum is reduced to one less than the maximum;
3. The portion of the site that has a conditional use or Conditional Use Master Plan is not included in the site for calculations of minimum density.

**33.611.200 Lot Dimension Regulations**

Lots in the R2.5 zone must meet the lot dimension regulations of this section. Lots that do not meet these regulations may be requested through Planned Development Review. Adjustments to the regulations are prohibited.

**A. Purpose.** The lot dimension regulations ensure that:

- Each lot has enough room for a reasonably-sized attached or detached house;
- Lots are of a size and shape that development on each lot can meet the development standards of the R2.5 zone;
- Each lot has room for at least a small, private outdoor area;
- Lots are wide enough to allow development to orient toward the street;
- Each lot has access for utilities and services;
- Lots are not landlocked;
- Lots don't narrow to an unworkable width close to the street;
- Lots are compatible with existing lots while also considering the purpose of this chapter; and
- Lots are regularly shaped.

**B. Minimum lot area.** Each lot must be at least 1,500 square feet in area.

**C. Minimum lot width.** Each lot must meet one of the following regulations.

1. Each lot must be at least 36 feet wide; or
  2. Minimum lot width may be reduced to 26 feet if the following are met:
    - a. An existing dwelling unit or attached garage is located on the site so that it precludes a land division that meets the minimum lot width standard of Paragraph C.1. The dwelling unit and attached garage must have been on the site for at least 5 years; or
    - b. The side lot line of a lot that is less than 36 feet wide will not abut the side lot line of any other lot within the land division site.
  3. Minimum lot width may be reduced to 15 feet for a lot if the lot will be developed with an attached house.
- D. Minimum front lot line.** Each lot must have a front lot line that is at least 30 feet long. Lots that are created under the provisions of Paragraph C.2. or C.3., may reduce the front lot line to equal the width of the lot.
- E. Minimum lot depth.** Each lot must be at least 40 feet deep.
- F. Regular lot lines.** As far as is practical, all lot lines must be straight and the side lot lines of a lot or parcel must be at right angles to the street on which it fronts, or be radial to the curve of a curved street.

### 33.611.300 Through Lots

- A. Purpose.** This standard ensures that lots are configured in a way that development can be oriented toward streets, including local, collector and traffic streets, to increase the safety and enjoyment of pedestrians and bicyclists. The standard also ensures that development does not turn its back on a collector or traffic street.
- B. Standard.** Through lots are allowed only where both front lot lines are on local service streets. The minimum front lot line and minimum width standards apply to one frontage of the through lot.

### 33.611.400 Flag Lots

The following regulations apply to flag lots in the R2.5 zones:

- A. Purpose.** These regulations allow the creation of flag lots in limited circumstances. The limitations minimize the negative impacts of flag lots and additional driveways on an area while allowing land to be divided when other options are not achievable.
- B. When a flag lot is allowed.** A flag lot is allowed only when the following are met:
1. One of the following is met:
    - a. An existing dwelling unit or attached garage on the site is located so that it precludes a land division that meets the minimum lot width standard of Paragraph 33.611.200.C.1. The dwelling unit and attached garage must have been on the site for at least five years; or

- b. The site has a width of less than 50 feet if two lots are proposed and a width of less than 75 feet if three lots are proposed.
  2. Up to three lots are proposed, only one of which is a flag lot; and
  3. Minimum density requirements for the site will be met.
- C. Flag lot access pole.** The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
  1. The pole must connect to a street;
  2. The pole must be at least 12 feet wide for its entire length; and
  3. The pole must be part of the flag lot and must be under the same ownership as the flag portion.
- D. Minimum lot area.** Only the area of the flag portion is included when calculating the minimum lot area. The area of the pole portion of the lot is not included.
- E. Lot dimensions.**
  1. Flag lots are exempt from the minimum front lot line standard.
  2. The minimum lot width and minimum lot depth required for each flag lot is 40 feet.
  3. For the purposes of this subsection, width and depth are measured at the midpoints of the opposite lot lines of the flag portion of the lot. All other lot dimension standards must be met.
- F. Vehicle access.** Where it is practical, vehicle access must be shared between the flag lot and the lots between the flag portion of the lot and the street. Factors that may be considered include the location of existing garages, driveways, alleys, and curb cuts, stormwater management needs, and tree preservation. Access easements may be used.

### **33.611.500 Split Zoned Lots**

- A. Purpose.** This standard ensures that lots do not have more than one zone. Lots that are split by more than one zone present practical problems related to the applicability of use and development standards.
- B. Standard.** On sites with more than one base zone, each lot must be entirely within one zone. The creation of lots that are in more than one zone is not allowed.

---

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No. 188259, effective 3/31/17; Ord. No. 190241, effective 3/1/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.612 Lots in Multi-Dwelling and IR Zones

---

# 612

### Sections:

- 33.612.010 Purpose
- 33.612.020 Where These Standards Apply
- 33.612.100 Density
- 33.612.200 Lot Dimension Standards

### 33.612.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling and IR zones. These standards ensure that lots are consistent with the desired character of each zone. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

### 33.612.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the multi-dwelling and IR zones.

### 33.612.100 Density

- A. Single-dwelling development.** When a house, attached house, duplex, triplex, or fourplex is proposed for some or all of the site, the applicant must show how the proposed lots can meet the minimum density stated in Chapter 33.120. Site area devoted to streets is subtracted from the total site area in order to calculate minimum density.
- B. All other development.** When development other than a house, attached houses, duplex, triplex, or fourplex is proposed, minimum density must be met at the time of development.

### 33.612.200 Lot Dimension Standards

- A. Purpose.** These standards ensure that:
  - Each lot has enough room for development that meets all the requirements of the zoning code;
  - Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.
  - The multi-dwelling zones can be developed to full potential; and
  - Housing goals for the City are met.
- B. Lot dimensions.** Minimum lot dimensions are stated in Table 612-1.
  1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.
  2. Nonconforming uses. Minimum lot dimensions for lots with nonconforming uses are the same as those for detached houses.

<b>Table 612-1 Minimum Lot Dimensions</b>							
	<b>RM1</b>	<b>RM2</b>	<b>RM3</b>	<b>RM4</b>	<b>RX</b>	<b>RMP</b>	<b>IR (1)</b>
<b>Lots to be developed with:</b>							
<b>Multi-Dwelling Structures or Development:</b>							
Minimum Lot Area	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	10,000 sq. ft.	10,000 sq. ft.
Minimum Lot Width	33 ft.	70 ft.	70 ft.	70 ft.	None	70 ft.	70 ft.
Minimum Lot Depth	70 ft.	70 ft.	100 ft.	100 ft.	None	100 ft.	100 ft.
Minimum Front Lot Line	30 ft.	70 ft.	70 ft.	70 ft.	10 ft.	70 ft.	70 ft.
<b>Attached Houses and Attached Duplexes</b>							
Minimum Lot Area	1,500 sq. ft.	None	None	None	None	NA	None
Minimum Lot Width	15 ft.	15 ft.	None	None	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.
<b>Detached Houses and Duplexes</b>							
Minimum Lot Area	1,500 sq. ft.	None	None	None	None	NA	None
Minimum Lot Width	25 ft.	25 ft.	None	None	None	NA	None
Minimum Lot Depth	None	None	None	None	None	NA	None
Minimum Front Lot Line	25 ft.	25 ft.	10 ft.	10 ft.	10 ft.	NA	10 ft.
<b>Triplexes and Fourplexes</b>							
Minimum Lot Area	2,000 sq. ft.	None	None	None	None	NA	2,000 sq. ft.
Minimum Lot Width	33 ft.	None	None	None	None	NA	None
Minimum Lot Depth	50 ft.	None	None	None	None	NA	None
Minimum Front Lot Line	30 ft.	10 ft.	10 ft.	10 ft.	10 ft.	NA	30 ft.

Notes:

[1] This regulation may be superseded by an Impact Mitigation Plan.

---

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 179845, effective 1/20/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190851, effective 6/30/22.)*



## **33.638 Planned Development**

# **638**

---

Chapter 33.638 has been renumbered. See Chapter 33.270, Planned Development.

---

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 183598, effective 4/24/10.)*



## 33.644 Middle Housing Land Divisions

# 644

---

Sections:

- 33.644.010 Purpose
- 33.644.020 When a Middle Housing Land Division is Allowed
- 33.644.030 Relationship to Other Land Division Regulations

### 33.644.010 Purpose

The regulations of this chapter allow owners of land upon which middle housing development is allowed per ORS 197.758 (2) and (3), to divide their land without being subject to the other land division regulations and procedures of this Title. Allowing these land divisions is required by State law. Allowing these land divisions facilitates the acquisition of middle housing through a fee simple transaction.

### 33.644.020 When a Middle Housing Land Division is Allowed

Middle housing land divisions are only allowed for proposals to divide land that contains, or is proposed to contain, a:

- A. Duplex. A middle housing land division is prohibited if the site with a duplex has an accessory dwelling unit;
- B. Triplex;
- C. Fourplex; or
- D. Cottage cluster.

### 33.644.030 Relationship to Other Land Division Regulations

Land divisions proposed under the provisions of this chapter are exempt from the regulations of chapters 33.605 through 33.635, chapters 33.639 through 33.642, and chapters 33.651 through 33.655.

---

*(Added by: Ord. No. 190851, effective 6/30/22.)*



## 33.663 Final Plats

# 663

### Sections:

#### General

- 33.663.010 Purpose
- 33.663.020 Where These Regulations Apply

#### Review of Final Plats

- 33.663.100 Review Procedures
- 33.663.110 Voiding of Final Plat Application

#### Standards for Approval

- 33.663.200 Approval Standards
- 33.663.210 Staged Final Plat

#### Changes to Final Plat

- 33.663.310 Changes to Final Plat Before Recording
- 33.663.320 Changes to Final Plat Survey After Recording

### General

#### 33.663.010 Purpose

These regulations ensure that Final Plats are processed with the appropriate level of city review. This chapter contains clear procedures and approval standards for Final Plats.

#### 33.663.020 Where These Regulations Apply

- A. Generally.** The regulations of this chapter apply to proposals for Final Plats in all zones, except those listed in Subsection B and C.
- B. Final Plats of Manufactured Dwelling Parks.** The regulations for the review of Final Plats of Manufactured Dwelling Parks are in Chapter 33.670, Review of Land Divisions of Manufactured Dwelling Parks.
- C. Final Plats for Large Sites in Industrial Zones.** The regulations for the review of Final Plats for Large Sites in Industrial Zones are in Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones.

### Review of Final Plats

#### 33.663.100 Review Procedure

Final Plats are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final and is indicated through a signature on the Final Plat.

#### 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.

**Standards for Approval**

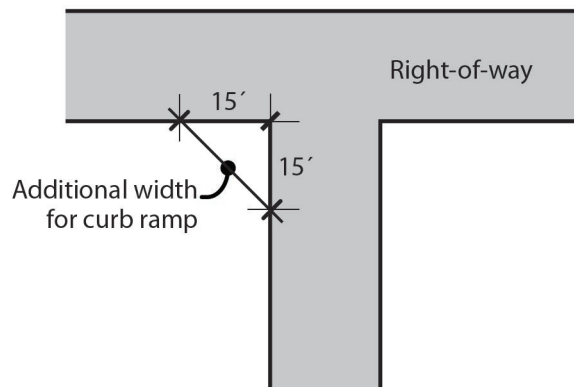
**33.663.200 Approval Standards**

These approval standards apply to land divisions where the Preliminary Plan was reviewed under the regulations of Chapter 33.660, Chapter 33.662, or Chapter 33.671. The Final Plat for land divisions will be approved if the Director of BDS finds that the applicant has shown that all of the approval standards have been met. The approval standards are:

- A. Conformance with Preliminary Plan.** The Final Plat must conform to the approved Preliminary Plan. The Preliminary Plan approval, through its conditions of approval, may provide for a specific range of variations to occur with the Final Plat. If the Preliminary Plan does not state otherwise, and the regulations of this Title continue to be met, variations within the following limits are allowed and are considered to be in conformance with the Preliminary Plan. Allowed variations are:
1. A decrease in the number of lots by one, if minimum density requirements continue to be met;
  2. An increase or decrease in the width or depth of any lot by less than 5 percent;
  3. A decrease in the area of any lot by less than 5 percent;
  4. An increase in the area of any lot;
  5. An increase or decrease of up to 5 percent in the area of a stormwater tract;
  6. An increase of up to 5 percent in the area of a shared parking tract;
  7. An increase in the area of the following tracts or easements:
    - a. Environmental resource tracts;
    - b. Tree preservation tracts;
    - c. Flood hazard easements or tracts;

- d. Landslide hazard easements or tracts; and
  - e. Recreation area tracts.
  - f. An easement or tract, other than a stormwater or parking tract, in a middle housing land division.
8. Moving a public or private right-of-way if approved by the appropriate service bureau;
  9. Changes to a stormwater facility if approved by the appropriate service bureau;
  10. An increase of up to 5 percent in the area approved for clearing and grading.
  11. A decrease in the area approved for clearing and grading.
  12. Increasing the width of a right-of-way within 15 feet of an intersection to accommodate curb ramps, if approved by the appropriate service bureau. See Figure 663-1.
  13. Changes or deletions, other than those listed in this subsection, to a tract or easement for a service, if approved by the appropriate service bureau; and
  14. Changes or deletions, other than those listed in this subsection, to a tract or easement for a utility.

**Figure 663-1**  
**Allowed Increase to Right-of-Way Width**



- B. Conditions of approval.** The Final Plat must comply with all conditions of approval that apply to the Final Plat. All other conditions of approval remain in effect;
- C. Services.** All services must meet the requirements of the City Code;
- D. Dedications, tracts, and easements.**
  1. Dedications. All dedications of property to the City or the public must be shown on the Final Plat, and must be made at the time the Final Plat is recorded; and
  2. Tracts and easements. All tracts and easements must be shown on the Final Plat, and the requirements of Chapter 33.636, Tracts and Easements, must be met;
- E. Middle housing land division as-built survey.** For a middle housing land division, the as-built survey shows that structures and services are constructed in conformance with the

preliminary plan and meet requirements in relation to property lines and any easements or tracts.

- F. Sureties.** All sureties, including performance guarantees and improvement guarantees, required by the Portland City Code must be approved by the appropriate City bureau prior to Final Plat approval;
- G. Legal documents.** Required legal documents, such as maintenance agreements, Conditions, Covenants and Restrictions (CC&Rs), and acknowledgements of tree preservation requirements or other conditions of approval, must be reviewed and approved by the Bureau of Development Services prior to Final Plat approval. These documents must also be reviewed and approved by the City Attorney prior to final plat approval or submitted on forms approved by the City Attorney. The required legal documents must be submitted to the County Recorder to be recorded with the Final Plat within 90 days of the Final Plat approval; and
- H. Variations beyond the limits allowed in this Section.**
  - 1. Generally. If the Final Plat contains variations that exceed the limits listed in this section and that were not specifically allowed under the Preliminary Plan approval, the land division is subject to a review of changes to an approved preliminary plan stated in Section 33.660.300 for land divisions in Open Space and Residential zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, or Section 33.671.300 for middle housing land divisions. If a Land Use Review is required for the changes to the approved preliminary plan, the revised Final Plat must also undergo a Final Plat Review.
  - 2. Changes to tree preservation requirements. If the only changes proposed are to tree preservation requirements, the changes are processed as described in Chapter 33.853, Tree Review.

### **33.663.210 Staged Final Plat**

If approved as part of the Preliminary Plan review, the applicant may stage the Final Plat. Staged Final Plats are defined in Chapter 33.633, Phased Land Divisions and Staged Final Plats. Each stage must meet the all of the Final Plat approval standards of Section 33.663.200.

## **Changes to Final Plat**

### **33.663.310 Changes to Final Plat Before Recording**

Before the Final Plat has been recorded with the County Recorder and Surveyor, changes are processed as changes to an approved Preliminary Plan. Where a land use review of the changes is required by Section 33.660.300 for land divisions in Open Space and Residential Zones or Section 33.662.300 for land divisions in Commercial, Employment and Industrial Zones, the revised Final Plat must undergo Final Plat review again.

### **33.663.320 Changes to Final Plat Survey After Recording**

After the Final Plat Survey has been recorded with the County Recorder and Surveyor, changes are processed as a new land division or alternative process, such as a Replat under 33.675, or Property Line Adjustment under Chapter 33.677, if allowed.



---

*(Added by: Ord. No. 179980, effective 4/22/06. Amended by: Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188259, effective 3/31/17; Ord. No. 190076, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22.)*



## 33.671 Review of Middle Housing Land Divisions

# 671

---

### Sections:

#### General:

- 33.671.010 Purpose
- 33.671.020 Where These Regulations Apply
- 33.671.030 Application Requirements

#### Review of Preliminary Plan

- 33.671.110 Review Procedures
- 33.671.130 Approval Standards

#### Review of Changes to an Approved Preliminary Plan

- 33.671.300 Review Procedures
- 33.671.310 Approval Standards

### General

#### 33.671.010 Purpose

These regulations ensure that middle housing land divisions will be processed with the appropriate level of City and public review. This chapter establishes clear procedures and approval standards for the middle housing land division proposal.

#### 33.671.020 Where These Regulations Apply

The regulations of this chapter apply to proposals for middle housing land divisions. Proposals that are eligible for a middle housing land division are eligible to use the applicable regulations and procedures of chapter 33.660 or 33.662 instead of the regulations and procedures of this chapter. The applicant may choose which chapter to use.

#### 33.671.030 Application Requirements

A complete application for a middle housing land division under the provisions of this chapter consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8-1/2 by 11 inches in size and be suitable for reproduction. An application for Preliminary Plan must include all of the following:

- A. Application form.** Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
- B. Written statement.** Two copies of a written statement that includes the following:
  - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
  - A description of how all approval standards are met;
  - Additional information needed to understand the proposal;
  - Names and addresses of land division designer or engineer and surveyor;

- Proposed maintenance agreements or Conditions, Covenants and Restrictions; and
  - If more than 3 lots are proposed, the proposed name of the land division;
  - Proposed names of all streets;
- C. Vicinity map.** Three copies of a vicinity map. The map must cover an area extending at least 200 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
- Streets;
  - Pedestrian and bicycle facilities and connections; and
  - Location of utilities and services;
- D.** Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
1. Surveyed information:
    - Boundary lines of the site with dimensions and total site area;
    - Proposed lot layout with sizes, dimensions, and lot and block numbers;
    - Proposed tract layout with sizes, dimensions, purpose, and name;
    - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
    - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way;
    - Proposed location, dimensions, and purpose of all easements;
    - North arrow and scale of map;
    - Identification as the Preliminary Plan Map;
    - Stamp of surveyor;
    - If more than 3 lots are proposed, the proposed name of the land division;
    - Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified; and
    - Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
  2. Additional information:
    - Zoning and Comprehensive Plan designations;
    - Location, dimensions, and purpose of existing and proposed easements on and abutting the site;
    - Proposed development;
    - Existing and proposed services and utilities for each dwelling unit;
    - Information showing how existing and proposed development meets approval standard 33.671.130.B. For sites without existing development, proof that building permit plans are under City review is required; and
    - Any other information necessary to show that the approval standards are met.
- E. Fees.** The applicable filing fees.

## Review of Preliminary Plan

### 33.671.110 Review Procedures

Review of Preliminary Plans is processed through an Expedited Land Division (ELD) procedure except that the middle housing land division is not required to meet the elements specified in ORS 197.360.

### 33.671.130 Approval Standards

The Preliminary Plan for a middle housing land division will be approved if the review body finds that the applicant has shown that all of the following approval standards have been met. Adjustments are prohibited. The approval standards are:

#### A. Lots.

1. The number of lots proposed is the same as the number of dwelling units proposed, approved, or legally existing on the middle housing land division site; and
2. There is only one dwelling unit per lot.

#### B. Buildings, structures and other development.

1. The proposed, approved, or legally existing development meets the standards and regulations of Title 33 applicable to development on the original site prior to the land division. See 33.644, Middle Housing Land Divisions, for development that is eligible for a middle housing land division; and
2. All of the buildings and structures on a resulting lot comply with applicable building code provisions relating to the proposed property lines and, all of the structures and buildings located on the lots comply with the Oregon residential specialty code.

#### C. Services.

1. Water service. The Water Bureau or District and the Fire Bureau have verified that water facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
2. Public sanitary sewer service. The Bureau of Environmental Services has verified that sewer facilities that meet established service levels are, or will be, available to serve each dwelling unit separately.
3. Private on-site sanitary sewage disposal. Private on-site sanitary sewage disposal is prohibited as part of a middle housing land division except when the development proposed, approved, or legally existing is a duplex. When private on-site sanitary sewage disposal is proposed, BDS has verified that an onsite wastewater treatment system that meets established service levels is, or will be, available to serve each dwelling unit separately.
4. Stormwater management. The Bureau of Environmental Services has verified that a stormwater management system and stormwater disposal facilities that meet established service levels are, or will be, available to each dwelling unit.
5. Right-of-way. For public streets, the Bureau of Transportation has preliminarily approved any proposed streets. For private streets, the Bureau of Development Services has preliminarily approved any proposed private streets.

**D. Tracts and easements.**

1. The preliminary plan includes easements or tracts necessary for each dwelling unit for:
  - a. Locating, accessing, replacing and servicing all services;
  - b. Pedestrian access from each dwelling unit to a street and, in a cottage cluster, to any required common outdoor area;
  - c. Any common use areas or shared building elements;
  - d. Any shared driveways or parking; and
  - e. Any shared common area;
2. The standards of Chapter 33.636, Tracts and Easements, must be met.

**Review of Changes to an Approved Preliminary Plan**

**33.671.300 Review Procedure**

Changes to an approved Preliminary Plan are reviewed through an Expedited Land Division (ELD) procedure except that meeting the elements of ORS 197.360 is not required. The decision of the Director of BDS is final.

**33.671.310 Approval Standards**

Changes to an approved Preliminary Plan will be approved if the review body finds that the applicant has shown that all of the approval standards of Section 33.671.130 have been met.

---

*(Added by: Ord. No. 190851, effective 6/30/22.)*

## 33.675 Replat

# 675

### Sections:

- 33.675.010 Purpose
- 33.675.050 When These Regulations Apply
- 33.675.100 Review Procedure
- 33.675.200 Application Requirements
- 33.675.300 Approval Criteria
- 33.675.400 Recording an Approval

### 33.675.010 Purpose

This chapter states the procedures and regulations for removing or reconfiguring lot lines within a site to combine into one to three lots. The regulations ensure that the replat does not circumvent other requirements of this Title, and that lots and sites continue to meet development standards and conditions of land use approvals.

### 33.675.050 When These Regulations Apply

A replat may be used to remove or reconfigure lot lines within a site to combine into no more than three lots. The perimeter of a replatted site must follow existing lot lines. Lot lines cannot be created through this process however lot lines can be moved. A replat cannot result in the creation of a flag lot or the creation of a buildable lot from an unbuildable lot remnant or lot of record. The applicant may also remove or reconfigure lot lines through a land division. A replat may be required by other provisions of this Title.

### 33.675.100 Review Procedure

- A. Generally.** Replats are reviewed through Type Ix procedure.
- B. Sites in PUDs or PDs.** If any portion of the site is within a Planned Unit Development (PUD) or Planned Development (PD), an amendment to the PUD or PD is also required. The amendment to the PUD or PD must be reviewed concurrently with the replat.

### 33.675.200 Application Requirements.

An application for a replat must contain the following:

- A. Application form.** One copy of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. Surveys.**
  1. Three copies of a survey of the site prepared, stamped and signed by a registered land surveyor showing all existing property lines and the location, dimensions and setbacks from property lines for all structures and other improvements and utilities on the site. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
  2. If the site is part of an existing plat, a copy of the recorded plat; and

3. Three copies of a Final Partition Plat showing the reconfigured lot or lots. Copies of the Final Plat must be drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following statement must be on the Final Plat: "This plat is subject to the conditions of the City of Portland Case File No. LUR..."

**C. Other.**

1. Title reports. A current title report issued by a title insurance company verifying ownership and detailing any deed restrictions; and
2. Narrative. A written narrative explaining how the regulations and approval criteria of this chapter have been met;
3. Fees. The applicable filing fees.

**33.675.300 Approval Criteria**

A replat will be approved if the review body finds that the applicant has shown that all of the approval criteria have been met:

**A. Lots.** The replatted lots must meet the standards of Chapters 33.605 through 33.615, with the following exceptions:

1. Lot dimension standards.
  - a. Lots and adjusted lots that do not meet the minimum lot area required for new lots are exempt from the minimum lot area requirement if they do not move further out of conformance with the minimum lot area required for new lots, and they meet the following:
    - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
    - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
    - (3) The lot or adjusted lot has an average slope of less than 25 percent;
  - b. Maximum lot area. If any of the lots within the replat site are larger than the maximum lot area allowed, the same number of lots in the replat site are exempt from maximum lot area requirements;
  - c. Minimum lot width. Lots and adjusted lots that do not meet the minimum lot width required for new lots are exempt from the minimum lot width requirement if they do not move further out of conformance with the minimum lot width required for new lots, and they meet the following:
    - (1) No portion of the lot or adjusted lot is in an environmental protection, environmental conservation, or river environmental overlay zone;
    - (2) No portion of the lot or adjusted lot is in the special flood hazard area; and
    - (3) The lot or adjusted lot has an average slope of less than 25 percent;



2. Maximum density. If the replat does not move the site further out of conformance with maximum density requirements, the replat does not have to meet maximum density requirements;
  3. Lots without street frontage. If the replat consolidates lots that do not have street frontage with lots that have street frontage, the replat does not have to meet minimum density and maximum lot area requirements;
  4. Through lots. If any of the existing lots within the replat site are through lots with at least one front lot line abutting an arterial street, then the consolidated or reconfigured lots may be through lots;
  5. Split zoning. If any of the existing lots within the replat site are in more than one base zone, then the consolidated or reconfigured lot may be in more than one base zone.
- B. Development standards.** If existing development is in conformance with the development standards of this Title, the development must remain in conformance after the replat. If existing development is not in conformance with a development standard of this title, the replat will not cause the development to move further out of conformance with the standard unless an adjustment is approved.
- C. Conditions of land division approvals.** The replat must meet one of the following:
1. All conditions of previous land division approvals continue to be met or remain in effect; or
  2. The conditions of approval no longer apply to the site, or to development on the site, if the lots are reconfigured.
- D. Conditions of other land use approvals.** Conditions of other land use approvals continue to apply, and must be met.
- E. Services.** The replat does not eliminate the availability of services to the lots, and the reconfigured lots are not out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management.

### **33.675.400 Recording an Approval**

The Final Plat and the deed for the replat must be recorded with the County Recorder and Surveyor within 90 days of approval by the Director of BDS.

---

*(Added by: Ord. No. 177701, effective 8/30/03; amended by Ord. No. 185915, effective 5/1/13; Ord. No. 188259, effective 3/31/17; Ord. No. 190093, effective 9/11/20; Ord. No. 190851, effective 6/30/22.)*



## 33.677 Property Line Adjustment

# 677

### Sections:

- 33.677.010 Purpose
- 33.677.050 When these Regulations Apply
- 33.677.100 Prohibited Property Line Adjustments
- 33.677.150 Method of Review
- 33.677.200 Application Requirements
- 33.677.300 Standards
- 33.677.400 Recording an Approval

### 33.677.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site;
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval; and
- A Property Line Adjustment does not make it difficult to delineate property boundaries or apply use and development standards predictably and uniformly.

### 33.677.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment.

### 33.677.100 Prohibited Property Line Adjustments

The following are prohibited as part of a Property Line Adjustment:

- A.** A Property Line Adjustment that configures either property as a flag lot, unless:
  1. The property was already a flag lot; or
  2. Both properties are in the R5 or R2.5 zone and:
    - a. There is an existing house on one or both properties;
    - b. Only one flag lot is proposed;
- B.** A Property Line Adjustment that results in the creation of a buildable property from an unbuildable lot, lot of record, or lot remnant;
- C.** A Property Line Adjustment that results in the creation of street frontage for property that currently does not have frontage on a street;

- D. A Property Line Adjustment that removes alley frontage from one or both properties unless:
  - 1. The property line adjustment site includes a corner lot and alley frontage will only be removed for one lot; or
  - 2. Alley frontage will only be removed from the lot in front of a flag lot that is being created through the Property Line Adjustment; and
- E. A Property Line Adjustment that creates a nonconforming use.

### **33.677.150 Method of Review**

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

### **33.677.200 Application Requirements**

No more than three Property Line Adjustments may be requested on a site within one calendar year. The application must contain the following:

- A. **Application form.** Two copies of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.
- B. **Surveys.**
  - 1. Three paper copies of a property line survey. The survey must be prepared, stamped and signed by a registered land surveyor to meet ORS 92.050. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;
  - 2. One copy of the property line survey that is 8-1/2 by 11 inches in size; and
  - 3. One paper copy of a survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.
- C. **Legal description.** Two copies of the legal description for each adjusted property and each exchange parcel. The legal descriptions must be prepared and signed by a registered land surveyor.

### **33.677.300 Standards**

The site of a Property Line Adjustment is the two properties affected by the relocation of the common property line. A request for a Property Line Adjustment will be approved if all of the following are met:

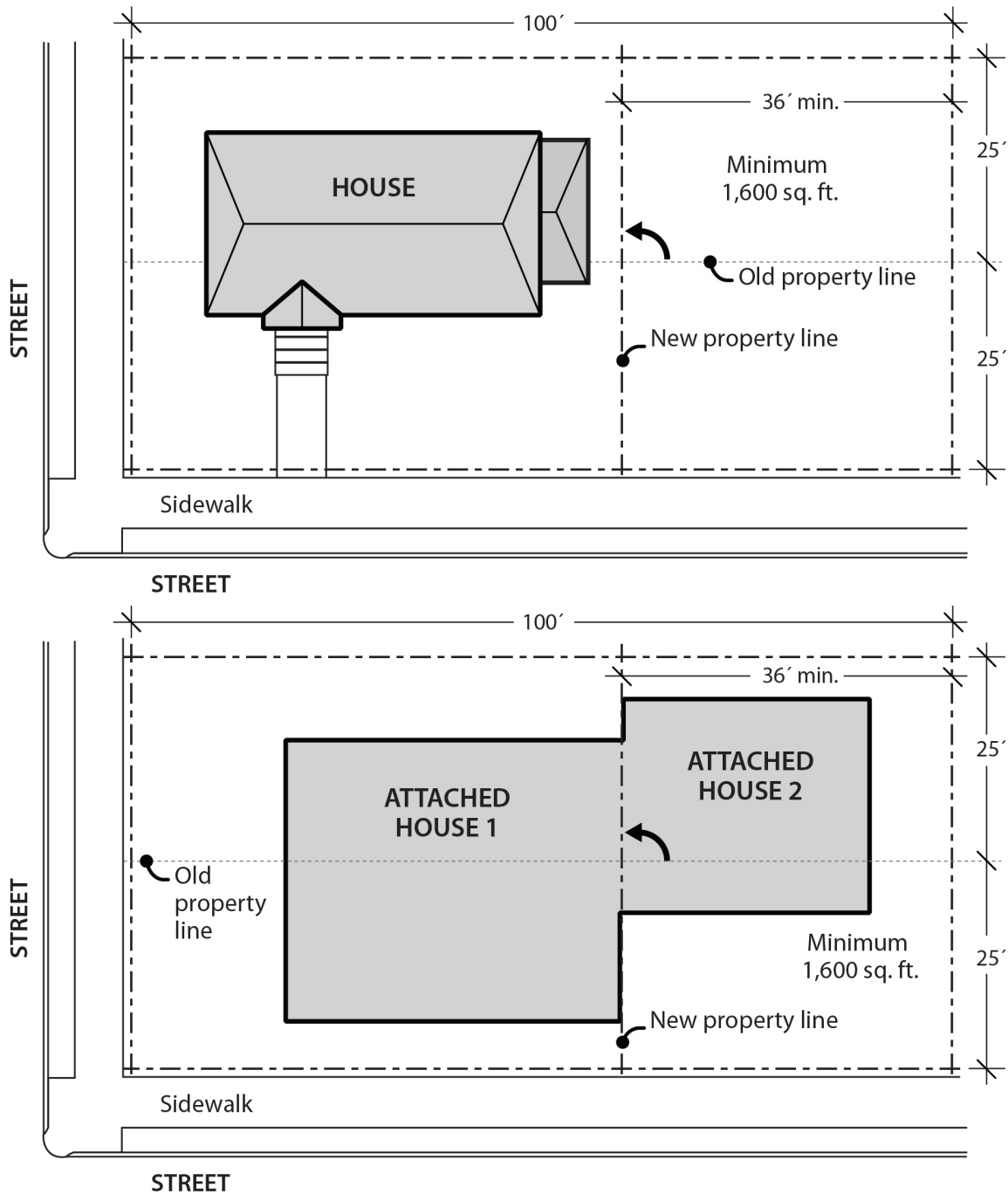
- A. **Conformance with regulations.** Both properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615, except as follows:

1. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation
2. If the Property Line Adjustment will configure one of the properties as a flag lot, nonconformance with the maximum floor area ratio standard is allowed for the existing development at the time of the property line adjustment. Future alterations may not move the development further out of conformance and new development must comply with the maximum floor area ratio;
3. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;
4. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard;
5. Lots with an institutional use are exempt from maximum lot size standards; and
6. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:
  - a. At least one lot is a corner lot; and
  - b. The adjusted property line must be perpendicular to the street lot line for its entire length.

See Figure 677-1.

- B. Regular lot lines.** In the R10 through RM4, and RMP zones, the adjusted property line must be a straight line or up to 20 percent shorter or 20 percent longer than the existing lot line. Lines that are adjusted to follow an established zoning line or the boundary of the special flood hazard area or floodway are exempt from this requirement. In addition, if both properties are part of a site with an institutional use on it, this standard does not apply.

**Figure 677-1**  
**Property Line Adjustment on Corner Site in R5 Zone**



- C. Flag Lots in the R5 and R2.5 Zone.** In the R5 and R2.5 zone, a Property Line Adjustment may be used to configure a property as a flag lot when all the following are met:
1. Flag pole. The pole portion of the flag lot must meet the following standards. Adjustments are prohibited:
    - a. The pole must connect to a street;

- b. Pole width:
  - (1) If the pole portion of the flag lot will provide vehicle access to the flag portion of the flag lot, the pole must be at least 12 feet wide for its entire length; or
  - (2) If the pole portion of the flag lot will not provide vehicle access to the flag portion of the flag lot, the pole must be at least 10 feet wide for its entire length. A covenant must be recorded with the deed specifying that no vehicle access is allowed along the pole.
2. Lot dimensions. The lots must meet the following lot dimension standards:
  - a. Lot area.
    - (1) Minimum lot area. Each reconfigured lot must be at least 1,600 square feet. Only the area of the flag portion is included when calculating the minimum lot area for the flag lot. The area of the pole portion of the lot is not included.
    - (2) Maximum flag lot area. The area of the flag lot must be less than 3,000 square feet. The total area of the flag lot, including the pole portion, is included when calculating the maximum lot area for the flag lot.
  - b. Front lot line. There is no minimum front lot line standard for the flag lot.
  - c. Lot width and depth. The minimum lot width and minimum lot depth required for the flag lot is 36 feet measured at the midpoints of the opposite lot lines of the flag portion of the lot. The minimum lot width for the lot in front of the flag lot is 36 feet.
- D. Split zoning.** The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone.
- E. Environmental overlay zones.** If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met. Adjustments are prohibited.
- F. Services.** The adjustment of the property line will not eliminate the availability of services to the properties and the properties will not move out of conformance with service bureau requirements for water, sanitary sewage disposal, and stormwater management. Adjustments are prohibited.
- G. Conditions of previous land use reviews.** All conditions of previous land use reviews must be met. Adjustments are prohibited.

### **33.677.400 Record an Approval**

The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 188259, effective 3/31/17; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190851, effective 6/30/22.)*



## 33.720 Assignment of Review Bodies

# 720

Sections:

- 33.720.010 Purpose
- 33.720.020 Quasi-Judicial Land Use Reviews
- 33.720.030 Legislative Land Use Reviews

### 33.720.010 Purpose

This chapter assigns a review body to all land use reviews. It also specifies the procedure when more than one review is requested simultaneously.

### 33.720.020 Quasi-Judicial Land Use Reviews

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

- A. Director of BDS.** All land use reviews that are subject to a Type II or Type IIX procedure are assigned to the Director of BDS.
- B. Hearings Officer.** All appeals of land use reviews that were processed as 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. Design Commission.** The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Design Commission:
  - 1. Design review, except as provided for in Paragraph D.2 below;
  - 2. Adjustments in a Design zone, except historic districts and historic landmarks;
  - 3. Adjustments associated with a design review required by City Council outside of a Design zone;
  - 4. Reviews in the Central City plan district for height and FAR bonuses and transfers; and
  - 5. South Waterfront Greenway Reviews in the South Waterfront subdistrict of the Central City plan district; and
  - 6. Planned developments in the commercial/mixed use zones using the Planned Development Bonus provisions of 33.130.212.E; and
  - 7. Central City Master Plan reviews.
- D. Historic Landmarks Commission.** Generally, the Historic Landmarks Commission will consider matters related to historic resources. However, because they primarily involve use issues, historic preservation incentive reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Hearings Officer. The following land use reviews, when subject to a Type III procedure or when they are appeals of a Type II procedure, are assigned to the Historic Landmarks Commission.

1. Landmark designations, and the removal of landmark designations;
  2. Historic resource review of Historic, Conservation, and National Register Landmarks and resources in Historic, Conservation, and National Register Districts;
  3. Demolition review of Historic, Conservation, and National Register Landmarks and contributing resources in Historic, Conservation, and National Register Districts; and
  4. Adjustments associated with Historic, Conservation, and National Register Landmarks and Historic, Conservation, and National Register Districts.
- E. Adjustment Committee.** Appeals of adjustment reviews that were processed as a Type II procedure where no other land use review is involved are assigned to the Adjustment Committee.
- F. City Council.** Both Comprehensive Plan amendments and Statewide Planning Goal exceptions which are quasi-judicial require final City Council action in addition to the regular Type III procedure. All appeals of land use reviews subject to a Type III procedure are assigned to the City Council. All land use reviews subject to a Type IV procedure are assigned to the City Council.
- G. Applications for more than one land use review request on a site may be consolidated into a single application package.** If the reviews are not assigned to the same review body, they are assigned in the manner stated below;
1. When more than one review is requested and the reviews have different procedures, the overall application is reviewed by the review body assigned to the highest procedure. See 33.730.042, Concurrent Reviews.
  2. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, if none of the reviews are assigned to a Type III procedure, the overall application is processed using the Type II procedure. If any of the reviews are assigned to a Type III procedure, the overall application is processed using the Type III procedure.
  3. When the requested reviews have the same highest procedure but are assigned different review bodies, the reviews may be processed simultaneously with a joint hearing before the applicable review bodies, except in the case of adjustments. If an adjustment is being reviewed concurrently with other land use reviews, then the review body is the body or bodies assigned to the other land use reviews. For the purposes of this chapter, a joint hearing includes holding consecutive public hearings at the same location.
  4. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed and assigned to review bodies as specified in Paragraphs G.1 through G.3. The review subject to the Type IV procedure is assigned to the City Council.
  5. If an appeal is filed, the appellant must identify the specific approval criteria that the decision violates. The appeal hearing will be before the review body assigned to review the specified criteria that are being appealed. If approval criteria from more

than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

### **33.720.030 Legislative Land Use Reviews**

- A.** Legislative land use reviews, unless stated otherwise in Subsections B through D, are assigned to the Planning and Sustainability Commission, who will make a recommendation to City Council.
- B.** Design guidelines for Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- C.** Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council. In some cases, a joint hearing with the Design and Planning and Sustainability commissions is required. See 33.740.020.
- D.** Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- E.** Final action on all legislative land use reviews is by the City Council.

---

*(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*



## 33.730 Quasi-Judicial Procedures

# 730

---

### Sections:

#### General

33.730.010 Purpose

#### Basic Procedures

33.730.013 Expedited Land Division Procedure

33.730.014 Type I Procedure

33.730.015 Type Ix Procedure

33.730.020 Type II Procedure

33.730.025 Type IIx Procedure

33.730.030 Type III Procedure

33.730.031 Type IV Procedure

33.730.040 Final Council Action Required

#### General Information on Procedures

33.730.042 Concurrent Reviews

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

33.730.060 Application Requirements

33.730.070 Written Notice Requirements

33.730.080 Posting Requirements

33.730.090 Reports and Record Keeping

33.730.100 Public Hearing Requirements

33.730.110 Ex Parte Contact

#### After a Final Decision

33.730.120 Recording an Approval

33.730.130 Expiration of an Approval

33.730.140 Requests for Changes to Conditions of Approval

### General

#### 33.730.010 Purpose

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

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

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

## Basic Procedures

### 33.730.013 Expedited Land Division Procedure

An Expedited Land Division (ELD) is an administrative process with public notice but no hearing. The Expedited Land Division (ELD) procedure provides an alternative to the standard procedures for some land divisions. In some cases the zoning code assigns this procedure. In other cases, the applicant may choose to use the ELD process if the land division request meets all of the elements specified in ORS 197.360.

- A. Pre-application conference.** A pre-application conference is required for all land division requests processed through the ELD procedure, except for middle housing land divisions. See 33.730.050.A., Pre-Application Conference. The pre-application conference must be held before applying for an ELD review.
- B. Neighborhood contact.**
  - 1. When the ELD includes four to ten lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact I. If the proposed expedited land division is a middle housing land division or is in an EG or I zone, it is exempt from the neighborhood contact requirements.
  - 2. When the ELD includes eleven or more lots, the applicant is required to meet the neighborhood contact requirements specified in 33.705.020.A., Neighborhood contact II. If the proposed expedited land division is a middle housing land division or is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070.B, Expedited Land Division, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:

1. The Director of BDS will not make the decision until 14 days after the notice required by Subsection D, above, is mailed.
2. The Director of BDS will make a final decision on the case and mail a notice of decision within 63 days after receiving a completed application.

**F. Administrative decision.**

1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.

**G. Notice of decision (pending appeal).** The Director of BDS will mail the notice of the decision to the owner, the applicant if different, any state agency, local government or special district responsible for providing public facilities or services, all property owners within 100 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.F, Expedited Land Division, Type I, Type Ix and Type IV notice of decision (pending appeal).

**H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and any person who submitted written comments. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed.

**I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.

**J. When an appeal is filed.** Appeals must comply with this subsection.

1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
  - The file number and land use review(s) appealed;
  - The appellant's name, address, signature, phone number;
  - A statement of the allegations of the appeal; and
  - The required fee.
2. Valid appeal allegation. The appeal must be based solely on one or more of the following allegations:
  - a. The decision violates the substantive provisions of the applicable land use regulations;
  - b. The decision is unconstitutional;

- c. That the application is not eligible for review under ORS 197.360 to 197.380 or ORS 92.031 and should be reviewed as a land use decision or limited land use decision; or
    - d. That the appellant's substantive rights have been substantially prejudiced by an error in procedure by the local government.
3. Notification of appeal hearing. The Hearings Officer, or its designee, will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 7 working days of the receipt of the appeal, the Hearings Officer, or its designee, will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.
4. Scheduling of hearing. The Hearings Officer will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
6. Appeal decision. The Hearings Officer may approve the decision of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
  - a. If the Hearings Officer determines that the application does not qualify as an expedited land division as described in Chapter 33.644, the Hearings Officer shall remand the application for consideration as a land use decision or limited land use decision.
  - b. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
7. Notice of final decision. Within 14 days of the close of the record, the Hearings Officer will mail notice of the final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the appeal hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
8. Date that decision is final and effective. The decision of the Hearings Officer is final and effective on the day the notice of decision is mailed.
9. Appeal decision final. The appeal decision of the Hearings Officer is final and may not be appealed to another review body within the City.



### **33.730.014 Type I Procedure**

The Type I procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is not required.
- B. Neighborhood Contact**
  - 1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
  - 2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.725.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1 , EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type I procedures are intended for such reviews as minor historic resource cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
  - 1. The director of BDS will not make the decision until at least 14 days after the notice required by Subsection D is mailed; and
  - 2. The Director of BDS will make the final decision on the case and mail a notice of decision within 21 days after the application is determined to be complete. The applicant may extend this time limit.
- F. Administrative decision.**
  - 1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.

2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
  3. The decision of the Director of BDS is final.
- G. Notice of decision.** The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type Ix, and Type IV notice of decision.
- H. Date that decision is final and effective.** The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

### **33.730.015 Type Ix Procedure**

The Type Ix procedure is an administrative process with public notice but no hearing.

- A. Pre-application conferences.** A pre-application conference is optional.
- B. Neighborhood contact.**
1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
  2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review. Type Ix procedures are intended for such reviews as minor design cases.
- D. Notice of a request.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 100 feet of the site, and to the recognized organization(s) in which the site is located. The notice will contain all information listed in 33.730.070.B, Type I and Type Ix notice of request.
- E. Processing time.** Upon determining that the application is complete the Director of BDS will make a decision on the case as follows:
1. The director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and

2. The Director of BDS will make the final decision on the case and mail a notice of decision within 45 days after the application is determined to be complete. The applicant may extend this time limit.

**F. Administrative decision.**

1. In making the decision the Director of BDS may consult with the owner, applicant, other citizens, City agencies, other public and private organizations, to solicit information relevant to the request. The decision is based on the Director of BDS's findings. The Director of BDS's findings are based on an evaluation of the facts, the applicable code regulations, and the applicable design guidelines.
2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
3. The decision of the Director of BDS is final.

**G. Notice of decision.** The Director of BDS will mail notice of the decision to the owner, the applicant if different, and to any person or organization who submitted written comments. See 33.730.070.F, Type I, Type IX, and Type IV notice of decision.

**H. Date that decision is final and effective.** The decision of the BDS Director is final and effective on the day the notice of decision is mailed.

**33.730.020 Type II Procedure**

The Type II procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

**A. Pre-application conference.** A pre-application conference is optional unless it is a specific requirement of a review. See 33.730.050.A., Pre-Application Conference.

**B. Neighborhood contact.**

1. When the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
2. When the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
3. When the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone, the neighborhood contact steps of 33.705.020.C,

Neighborhood contact III, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.

- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 400 feet of the lot. See 33.730.070.C, Type II and Type IIx notice of request.
- E. Processing time.** Upon determining that the application is complete, the Director of BDS will make a decision on the case as follows:

  - 1. The Director of BDS will not make the decision until 21 days after the notice required by Subsection D, above, is mailed.
  - 2. The Director of BDS will make a final decision on the case and mail a notice of decision within 28 days after the notice required by Subsection D. above is mailed. The applicant may extend this time limit.
- F. Administrative decision.**

  - 1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
  - 2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of BDS will mail the notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).
- H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.

- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
    - The file number and land use review(s) appealed;
    - The appellant's name, address, signature, phone number;
    - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
    - The required fee.
  2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations who received the notice of the decision. See 33.730.070.H, Notice of a Type II or Type III appeal hearing.
  3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.
  4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
  5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
  6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
    - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record.
    - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
  7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
  8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS

will mail notice of the decision. Within 17 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.

9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.

### **33.730.025 Type IIx Procedure**

The Type IIx procedure is an administrative process, with the opportunity to appeal the Director of BDS's decision to another review body.

- A. Pre-application conference.** A pre-application conference is optional. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
  1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
    - a. The application is for a land division that includes four to ten lots; or
    - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
  2. When the application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site, the neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- D. Preliminary notice.** Upon receipt of a complete application, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet

when outside the UGB, to the recognized organization(s) in which the site is located, and to all recognized organizations within 400 feet of the site. See 33.730.070 C, Type II and Type IIx notice of request.

- E. Processing Time.** Upon determining that the application is complete the Director of BDS will make a final decision on the case as follows:
1. The Director of BDS will not make the decision until at least 30 days after the notice required by Subsection D is mailed; and
  2. The Director of BDS will make the final decision on the case and mail a notice of decision within 42 days after the application is determined to be complete. The applicant may extend this time limit.
- F. Administrative decision.**
1. In making the decision, the Director of BDS may consult with the owner, applicant, other citizens, City agencies, and other public and private organizations to solicit information relevant to the request. The decision is based on the Director of BDS's findings, which are based on an evaluation of the facts and the applicable code regulations.
  2. The decision report will be prepared as provided in 33.730.090, Reports and Record Keeping, and must be kept with the public record of the case.
- G. Notice of decision (pending appeal).** The Director of BDS will mail a notice of the decision to the owner, the applicant if different, all property owners within 150 feet of the site when within the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the site is located, to all recognized organizations within 400 feet of the site, and to any person who submitted written comments. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).
- H. Ability to appeal.** The Director of BDS's decision is final unless appealed. The decision may be appealed by the applicant, the owner, those entitled to notice, and any person adversely affected or aggrieved by the decision. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be as stated in 33.720, Assignment of Review Bodies.
- I. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- J. When an appeal is filed.** Appeals must comply with this subsection.
1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
    - The file number and land use review(s) appealed;
    - The appellant's name, address, signature, and phone number;
    - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and

- The required fee.
2. Notification of appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, and all persons and recognized organizations that received the notice of the decision. See 33.730.070 H, Notice of an appeal hearing.
  3. Scheduling of hearing. The Director of BDS will schedule a public hearing to take place at least 21 days from the mailing of the notice of an appeal hearing.
  4. Submit report to review body. The Director of BDS will forward the decision report and a copy of the appeal to the review body and make the report and copy of the appeal available to the public at least 7 days prior to the date of the hearing.
  5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact.
  6. Appeal decision. The review body may adopt the decision report of the Director of BDS, modify it, or reject it based on information presented at the hearing and in the record.
    - a. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 14 days of the close of the record.
    - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
  7. Amended decision report. If the review body modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 14 days of the hearing. The report must comply with 33.730.090, Reports and Record Keeping.
  8. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 14 days of the close of the record, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
  9. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed.
  10. Appeal decision final. The appeal decision of the review body is final and may not be appealed to another review body within the City.



### **33.730.030 Type III Procedure**

A Type III procedure requires a public hearing before an assigned review body. Subsections A through D apply to all sites. If the site is within the City of Portland, Subsections E through H also apply. If the site is in the portion of unincorporated Multnomah County that is subject to City zoning, Subsection I also applies.

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type III procedure, except applications for historic designation review and historic designation removal review. See 33.730.050.A., Pre-Application Conference.
- B. Neighborhood contact.**
  - 1. The neighborhood contact steps of 33.705.020.A., Neighborhood contact I, are required when:
    - a. The application is for a land division that includes four to ten lots and does not include an environmental review; or
    - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of at least 10,000 square feet and not more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it has already met the neighborhood contact requirements as part of a building permit process, it is exempt from the neighborhood contact requirements.
  - 2. The neighborhood contact steps of 33.705.020.B., Neighborhood contact II, are required when:
    - a. The application is for a land division that includes eleven or more lots and does not include an environmental review; or
    - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 25,000 square feet of net building area to the site and no portion of the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, or if it was subject to a building permit process, it is exempt from the neighborhood contact requirements.
  - 3. The neighborhood contact steps of 33.705.020.C., Neighborhood contact III, are required when:
    - a. The application is for a land division that includes an environmental review; or
    - b. The application is for a land use review other than a land division and the proposed development associated with the land use review will result in the addition of more than 10,000 square feet of net building area to the site and the site is in the Design overlay zone. If the proposed development is in the EG1, EG2, or an I zone, it is exempt from the neighborhood contact requirements.
- C. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by

33.730.060, Application Requirements, and any additional information required for the specific type of land use review.

- D. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 51 days. The applicant may extend the time limit.
- E. Notice of a request.**
1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070 D, Type III and Type IV notice of request.
  2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080 below.
- F. Decision by review body if site is in City of Portland.**
1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the applicant and to any recognized organizations whose boundaries include the site.
  2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
  3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
    - a. Hearings Officer.
      - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
      - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
    - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
  4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For

review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.

5. Mailed notice of decision (pending appeal). When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies,

the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's decision (pending appeal) to the owner, the applicant if different, and all recognized organizations or persons who responded in writing to the notice of the request, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.G, Notice of Type II, Type IIx or Type III decision (pending appeal).

- G. Ability to appeal.** The review body's decision is final unless appealed. The decision may be appealed by the applicant, the owner, and those who have testified orally or in writing at the hearing, provided that the testimony was directed to a specific approval criterion. The appeal must be submitted to the Director of BDS within 14 days of the day the notice of decision is mailed. The review body for the appeal will be the City Council.
- H. When no appeal is filed.** If no one appeals the decision, the decision is final and effective on the day after the last day to appeal.
- I. When an appeal is filed.** Appeals must comply with this subsection.
  1. Content of the appeal. The appeal must be submitted on forms provided by the Director of BDS. All information requested on the form must be submitted in order for the appeal form to be accepted. The appeal request must include:
    - The file number and land use review(s) appealed;
    - The appellant's name, address, signature, phone number, and relationship to the land use action;
    - A statement of which sections of the Zoning Code or which approval criteria the decision violates; and
    - The required fee.
  2. Mailed notice of the appeal hearing. The Director of BDS will mail a copy of the appeal within 3 working days of its receipt to the applicant, unless the applicant is also the appellant, and the owner. Within 5 working days of the receipt of the appeal, the Director of BDS will mail a notice of the appeal hearing to the owner, the applicant if different, the review body, and all persons and recognized organizations that received the notice of the decision. See 33.730.070.H, Notice of a Type II, Type IIx, or Type III appeal hearing. No notice of the appeal hearing is required to be posted on the site.
  3. Scheduling of hearing. The City Auditor will schedule a public hearing to take place at least 21 days from the mailing of the notice of appeal.

4. Submit report to City Council. The Director of BDS will forward the appeal as filed, the review body's decision report, and a transcript if requested and paid for, to City Council at least 7 days prior to the date of the hearing.
5. Appeal hearing. Appeal hearings must comply with the provisions of 33.730.100, Public Hearing Requirements, and 33.730.110, Ex Parte Contact. Appeals heard by City Council may be heard "on the record" and must also conform to any rules of procedure adopted by Council for their use. The Director of BDS will represent the review body in appeals heard by City Council.
6. Appeal decision and findings.
  - a. The City Council may adopt the review body's decision report, modify it, or reject it based on information presented at the hearing and in the record. If City Council modifies or rejects the decision report, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b. below. The report must comply with 33.730.090, Reports and Record Keeping.
  - b. The Council may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the Council's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the Council's decision. Prior to final Council adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by Council vote. An additional public hearing is not required if the vote is at a subsequent public meeting. City Council decisions are in the form of an Order of the Council except when an ordinance is required due to the type of land use request (Comprehensive Plan Map amendments or Statewide Planning Goal exceptions). In these instances, the ordinance serves in lieu of the Order of Council.
7. Notice of the final decision. Within 5 days of final Council action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the appeal notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070 I, Notice of final decision.
8. Date that decision is final and effective. The decision of City Council is final and effective on the day notice of decision is mailed by the City Auditor.
9. Appeal decision final. The appeal decision of City Council is final and may not be appealed to another review body in the City.

**J. Decision by review body if site is not in City of Portland.**

1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to

the owner, the applicant if different and to any recognized organizations whose boundaries include the site.

2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
3. Review body decision. The review body may adopt the Director of BDS's report and recommendation, modify it, or reject it based on information presented at the hearing and in the record.
  - a. Hearings Officer.
    - (1) Generally. The Hearings Officer will make a written decision in the form of a report and mail notice of the decision within 17 days of the close of the record;
    - (2) Comprehensive Plan Map Amendments. For Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer will make a written recommendation in the form of a report to City Council and mail notice of the recommendation within 30 days of the close of the record.
  - b. Other review bodies. Other review bodies will make all deliberations and decisions at the hearing.
4. Amended decision report. If the review body modifies or rejects the Director of BDS's report, an amended report with findings supporting the decision will be prepared. For review bodies other than the Hearings Officer, the Director of BDS will prepare the amended decision report and mail notice of the decision within 17 days of the close of the record. The report must comply with 33.730.090, Reports and Record Keeping.
5. Notice of final decision. When the Hearings Officer is the review body, the Hearings Officer will mail notice of the decision. For other review bodies, the Director of BDS will mail notice of the decision. Within 17 days of the close of the record, or within 30 days for Comprehensive Plan Map Amendments and land use reviews processed concurrently with Comprehensive Plan Map Amendments, the Hearings Officer or Director of BDS will mail notice of the review body's final decision to the applicant, owner, and to any recognized organizations or persons who commented in writing, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
6. Effective date of decision. The review body's decision takes effect on the day the notice is mailed.
7. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

### 33.730.031 Type IV Procedure

- A. Pre-application conference.** A pre-application conference is required for all requests processed through a Type IV procedure. See 33.730.050.A., Pre-Application Conference.
- B. Application.** The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all information required by 33.730.060, Application Requirements, and any additional information required for the specific type of land use review.
- C. Processing time.** Upon determining that the application is complete, the Director of BDS will schedule a public hearing to take place within 71 days. The applicant may extend the time limit.
- D. Notice of a request.**
  - 1. Mailed notice. At least 20 days before the scheduled hearing, the Director of BDS will mail a notice of the request to the regional transit agency, Metro, the Oregon Department of Transportation, the owner, the applicant if different, all property owners within 400 feet of the site when inside the Urban Growth Boundary (UGB) and within 500 feet when outside the UGB, to the recognized organization(s) in which the lot is located, and to all recognized organizations within 1,000 feet of the lot. See 33.730.070.D, Type III and IV notice of request.
  - 2. Posting notice on the site. The applicant must place a public notice about the request on the site. The posting must meet the standards of 33.730.080, below.
- E. Advice from Historic Landmarks Commission.** BDS staff will ask the Historic Landmarks Commission to review the proposal at a public meeting where members of the public may comment. The Historic Landmarks Commission may offer comments or suggestions, in the form of a letter or testimony, to the review body. Such comments or suggestions are advisory to the review body and are not a land use decision. In addition to any comments or suggestions, the Historic Landmarks Commission will forward to the review body tapes or transcripts of any public meetings at which the Historic Landmarks Commission reviewed the proposal, and any correspondence or other documents received at such meetings.
- F. Decision by review body.**
  - 1. BDS recommendation. The Director of BDS will prepare a report with recommendations, and file the report with the review body and make the report available to the public at least 10 days prior to the hearing. A copy will be mailed to the owner, the applicant if different, and to any recognized organizations whose boundaries include the site.
  - 2. Public hearing. The public hearing will be conducted by the assigned review body. It will be held in accordance with the requirements of 33.730.100, Public Hearing Requirements.
  - 3. Review body decision.
    - a. The review body may adopt the Director of BDS' report and recommendation, modify it, or reject it based on information presented at the hearing and in the

record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.

- b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.
4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

### **33.730.040 Final Council Action Required**

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

## **General Information on Procedures**

### **33.730.042 Concurrent Reviews**

The following regulations apply to applications for more than one land use review on a site:

- A. Applications for more than one land use review on a site may be consolidated into a single application package;

- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.
- D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

### **33.730.050 Pre-Application Conference and Other Early Assistance Meetings**

#### **A. Pre-Application Conference.**

1. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
2. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.
3. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
4. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Office of Transportation may require a Transportation Impact Study to be submitted with the land use application.
5. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held.



This allows information obtained at the conference to be incorporated in the application submittal.

6. Time limit. A pre-application conference is valid for two years. If more than two years has elapsed between the date of the pre-application conference and the date the land use review application is submitted, a new pre-application conference is required.

**B. Design advice requests**

1. Purpose. Design advice requests provide a public forum for the preliminary discussion and exchange of information between the applicant, BDS staff, the public, and the representative commission. An applicant may request advice from the Design Commission or Historical Landmarks Commission prior to submitting a land use request. In some cases, a design advice request may be required by a provision of this title. These requests do not substitute for a required pre-application conference with the BDS staff and other City urban service or technical representatives.
2. Requirements. Forms for design advice requests are available from the Director of BDS. A fee is required and must be paid at the time of the submittal for the design advice request. The applicant must submit a written proposal, information on the physical and social characteristics of the area, a conceptual site plan and elevations of the project. The applicant may also include details of the project that are associated with specific questions they may have as part of the design advice request. The design advice request must be held within 56 days of receipt of a completed request form.
3. Notification. The following notification will be provided prior to the design advice request meeting:
  - a. Mailed notice. At least 20 days before the scheduled meeting, the Director of BDS will mail a notice of the request to the owner, the applicant if different, all property owners within 400 feet of the site, and to recognized organizations in which the site is located. The notice should include the file number, the name of the person requesting the advice, the name of the property owner, the name and phone number of the BDS staff member assigned to the file, the date of the meeting, the address or geographic location of the request, the current zoning of the site, a brief description of the proposal, and a conceptual site plan.
  - b. Posting notice on the site. At least 20 days before the scheduled meeting, the person requesting the advice must place a public notice of the design advice request adjacent to each street frontage on the site. The notice should include the file number, the date of the meeting, the name and phone number of the BDS staff member assigned to the file, the current zoning of the site, and a brief description of the proposal.
4. Meeting. Meeting. The design advice request meetings are limited to one meeting per application. Additional meetings may be granted for proposals that include more than one building proposed on a site.
5. Design advice request recommendations. BDS staff will mail the applicant a written summary of the design advice request within 21 days of the meeting. The written

summary will include suggestions and information that were raised at the meeting for inclusion in the land use application.

- C. Other pre-application advice.** An applicant may choose to meet with BDS staff to discuss preliminary proposals prior to the submission of a land use review or building permit. The process for setting up these meetings is developed by the Director of BDS and the meetings are advisory only.

### **33.730.060 Application Requirements**

**A. Check for complete application.**

1. Initial check. An applicant must submit a request for a land use review on the appropriate forms supplied by the Director of BDS. The Director of BDS will review the application for completeness.
2. Incomplete applications. If the Director of BDS finds that the application is not complete, the following procedures apply:
  - a. The Director of BDS must notify the applicant of any missing information or materials within 14 days from the date of original submittal for Type I and Type II land use review procedures, and within 21 days from the date of original submittal for all other land use review procedures;
  - b. The applicant has 180 days from the date of original submittal to provide the missing information or material;
  - c. The application will be determined complete on the date the Director of BDS receives one of the following responses from the applicant:
    - (1) All of the missing information;
    - (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
    - (3) Written notice from the applicant that none of the missing information will be provided.
  - d. If none of the responses listed above in A.2.c are received within 180 days of the date of the original submittal, the application will be voided on the 181st day. The City will not refund the filing fee.
3. The 120 day limit. The 120 day processing time limit required by ORS 227.178 will begin on the day the application is determined to be complete.

- B. Changes to applications.** Any changes to the application which substantially alter the request must be made at least 10 days before notice of the request is mailed.

- C. Required information for land use reviews except land divisions.** Unless stated elsewhere in this Title, a complete application for all land use reviews except land divisions consists of all of the materials listed in this Subsection. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request.

1. Two copies of the completed application form bearing an accurate legal description, tax account number(s) and location of the property. The application must include the name, address, and telephone number of the applicant, the name and addresses of all property owners if different, the signature of the applicant, and the nature of the applicant's interest in the property.
2. One copy of a written statement that includes the following items:
  - A complete list of all land use reviews requested;
  - A complete description of the proposal including existing and proposed use(s) or change(s) to the site or building(s);
  - A description of how all approval criteria for the land use review(s) are met. As an alternative and where appropriate, this information may be placed on the site plan; and
  - Additional information needed to understand the proposal, or requested at the pre-application conference, if applicable.
3. Four copies of a site or development plan. At least one complete copy must be 8-1/2 inches by 11 inches, suitable for photocopy reproduction. The site or development plan must be drawn accurately to scale and must show the following existing and proposed information:
  - All property lines with dimensions and total lot area;
  - North arrow and scale of drawing;
  - Adjacent streets, access (driveways), curbs, sidewalks, and bicycle routes;
  - Existing natural features such as watercourses including the ordinary high water line and top of the bank;
  - The location, size, and species of all trees 6 inches and larger in diameter. On sites where the development impact area option for large sites in Chapter 11.50 will be used, only trees within that area must be shown;
  - Trees proposed to be preserved, including protection methods meeting the requirements of Chapter 11.60, and trees proposed to be removed;
  - Easements and on-site utilities;
  - Existing and proposed development with all dimensions;
  - Building elevations;
  - Location of adjacent buildings;
  - Distances of all existing and proposed development to property lines;
  - Types and location of vegetation, street trees, screening, fencing, and building materials;
  - Percentage of the site proposed for building coverage, and landscaping coverage;
  - Motor vehicle and pedestrian access and circulation systems, including connections off-site;

- Motor vehicle and bicycle parking areas and design, number of spaces, and loading areas;
  - Bus routes, stops, pullouts or other transit facilities on or within 100 feet of the site; and
  - Additional requirements of the specified land use review.
4. In the case of a land use review that requires a pre-application conference, a copy of the completed pre-application conference summary or proof of participation, if available.
  5. A transportation impact study, if required by the Office of Transportation at a pre-application conference.
  6. In the case of a zone change within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, the application must include verification from the school district that there is adequate enrollment capacity to serve the zone change site.
- D. Required information for land divisions.** Unless stated elsewhere in this Title, a complete application for a land division consists of the materials listed below. The Director of BDS may waive items listed if they are not applicable to the specific review. The applicant is responsible for the accuracy of all information submitted with the request. At least one copy of each plan/map submitted with the application must be 8 ½ by 11 inches in size, and be suitable for reproduction.
1. Preliminary Plan for all sites except those taking advantage of Chapter 33.664, Review of Large Sites in I Zones. An application for Preliminary Plan for all sites except those taking advantage of Chapter 33.644, Review of Large Sites in I Zones, must include all of the following:
    - a. Application form. Three copies of the completed application form bearing an accurate legal description, tax account numbers and location of the site. The application must include the name, address, telephone number, and signature of the applicant and all property owners, and the nature of the applicant's interest in the site;
    - b. Written statement. Two copies of a written statement that includes the following:
      - A complete list of all land use reviews requested;
      - A complete description of the proposal including site layout and circulation, natural features, existing and proposed development and uses, and changes to the site or existing buildings;
      - A description of how all approval criteria are met for the land division and any concurrent land use reviews;
      - Additional information needed to understand the proposal, or requested at the pre-application conference;
      - Names and address of land division designer or engineer and surveyor;
      - Proposed maintenance agreements or Conditions, Covenants and Restrictions; and

- If Preliminary Plan phasing is proposed, a description and timeline of each phase and timing of associated improvements;
  - If more than 3 lots are proposed, the proposed name of land division;
  - Proposed names of all streets;
  - A description of the type and location of any known potential geologic hazards such as liquefaction hazards, seismic hazards and faults, landfills, contamination; and
  - A description of past uses on the site that may affect the suitability of the site for development, such as industrial uses, landfills, railroad yards, mining, and Quick Vehicle Servicing;
- c. Vicinity map. Three copies of a vicinity map. The map must cover an area extending at least 800 feet in each direction from the land division site, and show the following existing conditions for both the site and the vicinity:
- Zoning and Comprehensive Plan designations;
  - Streets;
  - Transit, pedestrian, and bicycle facilities and connections; and
  - Water bodies, wetlands, special flood hazard areas, floodways, and potential landslide hazard areas; and
  - Location of utilities and services;
- d. Copies of the proposed land division, drawn to scale and of a format, material, and number acceptable to the Director of BDS. The required information may be grouped on several maps. The location of items not required to be surveyed must be accurately shown on the maps. The proposed land division maps must include the following information:
- (1) Base map. The following information must be on all maps:
- Surveyed information:
- Boundary lines of the site with dimensions and total site area;
  - North arrow and scale of map;
  - Identification as the Preliminary Plan Map
  - Stamp of surveyor; and
  - If more than 3 lots are proposed, the proposed name of land division;
- Additional information:
- Proposed lot layout with sizes, dimensions, and lot numbers;
  - Proposed tract layout with sizes, dimensions, purpose, and name;
  - Proposed layout and widths of all rights-of-way including dimensioning and roadway width;
  - Dimensions of proposed right-of-way dedications, including those to be added to existing rights-of-way; and
  - Proposed location, dimensions, and purpose of all easements;
- (2) Existing conditions map. The following existing site conditions must be shown:
- Surveyed information:

- Ground elevations shown by contour lines at 5-foot vertical intervals for slopes greater than 10 percent, and at 2-foot vertical intervals for ground slopes of 10 percent or less;
- Existing development, including dimensions and distances to property lines. Structures and facilities to remain must be identified;
- All trees completely or partially on the site that are 6 inches or more in diameter. Trees more than 25 feet inside a tract within which all trees will be preserved do not have to be surveyed. On sites where the proposal is to preserve tree canopy under Option 5 or 6 of the Tree Preservation Standards in 33.630.100.A.5 or 6, the trees do not have to be surveyed;
- Location and dimensions of existing driveways, curb cuts, and sidewalks on and abutting the site;
- Seeps and springs, wetlands, watercourses, and all water bodies including the ordinary high water line and top of bank; if there is a seep or spring on the site, a wetland delineation is required to determine the edge of the seep or spring. This delineation must be performed by an environmental scientist;
- The centerline of existing drainageways, including ditches, swales, and other areas subject to wet weather inundation; and
- Location of flood hazard areas, including elevations of the special flood hazard area and floodway boundaries. Sites that contain a water body not shown on the special flood hazard area maps must identify the location of the special flood hazard areas;

Additional information:

- Zoning and Comprehensive Plan designations; and
  - Location, dimensions, and purpose of existing easements on and abutting the site;
- (3) Proposed improvements map. The following proposed improvements must be shown:
- Enough information to determine that minimum lot width requirements are met for each proposed lot including footprint of structures and locations of driveways if necessary;
  - Distances of all known proposed development to proposed lot lines;
  - Proposed pedestrian connections;
  - If proposed lots are within a special flood hazard area or landslide hazard area, proposed building locations, and
  - If Preliminary Plan phasing is proposed; boundaries of sequence of the proposed phasing.
  - Existing and proposed services and utilities; and
  - Preliminary Stormwater Plan that meets the requirements of the Stormwater Management Manual and the BES Sewer Design Manual. This plan must show the capacity, type, and location, as well as the land area required, of the stormwater management system and stormwater disposal facilities proposed. The plan must also provide information on the feasibility of the stormwater management system being proposed;

- (4) Preliminary Clearing and Grading Plan. A Preliminary Clearing and Grading Plan that identifies all areas of clearing and grading. The plan must show the following:
- Existing contours and drainage patterns;
  - Existing drainageways, wetlands, streams, seeps and springs, and other water bodies;
  - Existing trees and vegetation;
  - Areas of the site where fill has been placed;
  - Boundaries of Environmental Overlay Zones;
  - Proposed areas of clearing and grading, including grading and clearing for:
    - Rights-of-way;
    - Services and utilities; and
    - Structures, such as retaining walls, necessary for the construction of these elements. Proposed areas of clearing and grading for individual lots and tracts may also be shown;
  - Proposed contours within areas to be cleared and graded;
  - Proposed stormwater and sedimentation control devices to be used during construction;
  - Proposed stockpile areas;
  - Proposed trees and vegetation to be preserved;
  - Proposed location and material of construction fencing for proposed tree preservation tract;
  - Proposed location and material of construction fence;
  - Proposed amount (cubic yards) of soil to be disturbed; and
  - Proposed structures necessary to construct streets or pedestrian connections;
- e. Tree information, as follows:
- (1) Existing tree map and preservation plan showing the following:
- Existing and proposed lots, tracts, rights-of-way, and utilities;
  - Surveyed location of all trees completely or partially on the site required to be surveyed by D.1.d(2);
  - The location, species and size of trees located in adjacent rights-of-way;
  - The approximate location, species, and size of trees on adjacent sites, within 15 feet of proposed or future disturbance areas;
  - Heritage trees on or adjacent to the site;
  - Tree numbers corresponding to the arborist report;
  - Location, type, and size of trees to be removed;
  - Location, type, and size of trees to be preserved and tree protection meeting the requirements of Chapter 11.60, Technical Specification; and
  - Existing and proposed tree preservation tracts.

- (2) Tree planting information, including:
    - Conceptual planting plan showing general area where trees will be planted on the lots as mitigation and/or to satisfy the tree density standards of Chapter 11.50, Trees in Development Situations;
    - A preliminary street tree planting plan; and
  - (3) A written statement describing how the requirements of Chapter 33.630, Tree Preservation, are met; and
  - (4) A written report prepared by an arborist that includes the following:
    - Trees located on the development site. The information listed below must be provided for all trees required to be shown on the existing tree map, as described in e(1) above. Trees must be numbered consistent with the tree survey:
      - Evaluation of tree health and condition;
      - Identification of tree groves and Heritage Trees;
      - Identification of nuisance, dead, dying, and dangerous trees;
      - Evaluation of the suitability of each tree for preservation based on proposed or future development on the site, including consideration of grading and utility plans;
      - Identification of trees to be preserved and trees to be removed;
      - Root protection zone and tree protection methods specified for each tree to be preserved, as required by Chapter 11.60, Technical Specifications;
      - A discussion of activities that will be prohibited within root protection zones during construction, and any other relevant construction management needs; and
      - Recommendations for short or long-term tree care.
    - Trees in adjacent rights-of-way or on adjacent sites. Trees on adjacent rights-of-way or on adjacent sites that may be affected by the proposed or future development on the land division or planned development site must be identified. Recommendations for tree protection and methods to limit impacts on adjacent trees must be included in the arborist report.
- f. Landslide Hazard Study. If any part of the site is in a potential landslide hazard area as shown on the City's Potential Landslide Hazard Areas Map the application must include a Landslide Hazard Study prepared by a Certified Engineering Geologist and a Geotechnical Engineer. The Landslide Hazard Study must identify landslide hazard areas within the site and identify the part or parts of the site suitable for development in terms of the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site. The Landslide Hazard Study should make recommendations for the layout and design of the land division and development. The study must provide adequate detail to show the design of all proposed structures and improvements, and must include a statement of on-site slope stability after the proposed development is complete. The study must also include a statement of the estimated effect of the developments on stormwater and groundwater runoff as it relates to slope



stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
  - Review of geologic literature or previous reports;
  - Site reconnaissance including mapping of observable geologic features or hazards;
  - Field explorations as necessary; and
  - Laboratory testing;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;
- j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and
- k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.
3. Final Plat. An application for a Final Plat must include all of the following:
- a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
- The statement: "This plat is subject to the conditions of City of Portland Case File No. LUR...";
  - Easements and tracts, including their purpose;
  - In the case of a middle housing land division, this statement: "This plat was approved as a Middle Housing Land Division under ORS 92.031".
- b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental

- plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
- c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
  - d. As-built survey. For a middle housing land division, copies of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
  - e. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
  - f. Performance Guarantees. One copy of each Performance Guarantee;
  - g. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
  - h. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
  - i. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

### **33.730.070 Written Notice Requirements**

- A. General information on notices.** The following applies to all notices.
1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Office of Neighborhood Involvement.
  2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.

3. Measurement of notice area. Measurement of the required notice area is made by drawing lines the specified distance, including intervening street widths, from and parallel to the boundary lines of the ownership that includes the lot. If the notice area includes public lands other than right-of-ways that do not exceed 200 feet in depth, the first nonpublic properties in the given direction are included in the notice.

**B. Expedited Land Division, Type I and Type Ix notice of request.** The notice of request, when processed through an Expedited Land Division, a Type I, or Type Ix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site;
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised prior to expiration of the comment period;
- A statement that issues must be raised with sufficient specificity to afford the Director of BDS an opportunity to respond to the issues;
- A statement that copies of all evidence submitted by the applicant is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies; and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

**C. Type II and Type Iix notice of request.** The notice of request, when processed through a Type II procedure and Type Iix procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;

- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal which could be authorized;
- An explanation of the local decision-making process for the decision being made;
- A list, by commonly used citation, of the applicable criteria for the decision;
- An invitation to comment, in writing, on the proposal and the place, date and time that comments are due;
- A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals (LUBA) must be raised prior to expiration of the comment period or prior to the conclusion of the final hearing if a local appeal is requested;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issue;
- A statement that all evidence on the matter is available for review, and that copies can be obtained for a fee equal to the City's cost for providing the copies: and
- The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.

**D. Type III and Type IV notice of request and hearing.** The notice of request and hearing, when processed through a Type III and Type IV procedure, will contain at least the following information:

- The file number;
- The name and address of the applicant and owner;
- The legal description of the site.
- The street address or other easily understood geographical reference to the subject property;
- A map depicting the subject property in relation to surrounding properties;
- The name and telephone number of the recognized organization(s) whose boundaries include the site;
- A description of the proposal and the proposed use or uses which could be authorized;
- The land use reviews requested and other land use reviews which may be considered as an option;
- An explanation of the local decision-making process for the decision being made;
- The applicable comprehensive plan and code approval criteria;
- The date, time and location of the hearing;
- A general explanation of the requirements for submission of written and oral testimony and the procedure for conduct of the hearing;
- A statement that issues which may provide the basis for an appeal to the Land Use Board of Appeals must be raised in person or by letter prior to the close of the record at or following the final evidentiary hearing;
- A statement that issues must be raised with sufficient specificity to afford the review body an opportunity to respond to the issues;

- A statement that a copy of the application, all evidence on the matter submitted by the applicant, and applicable criteria are available for review at no cost, and that copies can be obtained for a fee equal to the City's cost for such services;
  - A statement that a copy of the Director of BDS's report will be made available at least 10 days before the hearing; and
  - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- E. Notice of deferral.** If written or oral notice of the rescheduling of a hearing is provided during the originally scheduled hearing, no additional notice is required. The hearing must be rescheduled to a specific time and place. If notice of deferral was not made at the hearing, then re-notification is required.
- F. Expedited Land Division Type I, Type Ix and Type IV notice of decision.** The notice of decision must include the following:
- The file number;
  - The name and address of the applicant and owner;
  - The legal description of the site;
  - The street address or other easily understood geographical reference to the subject property;
  - A map depicting the subject property in relation to surrounding properties;
  - The name and telephone number of the recognized organization(s) whose boundaries include the site;
  - A description of the proposal, including proposed uses and land use reviews;
  - A description of the review body decision, the decision date, and filing date; and
  - A statement that the decision is final, but may be appealed to the Hearings Officer or Land Use Board of Appeals (LUBA) as specified in ORS 197.375 or ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.
- G. Notice of Type II, Type Iix, or Type III decision (pending appeal).** The notice of Type II, Type Iix, or Type III decision (pending appeal) will describe the land use request and decision. The notice will include the following information:
- The file number;
  - The name and address of the applicant and owner;
  - The legal description of the site;
  - The street address or other easily understood geographical reference to the subject property;
  - A map depicting the subject property in relation to surrounding properties;
  - The name and telephone number of the recognized organization(s) whose boundaries include the site;

- A description of the proposal, including proposed uses and land use reviews;
  - An explanation of the local decision-making process for the decision being made;
  - A summary of the applicable approval criteria;
  - The review body's decision, the decision date, and the filing date;
  - A statement that the decision is final unless appealed;
  - A description of the appeal process, time frame, the review body, and the fee for an appeal; and
  - The place where information on the matter may be examined and the name of a local government representative to contact and a telephone number to call.
- H. Notice of an Expedited Land Division, a Type II, Type IIx, or Type III appeal hearing.** If a local appeal of an Expedited Land Division, a Type II or Type IIx administrative or Type III decision is filed, the notice of appeal hearing will be provided in the same manner as set forth in 33.730.070.D for a Type III notice of request and hearing.
- I. Notice of final Expedited Land Division, Type II, Type IIx, or Type III decision following appeal.** Where an Expedited Land Division, a Type II, Type IIx, or Type III decision is appealed, a subsequent review body decision is made, and no further local appeal is available, a notice of final decision will be sent, containing the following information:
- The file number;
  - The name and address of the applicant, owner, and appellant (if different);
  - The legal description of the site;
  - The street address or other easily understood geographical reference to the subject property;
  - A map depicting the subject property in relation to surrounding properties;
  - The name and telephone number of the recognized organization(s) whose boundaries include the site;
  - A description of the proposal, including proposed uses and land use reviews;
  - A description of the review body decision, the decision date, and filing date; and
  - A statement that the decision is final, but may be appealed to the Land Use Board of Appeals (LUBA) as specified in ORS 197.830. Among other things, ORS 197.830 requires that a petitioner at LUBA have appeared during the local proceedings (orally or in writing), and file a notice of intent to appeal with LUBA within 21 days after the decision becomes final.

### **33.730.080 Posting Requirements**

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

- A. Number and location on the site.** A posted notice must be placed on each street frontage of the site. If a street frontage is over 600 feet long, a notice is required for each 600 feet, or fraction thereof. Notices must be posted within 10 feet of a street lot line and must be visible to pedestrians and motorists. Notices may not be posted in a public right-of-way.

Notices are not required along street frontages that are not improved and allow no motor vehicle access.

- B. Placing notice.** When BDS sends a confirmation of a complete application to the applicant, it will also send the following material regarding the posting notice:
- The message that must be placed on the notice;
  - The number of notices required;
  - The latest date that the notice may be posted; and
  - A statement (to be signed and returned) to certify that the notice was posted on the site, and that a failure to post the notice constitutes an agreement by the owner to defer the 120 day process limit, and an acknowledgment that failure to post will result in the automatic postponement of the hearing date.
- C. Standards and timing.** The applicant must prepare the notice to BDS standards and post it on the site at least 30 days before the first scheduled evidentiary hearing before the Hearings Officer or other assigned review body. At least 14 days before the hearing, the applicant must file with BDS a signed statement affirming that the posting was made. Failure to post the notice and affirm that the posting was done will result in automatic postponement of the hearing until the property has been posted for 30 days.
- D. Removal.** The applicant may not remove the notice before the first evidentiary hearing before the Hearings Officer or other assigned review body. Except when final City Council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the Hearings Officer's or other assigned review body's decision on the request. When final council action is required by section 33.730.040, the applicant must remove the posted notice within 2 weeks of the City Council's decision on the request.
- E. Content of the notice.** The posted notice must contain the following information:
- The file number;
  - The date of the hearing;
  - A summary of the key items of the request;
  - A statement that further information is available from BDS; and,
  - The phone number and address of BDS.

### **33.730.090 Reports and Record Keeping**

Required reports and records must contain the information stated below.

- A. Decisions.** Decisions include any conditions, time limits, or other restrictions that may apply to the land use action.
- B. Reports.** Reports must include:
- The file number;
  - The owner's and applicant's name and address;
  - The legal description and site location;
  - A brief description of the request;

- The review body;
  - The relevant approval criteria;
  - The findings applying the facts to the criteria;
  - The decision; and
  - Any additional information relevant to the case.
- C. The public record.** The total public record for a case includes, but is not limited to, the application; the decision report; all additional information, correspondence and other items considered as part of the case which were not printed in the report; and the appeal report if applicable.

### **33.730.100 Public Hearing Requirements**

- A. Rules of Procedure.** All public hearings must conform to the rules of procedure adopted by the review body. The rules of procedure must comply with the Oregon Public Meetings law, statutory land use hearing requirements, and this Title.
- B. Initial hearing statements.** At the beginning of each hearing, the review body must state:
1. That testimony can only address the applicable approval criteria;
  2. The applicable approval criteria;
  3. That any party can request the record be kept open for 7 days;
  4. That any party is entitled to request a continuance if new information is submitted in support of the application; and
  5. That in order to be able to appeal an issue to the Land Use Board of Appeals, the issue must be stated clearly and with enough detail for the review body to consider the testimony in making the decision.
- C. Hearing record.** Written minutes must be prepared as required by ORS 192.650. A record of all public hearings must be made and retained in written or electronic form for at least 3 years. If a case is appealed beyond the jurisdiction of the City, the record must be retained until the final disposition of the case. Verbatim transcripts will not be produced unless requested and paid for as provided by Chapter 33.750, Fees.

### **33.730.110 Ex parte Contact**

- A. Private contacts.** Prior to rendering a decision, a member of a review body may not communicate, directly or indirectly, with any person interested in the outcome concerning the decision or action pending before the review body. "Person interested in the outcome" means a person who has some concern, interest in, or relationship to the decision or action pending before the review body. Should such communication occur, at the beginning of the first hearing after which the communication occurs, the member of the review body must:
1. Publicly announce the content of the communication and provide any person an opportunity to rebut the substance of the communication; and
  2. If the communication was in written or tangible form, place a copy of the communication into the record.



- B. BDS contact.** The Director of BDS and BDS staff may communicate with applicants, owners, their representatives, citizens, City agencies and other public and private organizations as part of the processing of land use applications.

### **After the Final Decision**

#### **33.730.120 Recording an Approval**

To record a final decision for approval, the applicant pays the recording fee to the County Recorder. The County Recorder records the final decision in the appropriate county records. The decision must be recorded before the approved use is permitted, any permits are issued, or any changes to the Comprehensive Plan Map or Zoning Map are made.

#### **33.730.130 Expiration of an Approval**

- A. Expiration of unused land use approvals issued prior to 1979.** All unused land use approvals issued prior to 1979, except for zoning map or Comprehensive Plan map amendments, where the proposed development is not constructed or where a subdivision or partition is not recorded, are void.
- B. When approved decisions expire.**
1. Land use approvals, except as otherwise specified in this section, expire if:
    - a. Generally.
      - (1) Within 3 years of the date of the final decision a City permit has not been issued for approved development; or
      - (2) Within 3 years of the date of the final decision the approved activity has not commenced.
    - b. Exception. Within the City, final decisions that became effective between March 8, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, final decisions that became effective between August 10, 2017 and January 1, 2021 expire if a City permit has not been issued for approved development or the approved activity has not commenced by January 1, 2024.
  2. Zoning map and Comprehensive Plan map amendments do not expire.
  3. Conditional Use Master Plans, Impact Mitigation Plans, and Transportation Impact Reviews expire as specified in Chapters 33.820, 33.848, and 33.852, or in the plans themselves.
  4. Multiple developments.
    - a. Generally. Where a site has received approval for multiple developments, and a City permit is not issued for all development within 3 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.

Examples of multiple developments include phased development and multi-building proposals.

- b. Exception. Within the City, on sites where the final decisions became effective between March 8, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. Within the portion of unincorporated Multnomah County that is subject to City zoning, on sites where the final decisions became effective between August 10, 2017 and January 1, 2021 and a City permit is not issued for all development by January 1, 2024, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
5. Planned Developments. Where a Planned Development (PD) has been approved, and a building permit is not issued for all development within 10 years of the date of the final decision, the approval does not expire but no additional development may occur without another review. All conditions of approval continue to apply.
6. Preliminary plans.
  - a. Generally. Approved preliminary plans for land divisions expire if within 3 years of the date of the final decision an application for approval of Final Plat has not been submitted.
  - b. Exceptions.
    - (1) Approved preliminary plans for middle housing land divisions expire if within 3 years of the date of final decision the final plat has not been approved.
    - (2) Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
7. Final Plats. Final Plats expire if they are not submitted to the County Recorder to be recorded within 90 days of the final decision.
8. Large industrial sites. Where the Preliminary Plan is approved under the provisions of Chapter 33.664, Review of Land Divisions on Large Sites in Industrial Zones, the following applies:
  - a. Generally.
    - (1) The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
    - (2) Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of final approval of the Preliminary Plan. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to

apply, but no new lots may be created without another Preliminary Plan Review.

- b. Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
9. Staged Final Plats. Where the Preliminary Plan is approved under the provisions of Sections 33.633.200 through .220, Staged Final Plats, the following applies:
    - a. Application for approval of a Final Plat for part or all of the site.
      - (1) Generally. The approved Preliminary Plan expires if within 3 years of the final decision an application for approval of a Final Plat for part or all of the site has not been submitted.
      - (2) Exception. Final decisions on preliminary plans that became effective between August 10, 2017 and January 1, 2021 expire if an application for approval of Final Plat has not been submitted by January 1, 2024.
    - b. Applications for approval of a Final Plat for the entire site. Applications for approval of a Final Plat for the entire site must be submitted within 5 years of the date of submittal of the first Final Plat application. Where Final Plat approval has not been requested for portions of the site within this time limit, the Preliminary Plan approval does not expire, but can no longer be used as a basis for Final Plats; all conditions continue to apply, but no new lots may be created without another Preliminary Plan Review.
  10. Land use approvals in conjunction with a land division. Land use approvals reviewed concurrently with a land division do not expire if they meet all of the following. This includes Planned Unit Developments (PUDs) and Planned Developments (PDs) reviewed in conjunction with a land division. This also includes amendments made to land use approvals where the original approval was reviewed concurrently with a land division:
    - a. The decision and findings for the land division specify that the land use approval was necessary in order for the land division to be approved;
    - b. The final plat of the land division has not expired; and
    - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been made within 3 years of approval of the final plat. For final plats approved between August 10, 2017, and January 1, 2021 the improvements must have been made by January 1, 2024.
  11. Land use approvals in conjunction with a Planned Unit Development (PUD) or Planned Development (PD). Land use approvals reviewed concurrently with a PUD or PD do not

expire if they meet all of the following. If the PUD or PD is as described in Paragraph B.5, the land use approvals reviewed in conjunction with the PUD or PD do not expire, but no additional development may occur without another review.

Land use approvals reviewed in conjunction with a PUD or PD and a land division are subject to Paragraph B.10 rather than the regulations of this paragraph:

- a. The decision and findings for the PUD or PD specify that the land use approval was necessary in order for the PUD or PD to be approved;
  - b. The PUD or PD has not expired;
  - c. Development or other improvements have been made to the site. Improvements include buildings, streets, utilities, grading, and mitigation enhancements. The improvements must have been within 3 years of final approval of the PUD or PD. Within the City limits, for a PUD or PD receiving final approval between March 8, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024. Within the portion of unincorporated Multnomah County that is subject to City zoning, for a PUD or PD receiving final approval between August 10, 2017 and January 1, 2021, the improvements must have been made by January 1, 2024.
12. Expedited Land Divisions. Land Divisions reviewed through the Expedited Land Division procedure in 33.730.013, are subject to the regulations of ORS 197.365 through .375. When the regulations of ORS 197.365 through .375 conflict with the regulations of this section, the regulations in ORS supersede the regulations of this section.
- C. Deferral of the expiration period.** If a decision is appealed beyond the jurisdiction of the City, the expiration period will not begin until review before the court(s) or administrative agency has been completed, including proceedings on remand to the City. In this case, the expiration period will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).
- D. Expiration of adjustments approved prior to March 16, 2001.** Adjustments to parking lot interior landscaping requirements approved prior to March 16, 2001 became void on March 16, 2001. Parking lot interior landscaping approved through an adjustment prior to March 16, 2001 is nonconforming development.

### **33.730.140 Requests for Changes to Conditions of Approval**

- A. Generally.** Requests for changes to conditions of approval are processed using the current procedure assigned to the land use review and the current approval criteria for the original land use review, unless this Title specifies another procedure or set of approval criteria. See also Section 33.700.110, Prior Conditions of Land Use Approvals.
- B. Zone changes before 1981.** In the case of zone change requests filed before January 1, 1981, the Type II procedure applies.
- C. Reviews no longer required.** In the case of land use reviews that are no longer required by this Title, the most comparable review and procedure applies. For example, for variance

requests, the procedures for adjustments apply. See also Section 33.700.110, Prior Conditions of Land Use Approvals.

- D. Tree preservation.** Where the only requested change is to tree preservation plans or conditions that have not expired, the change may be processed through Tree Review as described in Chapter 33.853.

---

*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 167054, effective 10/25/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176114, effective 1/4/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 182810, effective 5/27/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*



## 33.810 Comprehensive Plan Map Amendments

# 810

### Sections:

- 33.810.010 Purpose
- 33.810.020 Initiating a Comprehensive Plan Map Amendment
- 33.810.030 Concurrent Zone Changes Allowed
- 33.810.040 Procedure
- 33.810.050 Approval Criteria
- 33.810.070 Recently Annexed Areas
- 33.810.080 Corrections to the Comprehensive Plan Map

### 33.810.010 Purpose

This chapter states the procedures and review criteria necessary to process a Comprehensive Plan Map amendment. The chapter distinguishes between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.H.

### 33.810.020 Initiating a Comprehensive Plan Map Amendment

- A. Quasi-Judicial.** Requests for Comprehensive Plan Map amendments which are quasi-judicial may be initiated by an applicant, the Planning Commission, or the City Council. The Director of BDS may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for Comprehensive Plan Map amendments which are legislative may be initiated by the Planning Commission or the City Council. Others may request the Planning Commission to consider an initiation. Initiations by a review body are made without prejudice towards the outcome.

### 33.810.030 Concurrent Zone Changes Allowed

Requests for zoning map amendments may be considered concurrently with a Comprehensive Plan Map amendment. Zoning map amendments must be to a zone corresponding to the requested Comprehensive Plan Map designation. Concurrent zoning map amendments must meet all the approval criteria of Chapter 33.855, Zoning Map Amendments.

### 33.810.040 Procedure

- A. Quasi-Judicial.** Requests for a Comprehensive Plan Map amendment which are quasi-judicial are reviewed through a Type III procedure. City Council adoption is also required for these requests. In addition, any post-acknowledgement procedures required by the State must be followed.
- B. Legislative.** Requests for a Comprehensive Plan Map amendment which are legislative are reviewed through the legislative procedure stated in Chapter 33.740.

### 33.810.050 Approval Criteria

- A. Quasi-Judicial.** Amendments to the Comprehensive Plan Map that are quasi-judicial will be approved if the review body finds that the applicant has shown that all of the following criteria are met:
1. The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be equally or more supportive of the Comprehensive Plan as a whole than the old designation;
  2. The requested change is consistent with Statewide Land Use Planning Goals;
  3. In order to prevent the displacement of industrial and employment uses and preserve land primarily for these uses, the following criteria must be met when the requested amendment is from an Industrial Sanctuary or Mixed Employment Comprehensive Plan Map designation:
    - a. The uses allowed by the proposed designation will not have significant adverse effects on industrial and employment uses in the area or compromise the area's overall industrial character;
    - b. The transportation system is capable of supporting the uses allowed by the proposed designation in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion A.3.c;
    - c. Measures proportional to the impacts of the uses allowed by the proposed designation are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements; and
    - d. Transportation improvements adjacent to the development and in the vicinity needed to support the proposed development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
    - e. The uses allowed by the proposed designation will not significantly interfere with industrial use of the transportation system in the area, including truck, rail, air, and marine facilities;
    - f. The site does not have direct access to special industrial services such as multimodal freight movement facilities;



- e. The allocation of any required affordable housing if there will be more than one building;
  - f. The location, design and programming of plazas, parks or open areas; and
  - g. Relationships and transitions to adjacent properties and the neighborhood;
3. A transportation and circulation plan showing:
    - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
    - b. Transit service lines and stops within and immediately adjacent to the site;
    - c. Locations of right-of-way to be vacated or dedicated within the site; and
    - d. Vehicle and bicycle parking and any parking access points;
  4. Transportation and parking demand management strategies;
  5. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
  6. A stormwater management plan;
  7. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
  8. A Project narrative describing how the proposal meets applicable design guidelines.
- B.** Supplemental application requirements for all other Planned Developments:
1. Photographs that show the characteristics of surrounding neighborhood; and
  2. Either B2.a. or B.2.b., must be submitted with the application:
    - a. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or
    - b. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

### **33.854.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.854.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.854.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.854.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.K) are not required to meet the criteria in Section 33.854.340.

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

### **33.854.310 Approval Criteria for Planned Developments in All Zones**

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

- A. Urban design and development framework.**
  - 1. The proposed overall scheme and site plan provide a framework for development that meets applicable design guidelines and will result in development that complements the surrounding area;
  - 2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Planned Development area;
  - 3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
  - 4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood.
- B. Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods.
- C. Stormwater Management.** The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.
- D. Phasing Plan.** The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.
- E. Site Design.** Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:

## 33.900 List of Terms

# 900

### Sections:

33.900.010 List of Terms

### 33.900.010 List of Terms

The following terms are defined in Chapter 33.910, Definitions, unless indicated otherwise.

Accessible Route	Attached House <i>See Residential Structure Types</i>	City
Accessory Dwelling Unit <i>See Residential Structure Types</i>	Attached Structure	City-Designated Natural Resources
Accessory Parking Facility	Auto-Accommodating Development <i>See Development Types</i>	Clearing
Accessory Recreational Vehicle <i>See Recreational Vehicle</i>	Average Slope, how to measure <i>See Chapter 33.930, Measurements</i>	Colleges <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Structure	Aviation, General	Commercial Outdoor Recreation <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Accessory Use	Aviation And Surface Passenger Terminals <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Commercial Parking <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Agriculture <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Basic Utilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Common Green <i>See Street Types</i>
Airport Airside Development	Basement	Community Garden
Airport Landside Development	Beach	Community Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Alley	BDS	Comprehensive Plan
Alteration <i>See Development, Alteration</i>	Block	Congregate Housing Facility <i>See Residential Structure Types</i>
Alternative or Post Incarceration Facility	Block Frontage	Connected Structure
Applicant	Building	Convenience Store
Arborist	Building Coverage	Conservation Landmark <i>See Historic Resource</i>
Area of the Facade of a Building, how to measure <i>See Chapter 33.930, Measurements</i>	Building Line	Contributing Resource <i>See Historic Resource</i>
Area with Squares of Specified Dimensions, how to measure <i>See Chapter 33.930, Measurements</i>	Bulkhead	Corner Lot <i>See Lot</i>
Arterial <i>See Street Types</i>	Bus Stop	Cottage Cluster <i>See Residential Structure Types</i>
Attached Duplex <i>See Residential Structure Types</i>	Calendar Year	
	Caretaker	
	Carpool	
	Cemetery	
	Certificate of Occupancy	
	Change of Use	

Council	Disturbance Area	Food membership
Courtyard	<ul style="list-style-type: none"><li>• Permanent Disturbance Area</li><li>• Temporary Disturbance Area</li></ul>	Distribution Site
Crown Cover	Drainageway	<ul style="list-style-type: none"><li>• Food Buying Clubs</li><li>• Community Supported Agriculture Organizations</li></ul>
Daycare <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Dredge Material	Fractions, how to measure <i>See Chapter 33.930, Measurements</i>
Days	Drive-Through Facility	Front Lot Line <i>See Lot Lines</i>
Delivery Days	Driveway	Front Setback <i>See Setback</i>
Dead-End Street <i>See Street Types</i>	Duplex <i>See Residential Structure Types</i>	Functional Values
Density	Dwelling Unit <i>See Residential Structure Types</i>	Future Division Plan
Design Guidelines	Easement	Garage
Desired Character	Eave	Garage Entrance Setback <i>See Setback</i>
Detention Facilities <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Ecologically and Scientifically Significant Natural Areas	Garage Wall Area, how to measure <i>See Chapter 33.930, Measurements</i>
Develop	Expedited Land Division	Grade
Developed Portion of Right-of-Way	ESEE Analysis	Grading
Development	Excavating or Filling	Gross Building Area
Development, Alteration	Exchange Parcel	Groundwater Sensitive Areas
Development, Exterior Alteration	Exterior Alteration <i>See Development, Exterior Alteration</i>	Group Living <i>See Chapter 33.920, Descriptions of the Use Categories</i>
Development, New	Exterior Display	Hazardous Substances
Development Types	Exterior Improvements	Heavy Truck <i>See Truck under Vehicle Types</i>
<ul style="list-style-type: none"><li>• Auto Accommodating Development</li><li>• Pedestrian-Oriented Development</li></ul>	Exterior Storage	Height, how to measure <i>See Chapter 33.930, Measurements</i>
Director of BDS	Exterior Work Activities	Helicopter Approach-Departure Flight Path
Disabled Person	Facade	Helicopter Landing Facility (HLF)
Distances, how to measure <i>See Chapter 33.930, Measurements</i>	Farmers Market	<ul style="list-style-type: none"><li>• Private Helicopter Landing Facility</li><li>• Public Helicopter Landing Facility</li></ul>
Disturbance	Final Plat	Helicopter Trip
	Fish and Wildlife Habitat Areas	
	Flag Lot <i>See Lot</i>	
	Floodway	
	Floor Area	
	Floor Area Ratio (FAR)	

Historic Landmark *See*  
*Historic Resource*

Historic Landmark Tree

Historic Resource

Historic Resources

Inventory *See* *Historic*  
*Resource*

Historic Restoration

Historic Value

Home Occupation

House *See* *Residential*  
*Structure Types*

Household Living *See*  
*Chapter 33.920,*  
*Descriptions of the Use*  
*Categories*

Houseboat *Moorage* *See*  
*Residential Structure Types*

Identified Wetlands,  
Identified Streams,  
Identified Waterbodies *See*  
*Environment-Related*  
*Definitions*

Industrial Service *See*  
*Chapter 33.920,*  
*Descriptions of the Use*  
*Categories*

Institutional Campus

Intensity

Kennel

Land Division

Land Use Approval

Ldn (or DNL)

Light Rail Line

Light Rail Alignment

Light Truck *See* *Truck under*  
*Vehicle Types*

Live Stake

Living Area

Loading Area

Long Term Bicycle Parking

Long Term Parking

Longest Street-Facing Wall

Lot

- Adjusted Lot
- Corner Lot
- Flag Lot
- New Narrow Lot
- Through Lot

Lot Depth, how to measure  
*See* *Chapter 33.930,*  
*Measurements*

Lot Lines

- Front Lot Line
- Rear Lot Line
- Side Lot Line
- Side Street Lot Line
- Street Lot Line

Lot of Record

Lot Remnant

Lot Width, how to measure  
*See* *Chapter 33.930,*  
*Measurements*

Main Entrance

Maintenance

Major Event Entertainment  
*See* *Chapter 33.920,*  
*Descriptions of the Use*  
*Categories*

Major Remodeling

Manufactured Dwelling *See*  
*Residential Structure Types*

Manufactured Dwelling  
Park

Manufactured Dwelling  
Space

Manufactured Home *See*  
*Residential Structure Types*

Manufacturing And  
Production *See* *Chapter*  
*33.920, Descriptions of the*  
*Use Categories*

Marina

Market Garden

Mass Shelter

Mass Shelter Beds

Medical Centers *See*  
*Chapter 33.920,*  
*Descriptions of the Use*  
*Categories*

Medium Truck *See* *Truck*  
*under Vehicle Types*

Mining *See* *Chapter 33.920,*  
*Descriptions of the Use*  
*Categories*

Mitigate

Mixed-Use

Mobile Home *See*

*Residential Structure Types*

Motor Home *See*  
*Recreational Vehicle, under*  
*Vehicle Types*

Motor Vehicle *See* *Vehicle*  
*Types*

Multi-Dwelling  
Development *See*  
*Residential Structure Types*

Multi-Dwelling Structure  
*See* *Residential Structure*  
*Types*

Near Shore Complexity

Net Building Area

New Development *See*  
*Development, New*

New Narrow Lot *See* *Lot*

Noise Contour

Nonconforming  
Development

Nonconforming Residential  
Density

Nonconforming Situation

Nonconforming Use

Nondiscretionary Reviews

Nuisance Plants List

Office *See Chapter 33.920, Descriptions of the Use Categories*  
Operator  
Ordinary High Water Mark  
Organized Sports  
Outdoor Shelter  
Outfall  
Owner  
Ownership  
Parcel *See Lot*  
Parking Area  
Parking Space  
Parks And Open Areas *See Chapter 33.920, Descriptions of the Use Categories*  
Partial Street *See Street Types*  
Passenger Vehicle *See Vehicle Types*  
Paved Area  
Peace Officer  
Peak Hour Service  
Pedestrian Access Route  
Pedestrian Connection  
Pedestrian-Oriented Development *See Development Types*  
Permanent Disturbance Area *See Disturbance Area, Permanent*  
Person  
Personal Wireless Service Facility  
Phased Development Plan  
Plane of a Building Wall, how to measure *See Chapter 33.930, Measurements*  
Planning and Sustainability Director

Plat  
Plaza  
Plot  
Pollution Reduction Facility  
Potential Landslide Hazard Area  
Practicable  
Primary Structure  
Primary Use  
Private Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*  
Project  
Property Line Adjustment  
Pruning  
Public Access Easement  
Public Helicopter Landing Facility *See Helicopter Landing Facility (HLF)*  
Public Safety Facility  
Quick Vehicle Servicing *See Chapter 33.920, Descriptions of the Use Categories*  
Radio or Television Broadcast Facility  
Radio Frequency Transmission Facilities *See Chapter 33.920, Descriptions of the Use Categories*  
Rail Lines And Utility Corridors *See Chapter 33.920, Descriptions of the Use Categories*  
Rail Right-Of-Way *See Right-of-Way, Rail*  
Railroad Yards *See Chapter 33.920, Descriptions of the Use Categories*  
Rear Lot Line *See Lot Lines*  
Rear Setback *See Setback*

Recognized Organization  
Recreational Vehicle *See Vehicle Types*  
Recreational Vehicle Park  
Recycling Drop-Off Center  
Recycling Operation  
Regional Attractor  
Religious Institutions *See Chapter 33.920, Descriptions of the Use Categories*  
Remediation  
Repair  
Replacement  
Residential Facility  
Residential Home  
Residential Structure Types

- Accessory Dwelling Unit
- Attached Duplex
- Attached House
- Congregate Housing Facility
- Cottage Cluster
- Duplex
- Dwelling Unit
- Fourplex
- House
- Houseboat Moorage
- Manufactured Dwelling
  - Manufactured Home
  - Mobile Home
  - Residential Trailer
- Multi-Dwelling Development
- Multi-Dwelling Structure
- Triplex

Residential Trailer *See Residential Structure Types*

Resource Enhancement	Setback Averaging, how to measure <i>See Chapter 33.930, Measurements</i>	<ul style="list-style-type: none"><li>• Local Service Street</li></ul>
Retail Sales And Service <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Shallow Water Habitat	<ul style="list-style-type: none"><li>• Partial Street</li></ul>
Retaining Wall	Shared Court <i>See Street Types</i>	<ul style="list-style-type: none"><li>• Shared Court</li></ul>
Review Body	Shelter Beds <i>See Mass Shelter Beds</i>	<ul style="list-style-type: none"><li>• Street</li></ul>
Right-Of-Way	Short Term Bicycle Parking	<ul style="list-style-type: none"><li>• Through Street</li></ul>
Right-of-Way, Rail	Short Term Housing	<ul style="list-style-type: none"><li>• Transit Street</li></ul>
Riparian Areas	Short Term Parking	Structure
Riparian Functional Values	Side Lot Line <i>See Lot Lines</i>	Structured Parking
River Bank Complexity	Side Setback <i>See Setback</i>	Superblock
River-Dependent	Side Street Lot Line <i>See Lot Lines</i>	Supermarket
River-Related	Sign	Surface Parking
Roadway	Significant Detrimental Impact	Temporary Disturbance Area <i>See Disturbance Area, Temporary</i>
Root Protection Zone, how to measure <i>See Chapter 33.930, Measurements</i>	Site	Through Lot <i>See Lot</i>
Scenic Corridor	Site Frontage	Through Street <i>See Street Types</i>
Scenic Site	Small Scale Energy Production	Top of Bank
Scenic View	<ul style="list-style-type: none"><li>• Biogas</li><li>• Biomass</li></ul>	Topping
Scenic Viewpoint	Special Flood Hazard Area	Tower
Schools <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Stormwater Facility	Tract
School Site	Stormwater Management System	Transit Station
Seep or Spring	Stream	Transit Street <i>See Street Types</i>
Self-Service Storage <i>See Chapter 33.920, Descriptions of the Use Categories</i>	Stream Channel	Transportation Management Association
Services	Street <i>See Street Types</i>	Tree Diameter, how to measure <i>See Chapter 33.930, Measurements</i>
Setback	Street Lot Line <i>See Lot Lines</i>	Tree Types
<ul style="list-style-type: none"><li>• Front Setback</li><li>• Garage Entrance</li><li>• Setback</li><li>• Rear Setback</li><li>• Side Setback</li><li>• Street Setback</li></ul>	Street Setback <i>See Setback</i>	<ul style="list-style-type: none"><li>• Dangerous Tree</li><li>• Dead Tree</li><li>• Dying Tree</li></ul>
	Street-facing Facade	Triplex <i>See Residential Structure Types</i>
	Streetcar Alignment	Truck <i>See Vehicle Types</i>
	Streetcar Line	Underground Parking
	Street Types	Uplands
	<ul style="list-style-type: none"><li>• Arterial</li><li>• Common Green</li><li>• Dead-End Street</li></ul>	Utility Scale Energy Production

Utility Trailer *See Vehicle Types*

Utilities

Valet Parking

Vegetation

Vegetative Maintenance

Vehicle Areas

Vehicle Repair *See Chapter 33.920, Descriptions of the Use Categories*

Vehicle Types

- Motor Vehicle
- Passenger Vehicle
- Recreational Vehicle
  - Accessory recreational vehicle
  - Motor home
- Truck
  - Light Truck
  - Medium Truck
  - Heavy Truck
- Utility Trailer

View Corridor

Viewing Area

Warehouse And Freight Movement *See Chapter 33.920, Descriptions of the Use Categories*

Waste Collection Areas

Waste-Related *See Chapter 33.920, Descriptions of the Use Categories*

Water Bodies

Water Quality Resource Area

Wetland

Wholesale Sales *See Chapter 33.920, Descriptions of the Use Categories*

Wildlife Species of Concern

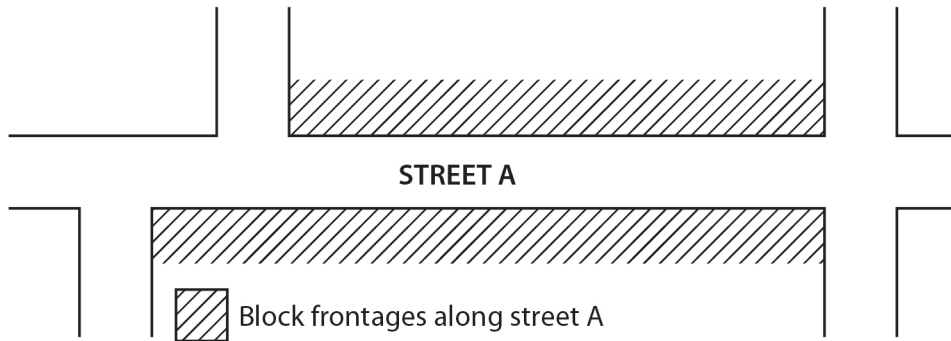
Wind Turbine or Wind Energy Turbine



*(Added by Ord. No. 164264, effective 7/5/91. Amended by: Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183750, effective 6/4/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. 185412, effective 6/13/12.; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 189000, effective 7/9/18; Ord. No. 190076, effective 8/10/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190851, effective 6/30/22.)*



**Figure 910-1  
Block Frontage**

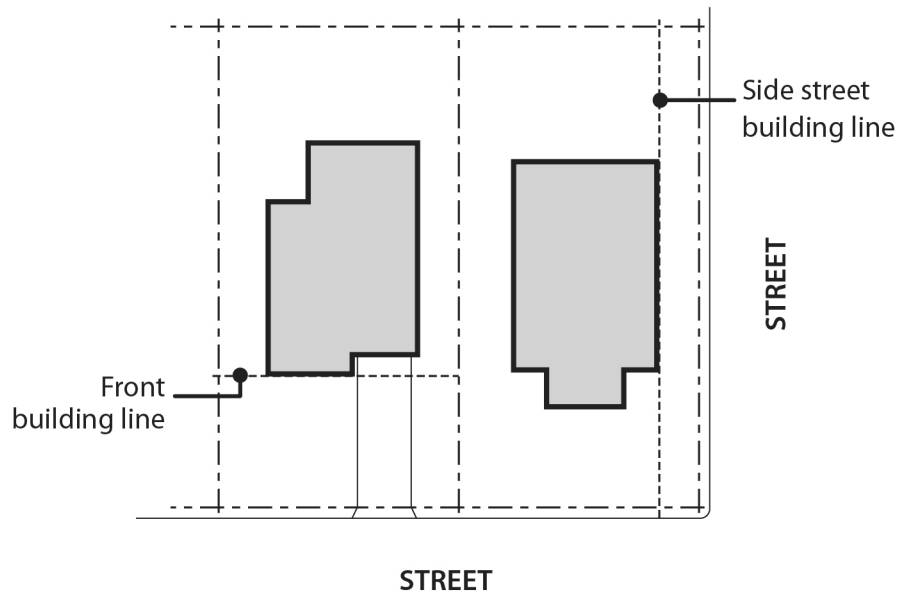


**Building.** A structure that has a roof and is enclosed on at least 50 percent of the area of its sides.

**Building Coverage.** The area that is covered by buildings or other roofed structures. A roofed structure includes any structure more than 6 feet above grade at any point, and that provides an impervious cover over what is below. Building coverage also includes uncovered horizontal structures such as decks, stairways and entry bridges that are more than 6 feet above grade. Eaves that are 2 feet or less in depth are not included in building coverage. Eaves that are greater than 2 feet in depth are included in building coverage.

**Building Line.** A line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site. See Figure 910-2.

**Figure 910-2  
Building Lines**



**Bus Stop.** A location where regularly scheduled bus service or streetcar service stops to load and unload passengers. For purposes of measuring, the bus stop is the location of a sign denoting the bus stop.

**Calendar Year** is the year from January 1 through December 31.

**Caretaker.** A caretaker looks after or provides security for goods or property.

**Carpool.** At least two people sharing a vehicle at least four days per week, generally for the purpose of commuting to work.

**Cemetery.** An open space site for burial, entombment, inurnment, interment, cremation, or funeral purposes.

**Certificate of Occupancy.** A certificate of occupancy or a certificate of inspection issued by BDS at the completion of a building permit or change of occupancy.

**Change of Use.** Change of the primary type of activity on a site. For example, in the Retail Sales and Service use category, a change from a restaurant to a bank would be considered a change in the primary type of activity; a change from a restaurant to a restaurant would not be considered a change in the primary type of activity.

**City.** The City of Portland, Oregon.

**City-Designated Natural Resources.** Natural resources and functional values protected by Environmental Overlay Zones.

**Clearing.** Any activity that removes existing vegetation or strips surface material from any portion of the site.

**Common Green.** See Street Types.

**Community Garden.** A site where any kind of plant, including flowers, is grown, and several individuals or households cultivate the site. The site may be divided into individual allotments, or gardeners may work together to cultivate the entire property. The land may be publicly or privately owned. The plants are grown for personal use by the gardeners, or for donation, and only limited sales are allowed.

**Comprehensive Plan.** The current adopted, acknowledged, and effective Comprehensive Plan of the City of Portland.

**Congregate Housing Facility.** See Residential Structure Types.

**Connected Structure.** Any structure that is connected to a primary structure by a roof, a deck or by other structural connections, and which does not share a common wall, ceiling or floor. For example, decks or stairways are connected structures when they are fastened to a primary structure. A garage that is connected to a primary structure by a roofed structure such as a breezeway, and does not share a common wall with the primary structure, is a connected accessory structure. See Attached Structure.

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

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

**Conservation Landmark.** See Historic Resource.

**Contributing Resource.** See Historic Resource.

**Corner Lot.** See Lot-Related Definitions.

**Courtyard.** An outdoor area, designed for use by pedestrians, surrounded on at least two sides by buildings and open on at least one side to an abutting right-of-way.

**Council.** The City Council of Portland, Oregon.

**Crown Cover.** The area directly beneath the crown and within the dripline of a tree or shrub. The crown consists of the above ground branches, stems, and leaves.

**Days.** Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding holidays as identified in Section 4.16.080 of Title 4, Personnel.

**Delivery Days.** Days when deliveries of food or other goods are made to Food Membership Distribution Sites for later pick-up by members of Food Buying Clubs or Community Supported Agriculture Organizations.

**Dead-End Street.** See Street Types.

**Density.** A measurement of the number of people, dwelling units, or lots in relationship to a specified amount of land. Density is a measurement used generally for residential uses. See Chapter 33.205, Accessory Dwelling Units for how density is calculated for ADUs. See also Intensity.

**Design Guidelines.** A set of design parameters for development which apply within a design district, subdistrict, or overlay zone. The guidelines are adopted public statements of intent and are used to evaluate the acceptability of a project's design.

**Desired Character.** The preferred and envisioned character (usually of an area) based on the purpose statement or character statement of the base zone, overlay zone, or plan district. It also includes the preferred and envisioned character based on any adopted area plans or design guidelines for an area.

**Develop.** To construct or alter a structure or to make a physical change to the land including excavations and fills.

**Developed Portion of Right-of-way.** Those portions of a right-of-way that contain development, including retaining walls or other structures, vehicle travel lanes, parking and loading areas, curbs, landscape strips, sidewalks, shoulders, other paved or graveled areas, and other areas used for bicycle or pedestrian traffic. It does not include natural geologic forms or unimproved land.

**Development.** All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. See also Exterior Improvements.

**Development, Alteration.** A physical change to a structure or site. Alteration does not include normal maintenance and repair or total demolition. Alteration does include the following:

- Changes to the facade of a building;
- Changes to the interior of a building;
- Increases or decreases in gross building area;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Development, Exterior Alteration.** A physical change to a site that is outside of any buildings. Exterior alteration does not include normal maintenance and repair or total demolition. Exterior alteration does include the following:

- Changes to the facade of a building;
- Increases or decreases in gross building area that result in changes to the exterior of a building;
- Changes to other structures on the site or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Development, New.** Development of a site that was previously unimproved or that has had previously existing buildings demolished.

#### **Development Types**

- **Auto-Accommodating Development.** Development which is designed to accommodate customers who use autos to travel to the site. This type of development usually has more than the minimum required number of parking spaces. Buildings feature entrances providing convenient access to parking areas. In many cases, the building will have parking between secondary streets and the building. Other typical characteristics are drive-through facilities, more than one driveway, and a low percentage of the site covered by buildings. Auto-accommodating development along transit streets and in pedestrian districts typically include a mix of auto-accommodating and pedestrian-oriented characteristics. See also Pedestrian-Oriented Development.
- **Pedestrian-Oriented Development.** Development which is designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site. See also Auto-Accommodating Development.

**Director of BDS.** The Director of the City of Portland Bureau of Development Services, or the Director's designee.

**Disabled Person.** For the purposes of Chapter 33.229, Elderly and Disabled High Density Housing, a disabled person is a person who has a condition of physical or mental disability which substantially limits one or more major life activities as stated in Section 504 of the Federal Rehabilitation Act of 1973 and state law.

**Disturbance.** An action that causes an alteration to soil or vegetation. The action may create temporary or permanent disturbance. Examples include development, exterior alterations, exterior improvements, demolition and removal of structures and paved areas, cutting, clearing, damaging, or removing native vegetation.

**Disturbance Area.** The area where all temporary and permanent disturbance occurs. For new development the disturbance area must be contiguous. Native vegetation planted for resource

enhancement, mitigation, remediation, and agricultural and pasture lands is not included. The disturbance area may contain two subareas, the permanent disturbance area and the temporary disturbance area:

- **Permanent Disturbance Area.** The permanent disturbance area includes all areas occupied by existing or proposed structures or exterior improvements. The permanent disturbance area also includes areas where vegetation must be managed to accommodate overhead utilities, existing or proposed non-native planting areas, and roadside areas subject to regular vegetation management to maintain safe visual or vehicle clearance.
- **Temporary Disturbance Area.** The temporary disturbance area is the portion of the site to be disturbed for the proposed development but that will not be permanently occupied by structures or exterior improvements. It includes staging and storage areas used during construction and all areas graded to facilitate proposed development on the site, but that will not be covered by permanent development. It also includes areas disturbed during construction to place underground utilities, where the land above the utility will not otherwise be occupied by structures or exterior improvements.

**Drainageway.** A constructed or natural channel or depression, which at any time collects and conveys water. It may be permanently or temporarily inundated.

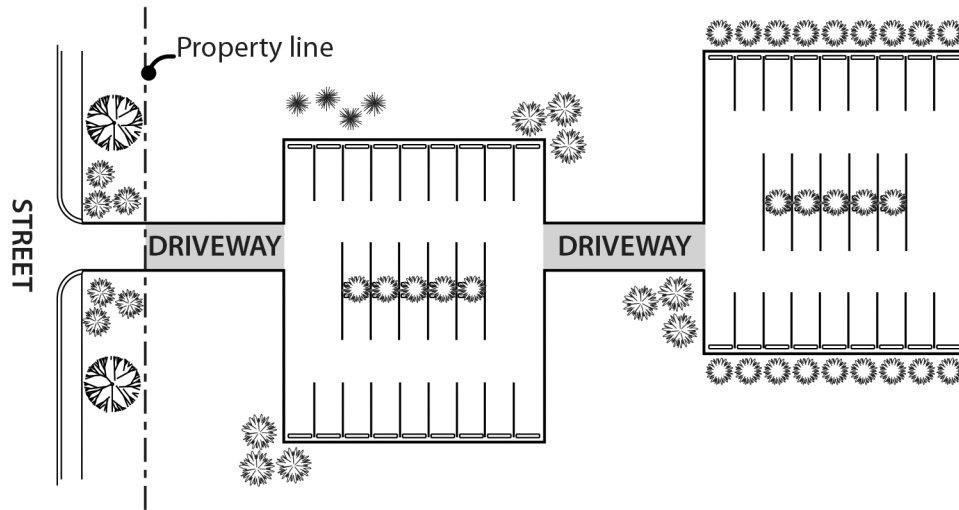
**Drive-Through Facility.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales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

**Driveway.** There are two types of driveways:

- The area that provides vehicular access to a site. A driveway begins at the property line and extends into the site. A driveway does not include parking, maneuvering, or circulation areas in parking areas, such as aisles; and
- The area that provides vehicular circulation between two or more noncontiguous parking areas. A driveway does not include maneuvering or circulation areas within the interior of a parking area. A driveway must be used exclusively for circulation, with no abutting parking spaces. See Figure 910-13.

See also Parking Area and Vehicle Areas.

**Figure 910-13**  
**Driveway**



**Duplex.** See Residential Structure Types.

**Dwelling Unit.** See Residential Structure Types.

**Easement.** A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities.

**Eave.** Projecting overhang at the lower border of a roof and extending from a primary wall or support. See Figure 910-14.

**Figure 910-14**  
**Eave**



**Ecologically and Scientifically Significant Natural Areas.** Land and water that has substantially retained its natural character, but is not necessarily completely natural or undisturbed, and which is significant for historical, scientific, paleontological, or natural features.

**ESEE Analysis.** A type of analysis which is used to help determine if a particular resource should be protected in accordance with Statewide Planning Goal 5. The analysis examines competing values to



determine what the controlling value should be for the individual resource being examined. The analysis considers economic, social, energy, and environmental values.

**Excavating or Filling.** The removal, placement, or replacement of earth, concrete, asphalt, and similar nondecomposable materials whether permanent or temporary in nature. Excavating or filling does not include the movement of earth or placement of gravel, asphalt, or other paving materials that is done in conjunction with road improvements. It does not include the excavation of mineral or aggregate resources. Excavating or filling includes the terms grading, preloading, surcharging, and stockpiling.

**Exchange Parcel.** The area of land to be conveyed from one property to another through a Property Line Adjustment. A single Property Line Adjustment may involve more than one exchange parcel. See Property Line Adjustment.

**Expedited Land Division.** An Expedited Land Division is a division of land under ORS 92.010 (Definitions for ORS 92.010 to 92.192) to 92.192 (Property line adjustment), 92.205 (Policy) to 92.245 (Fees for review proceedings resulting in modification or vacation) or 92.830 (Definitions for ORS 92.830 to 92.845) to 92.845 (Relationship of subdivision in manufactured dwelling park or mobile home park to planned community statutes and series partition statutes) by a local government that, unless it is a middle housing land division, meets all of the elements of ORS 197.360.

**Exterior Alteration.** See Development, Exterior Alteration.

**Exterior Display.** Exterior display includes the outdoor display of products, vehicles, equipment, and machinery for sale or lease. Exterior display is an outdoor showroom for customers to examine and compare products. There is variety or a distinction among the goods on display, through different products, brands, or models. The display area does not have to be visible to the street. Exterior display does not include goods that are being stored or parked outside, if there is no variety or distinction among the goods, and the goods are not examined and compared by customers. It does not include damaged or inoperable vehicles, vehicles or equipment being serviced, bulk goods and materials, and other similar products. Exterior display does not include car and boat sales and leasing when such vehicles are not accessible to customers to inspect and compare; this situation is considered exterior storage. Examples of uses that often have exterior display are car and boat sales and leasing, and plant nurseries. See also, Exterior Work Activities and Exterior Storage.

**Exterior Improvements.** All improvements except buildings or other roofed structures. Exterior improvements include surface parking and loading areas, paved and graveled areas, and areas devoted to exterior display, storage, or activities. It includes improved open areas such as plazas and walkways, but does not include vegetative landscaping, synthetic turf, natural geologic forms, or unimproved land. See also Development.

**Exterior Storage.** Exterior storage includes the outdoor storage of goods that generally have little or no differentiation by type or model. The goods may be for sale or lease, but if so, they are the type that customers generally do not inspect and compare. Exterior storage also includes the outdoor storage of goods for sale, lease or rent that may be differentiated by type or model, but that are not accessible for customers to inspect or compare. Exterior storage includes the storage of raw or finished goods (packaged or bulk), including gases, oil, chemicals, gravel; building materials, packing materials; salvage goods; machinery, tools, and equipment; vehicles that are for sale, lease or rent, which are not accessible to the customer to inspect or compare; vehicles that have been unloaded at port facilities and are waiting transport to off-site locations; vehicles that have been towed and are being kept in an impound lot; and other similar items. The storage of recreational vehicles

outdoors is also considered exterior storage. Damaged or inoperable vehicles or vehicles which have missing parts, that are kept outside, are also included as exterior storage. Examples of uses that often have exterior storage are lumber yards, wrecking yards, tool and equipment rental, bark chip and gravel sales, car dealerships or car rental establishments, and port facilities. If goods are stored inside a building that is not enclosed on 100 percent of the area of its sides, it is considered exterior storage. See also, Exterior Display and Exterior Work Activities.

**Exterior Work Activities.** Exterior work activities include the outdoor processing, assembly, or fabrication of goods; the maintenance, repair, and salvage of vehicles and equipment; and other similar activities that generally have an industrial orientation. Exterior work activities do not include normal pick-up and deliveries to a site, parking, excavation and fills, exterior eating areas, outdoor recreation, or outdoor markets. See Exterior Display and Exterior Storage.

**Facade.** All the wall planes of a structure as seen from one side or view. For example, the front facade of a building would include all of the wall area that would be shown on the front elevation of the building plans. For information on how to measure facades, see Chapter 33.930, Measurements.

**Farmers Market.** Farmers Markets are events where farmers, ranchers, and other agricultural producers sell food, plants, flowers, and added-value products, such as jams and jellies, they have grown, raised, or produced from products they have grown or raised. In addition, some vendors sell food that is available for immediate consumption on site, and some may be community groups, services, or other vendors or organizations. Farmers Markets occur on a regular basis in the same location. They are free and open to the public. Some markets are seasonal, while others occur year-round.

**Final Plat.** The diagrams, drawings, and other writing containing all the descriptions, locations, dedications, provisions and information concerning a land division.

**Fish and Wildlife Habitat Areas.** Lands which contain significant food, water, or cover for native terrestrial and aquatic species of animals. Examples include forests, fields, riparian areas, wetlands, and water bodies.

**Flag Lot.** See Lot-Related Definitions.

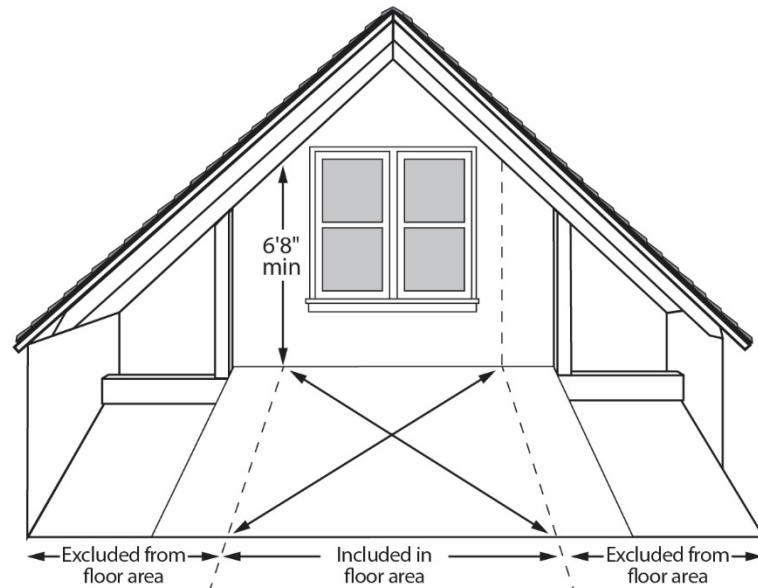
**Floodway.** The active flowing channel during a flood, as designated on the flood maps adopted under authority of Title 24 of the Portland City Code. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor Area.** The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following:

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Basements;
- Areas where the ceiling height is less than 6 feet 8 inches. See Figure 910-20;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

See also Net Building Area, Gross Building Area

**Figure 910-20**  
**Ceiling Height**



**Floor Area Ratio (FAR).** The amount of floor area in relation to the amount of site area, expressed in square feet. For example, a floor area ratio of 2 to 1 means two square feet of floor area for every one square foot of site area.

**Food Membership Distribution Site.** A site where items ordered through the following organizations are picked up by the members.

- **Food Buying Clubs** are membership organizations. The members, as a group, buy food and related products from wholesalers, distributors, growers, and others. All products are pre-ordered and pre-paid, and at least 70 percent of the products are food.
- **Community Supported Agriculture Organizations** are membership organizations. Individuals or households become members by purchasing a share or a specified amount of an agricultural producer's output in advance. Members receive food items from the producer on a regular schedule.

**Fossil Fuel.** Fossil fuels are petroleum products (such as crude oil and gasoline), coal, methanol, and gaseous fuels (such as natural gas and propane) that are made from decayed plants and animals that lived millions of years ago and are used as a source of energy. Denatured ethanol and similar fuel additives with less than 5 percent fossil fuel content, biodiesel/renewable diesel with less than 5 percent fossil fuel content, and petroleum-based products used primarily for non-fuel uses (such as asphalt, plastics, lubricants, fertilizer, roofing, and paints) are not fossil fuels.

**Front Lot Line.** See Lot Lines.

**Front Setback.** See Setback.

**Functional Values.** Functional values are the benefits provided by resources. The functional value may be physical, aesthetic, scenic, educational, or some other nonphysical function, or a combination of these. For example, two values of a wetland could be its ability to provide stormwater detention for x units of water draining y acres, and its ability to provide food and shelter

for z varieties of migrating waterfowl. As another example, an unusual native species of plant in a natural resource area could be of educational, heritage, and scientific value. Most natural resources have many functional values.

**Future Division Plan.** A document that shows lot, tract and right-of-way boundaries for all future phases of a land division. The plan is not binding on the City or the applicant. The purpose of the plan is to document that the design of the first phase of the plan does not preclude future phases from meeting the requirements of this and other Titles.

**Garage.** A covered structure that is accessory to a use in a house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat, and that:

- Is designed to provide shelter for vehicles;
- Is connected to a right-of-way by a driveway; and
- Has an opening that is at least 8-feet wide.

Carports are considered garages. Floor area adjacent to the space designed to provide shelter for vehicles, if not entirely separated from the garage area by floor-to-ceiling walls, is considered part of the garage. A garage may be attached to or detached from another structure. See also Structured Parking.

**Garage Entrance Setback.** See Setback.

**Grade.** The final elevation of the ground.

**Grading.** All cuts, fills, embankments, stockpile areas, and equipment maneuvering areas associated with development.

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

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

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

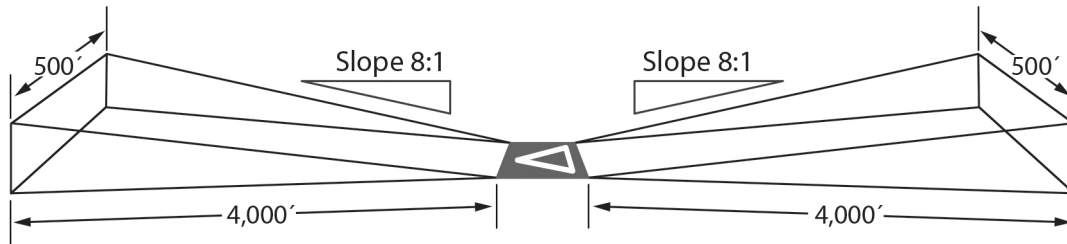
**Hazardous Substances.** Any substance, material, or waste listed below:

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

**Heavy Truck.** See Truck under Vehicle Types.

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

**Figure 910-3**  
**Helicopter Approach-Departure Flight Paths**



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

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

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

**Heritage Tree.** See Tree Types.

**Historic Landmark.** See Historic Resource.

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

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

- **Historic Landmark.** A Historic Landmark is a building, portion of a building, structure, object, landscape, tree, site, or place that has been designated for its special archaeological, architectural, cultural, or historical merit. Historic Landmark includes structures, objects, and sites listed by the federal Keeper of the National Register of Historic Places on or before January 27, 2017, that have not had their Historic Landmark designation removed. Information supporting a specific Historic Landmark's significance and integrity is found in

its National Register nomination or the documentation done in support of the City designation. Historic Landmarks have boundaries that are described in the nomination or documentation provided in support of the resource's City designation or National Register listing. If no boundary is provided in the designation or listing documentation, the boundary is the site or sites that contain the Historic Landmark's contributing resources;

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

National Register Districts have boundaries that are described in the nomination provided in support of the federal listing;

- **Significant Resource.** A Significant Resource is a building, portion of a building, structure, object, landscape, tree, site, or place that the City has determined to be significant for its archaeological, architectural, cultural, or historical merit but has not been designated by the City as a landmark or district, and has not been listed by the federal Keeper of the National Register of Historic Places. Rank I, II, III resources identified in the 1984 Historic Resource Inventory that have not been demolished or removed are Significant Resources; and
- **Contributing Resource.** A contributing resource is a building, portion of a building, structure, object, landscape, tree, site, or place that adds to the archeological value, architectural qualities, cultural significance, or historic associations, that make a Historic Landmark, Conservation Landmark, National Register Landmark, Historic District, Conservation District, National Register District, or Significant Resource important, as identified in the documentation prepared for the City designation, National Register listing, or City Significant Resource identification. If a resource is not identified or described in the documentation as contributing to the historic significance of the landmark, district, or Significant Resource, it is a noncontributing resource.

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

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

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

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

**House.** See Residential Structure Types.

**Houseboat Moorage.** See Residential Structure Types.

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

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

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

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

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

**Land Use Approval.** A land use decision for approval or approval with conditions. It includes any time limits or other restrictions that may apply to the land use decision.

**Ldn (or DNL).** An averaged sound level measurement, taken during a 24 hour period, with a weighting applied to night time sound levels. The Ldn noise contours described in Chapter 33.470, Portland International Airport Noise Impact Zone, are based on Ldn levels that have been averaged over the period of a year.

**Light Rail Line.** A public rail transit line that usually operates at grade level and that provides high capacity, regional level transit service. A light rail line is designed to share a street right-of-way although it may also use a separate right-of-way or easement. Existing and future light rail lines are designated on the Regional Transitways Map in the Transportation Element of the Comprehensive Plan. Low capacity, district level, or excursion rail transit service, such as a streetcar, is not included.

**Light Rail Alignment.** A public right-of-way or easement that has a light rail line in it, or that has been designated as a preferred alternative light rail alignment. A Preferred Alternative Light Rail Alignment is a public right-of-way or easement designated by City Council and the regional transit agency as a future light rail alignment after completion of a Draft Environmental Impact Statement (DEIS).

**Light Truck.** See Truck under Vehicle Types.

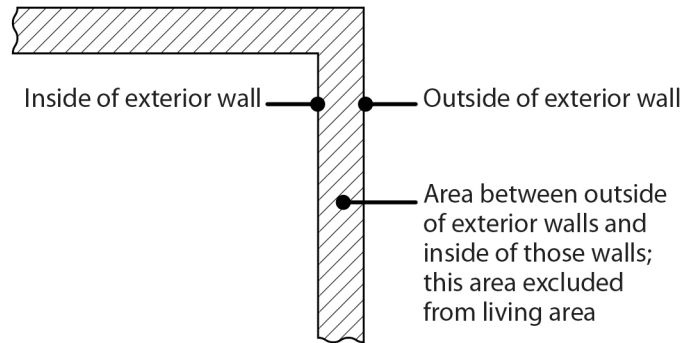
**Live Stake.** A live, rootable vegetative cutting that is driven into the ground. Live stakes can be integrated into rock (riprap), slopes, or used with bioengineering methods to stabilize slopes.

**Living Area.** The total gross building area of a residential structure excluding the following:

- garage area;
- basement area where the floor to ceiling height is less than 6 feet 8 inches;
- attic area, and other building area, that is not accessible by a stairway or where the floor to ceiling height is less than 5 feet; and
- area between the outside of exterior walls and the inside of those walls. See Figure 910-15.



**Figure 910-15**  
**Calculation of Living Area**



**Loading Area.** The area available for the maneuvering and standing of vehicles engaged in delivering and loading of passengers, freight, or other articles.

**Long-Term Bicycle Parking.** Long-term bicycle parking serves employees, students, residents, commuters, and others who generally stay at a site for several hours or more. See also Short-Term Bicycle Parking.

**Long Term Parking.** Parking having a duration of more than four hours.

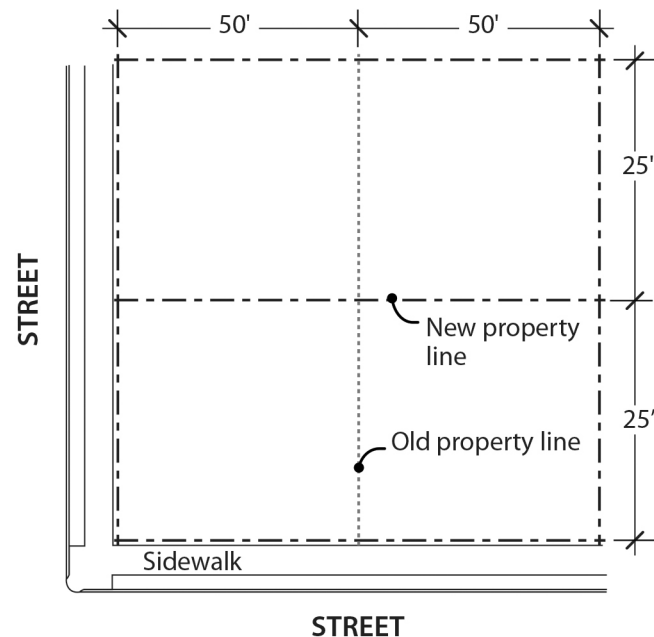
**Longest Street-Facing Wall.** The longest wall that faces a street. If two or more street-facing walls are of equal length, and are the longest that face the street, then the applicant chooses which is to be the longest street-facing wall for purposes of applying regulations of this Title. See also, Façade, and Chapter 33.930, Measurements.

**Lot.** See Lot-Related Definitions.

**Lot-Related Definitions.**

- **Adjusted Lot.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. An adjusted lot has a lot area that is equal to or larger than the original platted lot. See Figures 910-17 and 910-18.

**Figure 910-18**  
**Adjusted Lots with Equal Lot Areas as the Original Lots**

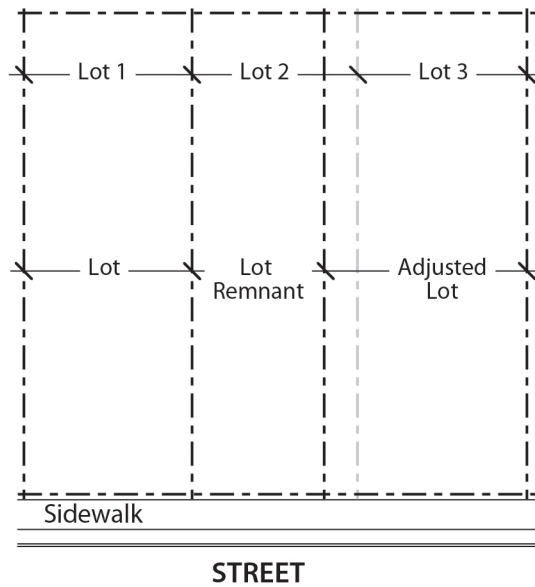


- **Corner Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on more than one intersecting street, and where the lot frontages intersect. A street that curves with angles that are 120 degrees or less, measured from the center line of the street, is considered two intersecting streets for the purpose of evaluating whether a lot is a corner lot. See Figure 910-4. A corner lot may also be a through lot.
- **Flag Lot.** A lot, adjusted lot, lot remnant, or lot of record with two distinct parts.  
See Figure 910-5:
  - The flag, which is the only building site; and is located behind another lot; and
  - The pole, which connects the flag to the street; provides the only street frontage for the lot; and at any point is less than the minimum lot width for the zone.
- **Lot.** A lot is a legally defined piece of land other than a tract that is the result of a land division. This definition includes the State definition of both lot, (result of subdividing), and parcel, (result of partitioning). This definition also includes a lot that is smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See also Ownership and Site.
- **Lot of Record.** A lot of record is a plot of land:
  - That was not created through an approved subdivision or partition;
  - That was created and recorded before July 26, 1979; and
  - For which the deed, or other instrument dividing the land, is recorded with the appropriate county recorder.
- **Lot Remnant.** A lot that has had one or more of its lot lines altered through a deed, or other instrument relocating a property line, that was recorded with the appropriate county recorder prior to July 26, 1979, or through an approved property line adjustment. A lot remnant has a lot area that less than the lot area of the original platted lot. This definition

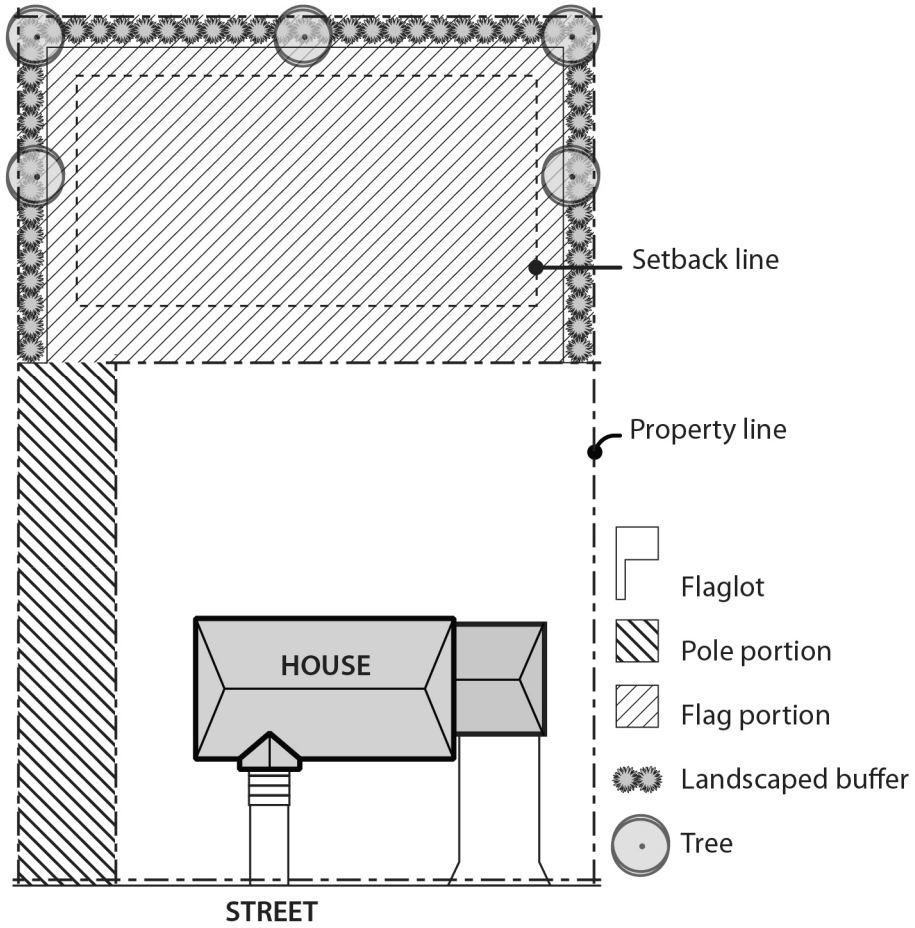
does not include lots that are smaller than the original platted lot solely because of condemnation or required dedication by a public agency for right-of-way. See Figure 910-17.

- **Through Lot.** A lot, adjusted lot, lot remnant, or lot of record that has frontage on two streets, and where the lot frontages do not intersect. See Figure 910-4. A through lot may also be a corner lot.

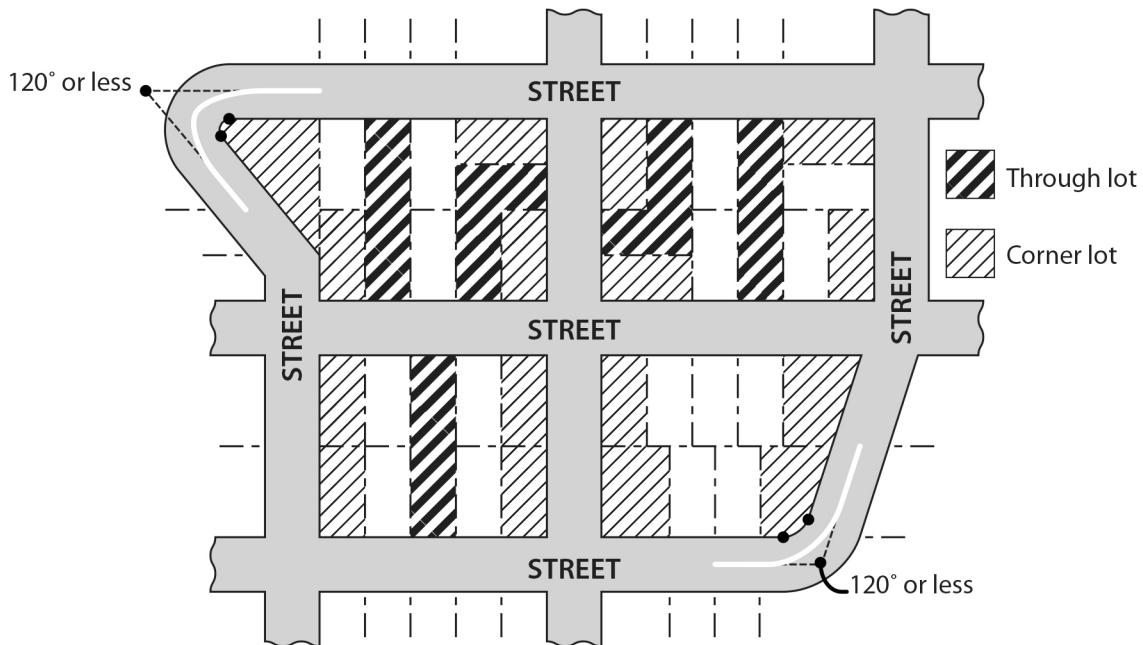
**Figure 910-17**  
**Adjusted Lot and Lot Remnant**



**Figure 910-5  
Flag Lot**



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



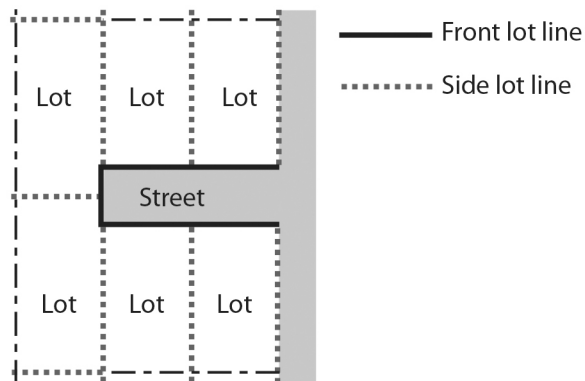
**Lot Lines.** The property lines along the edge of a lot, adjusted lot, lot of record, lot remnant, or site.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See Figure 910-6.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See Figure 910-8.
- **Side Lot Line.** A lot line that is neither a front or rear lot line. On a corner lot, the longer lot line which abuts a street is a side lot line. See Figure 910-6.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See Figures 910-6 and 910-7.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot line can include front lot lines and side lot lines. See Figures 910-6 and 910-7.

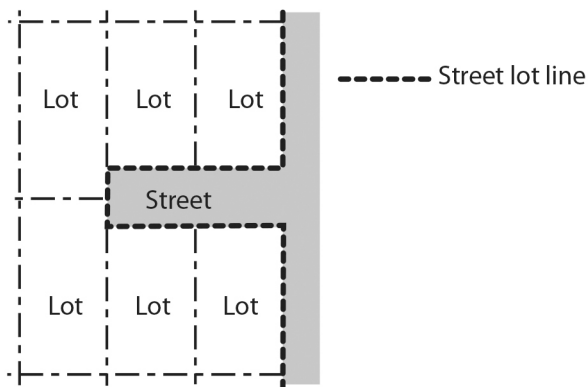
**Lot of Record.** See Lot-Related Definitions.

**Lot Remnant.** See Lot-Related Definitions.

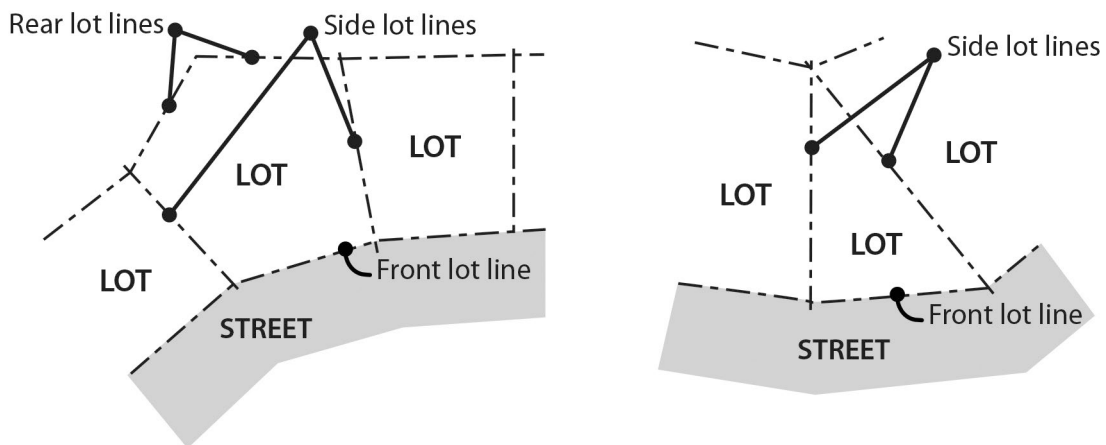
**Figure 910-6  
Front and Side Lot Lines**



**Figure 910-7  
Street Lot Lines**



**Figure 910-8  
Lot Lines on Irregular Lots**



**Main Entrance.** A main entrance is the entrance to a building that most pedestrians are expected to use. Generally, each building has one main entrance. Main entrances are the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. In single-tenant buildings, main entrances open directly into lobby, reception, or sales areas.

**Maintained street.** A maintained street is a street that has been accepted for maintenance by the City of Portland, Multnomah County, or the State of Oregon. See Title 17.42, Property Owner Responsibility for Streets.

**Maintenance.** Actions, such as painting a previously painted surface or re-roofing using the same type of materials, performed to prevent a structure, or one of its constituent systems, from falling into a deteriorated condition.

**Major Remodeling.** Projects where the floor area is being increased by 50 percent or more, or where the cost of the remodeling is greater than the assessed value of the existing improvements on the site. Assessed value is the value shown on the applicable county assessment and taxation records for the current year.

**Manufactured Dwelling.** See Residential Structure Types.

**Manufactured Dwelling Park.** Four or more manufactured dwellings which are located on a single site for 30 days or more and intended for residential use. Manufactured dwelling park does not include sites where unoccupied manufactured dwellings are offered for sale or lease. See also Recreational Vehicle Park.

**Manufactured Dwelling Space.** The area occupied by a manufactured dwelling and its accessory uses and structures in a manufactured dwelling park.

**Manufactured Home.** See Residential Structure Types.

**Marina.** A facility which provides secure moorings for recreational or commercial boats. The term marina does not include houseboat moorages.

**Market Garden.** A site where food is grown to be sold. The food may be sold directly to consumers, restaurants, stores, or other buyers, or at Farmers Markets.

**Mass Shelter.** A building that contains one or more open sleeping areas, or is divided only by non-permanent partitions, and furnished with beds, cots, floor mats, or bunks. Individual bedrooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, with no minimum length of stay. Where individual bedrooms are provided, the facility is a short term shelter. See also Outdoor Shelter and Short Term Shelter.

**Mass Shelter Beds.** Accommodation provided in a mass shelter. The number of beds is determined by the maximum number of people who can be given overnight accommodations at one time on the site.

**Medium Truck.** See Truck under Vehicle Types.

**Mitigate.** To rectify, repair, or compensate for impacts that result from other actions.

- **Off-site Mitigation.** Mitigation that does not take place on the site where the impact occurs.
- **On-site Mitigation.** Mitigation that takes place on the site where the impact occurs.

**Mixed-Use.** The combination on a site of residential uses with commercial or industrial uses.

**Mobile Home.** See Residential Structure Types.

**Motor Home.** See Recreational Vehicle, under Vehicle Types.

**Motor Vehicle.** See Vehicle Types.

**Multi-Dwelling Development.** See Residential Structure Types.

**Multi-Dwelling Structure.** See Residential Structure Types.

**Near Shore Complexity.** A combination of conditions within a river channel that includes at least one of the following: diverse in-water vegetation communities, variations in water flow depth and velocity, and a variety of structural elements such as rocks, logs, and rootwads.

**Net Building Area.** Gross building area, excluding parking areas.

**New Development.** See Development, New.

**Noise Contour.** A line that indicates the perimeter of areas that are within a specified Ldn/DNL level.

**Nonconforming Development.** An element of a development, such as a setback, height, or parking area, that was created in conformance with development regulations but which subsequently, due to a change in the zone or zoning regulations, is no longer in conformance with the current applicable development standards.

**Nonconforming Residential Density.** A residential use that is an allowed use in the zone and that was constructed at a lawful density, but which subsequently, due to a change in the zone or zoning regulations, now has greater density than is allowed in the zone.

**Nonconforming Situation.** A Nonconforming Residential Density, Nonconforming Development, or Nonconforming Use. A situation may be nonconforming in more than one aspect. For example, a site may contain a nonconforming use and also have some nonconforming development. See also Nonconforming Residential Density, Nonconforming Development, and Nonconforming Use.

**Nonconforming Use.** A use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zone or zoning regulations, the use or the amount of area devoted to the use is now prohibited in the zone.

**Nondiscretionary Reviews.** A nondiscretionary review is one where compliance with the regulations can be determined based on objective standards. Decisions are made ministerially; they do not require a public hearing or notice. Examples of these reviews include: whether the proposed use is or is not allowed, whether the site area is or is not large enough for the proposed number of housing units, and whether the proposed building meets all setback, height, and parking requirements.

**Nuisance Plants List.** The Nuisance Plants List is part of the *Portland Plant List*, published by the Bureau of Planning and Sustainability.



**Operator.** A person undertaking a development, the proprietor of a use or development, or the owner of the land underlying a development. The operator may also be the manager or other person who has oversight responsibility for the day to day operations of the use or development.

**Ordinary Low Water.** The line on the bank or shore to which the low water ordinarily recedes annually in season. On the Willamette River, ordinary low water is defined as 8' North American Vertical Datum of 1988 (NAVD88) or 5.90' City of Portland datum.

**Organized Sports.** Any athletic team play (scheduled games), by any ages, on a physically defined sports field (natural or synthetic). Includes both scheduled athletic games associated with school programs and non-school programs. Examples include T-ball, high-school football, youth baseball, and soccer clubs. Organized sports does not include practice or other unstructured play such as pick-up games or impromptu use and does not include play on hard-surfaced courts.

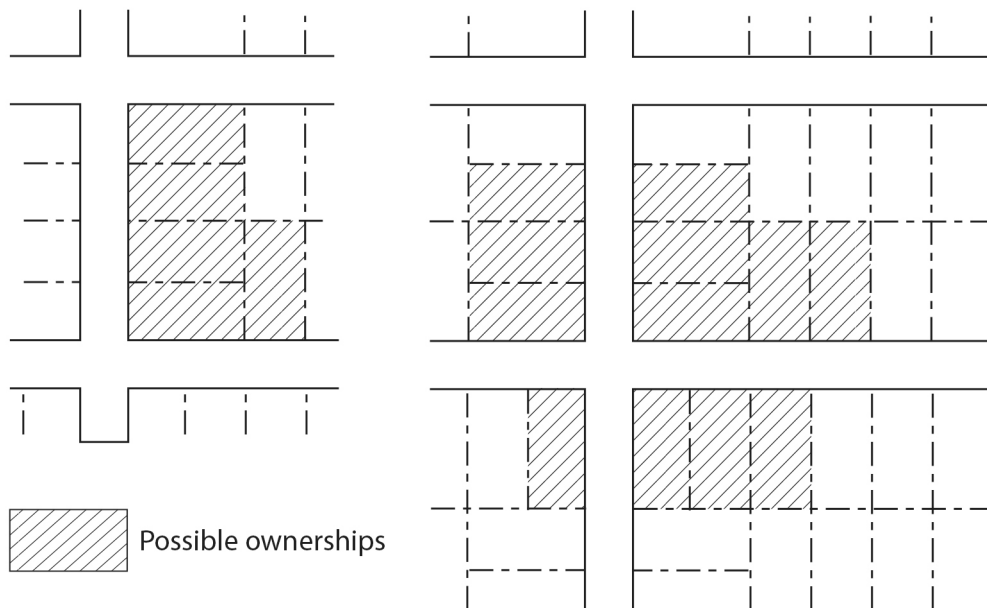
**Outdoor Shelter.** Individual shelters grouped together in an outdoor setting. Examples of individual shelters include tents, yurts, huts, cabins, vehicles or other similar accommodation that do not contain sanitary or cooking facilities, and recreational vehicles with or without cooking and sanitary facilities. The shelter is managed by a public agency or a non-profit agency, with or without a fee, and with no minimum length of stay. An outdoor shelter may or may not include buildings that have food preparation or sanitary facilities. See also Mass Shelter and Short Term Shelter.

**Outfall.** A location where collected and concentrated water is discharged. The water may be treated or untreated. Outfalls include discharge from stormwater management facilities, drainage pipe systems, constructed open channels, and vegetated swales.

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale showing date, book, and page of recording.

**Ownership.** An ownership is one or more contiguous lots that are owned by the same person, partnership, association, or corporation. Ownership also includes lots that are in common ownership but are separated by a shared right-of-way. See Figure 910-9. See also, Lot and Site.

**Figure 910-9  
Ownership**



**Parcel.** See Lot.

**Parking Area.** A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading. See also, Driveway, Garage, Structured Parking, and Vehicle Areas.

**Parking Space.** A space designed to provide standing area for a motor vehicle.

**Partial Street.** See Street Types.

**Passenger Vehicle.** See Vehicle Types.

**Paved Area.** An uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy-impact uses. Graveled areas are not paved areas.

**Peace Officer.** Peace Officer includes a member of the Oregon State Police, sheriff, constable, marshal, or officer of the Bureau of Police.

**Peak Hour Service.** Service provided by public transit to a site, measured on weekdays between 7:00 AM and 8:30 AM and between 4:00 PM and 6:00 PM. The service is measured in one direction of travel, and counts bus lines, streetcars, and light rail lines.

**Pedestrian Access Route.** A route between the main entrance of a building and short-term bicycle parking that is hard surfaced, free of obstacles, and at width equal to that of the Pedestrian standards of the Base Zone. The route can be on sidewalks, walkways, plazas, and other hard-surfaced areas.

**Pedestrian Connection.** A pedestrian connection generally provides a through connection for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a

street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.

**Pedestrian-Oriented Development.** See Development Types.

**Permanent Disturbance Area.** See Disturbance Area, Permanent.

**Person.** Any person, partnership, association, or corporation.

**Personal Wireless Service Facility.** A type of Radio Frequency Transmission Facility that provides telecommunication service as defined by the Federal Telecommunications Act of 1996. These facilities include technologies that currently exist or that may be developed in the future, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar Federal Communications Commission (FCC)-licensed commercial wireless telecommunications services.

**Phased Development Plan.** A phased development plan includes the following:

- A site plan showing the proposed final development of the site and phases, including the initial and interim phases.
- A written statement describing each phase, including the potential uses, and the approximate timeline for each phase of development.

**Planning and Sustainability Director.** The Director of the City of Portland Bureau of Planning and Sustainability, or the Director's designee.

**Plat.** Diagrams, drawings and other writing containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes the State law definitions of "partition plat" and "subdivision plat".

**Plaza.** An area generally open to the public on a controlled basis and used for passive recreational activities and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians.

**Plot.** A piece of land created by a partition, subdivision, deed, or other instrument recorded with the appropriate county recorder. This includes a lot, an adjusted lot, a lot remnant, a lot of record, a tract, or a piece of land created through other methods.

**Pollution Reduction Facility.** A facility specifically designed to remove pollutants from stormwater. Pollutants may include sediment, heavy metals, or plant nutrients. These facilities generally include native wetland plants which blend into surrounding habitat.

**Potential Landslide Hazard Area.** Potential Landslide Hazard Areas are shown on the City's Potential Landslide Hazard Areas Map.

**Practicable.** Capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

**Primary Structure.** A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site.

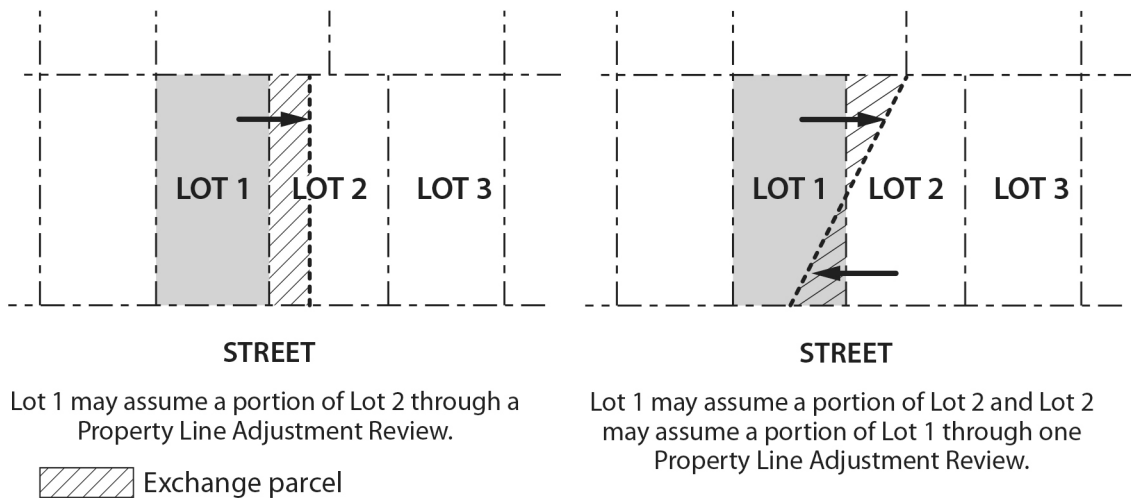
**Primary Use.** An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use.

**Private Helicopter Landing Facility.** See Helicopter Landing Facility (HLF).

**Project.** An existing or proposed development.

**Property Line Adjustment.** The relocation of a single common property line between two abutting properties. Also see Exchange Parcel. See Figure 910-10.

**Figure 910-10  
Property Line Adjustment**



**Pruning.** The cutting away or limbing of tree or shrub branches. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”. Topping a tree is considered destruction of the tree.

**Public Access Easement.** A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.

**Public Safety Facility.** A facility necessary to respond to an immediate hazard to the public health and safety, and that is owned, leased, or operated by the City of Portland. Public safety facilities include fire and police stations, flood control facilities, water towers and pump stations needed for emergency service, and emergency communication broadcast facilities.

**Radio or Television Broadcast Facility.** A type of Radio Frequency Transmission Facility that disseminates radio and television communications intended to be received by the public, including the direct transmission or by the intermediary of relay stations.

**Rail Right-Of-Way.** See Right-Of-Way, Rail.

**Rear Lot Line.** See Lot Lines.

**Rear Setback.** See Setback.

**Recognized Organization.** An organization formally recognized by the Office of Community & Civic Life pursuant to City Code 3.96.060, and organizations participating in Civic Life's Diversity and Civic Leadership Program.

**Recreational Vehicle.** See Vehicle Types.

**Recreational Vehicle Park.** A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

**Recycling Drop-Off Center.** A facility for the drop-off and temporary holding of materials such as paper, cardboard, glass, metal, plastic, batteries, and motor oil. Processing of materials is limited to glass breaking and separation. Recycling materials are not sold to a recycling drop-off center. A recycling drop-off center is intended for household or consumer use. Use by commercial or industrial establishments is not included. Unattended drop-off stations for single materials, such as newsprint, are also not included.

**Recycling Operation.** A use where one or more recycling materials are accumulated, stored, sorted, or processed. A recycling operation may get recycling materials from drop-off centers, from a household or business pick-up operation, or from commercial or industrial uses. Materials may be processed on site or accumulated in large quantities for eventual sale or transfer to other processors. Recycling operation does not include the processing of yard debris or other decomposable material except for clean paper products.

**Regional Attractor.** A Major Event Entertainment Use, Commercial Outdoor Recreation Use, or Community Service Use with more than 100,000 square feet of net building area.

**Remediation.** The restoration and enhancement of resources and/or functional values lost as the result of a violation of the environmental zone regulations.

**Repair.** Actions to fix or mend a damaged or deteriorated structure, or one of its constituent systems, with similar material while retaining sound parts or elements.

**Replacement.** Actions to substitute one material or system for another.

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

**Residential Home.** A residence for five or fewer physically or mentally disabled persons, and for staff persons. The residence may provide residential care alone, or in conjunction with training or treatment. This definition includes the State definition of Residential Home.

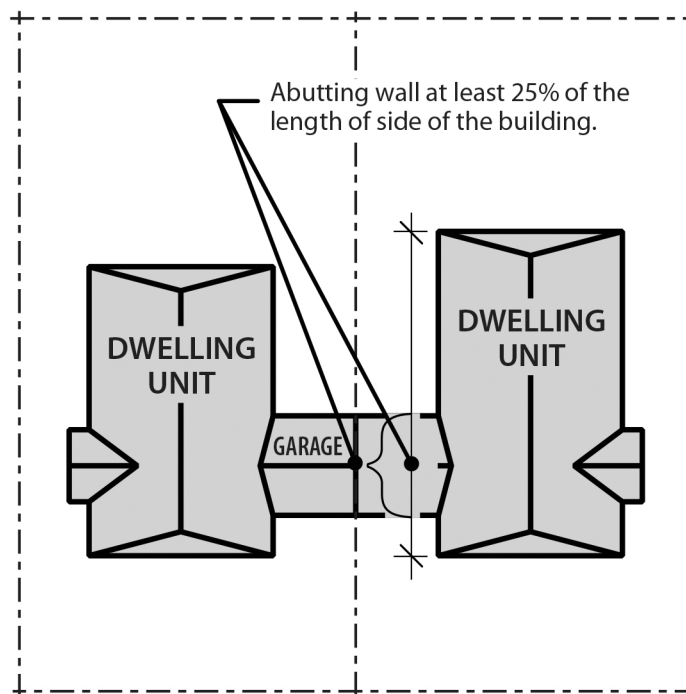
#### **Residential Structure Types**

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a primary dwelling unit. The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit. Kitchen facilities for cooking in the unit are described in Section

29.30.160 of Title 29, Property and Maintenance Regulations. The unit may have a separate exterior entrance or an entrance to an internal common area accessible to the outside.

- **Attached Duplex.** A duplex, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the dwelling.
- **Attached House.** Except for individual dwelling units on lots created through a middle housing land division, a dwelling unit, **located on its own lot**, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house. See Figure 910-16.

**Figure 910-16**  
**Attached Houses**



- **Congregate Housing Facility.** A building, buildings, or portion of a building that includes separate bedrooms and individual or shared bathrooms but does not include a kitchen or if it does include a kitchen the number of kitchens is less than one kitchen per 12 bedrooms.
- **Cottage Cluster.** A grouping of no fewer than three and no more than 16 individual detached primary dwelling units on one lot. A cottage cluster on a site that is divided through a middle housing land division remains a cottage cluster.
- **Duplex.** A building that contains two primary dwelling units on one lot. In this case, the units must share a common wall or common floor/ceiling. In the single-dwelling zones, a duplex can also be two detached primary dwelling units on one lot. A duplex on a site that is divided through a middle housing land division remains a duplex.

- **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people, except that a congregate housing facility is not a dwelling unit. Kitchen facilities for cooking are described in Section 29.30.160 of Title 29, Property and Maintenance Regulations. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.
- **Fourplex.** A structure that contains four primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A fourplex on a site that is divided through a middle housing land division remains a fourplex.
- **House.** Except for a detached dwelling unit on a lot that was created through a middle housing land division, a detached dwelling unit located on its own lot.
- **Houseboat Moorage.** A facility which provides moorings for houseboats.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
  - **Manufactured Home.** A manufactured home is a manufactured dwelling constructed after June 15, 1976 in accordance with federal manufactured housing construction and safety standards (HUD code) in effect at the time of construction.
  - **Mobile Home.** A mobile home is a manufactured dwelling constructed between January 1, 1962, and June 15, 1976, in accordance with the construction requirements of Oregon mobile home law in effect at the time of construction.
  - **Residential Trailer.** A residential trailer is a manufactured dwelling constructed before January 1, 1962, which was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), or the construction requirements of Oregon mobile home law.
- **Multi-Dwelling Development.** Except for cottage clusters, a grouping of individual structures where each structure contains 1 or more dwelling units. The land underneath the structures is not divided into separate lots. The key characteristic of this housing type is that there is no requirement for the structures on the sites to be attached.
- **Multi-Dwelling Structure.** A structure that contains five or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. Multi-dwelling includes structures commonly called garden apartments, apartments, and condominiums.
- **Triplex.** A structure that contains three primary dwelling units on one lot. Each unit must share a common wall or common floor/ceiling with at least one other unit. A triplex on a site that is divided through a middle housing land division remains a triplex.

**Residential Trailer.** See Residential Structure Types.

**Resource Enhancement.** The modification of resources or functional values. This may include the short-term loss of resources or functional values, to achieve improved quality or quantity of the resource or functional values in the long term or for future desired conditions. It can include actions that result in increased animal and plant species, increased numbers of types of natural habitat, and/or increased amount of area devoted to natural habitat. It may also include improvements in scenic views and sites, increased capacity for stormwater detention or infiltration, increased or improved floodplain function, changes in water quantity or quality, changes in ecosystem type, or

other improvements to resources or functional values. A resource enhancement project must result in a net gain in total functional value and improvement in the quality or quantity of resources on the site. Mitigation banks, which sell credits for off-site mitigation, are not considered resource enhancement.

**Retaining Wall.** A vertical, or near vertical structure, that holds back soil or rock, and prevents movement of material down slope or erosion on a site.

**Review Body.** The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Director of BDS, the Adjustment Committee, the Hearings Officer, the Historic Landmarks Commission, Design Commission, Planning Commission, and the City Council.

**Right-Of-Way.** An area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned. A right-of-way that is not dedicated or deeded to the public will be in a tract. Where allowed by Section 33.654.150, Ownership, Maintenance, and Public Use of Rights-Of-Way, the right-of-way may be in an easement.

**Right-of-way, Rail.** A public or private right-of-way, for the purpose of allowing rail travel.

**Riparian Areas.** Lands which are adjacent to rivers, streams, lakes, ponds, and other water bodies. They are transitional between aquatic and upland zones, and as such, contain elements of both aquatic and terrestrial ecosystems. They have high water tables because of their close proximity to aquatic systems, soils which are usually made up largely of water-carried sediments, and some vegetation that requires free (unbound) water or conditions that are more moist than normal.

**Riparian Functional Values.** The functional values provided along a healthy river shore, including: food and habitat for fish and wildlife; dynamic channel forming processes; cool clean water; an amount and timing of water flow that reflects the natural hydrologic regime; and a microclimate beneficial to fish and wildlife.

**River Bank Complexity.** A combination of conditions along a river shore that includes at least one of the following: diverse vegetation communities, variations in bank slope and shoreline roughness, and a variety of structural elements such as rocks, log, and rootwads.

**River-Dependent.** A use which can be carried out only on, in, or adjacent to a river because it requires access to the river for waterborne transportation or recreation. River-dependent also includes development, which by its nature, can be built only on, in, or over a river. Bridges supported by piers or pillars, as opposed to fill, are river-dependent development.

**River-Related.** A use or development which is not directly dependent upon access to a water body but which provides goods or services that are directly associated with river-dependent land or waterway use or development, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences (including houseboats), parking areas, spoil and dump sites, roads and highways, restaurants, businesses, factories, and recreational vehicle parks are not generally considered dependent or related to water. Recreational trails and viewpoints adjacent to the river are river-related development. Bridge exit and entrance ramps supported by piers or pillars, as opposed to fill, are river-related development. Removal or remedial actions of hazardous substances conducted under ORS 465.200 through 465.510 and 475.900 are considered river-related development for the duration of the removal or remedial action.



**Roadway.** The portion of a right-of-way that is improved for motor vehicle travel. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

**Scenic Corridor.** A scenic corridor is a linear scenic resource. It may include streets, bikeways, trails, or waterways (rivers, creeks, sloughs) through parks, natural areas, or urban areas. The corridor may include scenic views along it, but may also be valued for its intrinsic scenic qualities, such as a winding road through a wooded area. See also, View Corridor.

**Scenic Site.** A scenic site is an area valued for its aesthetic qualities. The area may be made up primarily of natural vegetated cover and water, or include structures and manmade landscaping. Scenic sites may include scenic viewpoints, but do not necessarily do so.

**Scenic View.** A scenic view is a view that may be framed, wide angle, or panoramic and may include natural and/or manmade structures and activities. A scenic view may be from a stationary viewpoint or be seen as one travels along a roadway, waterway, or path. A view may be to a far away object, such as a mountain, or of a nearby object, such as a city bridge.

**Scenic Viewpoint.** A scenic viewpoint is a location from which to enjoy a scenic view. A viewpoint may be a generalized location, such as a butte, and include several vantage points where the view may be seen to best advantage, or a single observation point.

**School Site.** An improved site that has, formerly had, or proposes to have a school use on it and that is owned by the entity that runs, ran, or will run the school.

**Seep or Spring.** An area where groundwater is discharged onto the land surface, creating either saturated soil conditions or visible flow at the land surface.

**Services.** For the purposes of the 600s series of chapters, services are water service, sanitary sewage disposal, stormwater management systems, and rights-of-way.

**Setback.** The minimum distance required between a specified object, such as a building and another point. Setbacks are usually measured from lot lines to a specified object. Unless otherwise indicated, an unspecified setback refers to a building setback. In addition, the following setbacks indicate where each setback is measured from. See Chapter 33.930, Measurements, for measurement information.

- **Front Setback.** A setback that is measured from a front lot line.
- **Garage Entrance Setback.** A setback that is measured from a street lot line to the entrance to a garage or carport. It is essentially a minimum driveway length. See Chapter 33.930, Measurements, for more specific measurement information.
- **Rear Setback.** A setback that is measured from a rear lot line.
- **Side Setback.** A setback that is measured from a side lot line.
- **Street Setback.** A setback that is measured from a street lot line.

**Shallow Water Habitat.** Land and riverbed located between the ordinary high water mark and 20 feet below the ordinary low water mark of the Willamette or Columbia Rivers.

**Shelter Beds.** See Mass Shelter Beds.

**Short-Term Bicycle Parking.** Short-term bicycle parking serves shoppers, customers, messengers, and other visitors to a site who generally stay for a short time. See also Long-Term Bicycle Parking.

**Short Term Shelter.** A building that contains one or more individual bedrooms, and where occupancy of all rooms may be arranged with no minimum length of stay. The short term shelter facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide shelters, with or without a fee. Examples include transitional housing, and emergency shelters where individual rooms are provided. Where individual bedrooms are not provided, the facility is a mass shelter. See also Mass Shelter and Outdoor Shelter.

**Short Term Parking.** Parking having a duration of four hours or less.

**Side Lot Line.** See Lot Lines.

**Side Setback.** See Setback.

**Side Street Lot Line.** See Lot Lines.

**Sign.** As defined in Title 32, Signs and Related Regulations

**Significant Detrimental Impact.** An impact that affects the natural environment to the point where existing ecological systems are disrupted or destroyed. It is an impact that results in the loss of vegetation, land, water, food, cover, or nesting sites. These elements are considered vital or important for the continued use of the area by wildlife, fish, and plants, or the enjoyment of the area's scenic qualities.

**Site.** For land divisions, the site is the lots, lots of record, or tracts proposed to be divided or reconfigured. For development on a lot that was created through a middle housing land division, the site is the original site prior to being divided. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes more than one ownership, then all the ownerships are included as the site.
- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.
- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development.

**Site Frontage.** The part of a site that abuts a street. See also, Block Frontage.

**Small Scale Energy Production.** Energy production where the energy is derived from the following:

- Solar;
- Small wind energy turbines;
- Geothermal;
- Hydroelectric systems that produce up to 100 kW;
- Waste heat capture, heat exchange or co-generation of energy as a byproduct of another manufacturing process;
- The following systems that use only biological material or byproducts produced, harvested or collected on-site. Up to 10 tons a week of biological material or byproducts from other sites may be used where the base zone regulations specifically allow it:

- **Biogas.** Generation of energy by breaking down biological material in anaerobic conditions to produce gas that can be used to generate electricity or heat. The process generally occurs inside a closed system such as a tank or container.
- **Biomass.** Generation of energy through the combustion of biological material to produce heat, steam, or electricity.
- Any of the methods listed here or natural gas used to produce steam, heat or cooling, with an output up to 1 megawatt.

See also Utility Scale Energy Production, and Wind Energy Turbine.

**Special Flood Hazard Area.** Land area covered by the floodwaters of the base flood, as shown on the Federal Emergency Management Agency (FEMA) maps in effect on November 26, 2010. The base flood is the flood having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the “100-year flood.”

**Stormwater Facility.** A facility designed to improve the quality and manage the quantity of stormwater runoff. Stormwater facilities include vegetated and sand filters, wet or dry ponds, marshes, infiltration facilities, and structural storm sewer devices. Stormwater facilities do not include conveyance systems that are meant only for conveying the stormwater from one place to another and do not affect the quality or quantity of the stormwater.

**Stormwater Management System.** A stormwater facility, and a conveyance system or an outfall.

**Stream.** An area where enough natural surface water flows to produce a stream channel, such as a river or creek, that carries flowing surface water during some portion of the year. This includes:

- The water itself, including any vegetation, aquatic life, or habitat;
- Beds and banks below the high water level which may contain water, whether or not water is actually present;
- The floodplain between the high water level of connected side channels;
- Beaver ponds, oxbows, and side channels if they are connected by surface flow to the stream during a portion of the year; and
- Stream-associated wetlands.

See also Identified Streams.

**Stream Channel.** An area which demonstrates evidence of the passage of water. The depression between the banks worn by the regular and usual flow of the water. The channel need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water runoff devices, or other entirely artificial watercourses.

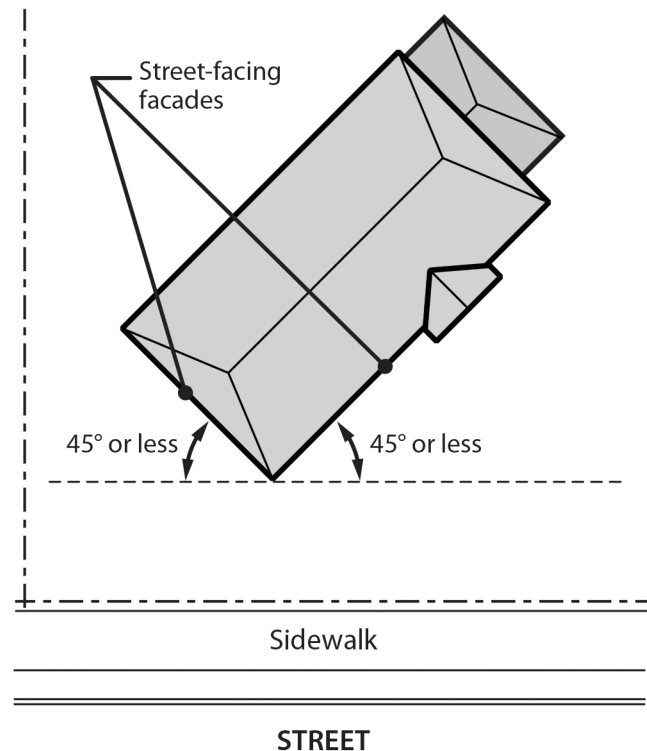
**Street.** See Street Types.

**Street Lot Line.** See Lot Lines.

**Street Setback.** See Setback.

**Street-facing Facade.** All the wall planes of a structure as seen from one side or view that are at an angle of 45 degrees or less from a street lot line. See Figure 910-12.

**Figure 910-12**  
**Street-facing Facade**



**Streetcar Alignment.** A street, right-of-way, or easement that has a streetcar line in it. For comparison, see Light Rail Alignment.

**Streetcar Line.** A public rail transit line that generally operates at grade level and that provides local transit service with stops that are close together. A streetcar line is designed to share a street with traffic, although it may also use a separate right-of-way or easement. For comparison, see also Light Rail Line.

**Street Types.** See also Alley, Pedestrian Connection, Right-of-Way, and Roadway.

- **Arterial.** Any street that is not a Local Service Traffic Street according to the Transportation System Plan. It includes Regional Trafficways, Major City Traffic Streets, District and Neighborhood Collectors, and Traffic Access Streets.
- **Common Green.** A street that provides for pedestrian and bicycle access, but not vehicle access, to abutting property and generally provides a common area for use by residents. A common green may function as a community yard. Hard and soft landscape features may be included in a common green, such as groundcover, trees, shrubs, surfaced paths, patios, benches, or gazebos.
- **Dead-End Street.** A street that connects to another street at only one end, or extends from an existing dead-end street. Dead-end streets serve 2 or more lots that have frontage only on the dead-end street. A pedestrian connection may extend from the end of a dead-end street to connect with another street of any type, or with another pedestrian connection.
- **Local Service Street.** A street that is a Local Service Traffic Street according to the Transportation System Plan.

- **Partial Street.** A partial street is one or more parts of a dead-end street or through street; each part usually is located on a different site. Partial streets are created when a street will be completed in stages, on more than one site. Partial streets may include the whole or part of a turnaround, part of the total width, or part of the total length.
- **Shared Court.** A street that is designed to accommodate – within the same circulation space – access for vehicles, pedestrians, and bicycles to abutting property. Instead of a sidewalk area that is separate from vehicle areas, a shared court is surfaced with paving blocks, bricks or other ornamental pavers to clearly indicate that the entire street is intended for pedestrians as well as vehicles. A shared court may also include traffic calming measures to ensure safe co-existence of pedestrians, vehicles, and bicycles. Like a common green, a shared court may function as a community yard. Hard and soft landscape features and street furniture may be included in a shared court, such as trees, shrubs, lighting fixtures, and benches.
- **Street.** A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Title, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or the interstate freeways and the Sunset Highway including their ramps.
- **Through Street.** A street that connects to other streets at both ends.
- **Transit Street.** A street that is classified in the Transportation System Plan as:
  - A Major Transit Priority Street, Transit Access Street, or Community Transit Street; or
  - A Regional Transitway not also classified as a Regional Trafficway, according to the Transportation System Plan. Regional Transitways that are entirely subsurface are not included for the purposes of this Title.

**Structure.** Any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

**Structured Parking.** A covered structure or portion of a covered structure that provides parking areas for motor vehicles. Parking on top of a structure—where there is gross building area below the parking, but nothing above it—is structured parking. The structure can be the primary structure for a Commercial Parking facility or be accessory to multi-dwelling residential, commercial, employment, industrial, institutional, or other structures. A structure that is accessory to a house, attached house, duplex, triplex, fourplex, cottage cluster, manufactured dwelling, or houseboat is a garage and is not included as structured parking. See also Garage, Parking Area, and Underground Parking.

**Superblock.** A continuous area, either in single or multiple ownerships, which includes a vacated street and which has a total gross area in private property of at least 75,000 square feet.

**Supermarket.** A supermarket is a retail store with more than 20,000 square feet of net building area, selling a complete assortment of food, food preparation and wrapping materials, and household cleaning and servicing items.

**Surface Parking.** A parking area for motor vehicles where there is no gross building area below the parking area and no gross building area or roof above it. Area occupied by small, permanent buildings, such as booths used by parking attendants, is not parking area. Temporary vending carts are not gross building area.

**Temporary Disturbance Area.** See Disturbance Area, Temporary.

**Through Lot.** See Lot-Related Definitions.

**Through Street.** See Street Types.

**Top of Bank.** The largest decrease in slope that is 10 percent or greater between the ordinary high water mark of a water body and a point 50 feet landward from the ordinary high water mark. See Section 33.930.150, Measuring Top of Bank. If there is no decrease in slope that is 10 percent or greater within a distance of 50 feet from the ordinary high water mark, then the top of bank will be the default location described in Section 33.930.150, Measuring Top of Bank.

**Topping.** The inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not include acceptable pruning practices as described in the American National Standards Institute (ANSI) "A 300 Pruning Standards" and companion "Best Management Practices for Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

**Tower.** A tall structure with the intended purpose of elevating a Radio Frequency Transmission Facility high above the ground. This definition includes but is not limited to a tower, pole, or mast over 20 feet tall.

**Tract.** A piece of land created and designated as part of a land division that is not a lot, adjusted lot, lot remnant, lot of record, or a public right-of-way. Tracts are created and designed for a specific purpose. Land uses within a tract are restricted to those uses consistent with the stated purpose as described on the plat, or in the maintenance agreements, or through Conditions, Covenants and Restrictions (CC&Rs). Examples include stormwater management tracts, private street or alley tracts, tree preservation tracts, environmental resource tracts, and open space tracts.

**Transit Station.** A location where light rail vehicles stop to load or unload passengers. For purposes of measuring, the Transit Station consists of the station platform.

**Transit Street.** See Street Types.

**Transportation Management Association.** An organization devoted to managing transportation or parking within a local community. A main goal for a Transit Management Association is to reduce reliance on the automobile for both work and non-work trips. A Transit Management Association typically provides information, programs, and activities that encourage the use of carpooling, transit, and other alternative modes of travel along with efficient use of parking resources.

**Tree Grove.** A group of six or more native trees at least 12 inches in diameter, or Oregon white oak trees or Pacific madrone trees that are at least 6 inches in diameter and that form a generally continuous canopy, or are spaced as appropriate for that species or species assemblage. Groves are generally non-linear. Other trees and understory vegetation located within the grove are considered part of the grove and are counted as part of the canopy area. A tree grove may be identified by a qualified professional, such as an arborist or environmental scientist, based on the types, configuration, or functions of a grouping of trees. Functions include structural support and wind protection for the trees within the grove, microclimate and shade, and habitat such as nesting, foraging, and cover for birds and other wildlife.

### Tree Types

- **Dangerous Tree** is one where the condition of the tree presents a foreseeable danger of inflicting damage that cannot be alleviated by treatment or pruning. A tree may be dangerous because it is likely to injure people or damage vehicles, structures, or development, such as sidewalks or utilities.
- **Dead Tree** is a tree that is dead or has been damaged beyond repair or where not enough live tissue, green leaves, limbs, or branches exist to sustain life as determined by an arborist.
- **Dying Tree** is a tree in an advanced state of decline because it is diseased, infested by insects or rotting and cannot be saved by reasonable treatment or pruning, or must be removed to prevent spread of the infestation or disease to other trees or is imminently likely to become a danger or die.
- **Heritage Tree.** Trees designated as Historic Landmark Trees, Historic Trees, and Heritage Trees by the City of Portland.
- **Non-Native Non-Nuisance Tree.** A tree that is not identified as either a native tree species or a nuisance tree species in the *Portland Plant List*.

**Triplex.** See Residential Structure Types.

**Truck.** See Vehicle Types.

**Underground Parking.** Structured parking that does not qualify as floor area. See Structured Parking, Gross Building Area, and Floor Area.

**Uplands.** Lands not characterized by the presence of riparian areas, water bodies, or wetlands.

**Utilities.** Infrastructure services, including those in the Basic Utility Use Category, and structures necessary to deliver those services. These services may be provided by a public or a private agency. Examples include water, sanitary sewer, electricity, natural gas, and telephone.

For the purposes of the 600s series of chapters, utilities are telephone, cable, natural gas, electric, and telecommunication facilities.

**Utility Scale Energy Production.** Energy production that does not meet the definition of Small Scale Energy Production.

**Utility Trailer.** See Vehicle Types.

**Valet Parking.** Parking arrangement in which drivers leave and reclaim their cars at a destination site, with the cars parked at an off-site location by employees associated with the destination site. The valet parking occurs at the off-site location where the cars are parked.

**Vegetation.** All types of vegetation, including trees, shrubs, forbs, grasses, and other plants.

**Vegetative Maintenance.** Control of vegetation that encroaches or grows into public pathways or public drainageways and where maintenance is required for public safety. The control methods may include vegetation trimming or removal.

**Vehicle Areas.** All the area on a site where vehicles may circulate or park including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

### Vehicle Types.

- **Motor Vehicle.** Vehicles that have their own motive power and that are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger

vehicles, trucks, and recreational vehicles with motive power. See also Passenger Vehicle, Recreational Vehicle, and Truck.

- **Passenger Vehicle.** A motor vehicle designed to carry ten persons or less including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road use. Passenger vehicle includes vehicles commonly called cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles defined as passenger cars and multipurpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle, and Truck.
- **Recreational Vehicle.** A vehicle with or without motive power, which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:
  - **Accessory recreational vehicle.** Accessory recreational vehicle includes nonmotorized vehicles designed for human occupancy on an intermittent basis such as travel trailers, park model recreational vehicles, campers, and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is standing alone. Accessory recreational vehicle also includes vehicles designed for off-road use, such as off-road vehicles, dune buggies, and recreational boats.
  - **Motor home.** Motor home includes motorized vehicles designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck. Motor homes are regulated as trucks unless the regulations specifically indicate otherwise. See also Truck.
- **Truck.** A motor vehicle which is designed primarily for the movement of property or special purpose equipment, or a motor vehicle that is designed to carry more than ten persons. Truck includes vehicles commonly called trucks, pick-ups, delivery vans, buses, motor homes and other similar vehicles. Truck is intended to cover the vehicles defined as trucks and buses by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. Trucks are divided into three categories by size as stated below. See also Passenger Vehicle, and Recreational Vehicle.
  - **Light Truck.** Light trucks are trucks and similar vehicles with single rear axles and single rear wheels.
  - **Medium Truck.** Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
  - **Heavy Truck.** Heavy trucks are trucks, including truck tractors, and similar vehicles with two or more rear axles.
- **Utility Trailer.** A vehicle designed to be pulled by a motor vehicle which is used to carry property, trash, or special equipment and that is 16 feet or less in length. Boat trailers are included as utility trailers. Utility trailers that are longer than 16 feet in length are considered industrial vehicles and are regulated as heavy trucks.

**View Corridor.** A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends on the focus of the view. The focus of the view may be a single object, such as Mt. Hood, which would result in a narrow corridor, or a group of objects, such as the downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors



and may include a 360-degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view. See also, Scenic Corridor.

**Viewing Area.** Part of a site developed for educational or public viewing purposes. The viewing area may be hard surfaced or decking, or within a structure such as a duck blind.

**Waste Collection Areas.** Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

**Water Bodies.** Permanently or temporarily flooded lands which may lie below the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live, whether or not they are attached to the bottom. The bottom may sometimes be considered nonsoil or the water may be too deep or otherwise unable to support emergent vegetation. Water bodies include rivers, streams, creeks, sloughs, drainageways, lakes, and ponds. See also Identified Waterbodies.

**Water Quality Resource Area.** The water quality resource area is a vegetated corridor and the adjacent protected water feature. The functional values of the water quality resource area include: providing a vegetated corridor to separate protected water features from development; maintaining or reducing stream temperatures; maintaining natural stream corridors; minimizing erosion, nutrient and pollutant loading into water; filtering, infiltration and natural water purification; and stabilizing slopes to prevent landslides contributing to sedimentation of water features.

**Wetland.** An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas. See also Identified Wetlands.

**Wildlife Species of Concern.** Wildlife species of concern are those species with a large enough body mass (i.e. raptors, waterfowl, coyote, great blue heron or species with flocking behavior (i.e. European starling, gulls) that can result in a high probability of severe impact with aircraft. The wildlife species of concern list is in the Port of Portland's Wildlife Hazard Management Plan, as authorized by the Federal Aviation Administration.

**Wind Turbine or Wind Energy Turbine.** A wind turbine or wind energy turbine converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a mast or mounting frame and structural supports, electrical generator, transformer, energy storage equipment, and a rotor with one or more blades. Some turbines use a vertical axis/helix instead of rotor blades.

- Small Wind Turbines or Small Wind Energy Turbines are turbines with an American Wind Energy Association (AWEA) rated power output of 10 kW or less. They also are certified by the Small Wind Certification Council to meet the American Wind Energy Associations (AWEA) Small Wind Turbine Performance and Safety Standards. These turbines may or may not be connected to the power grid.
- Large Wind Turbines or Large Wind Energy Turbines are turbines with a rated power output of more than 10kW and up to 300 kW. These turbines may or may not be connected to the power grid.

---

*(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)*