

**DATE:** June 30, 2023  
**FROM:** Julie Ocken  
**RE:** **Update Packet #207 – Parking Compliance Amendments Project**

*The attached Code Update Pages include updates based on the Parking Compliance Amendments Project, Ordinance No. 191310, effective June 30, 2023. Contact JP McNeil with any questions.*

**BDS – Development Review (H)**

LD/EN Team Communal – 1

**DR Subtotal: 1**

**BDS – P&Z (H)**

Fuchs, Clare

Grenda, Jill

Slusarenko, Malia

**P&Z Subtotal: 3**

**BDS – DSC Counter/Rooms (H)**

DSC – 2

**BDS Totals:**

1 Development Review

5 Communal/DSC

**Other Offices (H)**

**Auditor's Office** (Diane Bilyeu) B131/130

**City Attorney** (Allison McCoppen – 3) B131/430

**Other Offices Subtotal: 4**

**BPS Staff (H)**

Buono, Shannon

Nameny, Phil

Starin, Nicholas

Tracy, Morgan

**BPS Subtotal: 4**

**BDS Total: 6**

**BPS Total: 4**

**Others Total: 4**

**GRAND TOTAL: 14**

## Update Packet #207 – Parking Compliance Amendments Project

Chapter	Remove Pages	Insert Pages	Changed because of
33.120	1-2, 37-38, 49-50, 63-66	1-2, 37-38, 49-50, 63-66	PCAP
33.130	7-8, 49-50	7-8, 49-50	PCAP
33.140	1-2, 9-10, 37-40	1-2, 9-10, 37-40	PCAP, typo (Table 140-1)
33.150	1-2, 5-6, 25-26	1-2, 5-6, 25-26	PCAP
33.205	3-6	3-6	PCAP
33.229	All	All	PCAP
33.236	All	All	PCAP
33.237	All	All	PCAP
33.243	3-6	3-6	PCAP
33.251	3-6	3-6	PCAP
33.258	13-16	13-16	PCAP
33.266	All	All	PCAP
33.281	All	All	PCAP
33.285	5-8	5-8	PCAP
33.296	5-6	5-6	PCAP
33.420	27-28, 37-38	27-28, 37-38	PCAP, typo
33.475	19-20, 47-48	19-20, 47-48	PCAP
33.508	17-34	17-32	PCAP
33.510	57-68, 99-100	57-68, 99-100	PCAP, typo (Map 510-18)
33.515	3-4, 19-26, 37-38	3-4, 19-26, 37-38	PCAP
33.521	7-10, 15-16	7-10, 15-16	PCAP
33.526	17-18	17-18	PCAP
33.536	11-16	11-14	PCAP
33.555	3-4, 7-10	3-4, 7-10	PCAP
33.562	11-18	11-18	PCAP
33.567	1-2	1-2	PCAP
33.595	15-18	15-18	typos (map fonts only)
33.610	5-8	5-8	PCAP
33.654	5-12	5-12	PCAP
33.700	7-14	7-14	PCAP
33.740	All	All	typos (PSC reference)
33.815	13-14, 25-40	13-14, 25-40	PCAP
33.820	5-8	5-8	PCAP
33.846	9-10	9-10	typo
33.853	All	All	PCAP
33.910	5-8, 41-42	5-8, 41-42	PCAP
33.920	9-10	9-10	typo

## 33.120 Multi-Dwelling Zones

# 120

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### Sections:

#### General

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

#### Use Regulations

- 33.120.100 Primary Uses

#### Development Standards

- 33.120.200 Housing Types Allowed
- 33.120.205 Development on Lots and Lots of Record
- 33.120.206 Minimum Required Site Frontage for Development
- 33.120.210 Floor Area Ratio
- 33.120.211 Floor Area Bonus Options
- 33.120.212 Maximum Density
- 33.120.213 Minimum Density
- 33.120.215 Height
- 33.120.220 Setbacks
- 33.120.225 Building Coverage
- 33.120.230 Building Length and Façade Articulation
- 33.120.231 Main Entrances
- 33.120.232 Street-Facing Facades
- 33.120.235 Landscaped Areas
- 33.120.237 Trees
- 33.120.240 Required Outdoor and Common Areas
- 33.120.250 Screening
- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- 33.120.270 Alternative Development Options
- 33.120.275 Development Standards for Institutions
- 33.120.280 Detached Accessory Structures
- 33.120.283 Additional Development Standards for Structured Parking and Garages
- 33.120.284 Additional Development Standards for Flag Lots
- 33.120.285 Fences
- 33.120.290 Demolitions
- 33.120.300 Nonconforming Development
- 33.120.305 Parking, Loading, and Transportation and Parking Demand Management
- 33.120.310 Signs
- 33.120.320 Inclusionary Housing
- 33.120.330 Street and Pedestrian Connections

Supplemental Information

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

**General**

**33.120.010 Purpose**

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

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

**33.120.020 List of the Multi-Dwelling Zones**

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

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

**33.120.030 Characteristics Of The Zones**

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

- 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, Loading, and Transportation and Parking Demand Management.

**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.

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, Loading, and Transportation and Parking Demand Management
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



- 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, Loading, and Transportation and Parking Demand Management**

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

### **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.

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*(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; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



- c. Commercial Parking is allowed by right on a surface parking lot legally constructed after May 24, 2018 when all of the following are met:
  - (1) The surface parking lot was constructed as accessory parking for other primary uses on the site; and
  - (2) The total number of parking spaces on the site does not exceed the maximum number of parking spaces allowed for the other primary uses on the site.
9. Agriculture in the CR and CM1 zones. This regulation applies to all parts of Table 130-1 that have a [9]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, Agriculture is prohibited.
10. Agriculture in the CM2 and CX zones. This regulation applies to all parts of Table 130-1 that have an [10]. Agriculture is a conditional use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use.
11. Agriculture in the CM3 and CE zones. This regulation applies to all parts of Table 130-1 that have a [11]. Agriculture that is outdoors is a conditional use. Agriculture that is entirely indoors is allowed up to the following limits. Indoor Agriculture in excess of the following limits is prohibited. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden, which does not require a conditional use:
  - a. In the CM3 zone, the total net building area of all indoor Agriculture per site may not exceed the total square footage of the site; and
  - b. In the CE zone, each indoor Agriculture use is limited to 40,000 square feet of net building area.
- C. Conditional uses.** Uses that are allowed if approved through the conditional use review process are listed in Table 130-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 130-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

### **33.130.110 Accessory Uses**

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

**33.130.130 Nuisance-Related Impacts**

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

<b>Table 130-1 Commercial/Mixed Use Zone Primary Uses</b>						
<b>Use Categories</b>	<b>CR</b>	<b>CM1</b>	<b>CM2</b>	<b>CM3</b>	<b>CE</b>	<b>CX</b>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	Y	Y	Y	Y	Y	Y
<b>Commercial Categories</b>						
Retail Sales And Service	L [1]	L [1]	Y	Y	Y	Y
Office	L [1]	L [1]	Y	Y	Y	Y
Quick Vehicle Servicing	N	L [1]	L [1]	L [1]	Y	N
Vehicle Repair	N	N	Y	Y	Y	L [4]
Commercial Parking	N	N	L [8]	L [8]	Y	CU [8]
Self-Service Storage	N	N	N	L [3]	L [3]	L [3]
Commercial Outdoor Recreation	N	N	Y	Y	Y	Y
Major Event Entertainment	N	N	CU	CU	CU	Y
<b>Industrial Categories</b>						
Manufacturing and Production	N	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]	L/CU [2,4]
Warehouse and Freight Movement	N	N	N	L [2,4]	L [2,4]	N
Wholesale Sales	N	N	L [2,4]	L [2,4]	L [2,4]	L [2,4]
Industrial Service	N	N	CU [2,4]	CU [2,4]	CU [2,4]	CU [2,4]
Bulk Fossil Fuel Terminal	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
<b>Institutional Categories</b>						
Basic Utilities	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]	Y/CU [7]
Community Service	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]	L/CU [5]
Parks and Open Areas	Y	Y	Y	Y	Y	Y
Schools	Y	Y	Y	Y	Y	Y
Colleges	N	Y	Y	Y	Y	Y
Medical Centers	N	Y	Y	Y	Y	Y
Religious Institutions	Y	Y	Y	Y	Y	Y
Daycare	Y	Y	Y	Y	Y	Y

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

### **33.130.275 Demolitions**

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

### **33.130.285 Nonconforming Development**

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

### **33.130.290 Parking, Loading, and Transportation and Parking Demand Management**

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

### **33.130.292 Street and Pedestrian Connections**

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

of 20 percent or greater. This means that if the 330 feet interval falls in one of these areas, that pedestrian connection is not required.

5. Pedestrian connection alignment, width and design. The Bureau of Transportation must approve the alignment of the pedestrian connections. The final alignment must ensure that pedestrian connections are located at least 200 feet apart. The Bureau of Transportation must also approve the width of, and configuration of element within, the pedestrian connections.
- B. Additional requirements for street and pedestrian/bicycle connections are regulated by the Bureau of Transportation. See Section 17.88.040, Through Streets, of the Portland City Code.

### **33.130.295 Signs**

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

### **33.130.305 Superblock Requirements**

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

### **33.130.310 Recycling Areas**

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

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*(Amended by: Ord. No. 165594, effective 7/8/92; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169099, effective 8/18/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173533, effective 8/2/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179845, effective 1/20/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



## 33.140 Employment and Industrial Zones

# 140

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### Sections:

#### General

- 33.140.010 General Purpose of the Zones
- 33.140.020 List of the Employment and Industrial Zones
- 33.140.030 Characteristics of the Zones
- 33.140.040 Other Zoning Regulations
- 33.140.050 Neighborhood Contact in EG and I Zones
- 33.140.055 Neighborhood Contact in EX Zone

#### Use Regulations

- 33.140.100 Primary Uses
- 33.140.110 Accessory Uses
- 33.140.130 Nuisance-Related Impacts
- 33.140.140 On-Site Waste Disposal

#### Site Development Standards

- 33.140.200 Lot Size
- 33.140.205 Floor Area Ratio
- 33.140.210 Height
- 33.140.215 Setbacks
- 33.140.220 Building Coverage
- 33.140.225 Landscaped Areas
- 33.140.227 Trees
- 33.140.230 Ground Floor Windows in the EX Zones
- 33.140.235 Screening
- 33.140.240 Pedestrian Standards
- 33.140.242 Transit Street Main Entrance
- 33.140.245 Exterior Display, Storage, and Work Activities
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- 33.140.255 Drive-Through Facilities
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- 33.140.270 Detached Accessory Structures
- 33.140.275 Fences
- 33.140.280 Demolitions
- 33.140.290 Nonconforming Development
- 33.140.295 Parking, Loading, and Transportation and Parking Demand Management
- 33.140.300 Signs
- 33.140.310 Superblock Requirements
- 33.140.315 Recycling Areas
- 33.140.320 Inclusionary Housing

**General**

**33.140.010 General Purpose of the Zones**

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

**33.140.020 List of the Employment and Industrial Zones**

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

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

**33.140.030 Characteristics of the Zones**

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

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

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

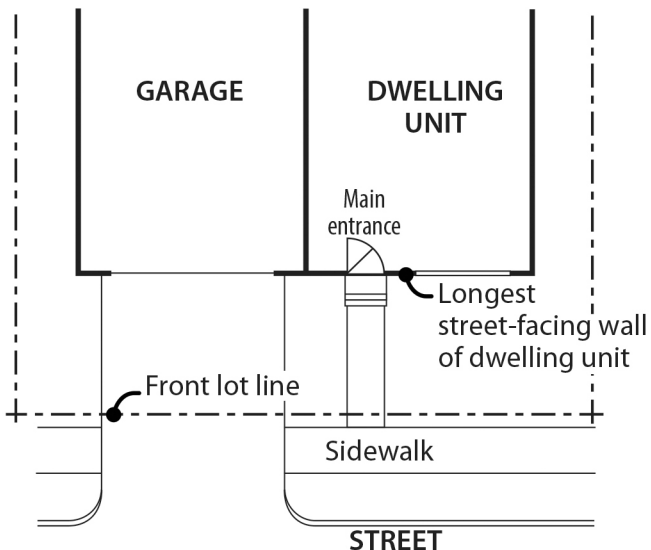
12. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 140-1 that have a [12]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
  13. Commercial Parking. This regulation applies to all parts of Table 140-1 that have a [13]. Except where plan district provisions supersede these regulations, Commercial Parking is a conditional use in the E and I zones. Within plan districts, there may be special regulations.
  14. Agriculture. This regulation applies to all parts of Table 140-1 that have a [14]. Agriculture is an allowed use. Where the use and site meet the regulations of Chapter 33.237, Food Production and Distribution, the applicant may choose whether it is allowed as a Market Garden.
  15. Bulk Fossil Fuel Terminals. This regulation applies to all parts of Table 140-1 that have a [15].
    - a. Existing Bulk Fossil Fuel Terminals. Bulk Fossil Fuel Terminals that existed on August 31, 2022 are allowed, but the total amount of fossil fuel that can be stored on the site in storage tanks is limited to the fossil fuel storage tank capacity that existed on August 31, 2022. Total fossil fuel storage tank capacity on the site in excess of the capacity that existed on August 31, 2022 is prohibited. Adding storage tank capacity exclusively for renewable fuels or to comply with the Renewable Fuel Standard (PCC Chapter 16.60 Motor Vehicle Fuels) is not considered an increase in capacity. Storing coal on the site is prohibited.
    - b. New Bulk Fossil Fuel Terminals are prohibited.
- C. Conditional uses.** Uses which are allowed if approved through the conditional use review process are listed in Table 140-1 with a "CU". These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
- D. Prohibited uses.** Uses listed in Table 140-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses and Development.

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

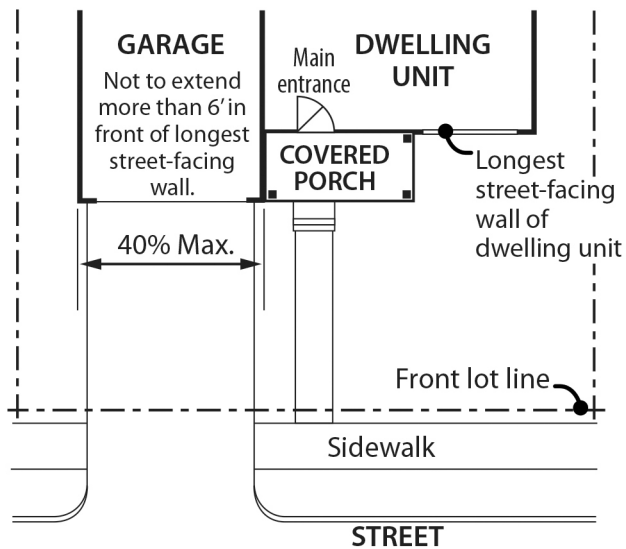
#### **33.140.130 Nuisance-Related Impacts**

- A. Off-site impacts.** All nonresidential uses including their accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.

**Figure 140-11**  
**Street Lot Line Setback**



**Figure 140-12**  
**Garage Front Setback Exception**



**33.140.275 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 along street lot lines, including pedestrian connections.
    - a. EG1, IG1 and IH zones. In EG1, IG1, and IH zones, fences up to 3-1/2 feet high are allowed in a required street building setback, including setbacks from pedestrian connections.
    - b. EG2, EX and IG2 zones. In EG2, EX and IG2 zones, within 10 feet of a street lot line, fences that meet the following standards are allowed:
      - (1) Fences that are more than 50 percent sight-obscuring may be up to 3-1/2 feet high;
      - (2) Fences that are 50 percent or less sight-obscuring may be up to 8 feet high.
    - c. EG2 and IG2 zones. In EG2 and IG2 zones, fences that are more than 50 percent sight-obscuring may be up to 8 feet high within the street building setback if they are more than 10 feet from the lot line.
  2. Fences along 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 2 is the same as the regular height limits of the zone.
- D. Reference to other regulations.** Electrified fences are regulated under Title 26, Electrical Regulations. The use of barbed wire is regulated under Title 24, Building Regulations.

### **33.140.280 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.** Demolitions of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.

### **33.140.290 Nonconforming Development**

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

### **33.140.295 Parking and Loading**

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

### **33.140.300 Signs**

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

### **33.140.310 Superblock Requirements**

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

### **33.140.315 Recycling Areas**

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

### **33.140.320 Inclusionary Housing**

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

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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 165594, effective 7/8/92; Ord. No. 166920, effective 10/1/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173593, effective 9/3/99; Ord. No. 173729, effective 9/8/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 185915, effective 5/1/13; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190978, effective 8/31/22; Ord. No. 191079, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*





## 33.150 Campus Institutional Zones

# 150

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Sections:

General

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

Use Regulations

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

Development Standards

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

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

### General

#### 33.150.010 Purpose

The campus institutional zones implement the campus institution policies and Institutional Campus (IC) land use designation of the Comprehensive Plan. The zones are for institutions such as medical centers and colleges that have been developed as campuses, and for other uses that are compatible with

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

**33.150.020 List of the Campus Institutional Zones**

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

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

**33.150.030 Characteristics of the Zones**

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

Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. The IR zone will be applied only when it is accompanied by the Design overlay zone.

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

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

### **33.150.277 Drive-Through Facilities**

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

### **33.150.280 Detached Accessory Structures**

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

### **33.150.285 Fences**

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

**D. Reference to other regulations**

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

**33.150.290 Demolitions**

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

**33.150.295 Nonconforming Development**

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

**33.150.300 Parking, Loading, and Transportation and Parking Demand Management**

The regulations for vehicle parking, bicycle parking, loading, and transportation and parking demand management are stated in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

**33.150.305 Signs**

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

**33.150.310 Superblock Requirements**

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

**33.150.315 Recycling Areas**

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

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*(Adopted by Ord. No. 188177, effective 5/24/18. Amended by Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190978, effective 8/31/22; Ord. No. 191310, effective 6/30/23.)*

- 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.

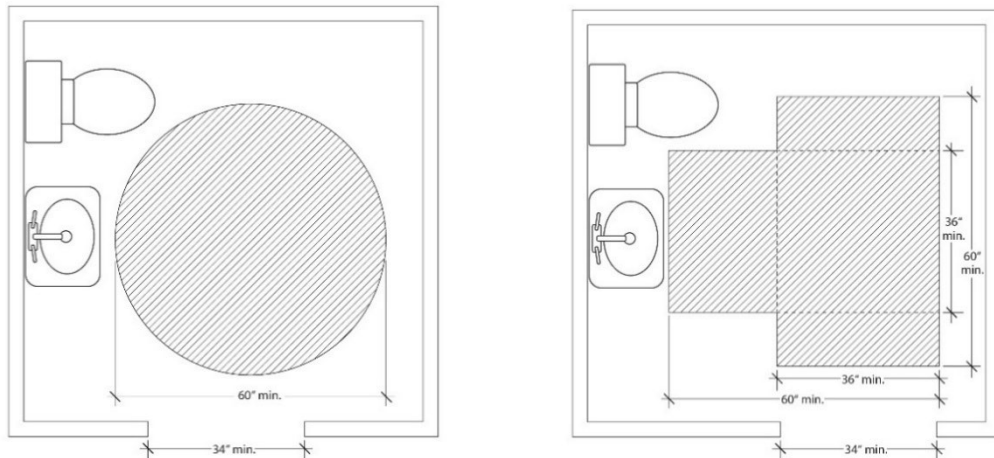
### 33.205.040 Development Standards

- 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. **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.
  2. **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.
  3. Detached and connected accessory dwelling units must meet the development standards for covered accessory structures in the base zone.
  4. **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.4.d, 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.4.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.

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*(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; Ord. No. 191310, effective 6/30/23.)*



## 33.229 Elderly and Disabled High Density Housing

# 229

Sections:

- 33.229.010 Purpose
- 33.229.020 Density Increase and Development Standards
- 33.229.030 General Requirements
- 33.229.040 Design Standards

### 33.229.010 Purpose

These regulations provide opportunities to integrate housing for elderly and disabled citizens with other types of housing, and to increase the ability of the elderly and disabled to live independently and close to where services are generally available. The regulations allow increased density with special design and development standards in RM1 through RM4, C, IR, and EX zones. The regulations are intended only for new developments and projects that involve major remodeling.

### 33.229.020 Density Increase and Development Standards

- A. RM1, RM2, RMP, and IR zones.** In the RM1, RM2, RMP, and IR zones, there is no limit on density if all of the following are met:
  - 1. The project complies with the development standards of the base zone except for density;
  - 2. The project complies with the standards of this chapter; and
  - 3. The lot is at least 10,000 square feet in area.
- B. RM3, RM4, and EX zones.** In the RM3, RM4, and EX zones, the project can develop to an FAR of 4 to 1 if all of the following are met:
  - 1. The project complies with the development standards of the base zone except for density;
  - 2. The project complies with the standards of this chapter; and
  - 3. The lot is at least 10,000 square feet in area.

### 33.229.030 General Requirements

- A. Residential uses and structures.** Only uses in the Household Living use category are allowed. Only structures with fully self-contained dwelling units are allowed.
- B. Project eligibility.** The elderly and disabled high density housing provisions are limited to new projects or to existing developments which undergo major remodeling.
- C. Occupant restrictions.** At a minimum, the units that are over the density allowed by the base zone must be restricted to occupancy by households with a disabled member, or with a member aged 55 years or older. These units are called the "units restricted by covenant" throughout this chapter. Additional units may be restricted by covenant in order to take advantage of the provisions of this chapter.

- D. Covenant.** The property owner must execute a covenant with the City of Portland, specifying that the property owner will abide by the conditions listed below for the life of the project. The covenant must comply with the requirements of 33.700.060, Covenants with the City.
1. Occupant restriction. Occupancy of a specified number of units will be restricted to households with a disabled member or with a member 55 years of age or older, as required in Subsection C. above.
  2. Adaptable features. The property owner will submit a list of the adaptable features in the adaptable units to potential renters or buyers of the units. At a minimum the list will include the following features:
    - a. Location of all adaptable features. The list must include a scale drawing of the location of all adaptable kitchen counters, cabinets, and grab bars; and
    - b. Installation instructions, equipment, and parts. The list must include the location of the adaptable features, modification instructions, and the equipment and parts needed to adjust or install the features, or to modify the unit as listed in 33.229.040 E.
  3. The owner will install equipment required by this chapter when renting to a tenant who requests the modifications. The owner will remove any adaptable features upon request. All modifications will be done at no expense to the renter or buyer.
  4. When vacancies occur and there are no eligible applicants on a waiting list, the owner will advertise the units as being accessible and/or adaptable, as applicable.

### **33.229.040 Design Standards**

- A. Common Areas.** All common areas in the project, including community rooms, laundry facilities, recreation rooms, and shared kitchen and toilet areas, must meet the physical access requirements of Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all units restricted by covenant.
- B. Individual Units.**
1. At least 35 percent of all the units in the project must meet the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code and must be along an accessible route from the sidewalk and parking area to all common areas. Any additional units above 35 percent that are restricted by covenant must also meet these requirements.
  2. At least 25 percent of the units restricted by covenant must have at least one bedroom. The minimum bedroom size is 150 square feet, except for units that have two or more bedrooms. In this case, only one bedroom must meet this standard.
  3. Exception. Projects that are restricted to occupancy by mentally disabled residents for the life of the project have lowered requirements for accessibility and adaptability. The restrictions can be in the form of funding restrictions or in the covenant with the City. In these cases, only 20 percent of the units restricted by covenant need to meet

the requirements for Type A units in Chapter 11 of the Oregon Structural Specialty Code. The remaining units restricted by covenant may instead meet the ANSI 117.1 requirements for Type C units.

**C. Bicycle parking and passenger loading.**

1. Bicycle parking.
  - a. Generally. The project must meet the bicycle parking requirements of Chapter 33.266, Parking, Loading, and Transportation Demand Management.
  - b. Exception. The minimum required long-term bicycle parking for units restricted by covenant is one space for every eight units.
2. Passenger loading. Each project must have at least one passenger loading area that complies with Chapter 11 of the Oregon Structural Specialty Code.

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*(Amended by: Ord. No. 167054, effective 10/25/93; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177422, effective 6/7/03; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 191310, effective 6/30/23.)*



## 33.236 Floating Structures

# 236

### Sections:

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

### 33.236.010 Purpose

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

### 33.236.015 Willamette River Restrictions

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

### 33.236.020 Allowed Uses

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

### 33.236.030 Houseboats

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

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

### 33.236.050 Additional Regulations

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

- C. Development standards.** The development standards applicable to floating structures and associated upland accessory structures are stated below.
1. Lot dimensions and size. The lot to which a floating structure is secured must comply with all lot size and dimension requirements. For zones with no minimum dimensions, the lot must be large enough to meet all of the development standards of this section.
  2. Accessory structures. Accessory structures on the upland lot are subject to all of the accessory structure regulations that apply to the upland lot.

**33.236.060 Floating Structures Code**

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

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*(Amended by: Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 4/15/00; Ord. No. 188177, effective 5/24/18; Ord. No. 190380, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*



## 33.237 Food Production and Distribution

# 237

### Sections:

- 33.237.010 Purpose
- 33.237.020 Where These Regulations Apply
- 33.237.100 Market Gardens
- 33.237.200 Community Gardens
- 33.237.300 Food Membership Distribution
- 33.237.500 Neighbor Notification and Meeting
- 33.237.550 Farmers Markets
- 33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution, and Farmers Markets

### **33.237.010 Purpose**

The purpose of the regulations in this chapter is to increase access to affordable, healthful, food for all, especially for those who may have limited options because of location, access, or income. The regulations encourage Community Gardens, Market Gardens, and food membership distribution at a scale that is appropriate to neighborhoods in an urban environment, and support small-scale agricultural use of land that is not otherwise developed. The regulations also recognize that the gardens and food membership organizations can help build a sense of community and offer increased opportunities to garden and to interact with neighbors.

In addition, the regulations ensure that these uses and activities are compatible with the surrounding area by limiting potential negative effects, particularly in residential neighborhoods, and take into consideration neighborhood character, scale, visual impacts, traffic, noise, fumes, local environmental resources, and hours of operation.

### **33.237.020 Where These Regulations Apply**

The regulations of Section 33.237.100 apply to Market Gardens. The regulations of Section 33.237.200 apply to Community Gardens. The regulations of Section 33.237.300 apply to Food Membership Distribution. The regulations of Section 33.237.600 apply to Market Gardens, Food Membership Distribution, and Farmers Markets that existed before these regulations were adopted.

### **33.237.100 Market Gardens**

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

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

**B. Sales.**

1. On-site sales.
  - a. Nonresidential zones. In nonresidential zones, on-site sales are a Retail Sales And Service Use; and the following regulations apply:
    - (1) Exterior display is allowed; and
    - (2) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold
  - b. Residential zones. In residential zones, on-site sales are allowed as accessory to the Agriculture use, and the following regulations apply:
    - (1) Exterior display is allowed;
    - (2) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold;
    - (3) Sales are allowed only between 7 AM and 9 PM; and
    - (4) Sales are allowed up to 70 days in each calendar year.
2. Off-site sales. Off-site sales are not limited by the regulations of this Chapter.

**C. Hours of operation in residential zones.**

1. In residential zones, operation may begin at sunrise or 7 AM, whichever is earlier, and must end at sunset or 9 PM, whichever is later. A Market Garden is operating if people are on the site. Automatic equipment functioning, such as sprinklers, is not considered operation.
2. Use of motorized equipment in residential zones is allowed only between 7 AM and 9 PM.

**D. Fences.** Fences are regulated by the base zones.

**E. Signs.** Signs are regulated by Title 32, Signs and Related Regulations.

**33.237.200 Community Gardens**

**A. Maximum area.** There is no maximum area for Community Gardens.

**B. Sales.** Sales of produce from a Community Garden may occur for no more than three consecutive days on two different occasions during a calendar year. Sales must occur on-site.

**C. Other regulations.** The regulations of Subsections 33.237.100.C through E apply to Community Gardens.

**33.237.300 Food Membership Distribution**

**A. Use.** Food Membership Distribution is accessory to most use categories, but not a primary use on a site.

**B. Residential zones.** The regulations of this subsection apply to sites in residential zones that are not in Institutional use.

1. The maximum number of members who may come to the site to pick up items delivered on one delivery day, and the number of delivery days that are allowed in a calendar year are specified in Table 237-2. If a site fits into more than one cell, the more restrictive requirement applies.
2. The operator of a site must select a maximum number of delivery days and maximum number of members who may come to the site, and is responsible for compliance with the regulations that apply to the combination of delivery days and maximum number of members who may come to the site. This may require limiting the number of members who may participate in each order, or moving some deliveries to other locations.
3. Members may pick up items at the site only between 7 AM and 9 PM.
4. Truck deliveries are allowed between 8 AM and 5 PM.
5. Exterior activities, except delivery and pick up, may not occur in the area between the primary building and any street lot line.

**C. Institutional uses on sites in residential, CI1 and IR zones.** The regulations of this subsection apply to sites in residential, CI1 and IR zones that are in Institutional use.

1. Sites that have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.3 and B.4.

2. Sites that do not have at least three parking spaces reserved specifically for members picking up their food are subject to Paragraphs B.1 through B.4.

<b>Table 237-2</b>					
<b>Food Membership Distribution: Frequency and Number of Members</b>					
	<b>Number of Delivery Days per Calendar Year</b>				
<b>Maximum Number of Members Who Come to Site per Delivery Day</b>	Up to 5/year	6 to 26/year	27 to 52/year	53 to 104/year	More than 104/year
<b>Up to 12</b>	Allowed	Allowed	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Not Allowed
<b>13 to 56</b>	Allowed	Allowed if requirements of Section 33.237.500, Neighbor Notification and Meeting, are met	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Not Allowed
<b>57 to 100</b>	Allowed	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Allowed if: 1. Requirements of Section 33.237.500, Neighbor Notification and Meeting, are met; and 2. West of I-205, site is within 500 feet of a non-local street; east of I-205, site is within 1,000 feet of a non-local street	Not Allowed	Not Allowed
<b>More than 100</b>	Not Allowed	Not Allowed	Not Allowed	Not Allowed	Not Allowed

### **33.237.500 Neighbor Notification and Meeting**

- A. Purpose.** The requirements of this section allow neighbors an opportunity to become aware of and comment, in an informal manner, on a proposal before operations begin. By sharing information and concerns, all involved have the opportunity to identify ways to improve a proposal, and to resolve conflicts. While the comments from the neighbors are not binding, a collaborative approach is encouraged.
- B. When Neighbor Notification and Meeting is required.** Neighbor Notification and Meeting is required as specified in Section 33.237.100 and Table 237-2.
- C. Notification.**
1. A letter must be sent to the owners of property within 150 feet of the site, to the Neighborhood Association for the area, and to the Planning and Zoning Section of the Land Use Division of the Bureau of Development Services. The letter must be sent by US Mail, FedEx, UPS, or similar service. The letter may not be sent electronically or delivered by hand.
  2. The letter must:
    - a. Describe the proposal in detail;
    - b. Include information on how to contact the person or organization making the proposal;
    - c. Show the location of the site on a map, and give the address of the site; and
    - d. Invite people to a meeting to discuss the proposal, specifying the date, time, and location of the meeting.
  3. The letter must be mailed at least 14 days before the meeting.
  4. At least one copy of the letter must be posted on the site.
    - a. A copy of the letter 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. Letters must be posted at least 14 days before the meeting, and may not be removed before the meeting.
  5. A copy of the letter and the mailing list must be retained in the files of the person or organization making the proposal.
- D. Meeting.** A meeting to discuss the proposal must be held at a location within the boundaries of the neighborhood association that the site is within. The person making the proposal must attend the meeting.

### **33.237.550 Farmers Markets**

The regulations for Farmers Markets are in Chapter 33.296, Temporary Uses, and in Section 33.237.600.

**33.237.600 Regulations for Existing Market Gardens, Food Membership Distribution Sites, and Farmers Markets**

- A. Purpose.** Before the regulations in this chapter were adopted, the regulations for Market Gardens, Food Membership Distribution Sites, and Farmers Markets were sometimes unclear. To simplify regulations for those uses that existed when the regulations were adopted, those that existed are automatically given status as if they were legally established.
- B. Market Gardens.** Market Gardens that existed on June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.
- C. Food Membership Distribution Sites.** Food Membership Distribution Sites that were operating at any time between June 1, 2011 and June 1, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to the number of members coming to the site, the number of delivery days per year, size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.
- D. Farmers Markets.** Farmers Markets that were operating during the month of June, 2012, are considered to have been legally established. If they do not meet the current regulations, they are nonconforming, and changes to size, operation, or other aspects are regulated by Chapter 33.258, Nonconforming Situations.

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*(Added by Ord. No.185412, effective 6/13/12; Amended by Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23.)*

of aircraft, number of aircraft, types of existing land uses in the area, topography, proximity to natural aircraft corridors, and type and nature of the proposed noise mitigation plan.

- c. A 20 foot deep area landscaped to at least the L4 standard must be provided around the HLF. The landscape standards are stated in 33.248, Landscaping and Screening. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing pad in all directions.
3. Off-street parking. For HLFs that are primary uses, the maximum amount of off-street parking allowed will be determined during the conditional use review, based on the number of employees, types and number of flights, and types of facilities proposed.
4. Street trees. Street trees may be required for all ground level facilities. Trees must be located so as to not encroach into a 8 (horizontal) to 1 (vertical) flight path from the landing path in all directions.
5. Surfacing. All take-off, landing, and parking areas of HLFs must be surfaced with a dust proof material.

### **33.243.050 Approval Procedures**

The procedures assigned in this section supersede the conditional use procedures of Chapter 33.815, Conditional Uses.

#### **A. Conditional use review.**

1. New HLFs. Applications for new helicopter landing facilities are reviewed through a Type III procedure.
2. Modifications or changes to existing helicopter landing facilities are reviewed through the procedures stated below.
  - a. Type III procedure. In all zones, requests for modifications of existing HLFs which would result in an increase in the number of flights, changes in flight path, number or type of aircraft, hours of operation, and changes in approved setbacks or minimum distances from other uses are reviewed through a Type III procedure.
  - b. Type II procedure. All other modifications are reviewed through a Type II procedure.

**B. Noise review.** The applicant must obtain approval for the proposal from the City of Portland Noise Review Board prior to submitting an application for conditional use review to BDS. The Noise Review Board may request the assistance of the Department of Environmental Quality (DEQ) while reviewing the application. This requirement applies to requests for new HLFs and modifications of existing HLFs that are subject to a Type III procedure review.

#### **C. Other reviews.**

1. State review. The applicant must obtain provisional approval from the State of Oregon Aeronautics Division prior to submitting the conditional use permit application to BDS.

2. FAA review. For facilities which require Federal Aviation Administration (FAA) approval, the applicant must file FAA Form 7480 "Notice of Landing Area Proposal" and must comply with all FAA regulations prior to the issuance of a building permit.

- D. Master plans.** Any use submitting a conditional use master plan must include any anticipated HLFs as part of the master plan. The review body may require a master plan when an HLF is proposed as part of a conditional use.

### **33.243.060 Required Information**

All applications for helicopter landing facilities must include the following information in addition to the application requirements of 33.730.060.

- A. Site plan.** A detailed site plan of the project showing the layout of the aircraft landing and parking spaces, fire suppression equipment and access, auto parking areas, fences, landscaping, lights, walkways, adjacent streets and other details which relate to the development standards listed in 33.243.040 above.
- B. Flight paths.** An approach/departure flight path site plan showing proposed flight path locations, widths, lengths, slopes and other necessary details, as required by the State of Oregon.
- C. Relation to flight corridors.** The relationship of the site to natural flight corridors, such as freeways and industrial areas.
- D. Operation of HLF.** The operational information, such as the proposed hours of operation; the number, type and size of aircraft to be located at or expected to use the site; maximum number of helicopter trips on a daily, weekly, and annual basis; and the purpose of the helicopter trips and any resulting public benefits.
- E. State approval.** A copy of the State of Oregon Aeronautics Division provisional heliport approval, identifying and approving the following: direction, angles, and number of approaches; helipad size and surface; nearby obstructions; lighting and markings; tie-downs; number of trips; location; and fencing.
- F. FAA notice.** A copy of FAA Form 7480-1, "Notice of Landing Area Proposal," and evidence that it has been filed with the FAA.
- G. Acoustical report and noise mitigation plan.** An acoustical report and a noise mitigation plan approved by BDS or the City Noise Review Board. The plan must include a discussion of preferred approach/departure flight paths, preferred approach/departure path slopes, preferred approach/departure air speeds, preferred times of use, and other relevant factors. In addition, the plan must include a discussion of the existing physical factors, such as topography and proposed physical barriers, such as walls, fences, structures or vegetation, and how these factors would be used to reduce noise impacts. If the proposal cannot meet the regulations of Title 18, the applicant must request and obtain a noise variance from the City Noise Review Board.
- H. Airport Noise Impact Boundary Analysis.** A copy of the applicant's Airport Noise Impact Boundary Analysis and comments as provided by the State of Oregon Department of Environmental Quality review.



- I. **Consolidations.** Discussion on the feasibility of consolidating the proposed facility with other nearby facilities.

### **33.243.070 Approval Criteria**

The conditional use approval criteria for reviewing helicopter landing facilities are stated in Chapter 33.815, Conditional Uses.

### **33.243.080 Helicopter Landing Facilities approved prior to January 1, 1988**

All HLFs which were legally established prior to January 1, 1988 will be allowed to continue to operate under all relevant conditions. All applications that request changes to these HLFs are subject to 33.243.040, .050, and .060 except Subsection F. The facilities are subject to the development standards which were in effect at the time of the original approval. All land use impacts of modifications to these HLFs will be considered cumulatively by the review body.

### **33.243.090 Monitoring**

Where appropriate, the review body may require one or more of the following:

- A. **A flight log of all flights.** The log should include origin and destination of trips, the time and date, and purpose. The applicant must log any deviations from any conditions of approval and the reason for the deviation(s). A copy of the log must be submitted to BDS every 6 months and must be available for inspection by City staff upon request;
- B. **A specific date for re-evaluation.** Approvals may be made valid for a specific amount of time. A request for a continuation of the use may be required to be reviewed in a public hearing.

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*(Amended by: Ord. No. 175837, effective 9/7/01; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23.)*



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.
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.

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*(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; Ord. No. 191310, effective 6/30/23.)*



- By the end of the compliance period, the applicant or owner must request that the site be certified by BDS as in compliance with the standards listed in Subparagraph D.2.b. on the date when the permit application was submitted. A permit documenting full conformance with these standards is required and must receive final inspection approval prior to BDS certification.
- If certification is requested by the end of the compliance period and BDS certifies the site as in compliance, a two-year grace period begins. The grace period begins at the end of the compliance period, even if BDS certifies the site before the end of the compliance period. During the grace period, no upgrades to nonconforming development are required.
- If certification is not requested, or if the site is not fully in conformance by the end of the compliance period, no additional building permits will be issued until the site is certified.
- If the regulations referred to by Subparagraph D.2.b, or in D.2.b itself, are amended after the Nonconforming Development Assessment is received by BDS, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant must, at the end of the grace period, address the new nonconforming development using Option 1 or Option 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant, and compliance period will be required for the new nonconforming development.
- For covenants that were in effect on March 8, 2020, the compliance period expires on the later of January 1, 2022 or the period in the recorded covenant.

<b>Table 258-1 Compliance Periods for Option 2</b>	
<b>Square footage of site</b>	<b>Compliance period</b>
Less than 200,000 sq. ft.	2 years
200,000 sq. ft. or more, up to 500,000 sq. ft.	3 years
More than 500,000 sq. ft., up to 850,000 sq. ft.	4 years
More than 850,000 sq. ft.	5 years

**E. Loss of nonconforming development status.**

1. Discontinuance. If a nonconforming exterior development, such as an exterior storage area, is unused for 2 continuous years, the nonconforming rights are lost and a nonconforming exterior development may not be re-established. If the exterior development is unused for less than 2 continuous years, a nonconforming exterior development may be re-established, unless stated otherwise in Subsection D. above.
2. Destruction. When a structure or other development that has nonconforming elements is removed or intentionally destroyed, replacement structures and other development must comply with the development standards of the base zone, overlay zone and plan district. When a structure that has non-conforming elements is partially

or totally damaged by fire or other causes beyond the control of the owner, the structure may be rebuilt using the same structure footprint. An adjustment is required to allow the replacement structure to be more out of compliance with the development standards than the previous structure. However, detached garages in residential zones are subject to the provisions for accessory structures of 33.110.250 and 33.120.280 (Single-Dwelling and Multi-Dwelling chapters, respectively).

- F. Sites that are nonconforming in parking spaces.** If changes to a use or building are made on a site that is nonconforming in the number of maximum allowed parking spaces, existing parking spaces that are in excess of the maximum may be retained if none of the dimensions of the parking area increase. Within the existing parking area, the layout of the parking spaces may be redesigned and the parking area re-striped if all requirements for setbacks, landscaping, and parking space and aisle dimensions in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management are met.
- G. Nonconforming signs.** The regulations for nonconforming signs are stated in Title 32, Signs and Related Regulations.

### **33.258.075 Determination of Legal Nonconforming Status Review**

- A. Purpose.** This review will determine if a use or site has legal nonconforming situation rights. In addition, it will determine what the current legal use is, based on the use categories in Chapter 33.920.
- B. When this review is required.** Determination of Legal Nonconforming Status Review is required where a land use review or building permit is requested, and the applicant does not provide standard evidence or the Director of BDS does not find the evidence to be satisfactory. (See 33.258.038). This review also may be requested by an applicant when it is not required.
- C. Procedure.** Determination of Legal Nonconforming Status Reviews are processed through a Type II procedure.
- D. Approval criteria.**
  - 1. The legal status of the nonconforming situation will be certified if the review body finds that:
    - a. The nonconforming situation would have been allowed when established; and
    - b. The nonconforming situation has been maintained over time.
  - 2. The review body will determine, based on the evidence, what the current legal use is, using the definitions in Chapter 33.910 and the use categories in Chapter 33.920.

### **33.258.080 Nonconforming Situation Review**

- A. Procedure.** A nonconforming situation review is processed through a Type II procedure.
- B. Approval criteria.** The request will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:



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

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*(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166313, effective 4/9/93; Ord. No. 169324, effective 10/12/95; Ord. No. 170704, effective 1/1/97; Ord. No. 171081, effective 5/16/97; Ord. No. 171219, effective 7/1/97; Ord. No. 172882, effective 11/18/98; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; 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. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; 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. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190076, effective 8/10/20; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



## 33.266 Parking, Loading, And Transportation And Parking Demand Management

266

### Sections:

33.266.010 Introduction

### Motor Vehicle Parking

33.266.100 General Regulations

33.266.110 Required Carpool and Electric Vehicle Parking

33.266.115 Maximum Allowed Parking Spaces

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33.266.410 Transportation and Parking Demand Management

33.266.420 Transportation Impact Review in the Campus Institutional Zones

### 33.266.010 Introduction

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

## Motor Vehicle Parking

### 33.266.100 General Regulations

- A. Where the regulations apply.** The regulations of this chapter apply to all parking areas in all zones. Parking areas include those accessory to a use, part of a Commercial Parking use, or for a park and ride facility in the Community Services use category.
- B. Calculations of amounts of maximum allowed parking.**
  - 1. The maximum allowed number of parking spaces is computed based on the primary uses on the site except as stated in Paragraph C.2., below. When there are two or more separate primary uses on a site, the allowed parking for the site is the sum of the allowed parking for the individual primary uses. When there are two or more instances of the same primary use on the site, the maximum allowed parking is based on the total square footage of all those same uses added together.

2. When more than 20 percent of the net building area on a site is in an accessory use, the allowed parking is calculated separately for the accessory use. An example would be a 40,000 square foot building with a 30,000 square foot warehouse and a 10,000 square foot accessory office area. The maximum allowed parking would be computed separately for the office and warehouse uses.
  3. If the maximum number of spaces allowed is less than one, then the maximum number is automatically increased to one.
- C. Proximity of parking to use.** Parking spaces must be located on the site of the use or in parking areas whose closest point is within 500 feet of the site.
- D. Stacked parking.** Stacked or valet parking is allowed if an attendant is present to move vehicles. Automated stacked parking and tandem parking for individual dwelling units are exempt from the attendant and guarantee requirements. The requirements for maximum spaces and all parking area development standards continue to apply for stacked parking. See also 33.266.140.
- E. Office of Transportation review.** The Office of Transportation reviews the layout of parking areas for compliance with the curb cut and access restrictions of Section 17.28.110, Driveways – Permits and Conditions.

### **33.266.110 Required Carpool and Electric Vehicle Parking**

- A. Purpose.** These regulations encourage carpooling and electric vehicles by requiring that, when parking spaces are provided, enough of the spaces are reserved for carpool use and will accommodate electric vehicle charging infrastructure. Provision of carpool parking, and locating it close to the building entrance, will encourage carpool use. Providing opportunities to install electric vehicle chargers within parking areas encourages electric vehicles as an alternative to vehicles that burn fossil fuels.
- B. Required carpool parking spaces.** For office, industrial, and institutional uses where there are more than 20 parking spaces on the site, the following standards must be met:
1. Five spaces or five percent of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required.
  2. The spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking and those signed for exclusive customer use.
  3. Signs must be posted indicating these spaces are reserved for carpool use before 9:00 AM on weekdays.
- C. Required electric vehicle charging spaces.** For Commercial Parking uses and for sites with 5 or more dwelling units, the following standards must be met:
1. Commercial Parking. For Commercial Parking uses, at least 20 percent of the total number of parking spaces must include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger.
  2. In buildings with five or more dwelling units, if parking spaces are provided for any of the dwelling units, the following standards apply:

- a. If between one and six spaces are provided for dwelling units, 100 percent of the spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger.
- b. If seven or more spaces are provided for dwelling units, 50 percent, or six, whichever is greater of the parking spaces provided must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger.

### **33.266.115 Maximum Allowed Parking Spaces**

- A. Purpose.** Limiting the number of spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for better pedestrian movement, and protects air and water quality.
- B. Maximum number of parking spaces allowed.** Regulations in a plan district or overlay zone may supersede the regulations in this Subsection. Park and ride facilities are exempt from parking maximums.
  1. Surface parking. Where more than 25 percent of the parking accessory to a use is on surface parking lots, the maximum number of parking spaces allowed is stated in Tables 266-1 and 266-2 and apply to both the structured and surface parking. Parking accessory to a use includes accessory parking that is on- and off-site.
  2. Structured parking. Where 75 percent or more of the parking accessory to a use is in structured parking, both the structured and surface parking are regulated as follows. Parking accessory to a use includes accessory parking that is on- and off-site:
    - a. Generally. The maximum number of parking spaces allowed is 125 percent of the amount stated in Tables 266-1 and 266-2, except as provided in Subparagraph B.2.b;
    - b. Parking accessory to Medical Centers and Colleges. The maximum parking allowed that is accessory to Medical Centers and Colleges is stated in Tables 266-1 and 266-2.
  3. Exception in the EG and I zones. In the EG and I zones, there is no maximum number of accessory parking spaces for either structured or surface parking where both Subparagraphs B.3.a. and b. are met, and either Subparagraph B.3.c. or d. is met:
    - a. The site is at least eight acres in area;
    - b. The site is located more than 1/2 mile from a transit stop or station with 20-minute peak-hour light rail or streetcar service; and
    - c. At least 700 of the accessory parking spaces are in a structure; or
    - d. The structured parking is in a structure with at least three floors, and parking is on at least three floors of the structure.

<b>Table 266-1 Maximum Allowed Parking Spaces By Zone [1], [2]</b>	
<b>Zone</b>	<b>Requirement</b>
OS, R, C, CI, EG, I, IR	Maximum is Standard B in Table 266-2.
EX	Maximum is Standard A in Table 266-2, except for the following, where the maximum is Standard B:  1) Retail, personal service-oriented, repair-oriented 2) Restaurants and bars 3) General office 4) Medical/Dental office

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

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

<b>Table 266-2 Maximum Allowed Parking Spaces by Use [1] (Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Residential Categories</b>			
Household Living		1 per 2 units	No maximum, except 1.35 per unit on sites that are in a commercial/mixed use or multi-dwelling. Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 bedrooms	No maximum
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 200 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 75 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 200 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 3 seats or 1 per 4 feet of bench area

<b>Commercial Categories</b>			
Office	General office	1 per 500 sq. ft. of net building area	1 per 300 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 200 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 200 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 70 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats
<b>Industrial Categories</b>			
Manufacturing And Production		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Warehouse And Freight Movement		1 per 750 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 3,500 sq. ft. of net building area thereafter	1 per 500 sq. ft. of net building area for the first 3,000 sq. ft. of net building area and then 1 per 2,500 sq. ft. of net building area thereafter
Wholesale Sales, Industrial Service, Railroad Yards		1 per 750 sq. ft. of net building area	1 per 500 sq. ft. of net building area
Waste-Related		See note [1]	See note [1]
<b>Institutional Categories</b>			
Basic Utilities		None	None
Community Service		1 per 500 sq. ft. of net building area	1 per 200 sq. ft. of net building area
Parks And Open Areas		Per CU review for active areas	Per CU review for active areas
Schools	Grade, elementary, middle, junior high	1 per classroom	1.5 per classroom
	High school	7 per classroom	10.5 per classroom
Medical Centers		1 per 500 sq. ft. of net building area	1 per 200 sq. ft. of net building area

<b>Table 266-2                      Parking Spaces by Use [2]                      (Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
Colleges		1 per 600 sq. ft. of net building area exclusive of dormitories, plus 1 per 4 dorm rooms	1 per 400 sq. ft. of net building area exclusive of dormitories, plus 1 per 2.6 dorm rooms
Religious Institutions		1 per 100 sq. ft. of main assembly area	1 per 70 sq. ft. of main assembly area
Daycare		1 per 500 sq. ft. of net building area	1 per 330 sq. ft. of net building area
<b>Other Categories</b>			
Agriculture		None	None
Aviation		See note [1]	See note [1]
Detention Facilities		See note [1]	See note [1]
Mining		See note [1]	See note [1]
Radio Frequency Transmission Facilities	Personal wireless service and other non-broadcast facilities	None	None
	Radio or television broadcast facilities	2 per site	None
Rail Lines & Utility Corridors		None	None

Notes:

[1] Uses subject to a Conditional Use, Impact Mitigation Plan, or Transportation Impact review may establish parking requirements through the review.

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

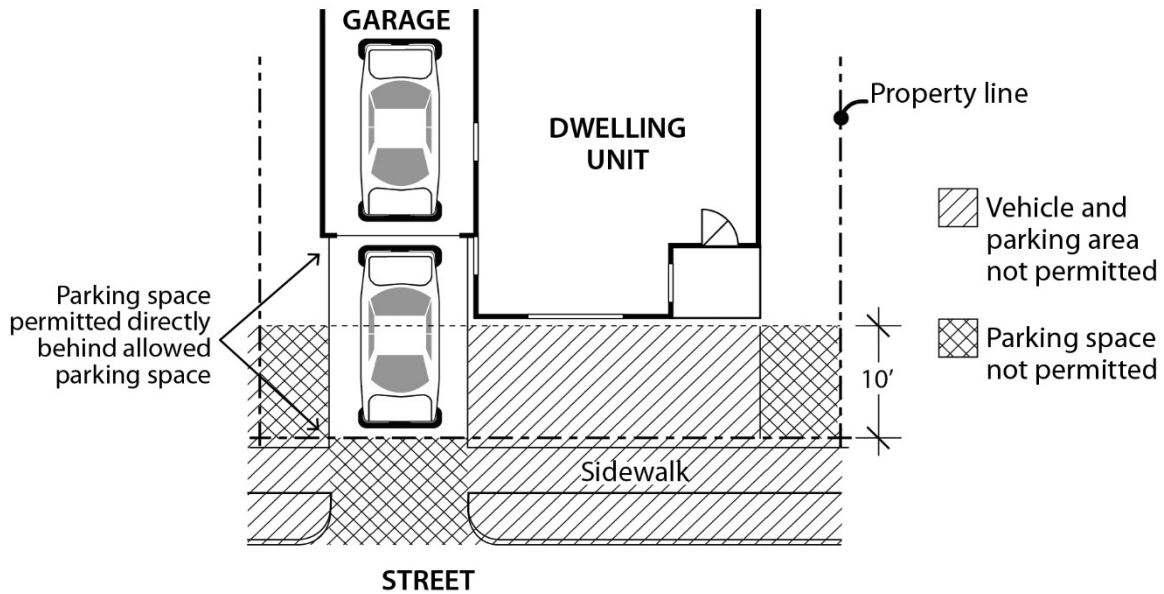
- A. Purpose.** The size and placement of vehicle parking areas are regulated in order to enhance the appearance and pedestrian experience of neighborhoods.
- B. Structures these regulations apply to.** The regulations of this section apply to houses, attached houses, duplexes, attached duplexes, triplexes, fourplexes, manufactured homes, and houseboats. The regulations apply to all parking areas. The following are exceptions to this requirement:
  - 1. Parking that is in a parking tract is subject to the standards of Section 33.266.130 instead of the standards of this section. However, perimeter landscaping is not required where the parking tract abuts a lot line internal to the site served by the tract.
  - 2. Parking for manufactured dwelling parks is regulated in Chapter 33.251.
- C. Parking area locations.**
  - 1. Vehicle area. The following standards apply to the location of vehicle area:
    - a. Vehicle area is prohibited between the primary structure and the street except as follows. This standard does not apply to houses on lots that are at least 32 feet wide:



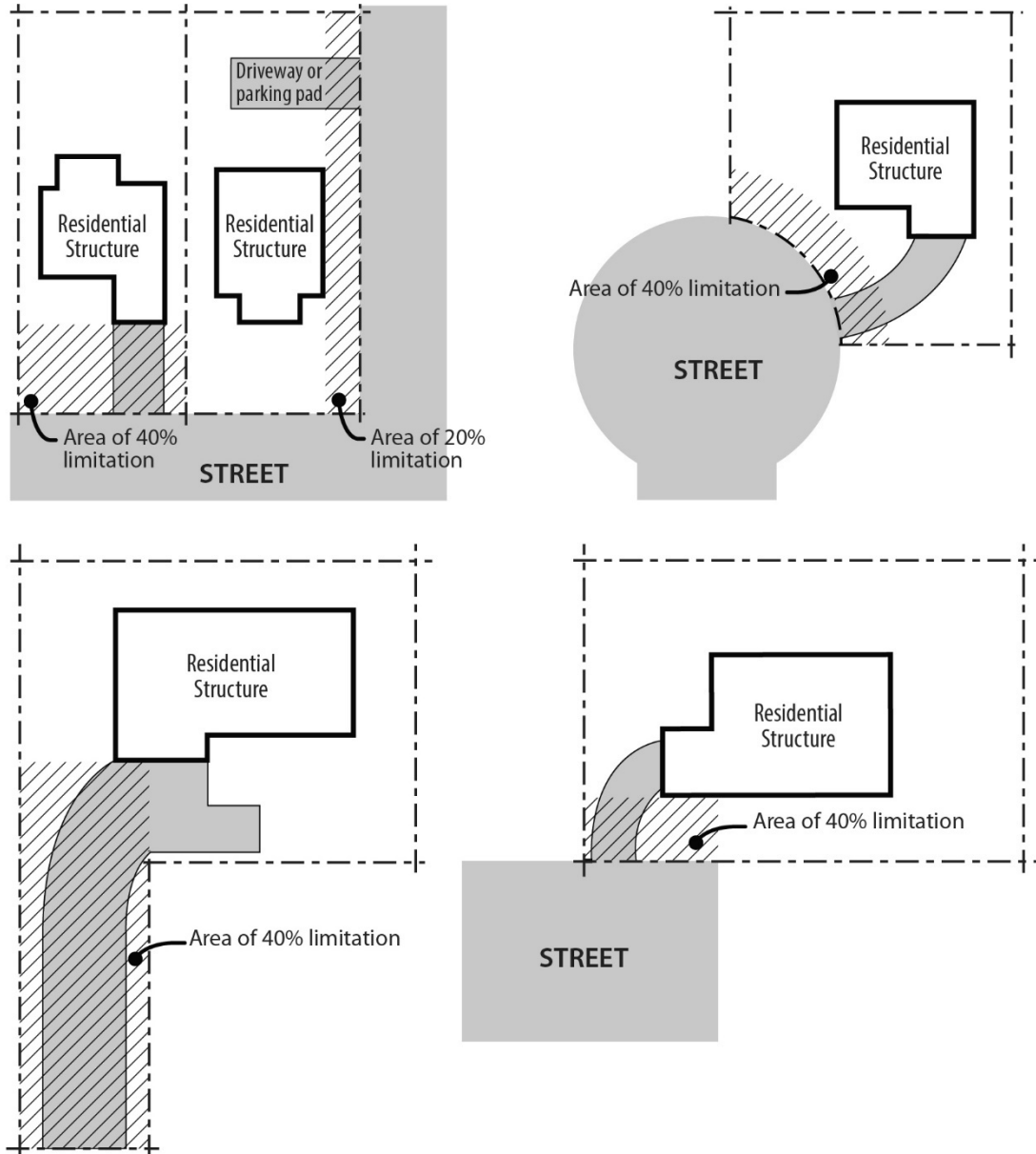
- (1) Parking spaces located entirely behind the front and side street building lines of a primary structure are allowed; and
      - (2) Driveways to parking spaces located entirely behind the front and side street building lines of a primary structure are allowed.
    - b. No more than 40 percent of the land area between the front lot line and the front building line may be paved or used for vehicle areas. See Figure 266-2. On corner lots, no more than 20 percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas. For attached houses, this standard applies to the combined lot lines of attached house lots. As an exception to the area limitations in this subparagraph, a flag lot with a pole that allows vehicle access is allowed at least a 12-foot wide vehicle area.
  2. Parking spaces. The following standards apply to the location of parking spaces:
    - a. Generally, parking spaces are not allowed within the first 10 feet from a front lot line, and on corner lots, parking spaces are not allowed within the side street setback.
    - b. Exceptions.
      - (1) A parking space is allowed within the first 10 feet from a front lot line or within a side street setback when the parking space is in a driveway behind a parking space that is located outside of the first 10 feet from a front lot line or outside of the side street setback. See Figure 266-1.
      - (2) On lots where the front lot line abuts a common green or shared court, parking spaces are allowed within 10 feet of the front lot line.
  3. Vehicle area access. If the lot abuts an alley, all parking and vehicle access to the site must be from the alley.
  4. Parking in garages. Parking in garages is subject to the garage setback standards of the base zone, overlay zone or plan district.
- D. Parking space sizes.**
1. A parking space must be at least 9 feet by 18 feet.
  2. The minimum driveway width on private property is 9 feet.
  3. Shared driveways are allowed to extend across a property line onto abutting private properties if the following are met:
    - a. The width of the shared driveway is at least 9 feet; and
    - b. There is a recorded easement guaranteeing reciprocal access and maintenance for all affected properties.
- E. Paving.**
1. Generally. All driveways and parking areas must be paved.
  2. Exceptions.

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

**Figure 266-1**  
**Parking Space Locations**



**Figure 266-2**  
**Parking Area Limitation**



**33.266.130 Development Standards for All Other Development**

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

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

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

The parking area layout, setback, and landscaping 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 layout, 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;
- Decrease airborne and waterborne pollution;
- Provide flexibility for locating electric vehicle chargers and equipment while limiting their impact on adjacent streets and lots; and
- Generate solar power to offset the impacts of surface parking areas.

**B. Where these standards apply.** The standards of this section apply to all vehicle areas, 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.
  - a. In the RM1 through RM4 zones, the following parking area and driveway size and paving material limitations apply:
    - (1) No more than 30 percent of total site area may be paved or used for surface parking and driveways; and
    - (2) Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.
  - b. On sites with more than 65,000 square feet of net building area, surface parking is limited to an amount equal to the total net building area on site.

**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. Mechanical parking systems are exempt from the parking space dimensions in Table 266-4.

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.

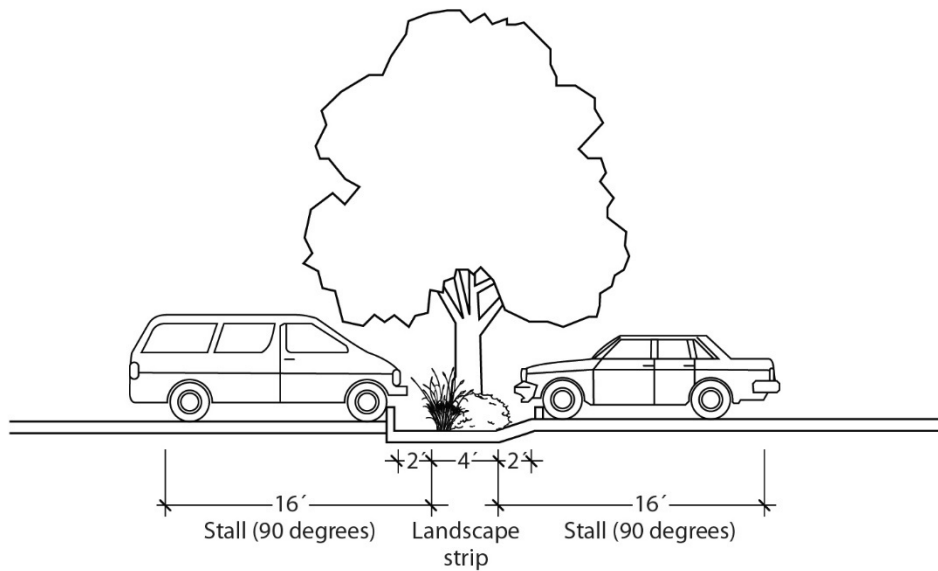
<b>Table 266-4</b>					
<b>Minimum Parking Space and Aisle Dimensions [1,2]</b>					
Angle (A)	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	8 ft.	22 ft. 6 in.	12 ft.	20 ft.	8 ft.
30°	8 ft. 6 in.	17 ft.	12 ft.	20 ft.	15 ft.
45°	8 ft. 6 in.	12 ft.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

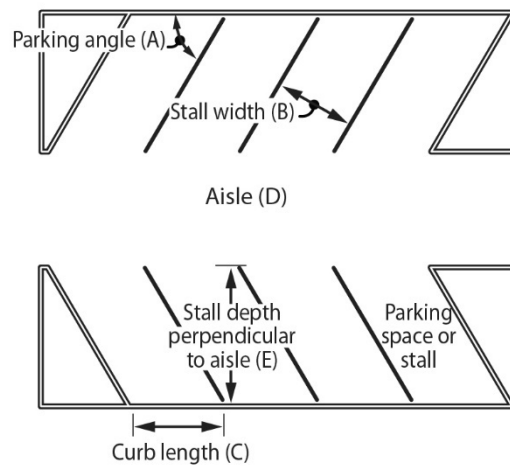
[1] See Figure 266-4.

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

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



**Figure 266-4**  
**Parking Dimension Factors**



5. Driveway and parking area green features. The following standards apply to new driveways and new parking areas in all zones when the new parking area is at least 21,780 square feet in total area. Structured parking is not included in the total.
  - a. The site must include one of the following features:
    - (1) Tree canopy. Tree canopy must shade at least 40 percent of the parking area. The amount of shade is determined by the diameter of the mature crown spread stated for the species of the tree. Trees used to meet this standard can also be used to meet the P1 Parking Lot Landscaping requirement.



- (2) Solar panels. The site must include solar panels that generate at least 0.5 kilowatts per parking space. The solar panels may be placed anywhere on the site.
    - (3) Green energy. If the parking is provided for a public building as defined in ORS 270c.527, the site complies with OAR 330-135-0010.
  - b. Driveways and internal accessways that are not parking aisles must include the following. Parking areas greater than 125,000 square feet on sites in R, C, E, IR, and CI zones are exempt from this standard:
    - (1) Curbs on both sides and an unobstructed sidewalk on at least one side that is part of the pedestrian system and meets the requirements of the pedestrian standards of the base zone, overlay zone or plan district;
    - (2) One large tree is required per 30 lineal feet of required sidewalk, one medium tree per 22 lineal feet of required sidewalk, or one small tree per 15 lineal feet of required sidewalk. Trees of different sizes may be combined to meet the standard. The access ways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.
6. Large parking areas in R, C, E, IR, and CI zones. In the R, C, E, IR, and CI zones, where a parking area on the site is more than 125,000 square feet, the parking area must contain the following elements. Parking areas in structures are not included in this total:
  - a. Internal access ways must divide the parking area into smaller areas that are no greater than 55,000 square feet;
  - b. These accessways must connect to the adjacent street at least every 250 feet; and
  - c. Each internal accessway must have at least one auto travel lane, curbs, and unobstructed sidewalks on both sides. One of the following must be met:
    - The sidewalks must be at least 10 feet wide and planted with trees. One large tree is required per 30 lineal feet of sidewalk, one medium tree per 22 lineal feet of sidewalk, or one small tree per 15 lineal feet of sidewalk. Trees of different sizes may be combined to meet the standard;
    - Trees must be planted in the center of unpaved tree wells that must be at least 18 square feet in area, with a minimum dimension of 3 feet. The unpaved area may be covered with a tree grate. Tree wells must be adjacent to the curb, and must be located so there is at least 6 feet of unobstructed sidewalk; or
    - The sidewalks must be at least 6 feet wide. There must be a planting strip at least 4 feet wide. The planting strip must be between the curb and the sidewalk, and be landscaped to at least the L1 standard except that trees cannot be grouped.
  - d. The internal accessways are excluded from the portion of the parking and loading area used to calculate required interior landscaping.

**G. Parking area setbacks and landscaping.**

1. All landscaping must comply with the standards of Chapter 33.248, Landscaping and Screening. Trees and shrubs must be fully protected from potential damage by vehicles.
2. Setbacks and perimeter landscaping.
  - a. Where these regulations apply. The regulations of this paragraph apply to:
    - (1) Surface parking areas abutting a lot line;
    - (2) Any portion of structured parking areas where the parking area is within 4 feet of adjacent grade and there is no roof over it;
    - (3) Driveways.
  - b. Exceptions.
    - (1) Shared driveways and parking aisles that straddle a lot line do not need to meet setback and perimeter landscaping requirements;
    - (2) Sites containing 5 or fewer parking spaces and developed only with residential development may provide a 3-foot-high fence meeting the F2 standards as an alternative to the perimeter setback and landscaping requirements on any lot line not abutting a street;
    - (3) Stacked parking areas must meet the requirements of Section 33.266.140, below.
  - c. Setbacks. The minimum required setbacks for surface parking areas are stated in Table 266-5. Unless allowed under 33.266.130.H, protective curbs, tire stops, bollards or other protective barriers are not allowed within the minimum required setbacks.

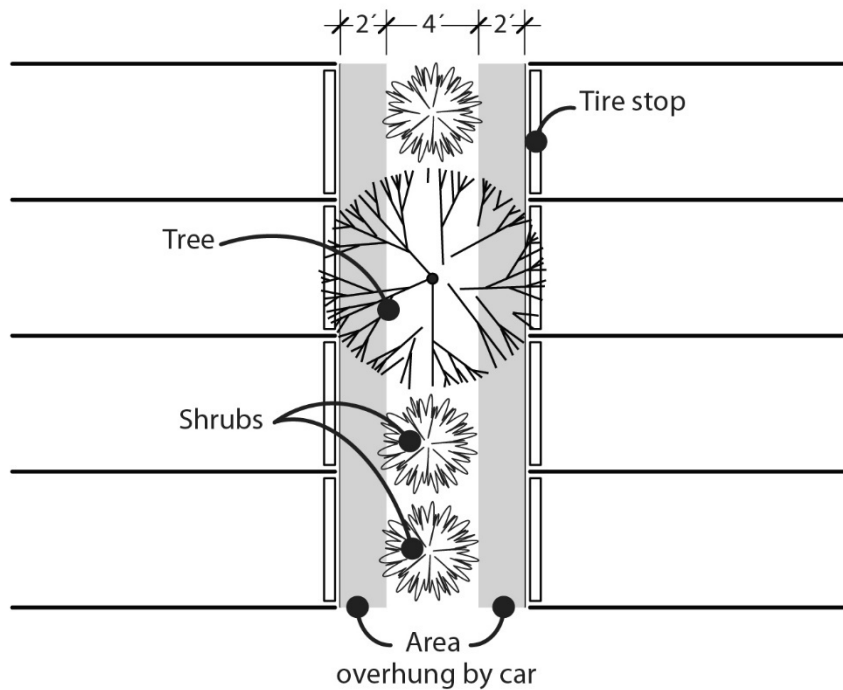
<b>Table 266-5 Minimum Parking Area Setbacks and Landscaping</b>		
<b>Location</b>	<b>All zones except EG2 and IG2</b>	<b>EG2, IG2</b>
Lot line abutting street	5 ft. of L2	10 ft. of L2
Lot line abutting a C, E, I, or CI zone lot line	5 ft. of L2	5 ft. of L2
Lot line abutting a OS, R, or IR zone lot line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

- d. Perimeter landscaping. The minimum setbacks and landscaping standards required are provided in Table 266-5.
  - (1) Surface parking abutting streets, and C, E, I, and CI zones. Where a surface parking area abuts a street lot line, or a C, E, I, or CI zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L2 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the

edge of the parking area and driveway. To provide connectivity between sites, a single driveway up to 20 feet wide may interrupt the landscaping that abuts a C, E, or I zone lot line.

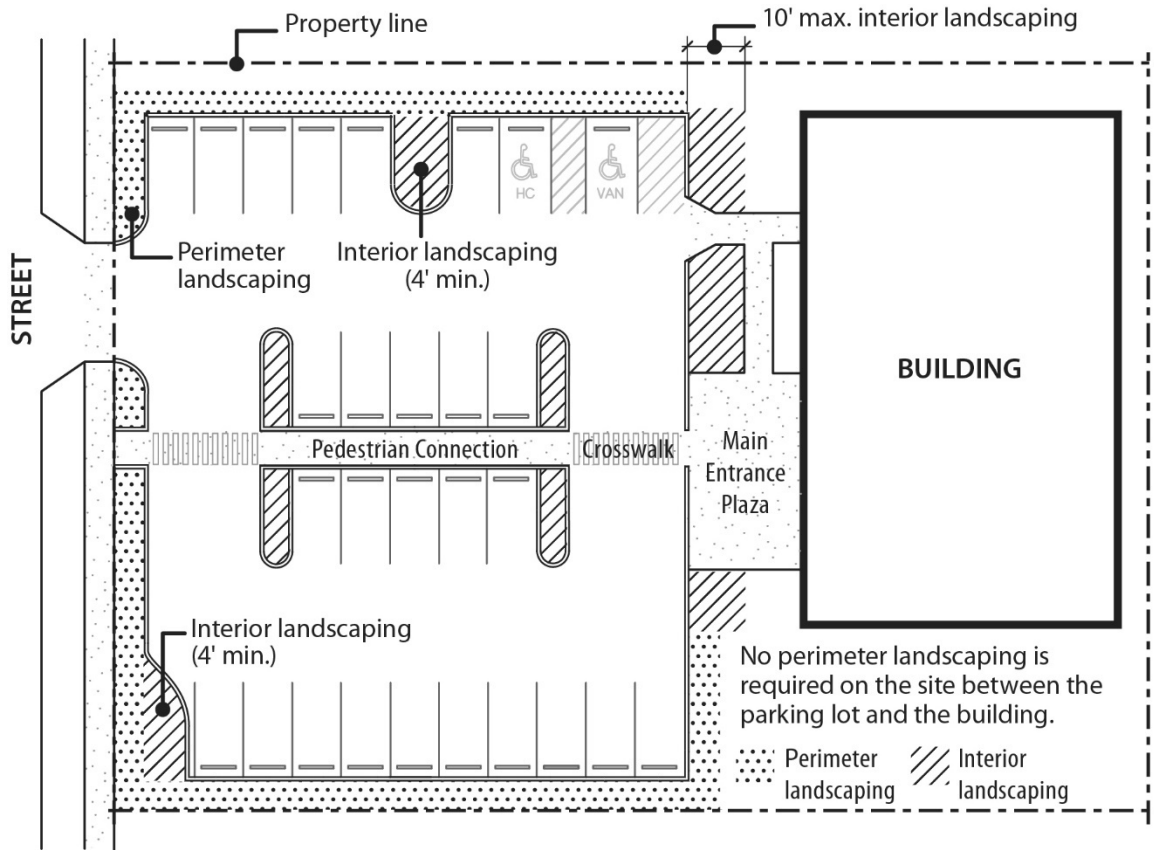
- (2) Surface parking abutting OS, R, and IR zones. Where a surface parking area abuts an OS, R, or IR zone lot line, only the minimum required setbacks must be landscaped. The landscaping must meet the L3 standard of Chapter 33.248, and must be adjacent to the parking area and driveway. Where a setback is provided that is greater than the required minimum, the landscaping must be placed within 25 feet of the edge of the parking area and driveway.
3. Interior landscaping. The regulations of this paragraph apply to all surface parking areas except stacked parking areas. For stacked parking areas, see Section 33.266.140 below.
    - a. Amount of interior landscaping required. In all zones, interior landscaping must be provided for sites where there are more than 10 parking spaces on the entire site. At least 45 square feet of interior landscaped area must be provided for each parking space.
    - b. The landscape materials must comply with the P1 standard of Chapter 33.248.
    - c. The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading area.
    - d. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four feet into the parking area from the perimeter landscape line.
    - e. Exception for existing parking lots. Where compliance with Subparagraph G.3.a, above, would result in the loss of existing required parking spaces, the amount of parking required is reduced by the amount needed to accommodate the minimum landscaping required.
    - f. Layout of interior landscaped areas. The layout of the interior landscaped areas must meet either one or a combination of the standards of this subparagraph:
      - (1) Option 1: Landscape strips. See Figure 266-5.
        - Interior landscaping must be arranged in landscape strips at least four feet wide between rows of parking stalls.
        - Where the front portions of parking stalls are landscaped as allowed by Paragraph F.4, the landscaped portion of the parking stall must be adjacent to the four-foot landscape strip.

**Figure 266-5  
Landscape Strips**

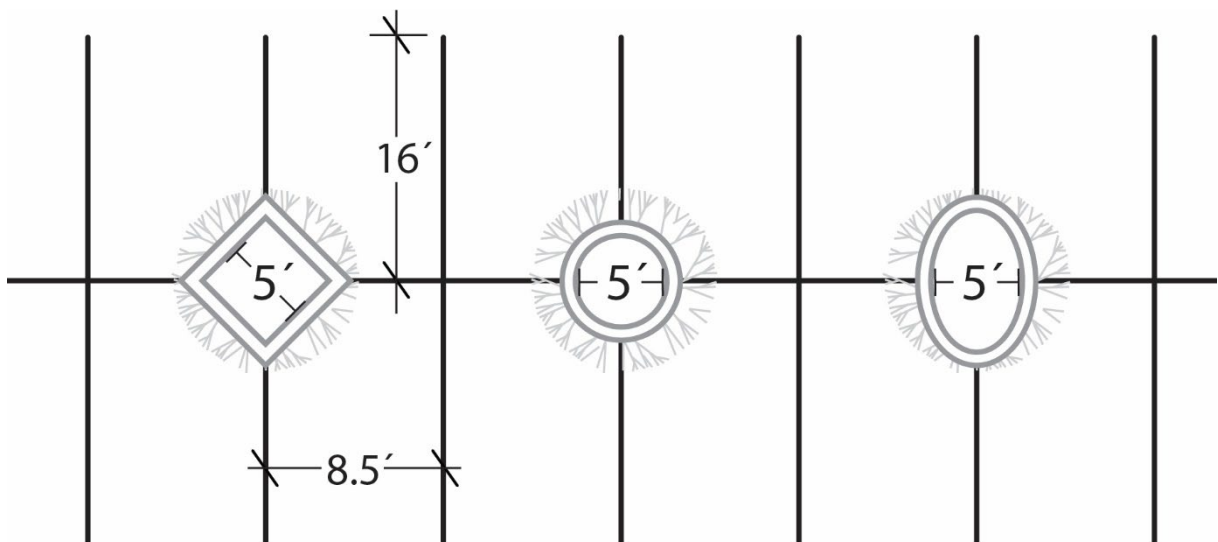


- (2) Option 2: Other landscape patterns. See Figure 266-6.
- Interior landscaping must be arranged in areas at the ends of rows of parking or between parking spaces within rows of parking.
  - Interior landscaping may join perimeter landscaping as long as the interior landscape area extends at least 4 feet into the parking area from the perimeter landscape line.
  - Landscaping that abuts, but does not extend into, the parking area may be included as interior landscaping if all of the following are met:
    - The abutting landscaped area must be in addition to required perimeter landscaping;
    - Only the first 10 feet of the abutting landscaped area, measured from the edge of the parking area, may be included as interior landscaping; and
    - The landscaped area is not abutting and parallel to required perimeter landscaping.
- g. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum interior dimension of five feet. See Figure 266-7.

**Figure 266-6  
Other Landscape Patterns**



**Figure 266-7  
Individual Tree-Planting Spaces**



- H. Electric vehicle chargers in parking areas.** Electric vehicle chargers, accessory equipment, and protective curbs, tire stops, bollards or other barriers needed to protect the charger or accessory equipment, may be located within parking areas, or adjacent to parking areas, subject to the following:
1. The chargers, accessory equipment, and protective barriers cannot be located more than 2 feet into required perimeter landscaping areas; and
  2. The accessory equipment may be located anywhere on site but must be screened from the street and adjacent 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.

### **33.266.140 Stacked Parking Areas**

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

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

### **33.266.150 Vehicles in Residential Zones**

- A. Purpose.** The regulations of this section are intended to reinforce community standards and to promote an attractive residential appearance in the City's neighborhoods. The size, number, and location of parked and stored vehicles in residential zones are regulated in order to preserve the appearance of neighborhoods as predominantly residential in character. Since parking lots and outdoor storage are not intended to be primary activities in residential zones, these activities should constitute no more than a minimal intrusion on any residential area.
- B. Where these regulations apply.** These regulations apply to all residential uses in all R zones.
- C. Parking of passenger vehicles and light trucks.** Passenger vehicles and light trucks may be parked in any allowed parking area.
- D. Parking of medium and heavy trucks.**
1. The parking or storage of medium and heavy trucks and equipment is prohibited, except for motor homes and pickup trucks in the medium truck category.
  2. Motor homes in medium truck category may be parked in allowed parking areas except they may not be parked between the front lot line and the building line.

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

**OR**

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

**Bicycle Parking**

**33.266.200 Minimum Required Bicycle Parking**

- A. Purpose.** Bicycle parking is required for most use categories to encourage the use of bicycles by providing secure and convenient places to park bicycles. These regulations ensure adequate short and long-term bicycle parking based on the demand generated by different uses. Minimum bicycle parking facilities are based on the City's mode split goals, while acknowledging the usage rates for different uses. These regulations will help meet the City's goal that 25 percent of all trips be made by bicycle, while still acknowledging that to meet the citywide goal the bicycle mode split will vary by geographic area.
- B. Number of spaces required.**
  1. The required minimum number of bicycle parking spaces for each use category is shown in Table 266-6. No bicycle parking is required for uses not listed. Minimum bicycle parking is calculated on a geographic hierarchy based on the current and future bicycle usage. Standard A in Table 266-6 applies to the areas shown as Standard A on Map 266-1. Standard B in Table 266-6 applies to all other areas of the city.

2. Until June 30, 2022, no bicycle parking is required for projects that are eligible to use the alternative bicycle parking standards specified in Ordinance 189785. To qualify for this exemption the applicant must provide a letter from the Portland Housing Bureau certifying that the project is eligible to use, and has met, the alternative bicycle parking standards specified in Ordinance 189785.
3. The required minimum number of bicycle parking spaces is based on the primary uses on a site. When there are two or more separate primary uses on a site, the required bicycle parking for the site is the sum of the required parking for each primary use.

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



<b>Table 266-6</b>					
<b>Minimum Required Bicycle Parking Spaces [1]</b>					
		<b>Long-term Spaces</b>		<b>Short-term Spaces</b>	
<b>Uses</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Commercial Categories</b>					
Retail Sales and Services		2, or 1 per 3,800 sq. ft. of net building area	2, or 1 per 7,500 sq. ft. of net building area	2, or 1 per 2,700 sq. ft. of net building area	2, or 1 per 4,400 sq. ft. of net building area
	Temporary lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms	2, or 1 per 40 rentable rooms; and 1 per 5,000 sq. ft. of conference, meeting room	2, or 1 per 40 rentable rooms; and 1 per 10,000 sq. ft. of conference, meeting room
	Restaurant and Bar	2, or 1 per 2,300 sq. ft. of net building area	2, or 1 per 4,800 sq. ft. of net building area	2, or 1 per 1,000 sq. ft. of net building area	2, or 1 per 1,600 sq. ft. of net building area
Office		2, or 1 per 1,800 sq. ft. of net building area	2, or 1 per 3,500 sq. ft. of net building area	2, or 1 per 20,000 sq. ft. of net building area	2, or 1 per 33,000 sq. ft. of net building area
Commercial Parking [3]		10, or 1 per 10 auto spaces	10, or 1 per 10 auto spaces	None	None
Commercial Outdoor Recreation		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 2 acres	2, or 1 per 3 acres
Major Event Entertainment		10, or 1 per 10,000 sq. ft. of net building area	10, or 1 per 20,000 sq. ft. or net building area	10, or 1 per 40 seats	10, or 1 per 40 seats
Self-Service Storage		2, or 1 per 100,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 26,000 sq. ft. of net building area	2, or 1 per 53,000 sq. ft. of net building area
<b>Industrial Categories</b>					
Manufacturing and Production		2, or 1 per 5,000 sq. ft. of net building area	2, or 1 per 9,000 sq. ft. of net building area	2, or 1 per 67,000 sq. ft. of net building area	2, or 1 per 111,000 sq. ft. of net building area
Warehouse and Freight Movement		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 200,000 sq. ft. of net building area	2, or 1 per 333,000 sq. ft. of net building area
Wholesale Sales		2, or 1 per 12,500 sq. ft. of net building area	2, or 1 per 25,000 sq. ft. of net building area	2, or 1 per 91,000 sq. ft. of net building area	2, or 1 per 152,000 sq. ft. of net building area

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

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

Notes:

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

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

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

### 33.266.210 Bicycle Parking Development Standards

- A. Purpose.** These standards ensure that required bicycle parking is designed so people of all ages and abilities can access the bicycle parking and securely lock their bicycle without undue inconvenience. Bicycle parking is in areas that are reasonably safeguarded from theft and accidental damage. The standards allow for a variety of bicycle types, including but not limited to standard bicycles, tricycles, hand cycles, tandems, electric motor assisted cycles and cargo bicycles. Long-term bicycle parking is in secure, weather protected facilities and is intended for building and site occupants, and others who need bicycle parking for several hours or longer. Short-term bicycle parking is located in publicly accessible, highly visible locations that serve the main entrance of a building. Short-term bicycle parking is visible to pedestrians and bicyclists on the street and is intended for building and site visitors.
- B. Where these standards apply.** The standards of Subsection C and D apply to required long-term bicycle parking, and the standards of Subsection C and E apply to required short-term bicycle parking.
- C. Standards for all bicycle parking.** The Bureau of Transportation maintains a bicycle parking handbook that includes information on rack standards, siting guidelines and other standards of this code chapter. Long-term and short-term bicycle parking must be provided in lockers or racks that meet the following standards:

  - 1. Bicycle parking area standards. The area devoted to bicycle parking must be hard surfaced.
  - 2. Bicycle racks. Where bicycle parking is provided in racks, the racks must meet the following standards:
    - a. The rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, when both wheels are left on the bicycle;
    - b. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame; and
    - c. The rack must be securely anchored with tamper-resistant hardware.

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

Notes:

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

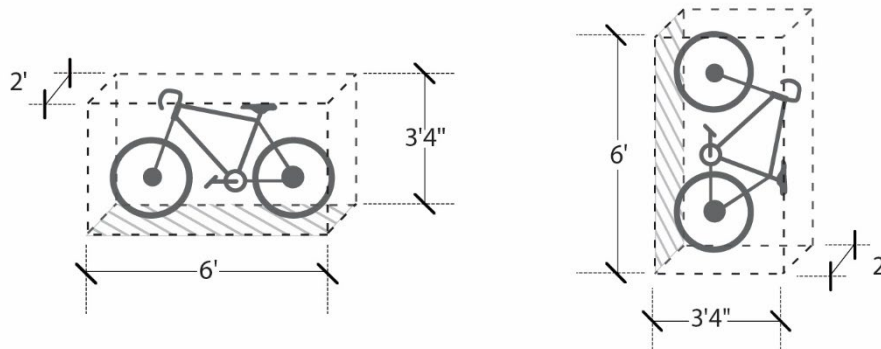
[2] The alternative spacing allowed for vertical bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.

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

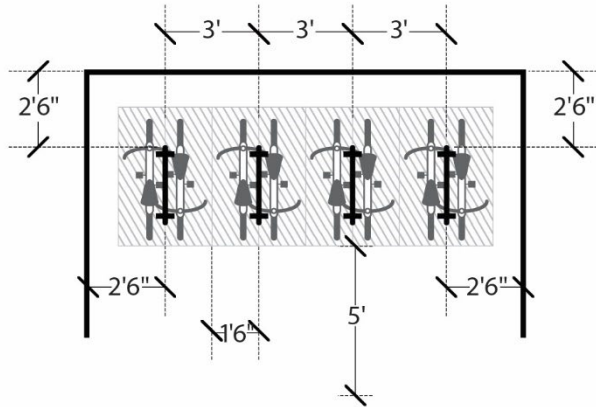
3. Bicycle Parking Space, Maneuvering Area, and Clearance Dimensions. Bicycle parking spaces, aisles and clearances must meet the minimum dimensions contained in Table 266-7.
  - a. Standard Bicycle Parking Space Requirements.
    - (1) The standard required bicycle space is 2 feet wide, 6 feet long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

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

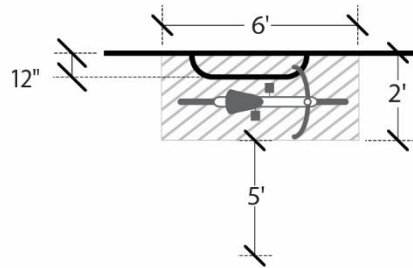
**Figure 266-8**  
**Standard Spacing Requirements**



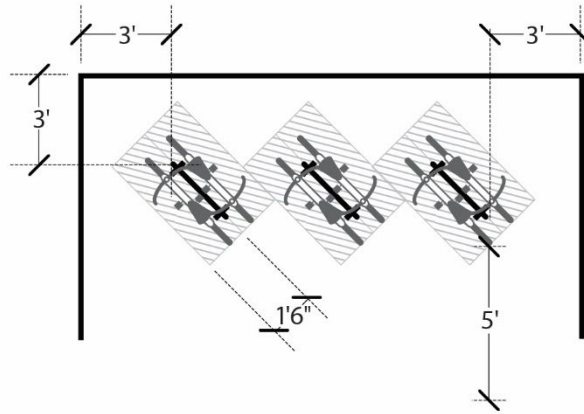
**Figure 266-9**  
**Horizontal Spaces: Side-by-Side**



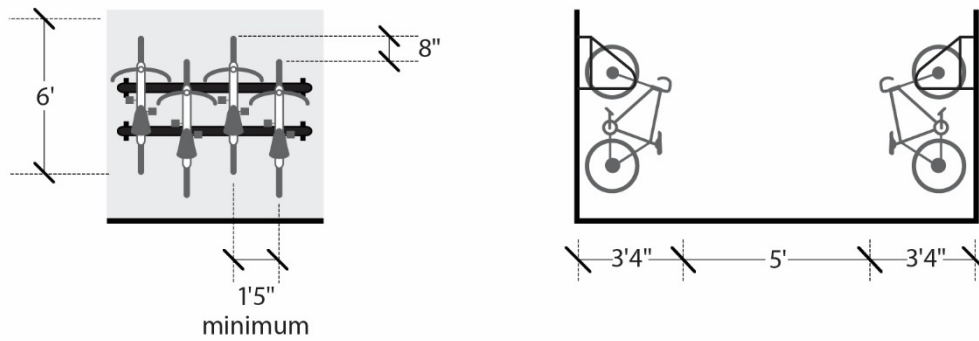
**Figure 266-10**  
**Horizontal Spaces: Wall Attached**



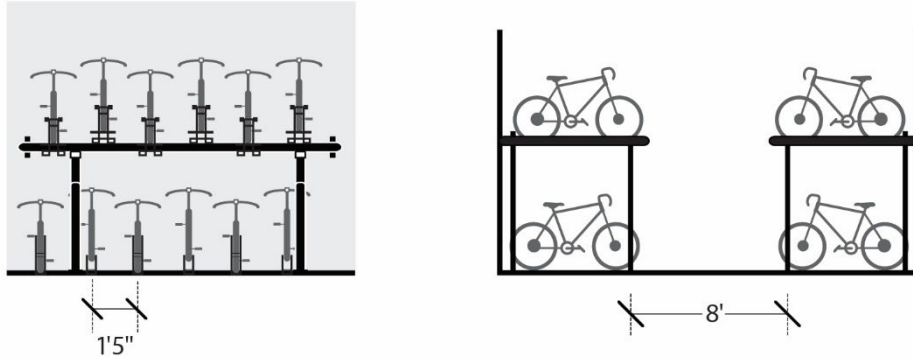
**Figure 266-11**  
**Horizontal Spaces: Diagonal (45-60 degree)**



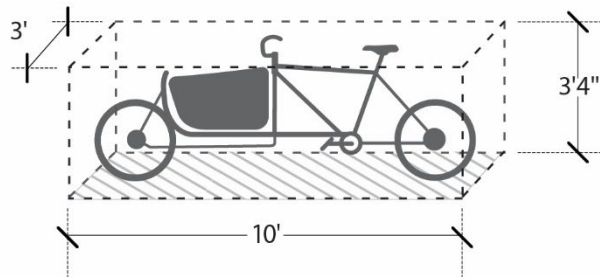
**Figure 266-12**  
**Vertical Spaces**



**Figure 266-13  
Stacked Spaces**



**Figure 266-14  
Large Bicycle Space**



4. Bicycle lockers. Bicycle lockers are fully enclosed and secure bicycle parking spaces.
  - a. The locker must be securely anchored to the ground.
  - b. There must be an aisle at least 5 feet wide behind all bicycle lockers to allow room for bicycle maneuvering.
  - c. Locker Dimensions. All bicycle lockers must meet one of the following:
    - (1) The locker space has a minimum depth of 6 feet and an access door that is a minimum of 2 feet wide.



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

5. Signage

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

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

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

**D. Standards for Long-Term Bicycle Parking.**

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

- a. Location Standards. Long-term bicycle parking may be provided in one or more of the following locations:
  - (1) Within a building, including on the ground floor or on individual building floors;
  - (2) On-site, including in parking areas and structured parking;
  - (3) In an area where the closest point is within 300 feet of the site; or
  - (4) In a residential dwelling unit. Up to 50 percent of long-term bicycle parking spaces may be provided in a residential dwelling unit, if they meet the following. Long-term bicycle parking provided in a residential dwelling unit does not need to meet the requirements for Paragraph C.2. above. Adjustments and modifications to this Subsubparagraph are prohibited.
    - The bicycle parking is located within 15 feet of the entrance to the dwelling unit.
    - The bicycle parking is located in a closet or alcove of the dwelling unit that includes a rack that meets the standard bicycle parking spacing dimensions in Table 266-7.

- For buildings with no elevators, long-term bicycle parking must be located in the ground floor units.
  - (5) For Schools, long-term bicycle parking must be placed where the closest space is within 100 feet of a main entrance.
  - b. Exceptions. Sites containing residential development with 12 or fewer dwelling units may provide up to 100 percent of required long-term bicycle parking spaces in the dwelling units. All other in-unit standards in Subsubparagraph D.1.a.(4)., above must be met.
  - c. For sites with multiple primary uses, long-term bicycle parking must be provided in an area that can be accessed from each use. If bicycle parking is provided in a common area on the site, the area must be accessible for all tenants.
  - d. Covered bicycle parking. All long-term bicycle parking must be covered. Where covered bicycle parking is not within a building or locker, the cover must be:
    - (1) Permanent;
    - (2) Impervious; and
    - (3) The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.
2. Security Standards.
- a. Long-term bicycle parking must meet the following security standards:
    - (1) Long-term bicycle parking for residential uses must be provided in one of the following:
      - A restricted access, lockable room or enclosure, designated primarily for bicycle parking;
      - A bicycle locker; or
      - In a residential dwelling unit meeting Subsubparagraph 1.a.(4), above.
    - (2) Long-term bicycle parking for all other uses must be located in one of the following locations. For Schools, a minimum of 10 percent of bicycle parking must be located in the following:
      - A restricted access, lockable room or enclosure; or
      - A bicycle locker.
  - b. All access routes and the bicycle parking spaces must be lighted to a level where the system can be used at night by the employees and residents.
3. Additional Development Standards. The following standards apply to sites with more than 20 long-term bicycle parking spaces:
- a. Minimum number of horizontal bicycle parking spaces. At least 30 percent of spaces must be in a horizontal rack, or on the lower level of a stacked bicycle parking rack. For Schools (K-8), all spaces located outside of the building must be in a horizontal rack.

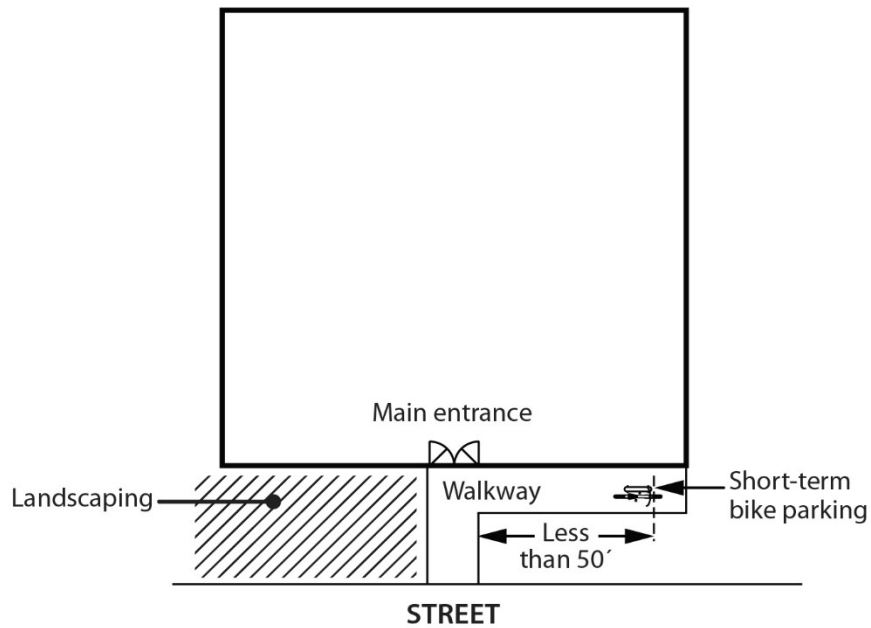
- b. Parking for larger bicycle space. At least 5 percent of spaces must accommodate a larger bicycle space, placed in a horizontal rack. These spaces may be included to meet the requirement for Subparagraph D.3.a. See Figure 266-14.
- c. Electrical outlet requirement. At least 5 percent of spaces must have electrical sockets accessible to the spaces. Each electrical socket must be accessible to horizontal bicycle parking spaces.

**E. Standards for Short-term Bicycle Parking**

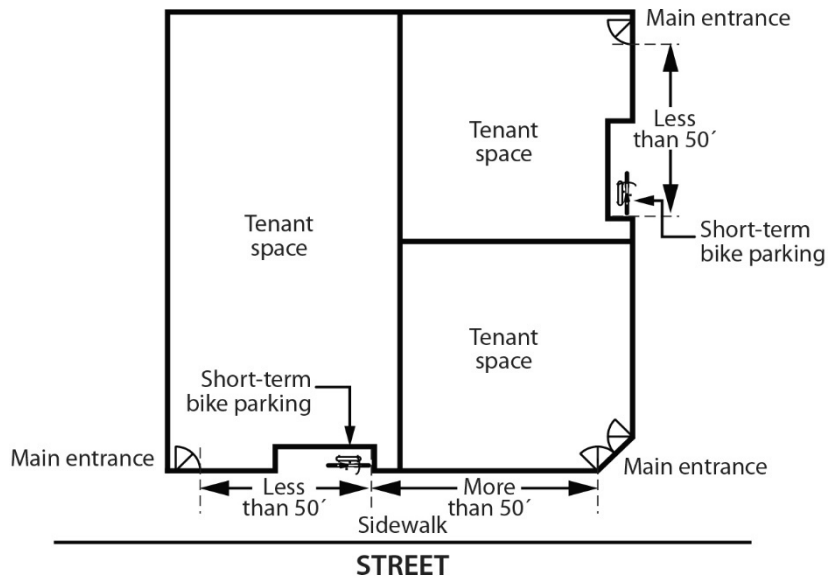
1. Development Standards. Short-term bicycle parking must meet the following standards:
  - a. Location Standards. Short-term bicycle parking must meet the following location standards:
    - (1) On-site, outside a building;
    - (2) At the same grade as the sidewalk or at a location that can be reached by an accessible route; and
    - (3) Within the following distances of the main entrance:
      - Building with one main entrance. For a building with one main entrance, the bicycle parking must be within 50 feet of the main entrance to the building as measured along the most direct pedestrian access route. (See Figure 266-15)
      - Building with more than one main entrance. For a building with more than one main entrance, the bicycle parking must be along all façades with a main entrance, and within 50 feet of at least one main entrance on each façade that has a main entrance, as measured along the most direct pedestrian access route. (See Figure 266-16)
      - Sites with more than one primary building. For sites that have more than one primary building, but are not an institutional campus, the bicycle parking must be within 50 feet of a main entrance as measured along the most direct pedestrian access route, and must be distributed to serve all primary buildings (See Figure 266-17);
      - Institutional Campus. On an institutional campus with more than one building or main entrance, the bicycle parking must be either:
        - Within 50 feet of a main entrance as measured along the most direct pedestrian access route; or
        - If the short-term bicycle parking is more than 50 feet from a main entrance, it must be in a common bicycle parking location along a pedestrian access route.
  - b. Bicycle Parking Fund
    - (1) This option may be used if any of the required short-term bicycle parking cannot be provided on site in a way that complies with all of the standards in Subsection C and E. This option may not be used if:
      - There are surface parking areas, plazas, exterior courtyards, or other open areas on the site, other than required landscaping;

- Those open areas are large enough, separately or in combination, to accommodate all short-term bicycle parking; and
  - The open areas meet the location requirements of Subparagraph E.1.a., above.
- (2) Fund use and administration. The Bicycle Parking Fund is collected and administered by the Bureau of Transportation. The funds collected will be used to install bicycle parking and associated improvements in the right-of-way.

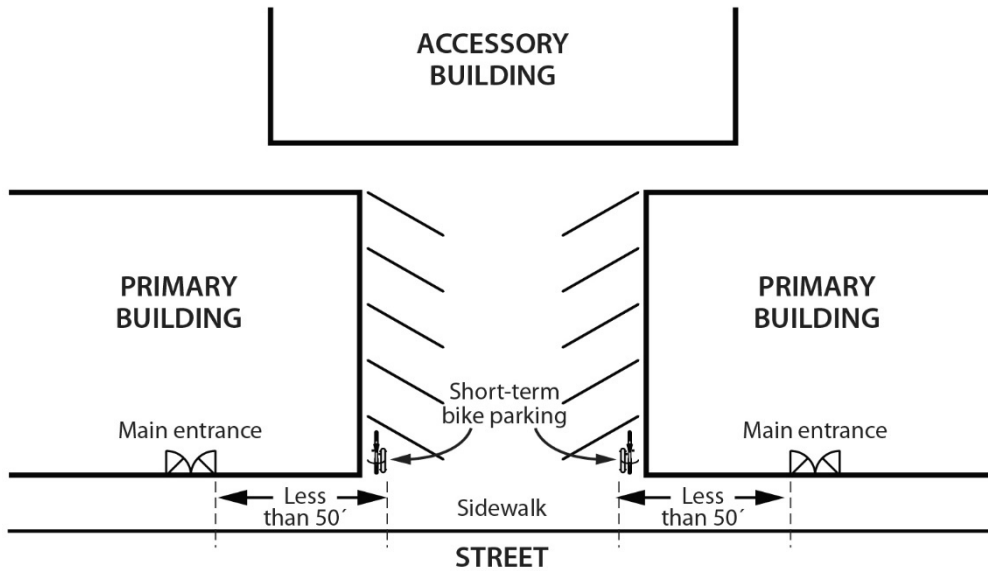
**Figure 266-15**  
**Short-term bike parking – one building, one entrance**



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



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



## Loading

### 33.266.310 Loading Standards

- A. Purpose.** A minimum number of loading spaces are required to ensure adequate areas for loading for larger uses and developments. These regulations ensure that the appearance of loading areas will be consistent with that of parking areas. The regulations ensure that access to and from loading facilities will not have a negative effect on the traffic safety or other transportation functions of the abutting right-of-way.
- B. Where these regulations apply.** The regulations of this section apply to all required and non-required loading areas.
- C. Number of loading spaces.**
1. Buildings where all of the floor area is in Household Living uses must meet the standards of this Paragraph.
    - a. One loading space meeting Standard B is required where there are more than 40 dwelling units in the building and the site abuts a street that is not a streetcar alignment or light rail alignment.
    - b. One loading space meeting Standard B is required where there are more than 20 dwelling units in a building located on a site whose only street frontage is on a streetcar alignment or light rail alignment.
    - c. One loading space meeting Standard A or two loading spaces meeting Standard B are required when there are more than 100 dwelling units in the building.
  2. Buildings where any of the floor area is in uses other than Household Living must meet the standards of this Paragraph.
    - a. Buildings with any amount of net building area in Household Living and with less than 20,000 square feet of floor area in uses other than Household Living are subject to the standards in C.1. above.
    - b. One loading space meeting Standard A is required for buildings with at least 20,000 and up to 50,000 square feet of net building area in uses other than Household Living.
    - c. Two loading spaces meeting Standard A are required for buildings with more than 50,000 square feet of net building area in uses other than Household Living.
- D. Size of loading spaces.** Required loading spaces must meet the standards of this subsection.
1. Standard A: the loading space must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
  2. Standard B: The loading space must be at least 18 feet long, 9 feet wide, and have a clearance of 10 feet.
- E. Placement, setbacks and landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Table 266-8 below. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

**F. Forward motion.**

1. Outside the Central City plan district. Outside the Central City plan district, loading facilities generally must be designed so that vehicles enter and exit the site in a forward motion. Standard B loading spaces that are accessed from a Local Service Traffic Street are exempt from this requirement
2. In the Central City plan district. In the Central City plan district, loading facilities that abut a light rail or streetcar alignment must be designed so that vehicles enter and exit the site in a forward motion.

**G. Paving.** In order to control dust and mud, all loading areas must be paved.

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

**Transportation and Parking Demand Management**

**33.266.410 Transportation and Parking Demand Management**

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

**33.266.420 Transportation Impact Review in the Campus Institutional Zones**

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

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

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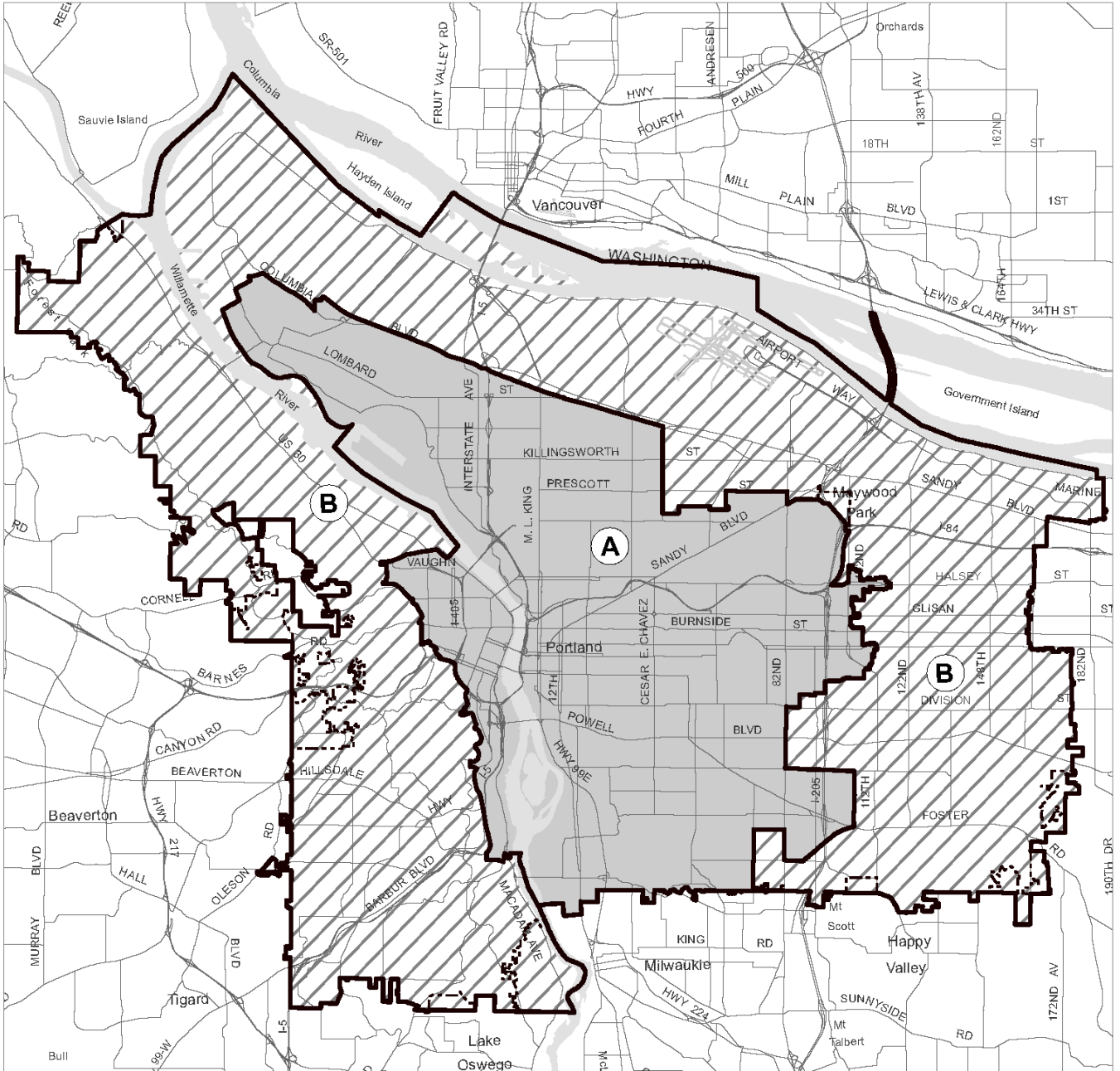
*(Amended by: Ord. No. 164014, effective 3/27/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 179316, effective 7/8/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 184524, effective 7/1/11; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190093, effective 8/1/21; Ord. No. 190380, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



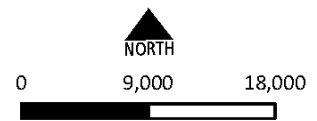
# Bicycle Parking Areas

# Map 266-1

Map Revised March 1, 2020



- City Boundary
- Standard A area
- Standard B area



Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon



## 33.281 Schools and School Sites

# 281

### Sections:

#### General

33.281.010 Purpose

33.281.020 Relationship to Base Zone and Conditional Use Regulations

#### Regulations in OS, R, and IR zones

33.281.030 Review Thresholds for School Uses

33.281.040 Review Thresholds for Other Uses

33.281.050 Review Thresholds for Development

33.281.055 Loss of Conditional Use Status on School Sites

#### Regulations in C and E zones

33.281.060 Use Regulations

#### Development Standards

33.281.100 General Standards

33.281.110 Building Coverage and Floor Area Ratio

33.281.120 Special Event Parking

33.281.130 Bus Loading

33.281.140 Landscaping

33.281.150 Temporary Structures

### **33.281.010 Purpose**

The City recognizes that schools have a special relationship to the community. This chapter provides regulations for schools and school sites located throughout the City's neighborhoods. The regulations acknowledge that school sites provide an important community resource and that traditionally a wide variety of activities take place at school sites. The regulations also reflect the fact that there is a constant change in uses, programs, and buildings as school districts respond to changing demographics and educational innovations. At the same time, the regulations protect surrounding uses from negative impacts by providing a forum for the review of major changes to uses or buildings.

### **33.281.020 Relationship to Base Zone and Conditional Use Regulations**

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

### Regulations in OS, R, and IR zones

#### 33.281.030 Review Thresholds for School Uses

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

- A. **New school use.** The creation of a school use on a site that does not have a school use or is not a school site is reviewed through the Type III procedure.
- B. **Change of grade levels.** Removing grades from any school is allowed. Adding grades is allowed or a conditional use, as specified in Table 281-1.

<b>Table 281-1 Regulations for Adding Grades</b>		
<b>If a school has the following grades:</b>	<b>Regulation for adding the following grades:</b>	
	Allowed	CU required
Any grade K-8	Any grade K-8	Any grade 9-12 (Type III)
Any grade 9-12	Any grade 9-12	Any grade K-8 (Type II)
Any grade K-8 AND Any grade 9-12	Any grade K-12	—

- C. **Modifying an existing school use at the same school level.** Program changes within the school use are allowed by right. This includes the addition of special education programs (such as remedial or talented and gifted (TAG) programs), latch key programs, early childhood education programs, or similar programs within the level of the school use. The addition of community school programs or evening programs is also allowed by right as long as the level of the school use does not change.
- D. **Changes in enrollment and staffing.** Changes in the number of students enrolled and the number and classification of staff are allowed without review except where a conditional use review is required by Subsections 33.281.050.B or C.

#### 33.281.040 Review Thresholds for Other Uses

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

- A. **Purpose.** This section allows additional conditional uses on school sites over that normally allowed by the base zones. This is in recognition of the special nature of school sites and the necessity to allow interim uses to allow school districts to maintain sites for future school uses. The additional uses are limited to uses which provide a public service and which can be accommodated on the site with minimal disruption to the site and surrounding area. Certain office uses may also be allowed.

**B. Other uses on school sites.**

1. Daycare, Community Service, Community Gardens, Market Gardens, and nonprofit or social service Office uses are allowed at a school site. However, these uses must comply with the parking requirements in Chapter 33.266, Parking and Loading. In addition, any exterior recreation areas including playgrounds and fields must be maintained and open to the public at times when the use is not occupying the areas.
2. Parks and Open Area uses at school sites are subject to the use regulations of the base zone, plan district and overlay zone. Recreational fields used for organized sports are subject to the regulations of 33.279, Recreational Fields for Organized Sports.
3. Change to another conditional use or the addition of another conditional use in a different use category, except as allowed by Paragraph B.1. or B.2. above, are reviewed through a Type III procedure.
4. Office uses, other than nonprofit or social service offices allowed by Paragraph B.1., above, are reviewed through a Type III procedure.
5. Commercial or industrial uses other than those allowed in Paragraphs B.1. and B.4., above, are reviewed through a Type III procedure. The operators of the uses must be nonprofit, governmental, or social service agencies. The uses may only be in portions of buildings that are already designed to accommodate the proposed use. For example, a social service agency could request approval to run a vocational training program in the auto shop portion of a building on the site.
6. Adding an allowed use may or may not require a conditional use depending on the proposed changes to development on the site. See Section 33.281.050.

**33.281.050 Review Thresholds for Development**

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

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

1. The addition of new outdoor recreation areas, or changes to existing outdoor recreation areas;
2. The demolition and replacement of up to 25 percent of the existing net building area on the site;
3. The addition of up to 2,000 square feet of new net building area to the site;
4. Increases of exterior improvement areas up to 2,000 square feet. Fences, handicap access ramps, on-site pedestrian circulation systems, Community Gardens, Market Gardens, electric vehicle chargers and equipment, bicycle parking and increases allowed by Paragraphs A.6 and A.9 are exempt from this limitation;
5. Changes that do not result in a net gain or loss of site area;

6. The alteration will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
    - a. On sites with 5 or more parking spaces, up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be removed; however, the removal of more than 5 spaces requires a conditional use review. Parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation;
    - b. Up to 1 space or 4 percent of the total number of existing parking spaces, whichever is greater, may be added; however, the addition of more than 5 spaces requires a conditional use review; and
    - c. Any cumulative loss or gain of parking allowed in A.6.a or A.6.b is measured from the time the use became a conditional use, or the last conditional use review of the use, whichever is most recent, to the present.
  7. The alteration meets one of the following:
    - a. Complies with the development standards of this Title; or
    - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
  8. The alteration complies with all previous conditions of approval;
  9. The addition of roof-mounted solar panels that meet the requirements of the base zone, and ground mounted solar panels.
- B. Type II.** A Type II review is required when the following individual or cumulative alterations are proposed. The increases in paragraphs B.3 through B.6, are measured from the time the use became a conditional use or the last conditional use review of the use, whichever is most recent, to the present.
1. When proposed alterations to the site will not violate any conditions of approval;
  2. When there will be a net loss in site area;
  3. When there will be an increase or decrease in the net number of parking spaces by up to 2 spaces or up to 10 percent of the total number of parking spaces, whichever is greater;
  4. When the alterations will not increase the net building area on the site by more than 25 percent, up to a maximum of 25,000 square feet;
  5. When the alterations will not increase the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation; or
  6. When the alterations will not increase the net building area and the exterior improvement area on the site by more than 25 percent, up to a maximum of 25,000 square feet. Parking area increases that are allowed by B.3 are exempt from this limitation.

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

### **33.281.055 Loss of Conditional Use Status on School Sites.**

If a school use is discontinued for more than 5 continuous years, a new conditional use is required. A school use has been discontinued if the use ceases operations, even if the structure or materials related to the use remain. Any school use proposing to locate at the site after more than 5 years of discontinued use must go through a new conditional use review. The new conditional use is reviewed as follows:

- A. If the school use has been discontinued for less than 10 years, and the proposed new school use does not include any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type II procedure.
- B. If the school use has been discontinued for less than 10 years, and the proposed new school use includes any of the Type III changes listed in 33.281.030.B or 33.281.050.C, the conditional use is reviewed through a Type III procedure.
- C. If the school use has been discontinued for more than 10 years, the conditional use is reviewed through a Type III procedure.

## **Regulations in C and E zones**

### **33.281.060 Use Regulations**

In the C and E zones, new schools and changes to existing schools are allowed by right subject to the development standards of the base zone and this chapter. Other uses on school sites are subject to the regulations of the base zone.

## **Development Standards**

### **33.281.100 General Standards**

In the OS, R, and IR zones, the development standards for institutional uses apply except where superseded by the standards in this chapter. The institutional development standards are stated in 33.110.270 and 33.120.275. In C and E zones, the development standards of the base zone apply except where superseded by the standards in this chapter. Recreational fields used for organized sports are subject to Chapter 33.279, Recreational Fields for Organized Sports.

### **33.281.110 Building Coverage and Floor Area Ratio**

If the school site is contiguous with a public park, and the school has a signed joint use agreement with the Park Bureau, then the building coverage and FAR calculations are based on the combined site area.

### **33.281.120 Special Event Parking**

Paved play areas may be used for special event parking. The area does not have to comply with landscaping requirements for parking areas. These areas may not be used for accessory parking for the uses on the site.

### 33.281.130 Bus Loading

- A. Purpose.** The purpose of bus loading requirements is to provide safe and efficient bus loading areas in a manner that has minimal negative impacts on the surrounding uses and on the traffic flow and access potential of the surrounding streets. Whenever possible bus loading should be done on-site.
- B. New school sites.** On-site bus loading is required for new school sites.
  - 1. When there is a conditional use review, the size and design of the bus loading area is determined as part of the conditional use review.
  - 2. When there is no conditional use review, the bus loading area must meet the standards of Section 33.266.310, Loading Standards, except for landscaped setbacks. Bus loading areas are required to comply with the landscaped setbacks for parking areas, not loading areas.
- C. Existing school sites.**
  - 1. When there is a conditional use review, alterations to on-street and on-site bus loading are reviewed by BDS and Office of Transportation. The provision of on-site bus loading is encouraged whenever possible.
  - 2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Bureau of Transportation.

### 33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

- A. Parking areas.** In parking areas where L3 landscaping is normally required, a 20-foot deep area landscaped to the L2 standard may be substituted. Special event parking is addressed in 33.281.120.
- B. Other landscaping.** In situations where L3 landscaping is required by the base zone or other regulations, L1 or L2 landscaping may be substituted. However, the landscaping requirements for parking areas are stated in Subsection A. above.

### 33.281.150 Temporary Structures

Temporary, portable, or relocatable structures are treated as any other type of structure. Structures which are proposed to be placed temporarily on a site during construction, are reviewed as part of the conditional use review of the proposed construction.

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*(Amended by: Ord. No. 175837, effective 9/7/01; Ord. No. 176469, effective 7/1/02; Ord. No. 179092, effective 4/1/05; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190093, effective 8/1/21; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



- a. Allowed use. A new outdoor shelter, or an alteration to an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 20 individual shelters is an allowed use in the RF through R2.5 zones when provided on the site of an existing institutional use, excluding sites in a Parks and Open Areas use, and the standards of 33.285.050 are met.
    - (2) An outdoor shelter with up to 30 individual shelters is an allowed use in the RM1, RM2, RMP, CI1, and IR zones when the standards of 33.285.050 are met.
    - (3) An outdoor shelter with up to 60 individual shelters is an allowed use in the RM3, RM4, and RX zones when the standards of 33.285.050 are met.
    - (4) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.
  - b. Prohibited use. Outdoor shelters with more than 20 individual shelters are prohibited in the RF through R2.5 zones.
  - c. Conditional use. If the outdoor shelter does not meet Subparagraph C.2.a, and it is not prohibited, it is a conditional use and is reviewed through the following procedures. The approval criteria are in 33.815.107, Short Term, Mass, and Outdoor Shelters in R, CI1, and IR Zones. The outdoor shelter must also meet the standards of 33.285.050:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
3. C, EX, and CI2 zones. A new outdoor shelter, and an alteration or expansion of an existing outdoor shelter in C, EX, and CI2 zones is subject to the following regulations:
- a. Allowed use. A new outdoor shelter, or an alteration or expansion of an existing outdoor shelter is allowed if it meets one of the following:
    - (1) An outdoor shelter with up to 60 individual shelters is an allowed use if it meets the standards of Section 33.285.050.
    - (2) An alteration or expansion that does not increase the net building area or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval and the standards of Section 33.285.050.
  - b. Conditional use. If the outdoor shelter does not meet Subparagraph C.3.a., it is a conditional use and is reviewed through the following procedures. The approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, CI2, E and I Zones. The outdoor shelter must also meet the standards of 33.285.050.

- (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
  - (2) All other outdoor shelters are reviewed through a Type III procedure.
4. EG and I zones. Generally, outdoor shelters in EG and I zones are a conditional use, reviewed through the following procedures. Certain alterations to existing outdoor shelters may be allowed if they meet Subparagraph C.4.b. Approval criteria are in Section 33.815.140, Mass and Outdoor Shelters in the C, C12, E, and I Zones. The outdoor shelter must also meet the standards of 33.285.050.
  - a. The following procedures apply to new outdoor shelters and alterations of outdoor shelters that do not meet Subparagraph C.4.b:
    - (1) If the outdoor shelter is on the site of an existing institutional use, the conditional use is reviewed through a Type II procedure.
    - (2) All other outdoor shelters are reviewed through a Type III procedure.
  - b. Existing outdoor shelters. An alteration or expansion that does not increase the net building or site area of the outdoor shelter by more than 10 percent is allowed if there is no increase in the number of individual shelters and if the alteration or expansion complies with all conditions of approval.

### **33.285.050 Standards**

#### **A. Short term shelters.**

1. Existing structures and additions to existing structures. A short term shelter provided in an existing structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection. Sites that do not meet the development standards at the time of application are subject to the regulations of Section 33.258.070, Nonconforming Development.
2. New structures. A short term shelter provided in a new structure is subject to the development standards for residential development in the base zone, overlay zone, or plan district, unless superseded by standards in this subsection.
3. Hours of operation. The short term shelter must be open 24 hours a day.
4. Reservation/referral. Lodging must be provided on a reservation or referral basis so that clients will not be required or allowed to queue for services.

#### **B. Mass shelters.**

1. Maximum occupancy. Mass shelters may have up to one shelter bed per 35 square feet of floor area. Adjustments to this standard are prohibited.
2. Density. Table 285-1 sets out the maximum number of shelter beds allowed within a facility. If the site has split zoning, the smaller number applies. Adjustments to this standard are prohibited.

<b>Table 285-1 Maximum Number of Shelter Beds for Mass Shelters</b>	
<b>Zone of Site</b>	<b>Maximum Number of Shelter Beds</b>
EX, CX, CM3, and CE	200
CM2 and CI2	140
RX, RM3, and RM4	60
RM1, RM2, RMP, CI1, IR, CR, CM1	30
RF-R2.5 [1]	20

Notes:

[1] The mass shelter must be operated on the site of an existing institutional use, excluding sites in a Parks and Open Areas use.

3. Outdoor activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.
4. Hours of operation. To limit outdoor waiting, the facility must be open for at least 8 hours every day between 7:00 AM and 7:00 PM.
5. Supervision. On-site supervision must be provided at all times.
6. Toilets. At least one toilet must be provided for every 15 shelter beds.
7. Development standards. The development standards for residential development in the base zone, overlay zone, or plan district apply to mass shelters, unless superseded by standards in this subsection.

**C. Outdoor shelters.** Outdoor shelters are exempt from development standards in base zones, overlay zones, and plan districts. Outdoor shelters are subject to the following standards:

1. An outdoor shelter is prohibited in the following:
  - a. Environmental overlay zones;
  - b. Pleasant Valley Natural Resource overlay zone;
  - c. River Natural overlay zones;
  - d. River Environmental overlay zones;
  - e. Scenic overlay zones;
  - f. Within and riverward of the greenway setback;
  - g. Within and riverward of the river setback; and
  - h. The special flood hazard area.
2. Minimum and maximum site size.

- a. The minimum required site size for an outdoor shelter is 3,000 square feet. Institutional uses are exempt from this standard. Adjustments are prohibited.
- b. In I zones, the maximum size for an outdoor shelter is 2 acres. Adjustments are prohibited.
3. The facility must operate 24 hours a day.
4. The facility must have a designated supervisor.
5. Development associated with the outdoor shelter, other than screening required by Paragraph C.6., must be setback at least 5 feet all lot lines.
6. The outdoor shelter must be screened from the street and any adjacent properties. Screening from the street must comply with at least the L2 or F1 standards of Chapter 33.248, Landscaping and Screening, with the exception that a fence can be a minimum of 3-feet high. Screening from adjacent properties must comply with at least the L3 or F1 standards of Chapter 33.248, Landscaping and Screening.
7. The maximum height for structures associated with the outdoor shelter is 20 feet.
8. An outdoor shelter located in the South Subdistrict of the Johnson Creek Basin plan district is subject to the development standards in section 33.537.140.
9. An outdoor shelter located in a River overlay zone, the Columbia South Shore plan district, or the Portland International Airport plan district is subject to the respective archeological resource protection standards of the overlay zones or plan districts.

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*(Added by Ord. No. 167189, effective 1/14/94. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*

- (5) Building permit. Prior to the start of the construction project, a building permit must be obtained from the City. The application for the building permit must contain evidence that the project will comply with the staging area standards. For public utility projects, if the project will be implemented through a contract with the City, then the evidence of compliance may be shown as specifications in the contract. If the public utility project does not involve a contract with the City evidence of compliance must include performance guarantees for the requirements in c.(3), Dust, mud, and erosion control, and c.(4), Final condition. Performance guarantees must comply with the provisions of Section 33.700.050, Performance Guarantees.

**G. Natural disasters and emergencies.** Temporary activities and structures needed as the result of a natural disaster, shelter shortage, or other health and safety emergencies are allowed for the duration of the emergency. Temporary activities include food, water, and equipment distribution centers, medical facilities, short term shelters, mass shelters, outdoor shelters, warming or cooling shelters, and triage stations.

**H. Mass and outdoor shelters.**

1. Mass shelters. Mass shelters are allowed as a temporary activity for up to 180 days within a calendar year.
2. Outdoor shelters. Outside of OS zones, outdoor shelters are allowed as a temporary activity for up to 180 days within a calendar year when the outdoor shelter is located outside of Environmental overlay zones, the River Natural overlay zone, the River Environmental overlay zone, the Pleasant Valley Natural Resource overlay zone, and the special flood hazard area.

**I. Radio Frequency Transmission Facilities.** Temporary facilities for personal wireless service facilities are allowed for up to 120 days in a calendar year. Meeting this regulation must be documented through a zoning permit.

**J. Commercial filming.** In all zones, commercial filming is allowed as a temporary activity. For all sites, except sites in the OS zone, the time between filming events must be four times as long as the duration of the last event.

**33.296.040 General Regulations.**

All temporary activities are subject to the regulations listed below.

- A.** Permanent development or alterations to existing development are prohibited, unless consistent with the development standards for uses allowed by right in the underlying zone or required by applicable building, fire, health, or safety codes.
- B.** Temporary activities may occupy parking areas but cannot block driveways that provide site access for emergency vehicles.
- C.** Temporary activities that are maintained beyond the allowed time limits are subject to the applicable use and development standards of the zoning code.

- D. Temporary activities on sites where the primary use is a conditional use may not violate the conditions of approval for the primary use, except as allowed by Subsection B.
- E. These regulations do not exempt the operator from any other required permits such as sanitation facility permits or electrical permits.

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*(Amended by: Ord. No. 164264, effective 7/5/91; Ord. No. 167054, effective 10/25/93; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 182429, effective 1/16/09; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189137, effective 08/22/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
<b>VEHICLE AREAS</b>			
	<b>PR17</b>	<b>Pervious Paving Materials</b>	
	New surface parking area with at least 10 parking spaces	At least 50 percent of the vehicle area must be paved with pervious pavement, approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.	2
	<b>PR18</b>	<b>No Parking Area</b>	
	Site with a minimum area of 10,000 square feet	Provide no parking areas on site.	1
	<b>PR19</b>	<b>Structured Parking and Vehicle Areas</b>	
	New vehicle area	At least 80 percent of the proposed vehicle area is covered by a building. The vehicle area may meet PR19 or PR20, but not both.	2
	<b>PR20</b>	<b>Alternative Shading of Vehicle Areas</b>	
	New surface vehicle area smaller than 21,780 square feet	At least 50 percent of the proposed vehicle area is covered by structures containing photovoltaic panels, reflective roof shade structures with a Solar Reflectance Index (SRI) greater than 75, or tree canopy. The amount of shade from tree canopy is determined by the diameter of the mature crown spread stated for the species of tree. The vehicle area may meet PR19 or PR20, but not both.	1

Required (X)	APPLIES TO:	THE DESIGN STANDARD	Optional points
<b>ART AND SPECIAL FEATURES</b>			
	<b>PR21 City Approved Public Art Installation</b>  Any site	Provide an art feature or mural on the site that has been approved by the Regional Arts and Culture Commission (RACC).  The feature must be set back a maximum of 15 feet from the street lot line with the highest street classification.  To meet this option, the applicant must provide the following prior to the issuance of the building permit: <ul style="list-style-type: none"> <li>• A letter from the RACC indicating the approval of the art.</li> <li>• A covenant in conformance with 33.700.060, Covenants with the City. The covenant must state the steps to be taken by the property owner and RACC to ensure the installation, preservation, maintenance, and replacement of the public art.</li> </ul>	2
	<b>PR22 Water Feature</b>  Any site	Provide a water feature, such as a fountain, waterfall, or reflecting pool. The feature must be setback a maximum of 20 feet from the street lot line with the highest street classification. The water feature must have the following: <ul style="list-style-type: none"> <li>• A feature area of at least 6 square feet that contains water year-round; and</li> <li>• A bench or seat with 6 linear feet of seating adjacent to it.</li> </ul>	1



<b>Table 420-3 Approved Exterior Finish Materials</b>		
<b>Material Category and Approved Usage by Material Category</b>	<b>Material Type</b>	<b>Additional Approved Usage by Material Type</b>
Concrete		
	Concrete: Poured in Place	Poured in place Architectural Concrete meeting ACI 117 Class A Surface and ACI 301 Surface Finish 3.0, used as an exterior material; or Poured in place concrete used as an exterior material for the foundation and ground floor up to the floor level of the second floor;
	Concrete Masonry Units (CMU)	CMU may be used as a foundation material if the material is not revealed more than 3 feet above the finished grade adjacent to the foundation wall.

**33.420.060 Design Guidelines**

For projects subject to design review, guidelines specific to a design district have been adopted for the areas shown on maps 420-1 through 420-4 at the end of this chapter. Projects within the South Auditorium Plan District use the Central City Fundamental Design Guidelines for the Downtown Subdistrict. All other areas within the Design overlay zone use the Portland Citywide Design Guidelines.

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*(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 167054, effective 10/25/93; Ord. No. 169987, effective 7/1/96; Ord. No. 171589, effective 11/1/97; Ord. No. 171849, effective 4/1/98; Ord. No. 174263, effective 4/15/00; Ord. No. 175204, effective 3/1/01; Ord. No. 175837, effective 9/7/01; Ord. No. 176587, effective 7/20/02; Ord. No. 176742, effective 7/31/02; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. Nos. 178423 and 178480, effective 6/18/04; Ord. No. 178452, effective 7/10/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178946, effective 01/07/05, Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180372, effective 9/30/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182072, effective 8/22/08; Ord. No. 182429, effective 1/16/09; Ord. No. 182962, effective 7/31/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184842, effective 9/2/11; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, 7/9/18; Ord. No. 189137, effective 8/22/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190380, effective 4/30/21; Ord. No. 190093, effective 8/1/21; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



- 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 where all spoils are placed outside environmental zones and the high sensitivity area;
- (6) Removing a nuisance tree listed on the *Portland Plant List*. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
  - (7) Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment;
  - (8) Public street and sidewalk improvements that do not enlarge the existing disturbance area horizontally or vertically; and
  - (9) Constructing paved parking lots and circulation areas in the transition area.
- b. Activities allowed with an archaeological resource recovery plan and MOU. For villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, ground disturbing activities associated with uses otherwise permitted by this Title are allowed if an archaeological resource recovery plan that meets the following is submitted. Ground disturbing activities other than allowed by Subparagraph G.2.a. are prohibited within the archaeological resource and transition area of a burial:
- (1) An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate tribes, and a private agreement (Memorandum of Understanding) between the applicant, property owner, SHPO and tribes. The required steps include:
    - Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet SHPO standards for archaeological resource recovery projects.
    - Consultation with appropriate tribes.
    - The applicant must contact the appropriate tribes, by registered or certified mail, to request comments on archaeological survey results and archaeological resource recovery plan and offer a meeting. The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.
    - The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological survey results and discuss the archaeological resource recovery plan. More than one meeting may be held.

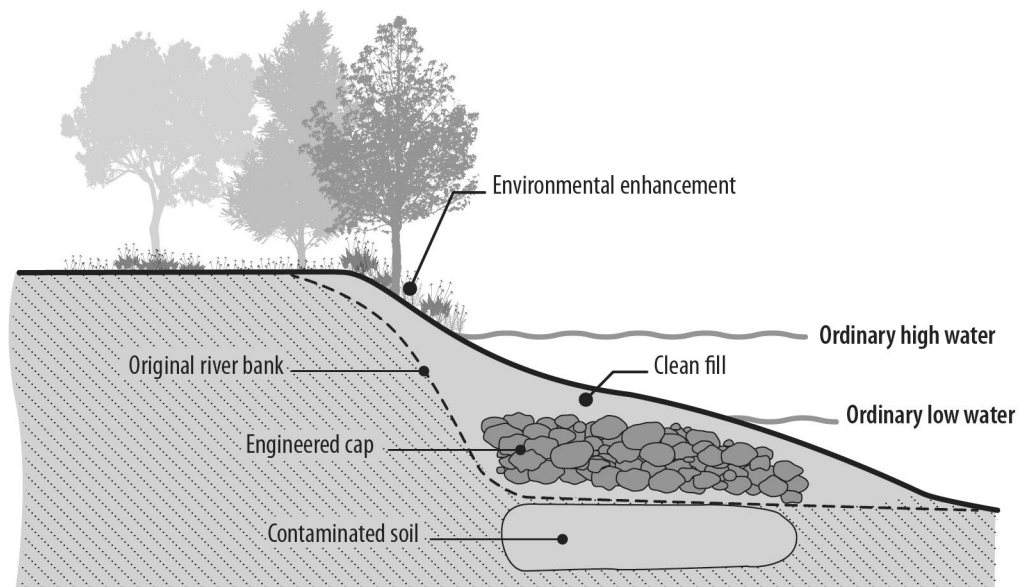
- After the meetings, and before applying for a building permit, the applicant must send a letter to the appropriate tribes. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.
  - Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, SHPO and at least one appropriate tribe. The MOU must specify the care and disposition of any archaeological materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.
  - Archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with SHPO and tribal governments must be filed with the building permit.
- (2) For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area within an archaeological resource. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
  - (3) For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
3. Modification of other development standards. For sites with identified archaeological resources, the following development standards are modified:
    - a. Minimum building setbacks are reduced to zero;
    - b. For purposes of meeting minimum landscaping requirements, the applicant may exclude the archaeological resource area from the total site area.

### **33.475.250 Nonconforming Uses and Development**

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

- A.** The development may continue;
- B.** The development may be changed to an allowed river-dependent or river-related development by right;
- C.** The development may be changed to another nonconforming development if within the existing building. If outdoors, it may not be changed to another nonconforming development; and

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

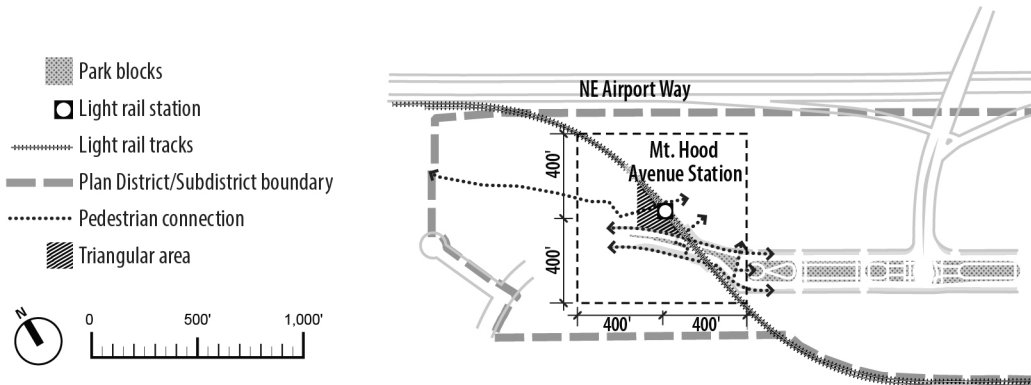


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*(Added by: Ord. No. 189000, effective 7/9/18. Amended by: Ord. No. 190023, effective 8/10/20; Ord. No. 190241, effective 3/1/21; Ord. No. 190851, effective 6/30/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191310, effective 6/30/23.)*



**Figure 508-6**  
**Mt. Hood Station Area**



- C. Landscaping.** Landscaping must meet the standards of Section 33.565.220, Landscaping, that apply in the Airport Subdistrict.

### 33.508.260 Parking

**A. Purpose.** In Subdistrict A, on-street parking is encouraged on both public and private streets, to reduce the size of parking lots and to provide a buffer between pedestrians and moving cars. Accessory parking is allowed to be located throughout Subdistrict A to encourage shared parking. Shared parking is encouraged to promote an active, mixed-use development and reduce the total number of off-street parking spaces required. Adjacent uses with different peak parking utilization periods can share parking areas and allow more efficient use of parking areas throughout the day.

**B. Maximum allowed parking.**

1. Subdistrict A. The following regulations apply in Subdistrict A:
  - a. Structured parking. The maximum allowed parking for parking in structures is in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.
  - b. Surface parking.
    - (1) Generally, the maximum allowed parking for surface parking is in Chapter 33.266 Parking, Loading, and Transportation and Parking Demand Management.
    - (2) Exception. There is no maximum for parking on surface lots for fleet, carpool, and rental car parking.
    - (3) Adjustments. Where there is a single retail use that occupies more than 60,000 square feet of floor area in a single story, adjustments to maximum allowed parking ratios are prohibited. Hotels, motels, restaurants and theaters are not subject to this limitation.
2. Subdistrict B. The maximum parking allowed in Subdistrict B is in Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management.

- C. **Large parking areas in Subdistrict A.** Parking areas in Subdistrict A are exempt from the internal accessway requirements of 33.266.130.C.4.b and 33.266.130.F.5-6.
- D. **Location of parking.** Accessory Parking for uses in Subdistrict A may be located on any lot in Subdistrict A.

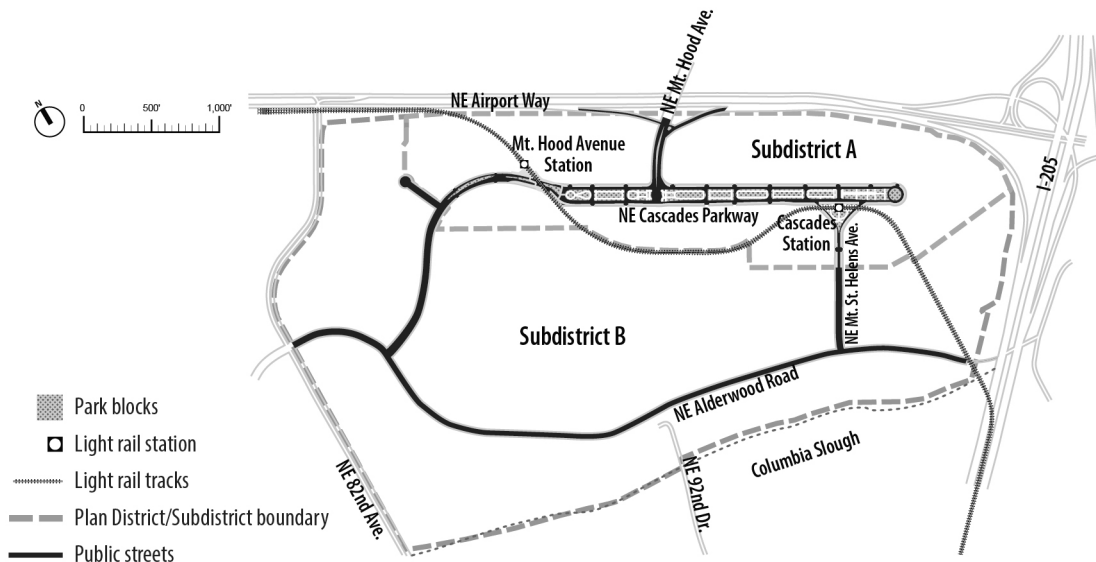
### 33.508.267 Signs

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

### 33.508.270 Sumps, Septic Tanks, and On-Site Disposal Systems

New sumps, septic tanks, cesspools, and other on-site disposal systems for sanitary or industrial are prohibited. All on-site storm water must be disposed of into a system approved by the Bureau of Environmental Services.

**Figure 508-7  
Basic Public Infrastructure**



### 33.508.280 Street Requirements in Subdistrict A

These requirements help create a clear and efficient street system connecting to the Park Blocks, providing the feel of an urban environment and encouraging pedestrian activity by breaking up the long distances along the Park Blocks between the light rail stations. Figure 508-8 shows the Street Requirements in Subdistrict A and the five subareas within it.

The requirements of this section apply to all streets in Subdistrict A.

- A. **Public streets.** Public streets are shown on Figure 508-7. Some of these streets have been completed and dedicated.

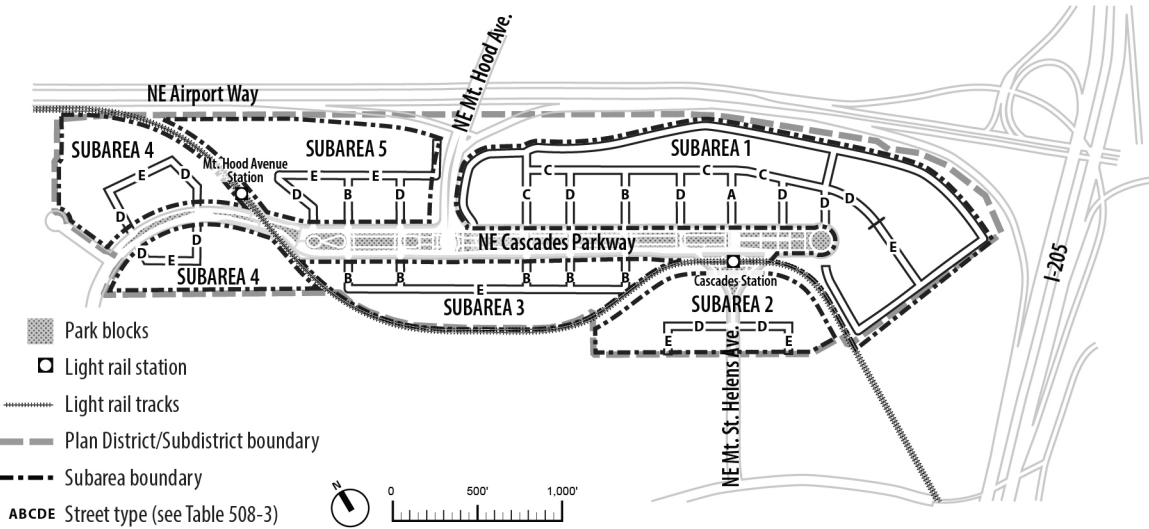


**B. Private streets.**

1. Generally.
  - a. The approximate locations for private streets are shown in the Street Plan, Figure 508-8;
  - b. The Portland Office of Transportation and BDS determine the extent and timing of street improvements;
  - c. Buildings and other improvements must be located so that they do not preclude creation of streets in conformance with this section; and
  - d. All measurements in this section are from centerline to centerline, unless specified otherwise.
2. In Subareas 1 and 5:
  - a. Streets connecting to NE Cascades Parkway must line up with the existing Park Block intersections. However, where those existing Park Block intersections are at least 350 feet apart, a connecting street may be built mid-block and must be at least 100 feet from an existing Park Block intersection; and
  - b. Streets not connecting to NE Cascades Parkway must be located within 50 feet of the locations shown in Figure 508-8.
3. In Subarea 2, streets must be located within 150 feet of the locations shown in Figure 508-8.
4. In Subarea 3:
  - a. At least five Type B streets must connect NE Cascades Parkway to the street that is south of NE Cascades Parkway and runs east-west. These streets can be no more than 530 feet apart as measured from edge of street to edge of street;
    - (1) At least three of these streets must line up with the existing Park Block intersections; and
    - (2) Streets that do not line up with the existing Park Block intersections must be at least 100 feet from such an intersection.
  - b. Streets not connecting to NE Cascades Parkway must be located within 150 feet of the locations shown in Figure 508-8, and in no case closer than 100 feet to NE Cascades Parkway.
5. In Subarea 4:
  - a. Streets must be located within 150 feet of the locations shown in Figure 508-8; and
  - b. Streets connecting to NE Cascades Parkway must line up with any existing streets in the subarea that also connect with NE Cascades Parkway.

**C. Design of private streets.** Design requirements for private streets are in Table 508-3.

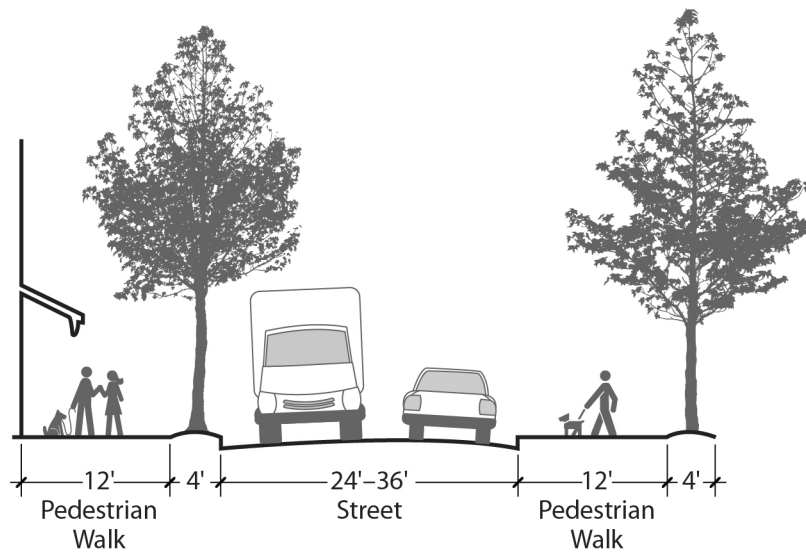
**Figure 508-8**  
**Street Requirements in Subdistrict A**



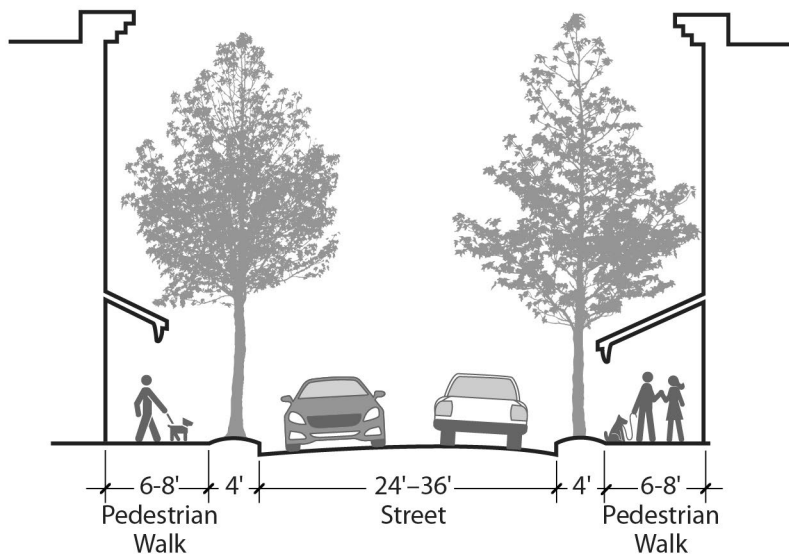
**Table 508-3**  
**Design Requirements for Private Streets**

Street Type	Roadway Dimensions	Sidewalk required on one side or both?	Minimum unobstructed sidewalk width	Landscape strip (To the L1 standard)	Figure number
A	24-36 feet	Both sides	12 feet if parallel to and within 50 feet of a building; otherwise 8 feet	Minimum 4 feet wide, on both sides of street. If next to a building, must be adjacent to curb; other-wise may be on either edge.	508-9
B	24-36 feet	Both sides	8 feet if parallel to and within 50 feet of a building; otherwise 6 feet	Minimum 4 feet wide, on both sides of street, adjacent to curb.	508-10
C	24-36 feet	Both sides	15 feet if parallel to and within 50 feet of a building; otherwise 6 feet	If next to a building, none required; otherwise minimum 4 feet wide, may be on either edge.	508-11
D	24-36 feet	One side	6 feet	Minimum 4 feet wide, may be on either edge.	508-12
E	20-32 feet	One side	8 feet	None required	No Figure

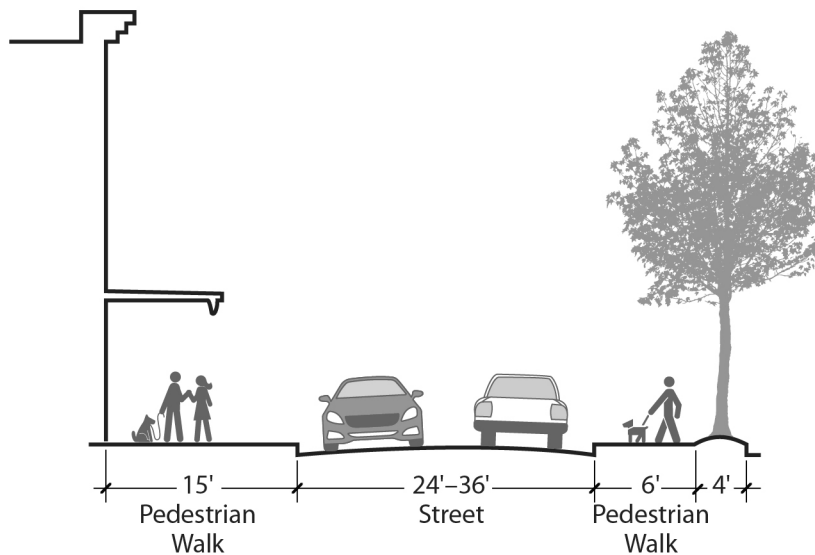
**Figure 508-9**  
**Type A Street**



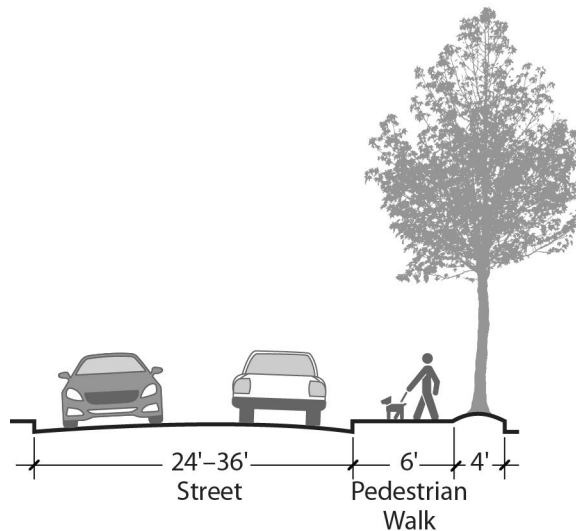
**Figure 508-10**  
**Type B Street**



**Figure 508-11  
Type C Street**



**Figure 508-12  
Type D Street**



**D. Additional requirements.**

1. Street lighting. Light standards on public streets must meet City specifications. Light standards on private streets and in the Park Blocks must be no taller than 20 feet. All lights must direct light downward so as to not directly illuminate the sky.
2. Street entries to NE Cascades Parkway. Street entries to NE Cascades Parkway must be an at-grade entry, with no driveway apron or grade change. The entry must have the same appearance and materials as the public street, including curb returns, except that

the entry itself must be of a different material. The material, which must be concrete or another durable material that contrasts with asphaltic concrete paving, must be placed in the approximate location of the pedestrian crosswalk. On street entries within 200 feet of a light rail station, the paving material used at the entry must continue the same paving material and texture found within the NE Cascades Parkway or Mt. Hood Avenue Station area.

3. Driveways. Driveways are not allowed to intersect NE Cascades Parkway except for one truck access in Subarea 1. See Figure 508-1.

### **33.508.290 Open Space Plan**

#### **A. Park Blocks.**

1. Purpose. The Park Blocks are both the primary open space of the plan district and the focus of development in Subdistrict A. These open spaces will provide visitors and employees with leisure and recreational opportunities as well as a pleasant visual environment. The Park Blocks open the site to views of Mt. Hood and link the two transit station areas with a grand urban space in the tradition of Portland's downtown Park Blocks. The location of the Cascade Station Park Blocks is shown on Figure 508-1.
2. Uses and development. Uses and development in the Park Blocks are regulated by Section 33.508.140, Use Regulations in the Park Blocks, and Section 33.508.215, Limitations on Development.

#### **B. Pedestrian and bicycle circulation system.**

1. Purpose. The Columbia Slough Trail, shown on Figure 508-13, is a significant open space resource as well as a means of pedestrian and bicycle access. Trails in this area run along the Columbia Slough and provide an inviting environment to run, walk, or bike. Bike routes (bike lanes and signed routes) must work in an integrated way with this existing resource to form an extended network of trails.
2. Public trail requirements. All sites designated on Figure 508-13 as off-road public trails must meet the requirements of this subsection and Chapter 33.272. Figure 508-13 illustrates the general location of the CS/PIC Bicycle and Pedestrian system, which provides for additional off-road trails and connections to the Columbia Slough Trail.

If the trail is located within an Environmental Overlay zone, the trail must also comply with the requirements in Sections 33.508.300 through .340.

- a. Trail requirement. Prior to occupancy of any new building on a lot containing a trail designation, the owner must make the full trail improvement on that lot. The trail location and construction specifications must be shown on the site plans when a building permit is requested.
- b. Trail and easement location.
  - (1) In Environmental Overlay Zones the following must be met:
    - If a trail or easement exist on an adjacent site, the trail and easement must connect to them;

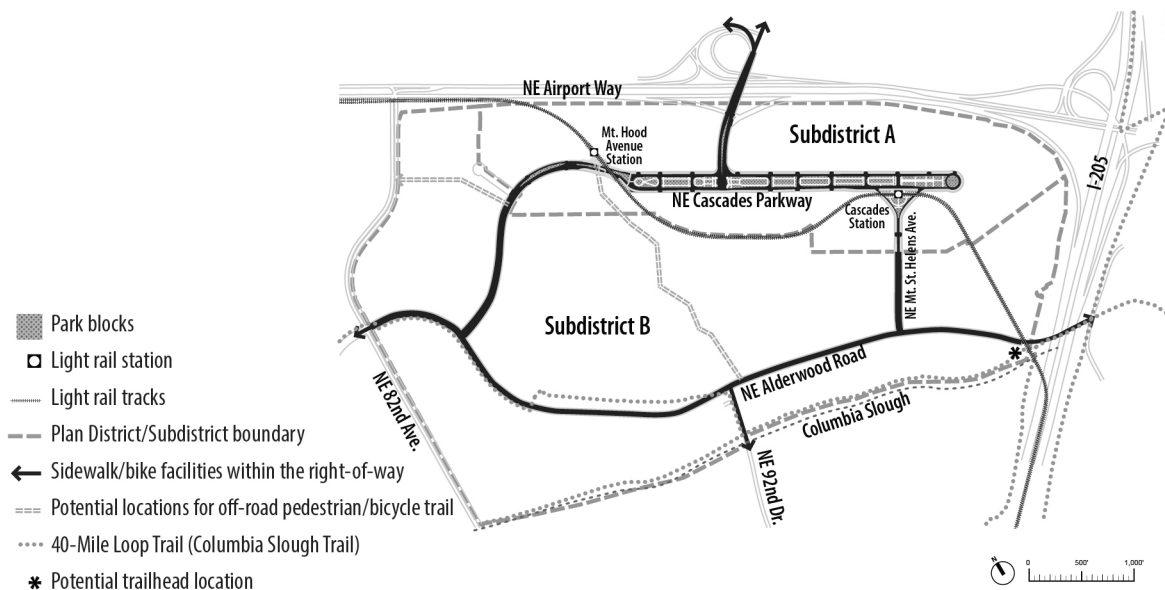
- If there is not an easement or trail on an adjacent site, the easement must be located in the outer 25 feet of the environmental zone. The trail improvement must be at least 5 feet from the outer edge of the environmental zone.
- (2) Outside of Environmental Overlay Zones the trail route must be as generally shown on Figure 508-13.

**33.508.295 Archaeological Resource Protection**

Archaeological evidence has confirmed that American Indians used the plan district area prior to entry of EuroAmericans to the Portland area. Before 1999 this plan district was part of the Columbia South Shore plan district, and all confirmation testing required by that plan district was completed before this plan district was created. As a result, there are no regulations in this plan district that relate to protection of archaeological resources.

Although the zoning code does not address new discoveries of archaeological resources found during project construction, applicants should be aware of state and federal regulations that apply to such discoveries.

**Figure 508-13  
 Bicycle and Pedestrian Circulation Plan**



**Environmental Overlay Zones**

**33.508.300 Purpose**

The purposes of the environmental code in the Cascade Station/Portland International Center (CS/PIC) Plan District in conjunction with the standards of Chapter 33.430 are to:

- Protect inventoried significant natural resources and their functional values specific to the CS/PIC Plan District, as identified in the Comprehensive Plan;

- Address activities required to manage Port facilities, drainageways and wildlife around the Portland International Airport airfield for public and avian safety;
- Address resource mitigation and enhancement opportunities consistent with managing wildlife and vegetation on and around the airfield for public safety;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with airport safety and natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

### **33.508.310 Relationship to Other Environmental Regulations**

The regulations of Sections 33.508.300 through 33.508.397 are supplemental to or supersede the regulations of Chapter 33.430. Whenever a provision of this plan district conflicts with Chapter 33.430, the plan district provision supersedes.

The following sections supersede or supplement the regulations of Chapter 33.430:

- Exemptions in Section 33.508.340 supplement exemptions in Section 33.430.080;
- Standards in Section 33.508.350 supplement or supersede standards in sections in 33.430.140 through .190;
- When wildlife hazard management is proposed and an environmental review is required the procedure type specified in Subsection 33.508.360.A supersedes the procedure type specified in Section 33.430.230;
- When wildlife hazard management is proposed and an environmental review is required, the requirements of Subsection 33.508.360.B supersede the requirements of Subsection 33.430.240;
- When wildlife hazard management is proposed and an environmental review is required, the approval criteria of Subsection 33.508.360.C supersede the approval criteria of Subsections 33.430.250.E and F;
- The environmental Plan Check notice and review procedures of Sections 33.508.392 through .397 supersede the notice and review procedures of Section 33.430.410 through .430.

This chapter contains only the City's environmental regulations. Activities that the City regulates through this chapter may also be regulated by other agencies. City approval does not imply approval by other agencies.

### **33.508.320 Where and When These Regulations Apply**

The regulations of Sections 33.508.310 through 33.508.397 apply to all environmental zones in the CS/PIC District. The boundaries of this plan district and the subdistricts are shown on Map 508-1. Unless exempted by Section 33.508.340, the regulations of Sections 33.508.310 through 33.508.397 apply to the activities listed below. Items not specifically addressed in these sections must comply with the regulations of Chapter 33.430.

- A.** Development;
- B.** Removing, cutting, mowing, clearing, burning or poisoning native vegetation listed in the Portland Plant List;
- C.** Planting or removing nuisance plants listed in the Portland Plant List;
- D.** Changing topography, grading, excavating, and filling;

- E. Dedication, expansions, and improvements within rights-of-way;
- F. Road improvements; and
- G. Resource enhancement.

### **33.508.340 Exemptions**

In addition to the exemptions listed in 33.430.080, the following items, when performed to comply with the FAA Part 77 Regulated Surface requirements or a FAA authorized Wildlife Hazard Management Plan, are exempt from the environmental regulations of the CS/PIC Plan District and Chapter 33.430. In these cases, the activity is exempt only from the Environmental Zone regulations; other City regulations such as Title 10, Erosion Control, and Title 11, Trees, must still be met.

- A. Crown maintenance of trees that project above, or will upon maturity project above, the height limit delineated by the h overlay zone or are identified as attracting wildlife species of concern;
- B. Mechanical removal of grasses and shrubs less than 3 feet in height;
- C. Discing to reduce habitat that attracts wildlife species of concern; and
- D. Grading or filling of ponding water; ponding water does not include water bodies identified as a slough, stream, drainageway or wetland in the natural resources inventory.

### **33.508.350 Development Standards**

Unless exempted by Section 33.508.340, or 33.430.080, the standards of this section and the standards of Chapter 33.430 must be met. Compliance with the standards is determined as part of a development or zoning permit application process and processed according to the procedure described in Section 33.508.392 through .397. For proposals that cannot meet the standards, environmental review is required as described in Sections 33.430.210 through .280 and, where applicable, 33.508.360. Adjustments to the standards are prohibited. Other City regulations, including Title 10, Erosion Control, and Title 11, Trees, still apply.

#### **A. General development standards.**

1. Tree and snag removal.
  - a. If the tree or snag, 6 inches or greater in diameter, is removed as part of a resource enhancement project, the requirements of 33.508.350.B apply;
  - b. If the tree or snag, 6 inches or greater in diameter, is removed for either of the following reasons, then the standards in Subparagraphs 33.508.350.A.1.c through 1.g must be met instead of 33.430.140.K:
    - (1) the tree or snag currently projects, or the tree will upon maturity project, above the height limit of the h overlay zone, or
    - (2) the tree or snag is identified in the FAA authorized Wildlife Hazard Management Plan as attracting wildlife species of concern.
  - c. Each tree or snag, 6 inches or greater in diameter, removed must be replaced per the requirements of Table 508-4, Tree and Snag Replacement;



- d. Replacement trees and shrubs must be native and selected from the *Portland Plant List*;
- e. Replacement shrubs must be in at least a 2-gallon container or the equivalent in ball or burlap;
- f. 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; and
- g. If the replacement trees are planted within 100 feet of the Columbia Slough main channels or secondary drainageways, the tree must be planted above the Base Floodplain Elevation (BFE), as defined on the Federal Emergency Management Agency Flood Insurance Rate Maps.

<b>Table 508-4 Tree and Snag Replacement</b>		
<b>Size of tree or snag to be removed (inches in diameter)</b>	<b>Option A (no. of trees to be planted)</b>	<b>Option B (combination of trees and shrubs)</b>
6 to 12	2	not applicable
13 to 18	3	1 tree and 3 shrubs
19 to 24	5	3 trees and 6 shrubs
25 to 30	7	5 trees and 9 shrubs
over 30	10	7 trees and 12 shrubs

- 2. Wildlife exclusions. Instead of standards listed in Section 33.430.140, all of the following standards must be met when installing wildlife exclusionary structures or fencing to comply with the FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zone:
  - a. Trees or snags, 6 inches or greater in diameter, that are removed must be replaced to meet the standards in 33.508.350.A.1.c through 1.g; and
  - b. Temporary disturbance areas must be replanted so that the area achieves a 90 percent vegetation cover within one year. Vegetation must be native and selected from the Portland Plant List.
- 3. Vehicle or pedestrian crossings over identified water bodies.
  - a. New or altered vehicle or pedestrian crossings of the Middle Columbia Slough must be by bridge.

- b. Exceptions.
  - (1) At locations where BES determines that a water control structure is necessary, the standard of this subsection does not apply.
  - (2) The standard of this subsection does not apply to the addition of guard rails to an existing crossing.
- B. Standards for resource enhancement.** An applicant may choose to meet all of the standards of 33.430.170 or all of the standards of this Subsection. In either case, the applicant must meet the standards 33.430.170.C.4 through C.6.
  - 1. Wetland habitat conversion. Conversion from an emergent or herbaceous wetland to a scrub-shrub or forested wetland is allowed if all of the following are met:
    - a. There is no excavation, fill, grading or construction activity;
    - b. The habitat conversion area must be replanted, at a minimum, in accordance with one of the following options:
      - (1) Ten native shrubs for every 100 square feet of area and a native grass and forb seed mix at a ratio of 20 pounds per acre; or
      - (2) One native tree, three native shrubs and four other native plants for every 100 square feet. Trees may be clustered;
    - c. Trees must have a maximum height-at-maturity that will not project above the height limit delineated by the h overlay zone; and
    - d. There is no permanent irrigation.
  - 2. Forest or woodland habitat conversion. Forest or woodland conversion to a different native tree association is allowed if all of the following are met:
    - a. There is no excavation, fill, grading or construction activity;
    - b. The habitat conversion area must be replanted, with at least one native tree, three native shrubs and four other native plants for every 100 square feet of area. Trees may be clustered.
    - c. Trees must have a maximum height-at-maturity that will not project above the height limit delineated by the h overlay zone; and
    - d. There is no permanent irrigation.

### **33.508.360 Special Provisions for Wildlife Hazard Management**

The following provisions apply to wildlife hazard management activities that are required in order to implement a Federal Aviation Administration (FAA) authorized Wildlife Hazard Management Plan within environmental overlay zones.

- A. Procedure Type.** Activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review are processed through the Type II procedure.

**B. Application Requirements.** An alternatives analysis is not required for activities required to implement an FAA authorized Wildlife Hazard Management Plan. Specifically, instead of the supplemental narrative requirements of 33.430.230.B, the following is required:

1. Activity description. Describe the activity and why it is necessary to implement an FAA authorized Wildlife Hazard Management Plan;
2. Documentation of resources and functional values. Documentation of resources and functional values is required to determine compliance with the approval criteria. In the case of a violation, documentation of resources and functional values is used to determine the nature and scope of significant detrimental impacts.
  - a. Identification, by characteristics and quantity, of the resources and their functional values found on the site;
  - b. In the case of a violation, determination of the impact of the violation on the resources and functional values.
3. Construction management plan. Identify measures that will be taken during the activity or remediation to protect the remaining resources and functional values at and near the site and a description of how undisturbed areas will be protected. For example, describe how trees will be protected, erosion controlled, equipment controlled, and the timing of activity; and
4. 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 activity 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. Activity 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.

**C. Approval Criteria.** The following approval criteria apply to activities required in order to implement an FAA authorized Wildlife Hazard Management Plan within the resource area or transition area of the conservation or protection overlay zones that require environmental review. These criteria supersede the criteria in 33.430.250.E and F:

1. There will be no significant detrimental impact on resources and functional values in areas designated to be left undisturbed;

2. The mitigation plan demonstrates that all significant detrimental impacts on resources and functional values will be compensated for;
3. 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
4. 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.

### **Notice and Review Procedure for Permits within Environmental Overlay Zones**

#### **33.508.392 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.

#### **33.508.395 When These Regulations Apply**

These regulations apply when a building permit or development permit application is requested within an environmental overlay zone and is subject to the Development Standards of Section 33.430.110 through .190, 33.430.405.B, 33.430.405.C, or 33.508.50. These regulations apply instead of the regulations of 33.430.410 through .430. These regulations do not apply to building permit or development permit applications for development that has been approved through environmental review.

#### **33.508.397 Procedure**

Applications for building permits or development permits as specified in Section 33.430.420 or 33.508.395 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, 33.430.405.C, or 33.508.350;
    - 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. When the Port of Portland is the applicant, the Port must post public notice of the proposed activity or development following the procedure listed in 33.565.320. Other applicants must follow the posting procedures listed in 33.430.430.C. In either case, 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 and 33.508.350. 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.

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*(Added by Ord. No. 173131, effective 2/27/99. Amended by: Ord. No. 174263, effective 4/15/00; Ord. No. 175022, effective 10/25/00; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179076, effective 6/30/05; Ord. No. 181357, effective 11/9/07; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; 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. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 191310, effective 6/30/23.)*

## Parking and Access

### 33.510.261 Parking Built After July 9, 2018

- A. Purpose.** The parking and access regulations implement the Central City 2035 Plan and the Transportation System Plan by managing the supply of off-street parking to improve mobility, promote the use of alternative modes, support existing and new economic development, maintain air quality, and enhance the urban form of the Central City.
- B. Description of types of parking.** In the Central City plan district, there are three types of parking. While a proposal may include several types of parking (for example, a garage may include both some Growth Parking and some Preservation Parking), each type of parking is an exclusive category. The same spaces can be more than one type of parking, such as both Growth Parking and Visitor Parking, if the regulations for both types are met.
1. **Growth Parking.** Growth Parking is created in conjunction with additions of net building area. Net building area is added either as part of new development or by adding floor area to existing development.  
  
In the case of new development, the land use or building permit for the parking must be requested by the time the foundation of the new building is complete. If the parking is requested after the foundation is complete, it will be Preservation Parking.  
  
In the case of additions of net building area to existing development, the land use or building permit for the parking must be requested by the time the building permit for the new net building area is issued. If it is requested after the building permit for the new net building area is issued, it will be Preservation Parking.  
  
The ratios for Growth Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
  2. **Preservation Parking.** Preservation Parking is created to serve existing buildings. The ratios for Preservation Parking are based on the needs of both employees and those who come to the building for other reasons, such as customers and clients.
  3. **Visitor Parking.** Visitor Parking is created to serve shoppers, tourists, and other such visitors who make occasional trips to the area. It is not associated with a particular development.
- C. Organization of parking regulations.** This subsection describes the organization of parking regulations that follow, and provides a framework for understanding. See the sections that follow for the specific regulations described below.

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

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

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

- D. Where these regulations apply.** The regulations of Sections 33.510.261 apply to parking built after July 9, 2018. Where there is more than one type of parking included in a proposal, each type of parking must meet the regulations in the appropriate subsection.
- E. Sites split by parking sector boundaries.** If the site is split by parking sector boundaries, and the maximum ratio in the two sectors differ, the maximum ratio is based on the regulations that apply to the site of the use the parking will be serving.
- F. Growth Parking.** The regulations of this subsection apply to Growth Parking. Adjustments to the regulations of this subsection are prohibited.
  - 1. When Growth Parking is allowed. Growth Parking is allowed when net building area is added to a site either as part of new development or an alteration to existing development.
  - 2. Maximum allowed parking. Growth Parking is limited to the maximum ratios in Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
  - 3. Operation. Growth Parking may be operated as either accessory or commercial parking at all times.



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

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

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

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

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

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

2. Location of Preservation Parking. Preservation Parking must be built within the same parking sector as the building the parking will serve. Parking sectors are shown on Map 510-10.
3. Maximum allowed parking. The maximum ratio for Preservation Parking is the same as for Growth Parking, except for hotels and motels where the maximum ratio is one half the ratio allowed for new hotels. See Table 510-1. Where there is more than one use on a site, the amount of parking allowed is calculated based on the net building area of each use.
4. Required covenants. Preservation Parking requires the following covenants:
  - a. Common ownership. If the parking is based on the net building area of buildings under the same ownership as the parking, the following must be met:
    - (1) The owner must specify which buildings the parking is based on;
    - (2) The owner must execute a covenant with the City that ensures that the parking will be primarily for those buildings for at least 10 years. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property.
  - b. Different ownership. Where the parking structure is under different ownership than the buildings the parking will serve, the following must be met:
    - (1) Covenant:
      - There must be signed and recorded covenants between the owner of the parking and the owners of buildings for which the parking will be provided. The covenants must specify which buildings the parking is based on, and ensure that the parking will be primarily for those buildings for at least 10 years from the date the garage begins operation. The covenant must meet the requirements of 33.700.060, Covenants with the City, and must be recorded and attached to the deed for the property; and
      - A copy of the covenant must be provided to the Bureau of Development Services as part of the application for a building permit. Written documentation must be provided that shows that the changes comply with the regulations of this Chapter.
    - (2) Changes to existing covenants. Changes to a covenant between the owner of the parking and owners of buildings for which the parking is provided are allowed only if the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Bureau of Development Services in writing of any changes to existing covenants.
    - (3) New covenants. A new covenant between the owner of the parking and the owners of buildings for which the parking will be provided is allowed only if

the regulations of this Chapter are still met. The length of the covenant cannot be reduced to cover fewer than 10-years from the date the garage began operation. The applicant must notify the Director of the Bureau of Transportation in writing of any new covenants.

5. Operation. Preservation Parking may be operated as either accessory or commercial parking at all times.
- H. Visitor Parking.** The regulations of this subsection apply to Visitor Parking. Adjustments to this subsection are prohibited.
1. When Visitor Parking is allowed. Visitor Parking is allowed when approved through Central City Parking Review.
  2. Maximum allowed parking. There are no maximum parking ratios for Visitor Parking. The appropriate number of parking spaces allowed is determined based on a demand analysis, traffic analysis, and other considerations specified in the approval criteria for Central City Parking Review.
  3. Operation. Visitor Parking is operated as commercial parking, except as follows:
    - a. "Early Bird" discounts are prohibited on weekdays, and
    - b. The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
- I. All parking built after July 9, 2018.** The regulations of this subsection apply to all new parking regardless of type.
1. The applicant is required to report the number of constructed parking spaces to the Director of the Bureau of Transportation within 30 days of parking operations beginning.
  2. Carpool parking. The carpool regulations of this Paragraph do not apply to Residential uses or hotels.
    - a. Five spaces or five percent of the total number of parking spaces on the site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays. More spaces may be reserved, but they are not required;
    - b. The carpool spaces must be those closest to the building entrance or elevator, but not closer than the spaces for disabled parking;
    - c. At least twenty percent of the carpool spaces must include electrical conduit adjacent to the spaces that will allow for installation of at least a Level 2 electric vehicle charger; and
    - d. Signs must be posted indicating that the spaces are reserved for carpool use before 9:00 AM on weekdays.
  3. Surface parking and structured parking with no gross building area above it are prohibited except as follows:
    - a. Parking on top of a structure is allowed.

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

designed to accommodate Retail Sales And Service or Office uses must meet the standards of Section 33.510.225, Ground Floor Active Uses. See Map 510-10 for parking sectors.

5. Operation reports. The applicant must provide operation reports to the Director of the Bureau of Transportation no later than December 31 each year. The operation reports must be based on a sample of four days during every 12-month period, and must include the following information:
  - a. The number of parking spaces and the amount of net building area on the site.
  - b. A description of how the parking spaces were used in the following categories. Percentage of parking used for:
    - (1) Short-term (less than 4 hours);
    - (2) Long-term daily (four or more hours);
    - (3) Average number of monthly permits issued (other than carpool);
    - (4) Number of signed monthly Carpool stalls in the facility; and
    - (5) Number of spaces that either include electrical conduit adjacent to the spaces that will allow for the installation of at least a Level 2 electric vehicle charger, or currently provide at least a Level 2 electric vehicle charger.
  - c. Rate schedule for:
    - (1) Hourly parking;
    - (2) Daily Maximum Rate;
    - (3) Evening Parking;
    - (4) Weekend Parking;
    - (5) Monthly parking;
    - (6) Carpool parking; and
    - (7) Electric vehicle parking if different from above rates
  - d. The hours of operation on weekdays, Saturday, Sunday, and whether the facility is open during special events in the area.
6. Changes from one type of parking to another.
  - a. Changes from one type of parking to another are processed as if they were new parking. For example, changing Growth Parking to Preservation Parking requires a Central City Parking Review.
  - b. Visitor Parking must operate as Visitor Parking for at least 10 years before it may be changed to Preservation Parking. Changing Visitor Parking that has been operating for less than 10 years is prohibited.

### 33.510.262 Parking Built before July 9, 2018

- A. Purpose.** With adoption of the Central City 2035 Plan, the regulations for parking in the Central City plan district were significantly revised. To simplify and streamline regulations for parking that existed when the regulations changed, operation restrictions and reporting requirements have been reduced.

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

- B. Where these regulations apply.** These regulations apply to all parking that legally existed on July 9, 2018. The regulations also apply to all parking where a complete application was received before July 9, 2018, or parking that received either a land use or building permit before July 9, 2018.
- C. Assignment of parking types.** The parking types assigned below are the same types as described in Subsection 33.510.261.B.; or if not assigned below the parking is Undedicated General. Undedicated General is all parking other than Visitor Parking, that is not associated with a particular development.
1. If the parking was built as Growth Parking it continues to be Growth Parking.
  2. If the parking was built as Preservation Parking it continues to be Preservation Parking.
  3. If the parking was built as RX Zone Parking or Residential/Hotel Parking it is now Growth Parking.
  4. If the parking was built as Visitor Parking it continues to be Visitor Parking.
  5. All other parking is Undedicated General Parking.

**D. Operation.**

1. If the parking is in a structure:
  - a. Growth and Preservation parking may operate as accessory or commercial parking.
  - b. Visitor Parking is operated as commercial parking except as follows:
    - (1) "Early Bird" discounts are prohibited on weekdays, and
    - (2) The sale of monthly permits that allow parking between 7:00 AM and 6:00 PM on weekdays is prohibited.
  - c. Undedicated General Parking is subject to all previous conditions of approval.
2. If the parking is on a surface parking lot:
  - a. Growth Parking:
    - (1) Unless specified in Subsubparagraph D.2.a.(2), Growth Parking may operate as accessory or commercial parking. In the Central Eastside subdistrict, growth parking that operates as commercial parking is subject to the following limitations:

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

### **33.510.263 Parking and Loading Access**

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

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

**B. Parking and loading access standards.**

1. Motor vehicle access to or from any parking area, loading area, or parking structure is prohibited on or along the following streets unless the street listed is the site's only frontage, in which case access is not allowed:
  - a. On Fifth and Sixth Avenues between NW Irving and SW Jackson Streets;
  - c. On SW Park between SW Jackson Street and SW Salmon Street;
  - d. On NW Park Avenue and NW 8th Avenue between W. Burnside and NW Lovejoy Street;
  - e. On SW Morrison and SW Yamhill Streets between SW 1st and SW 18th Avenues;
  - f. On 1st Ave between NW Davis Street and SW Stark Streets;
  - g. On 1st Ave between SW Washington and SW Yamhill Streets; and
  - h. Motor vehicle access to or from any parking area or structure is prohibited along any site frontage that abuts a street with a light rail or street car alignment in it unless entering and exiting the parking area or structure does not result in any motor vehicle travelling onto or across the light rail or streetcar alignment, in which case the access is allowed.
2. Unless addressed by Paragraph B.1., motor vehicle access to any parking area, loading area, or parking structure is not allowed in the following situations:
  - a. To or from any of the following streets:
    - (1) Major City bikeway;
    - (2) Major City Traffic Street;
    - (3) Major Truck Street; and
    - (4) Major Transit Priority Street.
  - b. To or from any parking area or structure when the access will cause or allow a vehicle to travel onto or across a light rail or street car alignment anywhere within 75 feet of the parking access measured from the property line.
3. All other streets. Motor vehicle access to any parking area, loading area, or parking structures is allowed.



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*(Amended by: Ord. No. 165376, effective 5/29/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167515, effective 3/30/94; Ord. No. 167464, effective 4/15/94; Ord. No. 167650, effective 6/10/94; Ord. No. 169535, effective 1/8/95; Ord. No. 168702, effective 7/1/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169699, effective 2/7/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171522, effective 9/19/97; Ord. No. 171648, effective 10/8/97; Ord. No. 172040, effective 3/13/98; Ord. No. 173259, effective 5/14/99; Ord. No. 174160, effective 2/9/00; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175163, effective 1/1/01; Ord. No. 175204, effective 3/1/01; Ord. No. 175294, effective 3/2/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177920, effective 11/8/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178425, effective 5/20/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179084, effective 3/26/05; Ord. No. 179092, effective 4/1/05; Ord. No. 179925, effective 3/17/06; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 181357, effective 11/9/07; Ord. No. 182319, effective 12/5/08; Ord. No. 182429, effective 1/16/09; Ord. No. 183517, effective 3/5/10; Ord. No. 183269, effective 10/21/09; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. Nos. 187216 and 187217, effective 7/24/15; Ord. No. 187796, effective 7/8/16; Ord. No. 188162, effective 2/1/17; Ord. No. 188631, effective 11/4/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189001, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*

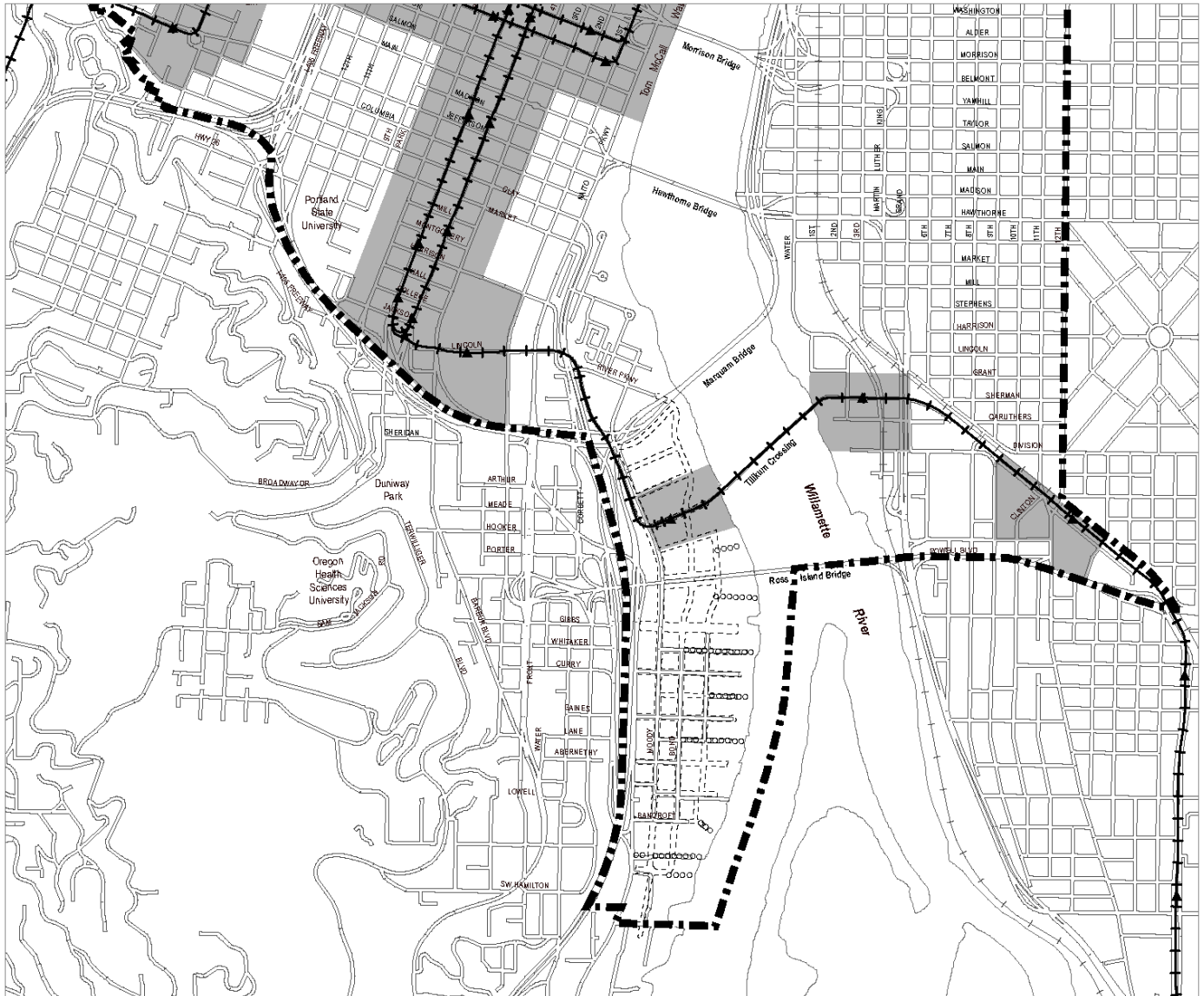


# Area Where Vehicle Repair and Vehicle Sales and Leasing Uses are Restricted




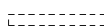
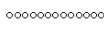
# Map 510-17

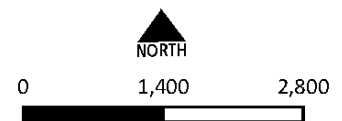
Map 2 of 2

Map Revised August 10, 2020



## Legend

-  Central City Plan District boundary
-  Area where restrictions apply
-  MAX Light Rail line and stops
-  Proposed right-of-way
-  Proposed accessways



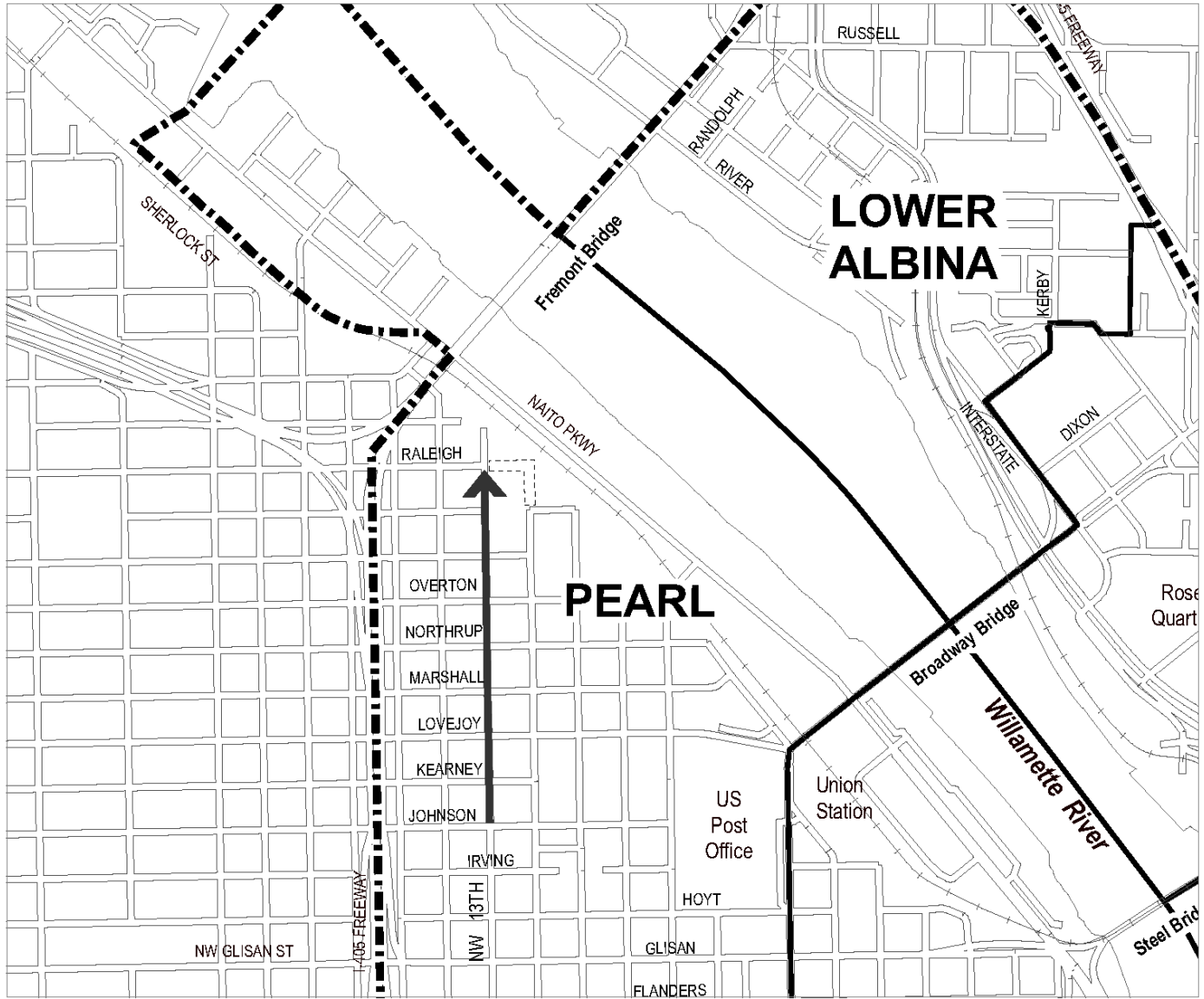
Scale in Feet

Bureau of Planning and Sustainability  
Portland, Oregon





# Pearl District Special Building Height Corridor

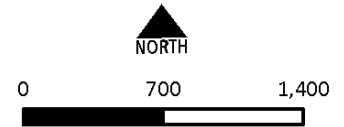
# Map 510-18

Map Revised June 30, 2023



### Legend

-  Central City Plan District boundary
-  Subdistrict Boundary
-  Special building height corridor
-  Proposed right-of-way



Scale in Feet  
Bureau of Planning and Sustainability  
Portland, Oregon

1. Research and development;
2. Data processing;
3. Operation centers for industrial and business uses; and
4. Other uses similar to the above.

**C. Standards**

1. These offices are located in either single tenant buildings or in industrial flex-space buildings.
2. Flex-space buildings must have 50 percent or more of the floor area built with characteristics suitable for a wide range of industrial activities. Industrial building characteristics include an overall height of not more than two stories, a minimum ceiling height of 15 feet, and a dock high or drive-in loading area serving each tenant.
3. The development standards of this chapter are met.

**33.515.120 Commercial Uses**

- A. Retail Sales And Service uses in the EG2 zone are limited to 20,000 square feet or less of net building area including any exterior storage or nonconforming exterior display per site. The 20,000 square foot limitation does not apply to hotels or motels.
- B. Office uses in the EG2 zone are limited to a net building area not to exceed 45 percent of the total site area.
- C. The IG2 zone regulations allow four Retail Sales And Service uses of up to 3,000 square feet each of net building area including any exterior storage or nonconforming exterior display per site without a conditional use review. Within the Industrial Business Opportunity subdistrict, sites zoned IG2 are allowed a single Retail Sales And Service use of up to 12,000 square feet of net building area including any exterior storage or nonconforming exterior display without a conditional use review, in lieu of the four separate uses.

**33.515.130 Additional Conditional Uses**

**A. Columbia Riverfront.**

1. Conditional uses. The uses listed below are allowed in the RF zone through a conditional use review. The uses are:
  - a. Marinas;
  - b. Rental of recreational equipment; and
  - c. Houseboat moorages.
2. Regulations.
  - a. These uses are subject to the development standards of the CE zone.
  - b. The applicant must obtain separate approvals for building on or riverward of any flood control structure, including dikes, from the Oregon Division of State Lands,

the U.S. Army Corps of Engineers, and Multnomah County Drainage District No. 1.

3. Conditional use approval criteria. Requests are subject to the same approval criteria as for other conditional uses in residential zones, found in 33.815.105. Compatibility with the scenic and functional qualities of the Columbia River and Marine Drive will be considered in lieu of considering the compatibility with adjacent residential development, stated in criterion 33.815.105.B.

**B. Commercial parking facilities.**

1. New commercial parking facilities. Any new commercial parking facilities must locate south of the Columbia Slough or west of Interstate 205, and are conditional uses subject to 33.815.300.
2. Existing commercial parking facilities are allowed as a conditional use. Changes to such facilities are subject to 33.815.300. The appropriate review procedure for the conditional use will be determined through 33.815.040.D.
3. Site changes resulting from realignment of roadway. Commercial parking facilities existing prior to September 3, 1993 may maintain the same number of parking spaces that existed on that date. If a roadway project results in reconfiguration of the site, the same number of parking spaces may also be reconfigured by right. The parking spaces may be on the site or on land adjacent to the site. This section confers only the right to maintain existing parking spaces and does not expand other rights provided by nonconforming provisions of this title.

**C. Professional / technical facilities.**

1. For sites zoned IG2, professional/technical facilities are reviewed through a Type II conditional use. Approval criteria are in 33.815.302.
2. The maximum number of parking spaces on the site is 1 space per 300 square feet of net building area.
3. Supplemental application requirements:
  - a. A transportation study is required if the proposed use will generate 100 or more new vehicle trips in the peak direction (inbound or outbound) during the site peak traffic hour. The Office of Transportation will evaluate the transportation study as part of the conditional use review.
  - b. A transportation demand management plan is required, which should address the respective responsibilities of the training facility and participating firms in measures to mitigate traffic impacts.

**D. Retail Sales And Service.**

1. Retail Sales And Service uses that have net building area plus exterior display and storage area in excess of the limits in 33.515.120.A or C are allowed only through a conditional use review. The approval criteria are in 33.815.303, Retail Sales and Service Uses in the Columbia South Shore plan district.

determine the location and type of any archaeological resources identified on the site through current or previous archaeological testing. Confirmation testing, consisting of subsurface auger probes and consultation with appropriate Oregon tribes, must meet all the standards of this paragraph.

The standards are:

- a. A qualified archaeologist, in consultation with appropriate Oregon tribes, must perform the confirmation testing. A list of qualified archaeologists is maintained by the SHPO.
- b. Subsurface auger probes must be placed along the Marine Drive levee or the bank of the Columbia Slough, as applicable. Auger probes must be placed at least 100 feet apart and, where feasible, reach a ground depth of at least 8 feet below grade. The qualified archaeologist will determine the precise location of auger probes, consistent with previous confirmation testing in the vicinity.
- c. If an archaeological resource is identified through confirmation testing, the standards for that resource and associated transition area found in Subsection G, below, apply. If no archaeological resource is identified through the testing, the standards of Subsection G do not apply.

**E. Archaeological resource classification.** Where an archaeological resource has been identified, through previous testing or confirmation testing, a qualified archaeologist must classify the archaeological resource using cumulative archaeological test results for the site. The archaeological resource will be classified as one or more of these types:

1. Burial. A burial is an archaeological resource where there is evidence of human remains or funerary objects, as defined in Oregon Administrative Rules.
2. Village. A village is an archaeological resource where there is evidence of a relatively permanent residential location typically occupied during the winter and on an annual basis. Archaeological evidence may include remains of structures, storage pits, and midden deposits.
3. Seasonal campsite. A seasonal campsite is an archaeological resource where there is evidence of organized activity in extracting and processing resources on a seasonal basis.
4. Activity area. An activity area is an archaeological resource where specific activity (e.g., roasting camas bulbs or stone tool making) took place.
5. Traditional, sacred, or cultural use site. A traditional, sacred, or cultural use site is an archaeological resource where there is evidence of a sacred or ceremonial site, and may include vision quest sites, sites of other sacred ceremonies, and sweat lodge sites.
6. Where more than one archaeological resource is identified. Where more than one archaeological resource is identified together:
  - a. If one of the archaeological resources is a burial, the regulations for burials apply to all resources;

- b. If any of the archaeological resources are villages; or traditional, sacred, or cultural use sites, and there is no burial, the regulations for villages; or traditional, sacred, or cultural use sites apply to all resources;
- c. If all of the archaeological resources are seasonal campsites or activity areas, the regulations for seasonal campsites or activity areas apply to all resources.

**F. Archaeological resource subareas.**

1. Archaeological resource. An archaeological resource is a resource identified through a SHPO archaeological permit process. An archaeological resource must meet one or both of the following:
  - a. An archaeological site that meets SHPO guidelines, plus a five foot vertical buffer and a five foot horizontal buffer, as shown in Figure 515-6, Archaeological Resource Subareas. The vertical buffer extends directly above the most shallow archaeological materials found in the site records. The horizontal buffer extends sideways from the archaeological resource; or
  - b. A traditional, sacred, or cultural use site, as documented in writing by an appropriate Oregon tribe through a SHPO permit.
2. Transition area. The transition area is the area directly between the archaeological resource and the surface layer and extends horizontally out from the edge of the archaeological resource. Features associated with a resource, not identified through auger testing, may also be encountered in the transition area.
  - a. For burials and villages, the horizontal distance is 100 feet from the archaeological resource.
  - b. For seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the horizontal distance is 50 feet from the archaeological resource.

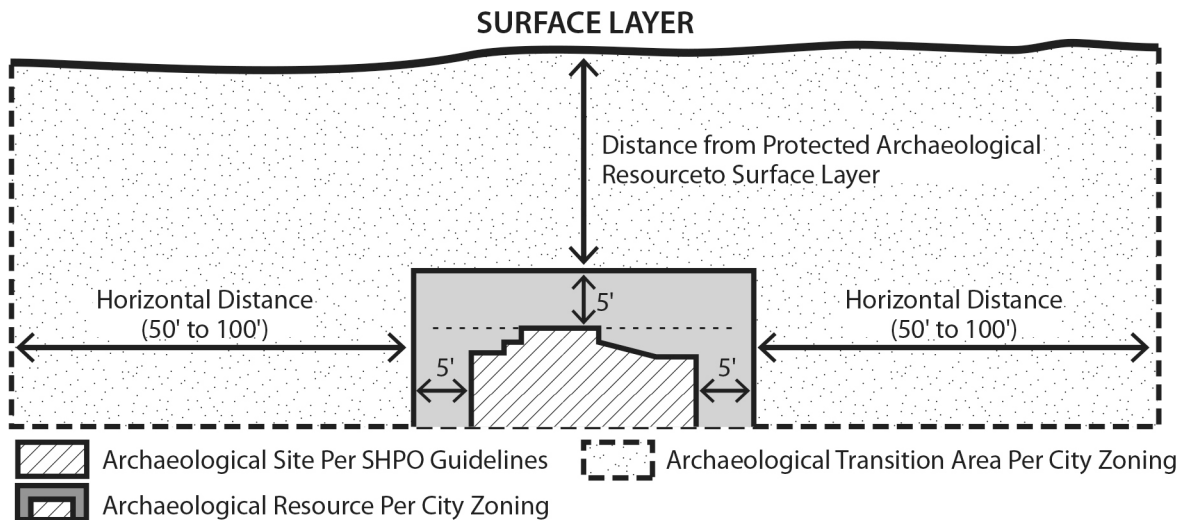
**G. Protection of identified archaeological resources.**

1. Ground disturbance activities within the archaeological resource and transition area are either allowed, limited, or prohibited, depending on the resource type. Table 515-1 provides a summary of the standards. Activities shown with a "Y" are allowed if they comply with other use and development standards of this Title. Activities shown with an "MOU" are allowed through a private agreement specified in Paragraph G.6, below; without that private agreement, such activities are prohibited. The footnote letters from Table 515-1 refer to subparagraphs of Paragraph G.6, below. Activities shown with an "N" are prohibited.
2. For sites with identified archaeological resources, the base zone development standards are modified as follows:
  - a. Minimum building setbacks are reduced to zero;
  - b. For purposes of meeting the minimum landscaping requirements, the applicant may exclude the area occupied by the archaeological resource from the total site area; and



- c. The area occupied by the archaeological resource is exempt from the standards of 33.515.215, Marine Drive Streetscape.
3. For archaeological resource areas of burials, all ground disturbance activities are prohibited.

**Figure 515-6**  
**Archaeological Resource Subareas**



4. Except for archaeological resource areas of burials, the following ongoing and low-impact activities are allowed in archaeological resources and transition areas:
  - a. Maintenance, repair, and replacement of existing structures, exterior improvements, roads, and utilities when the activity does not enlarge the ground disturbance area horizontally or vertically;
  - b. Lawns and landscape areas, including the installation of new irrigation and drainage facilities, and new erosion control features;
  - c. Change of crop type or farming technique on land currently in agricultural use;
  - d. Alterations of buildings that do not increase building coverage and meet all development standards of the base zone;
  - e. Operation, maintenance, and repair of the following existing facilities: 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 where all spoils are placed outside environmental zones and sensitivity areas;

- f. Removing a tree listed on the Nuisance Plants Lists. When no other development is proposed, tree removal is subject to the tree permit requirements of Title 11, Trees;
- g. Construction of the Columbia Slough recreational trail, as identified in Section 33.515.260 of this chapter;
- h. Planting of native vegetation listed on the *Portland Plant List* when planted with hand-held equipment; and
- i. Public street and sidewalk improvements that do not enlarge the ground disturbance area horizontally or vertically.

Ground Disturbance Activities	Burial		Village; or Traditional, Sacred, or Cultural Use Site		Seasonal Campsite or Activity Area	
	Resource	Transition	Resource	Transition	Resource	Transition
Ongoing and low-impact activities (33.515.262.G.4)	N	Y	Y	Y	Y	Y
Parking lots and vehicle circulation areas (33.515.262.G.6)	N	Y	N/MOU [a]	Y	N/MOU [b]	Y
All other activities otherwise permitted	N	N	N/MOU [a]	N/MOU [a]	N/MOU [b]	N/MOU [b]

Y = Yes, Allowed

[a] see Subparagraph G.6.a.

N/MOU = Private agreement option; otherwise, prohibited

[b] see Subparagraph G.6.b.

N = No, Prohibited

- 5. All activities otherwise permitted by other regulations of this Title. All activities otherwise permitted, other than ongoing and low-impact activities listed in Paragraph G.4 above, are prohibited within archaeological resource and transition areas of villages; seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, except:
  - a. Activities listed in Paragraph G.4 are allowed;
  - b. Activities allowed through an archaeological resource recovery plan, as provided in Paragraph G.6 below; and
  - c. Construction of a parking lot or vehicle circulation area within the transition area is allowed.
- 6. Archaeological resource recovery. This regulation applies to all archaeological resource and transition areas of Table 515-1 that have an "MOU." For villages;

seasonal campsites; activity areas; and traditional, sacred, or cultural use sites, the applicant must protect the archaeological resource areas either by prohibiting all ground disturbance activities or complying with a private agreement for archaeological resource recovery, as stated in this paragraph.

- a. For villages and traditional, sacred, or cultural use sites, an archaeological resource recovery plan is limited to the removal of archaeological materials necessary to construct a paved parking lot or vehicle circulation area. The paved area must provide spill containment so that chemicals do not degrade the remaining archaeological resource.
- b. For seasonal campsites and activity areas, an archaeological resource recovery plan may remove some or all archaeological materials, as negotiated with the appropriate tribes and specified in the archaeological resource recovery plan.
- c. An archaeological resource recovery plan allows for the removal of archaeological materials following an archaeological evaluation, a consultation process with appropriate Oregon tribes, and a private agreement (Memorandum of Understanding) between the applicant and tribes. Each step is described below.

(1) Archaeological evaluation. A detailed archaeological evaluation must be completed. The evaluation must be conducted by a qualified archaeologist. The evaluation must meet standards of the SHPO for archaeological resource recovery projects.

(2) Consultation with appropriate tribes.

- The applicant must contact the appropriate tribes for the area, by registered or certified mail, to request comments on archaeological testing and offer a meeting. The Commission on Indian Services determines the appropriate Oregon tribes to be consulted.
- The tribes should reply to the contact within 14 days and hold a meeting within 30 days of the date of the initial contact. If the appropriate tribes do not reply within 30 days, the applicant may apply for a state archaeological permit and implement the terms of that permit without further delay. The tribes may schedule the meeting with a tribal council, one of its committees, or designee.
- The purpose of the meeting is to allow tribal representatives and the applicant to review archaeological test results and discuss the archaeological resource recovery plan. More than one meeting may be held.
- After the meetings, and before applying for a building permit, the applicant must send a letter to the tribal governments. The letter will explain any changes in the project's design and archaeological resource recovery plan since the date of the last meeting.

(3) Development of a Memorandum of Understanding (MOU). The applicant must develop a Memorandum of Understanding (MOU) signed by the applicant, the property owner, and at least one appropriate Oregon tribe. The MOU must specify the care and disposition of any archaeological

materials recovered on the site. The MOU must also specify how the parties will communicate and how on-site monitoring will proceed during project construction.

#### **H. Application, Review, and Inspection.**

1. Supplemental application requirements.
  - a. No archaeological resource found. For sites within an "archaeological sensitivity area," as shown on Map 515-6, the applicant is responsible for providing any evidence that no archaeological resource was found.
    - (1) For sites not designated "confirmation testing area," the applicant must provide written documentation in the form of a certification letter from SHPO or a zoning confirmation letter from the Portland Bureau of Planning and Sustainability.
    - (2) For sites that require confirmation testing, and the testing did not find an archaeological resource, the applicant must submit a report by a qualified archaeologist regarding the results of confirmation testing and the presence of identified archaeological resources on the site.
  - b. Archaeological resource found. The applicant must provide the following supplemental information. In the interest of not disclosing the location of archaeological resources, all maps required in (2) through (4) below will be stamped "Confidential: Sensitive Information." Planning staff will separate this information and file it in a locked file subject to nondisclosure procedures.
    - (1) Site plan. A site plan, at a scale of 1 inch = 50 feet or larger, showing the building footprints, underground utilities and all other proposed ground disturbance activities, and an estimated ground disturbance depth. The site plan must show the existing topography of the site.
    - (2) Confirmation testing overlay. For sites identified for confirmation testing, a transparent overlay map showing all of the archaeological auger locations completed for the site.
    - (3) Archaeological resource overlay. A transparent overlay showing the boundaries of any archaeological resources that are recorded with SHPO or encountered during confirmation testing. The archaeological resource overlay must also show the transition area associated with each archaeological resource. Any conservation easements intended to protect archaeological resources must be shown on this overlay.
    - (4) For archaeological resource recovery plans, letters to tribal governments and Memoranda of Understanding signed with tribal governments must be filed with the building permit.
  - c. It is the applicant's responsibility to provide any archaeological reports filed with SHPO after July 1, 1994 to verify changes to the state's inventory affecting the development site. The Bureau of Planning and Sustainability will maintain a

confidential atlas of identified archaeological resources within the archaeological sensitivity areas shown on Map 515-6 at the end of this chapter.

2. Review of applications.
  - a. Where a qualified archaeologist, in consultation with the appropriate Oregon tribes, certifies that no archaeological resources were found through confirmation testing required by this section, the Bureau of Planning and Sustainability will provide a letter to the applicant waiving any additional compliance with this section.
  - b. The Bureau of Planning and Sustainability may contract with a qualified archaeologist to assist the City in review and inspection of proposals.
  - c. The SHPO maintains a list of qualified archaeologists.
  - d. An additional fee for special archaeological evaluations and inspections may be charged to the applicant for any grading permit or building permit.
3. Compliance reports. For ground disturbance in an archaeological resource or transition area, the applicant must provide documentation that the approved resource recovery plan or other development activities comply with plans submitted for Subsection H.1.b.
  - a. Archaeological resource recovery plans. The required documentation for resource recovery plans is specified in the signed MOU.
  - b. All other developments. For developments not covered by a signed MOU, the applicant must submit compliance reports from a qualified archaeologist to BDS. The archaeologist must submit a final signed report certifying that the work was in conformance with this section.

## **Environmental Zones**

### **33.515.265 Purpose**

The purpose of the environmental regulations in the Columbia South Shore plan district south of NE Marine Drive is to:

- Protect inventoried significant natural resources and their functional values in the Columbia South Shore Plan District, as identified in the Comprehensive Plan;
- Implement the Comprehensive Plan environmental policies and objectives;
- Encourage coordination between City, county, regional, state, and federal agencies concerned with natural resources; and
- Protect inventoried significant archaeological resources where those resources overlap with an environmental protection zone or environmental conservation zone.

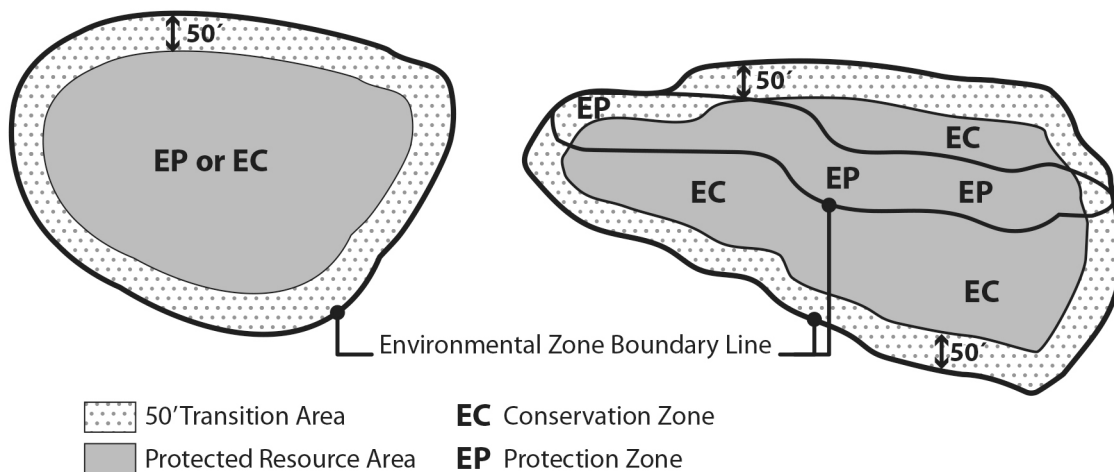
### **33.515.268 Where These Regulations Apply**

The regulations of Sections 33.515.265 through 33.515.280 apply to all lots or sites which contain an Environmental Zone on any portion of them, and any portion of a right-of-way which contains an Environmental Zone which are south of NE Marine Drive.

### 33.515.270 Overlay Zones

- A. General.** Natural resource values in the district have been inventoried. Because some natural resource areas have greater public benefits than others, the two environmental overlay zones have different emphases.
1. The environmental protection overlay zone is applied to areas with the highest functional values and where the natural resource is so significant that almost all development would have detrimental impact. The regulations of the environmental protection zone are intended to preserve the resource and its values.
  2. The environmental conservation overlay zone is applied to areas with high functional values where development may be allowed if adverse impacts are mitigated. The regulations of the environmental conservation zone are intended to conserve the resource and its values.
- B. Subareas of the Environmental Zone in the Columbia South Shore.** Each environmental zone in the Columbia South Shore contains a protected natural resource and a transition area surrounding the protected resource. The purpose of the transition area is to protect the adjacent natural resource. The transition area provides a buffer between the protected resource and impacts of adjacent development. The transition area is the first 50 feet inward from the environmental zone boundary, except as shown on Map 515-5. Figure 515-7 illustrates two different situations: when either the environmental conservation or environmental protection zone is applied, and when the two zones are applied together and border each other.

**Figure 515-7**  
**Environmental Zone Subareas**



### 33.515.272 Items Subject to These Regulations

Unless exempted in Section 33.515.274, the following are subject to the regulations of Sections 33.515.265 through 33.515.280:

- A.** Change of use where there are concurrent exterior alterations to the buildings, site, or activities;

mitigation success has been achieved. Success shall be defined in the approved mitigation plan to include:

- (1) Full achievement of required resource values; and
  - (2) Compliance with development standards of Section 33.515.278.
- e. Except for public improvement projects undertaken by the City, a performance guarantee which meets the requirements of Section 33.700.050, Performance Guarantees, for construction, monitoring, and maintenance of the mitigation site in accordance with the mitigation plan will be filed with the City Auditor prior to issuance of any development or building permit.

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*(Amended by: Ord. No. 166834, effective 9/3/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167650, effective 6/10/94; Ord. No. 166835, effective 5/23/95; Ord. No. 169953, effective 5/3/96; Ord. Nos. 169916 and 170225, effective 9/1/96; Ord. No. 171740, effective 11/14/97; Ord. No. 173259, effective 5/14/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; 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. 175966, effective 10/26/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177404, effective 7/1/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183534, effective 7/1/10; Ord. No. 184521, effective 5/13/11; 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. , effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190023, effective 8/10/20; Ord. No. 191310, effective 6/30/23.)*





Together with the building design and pedestrian standards, these standards ensure that sidewalks in the plan district are convenient, active, pleasant environments with a high level of pedestrian amenities.

- B. Where these regulations apply.** In the RM2, RM3, RM4, and C zones, buildings must meet the standards of Subsection C., below.
- C. Entrances.** For portions of a building within the maximum building setback, at least one main entrance for each nonresidential tenant space on the ground floor must meet the standards of this section. The ground floor is the lowest floor of the building that is within four feet of the adjacent street grade. Entrances that open into lobbies, reception areas, or common interior circulation space must also meet the standards of this section. The entrances must:
1. Face a public street or light rail alignment;
  2. Be within 15 feet of the public street or light rail alignment it faces;
  3. Be oriented to nearby transit facilities as follows:
    - a. If a site abuts a street containing a light rail alignment, the entrance must orient to that alignment. If the proposed building is within 100 feet of a transit station, at least one entrance must be along the first 25 feet of the wall nearest the station.
    - b. If a site abuts a transit street other than a light rail alignment, the entrance must orient to that street.
    - c. If the site abuts intersecting transit streets, the main entrance must orient to the street with the highest classification.
    - d. If the site abuts intersecting transit streets with the same classification, the entrance may be at a 45-degree angle to both streets or within 25 feet of the corner along either transit street.

### **33.521.260 Building Design**

- A. Purpose.** These provisions promote a safe and interesting pedestrian environment by connecting ground floor uses to adjacent sidewalk areas, encouraging surveillance opportunities by restricting fortress-like façades at street level, and by encouraging the continuity of retail and service uses. They do this by bringing buildings up to the sidewalk and requiring a minimum amount of ground floor windows.
- B. Applicability.** All sites in the RM2, RM3, RM4, and C zones where any of the floor area on the site is in nonresidential uses must meet the standards of Subsection C., below.
- C. Standards.**
1. Street enclosure. In Pedestrian Districts and at intersections where City Walkways or transit streets cross another City Walkway or transit street:
    - a. The street-facing façade of primary structures must be within 12 feet of the street lot line.

- b. Street-facing exterior façades must be at least 40 feet long and 16 feet high.
  - c. Sites with three or more street frontages must meet standard a. and b., above, on the two intersecting street frontages with the highest transit classifications. Where streets have the same transit classification, the applicant may choose on which two intersecting streets to meet the standard.
2. Ground floor windows. All street-facing elevations of development must meet the Ground Floor Windows Standards of the base zone regardless of the distance to the adjacent street. Developments that are more than 80 percent residential are exempt from this requirement.

### **33.521.270 Exterior Display and Storage**

Exterior display and storage are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment, 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.

### **33.521.280 Drive-Through Facilities.**

Drive-through facilities are prohibited in Pedestrian Districts and on the portion of a site within 100 feet of a light rail alignment.

### **33.521.290 Parking**

- A. Purpose.** The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

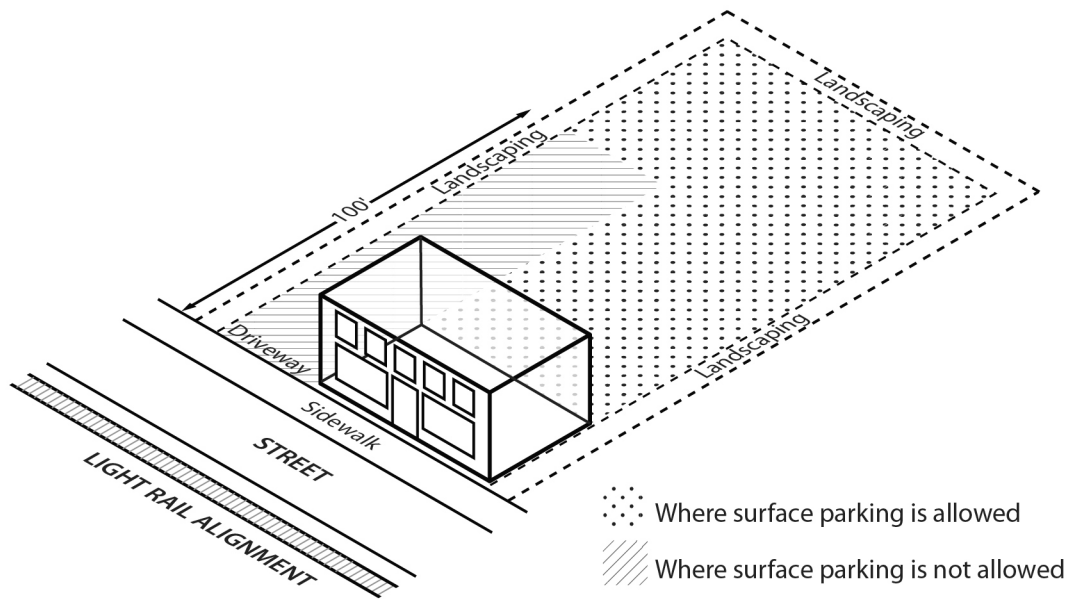
- B. Maximum allowed parking spaces.** The maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. The maximums apply to both surface and structured parking. Park-and-ride facilities are exempt from this requirement.

**C. Location of vehicle areas.**

1. Parking and loading areas are not allowed between a primary structure and any street, except as follows:
  - a. Sites with through lots or with three frontages may have parking and loading areas between a primary structure and one Local Service Transit Street.

- b. Sites on full blocks may have parking and loading areas between a primary structure and two Local Service Transit Streets.
  2. For sites with frontage on a light rail alignment, parking and loading areas are not allowed on the portion of the site within 100 feet of a light rail alignment, except as follows:
    - a. Surface parking and loading that is separated from a light rail alignment by buildings containing a primary use is allowed.
    - b. Garages that have dimensions that do not exceed 24 feet by 24 feet are allowed within 100 feet of a light rail alignment.
    - c. In C zones, structured parking and loading is allowed within 100 feet of a light rail alignment if the structure meets the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.
  3. Driveways are subject to the following:
    - a. Sites with frontage on a light rail alignment.
      - (1) Generally, driveways providing access from a light rail alignment are not allowed.
      - (2) Exception. On sites where the only frontage is on a light rail alignment, driveways are allowed to provide vehicle access from a light rail alignment. See Figure 521-2.
    - b. Driveways are allowed between a primary structure and a street if the driveway provides a straight line connection between the street and the parking or loading areas allowed above. A straight line connection may not be more than 20 feet longer or 120 percent of the straight line distance from the property line to the parking or loading area, whichever is less.
    - c. Driveways are allowed in all locations where parking and loading areas are allowed.

**Figure 521-2**  
**Location of Surface Parking and Driveways along a Light Rail Alignment**



**33.521.300 Additional Standards in the 122nd Avenue Subdistrict**

**A. Where these regulations apply.** The regulations of this section apply to sites in the 122nd Avenue subdistrict, shown on Map 521-1.

**B. Exterior Display and Storage.**

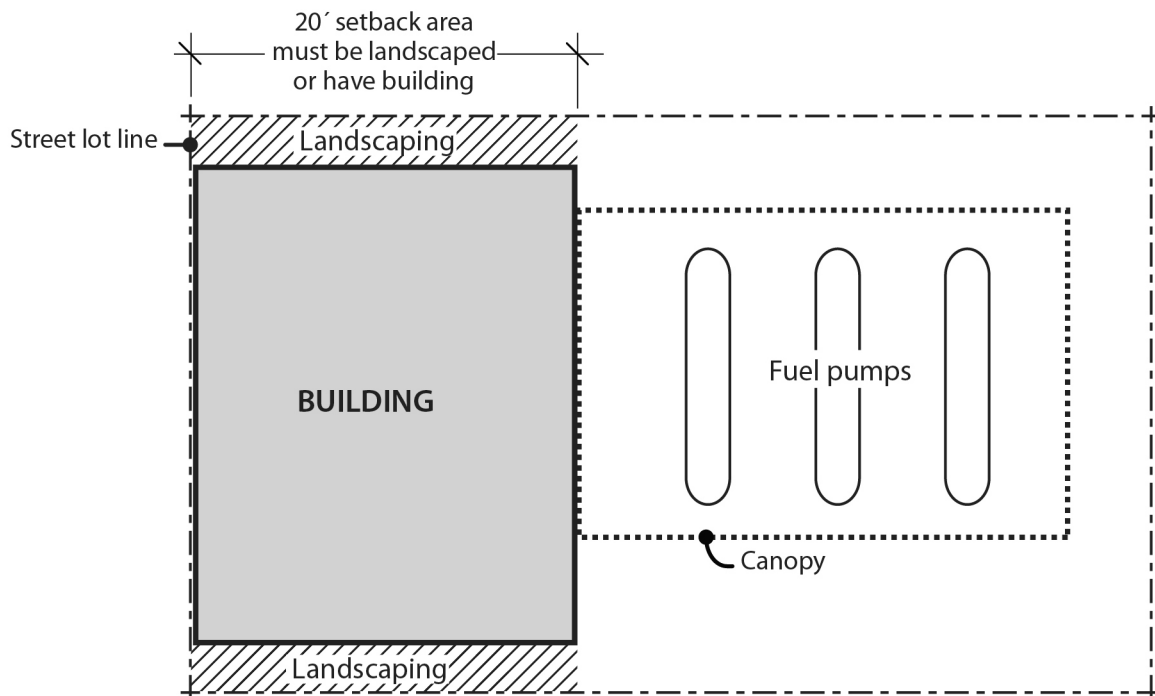
1. Purpose. The regulations of this section encourage Retail Sales And Service uses with exterior display and storage to create an enhanced pedestrian environment and promote compatibility of design between these uses and transit-oriented developments in the area. The regulations accomplish this by:

Allowing, in key locations, exterior display and storage areas that enhance the attractiveness and safety of pedestrian environment through landscaping, and well-designed buildings and display areas; and

Fostering pedestrian-oriented development around the light rail transit station and at key transit intersections, while providing flexibility in other locations and for existing development.

2. Where exterior display and storage are allowed. Exterior display and exterior storage that is accessory to a Retail Sales And Service use on the site is allowed in the areas shown on Map 521-4. Exterior display and storage in other areas is prohibited. The standards of this subsection must be met, and no more than 20 percent of the site area may be used for exterior storage. Modifications of these standards may be requested through Design Review; adjustments are prohibited.

**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; Ord. No. 191310, effective 6/30/23.)*



- b. Any transportation, water, stormwater disposal, or wastewater disposal systems identified in the plan as necessary to serve the development are in place or will be in place when the project is ready for occupancy.
2. Development not in conformance with Gateway master plan. Development that is not in conformance with the Gateway master plan requires an amendment to the plan.

### **33.526.340 Parking**

- A. Purpose.** The regulations of this section ensure that development is oriented to transit, bicycling, and pedestrian travel while ensuring accessibility for motor vehicles. Limiting the number of parking spaces promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as a more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

Limiting the location of parking and access on light rail alignments improves access to transit, supports a transit-oriented development pattern, and reduces conflicts between motor vehicles and pedestrians or bicycles. In particular, it reduces conflicts between motor vehicles and light rail trains, especially where the access would require cars to cross the light rail tracks.

**B. Maximum allowed parking spaces.**

1. Maximum allowed parking spaces. Except as specified in B.2., the maximum number of parking spaces allowed for nonresidential uses is 150 percent of Standard A in Table 266-2 of Chapter 33.266, Parking, Loading, and Transportation and Parking Demand Management. The maximums apply to both surface and structured parking.
2. Exceptions.
  - a. Medical and dental offices. The maximum number of parking spaces allowed for medical and dental offices is 1 space per 200 square feet of net building area. The maximum applies to both surface and structured parking.
  - b. Office uses. If all of the parking accessory to Office uses is in structured parking, the maximum number of parking spaces allowed for Office uses is 1 space per 300 square feet of net building area.
  - c. Park-and-ride facilities. There is no maximum for park-and-ride facilities.

**C. Location.**

1. Vehicle areas are not allowed between a primary structure and any street, except as follows:
  - a. Sites with through lots or with three frontages may have vehicle areas between a primary structure and one Local Service Transit Street.

- b. Sites on full blocks may have vehicle areas between a primary structure and two Local Service Transit Streets.
  - c. Driveways are allowed between a building and a street that is not a light rail alignment if the driveway provides a straight line connection between a street and parking area inside the building. Driveways between a building and a light rail alignment are not allowed.
2. Vehicle areas are not allowed on the portion of the site within 100 feet of a street that is a light rail alignment.
- D. Structured parking near light rail.** In C and E zones, areas of structured parking located within 100 feet of a light rail alignment must meet the standards of 33.526.280.D, Ground Floor Active Uses, along at least 50 percent of the structure's ground floor walls that face the light rail alignment and front onto a sidewalk, plaza, or other public open space.

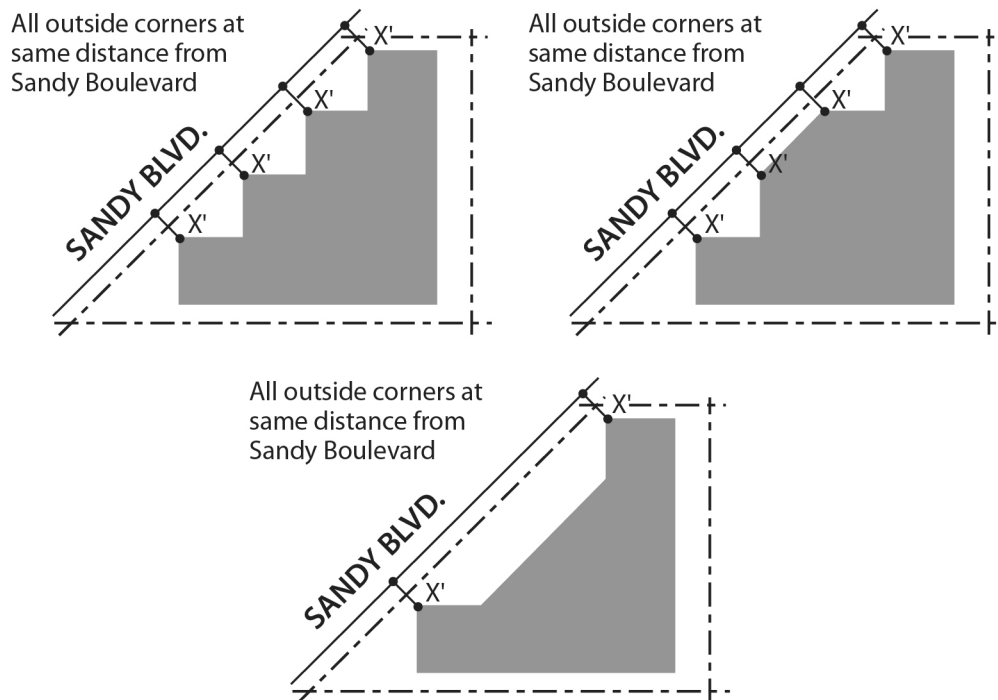
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*(Added by Ord. No. 169763, effective 3/25/96. Amended by: Ord. 172010, effective 3/18/98; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01; Ord. No. 177028, effective 12/14/02; Ord. No. 178423, effective 6/18/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 185974, effective 5/10/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188162, effective 2/1/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*



1. Parallel to Sandy Boulevard; or
2. In a series of stepped facades at an angle to Sandy Boulevard in which all outside building corners are at the same distance from Sandy Boulevard, as shown in Figure 536-4.

**Figure 536-4**  
**Examples of building facades facing Sandy Boulevard**



### 33.536.280 Enhanced Pedestrian Street Standards

- A. Purpose.** These regulations enhance and ensure the continuity of the pedestrian environment and emphasize a core of business activities in Hollywood along the Enhanced Pedestrian Streets. The standards also help maintain a thriving urban district along the Enhanced Pedestrian Streets through the interrelationships of active uses on the ground floor of buildings and the street level pedestrian environment.
- B. Where these regulations apply.** These regulations apply to new development on sites with frontage on the Enhanced Pedestrian Streets shown on Map 536-3. Alterations or exterior improvements to existing development are exempt from these regulations.
- C. Enhanced Pedestrian Street standards.** New development must meet the following standards:
  1. **Active building uses.** 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 that front onto the Enhanced Pedestrian Streets.

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

- a. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
  - b. The area must be at least 25 feet deep, measured from the street-facing facade;
  - c. The area must be designed to accommodate a single tenant or multiple tenants;
  - d. The street-facing facade facing the enhanced pedestrian street must include windows and doors; and
  - e. Parking is not allowed in the active building use areas.
2. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from an Enhanced Pedestrian Street unless the site has no other street frontage.

### **33.536.290 Maximum Allowed Parking in the RM4, CM2, and CM3 zones**

- A. Purpose.** Limiting the number of parking spaces allowed promotes efficient use of land, enhances urban form, encourages use of alternative modes of transportation, provides for a better pedestrian environment, and protects air and water quality. Parking that is provided in structures is preferred over parking in surface lots because, as an even more efficient use of land, structured parking promotes compact urban development. In addition, parking structures with active uses on the ground floor provide a better environment for pedestrians, and contribute to the continuity of street-level retail and service uses that support a thriving urban area.

The maximum ratios are lower in Hollywood than in many other parts of the city because the entire plan district is within one-half mile of a light rail station and the Hollywood Transit Center.

- B. Where these regulations apply.** These regulations apply to accessory parking in the RM4, CM2, and CM3 zones.
- C. Maximum allowed parking.**
1. Generally. Surface and structured accessory parking is limited to the maximum ratios listed as Standard A in Table 266-2, except as allowed in Paragraphs C.2 through C.4, below. When there is more than one primary use on a site, the amount of parking allowed is calculated based on the net building area of each use, or for household living, based on the number of units.
  2. Household Living. For Household Living uses, the maximum ratio for surface parking is 1.35 spaces per unit. When 75 percent or more of the parking is in structured parking the maximum number of parking spaces allowed is 1.7 spaces per unit.
  3. Retail Sales And Service. The following maximum ratios apply to the following specific Retail Sales And Service uses. The maximum for all other Retail Sales and Service uses is stated in Table 266-2:

- a. Retail, personal service, repair oriented. The maximum ratio is 1 space per 250 square feet of net building area.
  - b. Restaurants and bars. The maximum ratio is 1 per 75 square feet of net building area.
4. Office uses.
- a. Medical and dental clinics. The maximum parking ratio for medical and dental clinics is 1 space per 330 square feet of net building area.
  - b. All other Office uses. The maximum parking ratio for all other Office uses is 1 space per 400 square feet of net building area. However, the maximum ratio is 1 space per 300 square feet of net building area if the following are met:
    - (1) At least half of the parking accessory to uses on the site is in structured parking;
    - (2) Parking structures on the site must be designed so that at least 50 percent of the street-facing facade meets the standards of Paragraph 33.536.280.C.1, Active building uses. Parking structures are structures where parking occupies more than 50 percent of the gross building area.

#### **33.536.300 On-Site Location of Vehicle Areas Along Sandy Boulevard**

- A. Purpose.** These regulations maintain a pedestrian-friendly environment along Sandy Boulevard while providing sites along Sandy flexibility in site design.
- B. Where these regulations apply.** These regulations apply to sites with frontage along Sandy Boulevard.
- C. On-site location of vehicle areas.** Vehicle areas are prohibited between the building and Sandy Boulevard. Vehicle areas are not allowed between the building and other transit street frontages.

#### **33.536.320 Nonconforming Development**

- A. Purpose.** These regulations ensure that improvements to nonconforming development will comply with the parking limits established for the Hollywood plan district.
- B. Sites that are nonconforming in maximum allowed parking spaces.** If changes to a use or building are made to a site that is nonconforming in the maximum allowed parking spaces, existing parking spaces that are in excess of the maximum may be retained if the following conditions are met:
  1. Parking area may not be expanded, but may be reconfigured; and
  2. If the parking area is reconfigured, it must meet the minimum setback and perimeter landscaping requirements and the minimum parking space and aisle dimensions stated in Chapter 33.266.

*(Added by Ord. No. 174325, effective 5/5/00. Amended by: Ord. No. 174980, effective 11/20/00; Ord. No. 177422, effective 6/7/03; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*

- B. Industrial uses.** There may be no more than 30,000 square feet of net building area in Manufacturing And Production, Industrial Service, or Wholesale Sales uses in each subdistrict. This limitation applies to the net building area of the three use categories added together.

### **33.555.130 Additional Conditional Uses in Subdistricts A through D**

The following are conditional uses in Subdistricts A, B, C, and D:

- A. Household Living.** Household Living in multi-dwelling structures is a conditional use. The approval criteria are 33.815.130.B, C, and E. Household Living in other structure types is prohibited.
- B. Rail Lines And Utility Corridors.** Rail Lines And Utility Corridors are a conditional use.

### **33.555.140 Basic Utilities in the OS Zone**

Suspended cable transportation systems are allowed in the OS zone. All other Basic Utilities are regulated by the base zone.

### **33.555.150 Impacts of a Suspended Cable Transportation System in the OS Zone**

In those portions of the plan district within the OS Zone, a suspended cable transportation system is subject to Section 33.262.050, Noise; Section 33.262.060, Vibration; and Section 33.262.080, Glare. These regulations must be met only within those portions of the plan district within the OS Zone.

### **33.555.160 Temporary Activities in the OS Zone**

Staging areas for institutional development are allowed in the OS Zone subject to the requirements stated in 33.296.030.F.4.c.

## **Development Standards**

### **33.555.200 Purpose**

The development standards of this chapter foster a dense urban institutional campus with an emphasis on attractive, well-designed buildings, and a positive and well-designed pedestrian environment. The standards also help establish an attractive transition between institutional development and adjacent residential development, Terwilliger Parkway, and undeveloped open areas.

### **33.555.210 Relationship to Base Zone Regulations.**

If not addressed by the development standards of this plan district, the development standards of the base zone apply; however, in Subdistricts A, B, C, D, and E, development is exempt from the following standards:

- A.** Paragraph 33.140.215.C.1, Building setbacks on a transit street or in a pedestrian district;
- B.** Section 33.140.230, Ground Floor Windows in the EX Zone;
- C.** Section 33.140.240, Pedestrian Standards;
- D.** Section 33.140.242, Transit Street Main Entrances;
- E.** Section 33.266.100.C, Calculations of Amounts of Maximum Allowed Parking;

- F. Section 33.266.115, Maximum Allowed Parking Spaces;
- G. Section 33.266.130.C, On-site Locations of Vehicle Areas; and
- H. Sections 33.266.300 through 33.266.310, Loading.

### **33.555.220 Drive-Through Facilities**

- A. **Purpose.** Drive-through facilities are not allowed within the plan district as such facilities and the uses they serve are not consistent with those uses typically associated with institutional uses, with the exception of facilities that support the purposes of a medical institutions, such as a drive-through facility associated with a pharmacy.
- B. **Standard.** Drive-through facilities are not allowed.

### **33.555.230 Maximum Height**

- A. **Purpose.** The height limits in the plan district protect views and create a “step-down” effect towards adjacent areas to the east, south, and west.
- B. **Height regulations in Subdistricts A through D.** The regulations of this subsection apply in Subdistricts A, B, C, and D.
  - 1. **Standard.** The maximum heights allowed are shown on Map 555-2. Except as allowed by Subparagraph B.2.c, heights greater than those shown on Map 555-2 are prohibited.
  - 2. **Measurement.** Height is measured as follows:
    - a. Height is measured from sea level, not grade.
    - b. Height is measured to the top of the highest element of a structure, including rooftop equipment, mechanical equipment, mechanical penthouses, and helicopter landing facilities, other than those listed in Subparagraph B.2.c.
    - c. Antennas, utility power poles, and public safety facilities are exempt from the height limits of this section.
    - d. The provisions of 33.930.050, Measuring Height, do not apply in subdistricts A, B, C, and D.
  - 3. **Supplemental application requirements.** Applications for land use reviews and building permits for new buildings and additions of square footage must include the following information. Applications for land use reviews and building permits for other development that may affect the height of a structure also must include the following information. Additional information may also be requested through the review process. Site plans must show the following:
    - a. Boundary lines between areas with different height requirements;
    - b. Topography shown by contour lines at five foot vertical contours measured in feet above sea level;
    - c. Elevations at the corners of proposed structures or structures being altered, measured in feet above sea level; and

- E. Landscape and screening.** Exterior storage areas and areas used for exterior work activities within 25 feet of the plan district boundary must meet one of the following two landscape standards. The portion of the exterior storage area or area used for exterior work activities within 25 feet of the plan district boundary must either:
1. Be surrounded by a 10-foot wide landscaped strip. The 10-foot strip must be landscaped to at least the L2 standard; however, a wall or berm may not be substituted for the required screen of shrubs. In addition, a fence meeting the F2 standard must be placed along the interior edge of the landscaped area; or
  2. Be surrounded by a 5-foot wide landscaped strip. The 5-foot strip must be landscaped to at least the L4 standard.
- F. Paving.** Exterior storage and work activity areas must be paved.

### **33.555.280 Parking**

- A. Purpose.** The regulations of this section encourage the use of transportation demand management techniques by limiting the supply of parking and creating maximums for single occupancy vehicle trips.
- B. Where these standards apply.** The following standards apply in Subdistricts A, B, C, D, and E.
- C. Creation of parking.**
1. Net building area. Parking may be created only in conjunction with additions of net building area to the site, including that added as part of new development or by adding net building area to existing development;
  2. Maximum ratios. Parking is limited to a maximum ratio of 1 space per 600 square feet of net building area being added.
  3. Location. Parking may be in a different subdistrict than the net building area it is created in conjunction with.
  4. Exception for Subdistrict B. In Subdistrict B, a proposal to create parking not in conjunction with additional floor area may be approved through a Marquam Hill Parking Review, as follows:
    - a. The application for the Marquam Hill Parking Review must be received by the City by December 31, 2010;
    - b. The proposed parking is exempt from the requirements of C.1 and 2, but is subject to the other regulations of this section; and
    - c. Only one proposal may be approved under the provisions of this Paragraph.
    - d. Adjustments to these standards are prohibited.
- D. Existing parking.**
1. Existing parking in Subdistricts A and B. Existing parking in Subdistricts A and B that is reconfigured or demolished and replaced within either of these subdistricts is exempt

from the requirements of Subsections 33.555.280.C and E if no additional parking spaces are created.

2. Existing parking in Subdistricts C and D. Existing parking in Subdistricts C and D that is reconfigured or demolished within the same subdistrict is exempt from the requirements of Subsections 33.555.280.C and E if no additional parking spaces are created.

**E. Maximum parking allowed in Subdistricts A through D.**

1. The maximum number of parking spaces allowed is:
  - a. Subdistrict A and B combined: 4,429 spaces
  - b. Subdistrict C: 710 spaces
  - c. Subdistrict D: 1,258 spaces
  - d. Subdistrict E: parking is prohibited.
2. Adjustments to the standards of the subsection are prohibited.

**F. Marquam Hill Parking Review.** There are two types of Marquam Hill Parking Review: Type A and Type B. Proposals that are subject to Type B Marquam Hill Parking Review are not also subject to Type A Marquam Hill Parking Review.

1. Type A Marquam Hill Parking Review is required for all proposals that include parking;
2. Type B Marquam Hill Parking Review is required for the following:
  - a. Proposals to develop parking spaces above the maximum numbers stated in Paragraph E.1;
  - b. Proposals to develop parking when the application for a building permit is submitted after August 1, 2012; or
  - c. Proposals that are subject to Type A Marquam Hill Parking Review but do not meet the approval criteria for that review.

**33.555.290 Signs**

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

**33.555.295 Existing Bicycle Parking**

- A. Purpose.** These regulations allow existing uncovered long-term bicycle parking to continue without upgrading the nonconforming elements of the racks. The existing, attendant monitored, bicycle parking provides a convenient and secure long-term bicycle parking option that works in conjunction with the suspended cable transportation system that provides access to both the Marquam Hill plan district and South Waterfront subdistrict of the Central City plan district.
- B. Where these standards apply.** These standards provide an alternative to the long-term bicycle parking standards in 33.266 and apply to required long-term bicycle parking facilities in the Marquam Hill Plan District.



- C. Existing Bicycle Parking.** Existing long-term bicycle parking may be used to meet required long-term bicycle parking. The existing bicycle parking is not required to meet Subsections 33.266.210.C and D if the long-term bicycle parking meets the following:
1. The bicycle parking is located in the South Waterfront subdistrict of the Central City plan district as of March 1, 2020;
  2. The bicycle parking area has an attendant present during the hours of 6:00 am to 7:30 pm from Monday to Friday to monitor the area and aid in parking bicycles;
  3. The bicycle parking area does not exceed 500 spaces;
  4. The bicycle parking must be within 100 feet of a suspended cable transportation system; and
  5. The applicant must sign a covenant that ensures that the existing long-term bike parking will continue to meet the above standards until the bike parking is no longer required. The covenant must comply with the requirements of 33.700.060, Covenants with the City.

## Design Review

### 33.555.300 Design Review

- A. Purpose.** Design review ensures that institutional development is physically and visually integrated within the plan district and with the surrounding neighborhoods, open space areas, Terwilliger Parkway, and the skyline associated with Marquam Hill. It also ensures that the pedestrian environment within the institutionally developed portions of Marquam Hill incorporates quality design providing an attractive and safe environment for pedestrian passage within and through the plan district and an integrated relationship between structures and the pedestrian environment. Design review also promotes the protection and enhancement of views within and to and from the plan district, as well as sustainable development, protection of environmentally sensitive resources, and the incorporation of site amenities within the pedestrian environment. Additionally, design review promotes an efficient and functional arrangement of institutional development within the plan district and improvements to vehicular access and circulation patterns.
- B. Design overlay zone.** The regulations of Chapter 33.420, Design Overlay Zones apply in all areas of the plan district that are within the Design overlay zone.

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*(Added by: Ord. No. 176742, effective 7/31/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189784, effective 3/1/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*



8. Colleges;
9. Medical Centers;
10. Religious Institutions; and
11. Daycare.

### **33.562.280 Parking**

- A. Purpose.** These regulations foster development that contributes to the desired pedestrian- and transit-oriented character of the plan district, promote alternatives to the automobile, and encourage efficient use of urban land.
- B. Maximum surface parking area.** No more than 20,000 square feet of surface parking is allowed on a site.

### **33.562.290 Use of Accessory Parking for Commercial Parking**

- A. Purpose.** This section encourages efficient use of accessory parking by allowing greater flexibility for use during times when accessory parking is typically underutilized. This section includes limitations to minimize negative impacts on nearby residents.
- B. Where these regulations apply.** These regulations apply to accessory parking in the Northwest plan district as follows:
  1. On sites in an R or CM3 zone, the regulations of this section apply to the entire site;
  2. On sites that are in both an R or CM3 zone and a commercial/mixed use zone, if any of the accessory parking is in the R or CM3 zone, the regulations of this section apply to the entire site;
  3. On sites that are in both an R or CM3 zone and a CM2 zone, if all of the accessory parking is in the CM2 zone, and none is in the R or CM3 zone, the regulations of this section do not apply to the site. The parking is subject to the regulations of the base zone;
  4. On sites that are in the CM2 zone, the regulations of this section do not apply. The parking is subject to the regulations of the base zone.
- C. Regulations.**
  1. Accessory parking may be operated as Commercial Parking when permitted and monitored by the Portland Bureau of Transportation (PBOT) in consultation with the Northwest Parking Management Plan Stakeholder Advisory Committee (NWPMP-SAC), or an advisory body recognized by PBOT, as provided in administrative rules adopted by the Director of PBOT. If this advisory body is no longer active or able to fulfill this role, then PBOT will be the sole permitting and monitoring body. The commercial parking must comply with the requirements of Paragraphs C.2 and C.3, below.
  2. Accessory parking operated as Commercial Parking. Commercial parking on sites with at least 5 eligible parking spaces is allowed, including short term and monthly rental arrangements.

3. Commercial parking approval. The applicant must submit a NW Plan District Commercial Parking Approval Letter to the Director of the Bureau of Development Services from PBOT that includes the following information:
  - a. Identification of the site;
  - b. The number of spaces that PBOT has approved for use under the program;
  - c. The hours of the day that the accessory parking will be used as Commercial Parking;
  - d. Any conditions PBOT imposed as part of the NW Plan District Commercial Parking Approval Letter; and
  - e. A statement that the owner or owners of the site have agreed to manage the parking approved under the program so that adequate parking for the primary use as served by the accessory parking is maintained.
4. Administrative Rules. The Director of PBOT shall adopt administrative rules to implement the process for permitting and monitoring accessory parking for commercial parking as allowed by this Section.

### **33.562.300 Northwest Master Plan**

- A. Purpose.** The Northwest Master Plan allows flexibility in design and development of a site in a manner that evokes an urban development pattern, and does not overwhelm public services.

The provisions of this section accommodate the needs of property owners to begin long-range planning for their property in advance of adoption of the Northwest District Plan. The Northwest District Plan may modify or delete this section of the code. It is likely that there will be significant overlap in both timelines and issues addressed by the private and public planning efforts; the two efforts should inform and improve each other throughout their processes.

A Northwest Master Plan will ensure:

- Pedestrian-oriented, transit-supportive development;
- Development that includes a variety of uses, but retains the EX zone focus on employment uses that need a central location;
- High quality design appropriate to an urban setting;
- Active uses on the ground floor of buildings along designated transit streets and pedestrian routes;
- A street pattern that provides for frequent, convenient pedestrian and vehicle connections and emulates levels of connectivity similar to the adjacent block pattern;
- Transportation and parking demand management strategies that decrease reliance on the automobile;
- Development that is integrated into the broader urban fabric;

- Transitions to adjacent areas with different uses and intensities through use, height, and massing of new development, considering historic resources, and the character of the area anticipated through the Northwest District Plan process; and
  - Consideration of opportunities to provide a park, plaza, or other open space that can be used by those working and living in the neighborhood; and efficient use of land.
- B. Where these regulations apply.** The regulations of this section apply to sites shown on Map 562-9 at the end of this chapter. The regulations may also apply to areas that are not shown on the map, but are contiguous to or across a right-of-way from that area and under the same ownership, if the applicant voluntarily includes them in the Northwest Master Plan boundaries.
- C. When a Northwest Master Plan is required.**
1. Required. A Northwest Master Plan is required for sites shown on Map 562-9 where the applicant proposes:
    - a. Expansions of floor area or exterior improvements area greater than 1,500 square feet on the site; or
    - b. A change from one use category to another.
  2. Voluntary. An applicant may voluntarily submit a Northwest Master Plan for any site not shown on Map 562-9 if the site is contiguous to or across a right-of-way from the area shown on the map and under the same ownership.
  3. Exempt. The following are allowed without a Northwest Master Plan:
    - a. Normal maintenance and repair;
    - b. Changing up to 5,000 square feet of floor area from an accessory to a primary use, where no change of occupancy is required. An example would be changing an employees-only restaurant to a public restaurant; and
    - c. Development where all of the floor area and exterior improvement area is in residential use; and
    - d. Fences, handicap access ramps, and on-site pedestrian systems.
- D. Components of a Northwest Master Plan.** The applicant must submit a Northwest Master Plan with all of the following components:
1. Boundaries. The boundaries of the area to be included in the Northwest Master Plan. The area must include all contiguous lots within the area shown on Map 562-9 that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way.
  2. Overall scheme. An overall scheme, including both written and graphic elements, that describes and ties together existing, proposed, and possible development and uses, height and massing of development, phasing of development, review procedures for each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.

3. Uses and activities. A description of present uses, affiliated uses, proposed uses, interim uses, and possible future uses. The description must include information as to the general amount and type of all uses such as office, warehousing, retail, residential, and parking; number of employees, and number of dwelling units.
4. Site plan. A site plan, showing the location, size, and dimensions of existing and proposed structures, the pedestrian, bicycle, and vehicle circulation system, rights-of-way proposed for dedication or vacation, vehicle and bicycle parking areas, open areas, infrastructure improvements, landscaping, and any proposed temporary uses during construction and phasing of development.
5. Development and design standards and criteria. The Northwest Master Plan must set out how specific development and use proposals will be reviewed, and the standards, guidelines, and approval criteria used to evaluate each proposal. The Northwest Master Plan may include standards that are in addition to or instead of standards in other sections of the Zoning Code. The Northwest Master Plan must address such things as height limits, setbacks, FAR limits, landscaping requirements, parking requirements, entrances, sign programs, view corridors and facade treatments. Because the Northwest Master Plan is used in the EX zone, design review is required. The Northwest Master Plan must describe how design review will be implemented in the plan area. Generally, the Portland Citywide Design Guidelines or the Design overlay zone design standards in 33.420.050 will apply; however, the Northwest Master Plan may augment those standards and guidelines for the area covered by the Northwest Master Plan.
6. Transportation. For each phase of Northwest Master Plan development the following must be addressed:
  - a. The location and amount of motor vehicle and bicycle parking;
  - b. Strategies to reduce the number of motor vehicle miles traveled by those regularly traveling to and from the Northwest Master Plan area, including:
    - (1) Measures to encourage those traveling to and from the Northwest Master Plan area to use alternatives to single-occupant auto trips (walking, bicycling and public transit);
    - (2) Car or van pool programs;
    - (3) Incentives to be offered to employees to use public transit for travel to and from the Northwest Master Plan area;
    - (4) Incentives to be offered to employees to travel on foot or by bicycle to and from the Northwest Master Plan area. This may include incentives for employees to live within walking distance of the area;
  - c. Planned improvements to the routes used by transit patrons between transit stops and buildings in the Northwest Master Plan area;
  - d. A street plan for the Northwest Master Plan area that provides multimodal street connections to match the surrounding street grid pattern where feasible;

- e. A multi-modal transportation impact study. The study must follow the guidelines of the Portland Bureau of Transportation; and
  - f. Traffic impacts on the streets surrounding the Northwest Master Plan area, and mitigating measures to ensure that the surrounding streets will function consistent with their designations as found in the Comprehensive Plan Transportation Element.
7. Phasing of development. The Northwest Master Plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development. In addition the plan should address any proposed temporary uses or locations of uses during construction periods.
  8. Process. The Northwest Master Plan must include:
    - a. A proposed process and procedure for design review of development, including any development specifically called for in the Northwest Master Plan, if different than procedures for conventional design review; and
    - b. A proposed process and procedure for amendments to an adopted Northwest Master Plan, if different than in 33.562.300.F.
  9. Written statement. A written statement, describing how all approval criteria for the Northwest Master Plan are met.
- E. Review Procedure.** A Northwest Master Plan is processed through a Type III procedure, reviewed by the Land Use Hearings Officer. The Design Commission also reviews Northwest Master Plans, and makes a recommendation to the Hearings Officer on the approval criteria in Paragraph G.2, below. The Hearings Officer may approve, deny, or apply conditions of approval to the Northwest Master Plan.

Applicants are encouraged to work with surrounding property owners, residents, recognized organizations, and City bureaus during the formulation of a Northwest Master Plan.

**F. Amendments to a Northwest Master Plan.**

1. Amendment required. An amendment to an approved Northwest Master Plan is required for the following changes, unless they are specifically addressed by the Northwest Master Plan:
  - a. A change in use category involving more than 1,500 square feet;
  - b. Increases in floor area or exterior improvements area of more than 1,500 square feet. Fences, handicap access ramps, and on-site pedestrian circulation systems are exempt from this limitation;
  - c. Increases or decreases in the amount of parking;
  - d. Changes to the Northwest Master Plan boundary, or the text of the Northwest Master Plan; and

- e. Any other development, operations, or activities which are not in conformance with the Northwest Master Plan.
  2. Review procedures. Amendments to an approved Northwest Master Plan are reviewed through a Type III procedure.
  3. Approval criteria. The approval criteria for an amendment to the Northwest Master Plan are the same as the approval criteria for the approval of a new Northwest Master Plan.
- G. Approval criteria for a Northwest Master Plan.** A request for approval or amendment of a Northwest Master Plan will be approved if the review body finds that the applicant has shown that the following approval criteria are met:
1. Overall. The proposed Northwest Master Plan, and development allowed by it, will be consistent with the purpose of the plan district, and the purpose of this section, as well as other applicable zoning code provisions.
  2. Design.
    - a. The urban design elements of the proposed overall scheme and site plan provide a framework for development that will result in an area with an urban development pattern that will be attractive, safe, and pleasant for pedestrians, and is integrated with historic resources, and the character of the nearby area anticipated through the Northwest District Plan process. The urban design elements of the proposed overall scheme and site plan must meet the design guidelines that are in effect for the site at the time of application.
    - b. The proposed design guidelines, standards, and review procedures specified in the Northwest Master Plan must ensure that:
      - (1) An environment will be created which is attractive, safe, and pleasant for pedestrians, including consideration of such elements as the location and orientation of buildings and main entrances, the design and use of the ground floor of structures, and the location, design and landscaping of parking lots and structures;
      - (2) Scale and massing of the development addresses the broader context of the area, including historic resources, and the uses and development anticipated through the Northwest District Plan process, specifically at the edges of the Northwest Master Plan area; and
      - (3) The approach to implementing design review, including the guidelines and standards, will ensure that the quality of design and public process is as good or better than that achieved through conventional design review. The guidelines and standards proposed, including existing guidelines and standards, must be appropriate for the Northwest Master Plan area and the type of development anticipated by the purpose statement of this section.



3. Transportation.
  - a. The Northwest Master Plan must comply with the policies, street classifications, and street designations of the Transportation Element of the Portland Comprehensive Plan;
  - b. The transportation system is capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.3.c.;
  - c. Measures proportional to the impacts of the proposed development are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - d. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed; and
  - e. The proposed street plan must provide multi-modal street connections to match the surrounding street grid pattern where feasible.
4. Retail Sales And Service uses. Where the Northwest Master Plan proposes Retail Sales And Service uses that are larger than 10,000 square feet per use, the following approval criteria must be met:
  - a. The proposed uses and development will primarily serve those who live and work in the immediate vicinity;
  - b. The transportation system is capable of safely supporting the proposed uses and development;
  - c. The proposed uses and development will not have significant adverse effects on the area;
  - d. The scale and intensity of the proposed use and development is consistent with historic resources, and the character of the area anticipated as a result of the Northwest District Plan process; and
  - e. A proposed Retail Sales And Service use or development of larger scale or intensity equally or better meets the purpose of this section.

- H. Duration of the Northwest Master Plan.** The Northwest Master Plan must include proposed uses and possible future uses that might be proposed for at least 3 years and up to 10 years. An approved Northwest Master Plan remains in effect for 10 years, unless the plan is amended or updated, with the exception of Northwest Master Plans approved prior to August 10, 2020, which remain in effect until January 1, 2024. When the Northwest Master Plan is amended or updated, the application for amendment or revision must include a discussion of when the next update will be required.
- I. After approval of a Northwest Master Plan.** After a Northwest Master Plan has been approved, all development except maintenance and repair must comply with the provisions of the Northwest Master Plan as well as all other applicable provisions of this code, unless exempted by the plan. If the Northwest Master Plan does not specify that a standard, approval criterion, or procedure in the Northwest Master Plan supersedes a similar regulation in the Portland City Code, the regulation in the Portland City Code applies.

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*(Added by: Ord. No. 175877, effective 9/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No 178020, effective 12/20/03; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183916, effective 7/17/10; Ord. No. 186639, effective 7/11/14; Ord. No. 187889, effective 8/12/16; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189805, effective 3/1/20; Ord. No. 190076, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*

## 33.567 Powell Boulevard Plan District

# 567

### Sections:

- 33.567.010 Purpose
- 33.567.020 Where the Regulations Apply
- 33.567.030 Prohibited Uses
- 33.567.040 Additional Development Standards

### Map 567-1 Powell Boulevard Plan District

#### **33.567.010 Purpose**

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

#### **33.567.020 Where the Regulations Apply**

The regulations of this chapter apply to the Powell Boulevard plan district area. The boundaries of the plan district are shown on Map 567-1 at the end of this chapter, and on the Official Zoning Maps.

#### **33.567.030 Prohibited Uses**

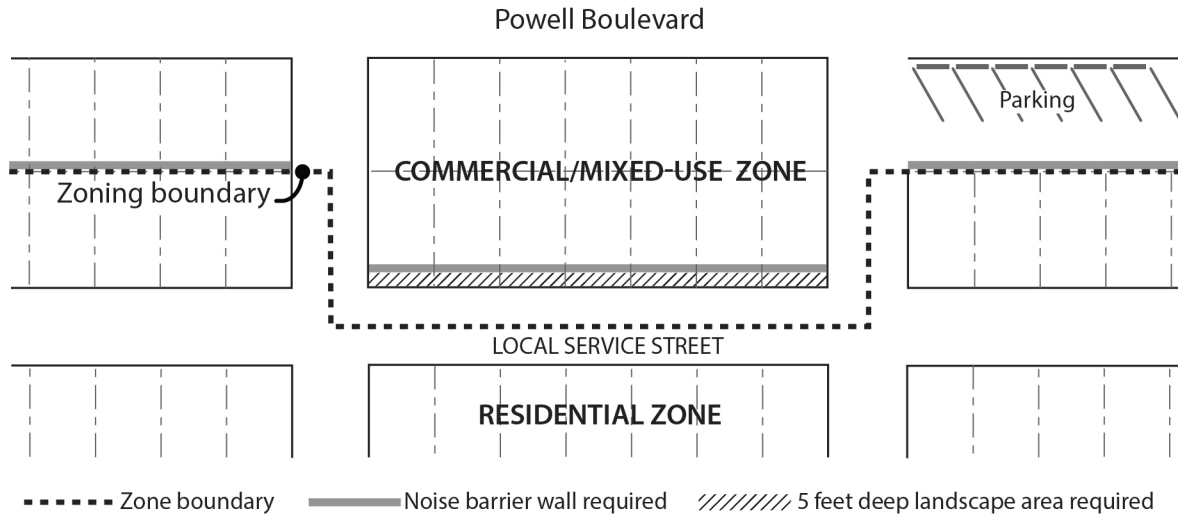
New residential uses are prohibited in commercial/mixed use zones within the Powell Boulevard plan district area.

#### **33.567.040 Additional Development Standards**

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

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

**Figure 567-1**  
**Buffer for C Zones**



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

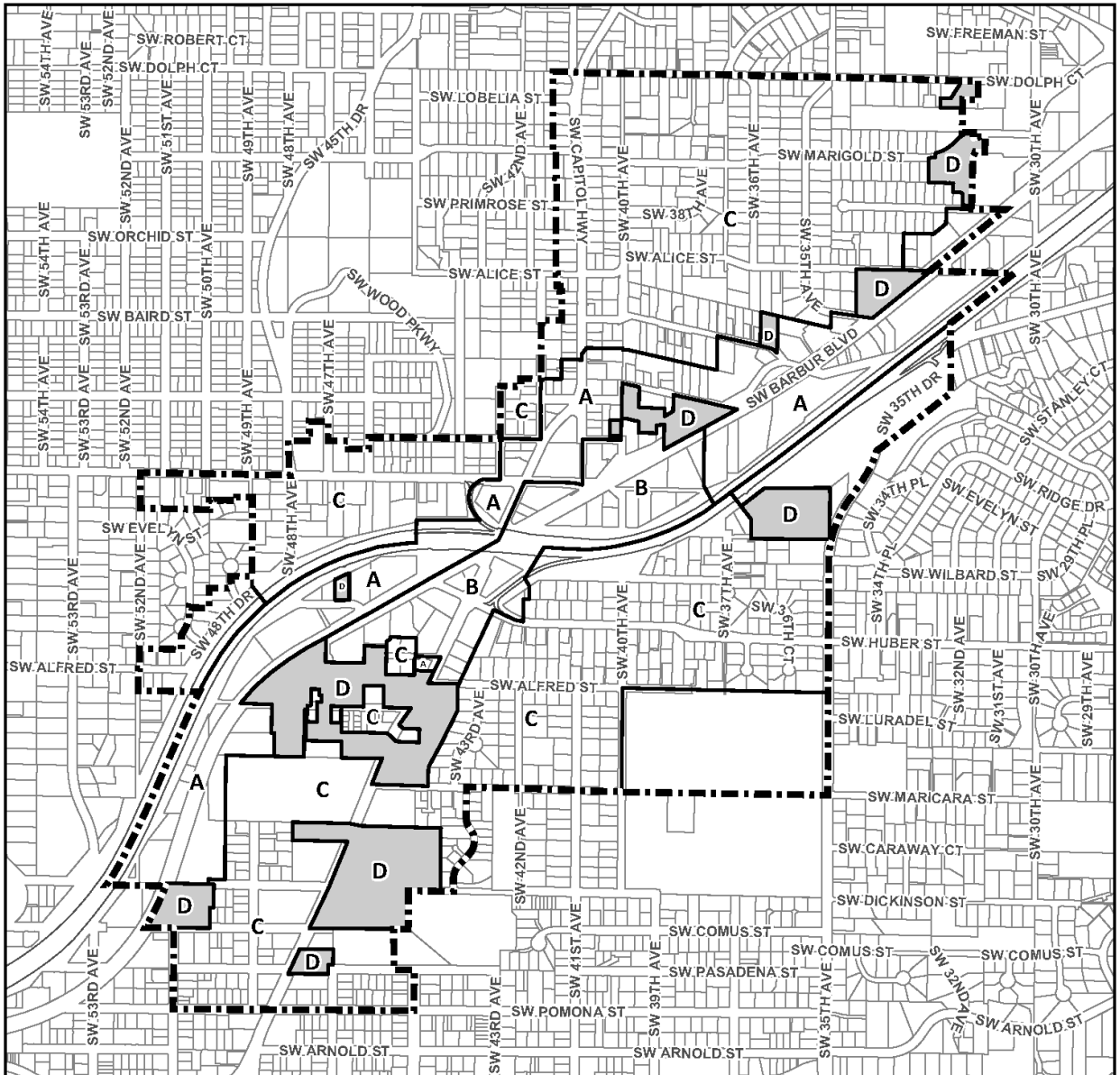
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*(Amended by Ord. No. 167650, effective 6/10/94. Formerly Chapter 33.565; renumbered by Ord. No. 178961, effective 6/13/05; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23.)*

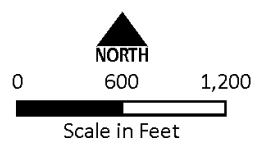
# West Portland Multicultural Plan District and Subdistricts

# Map 595-1

Map Revised June 30, 2023



-  Plan District boundary
-  Subdistricts A, B, and C
-  Subdistrict D

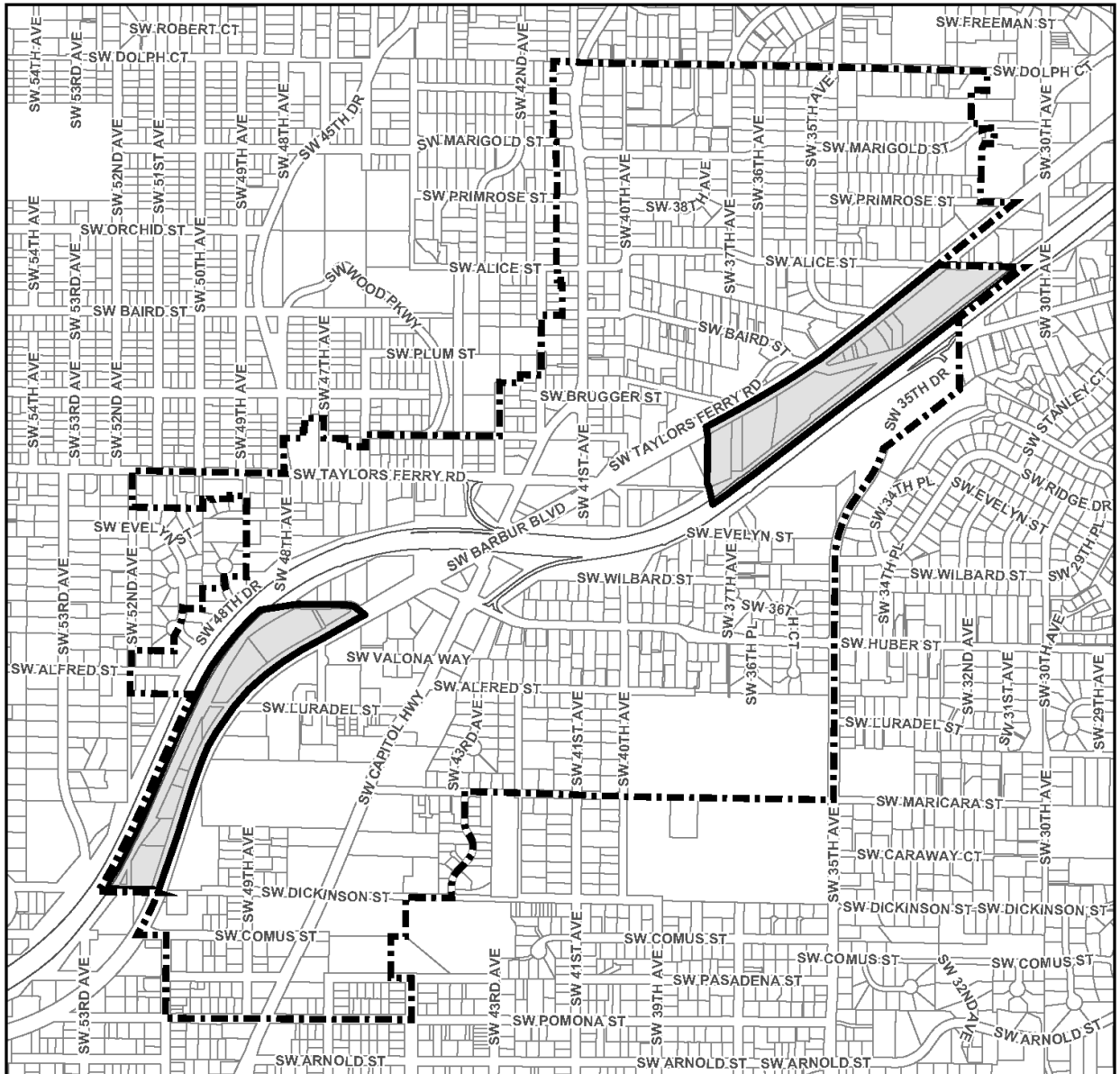




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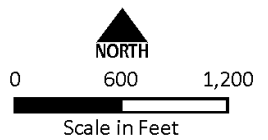
# West Portland Multicultural Plan District Employment Focus Area

# Map 595-2

Map Revised June 30, 2023



-  Plan District Boundary
-  Employment Focus Area

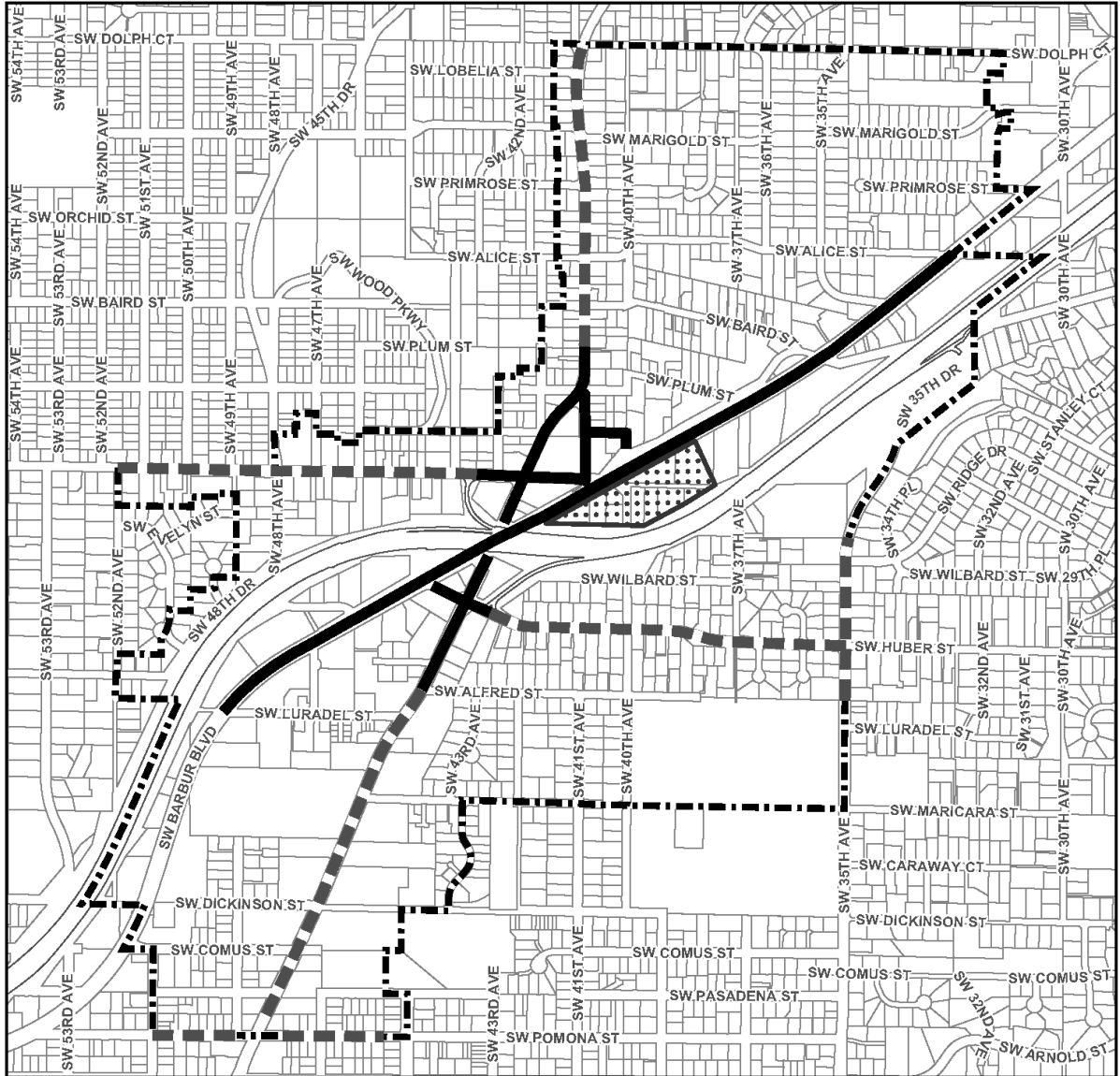






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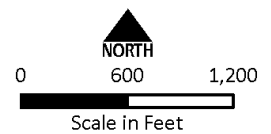
# West Portland Multicultural Plan District Commercial Corridor and Residential Corridor Standards

# Map 595-3

Map Revised June 30, 2023



-  Plan District Boundary
-  Barbur Transit Center
-  Commercial Corridor
-  Residential Corridor

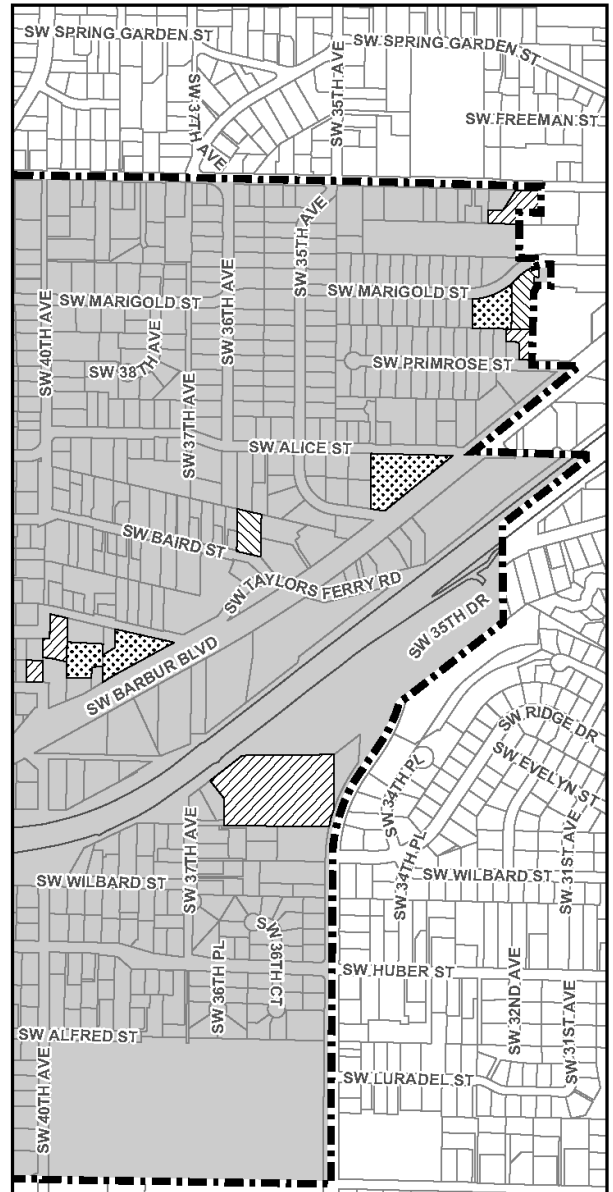
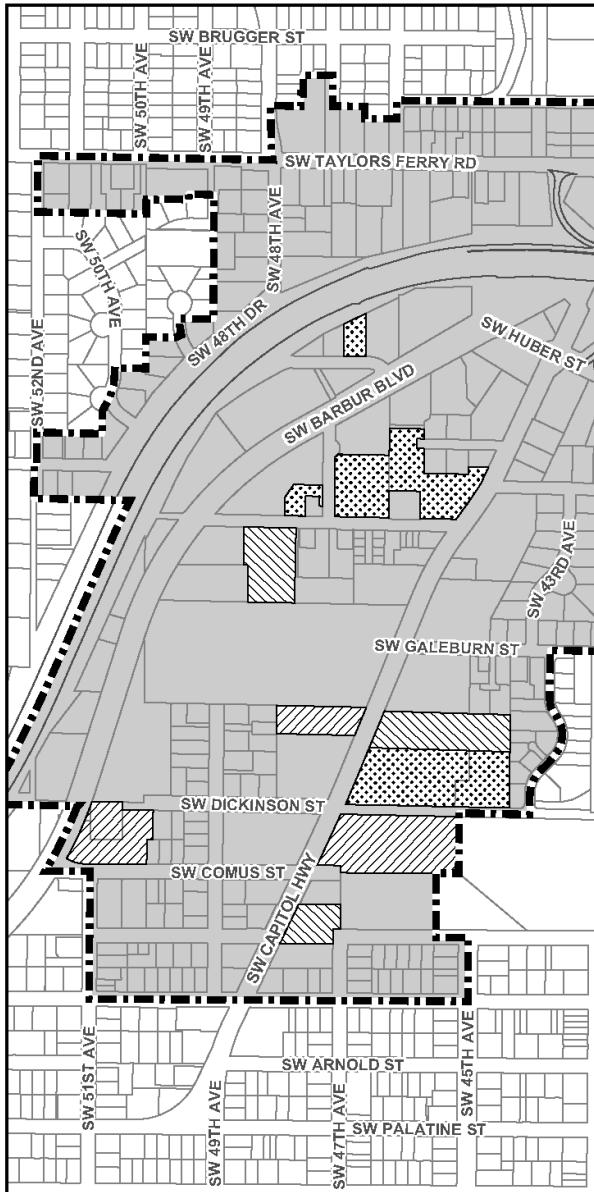



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# West Portland Multicultural Plan District Maximum Floor Area Ratios

# Map 595-4

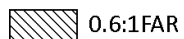

Map Revised June 30, 2023

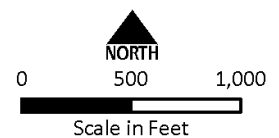


 Plan District Boundary

Multi-dwelling preservation FAR areas

 0.5:1 FAR     0.8:1 FAR

 0.6:1 FAR     Area where FAR determined by base zone



Bureau of Planning and Sustainability  
Portland, Oregon



- 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. 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.

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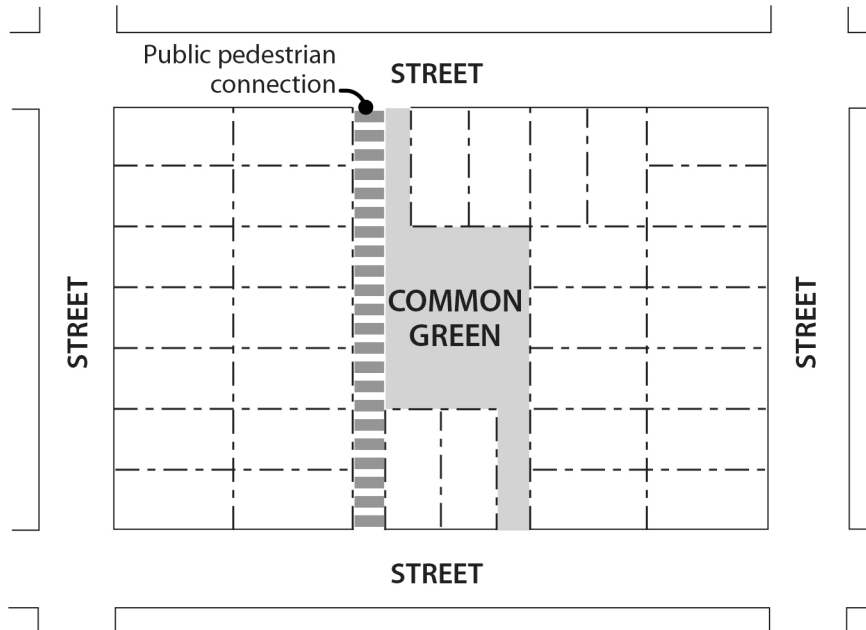
*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 179994, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 184235, effective 11/26/10; Ord. No.*

*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; Ord. No. 191310, effective 6/30/23.)*

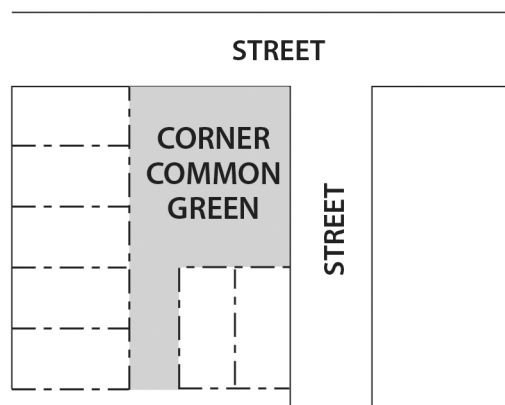


2. Fire access for land divisions with common greens. For land divisions that include a common green, the Fire Bureau has approved the land division for emergency access.

**Figure 654-1**  
**Blocks with Through Common Green**



**Figure 654-2**  
**Corner Common Green**



- E. Pedestrian connections.** The following approval criteria and standards apply to pedestrian connections:
1. Approval criterion for width of the right-of-way. The width of the pedestrian connection right-of-way must be sufficient to accommodate expected users and provide a safe environment, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing

structures, natural features, and total length of the pedestrian connection. As much as is possible, the users should be able to stand at one end of the connection and see the other end.

2. Standard for configuration of elements within the right-of-way. For public pedestrian connections, the Office of Transportation has approved the configuration of elements within the pedestrian connection right-of-way. For private pedestrian connections, the Bureau of Development Services has approved the configuration of elements within the pedestrian connection right-of-way.

**F. Alleys.** The following approval criteria and standards apply to alleys:

1. Approval criterion for width of the right-of-way. The width of the alley right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity such as existing street and pedestrian system improvements, existing structures, and natural features.
2. Standard for configuration of elements within the right-of-way. For public alleys, the Office of Transportation has approved the configuration of elements within the alley right-of-way. For private alleys, the Bureau of Development Services has approved the configuration of elements within the alley right-of-way.
3. Standard for turnarounds. The City Engineer, Bureau of Development Services, or Fire Bureau may require a turnaround on a dead-end alley.

**G. Shared court approval criteria and standards.** The purpose of the shared court standards is to allow streets that accommodate pedestrians and vehicles within the same circulation area, while ensuring that all can use the area safely. Special paving and other street elements should be designed to encourage slow vehicle speeds and to signify the shared court's intended use by pedestrians as well as vehicles. Access from a shared court is limited to ensure low traffic volumes that can allow a safe mixing of pedestrians and vehicles. Shared courts are limited to zones intended for more intense development to facilitate efficient use of land while preserving the landscape-intensive character of lower-density zones. The following approval criteria and standards apply to shared courts:

1. Right-of-way.
  - a. Approval criterion for width of the right-of-way. The size of the shared court right-of-way must be sufficient to accommodate expected users and uses. The size must take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, traffic safety, natural features, and the community activities that may occur within the shared court.
  - b. Standards for length of the right-of-way. A shared court may be up to 150 feet long.
  - c. Standards for configuration of elements within the right-of-way.
    - (1) The Bureau of Development Services has approved the configuration of elements within the street right-of-way, including a specific paving treatment and traffic calming measures;

- (2) Shared courts must be dead-end streets. Through shared courts are not allowed.
      - (3) Shared courts must include at least 250 square feet of grassy area, play area, or dedicated gardening space, exclusive of vehicle parking areas. This area must be at least 15 feet wide at its narrowest dimension.
    - d. Standards for turnarounds. Turnarounds are not required for a shared court, unless required by the City Engineer, Bureau of Development Services, or Fire Bureau.
  2. Standards for land divisions with shared courts. Land divisions that include a shared court must meet the following standards:
    - a. A shared court is allowed only in multi-dwelling, commercial/mixed use, employment, or campus institution zones;
    - b. Up to 16 lots may have a front lot line on a shared court;
    - c. Lots with a front lot line on a shared court must be developed with attached houses, detached houses, duplexes or attached duplexes; and
    - d. The Fire Bureau has approved the land division for emergency access.
- H. Standard for Street Trees.** For existing and proposed public streets, the City Forester, in consultation with the City Engineer, has preliminarily approved the proposal and found it acceptable for the retention of existing street trees and providing adequate areas for future street tree planting. For private streets, the Bureau of Development Services has preliminarily approved the street tree planting plan.

### **33.654.130 Additional Approval Criteria for Rights-of-Way**

- A. Utilities.** Telephone, cable, natural gas, electric, and telecommunication utilities must be located within rights-of-way or utility easements that are adjacent to rights-of-way to the maximum extent practicable. Utility easements up to 15 feet in width may be required adjacent to rights-of-way. To the extent practicable, utility easements needed to serve the lots must be identified during the preliminary land division plan review.
- B. Extension of existing public dead-end streets and pedestrian connections.** Existing public dead-end streets and pedestrian connections adjacent to the site must be extended onto the site as needed to serve the site.
- C. Future extension of proposed dead-end streets and pedestrian connections.** Where the land division site is adjacent to sites that may be divided under current zoning, dead-end streets and pedestrian connections must be extended to the boundary of the site as needed to provide future access to the adjacent sites. Options for access and street locations must consider the characteristics of adjacent sites, including terrain, the location of existing dwellings, environmental or Pleasant Valley Natural Resource overlay zoning, streams, wetlands, special flood hazard areas, and tree groves. The following factors are considered when determining if there is a need to make provisions for future access to adjacent sites. A need may exist if:

1. The site is within a block that does not comply with the spacing standards or adopted street plan of the Transportation Element of the Comprehensive Plan; or
  2. The full development potential of adjacent sites within the block will not be realized unless a more complete street system is provided to improve access to those sites.
- D. Partial rights-of-way.** Partial rights-of-way and street improvements may be appropriate where the proposed right-of-way and street improvements are expected to be provided by the owner of the adjacent property. Partial rights-of-way and street improvements may also be required where needed to provide future access to adjacent sites. The Office of Transportation must approve the configuration of a partial right-of-way or public street improvement.
- E. Ownership of alleys.** Where the proposed alley abuts sites that may be divided or further developed under current zoning, the alley may be required to be dedicated to the public. Factors to be considered include the spacing of existing rights-of-way, whether adjacent sites are already fully developed under the current zoning, and whether the alley can provide vehicle access to adjacent developable sites. The Office of Transportation must approve the dedication and configuration of any public alley improvements.

### **33.654.150 Ownership, Maintenance, and Public Use of Rights-Of-Way**

- A. Purpose.** To protect long-term access and both public and private investment in the street system, the rights and responsibilities for the street system must be clear. Public ownership of streets is preferred to provide long-term access to sites and meet connectivity goals. However, where a dead-end street serves a limited number of units, the public benefit may be very limited and the maintenance costs may be relatively high. In that limited situation, private streets may be appropriate. Where public ownership is not feasible, property owners must know their maintenance responsibilities and what public use to expect on rights-of-way.
- B. Ownership.** Ownership of rights-of-way is determined through the following standards:
1. Through streets. Through streets must be dedicated to the public.
  2. Partial streets. Partial streets must be dedicated to the public.
  3. Dead-end streets. In general, dead-end streets and turnarounds must be dedicated to the public. A dead-end street may be privately owned if the street will abut no more than eight lots within the land division site, and the street is not proposed as, or required to be a partial street. If the street is not dedicated to the public, it must be in a tract, and owned in common by the owners of property served by the street or by the Homeowners' Association.
  4. Exception for temporary turnarounds. Temporary turnarounds may be in an easement.
  5. Exceptions for common greens and shared courts. Common greens and shared courts must be privately owned. They must be in a tract, and owned by the Homeowners' Association or owned in common by the owners of property served by the common green or shared court.



6. Pedestrian connections.
  - a. Pedestrian connections that connect or are intended to eventually connect two through streets, must be dedicated to the public.
  - b. Pedestrian connections that connect or are intended to eventually connect to a public school, park or library, must be dedicated to the public.
  - c. Pedestrian connections that are not dedicated to the public may be privately owned in common by the owners of the property within the land division site or the Homeowners' Association. If the pedestrian connection will not be dedicated to the public, it must be in a tract.
7. Alleys.
  - a. Determination of whether an alley must be dedicated to the public or may be privately owned is made under 33.654.130.E.
  - b. If an alley is not dedicated to the public and serves more than 5 lots, it must be owned in common by the owners of property within the land division site or the Homeowners' Association.
  - c. If an alley is not dedicated to the public and serves 5 or fewer lots, it must either be placed in an easement, or owned in common by the owners of the property within the land division site or the Homeowners' Association.
8. Public rights-of-way. All elements of public rights-of-way must be dedicated to the public, except as allowed by paragraph B.10, below.
9. Private rights-of-way. For rights-of-way held in common ownership or owned by the Homeowners' Association, all elements of the right-of-way must be in a tract, except as allowed by paragraph B.10, below.
10. Right-of-way elements in easements. Right-of-way elements may be in an easement if the following standards are met:
  - a. Temporary turnarounds. Temporary turnarounds allowed under this Chapter may be placed in easements that also include a public access easement that allows public access on all parts of the turnaround;
  - b. Street elements. Sidewalks and other street elements may be placed in easements adjacent to a right-of-way if the following standards are met:
    - (1) A tree, rock outcropping, or other natural feature within the right-of-way precludes construction of the sidewalk or other element within the right-of-way;
    - (2) The easement may be up to 50 feet long, measured along the right-of-way, and up to 10 feet wide. See Figure 654-3;
    - (3) The easement must also include a public access easement that allows public access on all parts of the easement; and

(4) The City Engineer has approved the use of an easement adjacent to a public street or the Bureau of Development Services has approved the use of an easement adjacent to a private street.

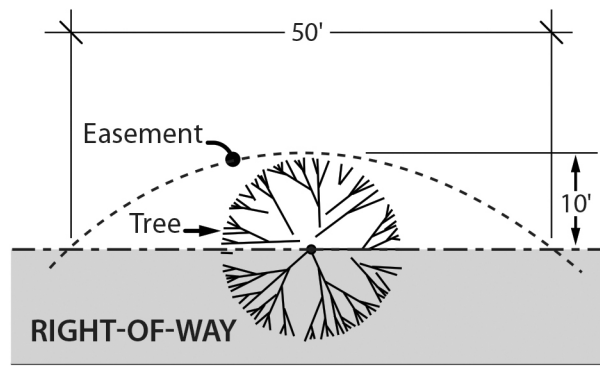
c. Alleys. Alleys serving 5 or fewer lots may be placed in an easement.

**C. Maintenance.** If the right-of-way is privately owned, a maintenance agreement must be recorded that commits the owner to maintain all elements of the right-of-way.

**D. Public use of right-of-way.**

1. Street tracts must include a public access easement that allows public access on all parts of the sidewalks;
2. Pedestrian connections must include a public access easement that allows public access on all parts of the connection; and
3. Public access easements must be recorded with the County Recorder.

**Figure 654-3  
Street Elements in Easements**



### 33.654.160 Street Classification

- A. Purpose.** As streets are created or extended through the land division process, these streets should receive a classification in the Transportation Element of the Comprehensive Plan. The street classifications guide decisions on the design of streets and intersections, traffic operations, and the appropriate types of development along the street.
- B. New streets and street extensions.** New streets, street extensions, and pedestrian connections within the land division site will automatically be classified as local service streets for all modes unless the Transportation Element of the Comprehensive Plan designates them for other classifications.

*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177028, effective 12/14/02; Ord. No. 178657, effective 9/3/04 Ord. No. 179845, effective 1/20/06; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10; Ord. No. 186053, effective 1/1/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 191310, effective 6/30/23.)*



initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

- C. Situations where the code is silent.** Proposals for uses, development, or land divisions where the Code is silent or where the rules of this section do not provide a basis for concluding that the proposal is allowed are prohibited. The Planning and Sustainability Director may initiate an amendment to Title 33 to add a new use category, or make other amendments, as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.
- D. Terms.**
1. Defining words. Words used in the zoning code have their dictionary meaning unless they are listed in Chapter 33.910, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
  2. Tenses and usage.
    - a. Words used in the singular include the plural. The reverse is also true.
    - b. Words used in the present tense include the future tense. The reverse is also true.
    - c. The words "must," "will," and "may not" are mandatory.
    - d. "May" is permissive.
    - e. "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow an exception to the regulation in question. This does not preclude requests for zone changes or Comprehensive Plan map amendments.
    - f. When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.
  3. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
    - a. "And" indicates that all connected items or provisions apply;
    - b. "Or" indicates that the connected items or provisions may apply singly or in combination;
    - c. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
  4. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

**E. Hierarchy of regulations.**

1. Different levels of regulations. In general, an area with base zoning, overlay zoning, or an area in a plan district is subject to all of the regulations of each. Where a land division is requested, the regulations of the 33.600s series of chapters also must be met.

When the regulations conflict, unless specifically indicated otherwise, the following rules apply:

- a. The regulations in a plan district supersede regulations in overlay zones, base zones, and regulations in the 600s series of chapters;
  - b. The regulations in an overlay zone supersede regulations in base zones and regulations in the 600s series of chapters;
  - c. The regulations for plan districts and overlay zones also supersede conflicting regulations for a specific use or development stated in the 200s series of chapters; and
  - d. The regulations in the 200s series of chapters supersede regulations in the 600s series of chapters.
2. Regulations at the same level. When regulations at the same level conflict, those that are more specific to the situation apply. When the regulations are equally specific or when it is unclear which regulation to apply, the most restrictive applies. Regulations at the same level include such situations as two different standards in a base zone or regulations from separate chapters in the 200s series of chapters.
  3. Figures, tables, and maps. Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control.

**F. Sites in more than one zone.** When a site is in more than one zone, the development standards of each zone apply to the portion of the site in that zone.

**G. Applying the code to specific situations.** Generally, where the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

**H. Determining whether a land use request is quasi-judicial or legislative.** Quasi-judicial and legislative are terms describing two different types of land use actions. In general, legislative actions involve the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Quasi-judicial actions involve the application of existing law or policy to a small area or a specific factual situation. There are different legal requirements for the processing of these two types of actions. In general, quasi-judicial actions require greater notice and procedural protections than do legislative actions. If there are questions as to whether a specific request for a land use review is quasi-judicial

or legislative, the decision will be made by the City Attorney. The decision will be based on current law and legal precedent. Requests for decisions on this issue must be in writing and must be filed with the Director of BDS, who will forward the request to the City Attorney.

### **33.700.075 Automatic Changes to Specified Dollar Thresholds**

The sections listed below include dollar thresholds. These thresholds will be increased or decreased each year on March 1. The change will occur automatically, and the new dollar amount will be placed in the Zoning Code without being subject to the procedures for amending the Zoning Code. The change will be based on the annual national average of the Construction Cost Index (CCI), as published in the second January issue of the Engineering News-Record.

**A. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$50 will be rounded to the nearest multiple of \$50:

1. 33.258.070.D.2.a;
2. 33.258.070.D.2.d(2);
3. 33.440.230.D.1;
4. 33.510.253.D.1.a;
5. 33.515.278.B.17.a(1);
6. 33.560.020
7. 33.565.310.B.2
8. Table 846-1; and
9. Table 846-3

**B. The following sections are subject to this regulation.** Any increase or decrease that is not a multiple of \$0.10 will be rounded to the nearest multiple of \$0.10:

1. 33.510.205.C.2.f.; and
2. 33.510.210.D.2.b(6)

### **Timeliness of Regulations**

#### **33.700.080 Regulations That Apply at the Time of an Application**

The regulations of this section apply to applications for land use reviews and building or development permits.

**A. Applications.**

1. Application for land use review. Applications for land use reviews will be processed based on the regulations in effect on the date an application is filed with the City, as follows:
  - a. Complete at filing. If, on the date the application is filed with the City, the application contains all the information stated in 33.730.060, Application Requirements, as well as any additional information required in the pre-

application conference notes, the application will be processed based on the regulations in effect on the date the application is filed;

- b. Complete within 180 days. If, on the date the application is filed with the City, the application does not contain all the information stated in Section 33.730.060, Application Requirements, as well as any additional information required in the pre-application conference notes, but the applicant provides the information within 180 days of the date the application was filed, the application will be processed based on the regulations in effect on the date the application was filed.
2. Application for building or development permit. Applications for building or development permits will be processed based on regulations in effect on the date a complete application is filed with the City. For the purposes of this section, a complete building or development permit application contains the information necessary for BDS to determine whether the proposal conforms with all applicable use regulations and development standards.
- B. Revisions to building or development permit applications.** Revisions will be processed based on the regulations in effect when the original complete application was received if:
1. The use remains within the same use category as in the original application;
  2. The revision does not increase the total square footage of the proposed use;
  3. The original application has not expired; and
  4. The revised development meets all applicable development standards.
- C. Use of new regulations or mapping.** Applications will not be accepted for building permits or land use reviews based on regulations or changes to zoning maps that have been approved but not yet implemented, or have been adopted but have not yet become effective. However, pre-application conferences may be requested and held.

### **33.700.090 Regulations That Apply After Approval**

The regulations of this section apply to land use approvals that are subject to expiration as provided in 33.730.130, Expiration of an Approval.

- A. Building permits.** Applications for building permits for development approved by a land use decision that has not expired are subject only to the regulations in effect on the date a land use application was filed with the City, as specified in 33.700.080.A.1.
- B. Land divisions.** Applications for Final Plat approval where the Preliminary Plan approval has not expired are subject only to the regulations in effect on the date an application for Preliminary Plan was filed with the City, as specified in 33.700.080.A.1.

### **33.700.100 Transfer of Approval Rights**

Approvals of quasi-judicial land use reviews run with the land and are transferred with ownership. Any conditions, time limits, or restrictions apply to all subsequent operators.



### **33.700.110 Prior Conditions of Land Use Approvals**

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

- A. Conditions of approval prior to 1981.** Conditions of approval for a land use review applied for prior to 1981 no longer apply to a site, except for conditions on all types of land divisions, Planned Unit Developments (PUD), or any other quasi-judicial review approved in association with a land division or PUD.
- B. Conditions of approval after 1981.** The regulations stated below apply to all prior conditions of approval for all types of land divisions, Planned Unit Developments (PUD), and any other quasi-judicial review approved in association with a land division or PUD, and for land use reviews applied for after January 1, 1981, unless the conditions of approval or the ordinance adopting the conditions provide for their continuance.
  1. **Zone changes.** If a site is subject to conditions as the result of a zone change, the conditions continue to apply if the site is rezoned to a comparable zone as part of an annexation rezoning or as part of a legislative remapping. The conditions of the original zone change do not apply if the site is rezoned to a noncomparable zone. Comparable zone changes are single-dwelling to single-dwelling, multi-dwelling to multi-dwelling, commercial to commercial or commercial/mixed use, employment to employment, and industrial or manufacturing to industrial zones. Also, changes from a City M3 or Multnomah County LM, M3, or M4 zone to a C, E, or I zone retain all conditions of approval on the site. Other zone changes are considered noncomparable.
  2. **Conditional uses.**
    - a. **An allowed conditional use.** If a use was an approved conditional use under the prior regulations or had a Community Service overlay zone, and is a conditional use under the new regulations pertaining to the site, any conditions of approval continue to apply.
    - b. **Use allowed by right.** If the use is now allowed by right, the conditions of approval no longer apply, except for the following:
      - (1) **Colleges and Medical Centers in the CI1 and CI2 zones.**
        - Conditions of approval that mandate a Transportation Demand Management plan or address parking, vehicle trips or any other transportation system related issue continue to apply until superseded by an approved Transportation Impact review;
        - If a College or Medical Center in a CI1 or CI2 zone was approved through a conditional use, conditional use master plan, or impact mitigation plan under the prior regulations, and the conditional use, conditional use master plan, or impact mitigation plan has not expired, the applicant can continue to develop under the approved conditional use review, the

conditional use master plan, or the impact mitigation plan until the review expires, or December 31, 2023, whichever comes first. If the applicant chooses to develop under the approved conditional use, the conditional use master plan, or the impact mitigation plan, they must develop under the zoning code regulations that were in effect on the date the land use application was deemed complete. Amendments to the conditional use are prohibited.

- (2) Conditions of approval continue to apply to outdoor sports facilities that are on a site with a College or Medical Center that was an approved use under the prior regulations.
  - c. Use no longer allowed. If the use was a conditional use without an expiration date and is no longer allowed, it becomes a nonconforming use under the new regulations, and must continue to meet the conditions as well as the nonconforming use regulations. If the use was a conditional use with an expiration date and is no longer allowed, it is subject to the same regulations as revocable permits, as stated in Paragraph 120.C.1 below.
3. Variances and adjustments. If the variance or adjustment was for development that is now allowed by right, and the development on the site conforms with the current regulations, then the prior conditions of approval no longer apply.
4. Greenway review. If a use or development is subject to conditions under a greenway review, the conditions continue to apply.
5. Other land use actions. If the use or development was approved with conditions under a review that is no longer in effect on the site (such as site review, design review, significant environmental concern review), the conditions no longer apply.

### **33.700.115 Expiration of Tree Preservation Requirements**

The regulations of this section apply to tree preservation required as a condition of a land use review or required in a tree preservation plan approved in conjunction with a land use review for sites within the City Limits. These regulations do not apply outside the City Limits. Although tree preservation requirements may expire for a site, the site is still subject to the tree requirements of this Title and Title 11, Trees.

- A. Generally.** Tree preservation requirements expire 10 years from the effective date of the land use approval, unless otherwise stated in the land use approval or as specified in B and C;
- B. Land divisions.** Tree preservation requirements for land divisions expire 10 years from the date the final plat is approved, unless otherwise stated in the conditions of approval; and
- C. Master plans and IMPs.** Multi-year Conditional Use Master Plans and Impact Mitigation Plans may establish an expiration date through conditions of approval.

### **33.700.120 Status of Prior Revocable Permits**

Land use revocable permits approved prior to January 1, 1991 are subject to the regulations stated below.

- A. Uses that are now allowed.** Revocable permits for uses that are now an allowed use are revoked and the uses are subject to the zoning regulations. Specific activities of the use which were allowed by the revocable permit but that do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit. Any other conditions of approval no longer apply.
- B. Uses that are now conditional uses.** Revocable permits for uses that are now regulated as a conditional use are revoked and the uses are subject to the conditional use regulations. Any conditions of approval continue to apply. Specific activities of the use that were allowed by the revocable permit but do not conform to the code may continue and are limited by any conditions of approval from the prior revocable permit.
- C. Uses that are prohibited.** Revocable permits for uses that are prohibited by this Title may continue under the conditions of the permit as provided below.
1. Revocable permits with a specified expiration date.
    - a. A revocable permit that has a specified expiration date continues to be in effect until the expiration date, the use that was approved changes, or the owner changes. Transfers of permit rights or modifications to the permit are prohibited. The holder of the revocable permit may ask to have a one-time extension of the expiration date of up to 3 years. Approval of more than one extension is prohibited. Extensions are processed through a Type III procedure. An extension will be granted if the review body finds that all of the following approval criteria are met:
      - (1) The use has no adverse impacts on surrounding uses; and
      - (2) The extension is necessary to allow the use time to cease operation or to move to a location where the use is allowed.
    - b. Exception. If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density, and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
  2. Revocable permits without an expiration date.
    - a. A revocable permit that does not have a specified expiration date continues to be in effect until the use that was approved changes or the owner changes. Extensions, transfers of permit rights, or modifications to the permit are prohibited.
    - b. Exceptions.
      - (1). If the revocable permit granted additional residential dwelling units, then the extra dwelling units become nonconforming residential density and must meet nonconforming residential density regulations. In this case, any conditions of approval of the revocable permit no longer apply.
      - (2) If the use established by the revocable permit has been maintained over time, and the applicant can document that the use has been maintained

over time using standard evidence per 33.258.038.B or through a review per 33.258.075, then the use becomes a nonconforming use and must meet nonconforming use regulations. If the use approved through the revocable permit has been discontinued for 3 consecutive years, it has not been maintained over time. The use is considered to be discontinued when the use approved ceases to operate, even if the structure or materials related to the use remain. Conditions of approval of the revocable permit continue to apply, except for any conditions that limit the transfer of ownership.

### **33.700.130 Legal Status of Lots**

- A.** A lot shown on a recorded plat remains a legal lot except as follows:
  - 1. The plat, or the individual lot or parcel lines have been vacated as provided by City Code; or
  - 2. The lot has been further divided, or consolidated, as specified in the 600 series of chapters in this Title, or as allowed by the former Title 34.
- B.** Where a portion of the lot has been dedicated for public right-of-way, the remaining portion retains its legal status as a lot, unless it has been further altered as specified in Subsection A, above.
- C.** The determination that a lot has legal status does not mean that the lot may be developed, unless all requirements of this Title are met.

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*(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 166702, effective 7/30/93; Ord. No. 167386, effective 2/23/94; Ord. 169535, effective 1/8/96; Ord. No. 169917, effective 3/27/96; Ord. No. 171219, effective 7/1/97; Ord. No. 174263, effective 5/14/00; Ord. No. 175837, effective 9/7/01; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177368, effective 5/17/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 183518, effective 03/05/10; Ord. No. 183598, effective 4/24/10; Ord. No. 184521, effective 5/13/11; Ord. No. 185333, effective 5/16/12; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189488, effective 12/2/19; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 191310, effective 6/30/23.)*

## 33.740 Legislative Procedure

# 740

Sections:

- 33.740.010 Purpose
- 33.740.020 Commission Review
- 33.740.030 City Council Consideration

### 33.740.010 Purpose

Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. The legislative procedure includes a public hearing by a designated commission. The hearings provide opportunities for public comment and input on actions which may affect large areas of the City.

### 33.740.020 Commission Review

#### A. Hearing required.

1. A Commission must hold at least one public hearing before recommending action on a legislative matter.
2. When a legislative matter includes the establishment or amendment of any design standards in 33.420 or the establishment or amendment of any design guidelines for design review, at least one joint public hearing with the Planning Commission and the Design Commission is required before each commission recommends action on the subject matter assigned to them.
3. When a legislative matter includes the designation of a Historic District or Conservation District or the removal of a Historic District or Conservation District, at least one joint public hearing with the Planning Commission and the Historic Landmarks Commission is required before the Planning Commission recommends action on the designation or removal.

#### B. Public notice for the hearing.

1. Notice area. The notice must be provided to the regional transit agency, Metro, Multnomah County, the Oregon Department of Transportation, the Department of Land Conservation and Development, all recognized organizations within the subject area, all recognized organizations, counties and municipalities within 1000 feet of the subject area, affected bureaus, special service districts, school districts, and interested persons who have requested such notice. Notice must also be published in a recognized newspaper.
2. Notice time frame. The notice must be provided at least 35 days prior to the first public hearing.
3. Notice content. The notice must contain the date, time and location of the first hearing, a summary of the legislative matter subject to the hearing, a map or description of the area affected by the legislative matter, and instructions on how to obtain a copy of the staff proposal and how to testify.

4. More than one Commission or hearing involved. The notice requirements of Paragraph 1. above apply to the initial hearing on the legislative matter, whether it is held by the Planning Commission, Design Commission, or Historical Landmarks Commission, or is a joint hearing. When more than one hearing is held, additional notice will be made as follows:
  - a. To a specific time and place. If notice of a subsequent hearing is made at a public hearing on the same legislative matter and the specific time and place of the subsequent hearing are stated, then no additional notice is required.
  - b. Undetermined time and place. If a subsequent hearing has not been scheduled at the time of a previous hearing, as provided in Subparagraph a. above, then notice of the subsequent hearing must be mailed to all persons who responded to the matter in writing, testified at the previous hearing, or have requested such notice. The notice must be mailed at least 14 days before the hearing.
- C. **Report.** The Planning and Sustainability Director will prepare a report that includes an evaluation of applicable facts, Comprehensive Plan goals and policies, codes, plans, and any other policies or guidelines, responses, and comments received. The report will also include the Bureau of Planning and Sustainability recommendation. At least 10 days prior to the scheduled hearing, the report and recommendation must be filed with the review body and be made available to the public.
- D. **Additional information.** A Commission has the authority to request, receive, and examine additional information.
- E. **Commission recommendation and decision.**
  1. If a Commission decides that no action is appropriate, the matter is terminated. There is no appeal of the Commission's decision. If the City Council initiated the legislative action, the Commission must submit a report to the City Council on its recommendation not to act.
  2. If the last Commission reviewing a legislative action recommends approval, a report and recommendation will be forwarded to City Council.

### 33.740.030 City Council Consideration

- A. **Hearing scheduled.** The City Auditor will schedule a public hearing and the Bureau of Planning and Sustainability will notify the Land Conservation and Development Commission (LCDC), in compliance with the post-acknowledgement procedures of the State.
- B. **Notice.** At least 14 days prior to the hearing, the Planning and Sustainability Director will mail notice to all persons who have individually responded to the matter in writing, testified at the previous hearing, or have requested such notice.
- C. **Council decision.** At the conclusion of its hearing, the Council may adopt, modify, or give no further consideration to the recommendation. If the decision is to adopt a Code or policy change which was originally authorized by ordinance, the Council must enact its decision by ordinance.

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*(Amended by: Ord. No. 176469, effective 7/1/02; Ord. No. 188177, effective 5/24/18; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22.)*





- C. Transportation system:
1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The facility will provide adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces;
- E. If the facility is in the RX zone, its location will not by itself or in combination with other nearby Commercial Parking Facilities, decrease the desirability of the area for the retention of existing housing or the development of new housing; and
- F. The proposed parking will provide parking to support development in a commercial/mixed use or employment district or area that is deficient in parking spaces, taking into consideration an analysis of parking demand, the amount of on-street parking available and the degree to which the amount of parking for development in the area is significantly below the maximum allowed parking; or
- G. The proposed parking will provide parking for passengers, employees, and visitors to Portland International Airport in the EG1 or EG2 zones.

**33.815.121 Commercial Parking Facilities in the CM2 and CM3 Zones in the Hollywood Plan District**

These approval criteria provide for commercial parking facilities that support urban-scale development in the Hollywood plan district by providing parking for visitors, customers, and employees of Hollywood. The criteria are not intended to allow parking facilities in such quantity, concentration, or appearance that they detract from the desired character of Hollywood. The approval criteria are:

- A. The proposal will not by itself, or in combination with other parking facilities in the area, significantly detract from the overall desired character of the area. Desired character is

determined by the Hollywood and Sandy Plan; the Comprehensive Plan and zoning designations, and by allowed densities.

**B.** Transportation system:

1. The transportation system is capable of supporting the proposed facility in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
2. Measures proportional to the impacts of the proposed facility are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

**C.** The parking demand analysis must show a need for parking at this location. The analysis must show that the following criteria are met:

1. At least 65 percent of the parking demand is from uses within 750 feet of the site;
2. If the parking is designated for specific businesses, the number of parking spaces designated for that business in the commercial parking facility, plus the number of spaces that business may already have, may not exceed the maximum allowed parking allowed for the business, as stated in 33.536.290.C; and
3. At least one of the following is met:
  - a. There is a cumulative increase in parking demand due to an overall increase in activity associated with existing or new retail, office, or other visitor-related uses; or
  - b. There has been a significant loss of short-term parking spaces in the area within 750 feet of the site.

**33.815.122 Commercial Parking Facilities in the Employment Focus Area of West Portland Multicultural Plan District**

These approval criteria serve to control Commercial Parking Facilities in the Employment Focus Area of Subdistrict A in the West Portland Multicultural Plan District to prioritize and support transit-oriented employment uses. The approval criteria are:

3. Transportation system:
    - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
    - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
    - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
  4. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- B. Appearance.** The appearance of the facility is consistent with the intent of the zone in which it is to be located and with the character of the surrounding uses and development;
- C. Benefit.** Public benefits of the proposed use outweigh any impacts that cannot be mitigated;
- D. In the campus institutional zones.** These approval criteria allow Major Event Entertainment facilities to be part of an institutional campus. They also ensure that the impacts of the facility on nearby areas are mitigated and that affected neighbors have an opportunity to comment on the proposals for mitigation. The approval criteria are:
1. The facility is to be established as part of a school or college. Such facilities are prohibited as part of a medical center campus;
  2. The facility is limited to events that feature the athletic or performance skills of students, faculty or staff or which supplement the institution's programs;
  3. In the IR zone the facility is listed in the mission statement as part of the institution's impact mitigation plan;
  4. In the IR zone the mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the facility. The location

chosen and mitigation measures used are consistent with the institution's approved impact mitigation plan; and

5. All approved limited uses and major event entertainment uses in aggregate occupy 30 percent or less of all campus net building area including portions of parking structures associated with these uses. If the institutional campus includes structured parking, 250 square feet of the structured parking will be associated with the major event entertainment facility for each parking space associated with the facility. Size exceptions are prohibited.

### **33.815.220 Mining and Waste Related**

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

- A. There are adequate nearby lands available for the development of more intense industrial uses;
- B. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion and type of industrial uses;
- C. There will be no significant health or safety risk to nearby uses;
- D. There will not be significant detrimental environmental impacts to any nearby environmentally sensitive areas;
- E. The proposed use adequately addresses potential nuisance-related impacts such as litter;
- F. Public services.
  1. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
  2. Transportation system:
    - a. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
    - b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.

- c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- 3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.
- G. The proposal complies with the regulations of Chapter 33.254, Mining and Waste-Related Uses;
- H. There is a reclamation or redevelopment plan which will ensure that the site will be suitable for an allowed use when the mining or landfill use is finished; and
- I. Public benefits of the use outweigh any impacts that cannot be mitigated.

### **33.815.222 Park-and-Ride Facilities for Mass Transit**

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

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

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

### **33.815.223 Public Safety Facilities**

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

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

the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;

- b. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - c. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
3. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

**D. Livability.**

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

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

### **33.815.225 Radio Frequency Transmission Facilities**

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

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



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

### **33.815.230 Rail Lines And Utility Corridors**

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

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

### **33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District**

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

- A. The proposed facility is consistent with the City's adopted renewal plan for the area;
- B. The proposed facility meets or exceeds the landscaping and screening standards applicable to the site and for parking areas;
- C. There are adequate nearby lands available for the development of more intense uses;
- D. The proposed use is in conformance with the street designations shown in the Transportation Element of the Comprehensive Plan;
- E. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- F. Transportation system:
  - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.

### **33.815.301 Industrial Businesses in the Columbia South Shore Plan District**

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

- A. There is excess capacity available in the transportation system beyond that needed to serve the development potential of Columbia South Shore. The development potential for the district is determined by Comprehensive Plan designations. Evaluation factors include street designations and capacity, level of service, or other performance measures; access to arterials; connectivity; transit availability; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; and safety for all modes.

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

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

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

- A. The proposed use will provide training primarily to employees who work in the plan district. The curriculum relates directly to job skills needed by firms in the corridor. The predominant curriculum is for industrial trades, such as manufacturing technology, robotics, and industrial automation;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
  1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The proposed use will comply with the NE Airport Way Access Management Policy, as applicable;
- E. The proposed transportation demand management (TDM) program is acceptable to the Office of Transportation. Examples of TDM program measures may include vanpooling, carpooling, transit subsidies, shuttle service and off-peak class scheduling or other incentives to encourage the use of alternatives to the single-occupant automobile; and
- F. City-designated scenic resources are preserved.

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

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

- A. The use needs to be located in the Columbia South Shore plan district because at least 51 percent of the firm's business is conducted with other firms or employees in the plan district;
- B. If the proposed use will be located in an industrial zone, it will not have a significant adverse effect on truck and freight movement;
- C. Transportation system:
  - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The use will not have any significant adverse traffic impacts on neighboring employment or industrial area users; and
- E. The minor alteration will not result in a greater adverse traffic impact on neighboring employment and industrial area users than the existing retail sales and service use and development.

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

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

50,000 square feet of net building area on sites shown on Map 510-12 that are within the South Waterfront Subdistrict.

- A. The use needs to be located in the subdistrict because it primarily serves those who live or work in the subdistrict;
- B. Transportation system:
  - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements;
  - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;
- C. The traffic generated by the use will not have significant adverse impacts on the subdistrict's ability to achieve jobs and housing targets stated in the South Waterfront Plan; and
- D. City-designated scenic resources are preserved.

### **33.815.305 Replacement Parking Facilities in the Central City Plan District**

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

- A. The facility will provide parking primarily to those whose destination or residence is within the neighborhood association boundaries where the facility is located. Long-term parking by others is prohibited. Short-term parking may be made available to others if it is coupled with a mechanism to ensure it is short-term parking. A management plan will be submitted to document how this criterion will be met. Long-term includes daily, weekly, and monthly parking. Short-term parking is four hours or less. Neighborhood association boundaries are

shown on the most recent Neighborhood Boundaries Map published by the Office of Neighborhood Involvement, and do not include boundaries of business associations, industrial associations, or other recognized organizations.

- B. The number of spaces provided is the same or less than the number of parking spaces being removed by the light rail construction;
- C. Transportation system:
  - 1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  - 2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  - 3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. The proposal will not by itself, or in combination with other parking facilities in the area, significantly affect the character of the area by discouraging housing and commercial uses which are compatible with a growing community;
- E. The proposed parking area will meet or exceed the landscaping and screening standards applicable to the site and for parking areas; and
- F. Design of the facility will provide for a safe and attractive pedestrian environment. Evaluation factors include the following: number and location of curb cuts; visibility at curb cuts; and adequate separation, landscaping, and screening between the sidewalk and parking area to reduce the impact on adjacent public and private spaces.

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

This review provides for Commercial Parking that supports the diverse mix of uses and urban scale of development in the Northwest plan district. The review allows for a limited amount of Commercial Parking for community use in a high-density residential area in close proximity to commercial main streets and for motor vehicle access to a parking structure from a Main Street, while ensuring that the transportation system is capable of supporting the proposed parking. The

criterion is: The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation findings must demonstrate that:

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

### **33.815.310 Industrial Uses in the IR Zone**

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

- A. The proposed industrial service or manufacturing and production use is consistent with the institution's approved impact mitigation plan;
- B. The mitigation activities completed to implement the impact mitigation plan are adequate to mitigate for the expected impact of the industrial facilities. Proposed industrial service or manufacturing and production uses must not, in combination with other existing institutional campus development, exceed the levels of mitigation provided;
- C. Industrial service and manufacturing and production uses are considered location sensitive on institutional campuses. The facilities' placement must be included in the institution's approved impact mitigation plan;
- D. All Industrial Service and Manufacturing And Production uses in aggregate do not exceed a maximum of 10 percent or 50,000 built square feet of all campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking will be associated with the Industrial Service and Manufacturing And Production uses for each parking space associated with those uses. Size exceptions are prohibited;
- E. Exterior display, storage and work activities are prohibited;
- F. Heavy trucks are not to travel to the industrial service or manufacturing and production use site by local streets unless no other choice is available. Access for medium and heavy trucks to these activities must be addressed in the Impact Mitigation Plan. Traffic levels cannot increase above what is approved through the Impact Mitigation Plan or Conditional Use Master Plan;
- G. Long term parking of medium and heavy trucks on site is prohibited; and

- H. All hazardous wastes generated by an industrial service or manufacturing and production uses are identified and plans have been approved for the handling, storage, and disposal of the wastes as part of the institution's impact mitigation plan. The impact mitigation plan must be current and have been approved in conformance with the provisions of Chapter 33.848 Impact Mitigation Plan Requirements.

**33.815.315 Utility Scale Energy Production in Specified C zones.**

These approval criteria provide for Utility Scale Energy Production in the commercial/mixed use zones. They allow energy-generating activities that have limited impact on the surrounding area, while supporting sustainability goals for energy. The approval criteria are:

- A. The proposed Utility Scale Energy Production facility will serve the immediate area;
- B. The off-site impact standards of Chapter 33.262 must be met;
- C. Transportation system:
  1. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include safety, street capacity, level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors may be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated;
  2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include transportation improvements to on-site circulation, public street dedication and improvement, private street improvements, intersection improvements, signal or other traffic management improvements, additional transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit improvements.
  3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed.
- D. Public services for water supply, police and fire protection are capable of serving the proposed use, and proposed sanitary waste disposal and stormwater disposal systems are acceptable to the Bureau of Environmental Services.

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*(Amended by: Ord. No. 163697, effective 1/1/91; Ord. No. 165681, effective 7/15/92; Ord. No. 166834, effective 9/3/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 169324, effective 10/12/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169987, effective 7/1/96; Ord. No. 169916, effective 9/1/96; Ord. No. 171219, effective 7/1/97; Ord. No. 171718, effective 11/29/97; Ord. No. 173259, effective 5/14/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174980, effective 11/20/00; Ord. No. 175837, effective 9/7/01;*



*Ord. No. 176092, effective 12/21/01; Ord. Nos. 176024 and 176193, effective 2/1/02; Ord. No. 176351, effective 3/27/02; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178480, effective 6/18/04; Ord. No. 178832, effective 10/21/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179980, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 180667, effective 1/12/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/21/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184443, effective 4/1/11; Ord. No. 184521, effective 5/13/11; Ord. No. 185412, effective 6/13/12; Ord. No. 186639, effective 7/11/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 188077, effective 12/9/16; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189805, effective 3/1/20; Ord. No. 189784, effective 3/1/20; Ord. No. 190000, effective 6/18/20; Ord. No. 190023, effective 8/10/20; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. Nos. 191079, 191164, and 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



comply with the master plan. Other required land use reviews must still be completed unless they were also approved as part of the master plan.

**B. Not conforming to the plan.** Uses that are not in conformance with the master plan require an amendment to the plan. Development that is not in conformance with the plan and does not meet the following requires an amendment to the plan. Development that is not in conformance with the plan and does meet all of the following is allowed:

1. All conditions of approval must be met except as allowed by Subparagraphs B.4 through B.8;
2. One of the following must be met:
  - a. Complies with the development standards of this Title, or
  - b. Does not comply with the development standards of this Title, but an adjustment or modification to the development standards has been approved through a land use review;
3. Either maintains the existing site boundary or reduces the site boundary along a lot line. If the proposal reduces the conditional use site boundary along a lot line, the boundary reduction 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;
4. Does not demolish and replace more than 25 percent of the existing floor area on the site;
5. Does not increase new floor area by more than 2,000 square feet. Floor area for an outdoor shelter and for housing that is affordable is exempt from this limitation. For the purposes of this paragraph, housing that is affordable means that at least 50 percent of the dwelling units in the additional floor area are participating in the Title 30 System Development Charges Exemption Program. See 30.01.095. If the additional floor area is in multiple buildings with multiple dwelling units, then the affordable units must be distributed among the multiple buildings. To qualify for this exemption, the applicant must provide a letter from the Portland Housing Bureau certifying which units are approved for the System Development Charges Exemption Program;
6. Does not increase the exterior improvement area by more than 2,000 square feet, except that exterior improvements associated with an outdoor shelter, fences, handicap access ramps, on-site pedestrian circulation systems, ground mounted solar panels, and parking space increases allowed by 33.820.080.B.8 below, are exempt from this limitation;
7. Will not result in a net gain of site area;
8. Will not result in an individual or cumulative loss or gain in the number of parking spaces, except as follows:
  - a. Will not result in a net loss in the number of parking spaces except as follows:
    - (1) No reduction in shared parking spaces is allowed;

- (2) Up to 50 percent of the total number of existing parking spaces may be removed when the removal is for an outdoor shelter or housing that is affordable as defined by Paragraph B.5;
  - (3) 1 space or 4 percent of the total number of parking spaces may be removed, whichever is greater; however, parking spaces removed to create accessible spaces as specified in the Oregon Structural Specialty Code are exempt from this limitation; and
  - (4) Removal of parking from sites with 4 or fewer parking spaces required by the master plan is not allowed without an amendment to the plan.
- b. Will not increase the net number of parking spaces by more than 1 space or 4 percent of the total number of parking spaces, whichever is greater. However, the individual or cumulative addition of more than 5 parking spaces is not allowed without an amendment to the plan; and
  - c. The cumulative loss of parking is measured from the time the use became a conditional use, July 16, 2004, or the last conditional use review of the use, whichever is most recent, to the present.

### **33.820.090 Amendments to Master Plans**

Amendments to the master plan are required for any use or development that is not in conformance with the plan, except as stated in 33.820.080, above. The approval criteria of 33.820.050 apply. The thresholds and procedures for amendments are stated below.

- A. Type III procedure.** Unless the master plan specifically provides differently, amendments to a master plan that require a Type III procedure are:
  1. Any proposed development on the site that is within 400 feet of the master plan boundaries, unless a greater distance is stated in the master plan;
  2. A proposed expansion of the approved boundary;
  3. Proposals that increase the amount, frequency, or scale of a use over 10 percent of what was approved (Examples include the number of students, patients, or members; the number of helicopter flights; number or size of special events.);
  4. New uses not covered in the plan which will draw more people to the site, except for those which are replacing another use so that there is no net increase;
  5. Increases in the overall floor area of development on the site over 25 percent. Floor area for an outdoor shelter or housing that is affordable as defined by Paragraph B.5. is exempt from this limitation;
  6. Increases or decreases greater than 10 percent in the amount of approved parking. Decreases for an outdoor shelter or housing that is affordable as defined by Paragraph B.5. are exempt from this limitation; and
  7. Proposed uses or development which were reviewed, but were denied because they were found to not be in conformance with the plan.

- B. Type II procedure.** Unless the master plan specifically provides differently, amendments to a master plan not specifically stated in Subsection A. above are processed through a Type II procedure.

### **33.820.100 Existing Plans**

- A. Plans in effect.** Master plans that were approved by the City prior to January 1, 1991 are deemed to be in conformance with this chapter and continue in effect until their expiration dates. Approved master plans that do not have an expiration date continue in effect until development allowed by the plan has been completed.
- B. Plans being formulated.** Master plans submitted after the implementation date of this Title which were required because of conditions of a land use approval prior to the implementation date, will be reviewed by the City in accordance with the original conditions. If the master plan is approved, it is then subject to the regulations of Subsection A. above.

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*(Amended by: Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 175204, effective 3/1/01; Ord. No. 176469, effective 7/1/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177422, effective 6/7/03; Ord. 178509, effective 7/16/04; Ord. No. 183598, effective 4/24/10; Ord. No. 184235, effective 11/26/10; Ord. No. 186053, effective 1/1/15; Ord. No. 190000, effective 6/18/20; Ord. No. 191171, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*



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

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

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

<b>Table 846-3</b>			
<b>Review procedures for proposals within Historic Districts</b>			
<b>Proposal</b>	<b>Zone</b>	<b>Threshold</b>	<b>Review Type</b>
Relocation	All	Contributing resource	Type III
		Contributing accessory structure	Type II
New structure	All	Floor area > 5,000 sq. ft.	Type III [1]
		Floor area > 800 sq. ft. and ≤ 5,000 sq. ft.	Type II [1]
		Floor area ≤ 800 sq. ft.	Type Ix
Window replacement	RF-R2.5		Type I
Mechanical equipment	All		Type I
Awnings	All		Type I
Signs	All		Type I
Alteration to the exterior of a structure	C, E, I, RX, CI	Affected facade or roof area >50 sq. ft. and < 500 sq. ft.	Type Ix
		Affected facade or roof area ≤ 50 sq. ft.	Type I
	RF-RM4	Affected facade or roof area < 150 sq. ft.	Type I
Historic restoration	All		Type I
Alteration to accommodate persons with disabilities, seismic improvements, or solar energy systems.	All		Type I
Paving and landscaping	All	Affected site area < 800 sq. ft.	Type I
Changes to an approved historic resource review [2]	All	Rooftop mechanical equipment	Type I
		Alteration to ground floor façade	Type I
		All other changes [3]	Type II
Any other non-exempt proposal	All	Project value > \$547,400	Type III [1]
		Project value ≤ \$547,400	Type II [1]

[1] Affordable housing projects may choose a Type II or Type Ix review procedure. A Type II procedure is allowed if at least 50 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. A Type Ix procedure is allowed if at least 90 percent of the total number of dwelling units on the site are affordable to those earning no more than 60 percent of the area median family income or an affordability level established by Title 30. To qualify for one of these alternate procedure types, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets the affordability requirement and any administrative requirements of the Portland Housing Bureau, and a design advice request is required. See 33.730.050.B. The application for historic resource review may not be submitted before the required design advice request is held.

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

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

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

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

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



## 33.853 Tree Review

# 853

Sections:

- 33.853.010 Purpose
- 33.853.020 When Review Is Required
- 33.853.030 Procedure
- 33.853.040 Approval Criteria

### 33.853.010 Purpose

The tree review process evaluates whether mitigation proposed for tree removal is both appropriate and adequate, considering the purpose of the regulations that encourage tree preservation or limit removal. Tree review also evaluates whether changes to tree preservation plans or tree-related conditions of approval are appropriate, and determines the appropriate mitigation for trees lost due to violations of tree regulations. The review allows flexibility for unusual situations and allows for the purpose of the tree regulations to be met using creative or innovative methods.

### 33.853.020 When Review Is Required

Tree review is required in the following situations:

- A. Scenic Overlay Zone, Johnson Creek Basin plan district, and Rocky Butte plan district.**

Trees that do not qualify for removal under the applicable overlay zone or plan district regulations listed below may be removed if approved through tree review:

  1. The standards in the Scenic Overlay Zone in 33.480.040.B.2.h, Preservation of Trees;
  2. The standards in the Johnson Creek Basin plan district in 33.537.125, Tree Removal Standards; or
  3. The standards in the Rocky Butte plan district in Subsection 33.570.040.C, Tree Removal Standards.
  4. Exception. Where the requested tree removal would also require environmental review, only environmental review is required.
- B. Changing tree preservation requirements following land use approval.**
  1. Generally. Changes to tree preservation requirements approved as part of a land use decision, including changes to trees to be preserved, mitigation requirements, or other requirements stated in conditions of approval, may be approved through tree review.
  2. Exceptions.
    - a. If the tree preservation or mitigation was required as part of an environmental review, Pleasant Valley resource review or greenway review, changes are subject to the regulations of the relevant overlay zone chapter and exempt from the regulations of this chapter.

- b. Requests to remove trees found by an arborist to be dead, dying, or dangerous do not require Tree Review if the condition of the tree is not the result of a violation. A Title 11 tree permit must be obtained and the tree must be replaced.

**C. Violations.**

1. Corrections to violations of tree protection and tree preservation requirements of this Title, or to violations of tree preservation requirements of a land use review, are reviewed through tree review, except as stated in paragraph C.2.
2. Exception. Corrections to violations of the environmental overlay zone, Pleasant Valley Natural Resources overlay zone, and the Greenway overlay zone, are not subject to Tree Review but are reviewed through the review procedures for those overlay zones.

**33.853.030 Procedure**

- A. Scenic Overlay Zone, Johnson Creek Basin plan district and Rocky Butte plan district.** Requests for Tree Review in the Scenic Overlay Zone, Johnson Creek Basin plan district or Rocky Butte plan district are processed through a Type II procedure.
- B. Changing tree preservation requirements following land use approval.** Requests to change tree preservation requirements of a land use review, or a tree-related condition of approval, are processed through a Type II procedure.
- C. Violations.** Corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation requirements of a land use review are processed as follows:
  1. Corrections to violations are processed through a Type II Review, except as stated in paragraph C.2.
  2. If the original procedure for the review that approved the tree preservation requirement was a Type III procedure, and either C.2.a or b. applies, the violation is processed through a Type III Tree Review.
    - a. The violation is for the removal of more than two trees that are 20 or more inches in diameter; or
    - b. The violation is for the removal of more than two trees within a tree grove.

**33.853.040 Approval Criteria**

- A. Trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district.** A request to remove trees in the Scenic Overlay Zone, Johnson Creek Basin plan district, or Rocky Butte plan district will be approved if the review body finds that the applicant has shown that either criterion A.1 or A.2 is met and criterion A.3 is met:
  1. The removal is necessary to allow for reasonable development of the site, including access to the site for construction, parking, pedestrians, and utilities, and considering the allowed uses and characteristics of the area. Alternative locations and construction methods for structures, utilities and paved areas must be considered to

maximize preservation of trees, with emphasis on preservation of trees that are 20 or more inches in diameter and tree groves; or

2. For sites within the Scenic overlay zone or Rocky Butte plan district, the removal is to create or enhance a public view from public property or from a public right-of-way. Consultation with the City Forester is required; and
3. The proposal will continue to meet the purpose of the relevant tree preservation or removal standards. Replacement plantings within the Scenic overlay zone must consist of approved vegetation listed in the *Scenic Resources Protection Plan* appendix.

**B. Changes to tree preservation requirements following land use approval.** The approval criteria for changes to tree preservation or mitigation requirements are:

1. If the tree preservation requirement was approved as part of a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method will continue to meet the requirements of Chapter 33.630, Tree Preservation.
2. If the tree preservation requirement was approved through a land use review other than a land division or planned development, the requested change will be approved if the review body finds that the applicant has shown that the revised method continues to meet the approval criteria of the original review. Any impacts resulting from the requested change must be mitigated to the extent practicable.

**C. Corrections to violations.** For corrections to violations of tree protection and tree preservation regulations of this Title, or violations of tree preservation requirements of a land use review, the applicant must show the review body that all of the following approval criteria are met:

1. Mitigation plan;
  - a. The applicant's mitigation plan meets the purpose of the regulation that was violated. Where the violation is of a tree preservation requirement of a land use review, the mitigation plan meets the purpose of the regulation that required the preservation plan; and
  - b. The mitigation plan includes replacement of trees cut, or the preservation and protection of additional trees on the site not originally proposed for preservation. If replacement of trees is proposed, the plan must at a minimum meet the requirements of Table 853-1. If additional trees on the site are proposed for preservation and protection, the applicant must submit an arborist's assessment indicating the suitability of the trees for preservation, recommendations for protection methods, and any remedial treatment that may be necessary to ensure the long term viability of the trees. The total diameter of additional trees preserved must exceed the total diameter of trees cut.

<b>Table 853-1 Tree Replacement for Violations</b>	
<b>Size of tree removed (inches in diameter)</b>	<b>Number of Trees to be Planted</b>
Up to 12	3 trees
More than 12 to up to 20	5 trees
More than 20 to up to 25	7 trees
More than 25 to up to 30	10 trees
More than 30	15 trees

2. Replacement trees must be planted as follows:
  - a. On the site where the violation occurred;
  - b. If it is not possible to plant the trees on the site where the violation occurred, then the trees may be planted on other property owned by the applicant within the City of Portland. This includes property owned by a Homeowners' Association to which the applicant belongs;
  - c. If it is not possible to plant the trees as described in 2.a or b, then a payment in lieu of planting may be made to the Tree Planting and Preservation Fund.
3. Replacement trees must meet the requirements of Section 33.248.030, Plant Materials, unless the mitigation plan calls for different planting specifications to address concerns about plant survival or impacts on the site.

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*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 179980, effective 4/22/06; Ord. No. 184524, effective 7/1/11; Ord. No. 186053, effective 1/1/15; Ord. No. 191310, effective 6/30/23.)*

**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. 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.

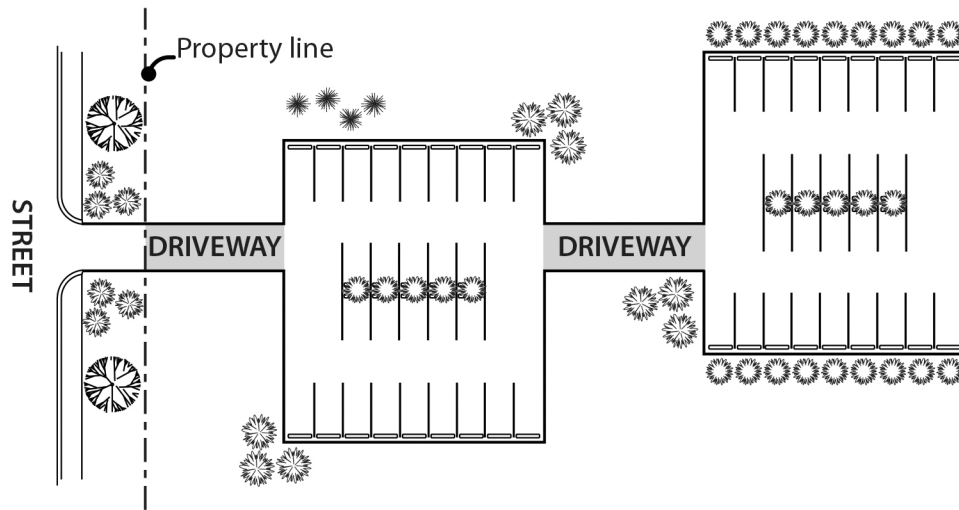
**Drive-Through Facility.** A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a Quick Vehicle Servicing use or a Retail Sales 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 and electric vehicle charging 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. . Parking spaces that include electric vehicle chargers and equipment are not a drive-through facility. Facilities designed for electric vehicle charging or 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



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.

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*(Amended by: Ord. No. 163957, effective 4/12/91; Ord. No. 164899, effective 12/11/91; Ord. No. 165417, effective 6/5/92; Ord. No. 165681, effective 7/15/92; Ord. No. 166313, effective 4/9/93; Ord. No. 166702, effective 7/30/93; Ord. No. 167054, effective 10/25/93; Ord. No. 167127, effective 12/17/93; Ord. No. 167186, effective 12/31/93; Ord. No. 167189, effective 1/14/94; Ord. No. 167293, effective 1/19/94; Ord. No. 168698, effective 4/17/95; Ord. No. 169535, effective 1/8/96; Ord. No. 169763, effective 3/25/96; Ord. No. 169987, effective 7/1/96; Ord. No. 170248, effective 9/17/96; Ord. No. 170704, effective 1/1/97; Ord. No. 171219, effective 7/1/97; Ord. No. 171740, effective 11/14/97; Ord. No. 171718, effective 11/29/97; Ord. No. 171879, effective 2/2/98; Ord. No. 172882, effective 11/18/98; Ord. No. 173015, effective 2/12/99; Ord. No. 173528, effective 7/30/99; Ord. No. 174263, effective 4/15/00; Ord. No. 174378, effective 5/26/00; Ord. No. 175204, effective 3/1/01; Ord. Nos. 175341 and 175358, effective 3/16/01; Ord. No. 175837, effective 9/7/01; Ord. No. 175877, effective 9/21/01; Ord. No. 175966, effective 10/26/01; Ord. No. 176351, effective 3/27/02; Ord. No. 176443, effective 5/30/02; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 177028, effective 12/14/02; Ord. No. 177082, effective 1/20/03; Ord. No. 177422, effective 6/7/03; Ord. No. 177701, effective 8/30/03; Ord. No. 178020, effective 12/20/03; Ord. No. 178172, effective 3/5/04; Ord. No. 178509, effective 7/16/04; Ord. No. 178657, effective 9/3/04; Ord. No. 179092, effective 4/1/05; Ord. No. 179540, effective 9/26/05; Ord. No. 179845, effective 1/20/06; Ord. No. 179925, effective 3/17/06; Ord. Nos. 179980 and 179994, effective 4/22/06; Ord. No. 180619, effective 12/22/06; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 183269, effective 10/1/09; Ord. No. 183598, effective 4/24/10; Ord. No. 183750, effective 6/4/10; Ord. No. 184016, effective 08/20/10; Ord. No. 184235, effective 11/26/10; Ord. No. 184521, effective 5/13/11; Ord. No. 184524, effective 7/1/11; Ord. No. 185412, effective 6/13/12; Ord. No. 815915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 186736, effective 8/29/14; Ord. No. 186053, effective 1/1/15; Ord. No. 187216, effective 7/24/15; Ord. No. 187471, effective 1/1/16; Ord. No. 188077, effective 12/9/16; Ord. No. 188142, effective 1/13/17; Ord. No. 188259, effective 3/31/17; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 189807, effective 12/18/19; Ord. No. 189805, effective 3/1/20; Ord. No. 190023, effective 8/10/20 and 8/1/21; Ord. No. 190093, effective 9/11/20 and 8/1/21; Ord. No. 190241, effective 3/1/21; Ord. No. 190380, effective 4/30/21 and 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22; Ord. No. 190978, effective 8/31/22; Ord. No. 190834, effective 10/1/22; Ord. No. 191164, effective 3/31/23; Ord. No. 191310, effective 6/30/23.)*

- C. **Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- D. **Exceptions.** Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage; and vehicle wrecking and salvage are classified as Industrial Service.

### Industrial Use Categories

#### 33.920.300 Bulk Fossil Fuel Terminal

- A. **Characteristics.** Bulk Fossil Fuel Terminals are establishments primarily engaged in the transport and bulk storage of fossil fuels. Terminal activities may also include fuel blending, regional distribution, and wholesaling. Terminals have access to marine, railroad, or regional pipeline to transport fuels to or from the site, and either have transloading facilities for transferring a shipment between transport modes, or have transloading facilities and storage tank capacity exceeding 2 million gallons. There is minimal on-site sales activity with the customer present.
- B. **Accessory uses.** Accessory uses may include retail sales of petroleum products, offices, food membership distribution, parking, storage, truck fleet parking and maintenance areas, rail spur or lead lines, and docks.
- C. **Examples.** Examples include crude oil terminals, petroleum products terminals, natural gas terminals, propane terminals, and coal terminals.
- D. **Exceptions.**
  - 1. Truck or marine freight terminals that do not store, transport or distribute fossil fuels are classified as Warehouse And Freight Movement uses.
  - 2. Truck or marine freight terminals that have storage capacity of 2 million gallons or less are classified as Warehouse And Freight Movement uses. However, multiple fossil fuel facilities, each with 2 million gallons of fossil fuel storage capacity or less but cumulatively having a fossil fuel storage capacity in excess of 2 million gallons, located on separate parcels of land will be classified as a Bulk Fossil Fuel Terminal when two or more of the following factors are present:
    - a. The facilities are located or will be located on one or more adjacent parcels of land. Adjacent includes separated by a shared right-of-way;
    - b. The facilities share or will share operating facilities such as driveways, parking, piping, or storage facilities; or
    - c. The facilities are owned or operated by a single parent partnership or corporation.
  - 3. Gasoline stations and other retail sales of fossil fuels are not Bulk Fossil Fuel Terminals.
  - 4. Distributors and wholesalers that receive and deliver fossil fuels exclusively by truck are not Bulk Fossil Fuel Terminals.
  - 5. Industrial, commercial, institutional, and agricultural firms that exclusively store fossil fuel for use as an input are not Bulk Fossil Fuel Terminals.

6. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.
7. The storage of fossil fuels for exclusive use at an airport, surface passenger terminal, marine, truck or air freight terminal, drydock, ship or barge servicing facility, rail yard, or as part of a fleet vehicle servicing facility are not Bulk Fossil Fuel Terminals.
8. Uses that recover or reprocess used petroleum products are not Bulk Fossil Fuel Terminals.

### **33.920.310 Industrial Service**

- A. Characteristics.** Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
- B. Accessory uses.** Accessory uses may include offices, food membership distribution, parking, storage, rail spur or lead lines, and docks.
- C. Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. Exceptions.**
  1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.
  2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

### **33.920.320 Manufacturing And Production**

- A. Characteristics.** Manufacturing And Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Accessory uses.** Accessory uses may include offices, cafeterias, food membership distribution, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, or truck fleets. Living quarters for one caretaker per