

DATE: November 17, 2023
FROM: Julie Ocken
RE: **Update Packet #208 – Typos Updates**

The attached Code Update Pages are purely a clean-up of typos.

Chapter	Remove Pages	Insert Pages	Changed because of
List of Chapters	All	All	added 33.475 to list
33.110	27-28	27-28	removed strike-throughs
33.140	7-8	7-8	updated self-storage references
33.207	1-2	1-2	removed "33." from title line
33.251	3-4	3-4	**
33.266	3-4	3-4	added "zones" from Household Living Standard B **
33.274	7-8	7-8	*
33.281	5-6	5-6	**
33.430	29-30	29-30	*
33.508	19-20	19-20	**
33.510	3-4, 33-34	3-4, 33-34	**
33.515	3-4	3-4	**
33.526	1-2, 11-12	1-2, 11-12	**
33.531	5-6	5-6	**
33.562	7-8	7-8	**
33.567	1-2	1-2	**
33.654	3-8	3-8	**
33.720	3-4	3-4	*
33.730	19-20, 29-30	19-20, 29-30	**
33.815	31-36	31-36	**
33.835	All	All	*
33.848	5-6	5-6	**
33.850	All	All	*
33.855	1-2	1-2	*

* Changed references from Planning and Sustainability Commission to Planning Commission.

** Changed references from Office of Transportation to Bureau of Transportation.

Title 33, Planning and Zoning

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- E. Detached uncovered horizontal structures.** Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures.
1. Height. The maximum height allowed for all detached uncovered horizontal structures is 20 feet.
 2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to required buildings setbacks:
 - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
 - b. Structures that are no more than 2-1/2 feet above the ground are allowed in required building setbacks.
- F. Detached mechanical equipment.** Detached mechanical equipment includes items such as heat pumps, air conditioners, emergency generators, radon mitigation components, and water pumps. Generally, detached mechanical equipment will not be attached to a building but may have components such as ventilation or electrical systems attached to the primary structure. The following standards apply to detached mechanical equipment:
1. Height. The maximum height allowed for all detached mechanical equipment is 20 feet.
 2. Setbacks. Except as follows, detached mechanical equipment is subject to required buildings setbacks. Detached mechanical equipment is allowed in side or rear building setbacks if all of the following are met:
 - a. The equipment is no more than 5 feet high; and
 - b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

33.110.250 Additional Development Standards for Garages

A. Purpose. These standards:

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

B. Existing detached garages.

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

C. Length of street-facing garage wall.

1. Where these regulations apply. Unless exempted by Paragraph C.2, the regulations of this subsection apply to garages in the R10 through R2.5 zones.
2. Exemptions.
 - a. Development on flag lots, and development on lots that slope up or down from the street with an average slope of 20 percent or more are exempt from the standards of this subsection.
 - b. Subdivisions and PUDs that received Preliminary Plan approval between September 9, 1990, and September 9, 1995, are exempt from the standards of this subsection.
 - c. On corner lots, only the street-facing garage wall that contains the garage door must meet the standards of this subsection.
3. Standards.
 - a. Garages that are accessory to houses. For garages that are accessory to houses and manufactured homes, the length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 110-8. Where the street-facing facade is less than 22 feet long, an attached garage is not allowed as part of that facade.
 - b. Garages that are accessory to attached houses. The following standards apply to garages that are accessory to attached houses:
 - (1) The length of the garage wall facing the street may be up to 50 percent of the length of the street facing building facade. See Figure 110-8. When all the units are 22 feet wide or wider, the standard applies to the street-facing

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

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

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

33.207 Accessory Short-Term Rentals

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Sections:

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

33.207.010 Purpose

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

33.207.020 Description and Definitions

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

33.207.030 Where These Regulations Apply

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

33.207.040 Type A Accessory Short-Term Rentals

A. Use-related regulations.

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

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

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

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 Bureau 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.

- 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.

Table 266-1 Maximum Allowed Parking Spaces By Zone [1], [2]	
Zone	Requirement
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.

Table 266-2 Maximum Allowed Parking Spaces by Use [1] (Refer to Table 266-1 to determine which standard applies.)			
Use Categories	Specific Uses	Standard A	Standard B
Residential Categories			
Household Living		1 per 2 units	No maximum, except 1.35 per unit on sites that are in a commercial/mixed use or multi-dwelling zone. Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 bedrooms	No maximum
Commercial Categories			
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

General Radio-Telephone License or under the supervision of a registered professional electrical engineer.

- B. Method of measurement.** Measurements are to be made in accord with the latest version of American National Standards Institute's (ANSI) Standard C95.3 Techniques and Instrumentation for the Measurement of Potentially Hazardous Electromagnetic Radiation at Microwave Frequencies, or by similar methods considered appropriate by the engineer.
- C. Instrument calibration.** For all measurements made to ensure compliance with this chapter, evidence must be submitted showing that the instrument or instruments used were calibrated within the manufacturer's suggested periodic calibration interval, and that the calibration is by methods traceable to the National Bureau of Standards. A letter must also be submitted stating that the measurements were made in accordance with good engineering practices and verifying the accuracy of the results of the measurements.

33.274.080 Review of Radio Frequency Transmission Facility Regulations

- A. New federal or state standards.** In the event that either the federal or state government adopts mandatory or advisory standards more stringent than those described in this chapter, the Planning staff will prepare a report and recommendation on any necessary revisions to the City's adopted standards. The Council will endeavor to bring the City standards into compliance with those standards within 30 days of the date the new standards become effective.
- B. Significant new information.** The Bureau of Planning and Sustainability, upon learning of significant new information regarding the relationship between non-ionizing radiation and human health, will prepare a report and recommendation to the Planning Commission, detailing any necessary revisions to the City's adopted standards.

(Amended by: Ord. No. 166920, effective 10/1/93; Ord. No. 165376, effective 5/29/92; Ord. No. 171718, effective 11/29/97; Ord. No. 174263, effective 4/15/00; Ord. No. 178480, effective 6/18/04; Ord. No. 179980, effective 4/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 185915, effective 5/1/13; Ord. No. 186639, effective 7/11/14; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18.)

- 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 Bureau of Transportation. The provision of on-site bus loading is encouraged whenever possible.
 - 2. When alterations to bus loading are not part of a conditional use review, alterations to existing on-street bus loading are reviewed and approved by the Portland Bureau of Transportation.

33.281.140 Landscaping

This section states exceptions to the normal landscaping requirements.

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

33.281.150 Temporary Structures

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

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

- B. Trees that are more than 6 inches in diameter that are removed must be replaced as shown in Table 430-3, and replacement trees must be planted outside of the Scenic Resource overlay zone;
- C. Temporary disturbance areas caused by the tree removal must be replanted to meet one of the following options. Shrubs planted to meet this standard may be counted towards meeting the replacement requirements shown in Table 430-3:
 - 1. Option 1. Three shrubs and four other plants must be planted for every 100 square feet of temporary disturbance area; or
 - 2. Option 2. Three shrubs must be planted for every 100 square feet of temporary disturbance area and the remainder of the temporary disturbance area must be seeded with a grass and forb seed mix at a ratio of 30 pounds per acre; and
- D. Replacement plantings must meet the planting standards in 33.430.140.K.

Environmental Review

33.430.210 Purpose

Environmental review is intended to:

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

33.430.220 When Environmental Review is Required

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

33.430.230 Procedure

Environmental reviews are processed through the following procedures:

- A. Property Line Adjustments, resource enhancement activities, public recreational trails, rest points, view points, and interpretative facilities are processed through the Type Ix procedure.
- B. The following are processed through the Type II procedure:
 1. Roads, driveways, walkways, stormwater disposal, and buried connections to existing utility lines;
 2. Public safety facilities;
 3. Septic systems;
 4. Environmental zone boundary modifications;
 5. All other uses and development in resource areas of Environmental Conservation zones; and
 6. Development within the Transition Area only.
- C. All other uses or development in resource areas of Environmental Protection zones are processed through the Type III procedure.

33.430.240 Supplemental Application Requirements

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

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

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

1. The existing conditions site plan must show the following for the entire site:
 - a. Special flood hazard area and floodway boundaries;
 - b. Boundaries of the resource area and the transition area. These boundaries may be scaled in relation to property lines from the Official City Zoning Maps;

B. Private streets.

1. Generally.
 - a. The approximate locations for private streets are shown in the Street Plan, Figure 508-8;
 - b. The Portland Bureau 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

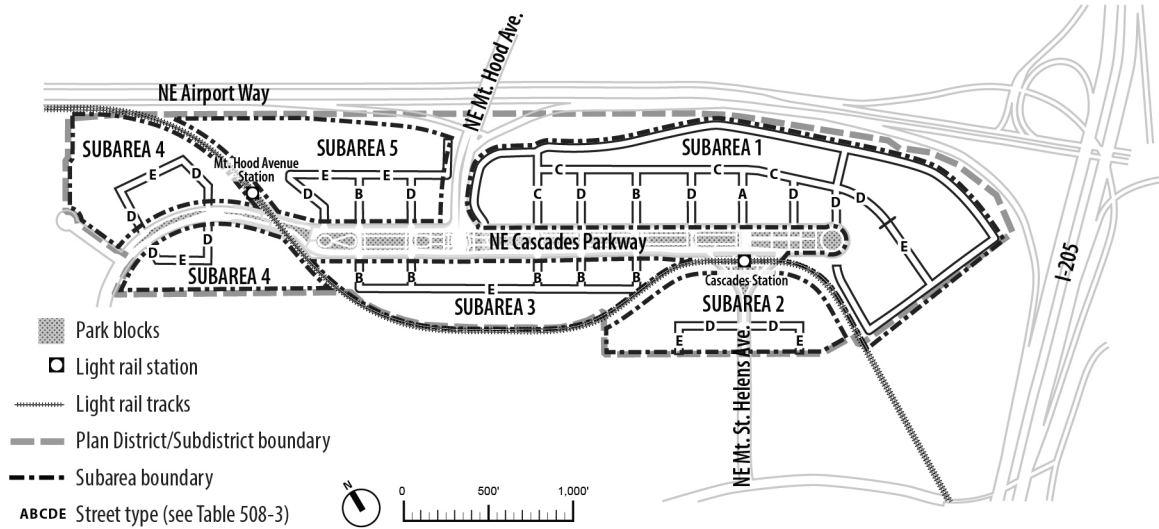


Table 508-3
Design Requirements for Private Streets

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

information depicted on Maps 510-1 through 510-23 is part of the plan district regulations and is subject to the same amendment procedures as amendments to the text of this chapter.

33.510.030 Application of Regulations Along Proposed Rights-of-Way and Accessways

Where Maps 510-1 through 510-23 identify a right-of-way as a “proposed right-of-way” or “proposed accessway,” the location of the right-of-way or accessway on the map represents only a conceptual location. When dedicated or improved, the location of the right-of-way or accessway may vary from the conceptual location shown on these maps. Regulations of this chapter that are based on the location of a proposed right-of-way or accessway apply as follows:

- A.** If the right-of-way or accessway has been improved or dedicated, the regulation applies based on the actual location of the right-of-way, tract, or easement.
- B.** If the right-of-way or accessway has not been improved or dedicated, the regulation applies based on the location of the facility as shown on the street plan for the area that has been accepted by City Council. The street plan is maintained by the Portland Bureau of Transportation and is documented in the Transportation Element of Portland’s Comprehensive Plan.

Use Regulations

33.510.100 Vehicle Repair and Vehicle Sales or Leasing

- A.** Vehicle Repair uses are prohibited in the areas shown on Map 510-17.
- B.** The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, trucks, travel trailers, and other recreational vehicles, is prohibited in the areas shown on Map 510-17, with the following exceptions:
 - 1. Offices for the sale or leasing of consumer vehicles where the vehicles are displayed or stored elsewhere are allowed; and
 - 2. The temporary sale or leasing of consumer vehicles is allowed for up to 14 consecutive days. The time between temporary sales or leasing events must be 4 times as long as the duration of the last event.

33.510.110 Mixed Use Waterfront Development

- A. Purpose.** The Central City 2035 Plan area fronts on portions of the working harbor. The working harbor is the area downstream from the Broadway Bridge. Sites developed for mixed use projects in residential zones along the working harbor will better implement the Central City 2035 Plan, Willamette Greenway Plan, Lower Willamette River Management Plan, and Comprehensive Plan if compatible river dependent industrial activities are allowed as part of mixed use projects.
- B. Where these regulations apply.** The regulations of this section apply to portions of sites in the RX zone that are next to the Willamette River, and are downstream from the Broadway Bridge.
- C. Additional uses allowed.** The following uses are allowed in the nonresidential portion of a mixed use development:

1. Passenger ship docking facilities and accessory customs and cargo handling facilities; and
2. Marinas.

D. Minimum residential density. Where there are any non-residential uses on the site, minimum residential densities are one dwelling unit for each 2,000 square feet of site area.

33.510.112 Commercial Parking

Commercial Parking is subject to special regulations in Sections 33.510.261 and 33.510.262. Visitor Parking and Undedicated General Parking, as described in Sections 33.510.261 and 33.510.262, are Commercial Parking. The other types of parking are accessory parking, although either may operate as commercial parking according to 33.510.261 and 33.510.262.

33.510.114 Exemptions for Portland State University

Development by Portland State University within the University District / South Downtown is exempt from the Conditional Use requirements of Chapter 33.815, Conditional Uses, in situations where a use would be allowed if it was not associated with the University. Instead, such development is subject only to the regulations of the base zone, overlay zone, and plan district.

33.510.115 Additional Uses Allowed in the Open Space Zone

A. Purpose. Additional uses are allowed on sites zoned OS within the Central City plan district in recognition of the diversity of functions that Central City open spaces provide to residents and visitors. The Central City's open spaces tend to be more urban than open spaces found outside the Central City. Plazas, parks, and other improved outdoor spaces found in the Central City may be designed for a more intensive use, and may include little or no green space. These open spaces may contain buildings, benches, art, coffee shops or restaurants, or other small retail shops. These uses are encouraged in urban parks in the Central City to help promote downtown as a regional attraction, enhance the Central City's role in culture and entertainment, provide space for outdoor activities that are appropriate in an urban setting, and increase desirable activity within and near the open space.

B. Additional uses allowed.

1. Retail Sales and Service uses are allowed as follows:
 - a. On sites that are 1 acre or less in size, the total net building area of all Retail Sales and Service uses on the site may be up to 2,500 square feet.
 - b. On sites that are more than 1 acre in size, the total net building area of all Retail Sales And Service uses on the site may be up to 10,000 square feet, or 5 percent of the total site area, whichever is less.
2. Parking that is totally below grade and existed as of February 9, 2000; and
3. The uses listed in Subparagraph B.3.a. are allowed on sites that meet the requirements of Subparagraph B.3.b. Adjustments to this paragraph are prohibited.

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

33.510.221 Windows Above the Ground Floor

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

33.510.223 Bird-Safe Exterior Glazing

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

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

33.510.225 Ground Floor Active Uses

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

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 Bureau 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.

33.526 Gateway Plan District

526

Sections:

General

- 33.526.010 Purpose
- 33.526.020 Where These Regulations Apply
- 33.526.030 Early Project Consultation

Use Regulations

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- 33.526.200 Purpose
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- 33.526.250 Connectivity
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- 33.526.290 Ground Floor Windows
- 33.526.300 Required Windows Above the Ground Floor
- 33.526.310 Exterior Display and Storage
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- 33.526.330 Gateway Master Plan
- 33.526.340 Parking

Map 526-1 Gateway Plan District

Map 526-2 Maximum Heights

Map 526-3 Floor Area Ratios

Map 526-4 Enhanced Pedestrian Streets

Map 526-5 Bonus Option Areas

General

33.526.010 Purpose

Gateway is Portland's only regional center. As designated in the Outer Southeast Community Plan, the Gateway Regional Center is targeted to receive a significant share of the city's growth. Gateway is served by Interstates 205 and 84, MAX light rail, and TriMet bus service. At the crossroads of these major transportation facilities and high-quality transit service, Gateway is positioned to become the most intensely developed area outside of the Central City. Future development will transform Gateway from a suburban low density area to a dense, mixed-use regional center that maximizes the public's significant investment in the transportation infrastructure.

The regulations of this chapter encourage the development of an urban level of housing, employment, open space, public facilities, and pedestrian amenities that will strengthen the role of Gateway as a regional center. The regulations also ensure that future development will provide for greater connectivity of streets throughout the plan district. This development will implement the Gateway Regional Center Policy of the Outer Southeast Community Plan. Together, the use and development regulations of the Gateway plan district:

- Promote compatibility between private and public investments through building design and site layout standards;
- Promote new development and expansions of existing development that create attractive and convenient facilities for pedestrians and transit patrons to visit, live, work, and shop;
- Ensure that new development moves the large sites in the plan district closer to the open space and connectivity goals of the Gateway Regional Center;
- Create a clear distinction and attractive transition between properties within the regional center and the more suburban neighborhoods outside; and
- Provide opportunities for more intense mixed-use development around the light rail stations.

33.526.020 Where These Regulations Apply

The regulations of this chapter apply to development in the Gateway plan district. The boundaries of the plan district are shown on Map 526-1 at the end of this chapter, and on the Official Zoning Maps.

33.526.030 Early Project Consultation

Applicants are encouraged to meet with staff of the Bureau of Planning and Sustainability, the Bureau of Development Services, the Portland Development Commission, the Portland Bureau of Transportation, and Portland Parks and Recreation three to six months before applying for a pre-application conference or a land use review. This consultation provides an opportunity for both funding and regulatory agencies to work closely with the property owner to determine the best combination of plan, regulation, and urban renewal involvement to meet the fiscal needs and responsibilities of the owner, accomplish public purposes, and leverage public dollars on behalf of new development.

Use Regulations

33.526.100 Purpose

The use regulations of this chapter encourage uses that support transit patrons and pedestrians. They do this by limiting auto-oriented uses and promoting small scale commercial development. Small scale commercial development increases the variety and diversity of services and goods available; helps reduce traffic congestion associated with large-scale retailers; enhances the mixed-use character and pedestrian environment of the plan district; and improves the economic viability of higher density residential development.

33.526.110 Prohibited Uses

- A. Vehicle Repair, Quick Vehicle Servicing, Commercial Parking, and Self-Service Storage are prohibited in the plan district.

- (1) Location. Each open area must be located on a part of the site that can be reasonably developed to meet the standards of this section;
- (2) Improvements. The proposed improvements must be consistent with the purpose of this section; and
- (3) Timing. The timing of the improvements must be reasonably related to the timing of other development on the site.

33.526.250 Connectivity

- A. Purpose.** The connectivity requirement ensures that adequate street and pedestrian/bicycle connections will be provided for local access to development and access for emergency vehicles. This regulation implements the Gateway Master Street Plan and improves vehicular, pedestrian, and bicycle circulation throughout the plan district, while minimizing congestion on the arterial system. Where full street connections are not feasible, pedestrian and bicycle connections provide access for those most sensitive to the lack of direct connections.
- B. Where these regulations apply.** The requirements of this section apply to all sites in the plan district.
- C. Requirements.**
 1. The Portland Bureau of Transportation determines the location and widths of rights-of-way and extent and timing of street improvements based on the Gateway Master Street Plan in the Transportation Element of the Comprehensive Plan.
 2. Proposed development that may obstruct new street alignments as identified in the Gateway Master Street Plan is regulated by Chapter 17.88.

33.526.260 Pedestrian Standards

- A. Purpose.** These regulations ensure direct pedestrian connections between the street and buildings on a site and between buildings and other activities within the site. Together with the Enhanced Pedestrian Street, entrance, and ground floor window regulations, the pedestrian standards ensure that the sidewalks in the plan district, especially on Enhanced Pedestrian Streets, are convenient, active, pleasant environments with pedestrian amenities.
- B. Standards.**
 1. All sites in the plan district are subject to the Pedestrian Standards of Paragraph 33.130.240.B.1. through 3.
 2. Improvements between buildings and the street. Development on sites abutting an Enhanced Pedestrian Street as shown on Map 526-4 must meet Standard B.2.b. Development on all other sites must meet the standards of either B.2.a or b. Development where there has been a school use on the site since June 18, 2004, must meet the standards of either B.2.a. or b.

- a. Landscaped. The area between a building or exterior improvement and a street lot line must be landscaped to meet the L1 standard in Chapter 33.248, Landscaping and Screening;
 - b. Hard-surfaced. The area between a building or exterior improvement and a street lot line must be hard-surfaced and developed for use by pedestrians, outdoor seating for restaurants, or pedestrian-oriented accessory activities including stands selling flowers, food or drinks. The area must contain amenities such as benches, trees (tree wells with grates are exempt from the hard-surface requirement), drinking fountains, planters, and kiosks. At least one or these amenities must be provided for each 100 square feet of pedestrian use area in the setback.
3. Bicycle parking may be located in the area between a building and a street lot line.

33.526.270 Entrances

- A. Purpose.** These regulations ensure that at least one main entrance into a building, and each tenant space in a building that faces a street, be oriented to public streets or the light rail alignment. This requirement enhances pedestrian access from the sidewalk to adjacent buildings. Together with the Enhanced Pedestrian Street, ground floor window, and pedestrian standards, the entrance standards ensure that the sidewalks in the plan district are convenient, active, pleasant environments with pedestrian amenities.
- B. Where these regulations apply.** In RM2, RM3, RM4, RX, C, E, and CI 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 light rail alignment along East Burnside Street, the main 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.

is earned, up to an additional floor area ratio of 0.85 to 1. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund. This bonus allows additional floor area to be in Office uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum FAR allowed by the base zone.

The NWTF is to be collected and administered by the Portland Bureau of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by: NW Pettygrove Street, NW Nicolai Street, I-405, NW 27th Avenue.

(Added by: Ord. No. 176092, effective 12/21/01. Amended by: Ord. No. 177920, effective 11/8/03; Ord. No. 183269, effective 10/21/09; Ord. No. 187216, effective 7/24/15; Ord. No. 188177, effective 5/24/18.)

required to be submitted before a building permit can be issued for the development, but it is not required in order to apply for a land use review.

- E. Height and floor area bonuses for underground parking.** In bonus area C shown on Map 562-6, development that includes underground parking receives floor area and height bonuses. Where at least 50 percent of the accessory parking for a building is entirely underground, the building may be up to 120 feet in height and receives three additional square feet of floor area for each square foot of parking area where the finished ceiling height is underground.
- F. Northwest Transportation Fund bonus option.** Within the area north of NW Pettygrove Street, on sites zoned CM3, contributors to the Northwest Transportation Fund (NWTF) receive nonresidential floor area bonuses. For each contribution to the NWTF, a bonus of one square foot of additional floor area that may be in nonresidential use is earned, up to a maximum of the total floor area that is allowed on the site. The total floor area allowed on the site is regulated by Section 33.562.220, Floor Area Ratios, and Subsections A through F of this section. The amount of the contribution required for each square foot of additional floor area is in Chapter 17.19, Northwest Transportation Fund.

This bonus allows additional floor area to be in nonresidential uses; it does not increase the total amount of floor area in any use that is allowed on the site, and does not count towards the maximum specified in B.2, above.

The NWTF is to be collected and administered by the Portland Bureau of Transportation. The funds collected may be used only to make transportation improvements in the area that will be most affected by the bonus, which is generally bounded by NW Pettygrove Street, NW Nicolai Street, I-405, and NW 27th Avenue.

33.562.240 Standards on Main Streets and the Streetcar Alignment

- A. Purpose.** These regulations reinforce the continuity of the pedestrian-oriented environment, limit the visual impact of parking facilities, and foster development with transit-supportive levels of activity along main streets and the streetcar alignment. The standards also help to maintain a healthy urban district with architectural elements and active ground-floor uses that provide visual interest and interrelate with the pedestrian environment.
- B. Where these regulations apply.** These regulations apply to sites with frontage on any of the main streets or the streetcar alignment shown on Map 562-7.
- C. Required windows above the ground floor.** On the portion of a site within 200 feet of a main street or the streetcar alignment, windows must cover at least 15 percent of the area of the street-facing façade above the ground floor wall area. This requirement is in addition to any required ground floor windows. Ground floor wall areas include all exterior wall areas up to 9 feet above grade.
- D. Ground floor active use standard.** In order to accommodate active uses, such as residential, retail, or office, the ground floor of buildings must be designed and constructed as follows. This standard must be met along at least 50 percent of the ground floor of walls that front onto a main street or streetcar alignment.

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

1. The distance from the finished floor to the bottom of the structure above must be at least 12 feet. The bottom of the structure above includes supporting beams;
2. The area must be at least 25 feet deep, measured from the street-facing façade;
3. At least 25 percent of the area of the street-facing façade of the portion of the building designed to meet the requirements of this subsection must be windows and doors; and
4. Parking is not allowed in the areas designed to meet the standards of this subsection.

E. Location of parking. To encourage a transit-supportive, pedestrian-oriented environment with a continuous frontage of buildings and active uses along main streets and the streetcar alignment, parking is allowed only as follows. Sites of 10,000 square feet or less in area are exempt from this subsection.

1. Surface parking is allowed only when separated from main street and streetcar alignment frontages by buildings that meet the ground floor active use standard of Subsection D, above. See figure 562-1.
2. Structured parking is allowed only if:
 - a. The finished ceiling is entirely underground;
 - b. The lowest floor of the parking area is 9 feet or more above grade; or
 - c. The parking area is at least 25 feet from the street-facing façade on main street and streetcar alignment frontages. See Figure 562-1.

F. Motor vehicle access. Motor vehicle access to a vehicle area or structure is not allowed from a main street or streetcar alignment except in the following situations:

1. When the site has no other street frontage; or
2. For Commercial Parking, access may be approved from a main street or streetcar alignment as part of a Conditional Use approved under Section 33.815.308.

33.562.250 Drive-Through Facilities Prohibited

- A. Purpose.** Drive-through facilities are prohibited in order to foster transit-supportive, pedestrian-friendly uses, and to help reduce and prevent traffic congestion near the streetcar alignment.
- B. Drive-through facilities.** Drive-through facilities are prohibited on the portion of a site within 200 feet of a streetcar alignment, shown on Map 562-7. This prohibition includes curb cuts and driveways used to approach and leave the drive-through facility, stacking areas for waiting vehicles, and the facility itself, such as a drive-up window or gas pump island.

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

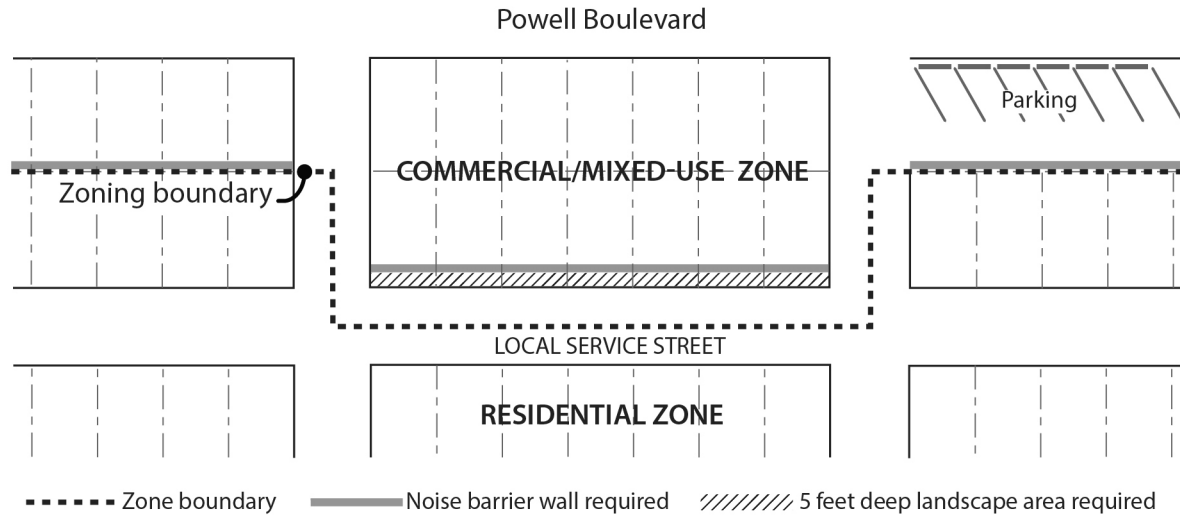
New residential uses are prohibited in commercial/mixed use zones within the Powell Boulevard plan district area.

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 Bureau 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.

(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.)

driveways crossing sidewalks, provide alternative locations on the site for parking, limit the number of garage doors facing the street, and maintain on-street parking. Where alleys are not required, applicants may choose to provide them.

33.654.120 Design of Rights-of-Way

- A. Purpose.** The purpose of these standards and approval criteria is to ensure that the vehicle, bicycle, and pedestrian circulation system is designed to be safe, efficient, and convenient.
- B. Non-local street standard.** For streets other than local service streets, the Bureau of Transportation has approved the right-of-way width and all elements within the street right-of-way.
- C. Local street approval criteria and standards.** The following approval criteria and standards apply to all local service streets except for common greens and shared courts:
1. Approval criterion for width of the right-of-way. The width of the local street right-of-way must be sufficient to accommodate expected users, taking into consideration the characteristics of the site and vicinity, such as the existing street and pedestrian system improvements, existing structures, and natural features.
 2. Standard for configuration of elements within the right-of-way. For public streets, the Bureau of Transportation has approved the configuration of elements within the street right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.
 3. Standards for turnarounds.
 - a. When a turnaround is required. A turnaround is required on a dead-end street in the following situations:
 - (1) The street will serve 4 or more lots;
 - (2) The street is at least 300 feet long; or
 - (3) When required by the City Engineer, the Fire Bureau, or BDS.
 - b. Temporary turnaround. Where a street is temporarily terminating within the land division site, the City Engineer, BDS, or Fire Bureau may require a temporary turnaround.
 - c. The following approval criteria and standard applies to permanent and temporary turnarounds:
 - (1) Approval criteria. The turnaround must:
 - Be of a size to accommodate expected users, taking into consideration the characteristics of the site such as existing structures, natural features, the length of the street, and the number of housing units served by the street;
 - Minimize paved area;

- Provide adequate area for safe vehicular movement; and
 - Provide adequate area for safe and convenient movement by bicyclists and pedestrians traveling on the street or traveling from the street to a pedestrian connection.
- (2) Standard. For public streets, the Bureau of Transportation has approved the configuration of elements within the turnaround right-of-way. For private streets, the Bureau of Development Services has approved the configuration of elements within the turnaround right-of-way.
- D. Common green approval criteria and standards.** The purpose of the following standards is to allow streets designed to provide access for only pedestrians and bicycles to abutting properties. Common greens are also intended to serve as a common open space amenity for residents. The following approval criteria and standards apply to common greens:
1. Right-of-way.
 - a. Approval criteria.
 - (1) The size of the common green 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, natural features, and the community activities that may occur within the common green.
 - (2) Generally, common greens should be dead-end streets. However, common greens may be through streets if a public pedestrian connection is provided directly abutting the common green, or in close proximity. See Figure 654-1. Common greens may also have frontage on more than one intersecting street, if the green is located at the corner of the intersecting streets. See Figure 654-2.
 - (3) Where a common green abuts a public pedestrian connection, the green must include design features that distinguish the common green from the pedestrian connection, such as perimeter landscaping, low decorative fencing, or paving materials.
 - (4) Where a common green is a through street, the design of the green should encourage through pedestrian and bicycle traffic to use nearby public pedestrian connections, rather than the common green.
 - b. Standards for configuration of elements within the right-of-way.
 - (1) For common greens, the Bureau of Development Services has approved the configuration of elements within the street right-of-way.
 - (2) Turnarounds are not required for common greens.
 - (3) Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.

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

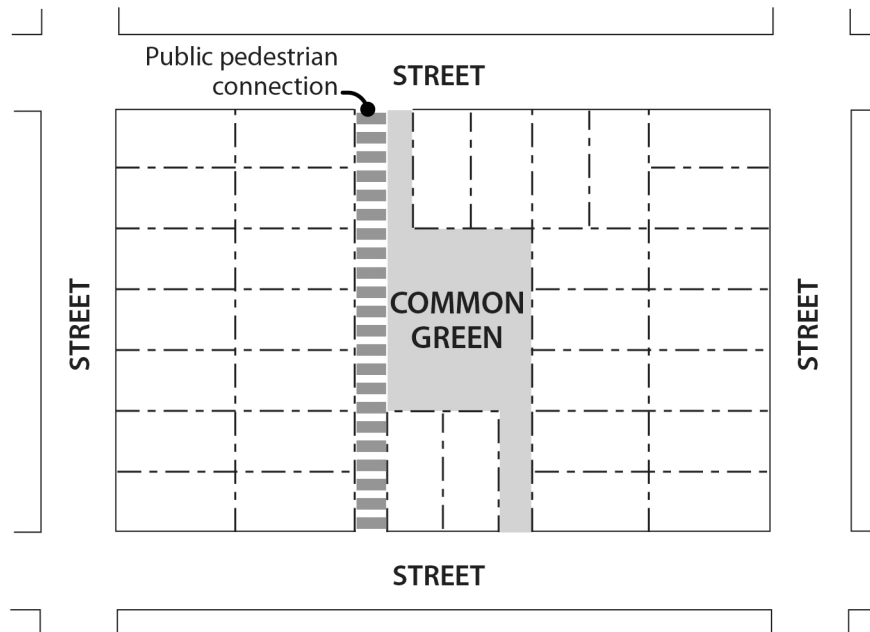
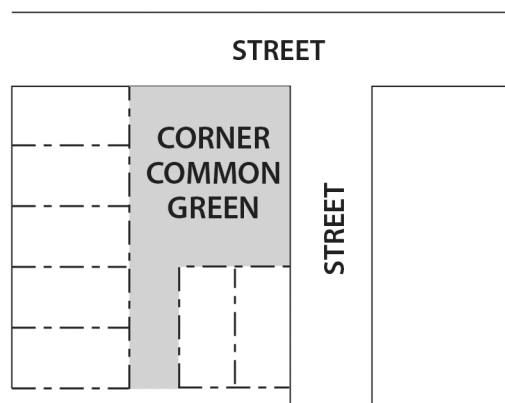


Figure 654-2
Corner Common Green



- 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 Bureau 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 Bureau 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 Bureau 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 Bureau 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.

than one review are appealed, separate appeal hearings before the review bodies assigned the reviews may be held.

33.720.030 Legislative Land Use Reviews

- A.** Legislative land use reviews, unless stated otherwise in Subsections B through D, are assigned to the Planning Commission, who will make a recommendation to City Council.
- B.** Design guidelines for Historic Districts and Conservation Districts are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- C.** Design guidelines for the Design overlay zone are assigned to the Design Commission, who will make a recommendation to City Council. In some cases, a joint hearing with the Design and Planning commissions is required. See 33.740.020.
- D.** Historic Landmark and Conservation Landmark designation and removal and Significant Resource identification and removal are assigned to the Historic Landmarks Commission, who will make a recommendation to City Council.
- E.** Final action on all legislative land use reviews is by the City Council.

(Amended by: Ord. No. 169987, effective 7/1/96; Ord. No. 174263, effective 4/15/00; Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 176469, effective 7/1/02; Ord. No. 176587, effective 7/20/02; Ord. No. 178832, effective 10/21/04; Ord.No.183518, effective 03/05/10; Ord. No. 185915, effective 5/1/13; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189000, effective 7/9/18; Ord. No. 190023, effective 8/10/20; Ord. No. 190477, effective 8/1/21; Ord. No. 190687, effective 3/1/22; Ord. No. 190851, effective 6/30/22.)

record. If the review body modifies or rejects the report and recommendation, an amended report with findings supporting the decision must be prepared as provided in Subparagraph b., below. The report must comply with 33.730.090, Reports and Record Keeping.

- b. The review body may make a tentative action and direct that proposed findings and a decision be prepared. If the prevailing party is represented by a land use professional or attorney, the prevailing party must provide findings and conclusions to support the review body's decision. If the prevailing party is not represented by a planning professional or attorney, the Director of BDS will provide findings and conclusions to support the review body's decision. Prior to final adoption, all findings must be reviewed and approved by the City Attorney. The findings and decision must be adopted by review body vote. An additional public hearing is not required if the vote is at a subsequent public meeting.
4. Notice of the final decision. Within 5 days of final review body action, the City Auditor will mail the notice of final decision to the applicant, owner, and to any recognized organizations or persons who responded in writing to the notice, testified at the hearing, or requested notice of the decision. In the case of multiple signatures on a letter or petition, the person who submitted the letter or petition or the first signature on the petition will receive the notice. See 33.730.070.I, Notice of final decision.
5. Date that decision is final and effective. The decision of the review body is final and effective on the day the notice of decision is mailed by the City Auditor.
6. Decision final. The decision of the review body is final and may not be appealed to another review body within the City.

33.730.040 Final Council Action Required

In the case of certain quasi-judicial land use reviews, such as Comprehensive Plan Map amendments and Statewide Planning Goal exceptions, final City Council action is required in addition to the normal Type III procedure. In these cases, the initial processing of the land use review is the same except the decision of the initial review body becomes a recommendation to Council. The post-acknowledgment procedures required by ORS 197.610 through 197.650 are followed, and the case is scheduled for a public hearing before City Council. The 120-day review period required by ORS 227.178(1) does not apply to Comprehensive Plan Map amendments, including Statewide Planning Goal Exceptions, or to land use reviews processed concurrently with Comprehensive Plan Map amendments.

General Information on Procedures

33.730.042 Concurrent Reviews

The following regulations apply to applications for more than one land use review on a site:

- A. Applications for more than one land use review on a site may be consolidated into a single application package;

- B. When more than one review is requested and the reviews have different procedures, the overall application is processed using the highest procedure type. A Type III procedure is the highest, followed by Type IIx, Type II, Type Ix and then Type I;
- C. When three or more different kinds of land use reviews are requested, and at least three of the land use reviews are assigned to a Type II procedure, the overall application is processed using the Type IIx procedure, unless any of the reviews are assigned to a Type III procedure. If any of the reviews are assigned to a Type III procedure the overall application is processed using the Type III procedure.
- D. When more than one review is requested and any of the reviews are assigned to a Type IV procedure, the reviews not subject to the Type IV procedure are reviewed as specified in Subsections B and C. The review subject to the Type IV procedure is reviewed under the provisions of 33.730.031.
- E. When a land division proposal requires an adjustment, the adjustment must be processed concurrently with the land division.

33.730.050 Pre-Application Conference and Other Early Assistance Meetings

A. Pre-Application Conference.

1. Purpose. The pre-application conference informs the applicant of the substantive and procedural requirements of this Title, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference which will aid in the development of an application. The pre-application conference also informs recognized organizations about the proposal and promotes communication between the organizations and the applicant.
2. Requirements. Forms for pre-application conferences are available from the Director of BDS. A fee is required and must be paid at the time the request for a pre-application conference is submitted. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 42 days of receipt of a completed request form.
3. Participants. The applicant meets with BDS staff at the pre-application conference. In addition, City urban service or technical representatives and representatives of affected recognized organizations are invited to attend.
4. Pre-application conference recommendations. The BDS staff will mail the applicant a written summary of the pre-application conference within 21 days of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. If the approval criteria for the land use review involve a determination of adequacy of the transportation system, the Bureau of Transportation may require a Transportation Impact Study to be submitted with the land use application.
5. Pre-application conference prior to application submittal. Application for a land use review may not be submitted before the required pre-application conference is held.

stability and landslide hazard, and a proposed method of control.

The study may also include

- Review of aerial photography including stereo views;
 - Review of geologic literature or previous reports;
 - Site reconnaissance including mapping of observable geologic features or hazards;
 - Field explorations as necessary; and
 - Laboratory testing;
- g. Final Plat staging. When the Final Plat for a land division is to be submitted in stages, the application must include the number of stages, the areas each stage includes, and the sequence and time schedule for application for Final Plat approval of the various stages.
- h. Neighborhood Contact letters. Two copies of letters required by Section 33.700.025, Neighborhood Contact;
- i. Pre-application conference summary. In the case of a land division that requires a pre-application conference, two copies of the completed pre-application conference summary or proof of participation;
- j. Transportation Impact Study. Three copies of the Transportation Impact Study, if required; and
- k. When the land division site is within the boundaries of a school district that has an adopted school district facility plan that has been acknowledged by the City, and the land division will create eleven or more lots, the application must include verification from the school district that there is adequate enrollment capacity to serve the development site.
2. Preliminary Plan for Land Divisions on Large Sites in I Zones. An application for a Preliminary Plan taking advantage of Chapter 33.664, Land Divisions on Large Sites in Industrial Zones, must include all the elements listed in Paragraph D.1., above, except the lot and proposed building locations. Block pattern layout with dimensions and areas and all required tracts must be shown.
3. Final Plat. An application for a Final Plat must include all of the following:
- a. Final Plat Survey. Copies of a Final Plat survey drawn to scale and of a format, material, and number acceptable to the Director of BDS. The following information must be on the Final Plat survey:
- The statement: "This plat is subject to the conditions of City of Portland Case File No. LUR...";
 - Easements and tracts, including their purpose;
 - In the case of a middle housing land division, this statement: "This plat was approved as a Middle Housing Land Division under ORS 92.031".
- b. Supplemental plan. A supplemental plan, the number determined by the Director of BDS and that uses the Final Plat survey map as a base map. The supplemental

- plan must show how all conditions of approval that may restrict the use of all or part of the land division site are met. Such restrictions include special development standards such as special setbacks, lot coverage limitations, impervious surface limitations, access restrictions, restrictive building areas, and approved minimum or maximum densities;
- c. Compliance with conditions of approval. Documentation of compliance with all conditions of the Preliminary Plan approval, including all supporting documents or drawings required by conditions of approval such as development envelopes, final tree preservation plans, mitigation plans, and final landscape / planting plans;
 - d. As-built survey. For a middle housing land division, copies of an as-built survey showing building footprints and any building projections with distances to proposed lot lines, and the location of underground services in relation to any tracts or easements;
 - e. Maintenance agreements and CC&Rs. Three copies of each required maintenance agreement or Conditions, Covenants and Restrictions;
 - f. Performance Guarantees. One copy of each Performance Guarantee;
 - g. Title report. Current title report issued by a title insurance company verifying ownership and detailing any deed restrictions;
 - h. Service bureau requirements. Documentation of submittal of all service bureau requirements, including water system plans, final street construction plans, final sewer and storm water plans, construction management plans, final clearing and grading plans; and
 - i. Fees. The applicable filing fees.
4. Final Plat for Land Divisions on Large Sites in Industrial Zones. An application for a Final Plat taking advantage of Chapter 33.664, Land Divisions on large Sites in Industrial Zones, must include all the elements listed in Paragraph D.3., above, for the area being platted. The application must also include enough information for the balance of the site to show how the approval criteria will be met.

33.730.070 Written Notice Requirements

- A. General information on notices.** The following applies to all notices.
1. Addresses and mailing. Mailing addresses of property owners will be obtained from the latest available county real property tax records. Unless the Director of BDS or City Auditor has received a written request for notice, a person whose name and address does not appear in the tax records will not be mailed notice. The recognized organization address is the address on the most recent list published by the Bureau of Neighborhood Involvement.
 2. The failure of a property owner to receive notice does not invalidate the land use action if the notice was sent.

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 Bureau 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 Bureau 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 Bureau 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

33.835 Goal, Policy, and Regulation Amendments

835

Sections:

- 33.835.010 Purpose
- 33.835.020 Initiating a Text Amendment
- 33.835.030 Procedure
- 33.835.040 Approval Criteria

33.835.010 Purpose

This chapter states the procedures and review criteria necessary to amend the land use goals, policies, and regulations of the City. For the purposes of this chapter, regulation includes all land use standards, guidelines, area plans, or other similar text. For convenience, all of these amendments are referred to as "text amendments".

33.835.020 Initiating a Text Amendment

Text amendments may be initiated by the Planning and Sustainability Director, the Planning Commission, or by the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts, and the Design Commission may initiate amendments concerning design guidelines. Others may make a request to the Planning Commission to consider a text amendment initiation, except for design guidelines. Requests for amendments to design guidelines in historic districts are made to the Historical Landmarks Commission and to the Design Commission for design guideline amendments in the Design overlay zone. Initiations by a review body are made without prejudice towards the final outcome.

33.835.030 Procedure

Text amendments are reviewed through the legislative procedure stated in Chapter 33.740, Legislative Procedure.

33.835.040 Approval Criteria

- A. Amendments to the zoning code.** Text amendments to the zoning code must be found to be consistent with the Comprehensive Plan, Urban Growth Management Functional Plan, and the Statewide Planning Goals. In addition, the amendments must be consistent with the intent or purpose statement for the base zone, overlay zone, plan district, use and development, or land division regulation where the amendment is proposed, and any plan associated with the regulations. The creation of a new plan district is subject to the approval criteria stated in 33.500.050.
- B. Amendments to the goals and policies of the Comprehensive Plan.** Text amendments to the goals and policies of the Comprehensive Plan must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.
- C. Neighborhood plans.** Adoption or amendment of neighborhood plans and similar area plans must be found to be consistent with the Comprehensive Plan, the Urban Growth Management Functional Plan, and with the Statewide Planning Goals.

- D. Design guidelines.** Design guidelines must be found to both maintain and enhance the characteristics that distinguish the Design overlay zone or design district and be consistent with the reasons for establishing the overlay zone or design district.

(Amended by: Ord. Nos. 175965 and 176333, effective 7/1/02; Ord. No. 195915, effective 5/1/13; Ord. No. 190477, effective 8/1/21.)

- B. Institutional campus boundary.** The Impact Mitigation Plan must delineate the ultimate area and boundaries of the institution's campus. The proposed boundary may include land that the institution does not presently control. However, sites must be controlled by the institution to be zoned IR.
- C. Location sensitive uses.** The Impact Mitigation Plan must identify the location on the campus where location sensitive uses are to be placed. Location sensitive uses are:
1. Retail Sales And Service and Office uses which are not listed as primary or accessory uses in the mission statement;
 2. Any use or activity which provides goods or services to establishments not on the campus;
 3. Major Event Entertainment facilities permitted on the campus as conditional uses; and
 4. Industrial Service and Manufacturing And Production uses permitted on the campus as conditional uses.
- D. Phasing of mitigation activities.** Impact mitigation measures and expected demands for public services should be divided into phases of campus growth. Each phase of campus growth included in the impact mitigation plan must identify the specific mitigation activities which will be implemented in advance of the development activities included in that growth phase. A specific phase of campus growth may include several different development projects. Phases of growth may be described exclusively in terms of the mitigation measures to be implemented. Once the implementation measures for a phase of growth are in place any development project which is otherwise consistent with the campus mission statement and the impact mitigation plan may be undertaken when the project's expected impacts are at or below the levels mitigated for in the current phase of growth. Each phase of growth must identify mitigation measures to be taken to address the elements in Subsections E through I of this Section.
- E. Waste disposal.** For each phase of campus development, the following service loading must be addressed:
1. Effect on the City's sanitary sewer system;
 2. Capacity of the storm water disposal system that serves the campus;
 3. Disposal of hazardous solid waste, including preventing hazardous substances from entering the storm water disposal and sanitary sewer systems; and
 4. Preventing mud and other debris from campus construction sites from entering the storm water disposal system.
 5. Reducing solid waste produced on the campus through recycling;
- F. Water supply.** For each phase of campus development the following service loading must be addressed:
1. Water needs of the campus; and
 2. Water conservation activities and measures.

- G. Transportation.** For each phase of campus development the following must be addressed in the multi-modal transportation plan.
1. The location and amount of motor vehicle and bicycle parking;
 2. Strategies to reduce the number of motor vehicle miles traveled by those traveling to and from the campus, i.e. students, patients, faculty, staff, and visitors, including:
 - a. Measures to encourage those traveling to and from the campus to use alternatives to single-occupant auto trips (walking, bicycling, carpooling, and public transit);
 - b. The car or van pool programs;
 - c. Incentives to be offered to employees and, where applicable, students, and others to use public transit for travel to and from the campus;
 - d. Incentives to be offered to employees and, where applicable, students, and others to travel on foot or by bicycle to and from the campus. This may include incentives for employees to live within walking distance of the campus;
 3. Planned improvements to the routes used by transit patrons between transit stops serving the campus and the campus's circulation system for pedestrians and transit facilities;
 4. An on-site circulation system for all modes that meets the City's connectivity standards of no more than 530 feet apart for streets and no more than 330 feet apart for pedestrian/bicycle connections where streets are not feasible, and links to adjacent streets and walkways;
 5. Traffic impacts on the streets in the vicinity of the campus and measures which will be taken to ensure that the surrounding streets will function consistent with the Transportation Element of the Comprehensive Plan;
 6. Parking mitigation, including an analysis of projected peak parking demand for daily activities and events, and strategies to reduce the supply of parking without impacting nearby land uses; and
 7. To address adequacy of transportation services, a multi-modal impact study is required of the applicant by the Bureau of Transportation. In preparing such a study the applicant should follow the guidelines set forth in the "Transportation Impact Study Guidelines" document available from the Portland Bureau of Transportation.
- H. Environmental, historic, scenic and open space.** For each phase of campus development the following must be addressed:
1. A strategy for the protection and enhancement of environmental, scenic and historic resources which have been inventoried by the City, determined to be significant and are located within the land occupied by the campus; and
 2. A strategy for the enhancement of the campus's system of open spaces and their linkage to public right-of-ways.

33.850 Statewide Planning Goal Exceptions

850

Sections:

- 33.850.010 Purpose
- 33.850.020 Initiating a Statewide Planning Goal Exception
- 33.850.030 Procedure
- 33.850.040 Approval Criteria

33.850.010 Purpose

The Statewide Planning Goal exception process provides an opportunity for developments or actions which would otherwise not be allowed due to the application of a specific Statewide Planning Goal. This exception provides for the rare occurrence where the public interest will be better served by granting an exception to a Statewide Planning Goal than in applying the Goal. Statewide Planning Goal exceptions are allowed only for items listed in the Statewide Planning Goals.

33.850.020 Initiating a Statewide Planning Goal Exception

Legislative Statewide Planning Goal exceptions may be initiated by the Director of BDS, the Planning Commission, or by City Council. Requests for a quasi-judicial Statewide Planning Goal exception may be initiated by an applicant, the Director of BDS, the Planning Commission, or by City Council. Others may petition to the Planning Commission to consider a specific legislative Statewide Planning Goal exception. Initiations by a review body are made without prejudice towards the outcome. A discussion of quasi-judicial and legislative can be found in 33.700.070.

33.850.030 Procedure

- A. Quasi-judicial Statewide Planning Goal exceptions are reviewed through a Type III procedure, and must be approved by City Council. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.
- B. Legislative Statewide Planning Goal exceptions are processed through a legislative procedure. A Statewide Planning Goal exception requires an amendment to the City's Comprehensive Plan.

33.850.040 Approval Criteria

A Statewide Planning Goal exception will be approved if it is found that the proposal meets State and any additional City approval criteria for the specific goal exception. The approval criteria are included in the appropriate chapters containing regulations which can be modified through a Statewide Planning Goal exception.

(Amended by: Ord. No. 174263, effective 4/15/00.)

33.855 Zoning Map Amendments

855

Sections:

- 33.855.010 Purpose
- 33.855.020 Initiating a Zoning Map Amendment
- 33.855.030 When a Comprehensive Plan Map Amendment Is Also Required
- 33.855.040 Procedure
- 33.855.050 Approval Criteria for Base Zone Changes
- 33.855.060 Approval Criteria for Other Changes
- 33.855.070 Corrections to the Official Zoning Maps
- 33.855.075 Automatic Map Amendments for Historic Resources
- 33.855.080 Recently Annexed Areas

33.855.010 Purpose

This chapter states the procedures and approval criteria necessary to process an amendment to the base zones, overlay zones, plan districts, and other map symbols of the Official Zoning Maps. The chapter differentiates between amendments which are processed in a quasi-judicial manner and those processed in a legislative manner. A discussion of quasi-judicial and legislative is found in 33.700.070.

33.855.020 Initiating a Zoning Map Amendment

- A. Quasi-Judicial.** Requests for a zoning map amendment that are quasi-judicial may be initiated by an individual, a representative of the owner, the Planning Commission, or the City Council. The Historical Landmarks Commission may initiate amendments concerning historic districts. The Director of BDS may request amendments for initiation by the Planning Commission. Initiations by a review body are made without prejudice towards the outcome.
- B. Legislative.** Requests for zoning map amendments that are legislative may be initiated by the Planning Commission or the City Council. The Design Commission may initiate amendments concerning design districts. Others may request to the Planning Commission to initiate a legislative zoning map amendment. The Planning Commission will review these amendment requests against adopted initiation criteria. Initiations by a review body are made without prejudice towards the outcome.

33.855.030 When a Comprehensive Plan Map Amendment Is Also Required

Zoning map amendments may also require an amendment to the Comprehensive Plan Map. Determination of whether the Comprehensive Plan Map must also be amended is based upon whether the proposed zoning map amendment is to a zone designated by the Comprehensive Plan Map. See Policy 1.18 in the Comprehensive Plan. If an amendment to the Comprehensive Plan Map is required, the zoning map amendment cannot be made unless the amendment to the Comprehensive Plan Map is approved first. Both amendments may be processed concurrently.

33.855.040 Procedure

- A. Quasi-Judicial.** Requests for quasi-judicial zoning map amendments are reviewed through a Type II or Type III procedure. Zoning map amendments to rezone a site to IR, Institutional Residential, are processed through a Type II procedure. Amendments for all other zones are processed through a Type III procedure.
- B. Legislative.** Requests for legislative zoning map amendments are reviewed through the legislative procedure stated in Chapter 33.740.
- C. Manufactured dwelling park special notice.** The applicant for a zoning map amendment that changes the zoning on a manufactured dwelling park must provide written notice by first class mail to each unit in the manufactured dwelling park. The notice must include the time, date, and location of the public hearing and the new zone being proposed. The notices must be mailed 20 to 40 days before the hearing date.

33.855.050 Approval Criteria for Base Zone Changes

An amendment to the base zone designation on the Official Zoning Maps will be approved (either quasi-judicial or legislative) if the review body finds that the applicant has shown that all of the following approval criteria are met:

- A. Compliance with the Comprehensive Plan Map.** The zone change is to a corresponding zone of the Comprehensive Plan Map. When the Comprehensive Plan Map designation has more than one corresponding zone, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes or characteristics of each zone and the zoning pattern of surrounding land.
- B. Adequate public services.**
 - 1. Adequacy of services applies only to the specific zone change site.
 - 2. Adequacy of services is determined based on performance standards established by the service bureaus. The burden of proof is on the applicant to provide the necessary analysis. Factors to consider include the projected service demands of the site, the ability of the existing and proposed public services to accommodate those demand numbers, and the characteristics of the site and development proposal, if any.
 - a. Public services for water supply, and capacity, and police and fire protection are capable of supporting the uses allowed by the zone or will be capable by the time development is complete.
 - b. Proposed sanitary waste disposal and stormwater disposal systems are or will be made acceptable to the Bureau of Environmental Services. Performance standards must be applied to the specific site design. Limitations on development level, mitigation measures or discharge restrictions may be necessary in order to assure these services are adequate.
 - c. Public services for transportation system facilities are capable of supporting the uses allowed by the zone or will be capable by the time development is complete. Transportation capacity must be capable of supporting the uses allowed by the zone by the time development is complete, and in the planning