

# Better Housing by Design

An Update to Portland's Multi-Dwelling Zoning Code

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## Zoning Code Amendments

## In-House Review Draft

November 13, 2017

City of Portland  
Bureau of Planning and Sustainability



**Comments Due: December 4, 2017 at 5:00 PM** (to: Bill Cunningham, Project Manager)

**The Bureau of Planning and Sustainability is committed to providing equal access to information and hearings. If you need special accommodation, interpretation or translation, please call 503-823-4086, the TTY at 503-823-6868 or the Oregon Relay Service at 1-800-735-2900 at least 48 hours prior to the event.**

# Acknowledgments

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# Section I: Introduction *[Section under development]*

## Zoning Code Amendments Overview

The draft Zoning Code amendments include new regulatory tools to address the following major Concept Report topics related to the multi-dwelling zones. New regulatory approaches are listed below each major topic.

### **Outdoor spaces and green elements** that support human and environmental health.

- Require residential outdoor spaces in the RH Zone.
- Require shared outdoor spaces for large sites.
- Allow alternatives to conventional landscaping.
- Limit large surface parking lots and wide driveways.



### **Building design and scale** that contributes to pedestrian-friendly streets, relates to context, and allows diverse housing types.

- Regulate by building scale/FAR instead of unit density.
- Limit front garages and structured parking along street frontages.
- Require building entrances to be oriented to public streets or to courtyards.
- Require 10-foot front setbacks in R1 and RH zones.
- Require building height transitions to single-dwelling zones.
- Simplify side setback regulations and reduce barriers to development on small sites.
- Continue Eastern Portland mid-block open areas through requirements for deep rear setbacks.
- Allow small-scale commercial uses in multi-dwelling zones on major corridors and near light rail stations.



### **Street connections** that make it easier for people to access local destinations and transit.

- Set a minimum street frontage requirement in locations that have deficient street connectivity to provide enough space for new streets.
- Calculate development allowances prior to street dedication to reduce disincentives for providing street connections.
- Provide regulatory tools that work in conjunction with new types of narrow street connections proposed by PBOT.



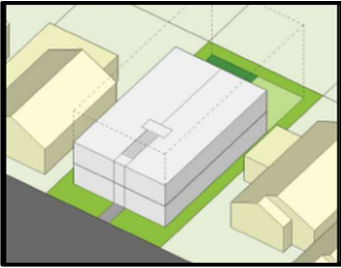
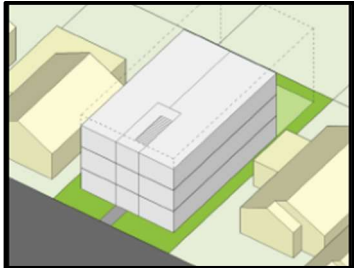
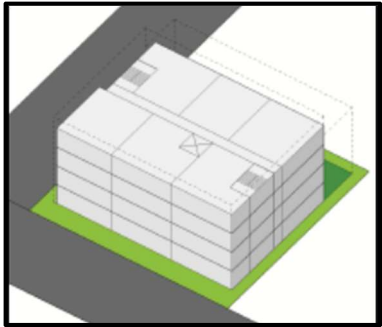
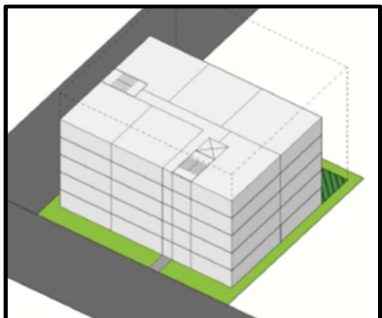
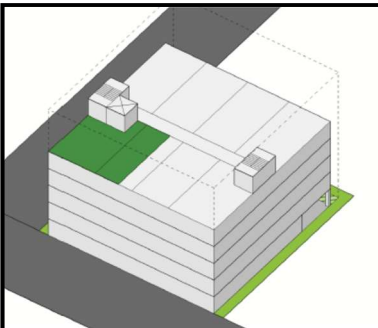
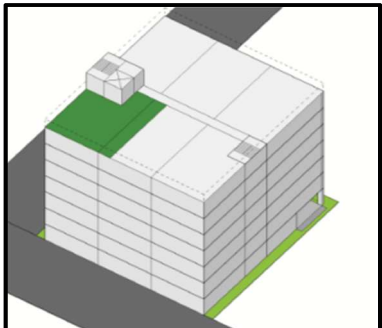
### **Development bonuses and density transfers** that offer incentives for affordable housing, family-sized units, and tree preservation.

- Prioritize affordable housing by increasing the inclusionary housing development bonus.
- Modify allowances for transfers of development rights to prioritize tree preservation and historic preservation.



## Summary of the Multi-Dwelling Zones

These summary standards and graphics reflect draft development standards proposed in the Discussion Draft. The RX zone is not included here, because its development standards are described and regulated by the Central City and Gateway plan districts. The R3 zone is not included, as it is proposed to be combined with the R2 zone (see commentary on page 8).

Zone	Potential New Name	Maximum Height	Building Coverage	Base FAR	Bonus FAR
R2	MD1	35 ft.	50%	1 to 1 	1.5 to 1 
R1	MD2	45 ft.	60%	1.5 to 1 	2.25 to 1 
RH	MD3	65 ft.	85%	2 to 1 	3 to 1 
RH	MD4	75/100 ft.	85%	4 to 1 	6 to 1 

## Section II: Zoning Code Amendments

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### Chapter 33.120 Sections Table

The sections table has been amended to reflect changes to the chapter.



## 33.120 Multi-Dwelling Zones

120

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### Sections:

#### General

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

#### Use Regulations

- 33.120.100 Primary Uses
- 33.120.110 Accessory Uses
- ~~33.120.120 Nuisance-Related Impacts~~

#### Development Standards

- 33.120.200 Housing Types Allowed
- 33.120.~~205~~210 Development on Lots and Lots of Record
- 33.120.206 Minimum Required Site Frontage for New Development in Connectivity Deficient Areas
- 33.120.210 Floor Area Ratio
- 33.120.211 Floor Area Bonus Options
- 33.120.~~205~~212 Minimum Density
- 33.120.215 Height
- 33.120.220 Setbacks
- 33.120.225 Building Coverage
- 33.120.230 Building Length and Façade Articulation
- 33.120.231 Main Entrances
- 33.120.232 Visitability
- 33.120.233~~2~~ Street-Facing Facades
- 33.120.235 Landscaped Areas
- ~~33.120.237 Trees~~
- 33.120.240 Required Outdoor Areas
- 33.120.250 Screening
- 33.120.255 Pedestrian Standards
- 33.120.260 Recycling Areas
- ~~33.120.265 Amenity Bonuses~~
- 33.120.270 Alternative Development Options
- 33.120.275 Development Standards for Institutions
- ~~33.120.277 Development Standards for Institutional Campuses in the IR Zone~~
- 33.120.280 Detached Accessory Structures
- 33.120.283 Additional Standards for Structured Parking and Garages
- 33.120.284 Additional Development Standards for Flag Lots
- 33.120.285 Fences
- ~~33.120.290 Demolitions~~
- ~~33.120.300 Nonconforming Development~~
- ~~33.120.305 Parking and Loading~~
- ~~33.120.310 Signs~~

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## Commentary

### Chapter 33.120 Sections Table (cont.)

The sections table has been amended to reflect changes to the chapter.

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

~~33.120.300~~33.120.320 Inclusionary Housing  
33.120.310 Street and Pedestrian Connections

Supplemental Information

Map 120-1 Index Map for RH Areas with Maximum FAR of 4:1  
Maps 120-2 through 120-20 RH Areas with Maximum FAR of 4:1

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## Commentary

### 33.120.010 Purpose

### 33.120.020 List of the Multi-Dwelling Zones

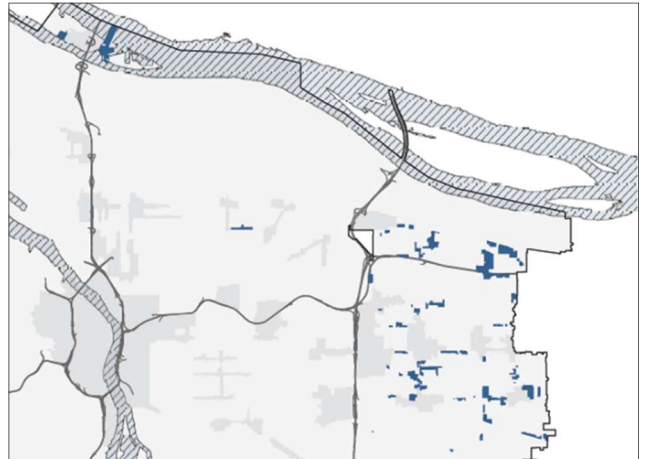
Amendments reflect additional allowances for limited commercial uses in the multi-dwelling zones. They also reflect reducing the number of multi-dwelling zones from six to four, resulting from:

The **Institutional Residential (IR) zone** was moved to a new chapter (33.150 Campus Institutional) as part of Task 5 of the Comprehensive Plan Update.

The **Residential 3,000 (R3) zone** is being combined into the R2 zone. The R3 zone is a remnant of Multnomah County zoning that applies in some areas that are relatively recent additions to Portland's boundaries. Reasons for this change include:

- The R3 zone applies in a relatively small amount of area (517 acres out of the 5,160 acres of multi-dwelling zoning), primarily in East Portland.
- The R3 zone has produced only a small amount of new residential units over the past 10 years, with 180 units built in that zone, compared to the total amount of 8,730 units built in the multi-dwelling zones during that period.
- There would be little difference between the development standards of the R3 and R2 zones (see box).
- The R3 zone, as currently regulated, allows less density than the R2.5 single-dwelling zone, with the R3 zone allowing only one unit on a 5,000 sq. ft. lot compared to two units on the same size lot in the R2.5 zone (this lesser density compared to single-dwelling zones would be increased by the Residential Infill project, which proposes a-overlay regulations that would allow a duplex on a 5,000 sq. ft. lot in the R5 zone, and a triplex if this is corner lot).
- R3 zoning in East Portland is often located along Civic Corridors (such as SE Stark, SE Division, and 122<sup>nd</sup> Avenue), that are intended by the Comprehensive Plan to be a focus for dense housing.
- Recent development in the R3 zone has been similar to what has been built in the R2 zone, with the majority of development in both zones consisting of clusters of detached houses, townhouses, duplexes, and small apartment buildings.

	<b>R3</b>	<b>R2</b>
Maximum Height	35'	35'
Max. lot coverage	45%	50%
Min. front setback	10'	10'
Required outdoor area	48 SF/unit	48 SF/unit
Landscaping	35%	30%



Map of R3  
zoning

### Note to Reviewers:

An approach being considered for a potential future project by BPS staff is to replace the R3 zone with a new "courtyard multi-dwelling" zone, with a greener, more courtyard-oriented form than development in the R2 zone, and which would be appropriate as a transition zone between higher-density zones and single-dwelling zones in some areas. This potential new zone could be created as part of a future project, which would also need to have a mapping component, as the R3 zone is not currently mapped as a transition zone (it is often mapped along major corridors).

## General

### 33.120.010 Purpose

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

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

### 33.120.020 List of the Multi-Dwelling Zones

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

Full Name	Short Name/Map Symbol
<del>Residential 3,000</del>	<del>R3</del>
<u>Multi-Dwelling Residential 2,000</u>	R2
<u>Multi-Dwelling Residential 1,000</u>	R1
High Density Residential	RH
Central Residential	RX
<del>Institutional Residential</del>	<del>IR</del>

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## Commentary

### 33.120.030 Characteristics Of The Zones

These paragraphs have been rewritten to better reflect the updated intent of the zones, focusing more on scale, appropriate locations for the zones, and deleting past references to unit density.

**The R2 zone (1 to 1 FAR, 35' height)** is a low-scale zone that provides a transition to lower-density residential areas, often located edges of centers or along neighborhood corridors, or other areas intended to provide continuity with the scale of established residential areas.

**The R1 zone (1.5 to 1 FAR, 45' height)** is applied in and around a variety of centers and corridors and has similar allowed building height to the predominant commercial/mixed use zones in these areas.

**The RH zone (two types: 2 to 1 FAR and 65' height, 4 to 1 FAR and 75' height)** is a high density, more intensely urban zone applied in locations close to the Central City and in centers and major corridors.

**The RX zone (4 to 1 FAR, 100' height)** is the most intensely urban residential zone, and is applied within the Central City and the Gateway Regional Center.

#### **Note to Reviewers:**

BPS staff are considering changing the names of the multi-dwelling zones to be more reflective of the new structure of the zones. The current zone names for some zones are based on unit density (e.g., R2 - "Residential 2,000" corresponds to a maximum density of 1 unit per 2,000 sq. ft. of site area), which will be less relevant with the proposed FAR approach to regulating by development scale (see pages 42-45). The possible new approach would use zone names that are consistent with the naming convention used for the commercial/mixed use zones, in which larger zone name numbers correspond to allowances for larger-scale development. The potential new approach would also split the current RH zone into two separate zones (MD3 and MD4) that reflect the different FARs and development standards that apply within the current RH zone (which includes two separate levels of FAR: 2 to 1 and 4 to 1). Draft code amendments on the previous page ("List of the Multi-Dwelling zones") show modified zoned names that are a placeholder, pending consideration of more substantial zone name changes.

#### **Potential New Zones (shown with corresponding current zones)**

Current Short Name	Current Full Name	New Short Name	New Full Name
R2	Residential 2,000	MD1	Multi-Dwelling 1
R1	Residential 1,000	MD2	Multi-Dwelling 2
RH	High Density Residential (2:1 FAR)	MD3	Multi-Dwelling 3
RH	High Density Residential (4:1 FAR)	MD4	Multi-Dwelling 4
RX	Central Residential	MX	Central Multi-Dwelling

### 33.120.030 Characteristics Of The Zones

- A. R2 zone.** The R2 zone is a low-scale multi-dwelling zone that is generally applied in locations intended to provide a transition in scale to lower-density residential areas, such as the edges of mixed-use centers and civic corridors, and along or near neighborhood corridors. Allowed housing is characterized by one to three story buildings that relate to the patterns of residential neighborhoods, but at a somewhat larger scale and building coverage than allowed in the single-dwelling zones. The major types of new development will be duplexes, triplexes, rowhouses, courtyard housing, small apartment buildings, and other relatively small-scale multi-dwelling and small-lot housing types that are compatible with the characteristics of Portland's residential neighborhoods.
- B. R1 zone.** The R1 zone is a medium-scale multi-dwelling zone that is generally applied in and around a variety of centers and corridors that are well-served by transit. Allowed housing is characterized by buildings of up to three or four stories with a higher percentage of building coverage than in the R2 zone, but providing opportunities for landscaping and outdoor spaces that integrate with residential neighborhood characteristics. The major types of new housing development will be a diverse range of multi-dwelling structures and other compact housing that contribute to the intended urban scale of centers and corridors, while providing transitions in scale and characteristics to lower-scale residential neighborhoods.
- C. RH zone.** The RH zone is a high density, urban scale multi-dwelling zone applied near the Central City and in locations in centers and along civic corridors that are served by frequent transit and are close to commercial services. It is intended to be a relatively intensive urban zone with a high percentage of building coverage and a strong building orientation to the pedestrian environment of streets. This zone includes two subcategories with varying allowed scale and development characteristics. The smaller scale RH zoning, characterized by an FAR allowance of 2 to 1, generally allows for a mid-rise scale of buildings of up to six stories, and calls for landscaped setbacks along street frontages to integrate into established residential neighborhoods. The larger scale RH zoning, characterized by an FAR allowance of 4 to 1, is intended to provide a more intensely urban mid-rise or high-rise scale of up to seven or more stories. Design review is typically required in this zone.
- D. RX zone.** The RX zone is a high density multi-dwelling zone that allows the greatest intensity of development scale in the residential zones. The zone is applied within Portland's most intensely urban areas, specifically the Central City and the Gateway Regional Center. Allowed housing development is characterized by large buildings with a very high percentage of building coverage. The major types of new housing development will be mid-rise and high rise multi-dwelling structures, often with allowed retail, institutional, or other service oriented uses. Development is intended to be pedestrian-oriented, with buildings that contribute to an urban environment with a strong street edge of buildings located close to sidewalks. Design review is typically required in this zone.

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## Commentary

### 33.120.030 Characteristics Of The Zones (continued)

For legibility, these paragraphs have been rewritten and the former language shown as deleted, although the new paragraphs (preceding page) incorporate much of the intent of the former language. References in the former paragraphs to unit density have been discontinued, since the modified zones are based on building scale (FAR), rather than unit density.



- A. ~~R3 zone.~~** The R3 zone is a low density multi-dwelling zone. It allows approximately 14.5 dwelling units per acre. Density may be as high as 21 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one and two-story buildings and a relatively low building coverage. The major type of new development will be townhouses and small multi-dwelling residences. This development is compatible with low and medium density single-dwelling development. Generally, R3 zoning will be applied on large sites or groups of sites.
- B. ~~R2 zone.~~** The R2 zone is a low density multi-dwelling zone. It allows approximately 21.8 dwelling units per acre. Density may be as high as 32 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to three-story buildings, but at a slightly larger amount of building coverage than the R3 zone. The major types of new development will be duplexes, townhouses, rowhouses and garden apartments. These housing types are intended to be compatible with adjacent houses. Generally, R2 zoning will be applied near Major City Traffic Streets, Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- C. ~~R1 zone.~~** The R1 zone is a medium density multi-dwelling zone. It allows approximately 43 units per acre. Density may be as high as 65 units per acre if amenity bonus provisions are used. Allowed housing is characterized by one to four-story buildings and a higher percentage of building coverage than in the R2 zone. The major type of new housing development will be multi-dwelling structures (condominiums and apartments), duplexes, townhouses, and rowhouses. Generally, R1 zoning will be applied near Neighborhood Collector and District Collector streets, and local streets adjacent to commercial areas and transit streets.
- D. ~~RH zone.~~** The RH zone is a high density multi-dwelling zone. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will range from 80 to 125 units per acre. Allowed housing is characterized by medium to high height and a relatively high percentage of building coverage. The major types of new housing development will be low, medium, and high-rise apartments and condominiums. Generally, RH zones will be well served by transit facilities or be near areas with supportive commercial services.
- E. ~~RX zone.~~** The RX zone is a high density multi-dwelling zone which allows the highest density of dwelling units of the residential zones. Density is not regulated by a maximum number of units per acre. Rather, the maximum size of buildings and intensity of use are regulated by floor area ratio (FAR) limits and other site development standards. Generally the density will be 100 or more units per acre. Allowed housing developments are characterized by a very high percentage of building coverage. The major types of new housing development will be medium and high-rise apartments and condominiums, often with allowed retail, institutional, or other service-oriented uses. Generally, RX zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. RX zones will usually be applied in combination with the Central City plan district.

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## **Commentary**

### **33.120.040 Other Zoning Regulations**

No change.

### **33.120.050 Neighborhood Contact**

No change currently proposed, but this section will need to be coordinated with the Neighborhood Contact Project's concurrent update to citywide Neighborhood Contact regulations.

- F. ~~IR zone.~~** The IR zone is a multi-use zone that provides for the establishment and growth of large institutional campuses as well as higher density residential development. The IR zone recognizes the valuable role of institutional uses in the community. However, these institutions are generally in residential areas where the level of public services is scaled to a less intense level of development. Institutional uses are often of a significantly different scale and character than the areas in which they are located. Intensity and density are regulated by the maximum number of dwelling units per acre and the maximum size of buildings permitted. Some commercial and light industrial uses are allowed, along with major event entertainment facilities and other uses associated with institutions. Residential development allowed includes all structure types. Mixed use projects including both residential development and institutions are allowed as well as single use projects that are entirely residential or institutional. IR zones will be located near one or more streets that are designated as District Collector streets, Transit Access Streets, or streets of higher classification. IR zones will be used to implement the Comprehensive Plan's Institutional Campus designation. The IR zone will be applied only when it is accompanied by the "d" Design Review overlay zone.

### **33.120.040 Other Zoning Regulations**

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

### **33.120.050 Neighborhood Contact**

- A. Purpose.** Neighborhood contact is required for larger residential projects in the multi-dwelling zones because of the impacts that multi-dwelling projects can have on the surrounding community. The neighborhood contact requirement provides an opportunity for community input on the design of these projects by providing a setting for the applicant and neighborhood residents to discuss a proposal in an informal manner. By sharing information and concerns early, all involved have the opportunity to identify ways to improve a proposal and to resolve conflicts.
- B. Neighborhood contact requirement.** Proposals meeting the following conditions are subject to the neighborhood contact requirement as specified in Section 33.700.025, Neighborhood Contact. All of the steps in 33.700.025 must be completed before a building permit is requested.
1. The proposed development has not been subject to a land use review; and
  2. The proposed development would create five or more new dwelling units. Dwelling units are created:
    - a. As part of new development;
    - b. By adding net building area to existing development that increases the number of dwelling units; or
    - c. By conversion of existing net building area from non-residential to residential uses.

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## **Commentary**

### **33.120.100 Primary Uses**

References to the IR zone deleted, as this zone has been moved to a new chapter (33.150 Campus Institutional).

## Use Regulations

### 33.120.100 Primary Uses

- A. Allowed uses.** Uses allowed in the multi-dwelling zones are listed in Table 120-1 with a “Y”. These uses are allowed if they comply with the development standards and other regulations of this Title. Being listed as an allowed use does not mean that a proposed use will be granted an adjustment or other exception to the regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters.
- B. Limited uses.** Uses allowed in these zones subject to limitations are listed in Table 120-1 with an “L”. These uses are allowed if they comply with the limitations listed below and the development standards and other regulations of this Title. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The paragraphs listed below contain the limitations and correspond with the footnote numbers from Table 120-1.
1. **Group Living.** This regulation applies to all parts of Table 120-1 that have a [1].
    - a. **General regulations.** All Group Living uses in ~~R3~~, R2, R1, RH, and RX zones, except for alternative or post incarceration facilities, are regulated as follows:
      - (1) Seven to 15 residents. Group Living uses for 7 to 15 residents are allowed by right subject to the regulations of Chapter 33.239, Group Living.
      - (2) More than 15 residents. Group Living facilities for more than 15 residents are conditional uses. They are also subject to the regulations of Chapter 33.239, Group Living.
      - (3) Exception. Normally all residents of a structure are counted to determine whether the use is allowed or a conditional use as stated in (1) and (2) above. The only exception is residential facilities licensed by or under the authority of the state Department of Human Resources under ORS 443.400 to 443.460. In these cases, staff persons are not counted as residents to determine whether the facility meets the 15 resident cutoff, above which a conditional use is required.
    - ~~b. In IR zones. Group Living facilities in the IR zone are regulated as follows:~~
      - ~~(1) Group Living facilities must be included in the mission statement of the campus’s impact mitigation plan;~~
      - ~~(2) The impact mitigation plan’s implemented mitigation measures must accommodate the impacts the Group Living facility will create; and~~
      - ~~(3) A facility located less than 150 feet from another residential zone must meet the standards for Group Living in that zone. Where two or more residential zones are within 150 feet of the Group Living development, the controlling regulations are those of the lower density zone.~~
    - eb. **Alternative or post incarceration facilities.** Group Living uses which consist of alternative or post incarceration facilities are conditional uses regardless of size. They are also subject to the regulations of Chapter 33.239, Group Living.

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## Commentary

### 33.120.100 Primary Uses

#### 2. Retail Sales And Service and Office uses in the R2 and R1 zones

These regulations allow, by right, limited amounts of commercial uses in the R2 and R1 multi-dwelling zones on major corridors and near light rail stations. Currently, commercial uses are prohibited in these zones, and are conditional uses (subject to a discretionary review process) near light rail stations in the RH zone. Allowing limited ground-floor commercial uses (such as live-work spaces that combine business space with a housing unit) could help address the negative impacts from traffic to residents of housing, such as in the multi-dwelling zones located along East Portland's multi-lane corridors. In these locations, the livability of ground-level residential living spaces located along busy street frontages is compromised. Allowances for small commercial uses would instead allow portions of the ground levels of buildings in these locations to be commercial uses that could benefit from being located along busy, high-visibility street frontages.

These allowances would also allow more opportunities for neighborhood commercial services in areas of Portland that lack walkable access to services and that could benefit from additional opportunities for small businesses, such as East Portland. Facilitating commercial services near light rail stations also responds to the area's need for these services in locations that have a lot of pedestrian activity.

#### 3. Retail Sales And Service and Office uses in the RH and RX zones

These regulations would change the current provision in the RH zone, which allows commercial uses as a conditional use, to a limited use allowed by right (up to 20 percent of net building area). This responds to community interest, particularly in East Portland, to reduce barriers to commercial serves close to light rail stations. These regulations would also allow limited commercial uses in the RH zone along Civic and Neighborhood corridors. Similar RH zone allowances currently apply along major corridors in the Albina and Northwest plan districts.

The regulations specific to commercial use allowances in the RX zone have been deleted, as these regulations only applied outside the Central City and the Gateway Regional Center, which are the only areas that will have RX zoning.

#### Note to Reviewers:

Instead of including a map in Chapter 33.120 showing the locations of Civic or Neighborhood corridors where these allowances will apply, this regulation may instead reference streets classified as Civic or Neighborhood main streets and Civic or Neighborhood corridors in the Transportation System Plan (Street Design Classification Maps).



Multi-dwelling housing along a Civic Corridor in East Portland (left) and a light rail station (right), locations where code changes would allow limited amounts of commercial uses.

2. Retail Sales And Service and Office uses in the R2 and R1 zones. This regulation applies to all parts of Table 120-1 that have a [2].

a. Limited uses. Retail Sales And Service and Office uses are allowed if they meet the following regulations:

- (1) The site must abut a Civic or Neighborhood Corridor shown on Map 120-#;
- (2) The total amount of Retail Sales And Service and Office uses allowed on the site is limited to 3,000 square feet of net building area. More than 3,000 square feet of net building area per site is prohibited; and
- (3) All of the Retail Sales And Service and Office uses must be located on the ground floor within 100 feet of the Civic or Neighborhood corridor street frontage.

b. Conditional uses. Retail plant nurseries that do not meet the standards of Subparagraph 2.a. are a conditional use.

32. Retail Sales And Service and Office uses in the RH and RX zones. This regulation applies to all parts of Table 120-1 that have a [32]. ~~a. Purpose. Certain commercial uses are allowed as conditional uses in the RH zone to allow mixed-use development on larger sites that are close to light rail transit facilities. b. Regulations. Retail Sales And Service and Office uses are allowed as a conditional use if they meet the following regulations.~~

- (1) The site must abut a Civic or Neighborhood Corridor shown on Map 120-#, or be located within 1000 feet of a Transit Station;
- (2) The total amount of Retail Sales And Service and Office uses allowed on the site is limited to 20 percent of the net building area on the site. More than 20 percent of net building area is prohibited; and
- (3) All of the Retail Sales And Service and Office uses on the site must be located on the ground floor within 100 feet of a street lot line.
- ~~(1) The uses are allowed in new multi-dwelling developments only. Conversion of existing structures is prohibited;~~
- ~~(2) The net building area of the uses is limited to 20 percent of the net building area of the development. Retail Sales and Service or Office uses that cumulatively are more than 20 percent of the net building area are prohibited; and~~
- ~~(3) The site must be located within 1,000 feet of a Transit Station.~~

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## Commentary

### **Retail Sales And Service and Office uses in the RX zone**

The regulations specific to commercial use allowances in the RX zone have been deleted, as these regulations only applied outside the Central City and the Gateway Regional Center, which are the only areas that will have RX zoning.



- ~~3. Retail Sales And Service and Office uses in the RX zone. This regulation applies to all parts of Table 120.1 that have a [3].~~
- ~~a. Purpose. Certain commercial uses are allowed in the RX zone to improve the economic viability of residential development by allowing mixed-use development. At the same time, commercial uses are limited to assure that residential uses remain the dominant use in the zone.~~
- ~~b. Central City plan district and Gateway plan district. Retail Sales And Service and Office uses in the RX zone within the Central City plan district and the Gateway plan district are exempt from the regulations of this paragraph, and are instead subject to regulations in Chapter 33.510, Central City Plan District and Chapter 33.526, Gateway Plan District.~~
- ~~c. Commercial uses in new multi-dwelling development. Adjustments to the regulations of this subparagraph are prohibited.~~
- ~~(1) Limited uses.~~
- ~~• If all of the Retail Sales And Service or Office uses are on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses;~~
- ~~• If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 20 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses.~~
- ~~(2) Conditional uses.~~
- ~~• If any portion of the Retail Sales And Service or Office uses is not on the ground floor, up to 40 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use;~~
- ~~• If the entire site is within 500 feet of a Transit Station, up to 50 percent of the net building area of a new multi-dwelling development may be in Retail Sales And Service or Office uses if approved as a conditional use.~~
- ~~d. Commercial uses in existing multi-dwelling development. Up to 40 percent of existing net building area in a multi-dwelling development may be converted to Retail Sales And Service and Office uses if the following are met. Adjustments to the regulations of this subparagraph are prohibited:~~
- ~~(1) All of the Retail Sales And Service or Office uses must be on the ground floor; and~~
- ~~(2) The conversion may not result in a net loss of the square footage in residential use, or a net loss in the number of dwelling units in the development.~~
- ~~e. Outdoor activities. All commercial uses must be conducted entirely within fully enclosed buildings. However, incidental activities such as outdoor eating areas or outdoor sale of plants are allowed. Exterior display or storage of goods is prohibited.~~

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## Commentary

### **Retail Sales And Service and Office uses in the RX zone**

The regulations specific to commercial use allowances in the RX zone have been deleted, as these regulations only applied outside the Central City and the Gateway Regional Center, which are the only areas that will have RX zoning.

- ~~f. Transfer of commercial development rights. The commercial development rights of this Paragraph may be transferred between buildings within a single new project. Transfers are subject to the following requirements:~~
- ~~(1) The transfer of commercial use potential to sites on the Park Block frontages is prohibited. The Park Block frontages are shown on Map 510-13;~~
  - ~~(2) The net building area of commercial uses does not exceed 20 percent of the project's net building area, unless approved under the provisions of Subparagraph d. above;~~
  - ~~(3) All residential net building area in the project must be completed and must receive a certificate of occupancy at the same time or prior to issuance of any temporary or permanent certificate of occupancy for the commercial uses; and~~
  - ~~(4) A deed restriction is created and filed for the lot containing the residential building(s) reflecting the decrease in commercial use potential. The deed restriction must comply with the requirements of 33.700.060, Covenants with the City.~~
4. Commercial Parking in RX. This regulation applies to all parts of Table 120-1 that have a [4]. Outside the Central City plan district, Commercial Parking facilities in parking structures are a conditional use. Commercial Parking facilities in surface lots are prohibited. Within the Central City plan district, there are special regulations; see Chapter 33.510. Any ground floor retail requirements that result from other regulations continue to apply and are reviewed as part of the land use review process.
5. Community Service and Schools in RX. This regulation applies to all parts of Table 120-1 that have a [5]. Short term housing and mass shelters are also regulated by Chapter 33.285, Short Term Housing and Mass Shelters.
- a. Limited uses. Community Service and Schools uses are allowed in a multi-dwelling development if all of the Community Service and Schools uses are located on the ground floor. If any portion of a Community Service or Schools use is not on the ground floor of a multi-dwelling development, the Community Services and Schools uses are limited to 20 percent of the net building area;
  - b. Conditional uses. If any portion of the Community Service and Schools uses is not on the ground floor of a multi-dwelling development and the uses exceed 20 percent of the total net building area, then a conditional use review is required.
6. Community Service in ~~R23~~ through RH. This regulation applies to all parts of Table 120-1 that have a [6]. Most Community Service uses are regulated by Chapter 33.815, Conditional Uses. Short term housing and mass shelters are regulated by Chapter 33.285, Short Term Housing and Mass Shelters.

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## Commentary

### **8. Daycare**

This paragraph is being amended to allow daycare uses as a limited use in multi-dwelling zones close to light rail stations and along Civic and Neighborhood corridors, the same locations that would allow limited commercial uses. Similarly to the latter allowances, allowing daycare uses would expand opportunities for needed services close to residents.

### **Retail Sales And Services and Office uses in the IR zone**

This regulation is being deleted, as the IR zone has been moved to a new chapter (33.150 Campus Institutional).

7. Parks And Open Areas. This regulation applies to all parts of Table 120-1 that have a [7]. Parks And Open Areas uses are allowed by right. However, certain accessory uses and facilities which are part of a Parks And Open Areas use require a conditional use review. These accessory uses and facilities are listed below.
  - a. Swimming pools.
  - b. Cemeteries, including mausoleums, chapels, and similar accessory structures associated with funerals or burial.
  - c. Golf courses, including club houses, restaurants, and driving ranges.
  - d. Boat ramps.
  - e. Parking areas.
  - f. Recreational fields for organized sports. Recreational fields used for organized sports are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
8. Daycare. This regulation applies to all parts of Table 120-1 that have a [8]. Daycare uses are allowed as follows:
  - a. Allowed uses. Daycare uses are allowed by right if locating within a building ~~which that~~ currently contains or did contain a College, Medical Center, School, Religious Institution, or a Community Service use.
  - b. Limited uses. Daycare uses are allowed if they meet following regulations:
    - (1) The site must abut a Civic or Neighborhood Corridor shown on Map 120-#;
    - (2) The total amount of Daycare use allowed on the site is limited to 3,000 square feet of net building area; and
    - (3) All of the Daycare use must be located on the ground floor within 100 feet of the Civic or Neighborhood corridor street frontage.
  - c. Conditional uses. Daycare uses that do not meet Subparagraph B.8.a. or b. are a conditional use.
9. Radio Frequency Transmission Facilities. This regulation applies to all parts of Table 120-1 that have a [9]. Some Radio Frequency Transmission Facilities are allowed by right. See Chapter 33.274.
- ~~10. Retail Sales And Services and Office uses in the IR zone. This regulation applies to all parts of Table 120-1 that have a [10].~~
  - ~~a. Purpose. Commercial uses in the Retail Sales And Service categories are allowed as part of an institutional campus in recognition of the large size of such campuses and the needs of the people present for nearby goods and services. Office uses are allowed in recognition of the multifaceted nature of colleges and medical centers.~~
  - ~~b. Retail Sales And Service uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and~~

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## **Commentary**

### **Schools, Colleges, and Medical Centers in the IR zone**

This regulation is being deleted, as the IR zone has been moved to a new chapter (33.150 Campus Institutional).

- ~~c. Retail Sales And Service and Office uses are allowed on an institutional campus as primary uses when the following regulations are met:~~
- ~~(1) The location is identified as a site for a primary retail, service or office use in the institution's approved impact mitigation plan;~~
  - ~~(2) The impact mitigation plan's mitigation measures for commercial use at the site are met; and~~
  - ~~(3) Retail Sales And Services uses and Office uses which are not listed as primary or accessory uses in the mission statement of the impact mitigation plan are limited. These uses are limited to no more than 50,000 square feet of net building area or 10 percent of the campus net building area, whichever is less. If the site includes structured parking, 250 square feet of the structured parking area will be associated with the Retail Sales And Service and Office uses for each parking space required for these uses. Size exceptions are prohibited.~~
- ~~d. Institutional Office uses allowed as accessory activities. These uses are allowed by right when the use is identified as a permitted accessory use in the institution's approved impact mitigation plan or conditional use master plan; and~~
- ~~e. Institutional Office uses allowed as primary uses. Office uses related to the mission of the institution are allowed by right when all of the following are met:~~
- ~~(1) The amount of office space development is mitigated for at the level specified in the institution's approved impact mitigation plan;~~
  - ~~(2) The office uses allowed are limited to the following:~~
    - ~~• Institutional administrative, faculty, staff, student, and educational offices;~~
    - ~~• Blood collection facilities;~~
    - ~~• Medical office space and medical office buildings; and~~
    - ~~• Medical, scientific, educational research and development facilities and laboratories.~~
  - ~~(3) Limit the aggregate size of medical, scientific, educational research and development facilities and laboratories; non institution-owned medical office buildings; and major event entertainment facilities and the structured parking associated with major event entertainment facilities to 30 percent or less of the campus net building area. Size exceptions are prohibited.~~
- ~~11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a [11].~~
- ~~a. Purpose. High Schools, Colleges, and Medical Centers located in IR Zones are limited to the large institutional campuses the IR Zone is intended to foster. The IR zone was created in recognition of the role such institutions play in meeting the needs of Portland's citizens.~~
  - ~~b. Regulations for institutional campuses. High Schools, Colleges, Hospitals, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations:~~

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## **Commentary**

### **Daycare in the IR zone**

This regulation is being deleted, as the IR zone has been moved to a new chapter (33.150 Campus Institutional).

### **Retail Sales and Service**

This regulation, specific to retail plant nurseries, has been moved to Paragraph 2 (Retail Sales And Service and Office uses in the R2 and R1 zones).



- ~~(1) The institution is located or is to be located on a site that is at least 5 acres in total area. Exceptions to this minimum size requirement are prohibited.~~
- ~~(2) The institution has an approved impact mitigation plan or conditional use master plan.~~
- ~~(3) Trade schools and business schools are commercial uses and are not allowed in an IR zone through a conditional use.~~
- ~~e. Regulations for other institutions. Schools, Colleges, Hospitals, and Medical Centers are allowed as a conditional use only.~~
- ~~d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.~~
- ~~12. Daycare in the IR zone. This regulation applies to all parts of Table 120-1 that have a [12]. Daycare facilities are allowed if included in the institution's approved impact mitigation plan or conditional use master plan.~~
- 1310. Basic Utilities. These regulations apply to all parts of Table 120-1 that have a [1310].
  - a. Basic Utilities that serve a development site are accessory uses to the primary use being served;
  - b. Small Scale Energy Production that provides energy for on-site or off-site use are considered accessory to the primary use on the site. Installations that sell power they generate—at retail (net metered) or wholesale—are included. However, they are only considered accessory if they generate energy from biological materials or byproducts from the site itself, or conditions on the site itself; materials from other sites may not be used to generate energy. In the RX zone, up to 10 tons per week of biological materials or byproducts from other sites may be used to generate energy. The requirements of Chapter 33.262 Off Site Impacts must be met;
  - c. In the RX zone, all other Basic Utilities are limited to 20 percent of the net building area on a site. If they are over 20 percent of the net building area, a conditional use review is required. As an alternative to conditional use review, the applicant may choose to do a Conditional Use Master Plan or an impact Mitigation Plan. The requirements of Chapter 33.262, Off Site Impacts must be met.
- ~~1411.~~ Agriculture. This regulation applies to all parts of Table 120-1 that have a [1411]. If the use and site do not meet the regulations of Chapter 33.237, Food Production and Distribution, it is prohibited.
- ~~15. Retail Sales and Service. This regulation applies to all parts of Table 120-1 that have note [15]. Retail plant nurseries are a conditional use.~~

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## Commentary

### 33.120.110 Accessory Uses

#### **B. Accessory commercial uses in the RH zone**

Note to Reviewers: Project staff are considering whether this accessory use allowance is necessary, given that allowances for commercial uses in the multi-dwelling zones are being expanded to for commercial uses as a limited use near light rail stations and along Civic and Neighborhood corridors.

#### **C. Accessory auto servicing in the RH and RX zones**

This regulation, allowing fuel sales and minor repair and washing of automobiles as an accessory use, is not used and is being deleted. No similar allowance is provided for residential development in the commercial/mixed use zones.

**C. Conditional uses.**

1. Table 120-1. Uses which are allowed if approved through the conditional use review process are listed in Table 120-1 with a “CU”. These uses are allowed provided they comply with the conditional use approval criteria for that use, the development standards, and other regulations of this Title. Uses listed with a “CU” that also have a footnote number in the table are subject to the regulations cited in the footnote. In addition, a use or development listed in the 200s series of chapters is also subject to the regulations of those chapters. The conditional use review process and approval criteria are stated in Chapter 33.815, Conditional Uses.
2. Accessory short-term rentals. Accessory short-term rentals are accessory uses that may require a conditional use review. See Chapter 33.207.

- D. Prohibited uses.** Uses listed in Table 120-1 with an “N” are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 33.258, Nonconforming Uses And Development.

**33.120.110 Accessory Uses**

Uses that are accessory to a primary use are allowed if they comply with all regulations for that use and all applicable development standards. In addition, some specific accessory uses have additional requirements as indicated below.

- A. Accessory home occupations, accessory dwelling units, and accessory short-term rentals.** Accessory uses to a primary use are allowed if they comply with all development standards. Accessory home occupations, accessory dwelling units, and accessory short-term rentals have specific regulations in Chapters 33.203, 33.205, and 33.207 respectively.
- B. Accessory commercial uses in the RH zone.** Accessory commercial uses in multi-dwelling buildings in the RH zone are allowed in order to provide convenient support services to the residents of the building and to encourage a reduction in auto trips. They are an incidental use to the main residential use of the site.
1. Uses allowed. Accessory commercial uses are limited to those in the Retail Sales And Service and Office use categories.
  2. Structure types. Accessory commercial uses are allowed only in multi-dwelling buildings. Uses must be located entirely within the building and have no external doors. They may be located in basements.
  3. Size. The accessory commercial uses are limited to 5 percent of the overall net building area on the site.
  4. Reduction in dwelling units. Development of accessory commercial uses may not result in the reduction of the number of existing dwelling units.
  5. Signs. Accessory commercial uses may not have signs that are visible from the exterior of the structure.
- ~~**C. Accessory auto servicing in the RH and RX zones.** Parking structures which are accessory to a multi-dwelling building may contain auto support facilities which provide services for the autos of the building’s residential tenants. They are an incidental use to the main residential use of the site.~~

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## **Commentary**

### **33.120.120 Nuisance-Related Impacts**

This section is essentially a cross reference and is being deleted.

- ~~1. Activities allowed. Accessory auto servicing is limited to fuel sales, minor repair, and washing of autos.~~
- ~~2. Structure types. The uses are allowed only in enclosed or underground parking structures.~~
- ~~3. Signs. The uses may not have signs that are visible from the exterior of the structure.~~

### **~~33.120.120 Nuisance-Related Impacts~~**

- ~~A. Off site impacts. All nonresidential primary and accessory uses must comply with the standards of Chapter 33.262, Off-Site Impacts.~~
- ~~B. Vehicles. The regulations for operable vehicles and for vehicle service and repair are stated in 33.266.150, Vehicles in Residential Zones. The open accumulation and storage of inoperable, neglected, or discarded vehicles is regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.~~
- ~~C. Animals. Nuisance-type impacts related to animals are regulated by Title 13, Animals. Title 13 is enforced by the County Health Officer.~~
- ~~D. Other nuisances. Other nuisances are regulated by Section 29.20.010 of Title 29, Property and Maintenance Regulations.~~

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## Commentary

### Table 120-1 Multi-Dwelling Zone Primary Uses

See previous commentary on the amendments to the Use Regulations regarding changes to this table.

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

**Table 120-1**  
**Multi-Dwelling Zone Primary Uses**

Use Categories	<del>R3</del>	R2	R1	RH	RX	<del>IR</del>
<b>Residential Categories</b>						
Household Living	Y	Y	Y	Y	Y	Y
Group Living	<del>L/CU [1]</del>	L/CU [1]	L/CU [1]	L/CU [1]	L/CU [1]	<del>Y [1]</del>
<b>Commercial Categories</b>						
Retail Sales And Service	<del>L [15]</del>	<u>L [152]</u>	<u>L [152]</u>	<u>L/CU [23]</u>	L/CU [3]	<del>L/CU [10]</del>
Office	<del>N</del>	<u>N [2]</u>	<u>N [2]</u>	<u>L/CU [23]</u>	<u>L/CU [3]</u>	<del>L/CU [10]</del>
Quick Vehicle Servicing	<del>N</del>	N	N	N	N	<del>N</del>
Vehicle Repair	<del>N</del>	N	N	N	N	<del>N</del>
Commercial Parking	<del>N</del>	N	N	N	CU [4]	<del>N</del>
Self-Service Storage	<del>N</del>	N	N	N	N	<del>N</del>
Commercial Outdoor Recreation	<del>N</del>	N	N	N	N	<del>N</del>
Major Event Entertainment	<del>N</del>	N	N	N	N	<del>CU</del>
<b>Industrial Categories</b>						
Manufacturing And Production	<del>N</del>	N	N	N	N	<del>CU</del>
Warehouse And Freight Movement	<del>N</del>	N	N	N	N	<del>N</del>
Wholesale Sales	<del>N</del>	N	N	N	N	<del>N</del>
Industrial Service	<del>N</del>	N	N	N	N	<del>CU</del>
Bulk Fossil Fuel Terminal	<del>N</del>	N	N	N	N	<del>N</del>
Railroad Yards	<del>N</del>	N	N	N	N	<del>N</del>
Waste-Related	<del>N</del>	N	N	N	N	<del>N</del>
<b>Institutional Categories</b>						
Basic Utilities	<del>L/CU [13]</del>	L/CU [1310]	L/CU [1310]	L/CU [1310]	L/CU [1310]	<del>L/CU [13]</del>
Community Service	<del>L/CU [6]</del>	L/CU [6]	L/CU [6]	L/CU [6]	L/CU [5]	<del>L/CU [6]</del>
Parks And Open Areas	<del>L/CU [7]</del>	L/CU [7]	L/CU [7]	Y	Y	<del>Y</del>
Schools	<del>CU</del>	CU	CU	CU	L/CU [5]	<del>L/CU [11]</del>
Colleges	<del>CU</del>	CU	CU	CU	CU	<del>L/CU [11]</del>
Medical Centers	<del>CU</del>	CU	CU	CU	CU	<del>L/CU [11]</del>
Religious Institutions	<del>CU</del>	CU	CU	CU	CU	<del>CU</del>
Daycare	<del>L/CU [8]</del>	L/CU [8]	L/CU [8]	L/CU [8]	Y	<del>L/CU [12]</del>
<b>Other Categories</b>						
Agriculture	<del>L [14]</del>	<u>L [1411]</u>	<u>L [1411]</u>	<u>L [1411]</u>	<u>L [1411]</u>	<del>L [14]</del>
Aviation And Surface Passenger Terminals	<del>N</del>	N	N	N	N	<del>N</del>
Detention Facilities	<del>N</del>	N	N	N	N	<del>N</del>
Mining	<del>N</del>	N	N	N	N	<del>N</del>
Radio Frequency Transmission Facilities	<del>L/CU [9]</del>	L/CU [9]	L/CU [9]	L/CU [9]	L/CU [9]	<del>L/CU [9]</del>
Rail Lines And Utility Corridors	<del>CU</del>	CU	CU	CU	CU	<del>CU</del>

Y = Yes, Allowed

L = Allowed, But Special Limitations

CU = Conditional Use Review Required

N = No, Prohibited

Notes:

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

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## Commentary

### Table 120-2

#### Housing Types Allowed In The Multi-Dwelling Zones

This table is being modified to remove the R3 and IR zones, which are being removed from this chapter. An additional housing type, "triplex," is being added to be consistent with the Residential Infill Project's identification of this as a distinct housing type with specific zoning code regulations.



## Development Standards

### 33.120.200 Housing Types Allowed

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

<b>Table 120-2</b> <b>Housing Types Allowed In The Multi-Dwelling Zones</b>						
Housing Type	<del>R3</del>	R2	R1	RH	RX	<del>IR</del>
House	<del>Yes</del>	Yes <u>[1]</u>	Yes <u>[1]</u>	Yes <u>[1]</u>	Yes <u>[1]</u>	<del>Yes</del>
Attached House (See 33.120.270 C.)	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Accessory dwelling unit (See 33.205)	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Duplex	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Attached Duplex (See 33.120.270.F)	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
<u>Triplex</u>		<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	
Multi-Dwelling Structure	<del>Yes [1]</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Multi-Dwelling Development	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Manufactured Dwelling (See Chapter 33.251)	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Manufactured Dwelling Park (See Chapter 33.251)	<del>Yes</del>	Yes	No	No	No	<del>No</del>
Houseboat (See Chapter 33.236)	<del>Yes</del>	Yes	Yes	Yes	Yes	<del>Yes</del>
Single Room Occupancy (SRO) units	<del>No</del>	No	Yes	Yes	Yes	<del>Yes</del>
Group Structures	Only when in conjunction with an approved conditional use. See also Chapter 33.239.					

Yes = allowed; No = prohibited.

Notes:

~~[1] Multi dwelling development is limited to no more than eight units per building.~~

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## **Commentary**

### **33.120.205 Development on Lots and Lots of Record**

No substantial changes to this section.

### **33.120.205240 Development on Lots and Lots of Record**

- A. Purpose.** The regulations of this section require lots and lots of record to be an adequate size so that development on a site will in most cases be able to comply with all site development standards, including density. Where more than one lot is in the same ownership, these standards prevent breaking up large vacant ownerships into small lots, which are difficult to develop in conformance with the development standards. However, where more than one lot is in the same ownership, and there is existing development, allowing the ownership to be separated may increase opportunities for residential infill while preserving existing housing.
- B. Where these regulations apply.** These regulations apply to existing lots and lots of record in the multi-dwelling zones. The creation of new lots is subject to the lot size standards listed in Chapter 33.612, Lots in Multi-Dwelling Zones.
- C. Ownership of multiple lots and lots of record.** Where more than one abutting lot or lot of record is in the same ownership, the ownership may be separated as follows:
1. If all requirements of this Title will be met after the separation, including lot size, minimum density, and parking, the ownership may be separated; or
  2. If one or more of the lots or lots of record does not meet the lot size standards in Chapter 33.612, Lots in Multi-Dwelling Zones, the ownership may be separated if all requirements of this paragraph are met. Such lots and lots of record are legal.
    - a. There is a primary use on at least one of the lots or lots of record, and the use has existed since December 31, 1980. If none of the lots or lots of record have a primary use, they may not be separated; and
    - b. Lots or lots of record with a primary use on at least one of them may be separated as follows:
      - (1) The separation must occur along the original lot lines;
      - (2) Lots or lots of record with primary uses on them may be separated from lots or lots of record with other primary uses; and
      - (3) Lots or lots of record with primary uses on them may be separated from lots or lots of record without primary uses.
- D. New development on standard lots and lots of record.** New development on lots and lots of record that comply with the lot size standards in Chapter 33.612, Lots in Multi-Dwelling Zones, is allowed by right subject to the development standards.
- E. New development on substandard lots and lots of record.** New development is allowed on lots and lots of record which do not conform to the lot size standards in Chapter 33.612, Lots in Multi-Dwelling Zones, if both of the following are met:
1. The development is proposed for a lot or lot of record. Development on plots that are not lots or lots of record is prohibited; and
  2. The lot or lot of record did not abut any property owned by the same family or business on July 26, 1979, or any time since that date, unless the ownership was separated as allowed in Subsection C, above.

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## Commentary

### 33.120.206 Minimum Required Site Frontage for New Development in Connectivity Deficient Areas

This new section addresses an issue that has been a barrier to the creation of new street connections in East Portland, an area of the city where the lack of street connections makes it challenging for residents to reach local destination by walking or bicycling. New development provides opportunities to create new street connections in existing neighborhoods. However, many lots in East Portland are too small or narrow to fit even a partial street connection, resulting in no new connections when development occurs on these sites. This section sets a minimum street frontage requirement for new development in two centers that have deficient street connectivity, the Jade District and the Rosewood/Glenfair neighborhood center (see Map 120-#). These areas have been the subject of detailed PBOT analysis, which looked at street spacing and analyzed pedestrian connectivity, and the mapping identifies specific areas where new street connections are needed. The new regulations would ensure that new development is on sites of sufficient size to provide connections to facilitate new street connections where they are needed most.

#### Note to Reviewers:

**Instead of limiting the minimum site frontage requirement to the two Connectivity Deficient Areas, should a minimum street frontage requirement be applied to all multi-dwelling zoning throughout East Portland?** BPS staff have identified other issues and undesirable outcomes related to narrow sites, besides street connectivity issues. These include:

- When off-street surface parking is provided, driveways and other vehicle areas tend to occupy large portions of narrow sites;
- There is often little space on such sites available for shared outdoor spaces of usable dimension, and limited space for new trees or tree preservation; and
- Narrow sites provide little opportunity for buildings to be oriented to public streets.

Also, 2035 Comprehensive Plan Policy 3.94 calls for land in Eastern Portland to be aggregated into larger sites before redevelopment occurs. Some of the issues BPS staff are considering, related to a broad application of a minimum site frontage or site size for East Portland, are whether such an approach should include an option for substandard sites to be reviewed through a discretionary site design review process, and what the minimum frontage or site size requirement should be for such a regulation. Some preliminary considerations related to limiting narrow site development broadly in Eastern Portland include:

#### **Pros:**

- Larger sites allow for more efficient site design, typically with smaller portions of site area needed for driveways and opportunities for larger outdoor spaces and tree preservation.
- Larger sites make it easier to create new, complete street connections.

#### **Cons:**

- Requiring aggregation of small lots adds substantial complexity, time, and cost to development.
- Could favor larger-scale developers, counter to requests by some community stakeholders to make sure that regulations do not make development difficult for local, small-scale builders.
- Some of the negative design outcomes of narrow site development are being addressed by other proposed regulations, such as limitations on driveway width and surface parking (see pages 182-184).

Narrow (70'-wide) multi-dwelling site in Eastern Portland (R2 zone).



**33.120.206 Minimum Required Site Frontage for New Development in Connectivity Deficient Areas**

- A. Purpose.** The purpose of the minimum required site frontage standard is to ensure that sites in certain areas that do not meet Title 17 connectivity requirements (17.88.040, Through Street) are wide enough to accommodate new development and dedication of a full or partial street.
- B. Where the standard applies.** The minimum required site frontage standard applies to sites zoned R2, R1, RH or RX in the Connectivity Deficient Areas shown on Map 120-X.
- C. Minimum required site frontage standard.**
1. Standard. New development is prohibited on sites that have less than 70 feet of frontage on a street.
  2. Exceptions: The following exceptions apply:
    - a. Adding an accessory dwelling unit to a house, attached house, or manufactured home.
    - b. The Director of the Bureau of Transportation has determined that the site is not required to provide a street. The applicant must provide a letter from the Portland Bureau of Transportation certifying that a street is not required.

## Commentary

**Table 120-3**

### **Summary of Development Standards in Multi-Dwelling Zones**

Amendments to this table reflect the changes to the respective Development Standards regulations, described in detail in each standard's accompanying commentary. Major changes reflected in the table include:

- Deletion of the R3 and IR zones from Chapter 33.120.
- Moving from regulating development intensity in the R2 and R1 zones by unit density to instead basing this on building scale/FAR.
- New requirements for step-down height adjacent to single-dwelling zones (reducing allowed building height to 35' on portions of sites within a 25' distance of abutting properties with single dwelling zoning, consistent with the approach used in the commercial/mixed use zones).
- Requiring 10' front setbacks in the R1 and RH (2:1 FAR) zones, to provide a better transition to the characteristics of residential neighborhoods, where landscaped front setbacks are prominent features of the streetscape, and to provide space for small trees.
- Simplification of site and rear setbacks, applying a minimum 5' setback in most situations.

### **Limitations of Current Unit-based Density Regulations**

Historically, low-rise, multi-dwelling areas in Portland included a diversity of "middle housing" types, such as duplexes, fourplexes, townhouses and courtyard apartments. These two- to three-story housing types provide housing density at a scale not much taller than single-family houses. Many of these, however, could not be built today in Portland's low-rise multi-dwelling zones (R2 and R1) because they exceed unit density limits. Other issues in these zones include:

- Density-based regulations often result in large townhouse-type units, whose multiple levels and stairs are not accessible to people with mobility limitations.
- The lack of housing unit variety also limits the range of affordability levels.
- In the R1 zone, often located along transit corridors and allowing four-story buildings, density regulations similarly limit housing options, even in transit-rich locations.



"Middle housing" refers to a wide variety of multi-unit housing types at a low-rise scale. Once common, this variety is not possible in today's zones. For example, while all of the above examples are within the 2-3 story scale allowed in the R2 zone (Portland's most widely mapped multi-dwelling zone), only the duplex would be allowed under current unit-based regulations.

### **R1 zone development**

Old and new buildings along transit corridors. Similar scale, but the older apartments accommodate more households (but could not be built under current density-based regulations).



1920s – 34 units on a 10,000 square-foot site = 2015 – 18 units on an 18,000 square-foot site

Zoning Code Amendments

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

Standard	R3	R2	R1	RH	RX	IR
Maximum FAR Density (See 33.120.210 <del>205</del> )	<del>1 unit per 3,000 sq. ft. of site area</del>	<del>1 unit per 2,000 sq. ft. of site area</del> <u>FAR of 1 to 1</u>	<del>1 unit per 1,000 sq. ft. of site area</del> <u>FAR of 1.5 to 1</u>	FAR of 2 to 1 or 4 to 1	FAR of 4 to 1	See <del>120.205</del>
Maximum Density with Inclusionary Housing Bonus (See 33.120.205.F)	<del>1 unit per 2,400 sq. ft. of site area</del>	<del>1 unit per 1,600 sq. ft. of site area</del>	<del>1 unit per 800 sq. ft. of site area</del>	FAR of 2.5 to 1 or 5 to 1 <del>[1]</del>	FAR of 5 to 1	NA
Minimum Density (See 33.120.212 <del>205</del> )	<del>1 unit per 3,750 sq. ft. of site area</del>	1 unit per 2,500 sq. ft. of site area	1 unit per 1,450 sq. ft. of site area	1 unit per 1,000 sq. ft. of site area	1 unit per 500 sq. ft. of site area	<del>none</del>
Maximum Base Height (See 33.120.215)	<del>35 ft.</del>	<del>40</del> <u>35</u> ft.	<del>25</del> <u>45</u> ft.	<del>25</del> <u>65</u> ft. 75/100 ft.	100 ft.	<del>75</del> <u>100</u> ft.
<u>Step-down Height (see 33.120.215.B.2</u> - Within 25 ft. of lot line abutting RF- R2.5 zones - Within 15 ft. of lot line across a local service street from RF – R2.5 Zones		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	
		<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	<u>35 ft.</u>	
Minimum Setbacks - Front building setback - Street building setback - Side and rear building setback. <u>- Lot line abutting RF – R2.5 zoned lot</u> Garage entrance setback (See 33.120.220)	<del>10 ft.</del> — See Table 120-4  <del>18 ft.</del>	10 ft. -- <u>5 ft.</u> [2] See Table 120-4  <u>5 ft.</u> 18 ft.	<del>10</del> <u>3</u> ft. -- <del>3</del> ft. <u>5 ft.</u> [2] See Table 120-4  <u>5 ft.</u> <del>5</del> /18 ft.	<del>10</del> <u>0</u> ft. -- <del>0</del> ft. <u>5 ft.</u> [2] See Table 120-4 <u>10 ft.</u> <del>5</del> /18 ft.	0 ft. 0 ft. 0 ft. [2]  <u>10 ft.</u> 5/18 ft.	<del>1 ft. for every 2 ft. of bldg. height, but in no case less than 10 ft.</del>
Maximum Setbacks (See 33.120.220) Transit Street or Pedestrian District	<del>20 ft.</del>	20 ft.	20 ft.	20 ft.	10 ft.	<del>10 ft.</del>
Max. Building Coverage (See 33.120.225)	<del>45% of site area</del>	50% of site area	60% of site area	85% of site area	100% of site area	<del>70% of site area</del>
Max. Building Length (See 33.120.230)	<del>No</del>	Yes	Yes	No	No	No
Min. Landscaped Area (See 33.120.235)	<del>35% of site area</del>	30% of site area	20% of site area	15% of site area	none	20% of site area
Required Outdoor Areas (See 33.120.240)	<del>Yes</del>	Yes	Yes	<del>Yes</del> <u>No</u>	No	No

Notes:

~~[1] If the base FAR is 2 to 1 then the maximum with bonus is 2.5 to 1. If the base FAR is 4 to 1, then the maximum with bonus is 5 to 1.~~

[1] See 33.120.220.B.2 for eastern pattern area special rear building setback.



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## Commentary

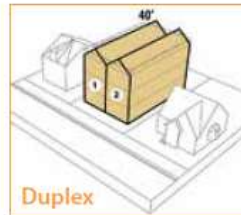
### 33.120.210 Floor Area Ratio

This new section reflects a shift from regulating development intensity in the R2 and R1 zones by unit density to instead basing this on building scale, regulated by floor area ratios (FAR). This approach will bring consistency with the FAR-based approach currently used in the RH and RX zones, and in the commercial/mixed use zones. This approach provides greater flexibility in the number and mix of housing units, while providing greater certainty in the allowed scale of development. The following illustrates differences in an FAR-based approach, in combination with other development standards, in terms of changes from the current R2 and R1 regulations.

#### R2 Zone

##### Current approach:

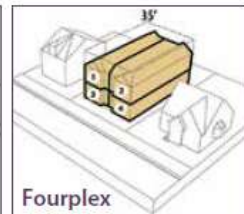
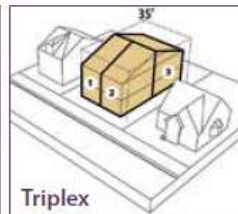
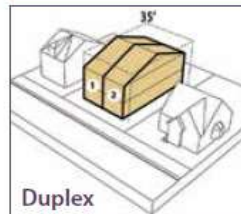
- 40-foot height limit.
- Density limited to one unit per 2,000 square feet of site area (2 units on a 5,000 square foot site).
- Often results in large townhouse units.



The proposed concept for the R2 zone would allow greater flexibility within a smaller building envelope. This would create incentives for more and different kinds of housing units

##### Proposed new approach:

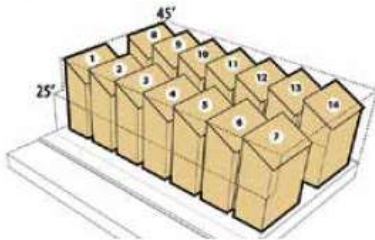
- Reduce allowed height to 35 feet.
- Provide flexibility for what happens inside a defined building scale (potentially a floor-to-area ratio of 1 to 1).



#### R1 Zone

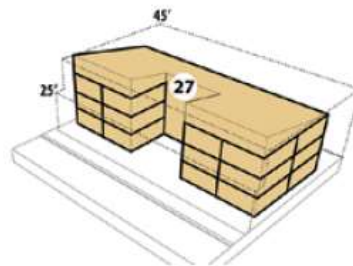
##### Current approach:

- 45-foot height limit.
- Density limited to one unit per 1,000 square feet of site area.
- Often results in townhouse units.



##### Proposed new approach:

- 45-foot height limit (unchanged)
- Provide flexibility for what happens inside the building (potentially a floor-to-area ratio of 1.5 to 1).



#### F. Transfer of FAR

Changes to existing regulations include:

- Amending the historic transfers to allow transfers from contributing resources in Historic Districts and Conservation Districts (consistent with the commercial/mixed uses zones).
- Adding an option to allow transfers in exchange for tree preservation (this replaces a tree preservation bonus that was rarely used, requiring bonus units on the same site as the trees).
- Deletion of provisions that allowed transfers of development intensity between properties on a block, in order to prioritize historic preservation and tree preservation.
- Removal of transfer provisions specific to the RX zone (now superseded by plan districted regulations in the Central City and Gateway).



### **33.120.210 Floor Area Ratio**

- A. Purpose.** Floor area ratios (FARs) regulate the amount of use (the intensity) allowed on a site. FARs provide a means to match the potential amount of uses with the desired character of the area and the provision of public services. FARs also work with the height, setback, and building coverage standards to control the overall bulk of development.
- B. FAR standard.** The maximum floor area ratios are stated in Table 120-3 and apply to all uses and development. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. Additional floor area may be allowed through bonus options described in Section 33.120.211, or transferred as described in Subsection D. Adjustments to the maximum floor area ratios are prohibited.
- C. Maximum increase in FAR.** An increase in FAR using bonuses and transfers of more than is stated in Table 120-4 is prohibited. This total FAR includes FAR transferred from historic resources or from tree preservation, and any additional FAR allowed at the receiving site from bonus options.
- D. Exception.** Maximum FAR does not apply to one, 200 square foot addition to a primary structure built prior to [insert effective date]. This exception is allowed once every 5 years.
- F. Transfer of FAR.** FAR, may be transferred from one site to another subject to the following:
1. Development standards. Buildings on sites receiving transferred FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by Subsection C.
  3. Sending sites eligible for transfers of FAR. Floor area ratios may be transferred from a site:
    - a. That contains a Historic or Conservation landmark;
    - b. That contains a contributing resource in a Historic District or a Conservation District;  
or
    - c. Where trees that are 12 inches or more in diameter are preserved. This transfer provision does not apply to dead, dying or dangerous, or nuisance trees.
  4. Receiving site. The receiving site must be in a multi-dwelling zone that is within the same recognized neighborhood as the sending site, or within two miles of the of the transfer site , and must not be within a Historic or Conservation District.
  5. Maximum increase in FAR. The total FAR on the receiving site, including FAR from transfers and bonuses, may not exceed the maximum FAR with bonuses stated in Table 120-4. In addition, an increase on the receiving site of more than 1 to 1 FAR from a transfer is prohibited.

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## Commentary

### 33.120.211 Floor Area Bonus Options

This new section includes paragraphs related to bonus provisions previously adopted as part of the Inclusionary Housing Zoning Code Project, although most regulator details are now found in Chapter 33. 245 (Inclusionary Housing). Former text for the Inclusionary Housing development bonus are shown as crossed-out text on pages 55-61 of this report. The primary change to the inclusionary housing bonus provisions is the amount of additional FAR provided for qualifying projects (see page 51).

This section also replaces the previous array of amenity bonuses (shown on pages 111 to 117 of this report). The previous range of nine amenity bonuses are mostly being discontinued to prioritize affordable housing as an outcome of the bonuses, or have been replaced by other regulatory approaches (for example, several of the bonuses related to outdoor spaces or recreational facilities, topics which are being addressed through new requirements for providing common areas on large sites and by new requirements for residential outdoor space in the RH zone).

These changes are summarized below.

Existing Development Bonuses	Proposed Concept Direction
Affordable housing	Prioritize by increasing amount of development bonus (beyond current 25 percent bonus, potentially to 50 percent).
Three bedroom units	Continue, in order to provide an incentive for family-sized units.
Outdoor recreation facilities Play areas for children Large outdoor areas	Remove as a development bonus, but address through new requirements for shared outdoor spaces.
Storage areas Sound insulation Crime prevention Solar water heating	Remove as a development bonus.
Tree preservation	Remove as a development bonus, but address through a new transfer of development rights allowance for tree preservation.

5. Covenants. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant. The covenant for tree preservation must:
  - a. Require that all trees be preserved for at least 10 years; and
  - b. Allow trees that die, or become diseased or dangerous to be removed and replaced within the 10-year preservation period. The trees must be determined to be dead, diseased, or dangerous by an arborist, and a Title 11 tree permit must be obtained. If a tree covered by the covenant is dead, diseased, or dangerous as the result of a violation, Tree Review is required;

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

- A. Purpose and description.** The bonus options allow additional floor area as an incentive for development that includes affordable housing or family-sized units. The bonus options are designed to allow additional development intensity in a manner that is consistent with the purposes of the multi-dwelling zones.
- B. General floor area bonus regulations.**
  1. The floor area bonus options in this section are allowed in multi-dwelling zones except for multi-dwelling zones inside the Central City and Gateway plan districts, and multi-dwelling zones in Historic and Conservation districts.
  2. More than one bonus may be used up to the overall maximum increase per site stated in (Table 120-4). The maximum earned must be within the overall limits stated in 33.120.210.C. Adjustments to the maximum amount of floor area obtainable through the bonuses are prohibited.
  3. The increment of additional FAR allowed per bonus is stated in Table 120-4 and described in Subsection C.
  4. The bonus option standards must be met in full to receive the bonus; adjustments are prohibited.

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## Commentary

### C. Bonus options

#### Inclusionary housing bonus option

These regulations are essentially unchanged from what was adapted as part of the Inclusionary Housing Zoning Code Project, although most regulatory details and standards are now in Chapter 33.245 (Inclusionary Housing).

**6. Covenants.**

- a. The applicant must sign a covenant that ensures that the amenities provided to receive any bonus density will continue to be provided for the life of the project.
- b. The covenant must comply with the standards in 33.700.060, Covenants with the City.

**C. Bonus options.**

- 1. Inclusionary housing bonus option. Maximum FAR can be increased as stated in Table 120-4 if one of the following are met:
  - a. Mandatory inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-4 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met; or
  - b. Voluntary inclusionary housing. Bonus FAR is allowed up to the maximum with inclusionary housing bonus stated in Table 120-4 when one of the following voluntary bonus options are met:
    - (1) Bonus FAR is allowed for projects that voluntarily comply with the standards of 33.245.040 and 33.245.050. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review; or
    - (2) Bonus FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.

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## Commentary

### Three-bedroom dwelling unit bonus option

#### **Note to Reviewers:**

The future of this bonus option is under discussion and still to be determined. In its current form (see page 113), there are no requirements related to affordability, and it could potentially be used to accommodate large, expensive units (such as large townhouses). Discussions are pending with affordable housing providers to determine if such a bonus would be useful for them.

The text shown here is very conceptual and has not been vetted, including the percentage of units that must be three bedrooms. It conveys the concept that this bonus, if continued, could be focused on moderate income family housing, perhaps affordable at 120 percent of median family income.

#### **Table 120-4**

##### **Summary of Bonus FAR**

This table indicates the amount of bonus FAR that would be available for projects utilizing the inclusionary housing bonus. As indicated above, the future of the three-bedroom dwelling unit bonus has not been determined, so the FAR figures for that bonus are place holders.

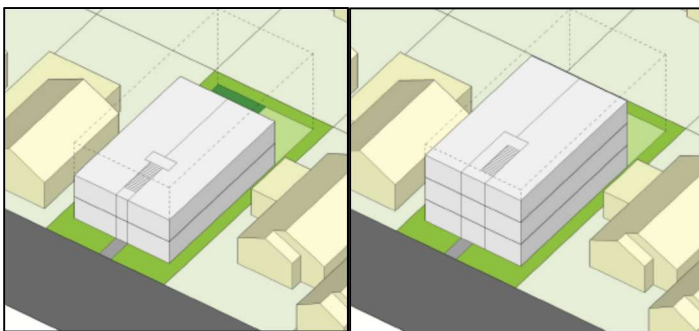
For the Inclusionary Housing bonus, the proposed bonus FARs amount to 50 percent additional FAR than provided by the base FARs for each zone. The current inclusionary housing bonus provides only 25 percent additional development intensity, compared to the more than 60 percent bonus provided for inclusionary housing projects in the commercial/mixed use zones (also, in the multi-dwelling zones, the amenity bonuses currently can be combined for up to 50 percent additional development intensity). The existing relatively small bonus for inclusionary housing limits the ability to provide an attractive incentive for affordable housing units, especially for buildings with fewer than 20 units that are not required to provide affordable housing. In Stakeholder Working Group discussions, community members identified affordable housing as the greatest priority for development bonuses.

#### **Note to Reviewers:**

Staff are currently working with consultants on an economic analysis of the proposed base and bonus FAR structure, which may result in changes to these FAR amounts.

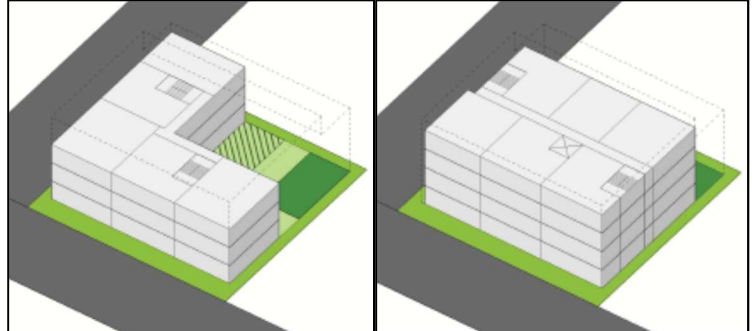
Another issue being considered by staff is whether the total amount of increase from bonuses and transfers should be equal to the bonus provided for inclusionary housing (as is the case in the commercial/mixed use zones). Staff are also continuing discussions with affordable housing developers regarding these bonuses, which could result in additional refinements.

#### **Code Modeling Examples (R2 and R1) - Base and Bonus FAR**



R2 Base - 1 :1 FAR

R2 Bonus - 1.5:1 FAR



R1 Base - 1.5:1 FAR

R1 Bonus - 2.25:1 FAR

2. Three-bedroom dwelling unit bonus option. Maximum FAR may be increased as stated in Table 120-4 if at least 50 percent of the development's units have at least three bedrooms. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that all of these three bedroom units will be affordable to those earning no more than 120 percent of the area median family income.

<b><u>Table 120-4</u></b>					
<b><u>Summary of Bonus FAR</u></b>					
		<b><u>R2</u></b>	<b><u>R1</u></b>	<b><u>RH</u></b>	<b><u>RX</u></b>
<b><u>Overall Maximum Per Zone [1]</u></b>					
<u>Maximum FAR with bonus</u>		<u>1.5 to 1</u>	<u>2.25 to 1</u>	<u>3 to 1 or 6 to 1 [2]</u>	<u>6 to 1</u>
<b><u>Increment of Additional FAR Per Bonus</u></b>					
<u>Inclusionary Housing (see 33.120.211.C.1)</u>	<u>FAR</u>	<u>0.5 to 1</u>	<u>0.75 to 1</u>	<u>1 to 1 or 2 to 1 [3]</u>	<u>2 to 1</u>
<u>Three-Bedroom Dwelling Unit (see 33.120.211.C.2)</u>	<u>FAR</u>	<u>.25 to 1</u>	<u>.4 to 1</u>	<u>.5 to 1 or 1 to 1 [4]</u>	<u>1 to 1</u>

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

[2] If the base FAR is 2 to 1 then the maximum with bonus and transfer is 3 to 1. If the base FAR is 4 to 1 then the maximum with bonus and transfer is 6 to 1.

[3] If the base FAR is 2 to 1 then the FAR bonus is 1 to 1. If the base FAR is 4 to 1 then the FAR bonus is 2 to 1.

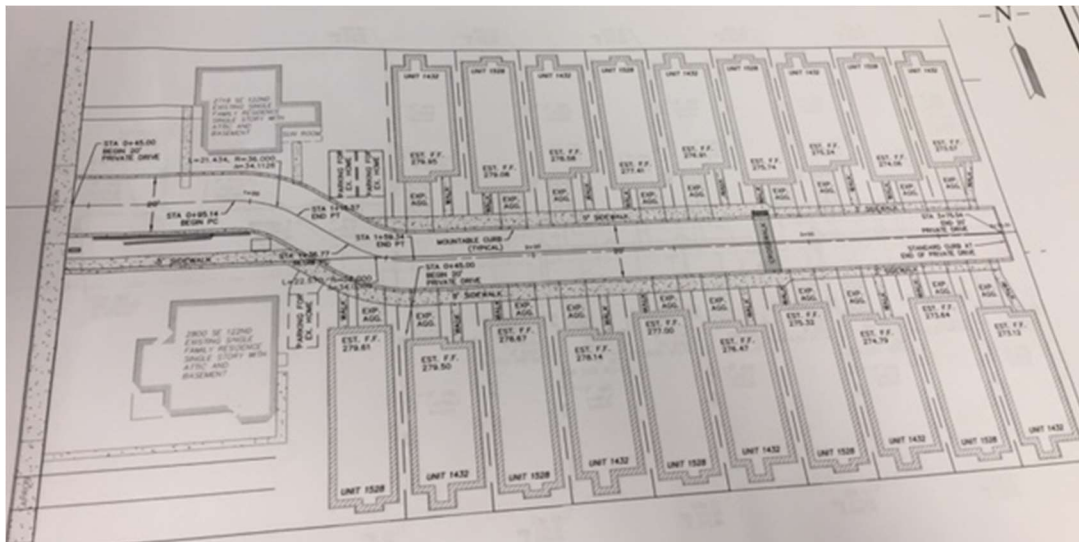
[4] If the base FAR is 2 to 1 then the FAR bonus is .5 to 1. If the base FAR is 4 to 1 then the FAR bonus is 1 to 1.

### 33.120.212 Minimum Density

This section is being amended to focus on minimum density, since maximum development intensity will be regulated by FAR. The current unit-based minimum densities will be retained for each zone (see Table 120-3 on page 43).

Currently, regulations allow units to be added to existing development without having to meet the minimum density requirements. This is being changed so that any development of additional residential units on a site (with the exception of accessory dwelling units) must meet minimum density requirements. This is intended to ensure that development will meet the intended development intensities of the multi-dwelling zones. It would prevent a situation common on the deep sites of East Portland, in which houses are preserved and multiple units added to rear portions of sites, sometimes significantly underbuilding intended densities of multi-dwelling zones. The exception for accessory dwelling units (ADUs) accommodates the fact that single-family houses are still the predominant housing in most multi-dwelling zones and this would retain the ability of homeowners to build ADUs.

An exception is provided so that properties with historic resources can add units without needing to fully meet minimum density requirements. This is intended to help accommodate the preservation of historic resources. An existing allowance for reduced minimum densities for sites where trees are being preserved is being continued.



Example of proposed development in the R1 zone in the Division/Midway Town Center. This proposes the addition of detached houses to a property with two existing houses, missing minimum density by 18 units. This is currently allowed as it comes closer to conformance with required density.



### **33.120.212205 Minimum Density**

- A. Purpose.** The minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.~~The number of dwellings per unit of land, the density, is controlled so that housing can match the availability of public services and the availability of support commercial areas. The standards also allow the housing density to be matched with the carrying capacity of the land. In addition, the density standards are used as one type of control of overall building bulk. In areas with the highest level of public services, the minimum density standards ensure that the service capacity is not wasted and that the City's housing goals are met.~~
- B. ~~Maximum density.~~** ~~The maximum densities for the multi-dwelling zones are stated in Table 120-3. All new housing built, or converted from other uses, must be on sites large enough to comply with the density standards. The number of units allowed on a site is based on the presumption that all site development standards will be met. The allowed density is not a special right that justifies adjusting other development standards.~~
- ~~1. In RH and IR zones, the maximum FAR is 4 to 1 in the areas shown on Maps 120-2 through 120-18. In all other areas the maximum FAR is 2 to 1.~~
  - ~~2. In the IR zone, residential development within 150 feet of another residential zone has the same maximum density permitted in that zone. Where two or more residential zones are within 150 feet of a site, the maximum residential density is that of the lower density residential zone.~~
- BC. Minimum density.** The minimum density requirements for the multi-dwelling zones are stated in Table 120-3. Land within an Environmental zone may be subtracted from the calculation of minimum density. A site that is nonconforming in minimum density may not move further out of conformance with the minimum density standard. An accessory dwelling unit may be added to a house, attached house, or manufactured home; however, when other dwelling units are being added to a site that is nonconforming in minimum density, unless the site contains a Historic or Conservation Landmark, or contains a contributing resource in a Historic or Conservation District, the site must be brought into conformance with the minimum density requirement. ~~However~~ If the site contains a Historic or Conservation Landmark, or contains a contributing resource in a Historic or Conservation District, units may be added to the site that bring the site closer to conformance without coming all the way into conformance.
- ~~1. In R3 and R2 zones, if maximum density is two units then minimum density is two units. If maximum density is one unit, minimum density is one unit.~~
  12. In the R1 zone, if the site is less than 10,000 square feet in area, the minimum density is 1 unit per 2,000 square feet.
  23. On sites where trees that are 12 or more inches in diameter are proposed for preservation, minimum density may be reduced as follows:
    - a. The maximum allowed reduction in minimum density is shown in Table 120-6.
    - b. When this provision is used to reduce density, the owner must execute a covenant with the City. The covenant is not required if the site is also part of a proposed Land Division. The covenant must:

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## Commentary

### 33.120.212205 Minimum Density (continued)

#### Table 120-6

#### Reduction in Minimum Residential Density from Tree Preservation

No change to this table or accompanying regulatory text.

#### Floor are ratio

These paragraphs have been moved to the new Floor Area Ratio section (33.120.210).

#### Inclusionary housing bonus density or FAR

The components of this regulation have been moved to the new Floor Area Bonus Options section (33.120.211) and to Chapter 33.245 (Inclusionary Housing).

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

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

- ~~D. Floor area ratio.~~** The floor area ratio (FAR) states the amount of floor area allowed. There is no maximum limit on the number of dwelling units within the allowable floor area, but the units must comply with all building and housing code requirements. The FAR also includes any nonresidential uses that are allowed. Minimum density requirements may also apply.
- ~~E. Maximum increase in density or FAR.~~** In the RH and RX zones, an increase in FAR through the use of bonuses and transfers of more than 3 to 1 is prohibited. In all other multi-dwelling zones, an increase in the number of units through the use of bonuses, including amenity bonuses, and transfers of more than 100 percent is prohibited.
- ~~F. Inclusionary housing bonus density or FAR.~~** The following density and FAR bonus options are allowed in the R3 through RX zones. Sites in the IR zone are not eligible for the bonus density options. Adjustments to this Subsection, or to the amount of maximum density or floor area allowed through the bonuses in this Subsection, are prohibited. Amenity bonuses described in 33.120.265 may allow additional bonus density:

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## **Commentary**

### **Inclusionary housing bonus density or FAR (continued)**

The components of this regulation have been moved to the new Floor Area Bonus Options section (33.120.211) and to Chapter 33.245 (Inclusionary Housing).

1. ~~Mandatory inclusionary housing. Bonus density or FAR is allowed up to the maximum stated in Table 120-3 for development that triggers the requirements of 33.245, Inclusionary Housing. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the regulations of 33.245 have been met.~~
2. ~~Voluntary inclusionary housing. Bonus density or FAR up to the maximum stated in Table 120-3 is allowed when affordable housing is provided as follows:~~
  - a. ~~Bonus density or FAR is allowed for projects that voluntarily provide affordable housing at one of the following rates. To qualify for this bonus, the applicant must provide a letter from the Portland Housing Bureau certifying that the development meets one of the standards stated below and any administrative requirements of the Portland Housing Bureau. The letter must be submitted before a building permit can be issued for the development, but is not required in order to apply for a land use review. The property owner must execute a covenant with the City that complies with the requirements of Section 33.700.060. The covenant must be provided prior to issuance of a building permit, and must ensure that the affordable dwelling units will remain affordable to households meeting the income restriction, and will meet the administrative requirements of the Portland Housing Bureau:~~
    - (1) ~~On-site affordable dwelling units. When the affordable dwelling units will be located on-site, affordable dwelling units must be provided at one of the following rates:~~
      - ~~Inside the Central City and Gateway plan districts:~~
        - ~~— 10 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
        - ~~— 20 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
      - ~~Outside the Central City and Gateway plan districts until January 1, 2019:~~
        - ~~— 8 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 60 percent of the area median family income; or~~
        - ~~— 15 percent of the total number of new dwelling units or bedrooms on the site must be affordable to those earning no more than 80 percent of the area median family income.~~
      - ~~The rates shown in Subsubparagraph F.2.a.(1) that apply inside the Central City and Gateway plan districts apply outside the Central City and Gateway plan districts on and after January 1, 2019.~~

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## **Commentary**

### **Inclusionary housing bonus density or FAR (continued)**

The components of this regulation have been moved to the new Floor Area Bonus Options section (33.120.211) and to Chapter 33.245 (Inclusionary Housing).

- (2) ~~Off-site affordable dwelling units in a new building. When the affordable dwelling units will be provided by constructing new dwelling units off-site, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~10 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income; or~~
  - ~~20 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- (3) ~~Off-site affordable dwelling units in an existing building. When the affordable dwelling units will be provided by dedicating existing dwelling units that are off-site as affordable, affordable dwelling units must be provided at one of the following rates. The number of affordable dwelling units required is calculated based on the total number of new dwelling units proposed to be built on the site that is taking advantage of this FAR bonus option:~~
- ~~15 percent of the total number of new dwelling units must be affordable to those earning no more than 30 percent of the area median family income; or~~
  - ~~25 percent of the total number of new dwelling units must be affordable to those earning no more than 60 percent of the area median family income.~~
- b. ~~Bonus density or FAR is allowed in exchange for payment into the Affordable Housing Fund. For each square foot of floor area purchased a fee must be paid to the Portland Housing Bureau (PHB). For sites where density is calculated in dwelling units, the amount of floor area purchased is converted to dwelling units at a rate of 1 dwelling unit per 800 square feet. The Portland Housing Bureau collects and administers the Affordable Housing Fund, and determines the fee. PHB determines the fee per square foot and updates the fee at least every three years. The fee schedule is available from the Bureau of Development Services. To qualify for this bonus, the applicant must provide a letter from PHB documenting the amount that has been contributed. The letter is required to be submitted before a building permit can be issued for development, but is not required in order to apply for a land use review.~~

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## **Commentary**

### **Transfer of density or FAR**

The components of this regulation have been moved to the new Floor Area Ratio section (33.120.210) - see commentary for that section.



**~~G. Transfer of density or FAR.~~** Density or FAR may be transferred from one site to another subject to the following:

- ~~1. Calculating the amount of density or FAR transferred. In the R3, R2, and R1 zones, transferable density is calculated in terms of dwelling units. In the RH and RX zones, transferable density is calculated by FAR.~~
- ~~2. Development standards. Buildings on sites receiving transferred density or FAR must meet the development standards of the base zone, overlay zone, or plan district, except for maximum density, which is regulated by Subsection E.~~
- ~~3. General standards for transfers of density or FAR.~~
  - ~~a. Except for transfers from the sites of Landmarks, the transfers may be only between sites within a block or between sites that would be abutting except for a right-of-way.~~
  - ~~b. Density or FAR from the site of a Landmark may be transferred to any site allowed by Paragraph 5 below, within the recognized neighborhood where the Landmark is located, or to any site within two miles of the Landmark.~~
- ~~4. Zoning.~~
  - ~~a. RX Zone. In the RX Zone:~~
    - ~~(1) Transfer of commercial development rights is regulated by Subparagraph 33.120.100.B.3.f;~~
    - ~~(2) Density or FAR may be transferred from a site zoned RX to a site zoned RX, RH, CX, or EX. Density may be transferred from the site of a Landmark zoned RX to a site zoned RX, RH, C, or EX.~~
  - ~~b. RH Zone. Density or FAR may be transferred from a site zoned RH to a site zoned RX or RH. Density may be transferred from the site of a Landmark zoned RH to a site zoned RX, RH, or EX.~~
  - ~~c. R3, R2, and R1 Zones. Density may be transferred among sites zoned R3, R2, and R1.~~
- ~~5. Covenants. The property owner must execute a covenant with the City that is attached to and recorded with the deed of both the site transferring and the site receiving the density reflecting the respective increase and decrease of potential density. The covenant for the receiving site must meet the requirements of Section 33.700.060. The covenant for the Landmark transferring the density must meet the requirements of 33.445.610.D., Covenant.~~

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## Commentary

### 33.120.215 Height

There primary changes to this section are:

- New requirement for step down height for sites abutting single-dwelling zones. This will require taller buildings in the multi-dwelling zones (R1, RH, and RX zones) to step down in scale when located next to single-dwelling zones, with building heights limited to 35 feet (three stories) within 25 feet of properties with single-dwelling zoning. A building height step down would also apply on street frontages across local service streets from single-dwelling zoning. These changes bring consistency with the regulatory approach that applies to similarly-scaled buildings in the commercial/mixed use zones.
- Elimination of regulations that limited building height in the R1 and RH zones to 25' within 10' of front property lines, as 10' front setbacks are being proposed for these zones.
- Deletion of standards for the IR zone, as this zone has been moved to a new chapter (33.150 Campus Institutional).



### 33.120.215 Height

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

- They promote a reasonable building scale and relationship of one residence to another;
- They promote options for privacy for neighboring properties; and
- They reflect the general building scale of multi-dwelling development in the City's neighborhoods.

**B. ~~Maximum h~~Height standard.**

1. Base height. The ~~maximum~~base heights allowed in the multi-dwelling zones are stated in Table 120-3. In the RH zone, where the maximum FAR stated in Table 120-3 is 2 to 1, the base height is 65 feet. In the RH zone, where the maximum FAR stated in Table 120-3 is 4 to 1, the base height is 75 feet, except on sites within 1,000 feet of a transit station where the maximum height is 100 feet. The maximum height standard for institutional uses is stated in 33.120.275, Development Standards for Institutions. The maximum height standards for detached accessory structures are stated in 33.120.280, Detached Accessory Structures.
2. Step-down height. In the following situations, the base height is reduced, or stepped-down:
  - a. On the portion of a site within 25 feet of a lot line abutting a site zoned RF through R2.5, the step-down height is 35 feet. See Figure 120-X. Sites with property lines that abut a single-dwelling zone for less than a 5-foot length are exempt from this standard; and
  - b. On the portion of the site within 15 feet of a lot line that is across a local service street from a site zoned RF through R2.5 the step-down height limit is 35 feet. See Figure 120-X.
1. ~~In the R1 zone the maximum height is 45 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
2. ~~In the RH zone, the following maximum height limits apply:~~
  - a. ~~Where the FAR is 2 to 1, the maximum height is 65 feet, except on the portion of a site within 10 feet of a front property line, where the maximum height is 25 feet.~~
  - b. ~~Where the FAR is 4 to 1, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station, where the maximum height is 100 feet.~~
3. ~~In the IR zone, the maximum height is 75 feet, except on sites within 1,000 feet of a transit station and the FAR is 4 to 1, where the maximum height is 100 feet.~~

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## Commentary

### C. Exceptions to the maximum height

These changes bring consistency with similar regulations recently adopted for the commercial/mixed use zones.

Paragraph 2. Allowances for parapets to exceed building height limits responds to community interest (as well as input from designers and developers) in promoting a more varied roofline. The current regulatory approach of including such features within the building height limits results in projects built up to this maximum height with little variation. The parapet exemption also facilitates the use of parapets to screen rooftop equipment.

*Historic example of parapets  
providing roofline variety.*



The exemption for roof top deck railings to exceed maximum heights is intended to facilitate roof top outdoor spaces, which complements new requirements for residential outdoor space that could be accommodated in such locations for higher-density development.

Paragraph 3. Exceptions for privacy walls to exceed maximum heights are intended to facilitate roof top outdoor spaces, as well as decks adjacent to upper-level building areas with required height step downs adjacent to residential zones. Privacy walls exceeding height limits are not allowed within 4 feet of roof edges in order to limit their visual impact. This regulation is consistent with regulations in the commercial/mixed use zones (these standards had been adapted from Main Street Corridor Overlay regulations that had been applicable to SE Division Street).

**Figure 130-1**  
**Step-Down Height Adjacent to Residential Zones**



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

1. Chimneys, vents, flag poles, satellite receiving dishes, and other similar items attached to a building, with a width, depth, or diameter of 53 feet or less may extend above the height limit, as long as they do not exceed 5 feet above the top of the highest point of the roof. If they are greater than 3 feet in width, depth, or diameter, they are subject to the height limit.
2. Parapets and railings. Parapets and rooftop railings may extend 4 feet above the height limits.
3. Walls and fences. Walls or fences located between individual rooftop decks may extend 6 feet above the height limits if the visual screen is set back at least 4 feet from the edges of the roof.
42. Rooftop mechanical equipment and stairwell enclosures that provide rooftop access may extend above the height limit as follows, provided that the equipment and enclosures are set back at least 15 feet from all roof edges on street facing facades.
  - a. Elevator mechanical equipment may extend up to 16 feet above the height limit; and
  - b. Other mechanical equipment and stairwell enclosures that cumulatively cover no more than 10 percent of the roof area may extend up to 10 feet above the height limit.

## Commentary

**Table 120-4**

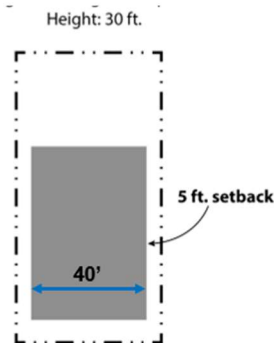
**Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones**

This table is being deleted to reflect new regulatory approaches to side and rear setbacks (see Table 120-3 on page 43 for specific setback requirements), including:

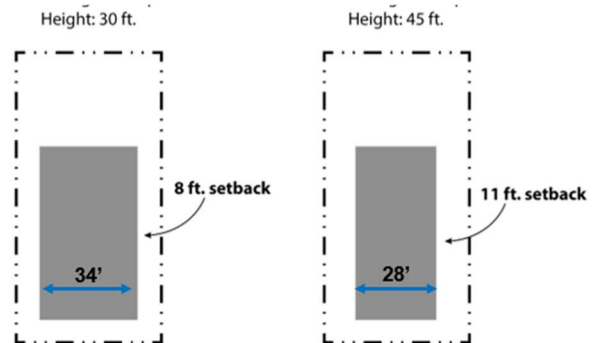
- In most situations, side and rear setbacks are being standardized to 5-foot minimum setbacks (as applies in single-dwelling zones). Existing setbacks standards (which vary in depth from 5 to 14 feet, depending on area of building wall planes) are complex and make development on small sites difficult. This change is intended to facilitate development on small sites that can continue neighborhood patterns, and provide room for more usable outdoor space, such as central courtyards, elsewhere on sites.

Graphic showing comparison between required setbacks in single-dwelling zones (left) compared to the current gradient of setback requirements that apply in the multi-dwelling zones (right), which leave less space for housing, even for buildings similar in scale to what is built in single-dwelling zones.

**Single-Dwelling Zones**



**Multi-Dwelling Zones**



- 10' side and rear setbacks will be required in the larger-scale zones (RH and RX) for portions of sites that abut properties with single-dwelling zoning to provide a transition (similar requirements apply in the commercial/mixed use zones).
- Special Eastern pattern area minimum rear building setbacks.**  
This new regulation, applicable to the Eastern neighborhoods pattern area (primarily east of 82<sup>nd</sup> Avenue, see Map 120-# on page 169) requires a rear setback equal to 25 percent of the depth of lots. This is responsive to the area's large blocks and community interest in continuing some of the area's mid-block characteristics, such as rear yards and tree groves. Keeping mid-block areas more open could also help leave space for connections through the area's large blocks to help improve connectivity.



**Current approach**

- Development extends to rear of lots



**New approach**

- Example of development arranged to provide a deep setback at rear of site (same housing unit sizes and density as current approach example)

- ~~53.~~ Antennas, utility power poles, and public safety facilities are exempt from the height limit.
- ~~64.~~ Small wind turbines are subject to the standards of Chapter 33.299.
- ~~75.~~ Roof mounted solar panels are not included in height calculations, and may exceed the maximum height limit if the following are met:
- For flat roofs or the horizontal portion of mansard roofs, they may extend up to 5 feet above the top of the highest point of the roof.
  - For pitched, hipped, or gambrel roofs, they must be mounted no more than 12 inches from the surface of the roof at any point, and may not extend above the ridgeline of the roof. The 12 inches is measured from the upper side of the solar panel.

<b>Table 120-4</b> <b><del>Minimum Side and Rear Setbacks for R3, R2, R1, and RH Zones</del></b>	
<b><del>If the area of the plane of the building wall is: [1]</del></b>	<b><del>The required side and rear setback is:</del></b>
<del>1,000 sq. ft. or less</del>	<del>5 ft.</del>
<del>1,001 to 1,300 sq. ft.</del>	<del>6 ft.</del>
<del>1,301 to 1,600 sq. ft.</del>	<del>7 ft.</del>
<del>1,601 to 1,900 sq. ft.</del>	<del>8 ft.</del>
<del>1,901 to 2,200 sq. ft.</del>	<del>9 ft.</del>
<del>2,201 to 2,500 sq. ft.</del>	<del>10 ft.</del>
<del>2,501 to 2,800 sq. ft.</del>	<del>11 ft.</del>
<del>2,801 to 3,100 sq. ft.</del>	<del>12 ft.</del>
<del>3,101 to 3,400 sq. ft.</del>	<del>13 ft.</del>
<del>3,401 sq. ft. or greater</del>	<del>14 ft.</del>

~~Note:~~

~~[1] Measurement of the area of the plane of the building wall is described in Chapter 33.930, Measurements.~~

### **33.120.220 Setbacks**

- A. Purpose.** The building setback regulations serve several purposes:
- They maintain light, air, separation for fire protection, and access for fire fighting;
  - They reflect the general building scale and placement of multi-dwelling development in the City's neighborhoods;
  - They promote a reasonable physical relationship between residences;
  - They promote options for privacy for neighboring properties;
  - They provide adequate flexibility to site a building so that it may be compatible with the neighborhood, fit the topography of the site, allow for required outdoor areas, and allow for architectural diversity;
  - Setback requirements along transit streets create an environment that is inviting to pedestrians and transit users; and
  - They provide room for a car to park in front of a garage door without overhanging the street or sidewalk, and they enhance driver visibility when backing onto the street.



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## Commentary

### B. Minimum building setbacks (see previous commentary for discussion on side and rear setbacks).

#### Front setbacks



Currently, the lack of front setback requirements in the higher density zones (R1 and RH) sometimes result in abrupt transitions to existing development, and can impact residents' privacy.



Landscaped front setbacks can help continue established neighborhood patterns, even with higher-density developments.

In the R1 and RH zones, required front setbacks are being increased to 10' (currently front setbacks are 3' in the R1 zone and no setback is required in the RH zone). This will help integrate new development with established residential neighborhood patterns, often characterized by a green edge of front yards and gardens. A 10' foot setback would also provide space for small trees that could help contribute to greener street environments and help limit urban heat island impacts.

Providing a contextual response to areas that have established patterns of smaller setbacks, the regulations allow for front setbacks to match adjacent existing buildings, and provide exemptions for development that includes ground-floor commercial uses. Also, an exception is provided to allow for reduced 5' front setbacks when residential units are raised 2' above the grade of adjacent sidewalks to limit privacy impacts. The most intensely urban RH zoning (with an FAR of 4 to 1) would continue to not require front setbacks.



The regulations allow smaller setbacks to match adjacent properties.

**Detached houses exception** (subparagraph d). This exemption, allowing reduced 3-foot side setbacks for detached houses, is based on an existing allowance that applied only to side setbacks interior to a land division. This allowance will now apply to any detached houses in the multi-dwelling zones under specified conditions. On small lots, it allows wider, less "skinny" houses, and facilitates patterns of small lot detached houses common in some older neighborhoods. This allowance will only be available for houses with side walls no larger than 1,500 square feet (this corresponds to a 2-story wall that is 60-feet long).

Recently-built narrow lot houses with small setbacks. The smaller setbacks allow wider houses on 25'-wide lots (19' wide, compared to the 15'-wide "skinny" houses that are built on 25'-wide lots with 5' side setbacks).





- B. Minimum building setbacks.** The required minimum building setbacks apply to all buildings and structures on the site except as specified in this section. Where no street building setback is indicated in Table 120-3, the front, side, and rear setbacks apply. Where a street building setback is indicated in Table 120-3 it supersedes front, side, and rear setbacks if the front, side, or rear lot line is also a street lot line. Setbacks for parking areas are in Chapter 33.266.
1. Generally. The required minimum building setbacks, if any, are stated in Tables 120-3 ~~and 120-4~~. In the RH zone, where the maximum FAR stated in Table 120-3 is 2 to 1, the minimum front building setback is 10 feet. In the RH zone, where the maximum FAR stated in Table 120-3 is 4 to 1, the minimum front building setback and minimum street building setback are zero.
  2. Special Eastern pattern area minimum rear building setback. The minimum rear building setback in the R2, R1 and RH zones in the Eastern pattern area is an amount equal to 25 percent of the total depth of the site. Corner lots and lots that are less than 100 feet deep are exempt from this special rear building setback. The Eastern pattern area is shown on Map 120-#.
  2. Exceptions to the required building setbacks.
    - a. ~~Setback matching~~averaging. The minimum front building setback and the setback of decks, balconies, and porches may be reduced, ~~but not increased, to the average of the respective~~ to match the respective setbacks on an the abutting lots. See Chapter 33.930, Measurements, for more information.
    - b. Raised ground floor. In the R1 and RH zones, the minimum front building setback may be reduced to 5 feet when the finished floor of the ground level is at least 2 feet above the grade of the closest adjoining sidewalk.
    - c. Ground floor commercial. In the R1 and RH zones, the minimum front building setback may be reduced to zero where any portion of the ground-floor contains a commercial use.
    - d. Detached houses. On lots that are 25 feet wide or wider, the minimum side setback may be reduced to 3 feet when the area of the plane of the building wall is no larger than 1,500 square feet. Eaves may project up to one foot into the reduced side setback.
    - ~~e~~b. Environmental zone. The required minimum front and street building setback and garage entrance setback may be reduced to zero where any portion of the site is in an environmental overlay zone. Where a side lot line is also a street lot line the side building and garage entrance setback may be reduced to zero. All other provisions of this Title apply to the building and garage entrance.
    - ~~f~~e. Split zoning. No setbacks are required from an internal lot line that is also a zoning line on sites with split zoning.
    - ~~g~~d. Alley. No side or rear building setback is required from a lot line abutting an alley.

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## Commentary

### B. Minimum building setbacks

#### Exceptions to the required building setbacks (continued)

The new setback exceptions on this page are specific to the special Eastern Pattern area minimum rear building setback.

One of the exceptions would allow buildings serving as indoor common areas to be located within the setback. This responds to interest among East Portland community members in having indoor community facilities located adjacent to outdoor spaces.

The other exception allows for vehicle areas to occupy up to half of the setback area. This is intended to work in conjunction with other regulations that discourage parking from being located toward the front of sites, while the limitation ensures that at least half of this mid-block setback area will not be covered by buildings or vehicle areas.

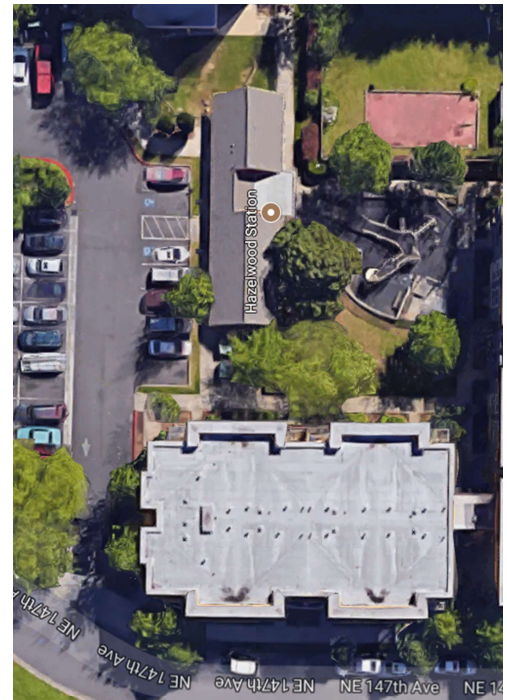
#### **Note to Reviewers:**

During the period of public review of the Discussion Draft, staff will be holding discussions with East Portland community members on the merits of the Eastern Pattern area setback approach. In discussions leading up to the project's Concept Report, there was a lack of community consensus on this approach. Some community members liked the idea of keeping the middle of blocks less built up, retaining some of the area's pattern of green mid-block open space. Others felt that having outdoor spaces at the rear of deep sites was less desirable than having outdoor spaces in more central locations on sites, where they can be closer to the majority of residential units on a site.

### C. Maximum building setbacks

See next commentary page.

Example of an Eastern Portland multi-dwelling development that includes a mix of outdoor space, a community building, and some surface parking toward the rear of the site.



- he. Land divisions with existing development. When a dedication of public right-of-way along the frontage of an existing street is required as part of a land division, the minimum front or side setback between an existing building and a lot line that abuts the right-of-way may be reduced to zero. Eaves on an existing building may extend one foot into the reduced setback, except that they may not extend into the right-of-way. Future additions or development must meet required minimum setbacks.
- i. In the Eastern pattern area, buildings containing only indoor common areas, such as recreational facilities or tenant community rooms, are allowed to cover up to 25 percent of the special rear building setback area. In this case, the building must be set back at least 5 feet from the rear property lines.
- j. In the Eastern pattern area, uncovered vehicle areas may cover up to 50 percent of the special rear building setback, except that any combination of vehicle areas and building coverage in this setback may not exceed 50 percent of the setback area.

**C. Maximum building setbacks.**

1. Maximum bBuilding setbacks on a transit street or in a Pedestrian District. The required maximum building setbacks, if any, are stated in Tables 120-3 ~~and 120-4~~, and apply only to buildings that are enclosed on all sides. The maximum building setbacks on a transit street or in a Pedestrian District are as follows. At least 50 percent of the length of the ground level street-facing façade of the building must meet the maximum building setback standard:
  - a. Applying the standard~~Measurement~~.
    - (1) Where an existing building is being altered, the standards apply to the ground level, street-facing facade of the entire building. See Figures 120-1 and 120-2.
    - (2) Where there is more than one building on the site, the standards of this paragraph apply to the combined ground level, street-facing facades of all the buildings. See Figures 120-3 and 120-4.
    - (3) For buildings where all of the floor area is in residential use, the street-facing facade of an open porch that meets the following standards is included as part of the ground level, street-facing facade of the building:
      - For houses, attached houses, manufactured homes and duplexes, the porch must be at least 25 square feet in area. For multi-dwelling structures, the porch must be at least 9 feet wide and 7 feet deep;
      - The porch must have at least one entrance facing the street; and
      - The porch must have a roof that is:
        - No more than 12 feet above the floor of the porch; and
        - At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

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## Commentary

### C. Maximum building setbacks

The paragraph is being simplified to provide greater flexibility in building site design and for consistency with similar standards recently adopted for the commercial/mixed use zones. In some situations, current regulations require 100 percent of building frontages to be located within the maximum building setback. The changes respond to community interest in courtyard housing and other configurations that include open spaces along street frontages. The requirement for at least 50 percent of building frontages to be within the maximum setback provides this flexibility, while working together with other standards (requirements for street-oriented entrances, limitations on front parking, etc.) to foster pedestrian-oriented street environments, and is consistent with regulations in the commercial/mixed use zones.

- ~~b. Standards. There are two standards. Subparagraphs C.1.c. and d. specify where each standard applies:~~
- ~~(1) Standard 1: At least 50 percent of the length of the ground level street-facing facade of the building must be within the maximum setback;~~
  - ~~(2) Standard 2: 100 percent of the length of the ground level street-facing facade of the building must be within the maximum setback.~~
- be. Outside a Pedestrian District. Where the site is not in a Pedestrian District:
- (1) One transit street. Where the site is adjacent to one transit street, the standard ~~of Standard 1~~ must be met on the transit street frontage;
  - (2) Two non-intersecting transit streets. Where the site is adjacent to two transit streets that do not intersect:
    - The ~~§~~standard ~~1~~ must be met on the frontage of the street with the highest transit classification. If both streets have the same highest classification, the applicant may choose on which street to meet the standard;
    - If one of the transit streets intersects a City Walkway, the ~~§~~standard ~~1~~ must be met along both the street with the highest transit classification and the City Walkway;
  - (3) Two or more intersecting transit streets. Where the site is adjacent to two or more intersecting transit streets, the ~~§~~Standard ~~2~~ must be met on the frontages of the two streets with the highest transit classifications. ~~and Standard 1 must be met on an intersecting transit street. If more than two streets have the same highest transit classification, the applicant may choose on which two streets to meet the standard;~~
- ce. In a Pedestrian District. Where the site is in a Pedestrian District the maximum building setback standards apply to all street frontages, with the following exceptions:
- (1) Through lots. If the site is a through lot, the maximum setback standard only applies to the street with the highest transit street classification. If multiple streets have the same highest transit street classification, the applicant may choose which street to apply the standard.
  - (2) Three or more street frontages. If the site has street lot lines on three or more streets, the maximum setback standard only applies to two of the streets. When this occurs, the standard must be applied to the streets with the highest transit street classifications. If multiple streets have the same highest transit street classification, the applicant may choose which streets to apply the standard.

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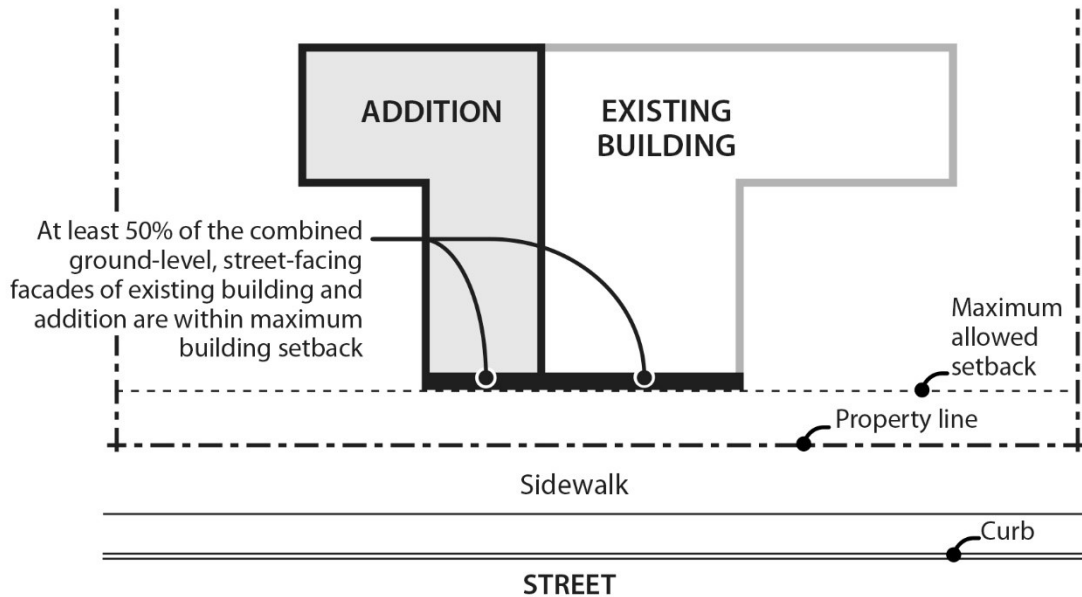
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## **Commentary**

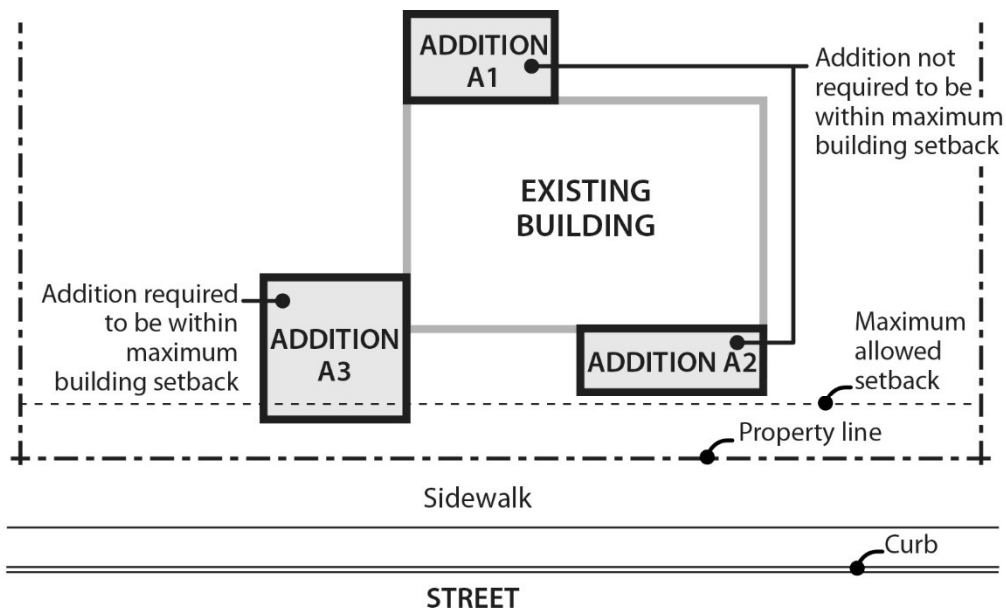
### **C. Maximum building setbacks (figures)**

See previous commentary.

**Figure 120-1**  
**Alteration to Existing Building in Conformance with Maximum Setback Standard**



**Figure 120-2**  
**Alterations to Existing Building**



**Notes:**

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

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

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

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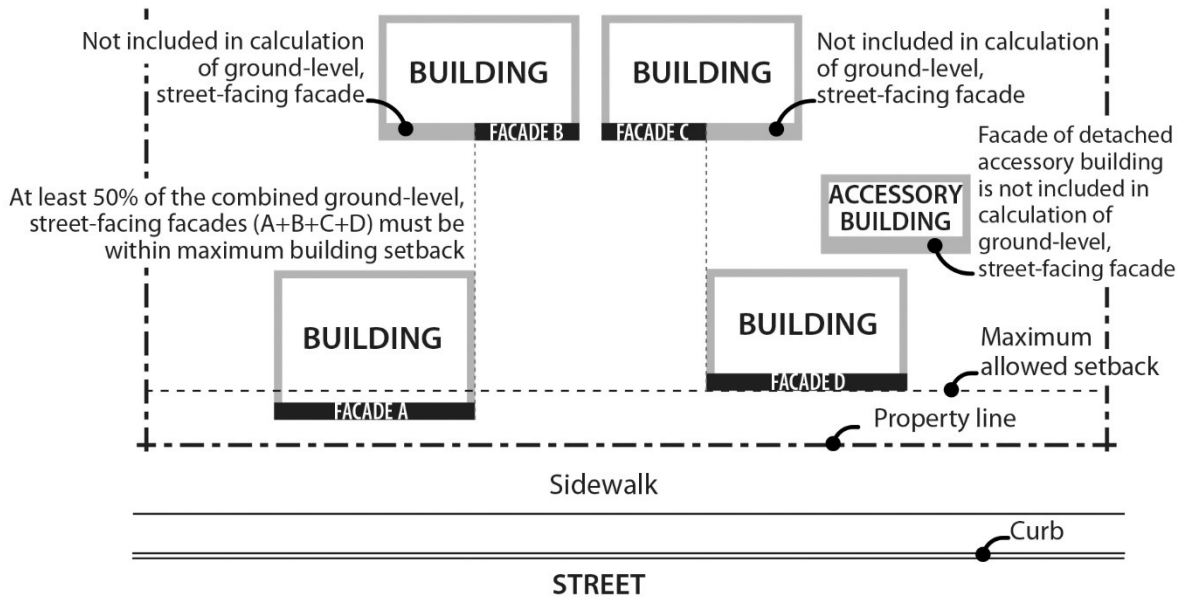
## Commentary

### C. Maximum building setbacks (figures)

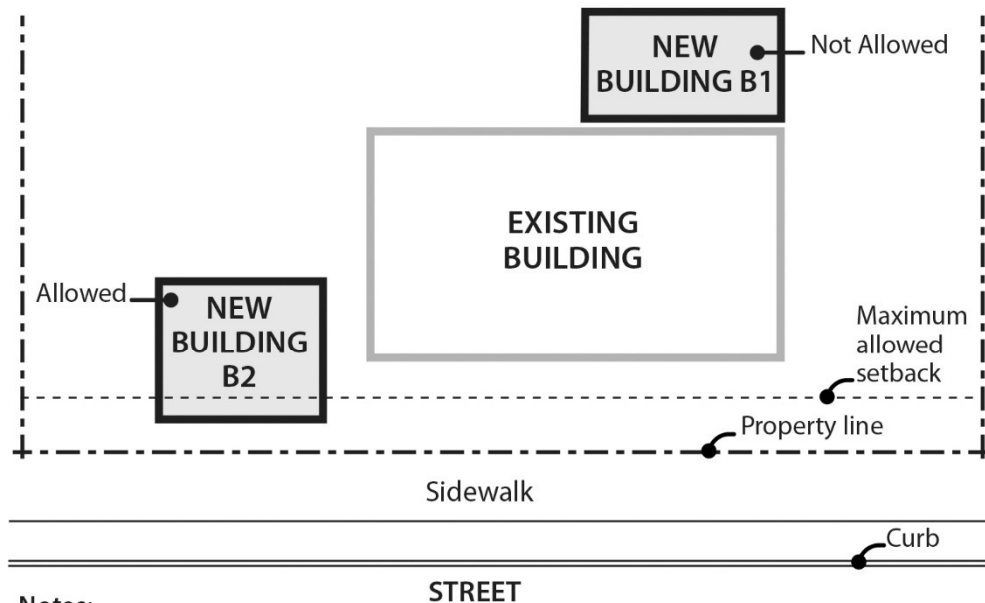
See previous commentary.



**Figure 120-3**  
**Calculating Maximum Building Setback When More Than One Building On Site**



**Figure 120-4**  
**New Buildings On Sites With Buildings That Do Not Meet The Maximum Building Setback**



**Notes:**

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

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

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## **Commentary**

### **C. Maximum building setbacks (continued)**

See previous commentary.

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

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## Commentary

### D. Extensions into required building setbacks

This paragraph is being modified in coordination with changes to the minimum side and rear building setback requirements. Because the required side and rear setbacks are being reduced to 5' in most cases, these changes prevent raised decks, stairways, balconies, and bay windows from extending into required setbacks, except for setbacks along street lot lines, to limit privacy impacts.

2. Exemptions.

- a. Flag lots. Flag lots are exempt from the maximum setback standards of this section.
- b. Detached accessory structures. Detached accessory structures are exempt from the maximum setback standards of this section. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. See Figure 120-3.

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

1. The following features of a building may extend into a required building setback up to 20 percent of the depth of the setback, except as indicated. However, the feature must be at least 3 feet from a lot line, except as allowed in 33.120.270, Alternative Development Options:
  - a. ~~Eaves, e~~Chimneys, fireplace inserts and vents, mechanical equipment, and fire escapes;
  - b. Wheelchair ramps, ~~W~~water collection cisterns and stormwater planters that do not meet the standards of Paragraph D.2;
  - c. Decks, stairways, ~~wheelchair ramps~~, and uncovered balconies that do not meet the standard for Paragraph D.2 below, may only extend into a required setback along a street lot line; and
  - d. Bays and bay windows may only extend into a required setback along a street lot line and must ~~that~~ meet the following requirements:
    - (1) Each bay and bay window may be up to 12 feet long, but the total area of all bays and bay windows on a building facade cannot be more than 30 percent of the area of the facade;
    - (2) At least 30 percent of the area of the bay which faces the property line requiring the setback must be glazing or glass block;
    - (3) Bays and bay windows must cantilever beyond the foundation of the building; and
    - (4) The bay may not include any doors.

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## **Commentary**

### **D. Extensions into required building setbacks (continued)**

The new subparagraph 3 is being added to allow eaves to extend up to 2 feet into a required setback, consistent with an amendment proposed as part of the Residential Infill Project.

2. The following minor features may extend into entire required building setbacks:
  - a. Utility connections attached to the building that are required to provide services, such as water electricity and other similar utility services;
  - b. Gutters and downspouts that drain stormwater off a roof of the structure;
  - c. Stormwater planters that are no more than 2-1/2 feet above the ground;
  - d. Water collection cisterns that are 6 feet or less in height;
  - e. Attached decks, stairs, and ramps that are no more than 2-1/2 feet above the ground. However, stairways and wheelchair ramps that lead to one entrance on the street-facing facade of a building are allowed to extend into the required street setbacks regardless of height above ground; and
  - f. On lots that slope down from the street, vehicular or pedestrian entry bridges that are no more than 2-1/2 feet above the average sidewalk elevation.
3. Building eaves may project up to 2 feet into a required setback, provided the eave is at least three feet from a lot line.
43. Detached accessory structures. The setback standards for detached accessory structures including detached mechanical equipment are stated in 33.120.280 below. Fences are addressed in 33.120.285, below. Detached accessory dwelling units are addressed in Chapter 33.205.

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

1. Garage entrance setback. The garage entrance setback is stated in Table 120-3. See Chapter 33.910, Definitions, for a description. The walls of the garage structure are subject to 33.120.283 and the applicable front, side, or rear building setbacks.
  - a. In ~~R1, RH, and the~~ RX zones, the garage entrance must be either 5 feet or closer to the street lot line, or 18 feet or farther from the street lot line. If the garage entrance is located within 5 feet of the front lot line, it may not be closer to the lot line than the ~~front~~ facade of the residential portion of the building.
  - b. Exceptions. ~~(1) — The garage entrance setback may be reduced to the average of the garage entrance setbacks on abutting lots. See Chapter 33.930, Measurements, for more information.~~  
~~(2) —~~ No setback is required from a lot line abutting an alley. However, the Bureau of Transportation may require the garage entrance to be set back to ensure adequate turning radius into the garage.
2. Setbacks for structured parking. Structured parking that allows exiting in a forward motion is subject to the setback requirements for buildings. Structured parking that does not allow exiting in a forward motion is subject to the garage entrance setback standard stated in Table 120-3.

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## Commentary

### 33.120.225 Building Coverage

A new paragraph is being added to allow below-ground structured parking, when covered by landscaping or a courtyard, to not count against building coverage limits. Currently, even when a courtyard cap above structured parking is at a height that would not usually count toward building coverage limitations, an excavated driveway ramp changes this calculation and prevents this courtyard cap configuration in some zones.

Exempting below-ground structured parking, when capped by a courtyard, to not count against building coverage limits, would allow configurations such as these, which were seen as positive development outcomes in community discussions.



### 33.120.230 Building Length and Façade Articulation

The paragraphs on this page are being modified for clarity and to include purpose statement language related to a new façade articulation requirement (see next pages).



### 33.120.225 Building Coverage

- A. **Purpose.** The building coverage standards, along with the height and setback standards, limit the overall bulk of structures. They assure that larger buildings will not have a footprint that overwhelms adjacent development. The standards help define the character of the different zones by determining how built-up a neighborhood appears.
- B. **Maximum building coverage.** The maximum building coverages for all covered structures on the site are stated in Table 120-3.
- C. **Exception.** Any portion of structured parking that is below ground, and covered by landscaping or courtyard area, does not count toward building coverage. Below ground means the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way.

### 33.120.230 Building Length and Façade Articulation

- A. **Purpose.** ~~These standards~~The maximum building length standard, along with the height and setback standard, limits the ~~amount of bulk of buildings that can be placed~~ close to the street. ~~These standard help ensure~~assures that large buildings will be divided into smaller components that relate to the scale and patterns of Portland's multi-dwelling residential areas and add visual interest and variety to the street environment. ~~long building walls close to streets will be broken up into separate buildings. This will provide a feeling of transition from lower density development and help create the desired character of development in these zones.~~
- B. **Maximum building length.** In R2 and R1, the maximum building length for the portion of buildings located within 30 feet of a street lot line is 100 feet. The portions of buildings subject to this standard must be separated by a minimum of 10 feet when located on the same site.

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## Commentary

### 33.120.230 Building Length and Façade Articulation

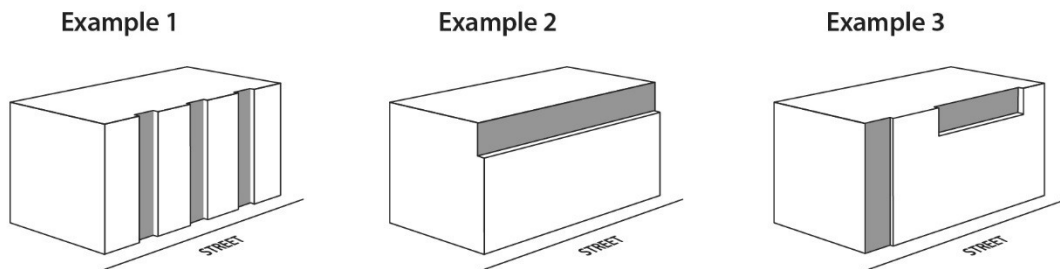
#### C. Façade articulation

This new requirement is being added for consistency with façade articulation requirements recently adopted for the commercial/mixed use zones (Chapter 33.130). They would apply to zones (R1 and RH) that allow building height (45 feet or more) that corresponds to the scale of development where this regulation applies in the commercial/mixed use zones. These regulations are intended to divide up the mass of larger buildings into smaller components that better fit into the scale of neighborhood residential areas and corridors.

**C. Facade articulation.**

1. Where the standard applies. This standard applies in the R1 and RH zones as follows:
  - a. In the R1 zone, the standard applies to buildings more than 35 feet high that have facade areas of more than 3,500 square feet within 20 feet of a street property line.
  - b. In the RH zone, the standard applies to buildings more than 45 feet high that have facade areas of more than 4,500 square feet within 20 feet of a street property line.
  - c. Portions of building facades that are vertically separated by a gap of 10 feet in width or more extending at least 20 feet in depth from the street property line are considered to be separate facade areas for the purposes of the facade area measurements. See Figure 120-#.
2. The standard. At least 25 percent of the facade within 20 feet of a street lot line must be divided into facade planes that are off-set by at least 2 feet in depth from the rest of the facade. Facade area used to meet the facade articulation standard may be recessed behind, or project out from, the primary facade plane. See Figure 120-#.

**Figure 120-#**  
**Facade Articulation**



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## Commentary

### 33.120.231 Main Entrances

This section is being changed to apply requirements for street-oriented main entrances that currently apply primarily to houses, attached houses and duplexes, to also apply to multi-dwelling development and structures. Currently, there are no requirements for street-oriented entrances for the latter types of development, counter to policies that call for street-oriented development that supports pedestrian-friendly street environments. Where sites include more than one street frontage, the regulations prioritize locating main entrances on transit streets to facilitate pedestrian connections to transit and to foster a strong building orientation to these streets.

New requirements for street-oriented main entrances would:



Prevent this



Promote entrances oriented to streets and pedestrian spaces

### 33.120.231 Main Entrances

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

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

**B. Where these standards apply.**

1. The standards of this section apply to ~~all residential structure types~~houses, attached houses, manufactured homes, and duplexes in the multi-dwelling zones. For houses, attached houses, and manufactured homes, duplexes and triplexes the standards apply to each structure. For all other residential structure types, the standards apply to residential structures that are located within 30 feet of a street lot line.
2. Where a proposal is for an alteration or addition to existing development, the standards apply only to the portion being altered or added.
3. On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites the standards apply to the transit street. If there is no transit street with more than one street frontage, the applicant may choose on which frontage to meet the standards. If there is more than one transit street, the standards apply to the street with the highest transit street classification. If all streets have the same transit street classification, the applicant may choose on which frontage to meet the standards.
4. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.
5. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.

**C. Main entrance ~~Location.~~**

1. Standard. At least one main entrance for each structure must:
  - a1. Be within 8 feet of the longest street-facing wall of the structure ~~dwelling unit~~; and
  - b2. Either:
    - (1)a. Face the street. See Figure 120-5;
    - (2)b. Be at an angle of up to 45 degrees from the street; or

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## Commentary

### 33.120.231 Main Entrances

#### Alternative for multi-dwelling structures

This subparagraph provides an alternative for the entrances of multi-dwelling structures to be oriented to a courtyard, instead of being located at the street frontage, allowing continuation of a common courtyard housing configuration, consistent with regulations that apply in the commercial/mixed use zones and in the Community Design Standards.



(3)~~e~~. Open onto a porch. See Figure 120-6. The porch must:

- ~~(1)~~ Be at least 25 square feet in area;
- ~~(2)~~ Have at least one entrance facing the street; and
- ~~(3)~~ Have a roof that is:
  - ~~=~~ No more than 12 feet above the floor of the porch; and
  - ~~=~~ At least 30 percent solid. This standard may be met by having 30 percent of the porch area covered with a solid roof, or by having the entire area covered with a trellis or other open material if no more than 70 percent of the area of the material is open.

2. Alternative for multi-dwelling structures. As an alternative to Paragraph C.1, an entrance to a multi-dwelling structure may face a courtyard that meets the following. The courtyard-oriented entrance must be located within 50 feet of the street and the courtyard must be :

- a. At least 15 feet in width;
- b. Adjacent to a street; and
- c. Landscaped to at least the L1 level, or hard-surfaced for use by pedestrians.

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## Commentary

### 33.120.232 Visitability

This new section responds to Comprehensive Plan policies (including policies 5.8, 5.9, and 5.19) that call for a diverse supply of physically-accessible housing that can meet the needs of older adults and people with disabilities. The building code has requirements for physically accessible or adaptable units, but these standards do not apply to townhouses and some other multi-level unit types. For projects whose unit densities exceed 1 unit per 2,000 square feet of site area, this standard requires 20 percent of units to be designed with ground levels that are adaptable to being physically accessible, with entrances located close to ground level, providing access to interior doorways, hallways, living space, and a bathroom that are wide enough to accommodate wheelchairs. "Visitable" units, as would be required in this section, ensure that one level of a unit can be configured to be accessible to people with mobility limitations, but can also have living spaces like bedrooms on upper levels that are not physically accessible.

The threshold of 1 unit per 2,000 square feet of site area corresponds to the current maximum density of the R2 zone, Portland's most widely mapped multi-dwelling zone. This threshold means that for projects that choose to exceed this density, they would need to include some visitable units. This requirement would also apply to the other zones that have minimum density requirements that exceed this density, such as the R1 and RH zones, meaning that all projects would need to have at least 20 percent of their units designed to be visitable. This is a significant change from current regulations, but is intended to be more responsive to the needs of a broader portion of the population, including Portland's increasing numbers of older adults.

The visitability standards in this section are consistent with visitability standards proposed by the Residential Infill Project, which would apply to projects utilizing options for additional housing density provided in the a-overlay. BPS staff have confirmed with BDS building code administrators that these visitability standards would not be in conflict with Oregon Structural Specialty Code requirements for visitable or adaptable units.



### **33.120.232 Visitability**

- A. Purpose.** Visitability standards ensure that higher-density residential development in the multi-dwelling zones include units that provide a baseline of accessible features to accommodate all people living in or visiting the residence regardless of ability. The standards:
- Promote a diverse supply of more physically accessible housing;
  - Allow people of all ages and abilities to easily enter and visit the residence;
  - Foster community interaction by reducing barriers that can lead to social isolation;
  - Enhance public safety for residents and visitors;
- B. Visitability standards.** Unless exempt by Subsection C, at least 20 percent of new dwelling units on a site that has a residential density that exceeds 1 dwelling unit per 2,000 square feet must meet the following standards.
1. Visitable entrance. At least one entrance must be accessible. Accessible means that there is no more than one stair between the nearest street lot line and the entrance, and the slope between the finished floor at the entrance and the nearest street lot line is less than 10 percent;
  2. Visitable bathroom. At least one bathroom must be designed to accommodate a minimum 60-inch diameter circle with no obstructions. The visitable bathroom must on the same floor as the visitable entrance or be accessible to the visitable entrance via a ramp, elevator or lift;
  3. Visitable living area. A minimum of 200 square feet of living area within the dwelling unit must be designed to accommodate a minimum 10-foot square. The visitable living area must be on the same floor as the visitable entrance or be accessible to the visitable entrance via a ramp, elevator or lift; and
  4. Visitable hallways and doors. All hallways and all door openings between the visitable entrance, visitable living area, and the visitable bathroom must be at least 34 inches wide.
- C. Exemptions.** The following are exempt from the standards of this section:
1. Lots with an average slope of 20 percent or greater; and
  2. Lots where all of the new dwelling units will be added to an existing residential structure.

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## Commentary

### 33.120.233 Street-Facing Facades

Amendments to this section add requirements for ground floor windows in conjunction with allowances being provided for commercial uses in the multi-dwelling zones. In these zones, the amount of ground floor wall that must be windows is 25 percent, somewhat less than the 40 percent required on the primary frontages of commercial development in the commercial/mixed use zones. This lesser amount of ground floor windows is intended to reflect the differing characteristics of residential areas, and corresponds to the ground floor window percentage required for commercial spaces along secondary street frontages in the commercial/mixed use zones.

#### C. Exterior stairs

This new regulation ensures consistency with a regulation for the same types of development in single-dwelling zones, proposed as part of the Residential Infill Project.



Houses with long runs of stairs supported by an above grade structure (middle) and ground entry (right)



Stairs on grade plus raised stairs that would be allowed

### **33.120.2332 Street-Facing Facades**

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

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

#### **B. Where these standards apply.** The standards of this section apply to the street-facing facades of buildings that include any residential uses, except as noted. Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards. In addition, subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from Paragraph B.1, below. Where a proposal is for an alteration or addition to existing development, the applicant may choose to apply the standard either to the portion being altered or added, or to the entire street-facing facade.

1. At least 15 percent of the area of each ~~street-facing facade that faces a street lot line~~ must be windows or main entrance doors. Windows used to meet this standard must allow views from the building to the street. Glass block does not meet this standard. Windows in garage doors do not count toward meeting this standard, but windows in garage walls do count toward meeting this standard. To count toward meeting this standard a door must be at the main entrance and facing the street property line. ~~Development on flag lots or on lots which slope up or down from the street with an average slope of 20 percent or more are exempt from these standards.~~
2. Windows must cover at least 25 percent of the ground floor wall area of the portion of a building that has a ground floor Commercial use. For the purposes of this Paragraph, ground floor wall areas include exterior wall areas from 2 feet to 10 feet above the finished grade. Required ground floor windows must meet at least one of the following. The bottom of qualifying windows must be no more than 4 feet above the adjacent exterior grade:
  - a. Windows that allow views into working areas;
  - b. Glazing in pedestrian entrances to the Commercial use; or
  - c. Display windows that are at least 24 inches deep set into a wall.
- ~~2. RX and IR zones. The portions of buildings in the RX and IR zones that have nonresidential development are subject to the ground floor window requirements of the CX zone in 33.130.230.B.2.~~
3. For structures subject to ground floor window requirements, windows used to meet ground floor window requirements may also be used to meet the requirements of Paragraph B.1, above.

#### **C. Exterior stairs.** On any street-facing façade of a house, attached house, manufactured home or duplex, no more than 6 stair steps may be supported by an above grade structure. All other stair steps must be built into the grade. Sites located within the Special Flood Hazard Area are exempt from this standard. See Figure 120-X

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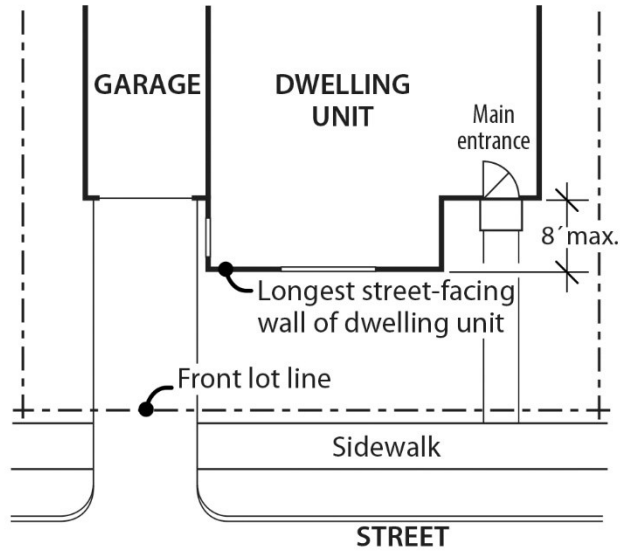
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## Commentary

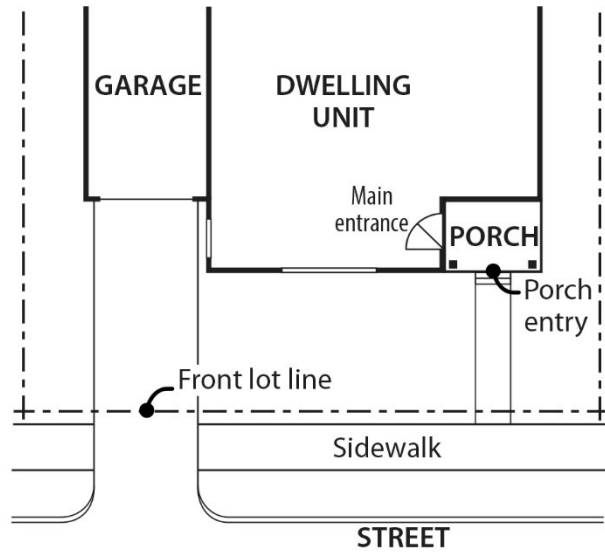
**Figures 120-5 and 120-6**

No change.

**Figure 120-5**  
**Main Entrance Facing the Street**



**Figure 120-6**  
**Main Entrance Opening Onto a Porch**



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## Commentary

### 33.120.235 Landscaped Areas

Current regulations require multi-dwelling development to include landscaped areas. However, these regulations do not allow many innovative types of green features to count toward meeting required landscaping, which must be at ground level. For instance, eco roofs, raised landscaped courtyards and raised stormwater planters do not meet these requirements.

Changes to this section would allow eco roofs, raised courtyards and raised stormwater planters to be used to meet a portion of landscaping requirements. Existing Title 11 tree density requirements would continue, meaning that some site area would need to be suitable for trees.

Standards in this section are similar to regulations recently adopted for the commercial/mixed-use zones.



### 33.120.235 Landscaped Areas

- A. Purpose.** The standards for landscaped areas are intended to enhance the overall appearance of residential developments and institutional campuses in multi-dwelling zones. The landscaping improves the residential character of the area, breaks up large expanses of paved areas and structures, provides privacy to the residents, and provides separation from streets. Landscaping also helps cool the air temperature, intercept rainfall and reduce stormwater run-off by providing a non-paved permeable surface. Landscaping can also provide food for people and habitat for birds and other wildlife.
- B. Minimum landscaped areas.** The required amount of landscaped area is stated in Table 120-3. Sites developed with a house, attached house, or duplex are exempt from this standard. Any required landscaping, such as for required setbacks or parking lots, applies towards meeting the minimum amount of required landscaped area. Required landscaped areas must be at ground level and must comply with at least the L1 standard in Chapter 33.248. Up to 1/3 of the required landscaped area may be for active or passive recreational use, or for use by pedestrians. Examples include walkways, play areas, plazas, picnic areas, and open recreational facilities. Remaining landscaped areas must comply with the standards in Subsection C. below. Any required landscaping, such as for required setbacks or parking lots, applies toward the minimum required landscaped area. The outdoor areas required in 33.120.240 below, also apply towards meeting the minimum landscaped area requirements of this section, if they are uncovered.
1. Unless allowed by Paragraph B.2., required landscaped areas must:
    - a. Be at ground level, except when in raised planters that are used to meet minimum Bureau of Environmental Services stormwater management requirements; and
    - b. Comply with at least the L1 standard described in Chapter 33.248, Landscaping and Screening, or be a vegetated stormwater management facility that meets minimum Bureau of Environmental Services stormwater management requirements. However, up to one-third of the required landscaped area may be improved for active or passive recreational use, or for use by pedestrians. Examples of active or passive recreational use include walkways, play areas, plazas, picnic areas, garden plots, and unenclosed recreational facilities.
  2. Urban green alternative landscaped area. One or more of the following may be used to meet up to 50 percent of the required landscaped area:
    - a. Ecoroof. An ecoroof area may apply toward meeting the required landscaped area standard at a ratio of 4 square feet of ecoroof area for every 1 square foot of required landscaped area. The ecoroof area must be approved by the Bureau of Environmental Services as being in compliance with the Stormwater Management Manual.
    - b. Raised landscaped areas. Landscaped areas raised above ground level may apply toward meeting the minimum landscaped area standard when landscaped to at least the L1 standard and soil depth is a minimum of 30 inches.

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## Commentary

### C. Additional Landscaping standards

Changes to this paragraph extend the same exemption to landscaping in building setbacks that currently applies to houses, attached houses and duplexes so that this also applies to multi-dwelling development on small residential lots (7,500 square feet or smaller). Setback landscaping regulations include requirements for planting trees, for which 5' setbacks provide little space for growth. Title 11 tree planting requirements would continue to apply, but this change would provide more flexibility for locating required trees on other portions of small sites (currently, the amount of trees required within landscaped setbacks is typically sufficient to meet required tree densities).

This amendment would also facilitate compact multi-dwelling building types on small sites, such as fourplexes and small apartment buildings, which were historically designed to be similar to single-family houses.



There has been community interest in middle density housing that is similar in scale and characteristics to single-family houses, but landscaping and other regulatory standards currently apply differently to these housing types, complicating the ability to design plexes for small sites (such as these historic triplexes and fourplexes). Proposed changes to landscaping and other site design regulations would facilitate compact multi-dwelling development on small sites.

### 33.120.240 Required Outdoor Areas

Changes to this section will require outdoor areas for development in the RH zone, which currently requires no residential outdoor space. In the RH zone, consistent with requirements that apply to similar higher-density housing in the commercial/mixed use zones, 36 square feet per unit would be required for small sites (under 20,000 square feet), and 48 square feet per unit would be required for larger sites. Outdoor space requirements for small sites in the R2 and R1 zones will remain unchanged, except for an allowance applicable to all multi-dwelling zones for outdoor space requirements to be met by indoor community spaces.

Development in the RH zone, such as this example in East Portland, currently has no requirements for outdoor space for residents, sometimes resulting in parking lots as the only places for children to play.





**C. Additional Landscaping standards.**

1. Building setbacks. The required building setbacks must be landscaped to at least the L1 standard of Chapter 33.248, Landscaping and Screening. Detached accessory structures and other development allowed in the setbacks are exempt from this standard. Sites that are 7,500 square feet or smaller in total site area~~developed with a house, attached house or duplex~~ are also exempt from this standard.
2. Parking areas. Perimeter and internal parking area landscaping standards are stated in Chapter 33.266, Parking And Loading.

**~~33.120.237~~ Trees**

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

**33.120.240 Required Outdoor Areas**

- A. Purpose.** The required outdoor areas standards assure opportunities for outdoor relaxation or recreation. The standards work with the building coverage and minimum landscaped areas standards to assure that some of the land not covered by buildings is of adequate size, shape, and location to be usable for outdoor recreation or relaxation. Required outdoor areas are an important aspect in addressing the livability of a residential property by providing outdoor living opportunities, some options for outdoor privacy, and a healthy environment.

**B. Requirements.**

1. Amount required:-
  - a. Small site requirement:
    - (1) R2 and R1 zones. On sites that are less than 20,000 square feet in total site area, at least 48 square feet of outdoor area is required for each dwelling unit on a site. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or may be provided as common areas, such as outdoor courtyards, outdoor play areas, indoor recreational facilities, or indoor community rooms. There also may be a combination of individual and common areas.
    - (2) RH zone. In the RH zone, at least 36 square feet of outdoor area is required for each dwelling unit on the site. Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or may be provided as common areas, such as outdoor courtyards, outdoor play areas, indoor recreational facilities, or indoor community rooms. There also may be a combination of individual and common areas.

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## Commentary

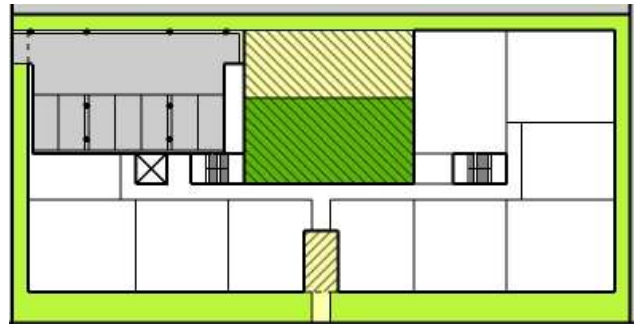
### 33.120.240 Required Outdoor Areas (continued)

#### Large site requirements for common areas

This section includes new requirements for large sites (more than 20,000 square feet in total site area) to include common areas, such as courtyards or play areas. In past projects that focused on the health and activity needs of people living in apartments, residents identified the need for having usable outdoor spaces located close by for activities such as children's play and growing food. Currently, shared outdoor spaces that are large enough to provide these opportunities are not required and often not provided with new multi-dwelling development.

The new regulations require that development on large sites provide common areas equal to 10 percent of total site area (for example, a 20,000 square foot site would need to provide 2,000 square feet of common area). The regulations provide flexibility in the design and location of this common area, which can be located at ground level or on raised courtyards or roof tops, and up to 50 percent of the requirement could be met with indoor common areas, such as indoor recreation facilities or community rooms (community members have related the need for both types of common areas). A minimum dimension of 20' by 20' ensures that outdoor common areas will be of usable size.

The 10 percent requirement corresponds to the percent of site area used for shared outdoor areas frequently found in historic and more recent multi-dwelling developments that include common outdoor areas. The site plan image (right) shows an area equal to 10 percent site area in dark shading.



Other changes to the outdoor space requirements bring consistency with similar regulations in the commercial/mixed use zones, including changes to the minimum dimensions for private outdoor spaces, allowances for individual outdoor spaces to extend into front setback areas, and allowances for indoor common areas to count toward meeting required outdoor area requirements. These changes help provide flexibility in meeting requirements to accommodate extending the outdoor space requirements to the higher density zones, where incorporating outdoor spaces as part of higher-density development can be problematic.

Example of outdoor common area that is part of a multi-dwelling development, with residential units oriented to this space.



- b. Large site requirement. On sites that are more than 20,000 square feet in total site area, outdoor area must be provided in an amount equal to at least 10 percent of total site area or At least 48 square feet of outdoor area is required for each dwelling unit on the site, whichever is greater. The following allocation standards apply to the total required outdoor area:
- (1) Common area. An amount equal to at least 10 percent of total site area must be provided as common area, and at least 50 percent of the required common area must be outdoor common area, such as outdoor courtyards or outdoor play areas. Up to 50 percent of the required common area may be indoor common area, such as indoor recreation facilities or indoor community rooms.
- (2) Individual unit area. Any required amount over 10 percent of total site area may be provided as individual outdoor area such as patios or balconies, or included as part of the common area.
2. Size, location and configuration. ~~Required outdoor area may be provided as individual, private outdoor areas, such as patios or balconies, or as common, shared outdoor areas, such as courtyards and play areas. There also may be a combination of individual and common areas.~~
- a. Individual unit areas. Where a separate outdoor area is provided for aneach individual unit, it must be designed so that a 46-foot xby 6-foot square will fit entirely within it. The outdoor area must be directly accessible to the unit. Areas used for pedestrian circulation to more than one dwelling unit do not count towards meeting this standard of this subsection. If the area is at ground level, it may extend 100 percent into the required side and rear setback, and it may extend up to 5 feet into a required front setback, but not into the required front building setback. Covered outdoor areas are subject to Paragraph B.5 ~~below~~.
- b. Common areas. There are two types of common area:
- (1) Outdoor common area. Where outdoor areas are common, shared areas, each must be designed so that it is at least 500 square feet in area and so that a 2015-foot xby 2015-foot square will fit entirely within it.
- (2) Indoor common area. Where an indoor common area is provided, it must be an indoor recreational facility or an indoor tenant community room. Indoor common areas that are not recreational facilities or community rooms, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, cannot be used to meet this requirement.
- c. Combination of individual and common areas. Where a combination of individual unit and common areas is provided, each individual area must meet Subparagraph B.2.a., above and each common area must meet Subparagraph B.2.b., above, and together must provide an amount equivalent to the total required by Paragraph B.1. providing 48 square feet of outdoor area for each dwelling unit served by the common area.
3. Surfacing materials. Required outdoor areas must be surfaced with lawn, pavers, decking, or sport court paving which allows the area to be used for active or passive recreational use.

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## Commentary

### 33.120.240 Required Outdoor Areas

#### Large site requirements for common areas (continued)

**Building orientation.** This subparagraph requires that required outdoor common areas be adjacent or close to residential units or indoor community spaces along at least half of their perimeter. This is intended to help ensure that buildings have a strong orientation to common areas, for the convenience of residents and to prevent situations in which outdoor common areas are remote from residences, which can lead to disuse and security issues.

#### **Note to Reviewers:**

The building orientation requirement may need to be adjusted to accommodate the fact that in East Portland the required special rear setback area (25 percent of the depth of lots) would likely be where the common outdoor areas would be located, but limitations on including buildings in this setback area would make it difficult to meet the 50 percent adjacency requirement. As indicated on page 66, project staff will be having continued discussions with East Portland community members on the relative merits of locating outdoor spaces in rear setback areas or in more centralized locations.

### 33.120.250 Screening

No change.

4. User amenities. User amenities, such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pools, may be placed in the outdoor area. Common, shared outdoor areas may also be developed with amenities such as play areas, plazas, roof-top patios, picnic areas, and open recreational facilities.
5. Enclosure. Required outdoor areas may be covered, such as a covered patio, but they may not be fully enclosed. Covered outdoor areas are subject to the setback standards of this chapter.
6. Building orientation. On sites that are more than 20,000 square feet in total site area, At least 50 percent of the perimeter of required outdoor common areas must be surrounded by dwelling units or indoor common areas, and there must be direct access from the dwelling units to the outdoor common area. Surrounded means there are dwelling units or indoor common areas located within 20 feet of the perimeter of the outdoor common area, and direct access means the dwelling units are located within 20 feet of the perimeter of the outdoor common area and have individual or shared entrances that face the outdoor common area. Outdoor common areas located on roof tops are exempt from the requirements of this paragraph.

### 33.120.250 Screening

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

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## Commentary

### 33.120.255 Pedestrian Standards

This section is being amended for consistency with similar regulations that apply in the commercial/mixed use zones.

### 33.120.255 Pedestrian Standards

- A. Purpose.** The pedestrian standards encourage a safe, attractive, and usable pedestrian circulation system in all developments. They ensure a direct pedestrian connection between abutting streets and buildings on the site, and between buildings and other activities within the site. In addition, they provide for connections between adjacent sites, where feasible. The standards promote configurations that minimize conflicts between pedestrians and vehicles. In order to facilitate additional pedestrian oriented space and less impervious surface, the standards also provide opportunities for accessways with low traffic volumes, serving a limited number of residential units, to be designed to accommodate pedestrians and vehicles within the same space when special paving treatments are used to signify their intended use by pedestrians as well as vehicles.
- B. The standards.** The standards of this section apply to all development except houses, attached houses, and duplexes. An on-site pedestrian circulation system must be provided. The system must meet all standards of this subsection.
1. Connections. Pedestrian connections are required as specified below:
    - a. Connection between streets and entrances.
      - (1) Sites with one street frontage.
        - Generally. There must be a connection between one main entrance of each building on the site and the adjacent street. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less. Buildings separated from the street by other buildings are exempt from this standard.
        - Household Living. Sites where all of the floor area is in Household Living uses are only required to provide a connection to one main entrance on the site. The connection may not be more than 20 feet longer or 120 percent of the straight line distance, whichever is less.
        - Tree preservation. If a tree that is at least 12 inches in diameter is proposed for preservation, and the location of the tree or its root protection zone would prevent the standard of this paragraph from being met, the connection may be up to 200 percent of the straight line distance.
      - (2) Sites with more than one street frontage. Where the site has more than one street frontage, the following must be met:
        - The standard of B.1.a(1) must be met to connect the main entrance of each building on the site to the closest sidewalk or roadway if there are no sidewalks. Sites where all of the floor area is in Household Living uses are only required to provide a straight line connection to one main entrance on the site;
        - An additional connection, which does not have to be a straight line connection, is required between each of the other streets and a pedestrian entrance. However, if at least 50 percent of a street facing facade is within 10 feet of the street, no connection is required to that street.

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## **Commentary**

### **33.120.255 Pedestrian Standards (continued)**

This section is being amended for consistency with similar regulations that apply in the commercial/mixed use zones.

### **33.120.260 Recycling Areas**

No change.



- b. Internal connections. On sites larger than 10,000 square feet, an internal pedestrian connection system must be provided. The system must connect all main entrances on the site that are more than 20 feet from the street, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
  - c. Large site pedestrian connectivity. Sites that are 5 acres or more in size must provide pedestrian connections through the site that are no further apart than 330 feet as measured from the centerline of each connection. Pedestrian connections must provide connectivity to all streets that abut the site. Portions of sites that are in the Environmental Protection overlay zone, the Environmental Conservation overlay zone, have existing large buildings that prevent this standard from being met, or have slopes with an average slope of 20 percent or greater are exempt from this standard.
2. Materials.
- a. The circulation system must be hard-surfaced and be at least 5 feet wide. Segments of the circulation system that provide access to no more than 4 residential units may be 3 feet wide.
  - b. Except as allowed in subparagraph d, below, where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes and speed bumps must be at least 4 inches high.
  - c. Except as allowed in subparagraph d, below, where the system is parallel and adjacent to an auto travel lane, the system must be a raised path or be separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised path is used it must be at least 4 inches high and the ends of the raised portions must be equipped with curb ramps. Bollard spacing must be no further apart than 5 feet on center.
  - d. The pedestrian circulation system may be within an auto travel lane if the auto travel lane provides access to 16 or fewer parking spaces and the entire auto travel lane is surfaced with paving blocks or bricks.
3. Lighting. The on-site pedestrian circulation system must be lighted to a level where the system can be used at night by the employees, residents, and customers.

### **33.120.260 Recycling Areas**

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

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## Commentary

### **33.120.265 Amenity Bonuses**

This section is being deleted, with provisions either being discontinued, included in the new Floor Area Bonus Options section (33.120.211), or replaced by new regulatory approaches such as increased outdoor space requirements or tree preservation FAR transfers.. See commentary on pages 46 and 50.

### **33.120.265 Amenity Bonuses**

**A. Purpose and description.** ~~Special amenity bonuses for increased density are intended to improve the livability of multi-dwelling developments for their residents and to promote family oriented multi-dwelling developments. The amenity bonuses are designed to allow additional dwelling units in a manner that is still consistent with the purposes of the multi-dwelling zones. The bonuses are applicable to a range of development sizes. However, they are more practical or workable for larger projects. Not all bonus options will be applicable for all situations. The amenity options are designed to provide incentives, while leaving the specific choices to the developer. Some options involve providing additional features, such as children's play areas. Others require improved materials, such as additional sound insulation.~~

~~The amount of the bonus for each option is a result of balancing several factors. These include:~~

- ~~• The likelihood that the amenity will be provided without the use of incentives;~~
- ~~• The potential cost to the developer; and~~
- ~~• The importance of the amenity.~~

### **B. Regulations.**

- ~~1. Qualifying types of development. The amenity bonus provisions are applicable to all housing types in the R3, R2, and R1 zones.~~
- ~~2. Computation of the bonus. The percentages of all the bonus options included in the project are added together. The total is then applied to the allowed number of units to determine the additional units allowed. Fractions of additional units earned are not counted.~~
- ~~3. Maximum bonus. The maximum density increase allowed for a development is 50 percent including density increased through an inclusionary housing bonus allowed by 33.120.205.F. Increases over 50 percent are prohibited.~~
- ~~4. Compliance with the standards. The bonus amenity standards must be met in full to receive the bonus; exceptions are prohibited. In addition, adjustments to the development standards of the base zone, overlay zone, or plan district are prohibited if the project is to receive any density bonuses. It is the responsibility of the applicant to document that all of the amenity bonus requirements are met. Documentation is required prior to issuance of building permits for the bonus units.~~
- ~~5. Base zone site development standards. The additional units must comply with all applicable site development standards. Any development feature provided to comply with the requirements of the base zone, such as the required outdoor area requirement, may not be counted towards the calculation of bonus density.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.

~~6. Covenants.~~

- ~~a. The applicant must sign a covenant that ensures that the amenities provided to receive any bonus density will continue to be provided for the life of the project.~~
- ~~b. The covenant must comply with the standards in 33.700.060, Covenants with the City.~~
- ~~c. If the bonus density is earned through preservation of trees under Paragraph C.9, the covenant must also specify that if the trees are determined to be dead, diseased, or dangerous by an arborist, they must be removed and replaced under a tree permit in accordance with Title 11, Trees. If a tree used to earn bonus density is dead, diseased, or dangerous as the result of a violation, Tree Review is required.~~

**~~C. The amenity bonus options.~~**

- ~~1. Outdoor recreation facilities. Outdoor recreational facilities may include a tennis or basketball court, ball field, swimming pool, horseshoe pit, gazebo, permanent picnic tables, and similar items. The density bonus is 2 percent for each 1/2 of 1 percent of the overall project development cost spent on outdoor recreation facilities. There is a maximum of 10 percent density increase allowed for this bonus.~~
- ~~2. Children's play areas. The density bonus for this amenity is 5 percent. A qualifying children's play area must comply with all of the following standards:~~
  - ~~a. Size and layout. Each children's play area must be at least 1,000 square feet and clearly delineated. Each must be of such shape to allow a square 25 feet on a side to fit in the area. At least 400 square feet of the area must be in grass. Children's play areas must be separated from any other outdoor recreational facilities.~~
  - ~~b. Play equipment. Each children's play area must include a play structure at least 100 square feet in area, a swing structure with at least 4 swings, and at least one of the following: a slide, permanent sand box, permanent wading pool, or other children's play equipment commonly found in a public park. Equipment must be of adequate materials to match the expected use, and manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment.~~
  - ~~c. Fencing. Each children's play area must be fenced along any perimeter which is within 10 feet of a street, alley, property line, or parking area.~~
- ~~3. Three bedroom units. A bonus of 5 percent is allowed if 10 percent of the development's units have at least 3 bedrooms. A bonus of 10 percent is allowed if 20 percent or more of the development's units have at least 3 bedrooms. If between 10 percent and 20 percent of the units have at least 3 bedrooms, then the bonus is prorated.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.

4. ~~Storage areas. The density bonus for this amenity is 5 percent. The bonus is allowed if all units are provided with interior storage and additional storage for large items, as indicated below.~~
- a. ~~Interior storage. Interior storage areas must comply with all of the following minimum dimensions:~~
- ~~(1) Kitchens — 20 square feet of drawers and 50 square feet of shelf space. Shelves must have at least 12 inches of vertical clearance.~~
  - ~~(2) Bedroom closets — 16 square feet in floor area, and one in each bedroom.~~
  - ~~(3) Linen closet — 10 square feet of shelving, and may be located in a hallway or bathroom.~~
  - ~~(4) Entry closet — 10 square feet of floor area.~~
- b. ~~Storage for large items. Storage areas must be fully enclosed, be dry, and have locks if they are not located in the dwelling. They must be at least 50 square feet in floor area, and at least 7 feet high. They must be located so as to be easily accessible for large items, such as barbecues, bicycles, and sports equipment.~~
5. ~~Sound insulation. The density bonus for this amenity is 10 percent. To qualify for this bonus, the interior noise levels of residential structures must be reduced in 3 ways. The reductions address noise from adjacent dwellings and from outdoors, especially from busy streets.~~
- a. ~~The sound insulation of all party walls, walls between corridors and units, and in floor-ceiling assemblies must comply with a Sound Transmission Class (STC) of 55 (50 if field tested). STC standards are stated in the Oregon Structural Specialty Code (the Uniform Building Code as amended by the State of Oregon).~~
- b. ~~The STC rating on all entrance doors assemblies from interior corridors must be at least 30, as documented by acoustic laboratory tests of the doors.~~
- c. ~~The STC rating on all windows, skylights, and exterior doors, must be at least 35, as documented by acoustic laboratory tests.~~
6. ~~Crime prevention. The density bonus for this amenity is 10 percent. The bonus is allowed if all units have security features which comply with items 1 through 6 of the Residential Security Recommendations of the Portland Police Bureau. In addition, exterior lights which comply with the lighting standards of the Crime Prevention Division of the Portland Police Bureau must be provided. Development plans must be certified by the Crime Prevention Division of the Portland Police Bureau as complying with these provisions.~~

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## **Commentary**

### **33.120.265 Amenity Bonuses**

See previous commentary.



7. ~~Solar water heating. The density bonus for this amenity is 5 percent. The bonus is allowed if solar heated water is provided to all units. Systems may be active or passive. Systems must qualify for the Oregon State solar energy tax credit or be rated by the Solar Rating and Certification Corporation (SRRC). Applicants must provide documentation that the provisions are met.~~
8. ~~Larger required outdoor areas. The density bonus for this amenity is 5 percent. To qualify for this amenity, at least 96 square feet of outdoor area is required for each dwelling unit. All other standards of 33.120.240, above, must be met.~~
9. ~~Tree preservation. Development proposals that preserve more than the required number or percentage of the trees on the site may receive up to a maximum of 10 percent density bonus. The density bonus that may be received for each tree that is preserved in addition to those required to be preserved on the site is shown in Table 120-5.~~

<b>Table 120-5</b>	
<b>Density Bonus for Tree Preservation in Multi-Dwelling Zones</b>	
<b>Diameter of Tree Preserved</b>	<b>Density Bonus</b>
12 to 20 inches	2 percent
20 to 36 inches	3 percent
36 inches or greater	5 percent

~~Each tree counted toward the bonus must be documented in an arborist report that the following are met:~~

- ~~a. Be at least 12 inches in diameter;~~
- ~~b. Not be dead, dying, or dangerous; and~~
- ~~c. Not be on the Nuisance Plants List.~~

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## **Commentary**

### **33.120.270 Alternative Development Options**

#### **C. Attached houses**

Amendments to this paragraph reflect discontinuation of the R3 zone and changes to setback standards. Subparagraph 7 (next page) is being amended because the garage wall limitation is no longer needed, due to new limitations on front garages in Section 33.120.283 that apply to attached houses (see pages 148-153).

### 33.120.270 Alternative Development Options

- A. Purpose.** The alternative development options provide increased variety in development while maintaining the residential neighborhood character. The options are intended to:
- Accommodate a diversity of housing types and tenures;
  - Encourage development which is more sensitive to the environment, especially in hilly areas;
  - Encourage the preservation of open and natural areas;
  - Promote better site layout and opportunities for private recreational areas;
  - Allow for greater flexibility within a development site while limiting impacts to the surrounding neighborhood;
  - Promote more opportunities for affordable housing; and
  - Allow more energy-efficient development.
  - Reduce the impact that new development may have on surrounding residential development.
  - Allow a greater sense of enclosure within common greens and shared courts; and
  - Ensure adequate open area within common greens.
- B. General requirements for all alternative development options.** The alternative development options listed in this section are allowed by right unless it is specifically stated otherwise. They must conform with all other development standards of the base zone unless those standards are superseded by the ones in this section.
- C. Attached houses.** The development standards for attached housing are:
1. Density, height, and other development standards. The minimum and maximum density, height, building length, landscaped areas, required outdoor area, and window requirements of the base zone apply.
  2. Lot size. See 33.612, Lots in Multi-Dwelling Zones, for lot size information.
  - ~~3. Number of units. In the R3 zone, up to 8 attached houses may have common walls.~~
  34. Building setbacks.
    - a. Perimeter building setbacks. The front, side, and rear building setbacks around the perimeter of an attached housing project are those of the base zone. ~~The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.~~
    - b. Interior building setbacks. The side building setback on the side containing the common or abutting wall is reduced to zero. The reduced setback applies to all buildings on the lot and extends along the full length of the lot line that contains the common or abutting wall.
    - c. Corner lots. On corner lots, either the rear setback or nonstreet side setback can be reduced to zero. However, the remaining nonstreet setback must comply with the requirements for a standard rear setback.

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## **Commentary**

### **33.120.270 Alternative Development Options (continued)**

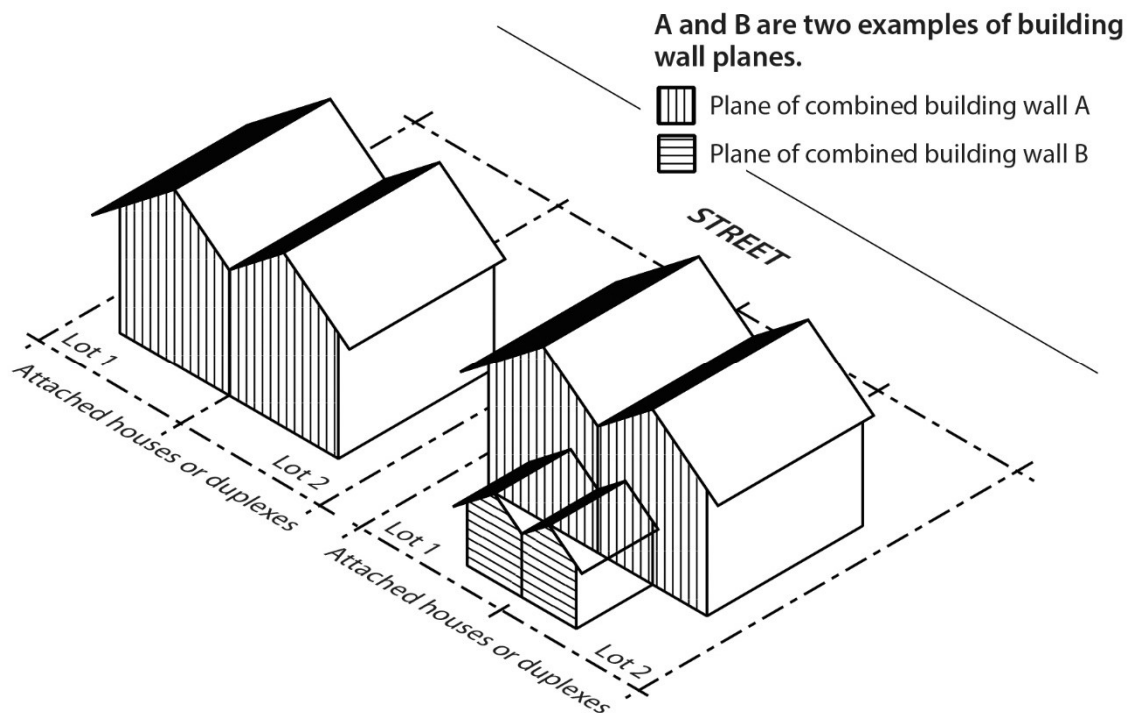
#### **D. Detached houses**

This paragraph is being deleted due to the following:

1. Allowances for detached houses to have reduced, 3-foot side setbacks will be applied to all detached houses, not just to land divisions, so are being moved to the Setbacks section (33.120.220 - see commentary and code on pages 68-69).
2. The Permit Ready houses provisions in Chapter 33.278 have been discontinued.

45. Building coverage. The maximum building coverage of the base zone applies to the entire attached housing project. The maximum building coverage for an individual lot is 5 percent more than the base zone allowance.
56. Maximum building length. The maximum building length standard stated in Table 120-3 applies to the combined length of the street-facing facades of each unit.
- ~~7.~~ Appearance. ~~The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached house may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.~~

**Figure 120-13**  
**~~Measuring Setback Standard for Attached Houses and Duplexes~~**



**~~D. Detached houses.~~**

- ~~1. Reduced side setbacks. For land divisions that include lots created for detached houses, where the lots are at least 25 feet wide, the detached houses may have their side setbacks reduced to 3 feet on lot lines internal to the land division site. The reduced side setbacks must be shown on the supplemental plan of the land division at the time of final plat approval. Eaves may project up to one foot into the reduced side setback. All building setbacks around the perimeter of the land division site are those of the base zone.~~
- ~~2. Permit-Ready houses. Chapter 33.278 contains provisions for Permit-Ready houses on narrow lots.~~

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## Commentary

### 33.120.270 Alternative Development Options (continued)

#### **D. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys.**

The maximum height provisions of this paragraph (E.5, next page) are mostly being deleted due to changes to related height standards elsewhere in this chapter. The provision regulating accessory structures in certain types of tracts has been moved to the accessory structures subparagraph (E.3).

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

1. When these standards apply. These standards apply when the proposal includes a common green, shared court, or alley;
2. Minimum density in R2 and R1 zones. The minimum density in the R2 zone is 1 unit per 3,000 square feet. The minimum density in the R1 zone is 1 unit per 2,000 square feet;
3. Accessory structures.
  - a. Covered accessory structures for the common use of residents are allowed within common greens and shared courts. Covered accessory structures include gazebos, garden structures, greenhouses, picnic areas, play structures and bike parking areas;
  - b. Structures for recycling or waste disposal are allowed within common greens, shared courts, private alleys, or parked tracts;
  - c. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.
4. Setbacks.
  - a. The front and side minimum building setbacks from common greens and shared courts are reduced to 3 feet; and
    - (1) Minor architectural features such as eaves, awnings, and trellises are allowed in this setback; and
    - (2) On corner lots where there is one street lot line on a public street and one street lot line is on the common green or shared court, up to 30 percent of the area of the building facade facing the common green or shared court may extend into this setback. At least 30 percent of the area extending into this setback must include windows or glass block. Porches are exempt from the window standard.
  - b. The setbacks of garage entrances accessed from a shared court must be either 5 feet or closer to the shared court property line, or 18 feet or further from the shared court property line. If the garage entrance is located within 5 feet of the shared court property line, it may not be closer to the property line than the residential portion of the building.

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## Commentary

### 33.120.270 Alternative Development Options (continued)

#### **D. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys.**

The maximum height provisions of this paragraph (E.5, next page) are mostly being deleted due to changes to related height standards elsewhere in this chapter. The provision regulating accessory structures in certain types of tracts has been moved to the accessory structures subparagraph (E.3).



- c. For accessory structures in common greens, shared courts, private alleys, or parking tracts, the setbacks are:
  - (1) Adjacent to a public street. The minimum setback from a public street is 10 feet;
  - (2) Setback from project perimeter. If the common green, shared court, private alley, or parking tract abuts the perimeter property line of the project, the minimum setback for the accessory structure is 5 feet. The perimeter property line of the project is the boundary of the site before development;
  - (3) Setback from all other lot lines. The minimum setback from all other lot lines is 3 feet;

~~5.~~ Maximum height.

- ~~a. In the R1 and RH zones, where the front lot line abuts a shared court:~~
  - ~~(1) In the R1 zone, the maximum building height within 10 feet of a front property line abutting a shared court is 45 feet.~~
  - ~~(2) In the RH zone, the maximum building height within 10 feet of a front property line abutting a shared court is 65 feet.~~
- ~~b. Accessory structures in common greens, shared courts, private alleys, or parking tracts may be up to 15 feet high.~~

~~56.~~ Building coverage.

- a. When a land division proposal includes common greens, shared courts, or private alleys, maximum building coverage is calculated based on the entire land division site, rather than for each lot.
  - (1) Buildings or structures in common greens, shared courts, private alleys, or parking tracts are included in the calculation for building coverage for the land division site;
  - (2) The combined building coverage of all buildings and structures in common greens or shared courts may not exceed 15 percent of the total area of the common greens or shared courts.
  - (3) Any amount of building coverage remaining from the calculation for the area of the common green, shared court, alley, or parking tract will be allocated evenly to all of the lots within the land division, unless a different allocation of the building is approved through the land division decision. The building coverage allocated to the lots will be in addition to the maximum allowed for each lot.
- b. For attached houses, uncovered rear balconies that extend over an alley or vehicle maneuvering area between the house and rear lot line do not count toward maximum building coverage calculations.

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## Commentary

### 33.120.270 Alternative Development Options (continued)

**E. Additional standards for attached houses, detached houses, and duplexes accessed by common greens, shared courts, or alleys.**

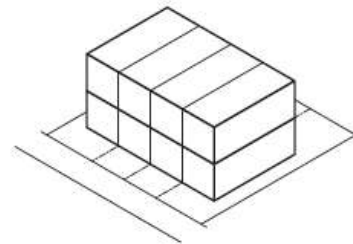
**Garages fronting onto shared courts.** This subparagraph is added to allow shared courts to continue to function to take garages off the public street frontage by clustering garages on the shared court. Standards are derived from what had been the general garage limitation, which provided an allowance for single-width (12 feet) garages. The requirement for living space above the garage has been continued here, but not the allowance to alternatively have a covered balcony.

#### **E. Attached duplexes**

This paragraph is being amended because the garage wall limitation is no longer needed, due to new limitations on front garages in Section 33.120.283 (see pages 148-153).

##### **Note to Reviewers:**

BDS indicates that the attached duplex provision has not been used and the Residential Infill Project is proposing to delete this allowance in the single-dwelling zones. However, attached duplexes are a common type of housing in other cities that have a long history of rowhouse development (attached duplexes - frequently conversions of rowhouses - often have the outward appearance of rowhouses, but with stacked units). The shift in the multi-dwelling zones to an FAR approach to regulating development intensity could open up new opportunities for attached duplexes in Portland. Staff are proposing to continue the attached duplex provisions in the multi-dwelling zones to retain this as a possible housing type.



BDS building code officials indicate that the building code allows side-by-side duplexes when built on separate foundations (each duplex structure would need one-hour firewalls when abutting other structures), but indicate that the typical way attached houses are built (with shared foundations) could not similarly be used for attached duplexes.



#### **G. Duplexes on corners**

This paragraph is being deleted, due to the discontinuation of the R3 zone where it applied.

6. Garages fronting onto shared courts. For garages accessory to houses or detached houses that are less than 24 feet wide that front onto shared courts, the length of the garage wall facing the street may be up to 12 feet long if there is interior living area above the garage. The living area must be set back no more than 4 feet from the garage wall facing the shared court.

**EF. Attached duplexes.** The attached duplex regulations allow for an alternative housing type that promotes owner-occupied structures, the efficient use of land, and for energy-conserving housing.

1. Lot size. Each attached duplex must be on a lot that complies with the lot size standard for new lots of the base zone.
2. Building setbacks. The setback standards stated in Table 120-4 apply to the combined areas of the plane of each unit's building wall facing the property line. See Figure 120-13 and Section 33.930.080, Determining the Plane of a Building Wall.
  - a. Interior (non-corner) lots. On interior lots, the side building setback on the side containing the common wall is reduced to zero.
  - b. Corner lots. On corner lots, either the rear setback or non-street side setback may be reduced to zero. However, the remaining non-street setback must comply with the requirements for a standard rear setback.
3. Number of units. A maximum of 2 units per lot and 4 units per structure is allowed.
4. ~~Appearance. The intent of this standard is to prevent garages and blank walls from being the dominant front visual feature. The front facade of an attached duplex may not include more than 40 percent of garage wall area. For measurement information, see Chapter 33.930, Measurements.~~

**~~G. Duplexes on corners.~~** ~~Duplexes on corners are allowed in the R3 zone on lots where only one dwelling unit would otherwise be allowed. This provision allows the construction of new duplexes in locations where their appearance and impact will be compatible with the surrounding development. Duplexes on corner lots can be designed so each unit is oriented towards a different street. This gives the duplex the overall appearance of a house when viewed from either street.~~

1. ~~Qualifying situations. This provision applies to corner lots in the R3 zone. This provision applies only to new development. Conversion of existing housing is prohibited under the regulations of this subsection.~~
2. ~~Density and lot size. One extra dwelling unit is allowed. The lot must comply with the minimum lot size standard for new lots in the base zone.~~
3. ~~Additional site development standards. Each unit of the duplex must have its address, front door, driveway, and parking area or garage oriented to a separate street frontage.~~

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## **Commentary**

### **33.120.270 Alternative Development Options (continued)**

#### **I. Flag lot development standards**

These regulations are being moved to a new section (33.120.284 Additional Development Standards for Flag Lots), for consistency with code section restructuring proposed by the Residential Infill Project.

**FH. Planned Development.** See Chapter 33.638, Planned Development.

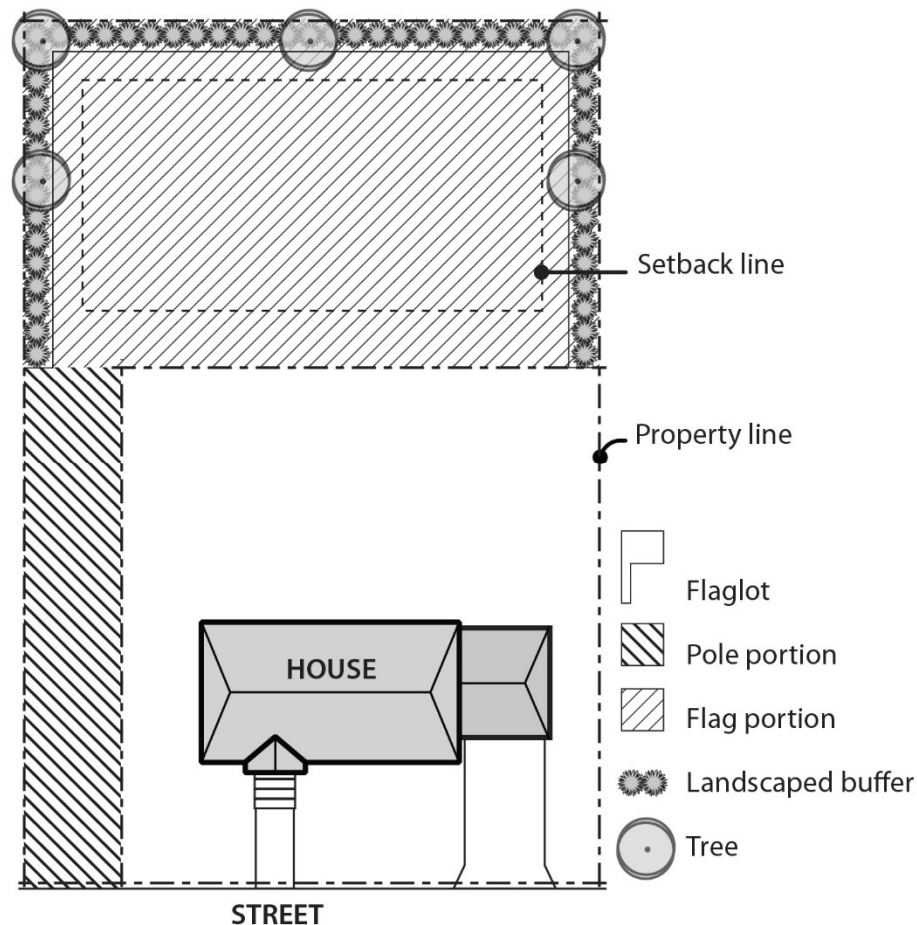
**~~I. Flag lot development standards.~~** The development standards for flag lots include specific screening and setback requirements to protect the privacy of abutting residences. The following standards apply to development on flag lots created before July 1, 2002:

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

Zone	Setback
R3, R2, R1, RH	10 feet

2. ~~Landscaped buffer area. In the R3 through RH zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-8.~~

**Figure 120-8**  
**Flag Lot Description and Buffer**



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## Commentary

### 33.120.275 Development Standards for Institutions

This section is mostly unchanged, except for the following:

- Daycare uses are being excluded from the standards of this section (such as allowances for 75 building height and other development standards unique to Institutional uses), because Daycare uses do not have the same needs as the large-scale institutional uses for which the standards are intended, and can be accommodated by the regular base zone development standards.
- References to the IR zone are being deleted to reflect the removal of the IR zones from this chapter.

### 33.120.275 Development Standards for Institutions

- A. Purpose.** The general base zone development standards in the R3 through RX zones are designed for residential buildings. Different development standards are needed for institutional uses which may be allowed in multi-dwelling zones. The intent is to maintain compatibility with and limit the negative impacts on surrounding residential areas.
- B. Use categories to which these standards apply.** Except for Daycare uses, the standards of this section apply to uses in the institutional group of use categories in the R3R2 through RXIR zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. Daycare uses are subject to the regular base zone development standards. The standards of this section apply to new development, exterior alterations, and conversions to institutional uses. Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports
- C. The standards.**
1. The development standards are stated in Table 120-5. If not addressed in this section, the regular base zone development standards apply.
  2. Setbacks on a transit street or in a Pedestrian District. If the minimum setback conflicts with the maximum setback, the maximum setback supersedes the minimum.
  3. Exterior storage. Exterior storage of materials or equipment is prohibited.
  4. Outdoor activity facilities. Except as specified in paragraph C.5, below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.
  5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.
  6. Electrical substations. In addition to the standards in Table 120-5, the entire perimeter of electrical substations, including the street lot line (except for the access point), must be landscaped to the L3 standards stated in Chapter 33.248. This landscaping must be planted on the outside of any security fence. Electrical substations that are in a fully enclosed building are exempt from this requirement.
  7. Grassy areas. Grassy play areas, golf courses, cemeteries, and natural areas are not subject to the high hedge buffering standard and are exempt from the setback standard of Paragraph C.2, above.
  8. Access for accessory Retail Sales And Service Uses. Areas occupied by an accessory Retail Sales And Service use may have no direct access to the outside of the building. Access to the area must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.
  9. Exterior signage for accessory Retail Sales And Service uses is prohibited.

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## Commentary

### Table 120-5

#### Institutional Development Standards

References to the IR zone are being deleted to reflect the removal of the IR zones from this chapter.



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

Notes:

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

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

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

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

[5] Surface parking lots are subject to the parking lot setback and landscaping standards stated in Chapter 33.266, Parking And Loading.

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## **Commentary**

### **33.120.277 Development Standards for Institutional Campuses in the IR Zone**

This section is being deleted, as the IR zone has been moved to a new chapter (33.150 Campus Institutional).

### **33.120.277 Development Standards for Institutional Campuses in the IR Zone**

- A. ~~Purpose.~~** The general base zone development standards in the IR zone are designed for institutional campuses with approved impact mitigation plans. The intent is to maintain compatibility with and limit negative impacts on surrounding areas.
- B. ~~Where these standards apply.~~** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports on a school, school site, or in a park, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.
- C. ~~The standards.~~**
- ~~1. The development standards are stated in Table 120-3. If not addressed in this section, the regular base zone development standards apply. The standards of this subsection, and Table 120-3, may be superseded by development standards in an approved impact mitigation plan.~~
  - ~~2. Space occupied by an accessory retail sales or service use may have no direct access to the outside of the building. Access to the activity must be from an interior space or from an exterior space that is at least 150 feet from a public right-of-way.~~
  - ~~3. Accessory retail and sales uses must not have exterior signage. Exceptions are prohibited.~~
  - ~~4. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.~~

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## **Commentary**

### **33.120.280 Detached Accessory Structures**

No changes to this page.

### **33.120.280 Detached Accessory Structures**

- A. Purpose.** This section regulates detached structures that are incidental to primary buildings to prevent them from becoming the predominant element of the site. The standards limit the height and bulk of the structures and promote compatibility of design for larger structures when they are in conjunction with single-dwelling development. The standards provide for necessary access around structures, help maintain privacy to abutting lots, and maintain open front yard areas.
- B. General standards.**
1. The regulations of this section apply to all accessory structures. Additional regulations for accessory dwelling units are stated in Chapter 33.205.
  2. Detached accessory structures are allowed on a site only in conjunction with a primary building and may not exist on a site prior to the construction of the primary structure, except as allowed by Paragraph B.3, below.
  3. A detached accessory structure that becomes the only structure on a lot as the result of a land division, a property line adjustment, a separation of ownership, or a demolition of the primary structure may remain on the lot if the owner has executed a covenant with the City that meets the requirements of Section 33.700.060.
    - a. For a land division, the covenant must require the owner to remove the accessory structure if, within two years of final plat approval, a primary structure has not been built and received final inspection. The covenant must be executed with the City prior to final plat approval.
    - b. For a property line adjustment or a separation of ownership, the covenant must require the owner to remove the accessory structure if a primary structure has not been built and received final inspection within two years. The two years begins on the date the letter from BDS confirming the property line adjustment or separation of ownership is mailed. The covenant must be executed with the City before the final letter from BDS is issued.
    - c. For a demolition of a primary structure, the covenant must require the owner to remove the accessory structure if a new primary structure has not been built and received final inspection within two years of the demolition of the old primary structure. The two years begins on the date of the final inspection of the demolition. The covenant must be executed with the City prior to the issuance of the demolition permit.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **C. Detached covered accessory structures.**

This paragraph is being amended to provide the same allowances for small accessory structures to be located in required setbacks that currently apply to houses, attached houses and duplexes so that this also applies to multi-dwelling development on small residential lots (7,500 square feet or smaller). The intent is to facilitate compact multi-dwelling structures on small sites (such as triplexes and fourplexes), which provide opportunities to continue neighborhood patterns, but have been constrained by regulations that do not apply to physically similar single-family housing types (see commentary on page 100). This would allow small accessory structures, such as bike sheds and recycling facilities, in the required setbacks on small sites, regardless of whether this is for single-family development or small multi-dwelling structures.

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

1. Height. In general, the height standard of the base zone apply to detached covered accessory structures. The maximum height allowed for detached covered structures that are accessory to a house, attached house, duplex, attached duplex or manufactured home is 20 feet.
2. Setbacks. Except as follows, detached covered accessory structures are subject to required building setbacks. See the additional regulations for garages in 33.120.283.
  - a. Water collection cisterns that are 6 feet or less in height are allowed in side and rear setbacks.
  - b. ~~In the R23 through RX zones~~On sites that are 7,500 square feet or less in total area, detached covered accessory structures ~~accessory to a house, attached house, duplex, attached duplex or manufactured home~~ are allowed in the side and rear building setbacks, if all of the following are met:
    - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
    - (2) The structure has dimensions that do not exceed 24 feet by 24 feet, excluding eaves;
    - (3) If more than one structure is within the setback, the combined length of all structures in the setback adjacent to each property line is no more than 24 feet;
    - (4) The structure is no more than 15 feet high, and the walls of the structure are no more than 10 feet high, excluding the portion of the wall within a gable;
    - (5) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening;

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **C. Detached covered accessory structures.**

No changes to the regulations on this page.



- (6) Walls located within the setback may not have doors or windows facing the adjacent lot line;
  - (7) The structure does not have a rooftop deck; and
  - (8) Dormers are set back at least 5 feet from the side and rear lot lines.
3. Building coverage. The following additional building coverage standards apply to detached covered accessory structures.
- a. The combined building coverage of all detached covered accessory structures may not exceed 15 percent of the total area of the site.
  - b. The building coverage of a detached covered accessory structure may not be greater than the building coverage of the primary structure.
4. Additional development standards for detached covered accessory structures. The following additional standards apply to detached covered accessory structures that are more than 15 feet high, and are accessory to houses, attached houses, duplexes, attached duplexes and manufactured homes. Additions to existing structures that do not meet a standard are exempt from that standard.
- a. Exterior Finish Materials. The exterior finish materials on the detached covered accessory structure must meet one of the following:
    - (1) The exterior finish material must be the same or visually match in type, size and placement, the exterior finish material of the primary structure; or
    - (2) Siding must be made from wood, composite boards, vinyl or aluminum products, and the siding must be composed in a shingle pattern, or in a horizontal clapboard or shiplap pattern. The boards in the pattern must be 6 inches or less in width.
  - b. Roof Pitch. The roof pitch of the detached covered accessory structure must meet one of the following:
    - (1) The predominant roof pitch must be the same as the predominant roof pitch of the primary structure; or
    - (2) The roof must be at least 6/12.
  - c. Trim. The trim on the detached covered accessory structure must meet one of the following:
    - (1) The trim must be the same in type, size, and location as the trim used on the primary structure; or
    - (2) The trim around all windows and doors must be at least 3 ½ inches wide.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **C. Detached covered accessory structures.**

No changes to the regulations on this page.

- d. Windows. The windows on all street facing facades of the detached covered accessory structure must meet one of the following:
  - (1) The windows must match those on the street facing façade of the primary structure in orientation (horizontal or vertical); or
  - (2) Each window must be square or vertical – at least as tall as it is wide.
- e. Eaves. The eaves on the detached covered accessory structure must meet one of the following:
  - (1) The eaves must project from the building walls the same distance as the eaves on the primary structure;
  - (2) The eaves must project from the building walls at least 1 foot on all elevations; or
  - (3) If the primary structure has no eaves, no eaves are required.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **D. Detached uncovered vertical structures**

Changes to this paragraph will provide consistent standards for all small sites (7,500 square feet or smaller), which provide fewer opportunities to avoid impacts on adjacent properties than do larger sites.

**D. Detached uncovered vertical structures.** Vertical structures are items such as flag poles, trellises, arbors, and other garden structures, play structures, antennas, satellite receiving dishes, and lamp posts. The following standards apply to uncovered vertical structures. Fences are addressed in Section 33.120.285 below:

1. Height. Except as follows, the maximum height allowed for all detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures ~~accessory to a house, attached house, duplex, attached duplex or manufactured home~~ on sites that are 7,500 square feet or less in total area is 20 feet:
  - a. Antennas, utility power poles, and public safety facilities are exempt from height limits.
  - b. Flagpoles are subject to the height limit of the base zone for primary structures.
  - c. Detached small wind turbines are subject to the standards of 33.299.
2. Setbacks. Except as follows, detached uncovered vertical structures are subject to the required building setbacks:
  - a. Detached uncovered vertical structures that are no larger than 3 feet in width, depth, or diameter and no taller than 8 feet are allowed in required building setback.
  - b. A single arbor structure that is up to 6 feet wide, up to 3 feet deep, and up to 8 feet tall is allowed in a front setback. The arbor must allow for pedestrian access under its span.
  - c. Flagpoles are allowed in required building setbacks.
  - d. Detached uncovered vertical structures ~~that are accessory to a house, attached house, duplex, attached duplex, and manufactured home~~ on sites that are 7,500 square feet or less in total area that exceed the allowances of Subparagraph 2.a are allowed in side and rear setbacks if all of the following are met:
    - (1) The structure is at least 40 feet from a front lot line, and if on a corner lot, at least 20 feet from a side street lot line;
    - (2) The structure has dimensions that do not exceed 24 feet by 24 feet; and
    - (3) The structure is no more than 10 feet high;
    - (4) The portion of the structure within the setback must be screened from adjoining lots by a fence or landscaping, unless it is enclosed within the setback by a wall. Screening is not required for enclosed structures. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening; and
    - (5) The structure does not have a rooftop deck.

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## **Commentary**

### **33.120.280 Detached Accessory Structures (continued)**

#### **E. Detached uncovered horizontal structures**

Changes to this paragraph will provide consistent standards for all small sites (7,500 square feet or smaller), which provide fewer opportunities to avoid impacts on adjacent properties than do larger sites.

**E. Detached uncovered horizontal structures.** Uncovered horizontal structures are items such as decks, stairways, swimming pools, hot tubs, tennis courts, and boat docks not covered or enclosed. The following standards apply to detached uncovered horizontal structures:

1. Height. In general, the maximum height allowed for detached uncovered vertical structures is the maximum height of the base zone. The maximum height allowed for detached uncovered vertical structures ~~accessory to a house, attached house, duplex, attached duplex or manufactured home~~ on sites that are 7,500 square feet or less in total area is 20 feet.
2. Setbacks. Except as follows, detached uncovered horizontal structures are subject to the required building setbacks:
  - a. Detached uncovered decks, ramps, and stairways that are more than 2-1/2 feet above the ground may extend into a required building setback up to 20 percent of the depth of the setback. However, the deck or stairway must be at least three feet from a lot line.
  - b. Structures that are no more than 2-1/2 feet above the ground are allowed in all building setbacks.

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

1. Height. In general, the maximum height allowed for detached mechanical equipment is the maximum height of the base zone. The maximum height allowed for detached mechanical equipment ~~accessory to a house, attached house, duplex, attached duplex or manufactured home~~ on sites that are 7,500 square feet or less in total area is 20 feet.
2. Setbacks. Except as follows, detached mechanical equipment is subject to required building setbacks. Detached mechanical equipment accessory to a house, attached house, duplex, attached duplex or manufactured home is allowed in side or rear building setbacks if all of the following are met:
  - a. The equipment is no more than five feet high; and
  - b. The equipment is screened from adjoining lots by walls, fences or vegetation. Screening must comply with the L3 or F2 standards of Chapter 33.248, Landscaping and Screening.

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## Commentary

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

Amendments to this section expand its current focus on limiting the prominence of garages (accessory to houses, attached houses, manufactured houses, and duplexes) to also apply to structured parking associated with other residential building types, such as apartment buildings and other multi-dwelling structures and development. This helps implement policies that call for buildings to contribute to pedestrian-oriented street environments.



### 33.120.283 Additional Standards for Structured Parking and Garages

**A. Purpose.** These standards:

- Together with the window and main entrance standards, ensure that there is a physical and visual connection between the living area of residential buildings ~~the residence~~ and the street;
- Ensure that the location and amount of the living areas of residential buildings ~~the residence~~, as seen from the street, is ~~are~~ more prominent than ~~the structured parking and~~ garages;
- Prevent structured parking and garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance;
- Provide for a more pleasant pedestrian environment by preventing ~~garages and vehicle facilities 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. Additional regulations.** The regulations of this Section apply in addition to those of 33.120.280, Accessory Structures.

**C. Existing detached garages.**

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

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### D. Length of street-facing walls of structured parking and garages

This paragraph is being amended to expand regulations that currently limit front garages associated with houses, manufactured homes, and duplexes, to apply broadly to limiting front garages and structured parking associated with all housing types, including attached houses, apartment buildings, and other multi-dwelling structures and development.

Currently, there are few limitations on front garages and structured parking for most housing types in the multi-dwelling zones. Current regulations limit front garages from occupying more than 50 percent of the width of detached houses, but provide an exemption that allows houses to always have a 12'-wide garage, meaning that there is not an effective limit on front garages for the narrow-lot houses common in some of the multi-dwelling zones, and there are currently no limits on the front garages of attached houses or any multi-dwelling housing types.

The proposed amendments would limit structured parking and garages from occupying more than half of the street-facing facades of all housing types, with few exceptions. This would promote arrangements such as the following:



Rear parking arrangements, or options with no off-street parking in areas close to transit.



Front parking that takes up no more than half of street frontages.

Overall, the 50 percent limitation would apply in more situations than currently, but with exemptions for:

- Structured parking located more than 30 feet from street lot lines, to accommodate portions of clustered multi-dwelling developments that are not located close to streets;
- Structured parking that is partially underground; and
- Secondary street frontages, with priority placed on limiting vehicle facilities along streets with higher transit classifications.

Vehicle facility imitations would also apply to the primary frontage of buildings with ground-level structured parking.



**D. Length of street-facing ~~garage walls~~ of structured parking and garages.**

1. Where these regulations apply. The regulations of this subsection apply to structured parking and garages that are accessory to houses, attached houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
  - a. Structured parking and ~~G~~garages that are accessory to ~~attached houses~~, development on flag lots, or development on lots ~~which~~that slope up or down from the street with an average slope of 20 percent or more are exempt from the standard of this ~~s~~Subsection.
  - b. Structured parking and garages that are located more than 30 feet from a street lot line, or are accessed by vehicles from a shared court are exempt from the standards of this Subsection.
  - ~~c~~b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from the standard of this subsection.
  - d. Structured parking where the elevation of the floor is 4 feet or more below the lowest elevation of an adjacent right-of-way is exempt from the standards of this Subsection.
  - ~~ee~~. On corner lots, only one street-facing façade of a building with a garage or structured parking wall must meet the standards of this ~~s~~Subsection. For sites with more than one street frontage, the standards of this Subsection must be met along the street with the highest transit street classification. If two or more streets have the same highest transit street classification, then the applicant may choose on which of those streets to meet to meet the standard.
3. Standard. The length of the structured parking or garage wall facing the street may be up to 50 percent of the length of the street-facing building facade. See Figure 120-9. For houses, attached houses, and manufactured homes, the standard applies to the street-facing façade of each unit. For multi-dwelling development, multi-dwelling structures, duplexes, triplexes and all other housing types, this standard applies to the total length of the street-facing façade of each building.

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### D. Length of street-facing walls of structured parking and garages

The amendments on this page achieve the following:

- Remove the exemption (former paragraph 4) that allowed structures on narrow lots (primarily houses) to have a front garage (up to 12' wide), which resulted in narrow lot houses whose primary ground-level features were front garages
- Provide an option (new paragraph 4) for attached houses to have tuck-under front garages, when these are partially below grade and set below the main level of the house (example to right). This arrangement, in which the garage is at the level of a raised basement, limits visual impacts on the street. This regulation is consistent with an option proposed by the Residential Infill Project for attached houses in single-dwelling zones..
- When small sites abut an alley, any parking provided would need to be accessed from the alley. This corresponds to a requirement proposed as part of the Residential Infill Project that would apply to narrow lots in single-dwelling zones (primarily houses and attached houses), but extends this requirement in the multi-dwelling zones to other types of development on sites smaller than 7,500 square feet in area. In cases where an existing alley may not be accessible to vehicles, other amendments in Chapter 33.266 provide the option for small sites in the multi-dwelling zones to not include off-street parking (see amendments to Table 266-1, page 177).



4. Alternative for attached houses. Attached houses are exempt from Paragraph D.3. if the following are met:
  - a. The is only one garage opening and the opening does not exceed 8 feet in width;
  - b. The top of the garage opening is located below the elevation of the main entrance to the primary dwelling unit;
  - c. The grade at the point where the driveway enters the garage opening must be a minimum of two feet lower than the grade at the street lot line. For purposes of this standard, grade is measured at the center point of the driveway;
  - d. There is living area above the garage that is at least as wide as the street-facing garage wall, and projects a minimum of 3 feet in front of the garage wall. A covered porch or uncovered balcony accessible from the interior living area of the primary dwelling unit may be used to meet this standard.
- ~~4. Exception. Where the street-facing facade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following. See Figure 120-10.~~
  - ~~a. Interior living area above the garage. The living area may be set back no more than 4 feet from the street-facing garage wall, or~~
  - ~~b. A covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
5. Parking and access. On sites that are 7,500 square feet or less in total area, if parking is provided and the site abuts an alley, vehicle access must be from the alley.

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## **Commentary**

### **33.120.283 Additional Standards for Structured Parking and Garages (continued)**

#### **E. Street lot line setbacks**

No substantial changes.

**E. Street lot line setbacks.**

1. Where this standard applies. The standard of this paragraph applies to garages that are accessory to houses, attached houses, manufactured homes, and duplexes in multi-dwelling zones. Where a proposal is for an alteration or addition to existing development, the standard applies only to the portion being altered or added.
2. Exemptions.
  - a. Development on flag lots or on lots ~~which~~that slope up or down from the street with an average slope of 20 percent or more are exempt from this standard.
  - b. Subdivisions and PUDs that received preliminary plan approval between September 9, 1990, and September 9, 1995, are exempt from this standard.
  - c. Where a lot has more than one street lot line, and there is an existing dwelling unit on the lot, this standard must be met only on the street-facing facade on which the main entrance is located.
3. Standard. A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit. See Figure 120-11.
4. Exception. A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:
  - a. The street-facing garage wall is 40 percent or less of the length of the building facade; and
  - b. There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. See Figure 120-12. The porch must meet the following:
    - (1) The porch must be at least 48 square feet in area and have minimum dimensions of 6 feet by 6 feet;
    - (2) The porch must have a solid roof; and
    - (3) The roof may not be more than 12 feet above the floor of the porch.

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## Commentary

### 33.120.283 Additional Standards for Structured Parking and Garages (continued)

#### Figure 120-9

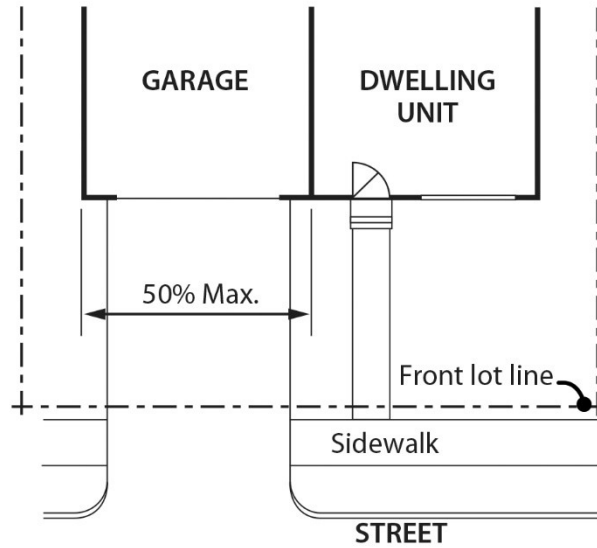
No change.

#### Figure 120-10.

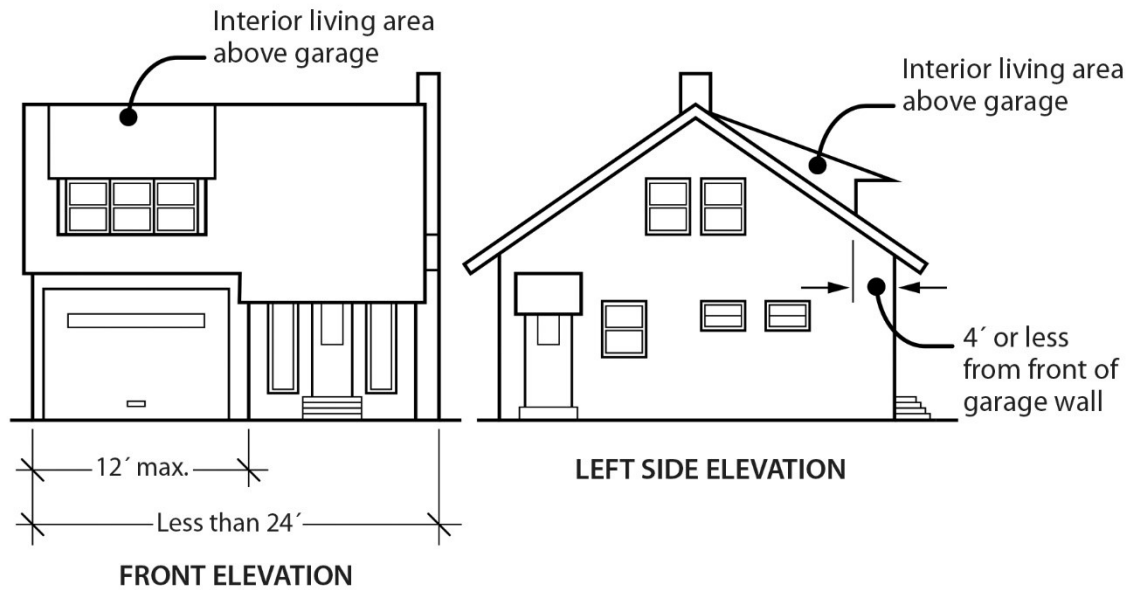
This figure is being deleted, as the exception it illustrates is being deleted (see pages 152-153)



**Figure 120-9**  
**Length of Street-Facing Garage Wall**



**Figure 120-10**  
**Length of Street Facing Garage Wall Exception**



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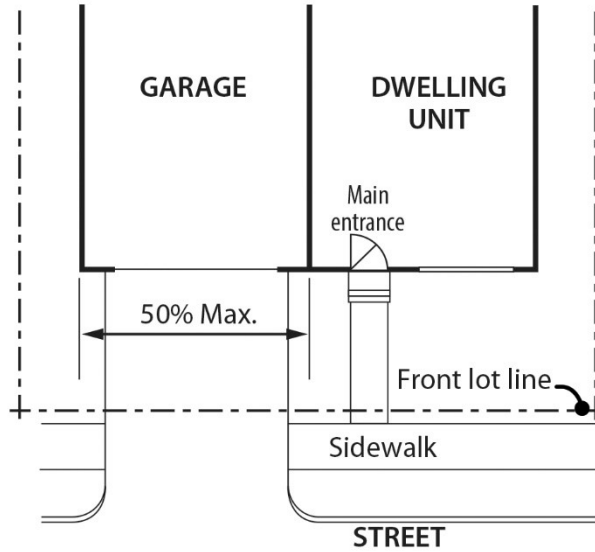
## **Commentary**

### **33.120.283 Additional Standards for Structured Parking and Garages (continued)**

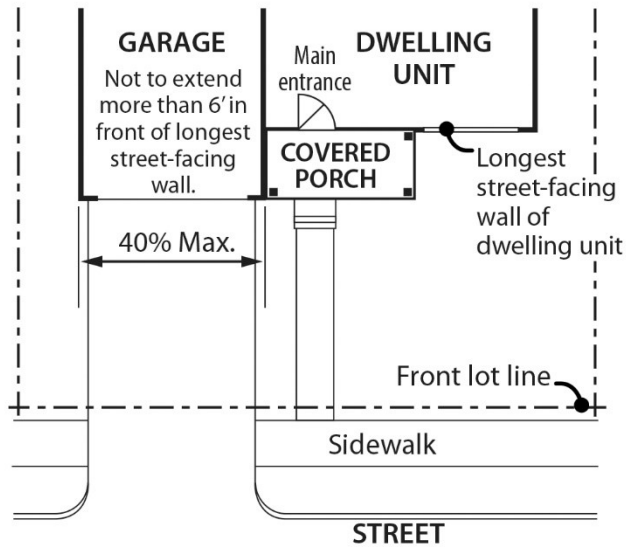
#### **Figures 120-11 and 120-12**

No changes.

**Figure 120-11**  
**Street Lot Line Setback**



**Figure 120-12**  
**Garage Front Setback Exception**



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## **Commentary**

### **33.120.284 Additional Development Standards for Flag Lots**

These regulations are essentially unchanged, but have been moved into this new section from 33.120.270 (Alternative Development Options), for consistency with code section restructuring proposed by the Residential Infill Project.

### **33.120.284 Additional Development Standards for Flag Lots**

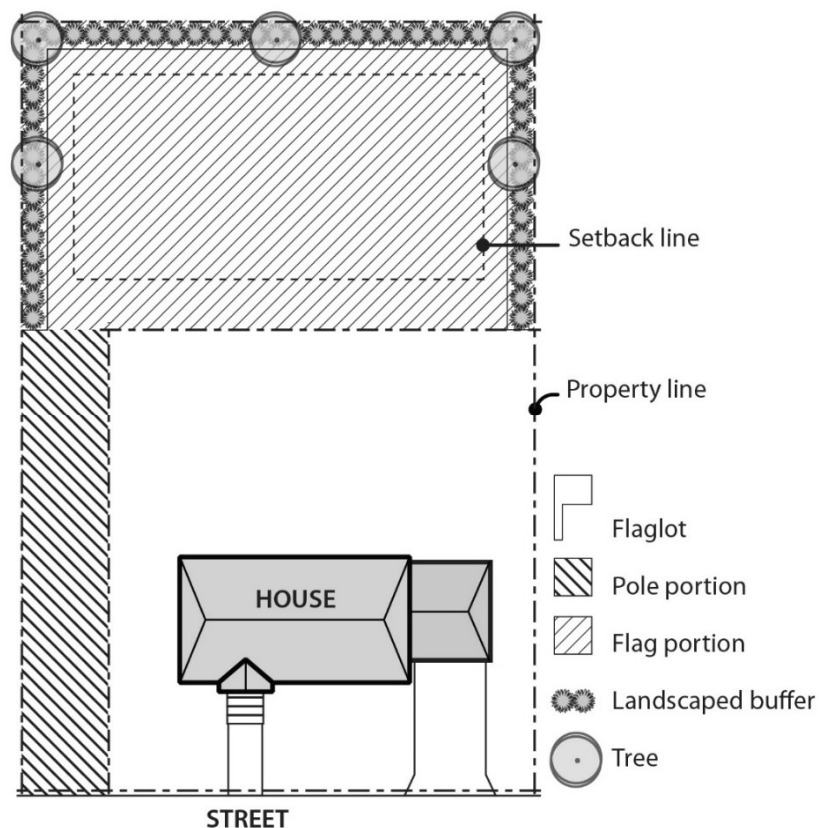
- A. Purpose.** These standards include required screening and setbacks to protect the privacy of abutting residences and increase the compatibility of new development on flag lots.
- B. Where these standards apply.** The additional standards of this section apply to flag lots in the multi-dwelling zones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

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

<u>Zone</u>	<u>Setback</u>
<u>R2, R1, RH</u>	<u>10 feet</u>

2. Landscaped buffer area. In the R2 through RH zones, on lots that are 10,000 square feet or less in area, a landscaped area is required around the perimeter of the flag lot to buffer the flag portion from surrounding lots. The pole and the lot line that separates the flag lot and the lot from which it was divided are exempt from this requirement. The landscaped area must be at least 3 feet deep and be landscaped to at least the L3 standard. See Figure 120-8.

**Figure 120-8**  
**Flag Lot Description and Buffer**



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## Commentary

### 33.120.285 Fences

This section is being amended so that for multi-dwelling development fences are always limited to 3.5' in height in required setbacks along street lot lines (including along pedestrian connections). Currently, this fence height limitation primarily applies to the front of lots, which are defined as being the narrower frontage of a corner site. For multi-dwelling development on corner sites, the longer "side" setback is often the primary frontage, where tall fences are not appropriate. Allowances for 8' fences in some setbacks are being changed to only apply to houses/attached houses/duplexes, etc., which tend to more frequently have the narrow dimension of lots correspond to the "front" and have more of a convention of a private backyard.

### 33.120.285 Fences

- A. Purpose.** The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of property by providing attractive landscape materials. The negative effects of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder emergency access, lessen solar access, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.
- B. Types of fences.** The standards apply to walls, fences, and screens of all types whether open, solid, wood, metal, wire, masonry, or other material.
- C. Location and height.**
1. ~~Front Building setbacks along street lot lines.~~ Fences up to 3-1/2 feet high are allowed in a required ~~front~~ building setback along a street lot line, or within the first 5 feet of the ~~front~~ street lot line, whichever is greater.
  2. Exceptions for sites developed with a house, attached house, duplex, attached duplex or manufactured home. ~~Side and rear building setbacks.~~
    - a. Fences up to 8 feet high are allowed in required side or rear building setbacks that do not abut a pedestrian connection.
    - b. Fences abutting a pedestrian connection.
      - (1) Fences up to 8 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is at least 30 feet wide.
      - (2) Fences up to 3-1/2 feet high are allowed in required side or rear building setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide.
  - ~~3c.~~ Exception for corner lots in R3 and R2 zones. On corner lots ~~in the R3 and R2 zones~~, if the main entrance is on the facade facing the side street lot line, the applicant may elect to meet the following instead of C.1. and C.2.:
    - (1)~~a.~~ Fences up to 3-1/2 feet high are allowed within the first 10 feet of the side street lot line.
    - (2)~~b.~~ Fences up to 3-1/2 feet high are allowed in required setbacks that abut a pedestrian connection if the pedestrian connection is part of a right-of-way that is less than 30 feet wide;
    - (3)~~c.~~ Fences up to 8 feet high are allowed in the required front building setback, outside of the area subject to 3a.
    - (4)~~d.~~ Fences up to 8 feet high are allowed in all other side or rear building setbacks.

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## **Commentary**

**33.120.290 Demolitions**

**33.120.300 Nonconforming Development**

**33.120.305 Parking and Loading**

**33.120.310 Signs**

Deleting these sections, which are only references to other regulations.

**33.120.310 Street and Pedestrian Connections**

This is being added to be consistent with a section recently added the commercial/mixed use zones (Chapter 33.130), intended to highlight that development is subject to the street connectivity requirements of Title 17.



4. Not in building setbacks. The height for fences that are not in required building setbacks is the same as the regular height limits of the zone.

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

### **33.120.290 Demolitions**

~~**A. Generally.** Demolition on a site that requires a demolition permit is subject to the tree preservation and protection requirements of Title 11, Trees. See Chapter 11.50, Trees in Development Situations.~~

~~**B. Historic resources.** Demolition of historic resources is regulated by Chapter 33.445, Historic Resource Overlay Zone.~~

### **33.120.300 Nonconforming Development**

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

### **33.120.305 Parking and Loading**

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

### **33.120.310 Signs**

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

### **33.120.320300 Inclusionary Housing**

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

### **33.120.310 Street and Pedestrian Connections**

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

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## **Commentary**

### **Maps of RH Areas with Maximum FAR of 4:1 (Maps 120-1 through Map 120-18)**

These maps are not being included in this draft, as no changes are proposed.

#### **Note to Reviewers:**

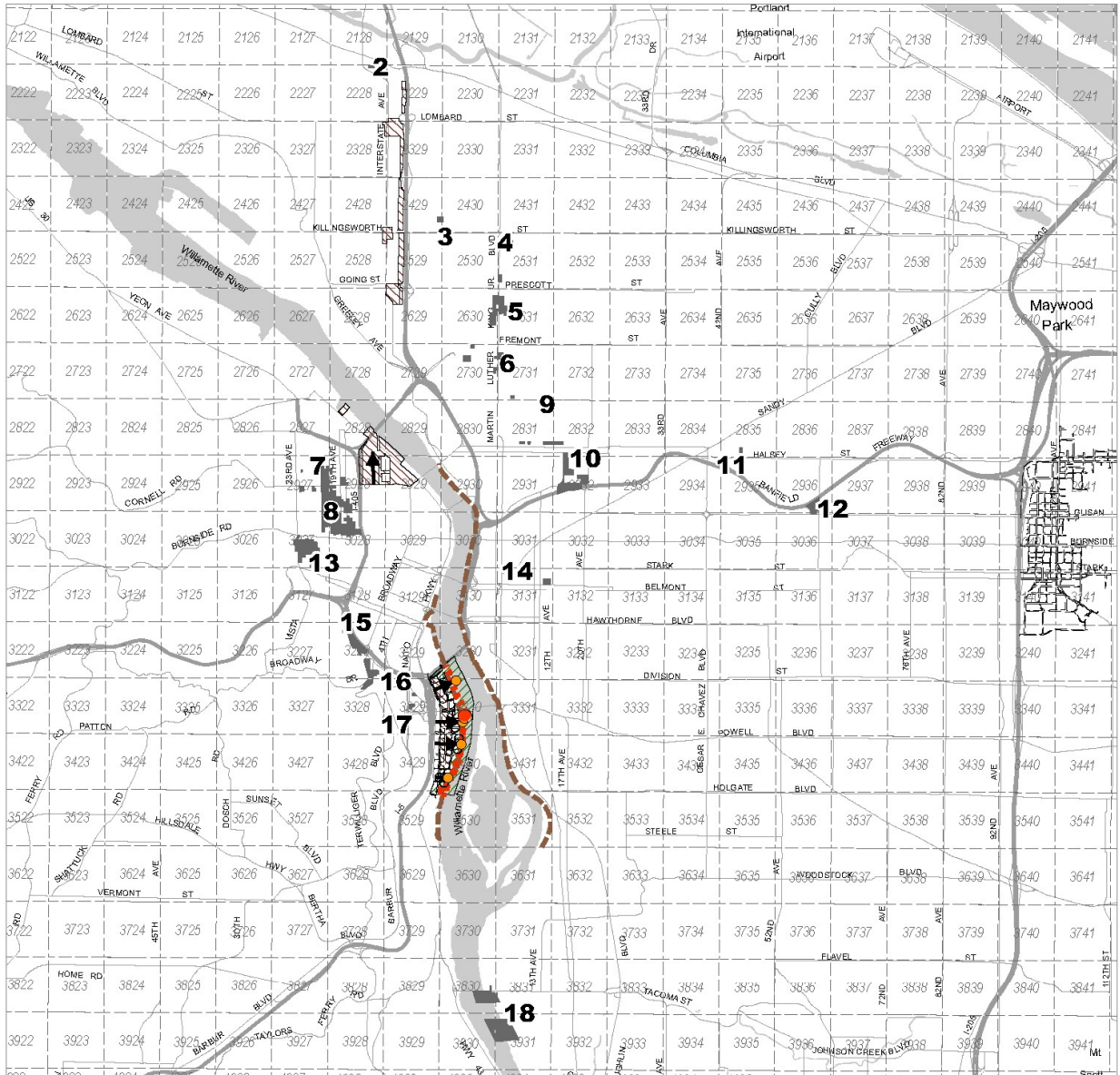
If the RH areas with 4:1 FAR are provided their own separate zoning designation and mapping symbol (distinct from the RH 2:1 FAR zoning), these maps would no longer be needed and would be deleted from this chapter. See commentary on page 10.

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

## Index Map for RH Areas with Maximum FAR of 4:1

## Map 120-1

Map Revised January 1, 2018



- Boundary of Existing/Potential  
RH - Zoned Area
- Portland Quarter Section Index



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## Commentary

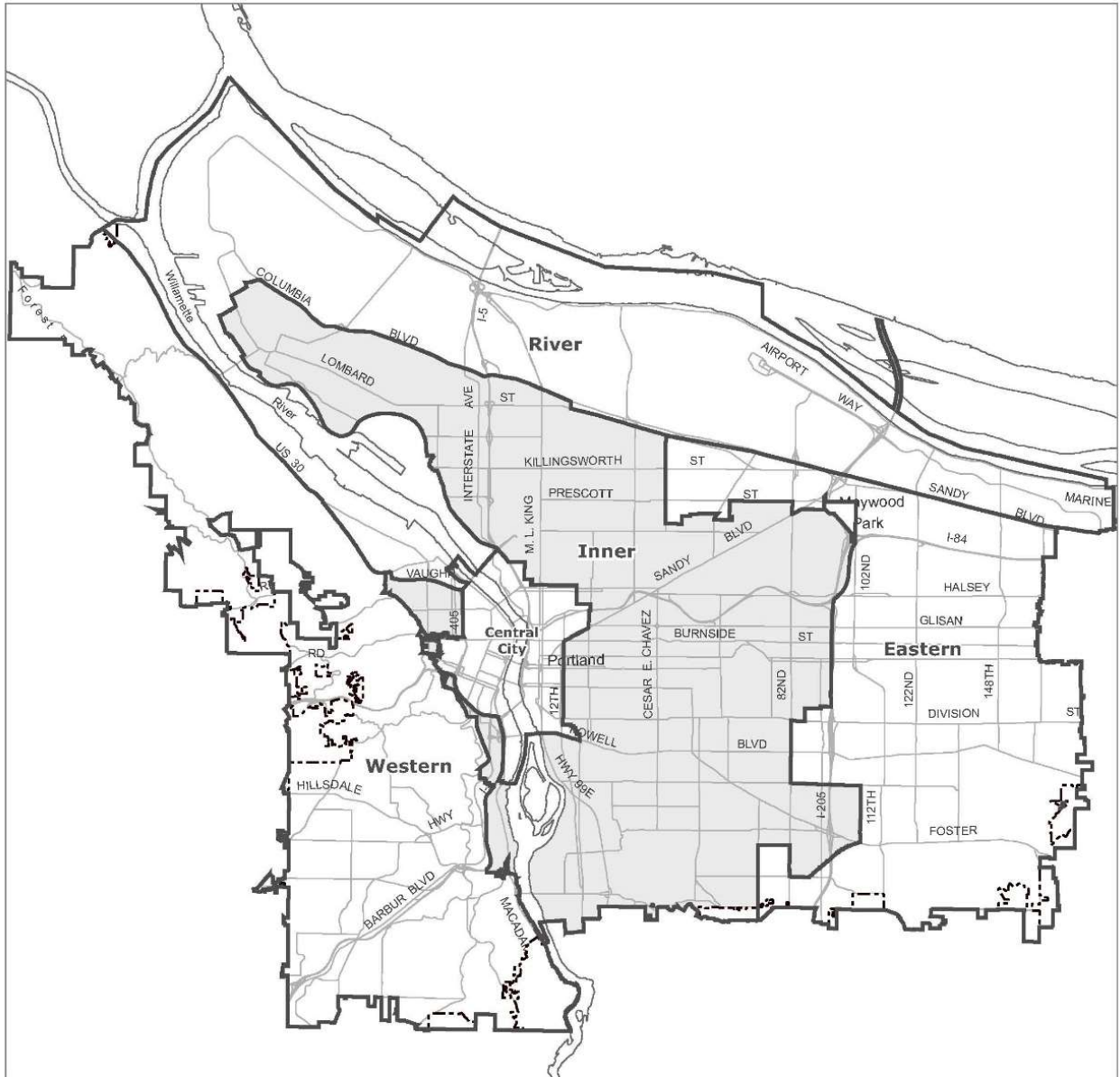
### Pattern Areas Map

This new map shows where the Eastern pattern area special rear setback would apply (see 33.120.220 Setbacks).

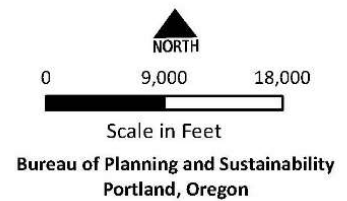
## Pattern Areas

## Map 120-#

Map Revised Xxxx xx, xxxx



----- City Boundary  
—— Pattern Area Boundaries



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## Commentary

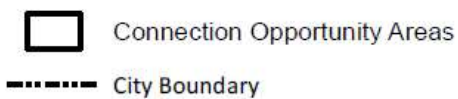
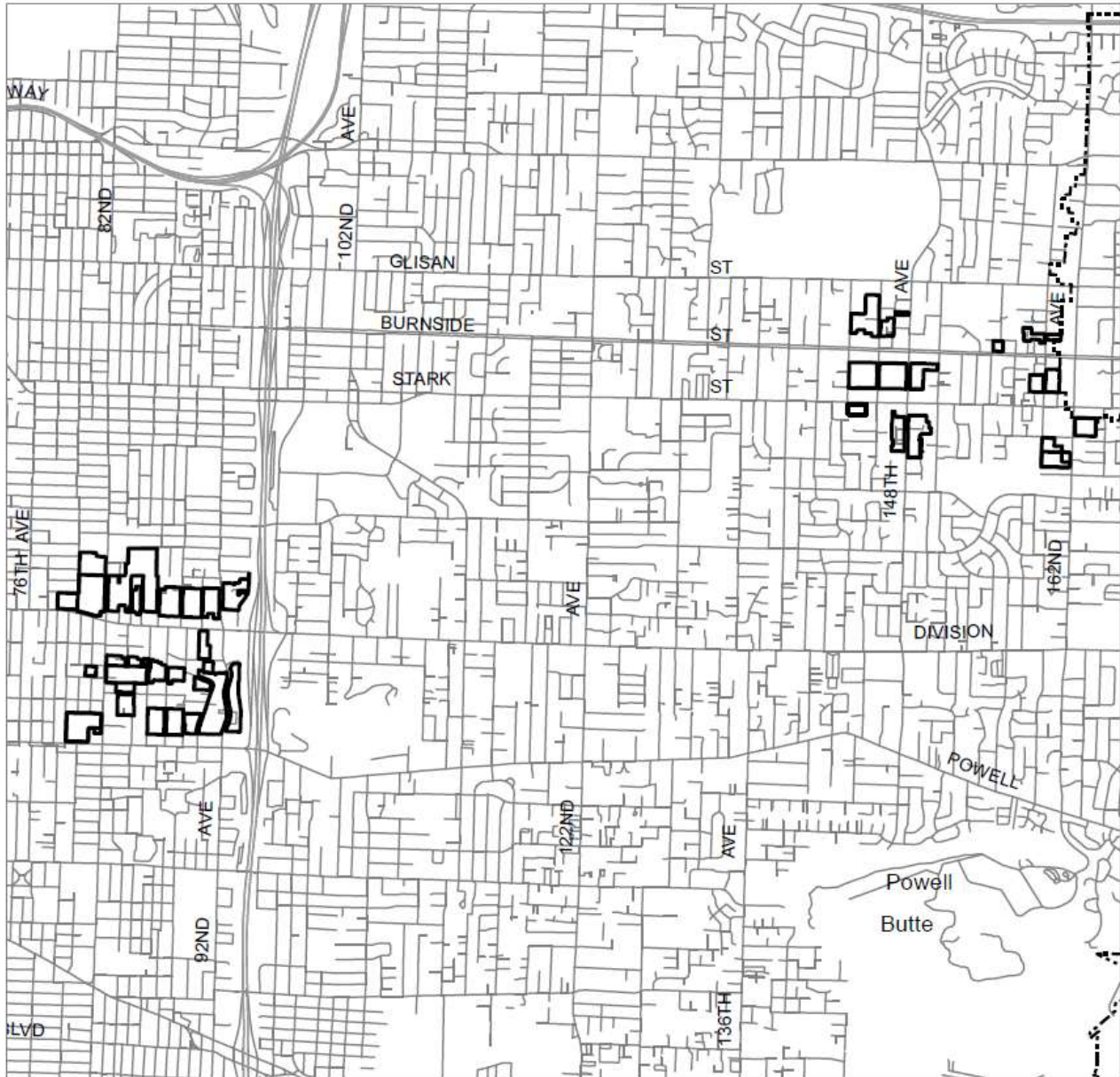
### Connectivity Deficient Areas Map

This new map shows where the Minimum Required Site Frontage for New Development in Connectivity Deficient Areas would apply (see 33.120.206).

## Connectivity Deficient Areas

Map 120-#

Map Revised Xxxxx X, 201X



Quarter Section(s):



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## Commentary



# **Section II: Zoning Code Amendments**

## **Chapters 258, 266, 612, and 930**

This section presents staff proposed zoning code amendments. The section is formatted to facilitate readability by showing draft code amendments on the right-hand pages and related commentary on the facing left-hand pages.

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## Commentary

### **Chapter 33.258 Nonconforming Situations**

Only those chapter sections that are proposed for amendments are included here.

#### **33.258.060 Nonconforming Residential Densities**

This section is being amended to correspond to changes in Chapter 33.120 (see 33.120.212, pages 52-53). Currently, regulations allow units to be added to existing development without having to meet the minimum density requirements. This is being changed in the multi-dwelling zones so that any development of additional residential units on a site (which the exception of accessory dwelling units) must meet minimum density requirements.

An exception is also provided so that properties with historic resources can add units without needing to fully meet minimum density requirements. This is intended to help accommodate the preservation of historic resources.

## 33.258 Nonconforming Situations

258

### 33.258.060 Nonconforming Residential Densities

#### A. Changes to dwellings.

1. Generally. Existing dwelling units may continue, may be removed or enlarged, and amenities may be added to the site.
  - a. Sites that exceed maximum residential density standard. On sites that exceed the maximum residential density standards, there may not be a net increase in the number of dwelling units and the building may not move further out of compliance with the base zone development standards, except as allowed in Paragraph A.2, below.
  - b. Sites where the minimum residential density standard is not met. Except in multi-dwelling zones, On sites where the minimum residential density standard is not met, changes may be made that bring the site closer into conformance with the minimum residential density standard. There may not be a net decrease in the number of dwelling units, and the building may not move further out of compliance with the base zone development standards. In multi-dwelling zones, there may not be a net decrease in the number of dwelling units, and the build may not move further out of compliance with base zone development standards. An accessory dwelling unit may be added to a house, attached house, or manufactured home; however, when other dwelling units are being added to a site that is nonconforming in minimum density, unless the site contains a Historic or Conservation Landmark, or contains a contributing resource in a Historic or Conservation District, the site must be brought into conformance with the minimum density requirement. If the site contains a Historic or Conservation Landmark, or contains a contributing resource in a Historic or Conservation District, units may be added to the site that bring the site closer to conformance without coming all the way into conformance.
2. Maximum residential density ~~in~~ multi-dwelling zones. In multi-dwelling zones, sites with residential structures may move out of compliance or further out of compliance with the maximum density standards of Table 120-3 if all of the following are met:
  - a. The residential structure was constructed before December 31, 1980; and
  - b. The site is moving out of compliance or further out of compliance with the maximum density standards due to a separation of ownership as allowed by Subsection 33.120.210.C.

#### B. [No change]

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## Commentary

### Chapter 33.266

Only those chapter sections that are proposed for amendments are included here.

#### Table 266-1

This table is being revised to provide small sites (up to 7,500 square feet in size) in multi-dwelling zones the same allowance for no or low amounts of parking that applies in the commercial/mixed-use zones. This approach acknowledges the difficulty of including parking on small sites, and provides opportunities for small multi-dwelling structures, such as triplexes and fourplexes, that can more readily be integrated into neighborhood patterns when no off-street parking is required (including parking with multi-dwelling structures on small sites often results in structured parking occupying much of the ground level, with living spaces up above, requiring taller buildings). The parking requirements for small sites are similar to the parking ratios that apply in areas close to frequent transit, exempting small projects of less than 31 units from providing off-street parking.

This small-site exemption would also apply to small lots created through land divisions, such as attached houses, which will facilitate pedestrian-oriented building design that is not dominated by parking. This would provide an exemption similar to the narrow-lot parking exemption proposed by the Residential Infill Project, similarly providing options for small-lot development that is not dominated by parking.

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

266

<b>Table 266-1</b> <b>Minimum Required and Maximum Allowed Parking Spaces By Zone [1], [2]</b>	
<b>Zone</b>	<b>Requirement</b>
OS, RF – <del>R2.5H</del> , IR, EG, I	<p>Minimum is Standard A in Table 266-2.</p> <p>Maximum is Standard B in Table 266-2.</p>
<u>R2-RH</u> , CR, CM1, CM2, CM3, CE	<p>Minimum for sites that are 7,500 square feet or less in size: No minimum except for Household Living, which has the following minimums:  0 for 1 to 30 units;  0.20 per unit for 31-40 units;  0.25 per unit for 41-50 units; and  0.33 per unit for 51+ units.  Minimum for all other sites is Standard A in Table 266-2</p> <p>Maximum is Standard B in Table 266-2.</p>
EX	<p>No minimum except for Household Living, which has the following minimums:  0 for 1 to 3 units;  1 per 2 units for four+ units; and  SROs are exempt.</p> <p>Maximum is Standard A in Table 266-2, except:  1) Retail, personal service, repair-oriented - Maximum is 1 per 200 sq. ft. of net building area.  2) Restaurants and bars - Maximum is 1 per 75 sq. ft. of net building area.  3) General office – Maximum is 1 per 400 sq. ft. of net building area.  4) Medical/Dental office – Maximum is 1 per 330 sq. ft. of net building area.</p>
RX, CX	<p>No minimum except for Household Living, which has the following minimums:  0 for 1 to 30 units;  0.2 per unit for 31-40 units;  0.25 per unit for 41-50 units; and  0.33 per unit for 51+ units.</p> <p>Maximum is Standard B in Table 266-2.</p>

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

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

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## Commentary

**Table 266-2**  
**Parking Spaces by Use**

This table is being amended to assign all of the multi-dwelling zones to the minimum parking requirements that currently apply in the RH zone for Household Living. This standard, applicable to areas that are not within 500 feet of a frequent-service transit street (or within 1,500 feet of a transit station), requires 1 parking space for every 2 units, compared to the standard of 1 parking space per unit that had applied in the other multi-dwelling zones. The allowance for projects with up to three units to include no parking is being deleted, as it is now redundant with parking regulations that will apply to small sites (see previous pages).

Parking, especially when included along with the housing densities intended in the multi-dwelling zones, competes with other elements, such as outdoor spaces, for site area, and can add substantially to project costs. This change reduces the need to include as much parking on sites in the multi-dwelling zones, which is an especially challenging issue in these zones, which are less tightly mapped close to transit lines compared to the commercial/mixed use zones (as is the case with the multi-dwelling zones in the Jade District neighborhood center, which extend from SE Division south to SE Powell). 40 percent of land in the multi-dwelling zones is outside the distances that currently qualify for lower parking requirements, and generally have parking required at a 1 to 1 ratio of spaces to units.

<b>Table 266-2</b> <b>Parking Spaces by Use [2]</b> <b>(Refer to Table 266-1 to determine which standard applies.)</b>			
<b>Use Categories</b>	<b>Specific Uses</b>	<b>Standard A</b>	<b>Standard B</b>
<b>Residential Categories</b>			
Household Living		1 per unit, except SROs exempt, and in <u>multi-dwelling zones</u> <del>RH</del> , where it is <del>0 for 1 to 3 units and</del> 1 per 2 units <del>for four + units</del>	None, except 1.35 per unit on sites that are both in a commercial/mixed use <u>or multi-dwelling zone</u> and close to transit as described in 33.266.110.B.1. Houses, attached houses and duplexes are exempt.
Group Living		1 per 4 residents	None
<b>Commercial Categories</b>			
Retail Sales And Service	Retail, personal service, repair oriented	1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
	Restaurants and bars	1 per 250 sq. ft. of net building area	1 per 63 sq. ft. of net building area
	Health clubs, gyms, lodges, meeting rooms, and similar. Continuous entertainment such as arcades and bowling alleys	1 per 330 sq. ft. of net building area	1 per 185 sq. ft. of net building area
	Temporary lodging	1 per rentable room; for associated uses such as restaurants, see above	1.5 per rentable room; for associated uses such as restaurants, see above
	Theaters	1 per 4 seats or 1 per 6 feet of bench area	1 per 2.7 seats or 1 per 4 feet of bench area
Office	General office	1 per 500 sq. ft. of net building area	1 per 294 sq. ft. of net building area
	Medical/Dental office	1 per 500 sq. ft. of net building area	1 per 204 sq. ft. of net building area
Quick Vehicle Servicing		1 per 500 sq. ft. of net building area	1 per 196 sq. ft. of net building area
Vehicle Repair		1 per 750 sq. ft. of net building area [1]	1 per 500 sq. ft. of net building area
Commercial Parking		None	None
Self-Service Storage		1 per resident manager's facility, plus 3 per leasing office, plus 1 per 100 leasable storage spaces in multi-story buildings.	2 per resident manager's facility, plus 5 per leasing office, plus 1 per 67 leasable storage spaces in multi-story buildings.
Commercial Outdoor Recreation		20 per acre of site	30 per acre of site
Major Event Entertainment		1 per 8 seats	1 per 5 seats

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## **Commentary**

### **Chapter 33.266.130 Development Standards for All Other Development**

No changes to the paragraphs on this page.



### 33.266.130 Development Standards for All Other Development

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

Together with the transit street building setback standards in the base zone chapters, the vehicle area location regulations ~~for sites on transit streets and in Pedestrian Districts:~~

- Provide for pedestrian access that is protected from auto traffic;
- Create an environment that is inviting to pedestrians and transit users, especially on transit streets and in Pedestrian Districts;
- Limit the prominence of vehicle areas along street frontages and ~~Create a strong relationship between buildings and the sidewalk; and~~
- Create a sense of enclosure on transit and pedestrian street frontages; and
- Limit large paved areas that can contribute to urban heat islands.

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

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

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

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## Commentary

### Chapter 33.266.130.C On-site locations and size of vehicle areas.

New subparagraph C.4 (Parking area and driveway size and paving material limitations). This new regulation is intended to reduce the proportion of site area that can be devoted to surface parking lots, with additional limits on asphalt paving. This helps implement Comprehensive Plan policies that call for reducing urban heat island effects and paved areas, and fosters design that is more pedestrian oriented.

Portland's future is expected to have hotter, drier summers with an increased frequency of high-heat days, which can have significant impacts on human health. The Climate Action Plan calls for decreasing urban heat islands. Modeling of urban heat island effects indicates that development with large amounts of asphalt paving can be over five degrees (°F) hotter than typical existing neighborhood conditions (Sustaining Urban Places Research Lab, Portland State University - see Better Housing by Design Concept Report, Appendix C). This modeling shows that similar amounts of other paved surfaces with higher levels of reflectivity, such as concrete, also increase temperatures, but to a lesser amount (concrete results in an increase of approximately three degrees).

While existing multi-dwelling zone regulations limit the amount of building coverage, there is not a similar limit on the amount of surface parking area. Multi-dwelling development with large amounts of surface parking are a common development type in East Portland.

These regulations limit surface parking and driveway areas to 30 percent of a site. Because of the greater heat impacts of asphalt, this regulation limits vehicle areas paved in asphalt to 15 percent of total site area. For a project seeking to maximize the amount of surface vehicle areas and fully utilize the 30 percent coverage, this would mean that up to half of this area could be paved with asphalt and the rest could be paved with concrete, paving blocks, or other materials.

#### Note to Reviewers:

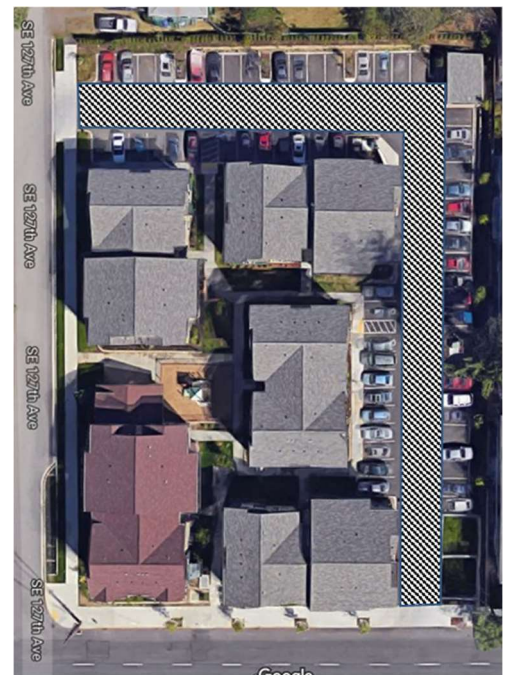
An issue with the limitation on asphalt is that it will likely add cost to development (concrete can cost 30 percent more than asphalt, while interlocking pavers can be twice the cost of asphalt - surface parking is used for many projects because it is less expensive than structured parking). However, some alternative surfacing, such as permeable pavers, can provide efficiencies by helping to meet stormwater management requirements).



Right: Apartment development with approximately 30% of site used for surface vehicle areas. The hatched area shows the maximum 15 percent of site area that could be paved with asphalt. The remaining vehicle areas would need to be surfaced with other materials, such as concrete or permeable pavers (left image).



Apartment development in East Portland, with 37% of the site paved for vehicle areas.



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

1. Location of vehicle areas. The allowed on-site location of all vehicle areas is stated in Table 266-3.
2. Building setbacks for structures that contain vehicle areas.
  - a. Structures that contain vehicle areas are subject to the building setbacks of the base zone, where exiting in a forward motion is provided.
  - b. Structured parking that does not allow exiting in a forward motion in R Zones is subject to the garage entrance setback standard of the base zone.
  - c. Structured parking that does not allow exiting in a forward motion in C, E, or I Zones must be set back 18 feet from the street lot line.
3. Frontage limitation.
  - a. The standards of this ~~s~~Subparagraph applies outside the Central City plan district in the ~~R3~~, R2, ~~and R1~~, and RH zones. No more than 50 percent of the frontage on a street may be used for vehicle areas. In addition, no more than 25 percent of the frontage on a street may be used for a driveway unless a shared driveway providing access to 2 or more adjacent sites is provided. As an exception to the driveway limitation, a lot is allowed at least a 10 foot wide driveway. On sites with more than one street frontage, ~~this~~the standards ~~apply~~ies to the street with the highest transit designation. If two streets have the same highest transit classification, the applicant may choose on which street to meet the standards. Sites where there is less than 100 square feet of net building area are exempt from ~~this~~the standards.
  - b. The standard of this ~~p~~Paragraph applies outside the Central City plan district in the ~~RH~~, RX, IR, CR, CM1, CM2, CM3, CE, CX, EG1, and EX zones. Where vehicle areas are adjacent to a transit street or a street in a Pedestrian District, no more than 50 percent of the frontage on the transit street or street in a Pedestrian District may be used for vehicle areas. Sites where there is less than 100 square feet of net building area are exempt from this standard.
4. Parking area and driveway size and paving material limitations. In the R2 through RH zones, the following parking area and driveway size and paving material limitations apply:
  - a. No more than 30 percent of total site area may be paved or used for surface parking or driveways; and
  - b. Asphalt paving for surface parking and driveways may not cover more than 15 percent of total site area.

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## Commentary

### Chapter 33.266.130.C On-site locations and size of vehicle areas (continued)

**Subparagraph 3 (Frontage limitation), previous page,** is being amended to limit the width of driveways on street frontages. The intent of this is to prevent a situation, common on East Portland's narrow, deep lots, in which separate, incremental development sometimes results in large portions of each lot devoted to 20'-wide driveways, sometimes adjacent to each other. The intent is to prevent driveways from occupying a large portion of street frontage. When wider driveways may be necessary due to other requirements (such as Title 17 driveway width requirements or for fire access), the regulation provides an option for wider shared driveways that provide access to adjacent lots. This would help promote built outcomes that contribute to pedestrian-oriented street frontages that are less dominated by vehicle facilities, foster more efficient site design, and help limit impervious surfaces (and resulting stormwater and urban heat impacts).



### 33.266.130.D Improvements. No change.

#### Table 266-3

This amendment shifts the RH zone into the same category as other more urban zones (such as the RX zone and all the Commercial/Mixed Use zones), in terms of how the location of vehicle areas are regulated. Currently, there is no limitation in the RH zone preventing vehicle areas from occupying the entire street frontage when a site is not on transit street or in a Pedestrian District. By shifting the RH zone into the same category as similarly intensely urban zones, the amendment corrects this and requires that at least one street frontage does not have parking between a building and a street.

#### D. Improvements.

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

<b>Table 266-3</b> <b>Location of Vehicle Areas [1]</b>			
<b>Zone</b>	<b>General Standard</b>	<b>Exception for Through Lots and Sites with Three Frontages</b>	<b>Exception for Full-Block Sites</b>
<b>OS, RF-R5, R2.5, EG2, I</b>	No restrictions.		
<b>R3, R2, R1, <del>RH</del>, IR, CE, EG1, sites in CM1, CM2, and CM3 that are more than 2 acres in total area</b>	Vehicle areas not allowed between the portion of the building that complies with the maximum street setback and the transit street or streets in a Pedestrian District.	May have vehicle areas between the portion of the building that complies with the maximum street setback and one Local Service Transit Street.	May have vehicle areas between the portion of the building that complies with the maximum street setback and two Local Service Transit Streets.
<b><del>RH</del>, RX, CX, CR, EX, sites in CM1, CM2, and CM3 that are 2 acres or less in total area</b>	Not allowed between a building and any street.	May have vehicle areas between the building and one Local Service Transit Street.	May have vehicle areas between the building and two Local Service Transit Streets.

Notes:

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

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## Commentary

### Chapter 33.266.130.C On-site locations and size of vehicle areas (continued)

**33.266.130.E Stormwater management.** No change.

**33.266.130.F Parking area layouts.** The only change to this paragraph is an amendment to subparagraph 1.b.(2). This change provides more flexibility to allow parking spaces accessed from alleys to be designed so that vehicles can back out into an alley. Currently, regulations allow parking areas with up to four spaces to have vehicles back out into alleys, which accommodates parking for single-family housing types and small multi-dwelling projects, but does not accommodate alley-accessed parking for mid-sized or larger multi-dwelling projects. The amendment removes the four-space limit in order to facilitate alley-accessed parking for more types of development, and works in conjunction with Chapter 33.120 amendments that place greater limits on front garages and parking accessed from primary street frontages (including an amendment to 33.120.283.D that requires parking access for small sites to be from an alley, where alleys exists).



This amendment will allow parking to be designed so that vehicles can back out into alleys, as is currently allowed for driveways. This will facilitate rear parking arrangements for more types of development when adjacent to existing or new rear alleys.



- E. Stormwater management.** Stormwater runoff from parking lots is regulated by the Bureau of Environmental Services. See Chapter 17.38, Drainage and Water Quality, and the City's Stormwater Management Manual, which contain requirements for managing stormwater in parking lot landscaping.
- F. Parking area layouts.**
1. Access to parking spaces.
    - a. All parking areas, except stacked parking areas, must be designed so that a vehicle may enter or exit without having to move another vehicle.
    - b. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion, except:
      - (1) Parking areas with one or two spaces whose only access is on a local service street;
      - (2) Parking areas ~~with up to four spaces~~ may be designed so that vehicles back out into an alley. However, there must be a maneuvering area of at least 20 feet between the end of each parking space and the opposite side of the alley. If the alley is less than 20 feet wide, some of this maneuvering area will be on-site.
  2. Parking space and aisle dimensions. Parking spaces and aisles must meet the minimum dimensions contained in Table 266-4. For stacked parking areas, see Section 33.266.140 below.
  3. Parking for disabled persons. The Bureau of Development Services regulates the following disabled person parking standards and access standards through the Oregon Structural Specialty Code.
    - Dimensions of disabled person parking spaces and access aisles;
    - The minimum number of disabled person parking spaces required;
    - Location of disabled person parking spaces and circulation routes,
    - Curb cuts and ramps including slope, width and location;
    - Signage and pavement markings.
  4. A portion of a standard parking space may be landscaped instead of paved, as follows:
    - a. As shown in Figure 266-3, up to 2 feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped area;
    - b. Landscaping must be ground cover plants; and
    - c. The portion of the 2-foot wide area described in 4.a that is landscaped counts toward parking lot interior landscaping requirements and toward any overall site landscaping requirements. However, the landscaped area does not count toward perimeter landscaping requirements.

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## Commentary

### 33.266.410 Transportation and Parking Demand Management (TDM)

These amendments would add most of the Multi-Dwelling zones to the zones where this regulation applies. TDM requirements had previously been adopted for application in the Commercial/Mixed Use zones, and would now also apply to the higher-density Multi-Dwelling zones (R1, RH and RX), which allow a similar scale of residential development. The R2 zone is not being included, as some TDM approaches are difficult to administer with some of the housing types common in that zone (such as ownership townhouses and clusters of detached houses), compared to the larger multi-dwelling building types more common in the other zones.

Where they apply, a TDM plan will be required of developments and alterations that result in 10 or more new residential units on a site. The TDM requirements allow an applicant/building manager to adopt a pre-approved “off the shelf” TDM plan. As an alternative, an applicant may choose to develop a custom TDM plan through a Transportation Impact Review (see 33.852).

Pre-approved TDM plans are expected to consist of the following components:

- Education and Information: Education and information about walking, bicycling, and transit non-auto transportation options will be made available to building tenants and employees and displayed in building common areas.
- Multimodal Incentives: Building operators may be required to offer an incentive for transit, bicycling, and walking to tenants and employees; these could include low cost transit passes, car share memberships, bike/walk incentives, or other benefits that can shift travel behavior.
- Reporting: Building operators will be required to provide performance monitoring reports to determine how well strategies are working.



## Transportation and Parking Demand Management

### 33.266.410 Transportation and Parking Demand Management

- A. Purpose.** Transportation and parking demand management (TDM) encompasses a variety of strategies to encourage more efficient use of the existing transportation system, and reduce reliance on the personal automobile. This is achieved by encouraging people through education, outreach, financial incentives, and pricing to choose other modes, share rides, travel outside peak times, and telecommute, among other methods. Effective TDM also incorporates management of parking demand. Transportation and parking demand management strategies help reduce traffic congestion, reduce the amount of money that must be spent to expand transportation system capacity, improve air quality, and ensure road capacity is available for those who need it most.
- B.** Transportation and parking demand management in the commercial/mixed use and multi-dwelling zones. In the commercial/mixed use, RI, RH, and RX zones, a TDM plan is required when new development includes more than 10 dwelling units, or an alteration to existing development includes the addition of more than 10 dwelling units. Sites that are located far from transit, as described in Paragraph 33.266.110.B.2, are exempt from this requirement. To meet the TDM standard, the applicant must choose one of the following:
1. Go through the Transportation Impact review process set out in chapter 33.852; or
  2. Meet the objective standards of Title 17.106 as verified by the Portland Bureau of Transportation.

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## Commentary

### **Chapter 33.612 Lots in Multi-Dwelling Zones**

No changes to the paragraphs on this page.

## 33.612 Lots in Multi-Dwelling Zones

# 612

### Sections:

- 33.612.010 Purpose
- 33.612.020 Where These Standards Apply
- 33.612.100 Density
- 33.612.200 Lot Dimension Standards

### 33.612.010 Purpose

This chapter contains the density and lot dimension standards for approval of a Preliminary Plan for a land division in the multi-dwelling zones. These standards ensure that lots are consistent with the desired character of each zone. This chapter works in conjunction with other chapters of this Title to ensure that land divisions create lots that can support appropriate development and uses in accordance with the planned intensity of the zone.

### 33.612.020 Where These Standards Apply

The standards of this chapter apply to land divisions in the multi-dwelling zones.

### 33.612.100 Density

- A. Single-dwelling or duplex development.** When single-dwelling or duplex development is proposed for some or all of the site, the applicant must show how the proposed lots can meet minimum density and not exceed the maximum density stated in Chapter 33.120. Site area devoted to streets is subtracted from the total site area in order to calculate minimum and maximum density. However, the area used for common greens and shared courts is not subtracted from the total site area to calculate maximum density.
- B. All other development.** When development other than single-dwelling or duplex is proposed, minimum and maximum density must be met at the time of development.

### 33.612.200 Lot Dimension Standards

- A. Purpose.** These standards ensure that:
  - Each lot has enough room for development that meets all the requirements of the zoning code;
  - Lots are an appropriate size and shape so that development on each lot can be oriented toward the street as much as possible.
  - The multi-dwelling zones can be developed to full potential; and
  - Housing goals for the City are met.
- B. Lot dimensions.** Minimum lot dimensions are stated in Table 612-1.
  - 1. Minimum lot dimensions for lots that will be developed with residential structures are stated in Table 612-1.
  - 2. Nonconforming uses. Minimum lot dimensions for lots with nonconforming uses are the same as those for detached houses.

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## Commentary

### Table 612-1 Minimum Lot Dimensions

Columns for the R3 and IR zones are being removed to reflect their deletion from Chapter 33.120 (Multi-Dwelling Zones).

"Attached Duplexes" are being added the section of the table that applies to Attached Houses, due to these housing types' similar characteristics. In many cities where rowhouses with attached sidewalls are common, attached duplexes are a common rowhouse variant and are often located on the same size lots as standard rowhouses (see page 126). This change will provide attached duplexes with the same lot dimension requirements as applies to attached houses to allow for feasible development configurations.

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

<b>Table 612-1 Minimum Lot Dimensions</b>						
	<b><u>R3</u></b>	<b>R2</b>	<b>R1</b>	<b>RH</b>	<b>RX</b>	<b><u>IR (1)</u></b>
<b>Lots to be developed with:</b>						
<b>Multi-Dwelling Structures or Development:</b>						
Minimum Lot Area	<del>6,000 sq. ft.</del>	4,000 sq. ft.	10,000 sq. ft.	10,000 sq. ft.	None	<del>10,000 sq. ft.</del>
Minimum Lot Width	<del>50 ft.</del>	33 ft.	70 ft.	70 ft.	None	<del>70 ft.</del>
Minimum Lot Depth	<del>70 ft.</del>	70 ft.	70 ft.	100 ft.	None	<del>100 ft.</del>
Minimum Front Lot Line	<del>50 ft.</del>	30 ft.	70 ft.	70 ft.	10 ft.	<del>70 ft.</del>
<b>Attached Houses and Attached Duplexes</b>						
Minimum Lot Area	<del>1,600 sq. ft.</del>	1,600 sq. ft.	None	None	None	<del>None</del>
Minimum Lot Width	<del>15 ft.</del>	15 ft.	15 ft.	None	None	<del>None</del>
Minimum Lot Depth	<del>None</del>	None	None	None	None	<del>None</del>
Minimum Front Lot Line	<del>15 ft.</del>	15 ft.	15 ft.	10 ft.	10 ft.	<del>10 ft.</del>
<b>Detached Houses</b>						
Minimum Lot Area	<del>1,600 sq. ft.</del>	1,600 sq. ft.	None	None	None	<del>None</del>
Minimum Lot Width	<del>25 ft.</del>	25 ft.	25 ft.	None	None	<del>None</del>
Minimum Lot Depth	<del>None</del>	None	None	None	None	<del>None</del>
Minimum Front Lot Line	<del>25 ft.</del>	25 ft.	25 ft.	10 ft.	10 ft.	<del>10 ft.</del>
<b>Duplexes</b>						
Minimum Lot Area	<del>4,000 sq. ft.</del>	2,000 sq. ft.	None	None	None	<del>2,000 sq. ft.</del>
Minimum Lot Width	<del>50 ft.</del>	33 ft.	None	None	None	<del>None</del>
Minimum Lot Depth	<del>50 ft.</del>	50 ft.	None	None	None	<del>None</del>
Minimum Front Lot Line	<del>50 ft.</del>	30 ft.	10 ft.	10 ft.	10 ft.	<del>30 ft.</del>

**Notes:**

[1] This regulation may be superseded by an Impact Mitigation Plan.

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## Commentary

### 33.930 Measurements

#### 33.930.025 Measuring Development Standards

This section is being amended to allow calculation of floor area ratios to be determined prior to right-of-way dedication. This will remove a disincentive to the creation of new street connections to facilitate the expansion of the street systems and connectivity as development occurs. Currently, floor area allowances are calculated after right-of-way dedication reduces the size of a property. This reduction of development potential when streets are provided has served as a barrier to creating new street connections, especially on small sites where area needed for street connections can occupy a relatively high portion of site area (such as the narrow, deep sites common in East Portland).

Currently, development that provides a public street connection loses development allowances (above), while a development that only includes a private driveway (below) has no such loss of development potential.



## 33.930 Measurements

930

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### 33.930.025 Measuring Development Standards

Unless otherwise stated below or elsewhere in this Title, all measurements involving development standards are based on the property lines and area of the site after dedication of public rights-of-way and/or designation of private rights-of-way. Standards include, but are not limited to, building coverage, floor area ratio, setbacks, and landscaping requirements. When site area is being dedicated for to widen ~~an existing~~ public right-of-way, calculation of floor area ratio is based on the site area at the time of building permit application.

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## Commentary





